

DIVISION 12. - MASSAGE ESTABLISHMENTS AND MASSAGE PRACTITIONERS AND THERAPISTS^[18]

Footnotes:

--- (18) ---

Editor's note— Ord. No. 16-422, § 4, adopted April 27, 2016, amended Div. 12 in its entirety to read as herein set out. The former Div. 12, §§ 9662—9662.6, pertained to massage establishments and practitioners and derived from Ord. No. 11-392, § 8, adopted Jan. 11, 2012.

9662. - Purpose.

The purpose and intent of this division is to establish comprehensive regulations governing the provision of massage services in order to protect the public health, safety, and welfare by:

- (1) Requiring a clean and safe environment for massage treatments; and
- (2) Providing minimum standards for the conduct of massages.

(Ord. No. 16-422, § 4, 4-27-2016)

9662.1 - Definitions.

[The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

CAMTC means the California Massage Therapy Council created under Chapter 10.5 (commencing with Section 4600) of Division 2 of the California Business and Professions Code.

Massage means the application of various techniques to the muscular structure and soft tissues of the human body, including, but not limited to, any method of pressure or friction against, stroking, kneading, rubbing, tapping, compressing, pounding, vibrating, rocking or stimulating of external surfaces of the body with hands or the aid of any apparatus or other appliances or devices, with or without supplementary aids such as rubbing alcohol, liniment, antiseptic, oil, powder, cream, lotion, ointment, or other similar preparations for any consideration or compensation.

Massage establishment means a business or establishment, including a sole proprietor or independent contractor, that offers massage services at a fixed place of business, and also includes all establishments or businesses where massage is provided as an ancillary service, such as gyms, clubs, day spas and professional offices where such massage is not otherwise exempt under this division.

Massage therapist means any person who gives or administers to another person for any form of consideration whatsoever a massage as defined in this section. The terms "massage therapist," "massage technician," "massage practitioner," or any other terms used within the massage industry that refer to one who performs massage, are included within this definition. Massage therapist also includes any person to whom a current and valid "massage therapist" or "massage practitioner" certificate has been issued by the CAMTC pursuant to Sections 4601 and 4604 of the California Business and Professions Code, or any successor provision thereto, and includes massage practitioner certificates issued prior to January 1, 2015, which may be renewed by the CAMTC.

Outcall massage means any massage performed by a massage therapist outside the massage establishment where the massage therapist is employed, or a massage administered by any person who is not employed by a fixed location massage establishment in the city.

Person means any individual, firm, association, partnership, corporation, joint venture, limited liability company or partnership, or combination of individuals in whatever form or character.

Specified anatomical areas means the following human anatomical areas: genitals; pubic regions; anus; and female breasts below a point immediately above the top of the areola.

(Ord. No. 16-422, § 4, 4-27-2016)

9662.2 - CAMTC certification required.

- A. No person shall perform massage for compensation of any kind, or otherwise act as a massage therapist in the city, including a therapist providing massage at a massage establishment or performing outcall massage, unless such person possesses a current, valid massage therapist or massage practitioner certification issued by the CAMTC, and provides massage services consistent with the requirements of the California Business and Professions Code. All certified massage practitioners and massage therapists shall annually file a copy of their CAMTC certification with the director.
- B. In addition to the requirement set forth in subsection A., no person shall own or operate a massage establishment within the city unless all persons providing massage at or on behalf of the massage establishment have a current and valid CAMTC certificate.

(Ord. No. 16-422, § 4, 4-27-2016)

9662.3 - Massage establishment permit required.

- A. No person shall own or operate a massage establishment within the city without first obtaining a massage establishment permit (MEP) for the establishment, in accordance with the requirements of this division. A separate MEP shall be obtained for each establishment owned or operated by such person. Each person having any percentage of ownership interest in a massage establishment for which a MEP is applied for must comply with the requirements of this section. A MEP shall only be issued if the massage establishment complies with all requirements of this section and the Code, and the owner obtains and maintains a current and valid city business license. No MEP shall be issued at the same business address that was subject to a prior revocation or suspension within the previous two (2) years.
- B. A massage establishment owner shall obtain and continue to maintain a current and valid MEP for each massage establishment under his or her ownership in the city. A MEP is valid for a period of twelve (12) months, unless revoked or suspended, and shall be renewed annually prior to the expiration of the permit, or the permit will expire and a new permit shall be required.
- C. Each MEP application and renewal shall include the following:
 - 1. A complete and accurate application on a form prescribed by the director and signed by the applicant. If the applicant does not own the property upon which the massage establishment is located, then the applicant shall provide written acknowledgement signed by the owner of the property indicating the owner is aware that the applicant intends to operate a massage establishment on the owner's property.
 - 2. A complete list of all services to be made available at the massage establishment.
 - 3. Clearly legible copies of the current and valid CAMTC certificate and identification card containing a recent photograph of each massage therapist who will provide massage service, including independent contractors, at the massage establishment.
 - 4. A list of all current employees and independent contractors performing massage, including each such person's telephone number, date of employment, and their duties, which shall match the register of employees identified in subsection 9662.6.I., except as required by this division.

5. A statement signed by the massage establishment owner stating, under penalty of perjury under the laws of the State of California, that all information in the application is true and correct.
 6. The director may require additional information if necessary to determine whether the applicant satisfies all requirements of this division.
- D. Each MEP and MEP renewal shall be subject to the conditions outlined in sections 9662.6 and 9662.7 below, and the following requirements:
1. No changes in services offered by the massage establishment shall be made without submitting the changes in writing and a revised schedule of services offered to the director within ten (10) business days of the change.
 2. If, during the term of an MEP, the permittee has any change in information provided on or concerning the original application or MEP renewal application, notification shall be made to the director in writing within ten (10) business days of the change.
 3. If a massage therapist's CAMTC certification is suspended or revoked, the massage establishment shall not allow that person to provide massage services, including outcall massages, at, through, or in connection with the massage establishment.
 4. The massage establishment shall notify the director immediately upon the establishment's receipt of notice of any disciplinary action taken by the CAMTC regarding any of the establishment's massage therapists, and shall submit a copy of such notice to the director.
 5. Any act or omission of anyone providing massage or performing any other service at the massage establishment's location, whether as an employee or an independent contractor, which constitutes a violation of this division or grounds for revocation of a MEP, shall also be deemed to be an act or omission of the permittee, the massage establishment, and/or all of its owner(s).
 6. Each massage establishment shall be operated at all times in compliance with all federal, state and local laws, and the requirements of this division.
- E. Grounds for suspension or revocation. The director may suspend or revoke a MEP based on substantial evidence that any of the following has occurred:
1. The permittee has made any false, misleading or fraudulent statement of material fact in any application, report or record filed with the city.
 2. The permittee, or an employee, independent contractor, owner, agent, partner, director, stockholder, or manager of the massage establishment business has failed to comply with any of the requirements or conditions of this division; has allowed or permitted, with or without personal knowledge, the occurrence of criminal activity on the premises of the massage establishment business; has committed a misdemeanor, felony or any violation of this division in the conduct of the massage establishment business; or has failed to abide by any disciplinary action previously imposed by the city in connection with the provision of massage.
 3. An individual who is not a certified massage therapist or practitioner, or whose CAMTC certification is suspended or revoked, has provided massage at the massage establishment while such suspension or revocation is in effect.
 4. One (1) or more acts prohibited under California Penal Code Sections 266, 266a, 266e, 266f, 266g, 266h, 266i, 266j, 315, 316, 318, 647(b), or 653.22, or any successor provisions thereto, have taken place on the premises of the massage establishment, whether or not any criminal prosecution has been pursued or conviction obtained for such acts, and whether they occurred with or without the actual knowledge of the permittee.
 5. The permittee has been subject to a permanent injunction against conducting or maintaining a nuisance pursuant to the Code or Sections 11225 through 11235 of the California Penal Code, or any similar provision of law in any jurisdiction outside the State of California.
 6. The permittee or anyone acting on behalf of the permittee has refused to permit inspection by the city to verify compliance with all requirements of the MEP and/or this division.

- F. Upon determining that grounds for MEP suspension or revocation exist, the director shall provide written notice of the suspension or revocation to the permittee. The notice shall be mailed, postage prepaid, and addressed to the last known address of the permittee, or shall be personally delivered to the permittee, and shall include reasons for the suspension or revocation.
- G. Any aggrieved person may appeal the decision of the director approving, denying, revoking or suspending a MEP to the planning commission pursuant to section 9804.5 of the Code.

(Ord. No. 16-422, § 4, 4-27-2016)

9662.4 - Business license required.

- A. A separate city business license shall be obtained, pursuant to chapter 8 of title VI of the Code, for each separate massage establishment owned or operated by the same person.
- B. No person shall provide outcall massage services within the city without first obtaining a city business license pursuant to chapter 8 of title VI of the Code.

(Ord. No. 16-422, § 4, 4-27-2016)

9662.5 - Exceptions.

- A. Except as provided in subsection B., or as otherwise provided by law, the requirements of this division do not apply to the following classes of individuals while they are engaged in the performance of their respective professions in connection with and on the premises of a business licensed to provide such professional services:
 - 1. Physicians, chiropractors, osteopaths, podiatrists, physical therapists, registered nurses or vocational nurses duly licensed to practice their respective profession in the State of California under the provisions of the California Business and Professions Code, while performing activities encompassed by such professional licenses.
 - 2. Other healthcare personnel, including acupuncturists, engaged in the healing arts that are regulated and licensed by the State of California pursuant to Division 2 of the California Business and Professions Code.
 - 3. Barbers or cosmetologists, including estheticians, electrologists, and manicurists carrying out their particular occupation or business, who are duly licensed by the State of California, including trainees and interns under supervision of such a licensee, provided that nothing in this subsection shall authorize such individuals to provide massage services beyond the scope of the individual's license or certificate, and such massage is limited solely to the neck, face, scalp, feet, hands, arms, and lower limbs up to the knees, of their patrons. Nothing in this subsection shall exempt any establishment from the CAMTC certification requirements provided in this chapter if massage services are provided by anyone other than a person made exempt pursuant to this subsection A.3., and who is acting within the scope of his or her license.
 - 4. State-licensed hospitals, nursing homes, and other state-licensed physical or mental health facilities and their employees.
 - 5. Athletic trainers certified by the State of California performing training services at professional, amateur or school athletic events or facilities, so long as such persons do not practice massage therapy as their primary occupation.
 - 6. Registered schools and their employees that provide massage therapy education or training and their students in training, provided that such students perform massage therapy only under the direct personal supervision of an instructor.

- B. Any individual who is not exempt from the requirements of this division and who is employed by any person or persons duly exempted under subsection A. of this section and administers massage services within the scope of his or her employment may not provide massage services without a massage therapist or massage practitioner certification from the CAMTC.

(Ord. No. 16-422, § 4, 4-27-2016)

9662.6 - Massage establishment operations and facilities requirements.

Each massage establishment shall comply with the following operations and facilities requirements, which shall be conditions of the MEP:

- A. *Hours of operation* . No massage establishment shall provide massage or be open for business between the hours of 9:00 p.m. and 7:00 a.m. Clients and visitors shall be excluded from a massage establishment during the foregoing hours.
- B. *Signs* . A recognizable and legible sign complying with the requirements of the Code shall be posted at the main entrance identifying the location as a massage establishment.
- C. *CAMTC certificate*. At the massage establishment, each massage therapist shall display his or her original certificate wherever he or she provides massage for compensation.
- D. *CAMTC identification card* . All massage therapists must maintain on their persons, or on the premises, their CAMTC certificate and CAMTC identification card with current photograph.
- E. *Lighting* . Minimum lighting shall be provided in accordance with the building code and, in addition, at least one (1) artificial light of not less than forty (40) watts (four hundred fifty (450) lumens) with a dimmer function allowed, shall be provided in each enclosed room or booth where massage services are being performed on a patron.
- F. *Locking of premises* .
1. The doors to any cubicle, room, booth or other area in which massage services are provided may only be locked when staff is unavailable to assure the security of patrons and massage therapists who are behind closed doors.
 2. The exterior doors of the premises of a massage establishment, excepting entrances reserved for employees and deliveries, may only be locked during business hours if the massage establishment is owned by one (1) person with one (1) or no employees or independent contractors.
- G. *Ventilation* . Minimum ventilation shall be provided in accordance with the city building code.
- H. *Recording of activities prohibited* . No room or part of the building where massage is being conducted, and no restrooms or changing rooms, shall be equipped with any electronic, mechanical or artificial device used, or capable of being used, for recording or videotaping, for monitoring the activities, conversation, or other sounds.
- I. *Register of employees* . Each massage establishment must maintain a current register of all employees and independent contractors providing massage. The register must contain the names of all employees, their telephone number, date of employment and termination, if any, and their duties. All such information must be maintained in the register for a period of two (2) years following such employee's termination. Such employee register must be available for inspection at the massage establishment to representatives of the city during regular business hours. An amended copy of the written register shall be provided to the director within ten (10) days of hiring of an employee or contracting with an independent contractor and upon termination of services of each massage therapist at the establishment. Attached to the register shall be a statement, signed by the owner upon issuance of the MEP and each time the register is amended as required herein, stating under penalty of perjury under the laws of the State of California that all of the information in the written register is true and correct.

- J. *Patron facilities* . Adequate dressing and toilet facilities shall be provided for patrons.
- K. *List of services and price rates*. A list of services provided and price rates shall be prominently displayed in a location visible to customers upon entry to the business. Only services identified in the list of services displayed at the massage establishment and submitted as part of the MEP application and renewal shall be provided.
- L. All applicable ordinances, laws, rules and regulations shall be obeyed at all times.

(Ord. No. 16-422, § 4, 4-27-2016)

9662.7 - Massage establishment health, safety, and physical hygiene requirements.

Each massage establishment must comply with the following requirements, as applicable, which shall be conditions of the MEP:

- A. *Therapist attire and hygiene* . All employees and massage therapists shall be dressed appropriately in clean, opaque clothing that does not expose specified anatomical areas, as defined in this division, when administering massage in or upon the premises. "Dressed appropriately" shall further mean clothing which, at a minimum, provides complete coverage from mid-thigh to three (3) inches below the collarbone. Any uniforms approved or required by the massage establishment shall comply with these requirements. There shall be no nudity by employees of the establishment or massage therapists, and employees and therapists shall not reveal specified anatomical areas, as defined in this division, while customers or patrons are present. All therapists shall thoroughly wash their hands and arms with hot water and soap before and after each massage treatment.
- B. *Patron attire* . All patrons shall be appropriately draped with a clean, opaque cloth sufficient to cover specified anatomical areas while receiving massage services. All bathrobes or other garments provided for the use of patrons must either be disposed of after any use or laundered before their next use.
- C. *Washbasins* . A minimum of one (1) separate wash basin shall be provided in each massage establishment for the use of employees of any such establishment, which basin shall provide soap or detergent and hot and cold running water at all times, and shall be located within or as close as practicable to the area devoted to the performing of massage services. There shall also be provided at each washbasin sanitary towels placed in permanently installed dispensers.
- D. *Maintenance of premises and equipment* .
 1. All walls, ceilings, floors, pools, showers, bathtubs, saunas, steam rooms and all other physical facilities for the establishment shall be in good repair and maintained in a clean and sanitary condition. The walls in all rooms where water or steam baths, or showers, are given shall have a washable, mold-resistant surface.
 2. Wet and dry heat rooms, steam or vapor rooms, showers and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs shall be thoroughly cleaned after each use.
 3. Clean and sanitary towels and linens shall be available for each person receiving massage services. No common use of towels or linens shall be permitted. Reuse of towels and linens shall be prohibited unless such towels and linens have first been laundered. Enclosures shall be provided for the separate storage of clean and soiled linen, and shall be plainly marked "clean linen" and "soiled linen."
 4. Disinfecting agents and sterilizing equipment shall be provided for any instruments used in administering any massage, and shall be disinfected and sterilized after each use.
 5. A massage table or chair must be provided in each massage room, and the massage must be performed on this massage table or chair with the exception of "Thai," "Shiatsu," or similar

forms of massage, which may be provided on a padded mat on the floor. Standard or portable massage tables shall be used with a durable, washable plastic or other waterproof material as a covering. A clean sheet or other effective sanitary covering shall be placed over a padded floor mat, and any floor area upon which a patron may lie, in the course of receiving a massage. Heavy white paper may be substituted for sheets, provided that such paper is used once for each person and then discarded into a sanitary receptacle. Foam pads more than four (4) inches thick or more than four (4) feet wide may not be used. Beds, mattresses and water beds may not be used in the administration of a massage.

6. All liquids, creams, or other preparations used on, or made available to, patrons shall be kept in clean and closed containers. Powders may be kept in clean shakers. All bottles and containers shall be distinctly and correctly labeled to disclose their contents. When only a portion of a liquid, cream, or other preparation is to be used on or made available to a patron, it shall be removed from the container in such a way as not to contaminate the remaining portion.
- E. *Persons using illegal drugs or alcohol prohibited* . No alcoholic beverages shall be sold, served, furnished, kept, or possessed on the premises of any massage establishment. A person shall not enter, be, or remain in any part of a massage establishment while in the possession of, consuming or using any alcoholic beverage or illegal drugs. The business licensee, manager, and every supervising employee shall not permit any such person to enter or remain upon such premises.
- F. *Improper solicitation or performance of services* . Except to the extent required in writing by a state-licensed medical practitioner, no massage therapy may be provided to a patron that results in intentional contact, or occasional and repetitive contact with the genitals, anus or areola of any patron. No massage therapist may offer to or perform any act of a sexual nature for compensation.

(Ord. No. 16-422, § 4, 4-27-2016)

9662.8 - Outcall massage operating requirements.

- A. Each massage therapist performing outcall massage shall maintain on his or her person the following:
 1. Current and valid CAMTC identification card with recent photograph.
 2. Copy of current and valid CAMTC certificate.
 3. Copy of current and valid city business license.
- B. No outcall massage shall be conducted between the hours of 9:00 p.m. and 7:00 a.m.
- C. No outcall massage shall be performed by a massage therapist whose CAMTC certification has been suspended or revoked, while such suspension or revocation is in effect.
- D. Each massage therapist performing outcall massage shall comply with the portions of Business and Professions Code Section 4609(a) relating to sexual acts, including not allowing certificate holders: to engage in any form of sexual activity on the premises of a massage establishment where massage is provided for compensation; to engage in sexual activity while providing massage services for compensation; to provide massage of the genitals or anal region; or to provide massage of female breasts without the written consent of the person receiving the massage and a referral from a licensed California health care provider.
- E. Outcall massage health, safety, and physical hygiene requirements.
 1. All massage therapists shall be dressed appropriately in clean, opaque clothing that does not expose specified anatomical areas, as defined in this division, when administering massage. There shall be no nudity by massage therapists while engaging in outcall massage, and therapists shall not reveal specific anatomical areas, as defined in this division, while customers or patrons are present. All therapists shall thoroughly wash their hands and arms with hot water and soap before and after each massage treatment.

2. All patrons shall be appropriately draped with a clean, opaque cloth sufficient to cover specified anatomical areas while receiving massage services.
3. Clean and sanitary towels and linens shall be provided for each patron receiving massage services.
4. Disinfecting agents and sterilizing equipment shall be provided for any instruments used in administering any massage, and shall be disinfected and sterilized after each use.
5. Standard or portable massage tables shall be used with a durable, washable plastic or other waterproof material as a covering. For "Thai," "Shiatsu," or similar forms of massage, which may be provided on a padded mat on the floor, a clean sheet or other effective sanitary covering shall be placed over a padded floor mat, and any floor area upon which a patron may lie in the course of receiving a massage. Heavy white paper may be substituted for sheets, provided that such paper is used once for each person and then discarded into a sanitary receptacle. Foam pads more than four (4) inches thick or more than four (4) feet wide may not be used. Beds, mattresses and water beds may not be used in the administration of a massage.
6. All liquids, creams, or other preparations used on, or made available to, patrons shall be kept in clean and closed containers. Powders may be kept in clean shakers. All bottles and containers shall be distinctly and correctly labeled to disclose their contents. When only a portion of a liquid, cream, or other preparation is to be used on or made available to a patron, it shall be removed from the container in such a way as not to contaminate the remaining portion.

(Ord. No. 16-422, § 4, 4-27-2016)

9662.9 - Business name.

No person possessing a city business license and performing massage or having a MEP shall operate under any name or conduct business under any designation not specified in the license.

(Ord. No. 16-422, § 4, 4-27-2016)

9662.10 - Inspections.

Any and all investigating officials of the city, or county of Los Angeles, as applicable, shall have the right to enter massage establishments from time to time during regular business hours to make reasonable inspections to observe and enforce compliance with building, fire, electrical, plumbing, or health and safety regulations, and to ascertain whether there is compliance with the provisions of this division.

(Ord. No. 16-422, § 4, 4-27-2016)

9662.11 - Prohibited advertising practices.

- A. It is unlawful for any person who does not possess a CAMTC certification, and for any massage establishment that employs such a person, to:
 1. State or advertise or place any sign or card or any device, or to represent to the public through any print or electronic media, that such person is certified, registered, or licensed by a governmental agency as a massage therapist or practitioner.
 2. Hold one's self out as, or use the title of "certified massage therapist," "certified massage practitioner," or any other term, such as "licensed," "registered," or "CAMTC," that implies or suggests that such person holds certification issued by the CAMTC.

- B. Massage establishments and/or massage therapists shall not advertise material depicting the human body, or containing language, either of which would suggest that any other services are available other than those described in the schedule of services.

(Ord. No. 16-422, § 4, 4-27-2016)

9662.12 - Regulations nonexclusive.

The provisions of this division regulating massage establishments and massage therapists and practitioners are not intended to be exclusive, and compliance therewith shall not excuse noncompliance with any other applicable provisions of the Code or other law.

(Ord. No. 16-422, § 4, 4-27-2016)

9662.13 - Conflicts.

If the provisions of this division conflict with or contravene other provisions of the Code, the provisions of this division shall prevail as to all matters and questions arising out of the subject matter of this chapter.

(Ord. No. 16-422, § 4, 4-27-2016)

9662.14 - Applicability of regulations to existing massage establishments.

Any massage establishment that was validly permitted as of the effective date of the ordinance from which this section derived to operate a massage establishment must apply for and obtain a MEP within one hundred eighty (180) days of the effective date of said ordinance.

(Ord. No. 16-422, § 4, 4-27-2016)

9663—9670. - Reserved.