

(1-2020)

Article 3: Police Regulated Business Regulations**Division 35: Massage Business and Massage Therapists***(“Massage Business and Massage Technicians”**added 12-21-1976 by O-11969 N.S.)**(Retitled to “Massage Business and Massage Therapists” on 11-25-2014
by O-20437 N.S.; effective 12-25-2014.)***§33.3501 Purpose and Intent**

It is the purpose and intent of this Division to provide for the orderly regulation of the business of *massage*, *massage establishments*, and *massage therapists* in the City of San Diego by establishing certain minimum standards for the conduct of these businesses to protect the public health and welfare of the residents of the City of San Diego.

This Division is adopted pursuant to California Government Code sections 51030 through 51034.

*(“Citation of Ordinance” repealed; “Purpose and Intent” renumbered from Sec. 33.3502 and amended 12-5-2000 by O-18907 N.S.; effective 7-1-2001.)
(Amended 11-25-2014 by O-20437 N.S.; effective 12-25-2014.)
(Amended 11-20-2019 by O-21152 N.S.; effective 1-1-2020.)*

§33.3502 Definitions

For purposes of this Division, defined terms appear in italics. The following definitions apply in this Division:

Massage means any method of pressure on, or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating the external parts of the human body with the hands or other parts of the body, with or without the aid of any mechanical or electrical apparatus or appliances, or with or without supplementary aids such as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments or other similar preparations commonly used in this practice.

Massage establishment means a fixed place of business where any *person* engages in *massage*.

Massage therapist or *massage practitioner* means any *person* who gives or administers a *massage* to another *person*, for any form of consideration.

(1-2020)

Off-premise massage therapist business means the business of providing *massage* services by appointment at a location other than the *premises* licensed as a *massage establishment*. It includes *massage therapists* who provide *off-premise massage* services and who contract with or work for a business other than a *massage establishment*.

Particular anatomical areas means the pubic region, human genitals, perineum, anal region, and the area of the female breast that includes the areola and the nipple.

Regulatory body means the Massage Therapist Organization (also known as the California Massage Therapy Council) that provides oversight to massage professionals pursuant to Division 2, Chapter 10.5 of the California Business and Professions Code (commencing with section 4600).

Sole practitioner massage establishment means a *massage establishment* that is wholly owned by *massage therapist* or a *person* who holds a *state certification*, who is the only *person* who provides *massage* on the *premises*, who has no *employees*, and who does not employ independent contractors.

State certification means a valid certificate issued by the *regulatory body*.

(“Purpose and Intent” renumbered to Sec. 33.3501; “Definitions” renumbered from Sec. 33.3504 and amended 12-5-2000 by O-18907 N.S.; effective 7-1-2001.)
(Amended 11-25-2014 by O-20437 N.S.; effective 12-25-2014.)
(Amended 11-20-2019 by O-21152 N.S.; effective 1-1-2020.)

§33.3503 Permit Required for Massage Establishment or Sole Practitioner Massage Establishment

It is unlawful for any *person* to operate or allow the operation of a *massage establishment* or a *sole practitioner massage establishment* without a *permit*.

(“Massage Business — Police Regulated” repealed; “Massage Establishment—License Required” renumbered from Sec. 33.3520, retitled to “Permit Required for Massage Establishment” and amended 12-5-2000 by O-18907 N.S.; effective 7-1-2001.)
(Retitled from “Permit Required for Massage Establishment” to “Permit Required for Massage Establishment or Sole Practitioner Massage Establishment” and amended 11-20-2019 by O-21152 N.S.; effective 1-1-2020.)

(1-2020)

**§33.3504 Message Establishment or Sole Practitioner Message Establishment Permit
Application Contents**

- (a) Each applicant for a *permit* to operate a *massage establishment* or a *sole practitioner massage establishment* shall furnish the following information to the *Chief of Police*:
- (1) The full true name and any other names ever used by the applicant.
 - (2) The current residential address and telephone number of the applicant.
 - (3) The address of the proposed *massage establishment* or *sole practitioner massage establishment*.
 - (4) Each residential address of applicant for the five years immediately preceding the date of the application, and the inclusive dates of each address.
 - (5) Written proof that the applicant is at least eighteen years of age.
 - (6) Applicant's height, weight, color of eyes and hair.
 - (7) Government-issued photo identification such as a California Driver License, Identification Card, or United States Passport.
 - (8) Applicant's business, occupation and employment history for the five years immediately preceding the date of application, including addresses and dates of employment.
 - (9) Whether the applicant has ever had any *license* or *permit* issued by any agency or board, or any city, county, state or federal agency revoked or suspended, or has had any professional or vocational *license* or *permit* revoked or suspended within five years immediately preceding the application, and the reason for the suspension or revocation.
 - (10) All criminal *convictions*, including those dismissed pursuant to California Penal Code section 1203.4, except traffic, and a statement of the dates and places of such *convictions*.
 - (11) The name and address of the owner and lessor of the real property upon which the business is to be conducted, and a copy of the lease or rental agreement.

(1-2020)

- (12) Fingerprints.
 - (13) Such other identification and information as may be required in order to discover the truth of the matters herein specified as required to be set forth in the application.
- (b) In addition to the information required by section 33.3504(a), an applicant for a *massage establishment permit* must furnish the following information:
- (1) if the applicant is a corporation, the name of the corporation exactly as shown in its Articles of Incorporation or Charter, together with the state and date of incorporation and names and residential addresses of each of its current officers and directors, and of each stockholder holding more than 5 percent of the stock of the corporation;
 - (2) if the applicant is a partnership, the name and residential addresses of each of the partners, including limited partners;
 - (3) if the applicant is a limited partnership, a copy of the limited partnership's certificate of limited partnership as filed with the County Clerk;
 - (4) if one or more of the limited partners is a corporation, the applicant shall provide the information about that partner required by section 33.3504(b)(1);
 - (5) if the applicant is a corporation or partnership, the name of the responsible managing officer.

(“Definitions” renumbered to Sec. 33.3502; “Massage Establishment License” renumbered from Sec. 33.3521, retitled to “Massage Establishment Permit Application Contents” and amended 12-5-2000 by O-18907 N.S.; effective 7-1-2001.)

(Amended 11-25-2014 by O-20437 N.S.; effective 12-25-2014.)

(Retitled from Massage Establishment Permit Application Contents” to “Massage Establishment or Sole Practitioner Massage Establishment Permit Application Contents” and amended 11-20-2019 by O-21152 N.S.; effective 1-1-2020.)

(1-2020)

§33.3505 Corporate Officers and Partners Deemed Applicants

Each corporate officer or partner of a *massage establishment* is deemed an applicant for a *massage establishment permit* and each must provide the information required in section 33.3504.

(“Corporate Officers and Partners Deemed Applicants” added 12-5-2000 by O-18907 N.S.; effective 7-1-2001.)
(Amended 11-25-2014 by O-20437 N.S.; effective 12-25-2014.)

§33.3506 Designation of Responsible Managing Officer, Signature on Applications

An applicant that is a corporation or partnership shall designate one of its officers or general partners to act as its responsible managing officer. The responsible managing officer may complete and sign all applications on behalf of the corporate officers and partners.

(“Designation of Responsible Managing Officer, Signature on Applications” added 12-5-2000 by O-18907 N.S.; effective 7-1-2001.)

(1-2020)

§33.3507 Permit Required for Off-Premises Massage Therapist Business

- (a) Unless exempt under section 33.3511, it is unlawful for any *person* to engage in or operate an *off-premise massage therapist business* without an *off-premise massage therapist business permit*.
- (b) Any *person* possessing an *off-premise massage therapist business permit* is also permitted to operate as a *massage therapist*, unless the *permittee* is governed by subsection (c).
- (c) Any *person* desiring to operate an *off-premise massage therapist business* but who will not provide *massage* services may obtain an *off-premise massage therapist business permit* so long as the following conditions are met:
- (1) The *person* meets the application requirements for an *off-premise massage therapist business permit* except for the education requirements.
 - (2) The *person* does not possess an *outcall nude entertainment business* or *outcall nude entertainer permit*.

(“Off–Premises Massage Business — License Required” renumbered from 33.3523, retitled to “Permit Required for Off-Premises Massage Business” and amended 12-5-2000 by O-18907 N.S.; effective 7-1-2001.)
(Renumbered from former Section 33.3508 on 11-25-2014 by O-20437 N.S.; effective 12-25-2014.)
(Retitled from “Permit Required for Off-Premises Massage Business” to “Permit Required for Off-Premises Massage Therapist Business” and amended 11-20-2019 by O-21152 N.S.; effective 1-1-2020.)

§33.3508 Permit Required for Massage Therapist

Unless exempt under section 33.3511, it is unlawful for any *person* to act as a *massage therapist* without a *permit*. Any *person* desiring to engage in *off-premise massage* must obtain an *off-premise massage therapist business permit*.

(“Massage Technician — Permit Required” renumbered from 33.3530, retitled to “Permit Required for Massage Therapist” and amended 12-5-2000 by O-18907 N.S.; effective 7-1-2001.)
(Renumbered from former Section 33.3509 on 11-25-2014 by O-20437 N.S.; effective 12-25-2014.)
(Amended 11-20-2019 by O-21152 N.S.; effective 1-1-2020.)

(1-2020)

**§33.3509 Message Therapist Permit and Off-Premise Massage Therapist Business Permit
Application Contents**

Each applicant for a *massage therapist permit* or an *off-premise massage therapist business permit* shall furnish the following information to the *Chief of Police*:

- (a) The full true name and any other names ever used by the applicant.
- (b) The current residential address and telephone number of the applicant.
- (c) Each residential and business address of applicant for the five years immediately preceding the date of the application, and the inclusive dates of each such address.
- (d) Written proof that the applicant is at least eighteen years of age.
- (e) Applicant's height, weight, color of eyes and hair.
- (f) Government-issued photo identification such as a California Driver License, Identification Card, or United States Passport.
- (g) Applicant's business, occupation and employment history for the five years immediately preceding the date of application.
- (h) Whether the applicant has ever had any *license* or *permit* issued by any agency or board, or any city, county, state or federal agency revoked or suspended, or has had any professional or vocational *license* or *permit* revoked or suspended within five years immediately preceding the application, and the reason for the suspension or revocation.
- (i) All criminal *convictions*, including those dismissed pursuant to California Penal Code section 1203.4, except traffic, and a statement of the dates and places of such *convictions*.
- (j) The *massage establishment* at which the applicant expects to be employed, or a business address for the *off-premise massage business*.
- (k) Proof of the satisfactory completion of 500 hours of instruction from any school approved by the *regulatory body*. The applicant must provide the *Chief of Police* with proof that the school(s) attended by the applicant were schools approved by the *regulatory body*.

(1-2020)

- (l) Proof of successful completion of a *massage* competency assessment approved by the *regulatory body*, if the competency assessment is required by the *regulatory body* at the time of the application.
- (m) A copy of a valid registration, certification, or license from any other state approved by the *regulatory body*.
- (n) Fingerprints.
- (o) Such other identification and information as may be required in order to discover the truth of the matters specified in this section.

(“Massage Technician Permit” renumbered from 33.3531, retitled to “Massage Therapist Permit and Off-Premise Massage Business Permit Application Contents” and amended 12-5-2000 by O-18907 N.S.; effective 7-1-2001.)

(Renumbered from former Section 33.3510 and amended 11-25-2014 by O-20437 N.S.; effective 12-25-2014.)

(Retitled from “Massage Therapist Permit and Off-Premise Massage Business Permit Application Contents” to “Massage Therapist Permit and Off-Premise Massage Therapist Business Permit Application Contents” and amended 11-20-2019 by O-21152 N.S.; effective 1-1-2020.)

§33.3510 Grounds for Denial of Massage Establishment Permit, Sole Practitioner Massage Establishment, Off-Premise Massage Therapist Business Permit, or Massage Therapist Permit

In addition to the grounds for denial stated in section 33.0305, an application for a *massage establishment permit, sole practitioner massage establishment permit, off-premise massage therapist business permit, or massage therapist permit* shall be denied for any of the following reasons:

- (a) The applicant has within five years immediately preceding the date of the filing of the application, *been convicted* of any of the following offenses:
 - (1) any offense described in California Penal Code sections 266h, 266i, 315, 316, 318, 653.22, or 647(a) or (b);
 - (2) any offense described in California Penal Code, Part One, Title 9, Chapters 7.5 and 7.6; or,

(1-2020)

- (b) The applicant within five years immediately preceding the date of the filing of the application has *been convicted* of a charge of violating any lesser included or lesser related offense, including California Penal Code section 415, in satisfaction of, or as a substitute for, an original charge of any of the offenses listed in section 33.3510(a).
- (c) The applicant has *been convicted* of any offense which requires registration as a sex offender under California Penal Code section 290.
- (d) No *permit* for a *massage establishment* or a *sole practitioner massage establishment* shall be issued if, within the two years immediately preceding the date of the filing of the application, the *permit* of a previous owner of a *massage establishment* or a *sole practitioner massage establishment* at the same address was revoked.

(“Grounds for Denial of Massage Establishment Permit, Off-Premise Business Permit, Massage Therapist Permit” added 12-5-2000 by O-18907 N.S.; effective 7-1-2001.)

(Renumbered from former Section 33.3511 and amended 11-25-2014 by O-20437 N.S.; effective 12-25-2014.)

(Retitled from “Grounds for Denial of Massage Establishment Permit, Off-Premise Business Permit, Massage Therapist Permit” to “Grounds for Denial of Massage Establishment Permit, Sole Practitioner Massage Establishment, Off-Premise Massage Therapist Business Permit, or Massage Therapist Permit” and amended 11-20-2019 by O-21152 N.S.; effective 1-1-2020.)

§33.3511 Exemptions

- (a) This Division does not apply to the following classes of individuals while engaged in the performance of the duties of their respective professions within the scope of their California state licenses: acupuncturists, aestheticians, barbers, chiropractors, cosmetologists, exercise physiologists, manicurists, nurses, occupational therapists, osteopaths, physical therapists, physicians, and surgeons.
- (b) This Division does not apply to trainers of any semiprofessional or professional athlete or athletic team, or trainers hired by a local, state or federal agency.

(1-2020)

- (c) This Division does not apply to any educational institution licensed by the State of California, including any portion of the institution providing *massage* services, such as student clinics and work study programs, regulated under the state license. However, this exemption does not apply to any business owned or operated by such an institution that is not regulated under the state license.
- (d) This Division does not apply to holistic health practitioners licensed under Division 44 of this Article.
- (e) This Division does not apply to any *massage therapists* or *massage practitioners* who have *state certification*.
- (f) The exemptions described in this section 33.3511 also exempt any fixed business location where:
 - (1) the exempt *person* as described in section 33.3511(a) through (d) provides *massage* services; or
 - (2) *massage* is administered
 - (A) under the direction and control of the exempt *person* as described in section 33.3511(a) through (d); and
 - (B) when the exempt *person* as described in section 33.3511(a) through (d) is physically present at the location.
- (g) Renting office or work space at an otherwise exempt location does not provide the renter with an exemption from this Division.
- (h) *Massage therapists* who are not themselves exempt, but who are employed by an exempt *person* are not exempt from the provisions of this Division.

(“Exemptions” renumbered from Sec. 33.3532 and amended 12-5-2000 by O-18907 N.S.; effective 7-1-2001.)

(Renumbered from former Section 33.3513 and amended 11-25-2014 by O-20437 N.S.; effective 12-25-2014.)

(Amended 11-20-2019 by O-21152 N.S.; effective 1-1-2020.)

(1-2020)

§33.3512 Renewal of Massage Therapist Permit

- (a) Renewals shall be annual in accordance with section 33.0308.
- (b) In order to renew a *massage therapist* or *off-premise massage therapist business permit*, the *permittee* must:
 - (1) provide proof of twelve hours of continuing education in *massage therapy*. The continuing education hours must be obtained from a facility, school, or organization approved by the *regulatory body*; and
 - (2) meet all the requirements of section 33.3509.
- (c) Section 33.3512(b) does not apply to *off-premise massage therapist business permit* holders described in section 33.3507(c).

(“Renewal for Massage Therapist Permit” added 12-5-2000 by O-18907 N.S.; effective 7-1-2001.)

(Renumbered from former Section 33.3514 and amended 11-25-2014 by O-20437 N.S.; effective 12-25-2014.)

(Retitled from “Renewal for Massage Therapist Permit” to “Renewal of Massage Therapist Permit” and amended 11-20-2019 by O-21152 N.S.; effective 1-1-2020.)

§33.3513 Equipment, Cleanliness, and Operating Requirements for Massage Establishments and Sole Practitioner Massage Establishments

- (a) A minimum of one toilet and wash basin must be provided for the patrons in every *massage establishment* or *sole practitioner massage establishment*. Hot and cold running water under pressure must be provided to all wash basins, bathtubs, showers, and similar equipment. Each wash basin must be provided with soap or detergent and sanitary towels placed in permanently installed dispensers. A trash receptacle must be provided in each toilet room.
- (b) Clean towels, sheets, and linens must be provided for each patron receiving *massage services*. Shared use of towels or linens is prohibited and reuse is prohibited unless they have been laundered after each use. Heavy white paper may be substituted for sheets provided that the paper is used once for each *person*, then discarded into a sanitary receptacle.
- (c) Disinfecting agents and sterilizing equipment must be used to ensure that any instruments used in performing any *massage* are clean and safe.

(1-2020)

- (d) Pads used on *massage* tables must be covered in a workmanlike manner with durable, washable plastic or other waterproof material.
- (e) In toilet rooms, steam rooms and rooms containing tubs or showers, a waterproof floor covering shall be provided which extends up the walls at least 6 inches and shall be covered at the floor-wall juncture with at least a 3/8 inch radius.
- (f) All walls, ceilings, floors, pools, showers, bathtubs, wet and dry heat rooms, steam rooms, tables and all other physical facilities must be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms or cabinets, showers and toilet rooms must be cleaned at least once each day the business is in operation. Bathtubs must be cleaned after each use.
- (g) Cleanable and nonabsorbent waste containers with tight fitting covers shall be provided for the storing of all waste matter and shall be maintained in a clean and sanitary condition.
- (h) Closed cabinets or containers shall be provided for the storage of laundered towels and linens. Nonabsorbent containers or laundry bags shall be provided for damp or soiled linen, and linen shall be kept therein until removed for laundering.
- (i) All *massage establishments* or *sole practitioner massage establishments* shall be equipped, maintained, and operated to effectively control the entrance, harborage, and breeding of vermin, including flies. When flies or other vermin are present, effective control measures shall be instituted for their control or elimination.
- (j) The external doors of *massage establishments* may not be locked during business hours. This section 33.3513(j) does not apply to *sole practitioner massage establishments*.
- (k) The *massage establishment* or *sole practitioner massage establishment* shall not be used for residential purposes. Evidence that the *premises* are used for residential purposes may include:
 - (1) Beds or mattresses, other than professional *massage* tables;
 - (2) Bedding, such as pillows, blankets, and sheets, other than those used for professional *massage* tables;
 - (3) Sleepwear, including pajamas, nightgowns, and lingerie;
 - (4) Groceries that require cooking, such as raw meats, poultry, fish, and grains;

(1-2020)

- (5) Cookware, utensils, and cooking equipment;
 - (6) Clothing in an amount that exceeds one change of clothing for each *employee* or independent contractor who is present on the *premises*; or
 - (7) Personal grooming and hygiene items.
- (l) A *responsible person* shall ensure that every *person* providing *massage* on the *premises* complies with the provisions of Chapter 3, Article 3, Division 35.
- (“Equipment and Cleanliness Requirements for Massage Establishments” renumbered from Sec. 33.3540, retitled and amended 12-5-2000 by O-18907 N.S.; effective 7-1-2001.)*
- (Renumbered from former Section 33.3515 on 11-25-2014 by O-20437 N.S.; effective 12-25-2014.)*
- (Retitled from “Equipment and Cleanliness Requirements for Massage Establishments” to “Equipment, Cleanliness, and Operating Requirements for Massage Establishments and Sole Practitioner Massage Establishments” and amended 11-20-2019 by O-21152 N.S.; effective 1-1-2020.)*

§33.3514 Message Establishment Permit and Posting Requirements; Name Tags

- (a) It is unlawful for any *responsible person* to employ or permit any *person* to act as a *massage therapist* who is not in possession of a valid *massage therapist permit* or *state certification*.
- (b) The *massage establishment* or *sole practitioner massage establishment business permit*, public health permit, and a copy of the *permit* of each *massage therapist* working in the *establishment* shall be displayed in an open and conspicuous public place on the *premises*.
- (c) Each *massage therapist* must wear a name tag on their outermost garment when working in the *massage establishment*. The name tag must contain the *massage therapist’s* name as it appears on the *massage therapist permit* or *state certification*. This subsection 33.3514(c) is regulatory only.

(“Massage Establishment Permit and Posting Requirements; Name Tags” added 12-5-2000 by O-18907 N.S.; effective 7-1-2001.)

(Renumbered from former Section 33.3516 on 11-25-2014 by O-20437 N.S.; effective 12-25-2014.)

(Amended 11-20-2019 by O-21152 N.S.; effective 1-1-2020.)

(1-2020)

§33.3515 Message Establishment and Sole Practitioner Massage Establishment Hours and Services

- (a) It is unlawful for any *responsible person* to allow the *massage establishment* or *sole practitioner massage establishment* to be open between the hours of 12:00 a.m. and 6:00 a.m. All customers, patrons, and visitors shall be excluded from the *premises* during those hours.
- (b) A list of services available and the cost of such services shall be posted in an open and conspicuous public place on the *premises*. The services shall be described in readily understandable language. No services other than those posted are allowed.

(“Massage Establishment Hours and Services” added 12-5-2000 by O-18907 N.S.; effective 7-1-2001.)

(Renumbered from former Section 33.3517 on 11-25-2014 by O-20437 N.S.; effective 12-25-2014.)

(Retitled from “Massage Establishment Hours and Services” to “Massage Establishment and Sole Practitioner Massage Establishment Hours and Services and amended 11-20-2019 by O-21152 N.S.; effective 1-1-2020.)

§33.3516 Message Establishment and Sole Practitioner Massage Establishment Patron’s Particular Anatomical Areas Covered, No Touching, Advisal

- (a) A *responsible person* in each *massage establishment* or *sole practitioner massage establishment* shall provide to all patrons sanitary and opaque coverings capable of covering the patron’s *particular anatomical areas*. No common use of the covering shall be permitted, and reuse is prohibited unless the covering has been laundered after each use. In addition, no *responsible person* shall permit a *massage* to be given unless the patron’s *particular anatomical areas* are fully covered. This subsection 33.3516(a) is regulatory only.
- (b) No *responsible person* shall permit any *person* in any area within the *massage establishment* or *sole practitioner massage establishment* which is used by the patrons or which can be viewed by patrons from such an area, unless the *person’s particular anatomical areas* are fully covered. This subsection 33.3516(b) does not apply to momentary nudity occurring in bathrooms, shower areas, or dressing or locker rooms. This subsection 33.3516(b) is regulatory only.

(1-2020)

- (c) No *permittee* shall give a *massage* or be in any room with a patron unless the patron's *particular anatomical areas* are fully covered with an opaque covering. This subsection 33.3516(c) is regulatory only.
- (d) No *responsible person* shall permit any *person* to *massage*, or intentionally touch, the *particular anatomical areas* of another *person*. This subsection 33.3516(d) is regulatory only.
- (e) No *permittee* shall *massage* or intentionally touch the *particular anatomical areas* of another *person*. This subsection 33.3516(e) is regulatory only.
- (f) The *responsible person* and *permittee* shall ensure that patrons are advised of section 33.3316(a) through 33.3516(e), prior to treatment. The advisal may be:
- (1) posted as a document in the room where the *massage* is conducted;
 - (2) contained in patron intake documents; or
 - (3) posted in any other manner approved by the *Chief of Police* .

The advisal may paraphrase the language of section 33.3516(a) through 33.3516(e), so long as such language is approved by the *Chief of Police* . Language quoting these sections need not be preapproved by the *Chief of Police*. This subsection is regulatory only.

(“Massage Establishments Patron’s Specified Anatomical Areas Covered, No Touching, Advisal” added 12-5-2000 by O-18907 N.S.; effective 7-1-2001.)
(Renumbered from former Section 33.3518 and amended 11-25-2014 by O-20437 N.S.; effective 12-25-2014.)
(Retitled from “Massage Establishments Patron’s Specified Anatomical Areas Covered, No Touching, Advisal” to “Massage Establishment and Sole Practitioner Massage Establishment Patron’s Particular Anatomical Areas Covered, No Touching, Advisal” and amended 11-20-2019 by O-21152 N.S.; effective 1-1-2020.)

(1-2020)

§33.3517 Plumbing and Electrical Requirements for Massage Establishments and Sole Practitioner Massage Establishments

All plumbing and electrical installations in *massage establishments* and *sole practitioner massage establishments* must be installed under permit and inspection by the Building Inspection Department and such installations shall be installed in accordance with the Uniform Building Code and the Uniform Plumbing Code as adopted by this Code.

(“Plumbing and Electrical Requirements for Massage Establishments” added 12-5-2000 by O-18907 N.S.; effective 7-1-2001.)

(Renumbered from former Section 33.3519 and amended 11-25-2014 by O-20437 N.S.; effective 12-25-2014.)

(Retitled from “Plumbing and Electrical Requirements for Massage Establishments” to “Plumbing and Electrical Requirements for Massage Establishments and Sole Practitioner Massage Establishments” and amended 11-20-2019 by O-21152 N.S.; effective 1-1-2020.)

§33.3518 Permit and Posting Requirements for OffPremises Massage Therapist Business; Name Tags

- (a) It is unlawful for any *person* to engage in *off-premise massage* services who is not in possession of a valid *off-premise massage therapist business permit*.
- (b) The *off-premise massage therapist business permit* must be displayed in an open and conspicuous place on the *permitted business premises*.
- (c) Each *massage therapist* must wear a name tag on their outermost garment when providing *off-premise massage* services. The name tag must contain the *massage therapist’s* name as it appears on the *massage therapist permit* or *state certification*. This subsection 33.31518(c) is regulatory only.

(“Massage Establishment— License Required” renumbered to Sec. 33.3503, retitled and amended; “Permit and Posting Requirements for Off-Premises Massage Business; Name Tags” added 12-5-2000 by O-18907 N.S.; effective 7-1-2001.)
(Renumbered from former Section 33.3520 on 11-25-2014 by O-20437 N.S.; effective 12-25-2014.)

(Retitled from “Permit and Posting Requirements for Off-Premises Massage Business; Name Tags” to “Permit and Posting Requirements for Off-Premises Massage Therapist Business; Name Tags” and amended 11-20-2019 by O-21152 N.S.; effective 1-1-2020.)

(1-2020)

§33.3519 Hours of Operation for Off-Premise Massage Business

It is unlawful for any *permittee* to provide *off-premise massage* services between 12:00 a.m. and 6:00 a.m.

(“Massage Establishment License” renumbered to Sec. 33.3504 and amended; “Hours of Operation for Off-premise Massage Business” added 12-5-2000 by O-18907 N.S.; effective 7-1-2001.)

(Renumbered from former Section 33.3521 and retitled to “Hours of Operation for Off-Premise Massage Business” on 11-25-2014 by O-20437 N.S.; effective 12-25-2014.)

§33.3520 Equipment and Cleanliness Requirements for Off-Premise Massage

- (a) It is unlawful for any *permittee* to use or allow any person to use instruments for *off-premise massage* services that are not kept in a safe and sanitary condition.
- (b) It is unlawful for any *permittee* to use or allow any *person* to use towels or linens that are not clean or have not been laundered after each use.

(“Massage Establishment License— Health Department Inspection and Investigation” renumbered to Sec. 33.3507, retitled and amended; “Equipment and Cleanliness Requirements for Off-Premise Massage” added 12-5-2000 by O-18907 N.S.; effective 7-1-2001.)

(Renumbered from former Section 33.3522 on 11-25-2014 by O-20437 N.S.; effective 12-25-2014.)

(1-2020)

§33.3521 Off-Premise Massage Therapist Business Appointment Requirements

- (a) Any *massage* conducted in a place not open to public view must be by appointment only.
- (b) Any *off-premise massage therapist* who also engages in *outcall nude entertainment* may not provide *nude entertainment* immediately prior to, or immediately after, the *massage* appointment.
- (c) An *off-premise massage therapist* may perform *massage* without appointment if the *massage* is conducted in a public place open to view of the public such as in an airport, shopping center kiosk, or salon, or at events such as marathons and street fairs.

(“Off-Premises Massage Business— License Required” renumbered to Sec. 33.3508, retitled and amended; “Off-Premise Massage Appointment Requirements” added 12-5-2000 by O-18907 N.S.; effective 7-1-2001.)

(Renumbered from former Section 33.3523 on 11-25-2014 by O-20437 N.S.; effective 12-25-2014.)

(Retitled from “Off-Premise Massage Appointment Requirements” to “Off-Premise Massage Therapist Business Appointment Requirements” on 11-20-2019 by O-21152 N.S.; effective 1-1-2020.)

§33.3522 Operating Requirements for Massage Therapists

- (a) No *massage therapist*, while performing any task or service associated with the *massage establishment, sole practitioner massage establishment, or off-premise massage therapist business*, shall be present in any room with another *person* unless the *person’s particular anatomical areas* are fully covered. This subsection does not apply to momentary nudity occurring in bathrooms, shower areas, or dressing or locker rooms. This subsection is regulatory only.
- (b) No *massage therapist*, while performing any task for service associated with the business of *massage*, shall *massage* or intentionally touch the *particular anatomical areas* of another *person*. This subsection is regulatory only.
- (c) Each *massage therapist* must wear a name tag when working as a *massage therapist*. The name tag must contain the *massage therapist’s* name as it appears on the *police permit* or *state certification*. This subsection is regulatory only.
- (d) It is unlawful for any *massage therapist* to use towels, linens or instruments during the *massage* that are not in a clean or in a safe condition.

(1-2020)

- (e) It is unlawful for any *massage therapist* to provide *massage* services between 12:00 a.m. and 6:00 a.m.
- (f) The *permittee* shall ensure that patrons are advised of section 33.3522(a) and section 33.3522(b) prior to treatment. The advisal may be:
 - (1) posted as a document in the room where the massage is conducted;
 - (2) contained in patron intake documents; or
 - (3) posted in any other manner approved by the *Chief of Police* .

The advisal may paraphrase the language of section 33.3522(a) and section 33.3522(b), so long as such language is approved by the *Chief of Police*. Language quoting these sections need not be preapproved by the *Chief of Police* . This subsection is regulatory only.

- (g) Any *off-premise massage business therapist permittee* who hires, dispatches or contracts with other *off-premise massage therapists* to do *off-premise massage* is responsible for ensuring that those *massage therapists* comply with all applicable regulations in this Division.

The *permittee* must also make reasonable efforts to prevent criminal activity by the other *massage therapists*. In addition to all other grounds, prostitution by such *massage therapists* is grounds for revoking the *permit*.

(“Off-Premises Massage Business License” repealed; “Operating Requirements for Massage Therapists” added 12-5-2000 by O-18907 N.S.; effective 7-1-2001.)
(Renumbered from former Section 33.3524 and amended 11-25-2014 by O-20437 N.S.; effective 12-25-2014.)
(Amended 11-20-2019 by O-21152 N.S.; effective 1-1-2020.)

§33.3523 **Massage Therapist Clothing Requirements**

No *massage therapist* shall wear any of the following while providing *massage*:

- (a) Attire that is transparent or substantially exposes the *massage therapist’s* undergarments;
- (b) Swim attire, unless providing water-based *massage* approved by the *regulatory body*; or

(1-2020)

- (c) Clothing worn in a manner that exposes the *massage therapist's particular anatomical areas*.

This section 33.3523 is regulatory only.

(“Massage Therapist Clothing Requirements” added 12-5-2000 by O-18907 N.S.; effective 7-1-2001.)

(Renumbered from former Section 33.3525 on 11-25-2014 by O-20437 N.S.; effective 12-25-2014.)

(Amended 11-20-2019 by O-21152 N.S.; effective 1-1-2020.)

§33.3524 **Massage Establishment, Sole Practitioner Massage Establishment, Massage Therapist, Off-Premise Massage Therapist Business Advertising Requirements**

- (a) Each *massage therapist, massage establishment, sole practitioner massage establishment*, or business permitted under this Division shall include the number of their *police permit* in any advertisement of services appearing in any newspaper, telephone directory, printed advertising medium, or electronic medium. The reference does not have to contain the words “*police permit.*” “City of San Diego permit number 1111,” or similar language, will suffice so long as the correct *police permit* number is included.
- (b) Advertising hours other than those allowed in this Division is grounds for regulatory action against the *permittee*. This subsection is regulatory only.
- (c) In addition to any criminal penalty, a violation of California Business and Professions Code section 17500 (false or misleading statements) is grounds for regulatory action against the *permittee*.

(“Massage Establishment, Massage Therapist, Off-premise Massage Business Advertising Requirements” added 12-5-2000 by O-18907 N.S.; effective 7-1-2001.)

(Renumbered from former Section 33.3526 and amended 11-25-2014 by O-20437 N.S.; effective 12-25-2014.)

(Retitled from “Massage Establishment, Massage Therapist, Off-Premise Massage Business Advertising Requirements” to “Massage Establishment, Sole Practitioner Massage Establishment, Massage Therapist, Off-Premise Massage Therapist Business Advertising Requirements” and amended 11-20-2019 by O-21152 N.S.; effective 1-1-2020.)

(1-2020)

§33.3525 Message Establishment or Sole Practitioner Massage Establishment Change of Location

A *permitted massage establishment* or *sole practitioner massage establishment* that changes location must conform to all applicable provisions of this Article.

(“Massage Establishment Change of Location” added 12-5-2000 by O-18907 N.S.; effective 7-1-2001.)

(Renumbered from former Section 33.3527 and amended 11-25-2014 by O-20437 N.S.; effective 12-25-2014.)

(Retitled from “Massage Establishment Change of Location” to “Massage Establishment or Sole Practitioner Massage Establishment Change of Location” and amended 11-20-2019 by O-21152 N.S.; effective 1-1-2020.)

§33.3526 Exemption from Hours of Operation

Notwithstanding other sections of this Division, a *permittee* may seek an exemption from the limits on the hours of operation for the *permittee* when there is a special event, such as an organized New Year’s Eve event or a charitable fund-raiser. The *Chief of Police* may grant the exemption if the *Chief of Police* determines that the public safety is not at risk.

(“Exemption from Hours of Operation” added 12-5-2000 by O-18907 N.S.; effective 7-1-2001.)

(Renumbered from former Section 33.3528 on 11-25-2014 by O-20437 N.S.; effective 12-25-2014.)

(Amended 11-20-2019 by O-21152 N.S.; effective 1-1-2020.)

§33.3527 Posting of Public Notice Regarding Slavery and Human Trafficking

It is unlawful for any *person* engaged in operating a *massage establishment* or *sole practitioner massage establishment* to fail to comply with the posting requirements of California Civil Code section 52.6.

(“Posting of Public Notice Regarding Slavery and Human Trafficking” added 11-20-2019 by O-21152 N.S.; effective 1-1-2020.)