

AMENDED IN ASSEMBLY APRIL 21, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 1504

Introduced by Committee on Business and Professions

February 24, 2025

An act to amend ~~Section 4602~~ Sections 4600.5, 4602, 4608, 4609, 4610, 4614, 4615, and 4621 of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL’S DIGEST

AB 1504, as amended, Committee on Business and Professions. California Massage Therapy Council.

~~(1) Existing~~

Existing law, the Massage Therapy Act, provides for the certification and regulation of massage professionals by the California Massage Therapy Council, which is a nonprofit organization. Existing private nonprofit organization governed by a board of directors composed of 13 members. Existing law requires one member to be appointed by the office of the Chancellor of the California Community Colleges, and authorizes the California Association of Private Postsecondary Schools to appoint one member. Existing law requires one member to be a certified massage therapist or a certified massage practitioner who is a California resident who has practiced massage for at least 3 years before appointment and is selected by a specified professional society, association, or other entity the membership of which is composed of massage therapist professionals, and that chooses to participate in the council.

This bill would remove the above-described appointment of one member by the office of the Chancellor of the California Community

Colleges, and would limit the appointment authority of the California Association of Private Postsecondary Schools by requiring that their appointed member represent an approved massage school. The bill would add an additional member who is a certified massage therapist or a certified massage practitioner who is selected by a specified professional society, association, or other entity, as described above, and would make conforming changes related to that provision.

Existing law authorizes the council to take any reasonable actions necessary to carry out the responsibilities and duties set forth in the Massage Therapy Act, including hiring staff.

This bill would prohibit the total annual compensation for any individual employed or contracted by the council from exceeding the annual salary provided to certain state officers during that fiscal year.

Existing law requires the council to issue a certificate to practice massage therapy to an applicant who meets specified qualifications, including that the applicant has successfully completed the curricula in massage and related subjects, as specified. Existing law requires the council to determine whether the school from which an applicant has obtained their education meets the requirement of the Massage Therapy Act. If the council has any reason to question whether or not the applicant received that education from the school or schools that the applicant is claiming, existing law requires the council to investigate the facts to determine that the applicant received the education before issuing the certificate.

This bill would authorize, instead of require, the council to conduct that investigation, as described above.

Existing law requires a certificate holder to notify the council within 30 days of any changes in the certificate holder's home address or the address of any massage establishment or other location where the certificate holder provides massage for compensation, except as specified.

This bill would also require a certificate holder to notify the council within 30 days of any changes in the certificate holder's legal name.

Existing law makes it a violation of the Massage Therapy Act for an applicant or certificate holder to commit certain acts, and makes the commission of those acts grounds for the council to deny an application for a certificate or to impose discipline on a certificate holder. Those acts include being convicted of any felony, misdemeanor, infraction, or municipal code violation, or being held liable in an administrative

or civil action for an act, that is substantially related to the qualifications, functions, or duties of a certificate holder.

This bill would specify that a plea or verdict of guilty, or a conviction after a plea of nolo contendere, is a conviction for purposes of the above-described provision. The bill would also include among those specified acts that are considered a violation the determination of being a threat to public safety based on mental health reasons by a medical or mental health professional, or the rendering of a finding of not guilty in a criminal proceeding by reason of insanity.

Existing law authorizes a board to deny a license on the grounds that the applicant has been convicted of a crime or was subject to formal discipline within the preceding 7 years from the date of application based on professional misconduct that is substantially related to the qualifications, functions, or duties of the business or profession for which the present application is made, as specified and subject to certain exceptions. Existing law requires a board to follow specified procedures in requesting or acting on an applicant's criminal history information, including notifying the applicant in writing, as specified, if a board decides to deny an application for licensure based solely or in part on the applicant's conviction history.

This bill would require the denial of an initial certificate to practice massage therapy on the grounds that the applicant has been convicted of a crime or has been subject to formal discipline as provided under the act to be consistent with the above-described provisions authorizing a board to deny a license.

Existing law requires the council to follow specified procedures for deciding upon and imposing the denial of a certificate or the discipline of a certificate holder under the Massage Therapy Act. Existing law requires, with certain exceptions, the council to provide an opportunity for the applicant or certificate holder, to be heard, orally or in writing, not less than 5 days before the effective date of the denial or discipline, by a person or body authorized to decide whether the proposed denial or discipline should go into effect.

This bill would specify that the person or body authorized to make that decision is a person or body authorized by the board of directors.

Existing law authorizes the council to immediately suspend the certificate if the council determines that a certificate holder has committed an act punishable as a sexually related crime or a felony that is substantially related to the qualifications, functions, or duties of a certificate holder. Existing law provides the certificate holder the

right to request, in writing, an oral hearing or consideration of a written statement to challenge the factual basis for the suspension, and a requested oral hearing or consideration to be held within 30 calendar days after the receipt of the request.

This bill would specify that the oral hearing or consideration is to be held by a person or body authorized by the board of directors.

The bill would authorize an applicant or certificate holder to appeal a final decision of the council to deny or revoke a certificate. In this regard, the bill would require an appeal of the final decision to be heard at the next board of directors meeting, as specified, that is at least 120 days from the last date for the applicant or certificate holder to timely request an appeal, except as specified. The bill would require the council to notify the applicant or certificate holder of its right to appeal pursuant to these provisions at the time of the final decision.

Existing law requires the council, upon request of any law enforcement agency or any other representative of a local government agency with responsibility for regulating or administering a local ordinance relating to massage or massage establishments, to provide information concerning an applicant or certificate holder, including the name and home and work addresses of any person whose certificate has been suspended and the length of the suspension if the work address is located within the jurisdiction of the agency making the request, and any other information in the council's possession that is necessary to verify facts relevant to administering the local ordinance.

The bill would revise the entities to which the council is required to provide that information to include any law enforcement agency, state agency, or representative of a local government agency with responsibility for regulating or administering a local ordinance relating to massage or massage establishments. The bill would remove the requirement that the work address be located within the jurisdiction of the agency making the request. The bill would expand the information the council is required to provide the requesting agency to instead include any information in the council's possession that is necessary to verify facts relevant to administering a local massage or massage establishment ordinance, or any other federal, state, or local enforcement laws related to massage or massage establishments, human trafficking, organized crime, acts punishable as a sexually related crime, or regulating a California-licensed profession.

Existing law requires the council to develop policies, procedures, rules, or bylaws governing the requirements and processes for

approving, denying approval of, imposing corrective action on, or unapproving schools from which applicants obtain their education, as specified. Existing law requires the council, on or before one year from the date the council receives an initial application for approval as a school, to approve the school, propose to deny approval of the school, or notify the school that corrective action is required, and authorizes the council to deny the application of a school that fails to adequately rectify the deficiencies. Existing law authorizes a school to appeal the council's final decision to deny approval of the school, and requires the appeal to be heard at the next board of directors meeting, as specified.

This bill would require the council to notify the school of its right to appeal pursuant to these provisions at the time of the final decision.

Existing law states the intent of the Legislature that, among other things, the Massage Therapy Act enables consumers and local government to more easily identify certified massage professionals and provide for consistent statewide certification and oversight of massage professionals. Existing law repeals the Massage Therapy Act on January 1, 2026.

~~*This bill would state the intent of the Legislature to evaluate the California Massage Therapy Council through the joint legislative sunset review oversight process and to subsequently effectuate any recommendations produced through that process.*~~

This bill would also state the intent of the Legislature that, among other things, both state and local regulation of massage therapy reflect the recognized status of certified massage professionals as health care providers. The bill would instead repeal the act on January 1, 2030.

~~(2) Existing~~

Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act imposes various requirements on a state body holding a meeting subject to the act, including, among other things, requiring the state body to provide notice of its meeting to any person who requests that notice in writing.

The Massage Therapy Act requires meetings of the council to be subject to the rules of the Bagley-Keene Open Meeting Act, and authorizes the board to adopt additional policies and procedures that provide greater transparency to certificate holders and the public than required by the act.

This bill would, except as otherwise provided in the Massage Therapy Act, require meetings of the council to be governed by Robert's Rules of Order, Newly Revised.

The bill would require the council to provide a meaningful opportunity for public participation in the adoption, amendment, or repeal of any policies, procedures, rules, or bylaws that substantially impact the rights, benefits, privileges, duties, obligations, or responsibilities of individuals or entities subject to certification or approval by the council, including, among other things, actions by the council to increase fees. In this regard, the bill would require the council, at a minimum, to publish the complete text of any policies, procedures, rules, or bylaws proposed for adoption, amendment, or repeal along with a summary of the changes being considered for a period of at least 45 calendar days before the adoption, amendment, or repeal, and to accept written public comments during the 45-day period and allow further public comment during a meeting held for these purposes that is noticed and conducted in compliance with the Bagley-Keene Open Meeting Act.

Existing law, the California Public Records Act, requires state and local agencies to make their records available for public inspection, unless an exemption from disclosure applies.

This bill would require the records of the council to be open to public inspection pursuant to the California Public Records Act, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. It is the intent of the Legislature to evaluate the~~
2 ~~California Massage Therapy Council through the joint legislative~~
3 ~~sunset review oversight process and to subsequently effectuate~~
4 ~~any recommendations produced through that process.~~
5 SECTION 1. Section 4600.5 of the Business and Professions
6 Code is amended to read:
7 4600.5. (a) It is the intent of the Legislature that this act enable
8 consumers and local governments to more easily identify certified
9 massage professionals, provide for consistent statewide certification
10 and oversight of massage professionals, ensure that schools
11 approved by the council that are teaching massage provide a high
12 level of training, assist local governments and law enforcement in
13 meeting their duty to maintain the highest standards of conduct in

1 message establishments by vetting and disciplining certificate
2 holders, provide for a self-funded nonprofit oversight body to
3 certify massage professionals, and ensure full compliance with,
4 and execution of, the requirements of this act.

5 (b) It is the intent of the Legislature that broad control over land
6 use in regulating massage establishments be vested in local
7 governments so that they may manage those establishments in the
8 best interests of the individual community, and that the
9 requirements and practice of the profession of massage therapy
10 remain a matter of statewide concern, regulation, and oversight.
11 Local governments should give strong consideration to establishing
12 a registration program that grants local governments the ability to
13 either suspend or revoke a registration of massage business for
14 specific violations.

15 (c) It is the intent of the Legislature that local governments, law
16 enforcement, nonprofit stakeholders, the massage industry, and
17 massage professionals work together going forward to improve
18 communication and share information to further increase the value
19 of statewide certification, to collaborate in the implementation of
20 this act, and to develop a model ordinance reflecting best practices
21 in massage regulation for cities and counties to adopt that will
22 respect local control, patient privacy, and the dignity of the
23 profession of massage therapy.

24 (d) *It was the intent of the Legislature in creating the council,*
25 *and it is further the intent of the Legislature in extending the*
26 *council's powers and duties through the sunset review process,*
27 *that the council serve as a quasi-public entity entrusted with*
28 *administering a state function in its certification and oversight of*
29 *the massage therapy profession.*

30 (e) *It is the intent of the Legislature that both state and local*
31 *regulation of massage therapy reflect the recognized status of*
32 *certified massage professionals as health care providers.*

33 SEC. 2. Section 4602 of the Business and Professions Code is
34 amended to read:

35 4602. (a) The California Massage Therapy Council, as defined
36 in subdivision (d) of Section 4601, is hereby established and shall
37 carry out the responsibilities and duties set forth in this chapter.

38 (b) (1) The council may take any reasonable actions necessary
39 to carry out the responsibilities and duties set forth in this chapter,
40 including, but not limited to, hiring staff, entering into contracts,

1 and developing policies, procedures, rules, and bylaws to
2 implement this chapter.

3 *(2) Notwithstanding any other law, the total annual*
4 *compensation for any individual employed or contracted by the*
5 *council shall not exceed the annual salary provided pursuant to*
6 *Section 11550 of the Government Code during that fiscal year.*

7 (c) The council may require background checks for all
8 employees, contractors, volunteers, and board members as a
9 condition of their employment, formation of a contractual
10 relationship, or participation in council activities.

11 (d) The council shall issue a certificate to an individual applicant
12 who satisfies the requirements of this chapter for that certificate.

13 (e) The council is authorized to determine whether the
14 information provided to the council in relation to the certification
15 of an applicant is true and correct and meets the requirements of
16 this chapter. If the council has any reason to question whether the
17 information provided is true or correct, or meets the requirements
18 of this chapter, the council is authorized to make any investigation
19 it deems necessary to establish that the information received is
20 accurate and satisfies any criteria established by this chapter. The
21 applicant has the burden to prove that they are entitled to
22 certification.

23 (f) The council shall be governed by a board of directors
24 composed of 13 members who shall be chosen in the following
25 manner:

26 (1) One member shall be a representative of the League of
27 California Cities, unless that entity chooses not to exercise this
28 right to appoint.

29 (2) One member shall be a representative of the California Police
30 Chiefs Association, unless that entity chooses not to exercise this
31 right to appoint.

32 (3) One member shall be a representative of the California State
33 Association of Counties, unless that entity chooses not to exercise
34 this right to appoint.

35 (4) One member shall be a representative of an “anti-human
36 trafficking” organization to be determined by the council. This
37 organization shall appoint one member, unless the organization
38 chooses not to exercise this right to appoint.

1 ~~(5) One member shall be appointed by the Office of the~~
2 ~~Chancellor of the California Community Colleges, unless that~~
3 ~~office chooses not to exercise this right to appoint.~~

4 ~~(6)~~

5 (5) One member shall be a member of the public appointed by
6 the Director of the Department of Consumer Affairs, unless the
7 director chooses not to exercise this right to appoint.

8 ~~(7)~~

9 (6) One member *who represents an approved massage school*
10 *shall be appointed by the California Association of Private*
11 *Postsecondary Schools, unless that entity chooses not to exercise*
12 *this right to appoint.*

13 ~~(8)~~

14 (7) One member shall be appointed by the American Massage
15 Therapy Association, California Chapter, who shall be a
16 California-certified massage therapist or massage practitioner who
17 is a California resident and who has been practicing massage for
18 at least three years, unless that entity chooses not to exercise this
19 right to appoint.

20 ~~(9)~~

21 (8) One member shall be a public health official representing a
22 city, county, city and county, or state health department, to be
23 determined by the council. The city, county, city and county, or
24 state health department chosen, shall appoint one member unless
25 that entity chooses not to exercise this right to appoint.

26 ~~(10)~~

27 (9) (A) ~~One member~~ *Two members* shall *each* be a certified
28 massage therapist or a certified massage practitioner who is a
29 California resident who has practiced massage for at least three
30 years prior to the appointment, selected by a professional society,
31 association, or other entity ~~which~~ *the membership of which* is
32 composed of massage therapist professionals, and that chooses to
33 participate in the council. To qualify, a professional society,
34 association, or other entity shall have a dues-paying membership
35 in California of at least 1,000 individuals, have been established
36 since 2000, and shall have bylaws that require its members to
37 comply with a code of ethics.

38 (B) If there is more than ~~one professional society, association,~~
39 ~~or other entity that meets~~ *two professional societies, associations,*
40 *or other entities that meet* the requirements of subparagraph (A),

1 the ~~appointment~~ *appointments* shall rotate based on a four-year
2 term between each of the qualifying entities. The qualifying entity
3 shall maintain its appointment authority during the entirety of the
4 four-year term during which it holds the appointment authority.
5 The order in which a qualifying professional society, association,
6 or other entity has the authority to appoint shall be determined by
7 alphabetical order based on the full legal name of the entity as of
8 January 1, 2014.

9 ~~(H)~~

10 (10) The members appointed to the board in accordance with
11 paragraphs (1) to ~~(10)~~, (9), inclusive, shall appoint three additional
12 members, at a duly held board meeting in accordance with the
13 board's bylaws. One of those appointees shall be an attorney
14 licensed by the State Bar of California who has been practicing
15 law for at least three years and who at the time of appointment
16 represents a city, county, or a city and county in the state. One of
17 those appointees shall represent a massage business entity that has
18 been operating in the state for at least three years. The council
19 shall establish in its bylaws a process for appointing an additional
20 member, provided that the member has knowledge of the massage
21 industry or can bring needed expertise to the operation of the
22 council for purposes of complying with Section 4603.

23 (g) Any decision to change the appointing authority of any
24 member appointed to the board pursuant to paragraphs (1) to ~~(10)~~,
25 (9), inclusive, of subdivision (f) shall not be effective unless the
26 current member has completed their term under subdivision (h) or
27 the appointment is vacant.

28 (h) (1) Board member terms shall be for four years and until
29 the appointment and qualification of their successor or until one
30 year from the expiration of the term for which the member was
31 appointed, whichever occurs first. A board member who has served
32 two terms shall not be eligible for reappointment to the board
33 regardless of the appointing authority. Any board member who,
34 as of January 1, 2025, has served on the board for 8 out of the
35 preceding 10 years, regardless of the appointing authority, shall
36 vacate their appointment no later than July 1, 2025.

37 (2) A board member may be removed only by their appointing
38 authority under the conditions provided in Section 106.

39 (i) The board of directors shall establish fees reasonably related
40 to the cost of providing services and carrying out its ongoing

responsibilities and duties. Initial and renewal fees for certificates shall be in an amount sufficient to support the functions of the council in the administration of this chapter, but in no event shall exceed three hundred dollars (\$300). The renewal fee shall be reassessed biennially by the board.

~~(j) The meetings of the council shall be subject to the rules of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code). The board may adopt additional policies and procedures that provide greater transparency to certificate holders and the public than required by the Bagley-Keene Open Meeting Act. Except as otherwise provided in this chapter, meetings of the council shall be governed by Robert's Rules of Order, Newly Revised.~~

~~(k)~~

(j) Prior to holding a meeting to vote upon a proposal to increase the certification fees, the board shall provide at least 90 days' notice of the meeting, including posting a notice on the council's internet website unless at least two-thirds of the board members concur that there is an active threat to public safety and that voting at a meeting without prior notice is necessary. However, the board shall not waive the requirements of subdivision ~~(i)~~. (l).

~~(i)~~

(k) If the board approves an increase in the certification fees, the council shall update all relevant areas of its internet website and notify all certificate holders and affected applicants by email within 14 days of the board's action.

(l) The meetings of the council shall be subject to the rules of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code). The board may adopt additional policies and procedures that provide greater transparency to certificate holders and the public than required by the Bagley-Keene Open Meeting Act. Except as otherwise provided in this chapter, meetings of the council shall be governed by Robert's Rules of Order, Newly Revised.

(m) (1) *The council shall provide a meaningful opportunity for public participation in the adoption, amendment, or repeal of any policies, procedures, rules, or bylaws that substantially impact the rights, benefits, privileges, duties, obligations, or*

1 responsibilities of individuals or entities subject to certification
2 or approval by the council, including, but not limited to, actions
3 by the council to increase fees, impose additional requirements
4 for certification or approval, or substantively modify the
5 disciplinary processes.

6 (2) For purposes of this subdivision, the council shall, at a
7 minimum, publish the complete text of any policies, procedures,
8 rules, or bylaws proposed for adoption, amendment, or repeal
9 along with a summary of the changes being considered for a period
10 of at least 45 calendar days before the adoption, amendment, or
11 repeal. The council shall accept written public comments during
12 the 45-day period and allow further public comment during a
13 meeting held for these purposes that is noticed and conducted in
14 compliance with the Bagley-Keene Open Meeting Act (Article 9
15 (commencing with Section 11120) of Chapter 1 of Part 1 of
16 Division 3 of Title 2 of the Government Code).

17 ~~(m)~~

18 (n) The council shall assess its contact with non-English
19 speakers. Based on this assessment, the council shall offer and
20 make available all publicly available written and electronic
21 materials provided to certificate holders and applicants in languages
22 other than English that the council determines will be used by a
23 substantial number of non-English speakers who are in contact
24 with the council. This subdivision shall not apply to examinations,
25 denial and disciplinary legal documents, and email
26 communications. The council shall provide a report to the
27 Legislature on the findings of its assessment of contact with
28 non-English speakers on or before January 1, 2019.

29 (o) The records of the council shall be open to public inspection
30 pursuant to the California Public Records Act (Chapter 1
31 (commencing with Section 7920.000) of Part 1 of Division 10 of
32 Title 1 of the Government Code) as though the council were a
33 public agency for purposes of that act.

34 SEC. 3. Section 4608 of the Business and Professions Code is
35 amended to read:

36 4608. In addition to the other requirements of this chapter, a
37 certificate holder shall:

38 (a) Display ~~his or her~~ their original certificate wherever ~~he or~~
39 ~~she provides~~ they provide massage for compensation. A certificate
40 holder shall have ~~his or her~~ their identification card in ~~his or her~~

1 *their* possession while providing massage services for
2 compensation.

3 (b) Provide ~~his or her~~ *their* full name and certificate number
4 upon the request of a member of the public, the council, or a
5 member of law enforcement, or a local government agency charged
6 with regulating massage or massage establishments, at the location
7 where ~~he or she is~~ *they are* providing massage services for
8 compensation.

9 (c) Include the name under which ~~he or she is~~ *they are* certified
10 and ~~his or her~~ *their* certificate number in any and all advertising
11 of massage for compensation.

12 (d) Notify the council within 30 days of any changes in the
13 certificate holder's ~~home address~~ *legal name, home address*, or
14 the address of any massage establishment or other location where
15 ~~he or she provides~~ *they provide* massage for compensation,
16 excluding those locations where massage is only provided on an
17 out-call basis. A certificate holder also shall notify the council of
18 ~~his or her~~ *their* primary email address, if any, and notify the council
19 within 30 days of a change of the primary email address.

20 *SEC. 4. Section 4609 of the Business and Professions Code is*
21 *amended to read:*

22 4609. (a) It is a violation of this chapter for an applicant or a
23 certificate holder to commit any of the following acts, the
24 commission of which is grounds for the council to deny an
25 application for a certificate or to impose discipline on a certificate
26 holder:

27 (1) Unprofessional conduct, including, but not limited to, any
28 of the following:

29 (A) Engaging in sexually suggestive advertising related to
30 massage services.

31 (B) Engaging in any form of sexual activity on the premises of
32 a massage establishment where massage is provided for
33 compensation, excluding a residence.

34 (C) Engaging in sexual activity while providing massage
35 services for compensation.

36 (D) Practicing massage on a suspended certificate or practicing
37 outside of the conditions of a restricted certificate.

38 (E) Providing massage of the genitals or anal region.

1 (F) Providing massage of female breasts without the written
2 consent of the person receiving the massage and a referral from a
3 licensed California health care provider.

4 (2) Procuring or attempting to procure a certificate by fraud,
5 misrepresentation, or mistake.

6 (3) Failing to fully disclose all information requested on the
7 application.

8 (4) Impersonating an applicant or acting as a proxy for an
9 applicant in any examination referred to in this chapter for the
10 issuance of a certificate.

11 (5) Impersonating a certificate holder, or permitting or allowing
12 a noncertified person to use a certificate.

13 (6) Violating or attempting to violate, directly or indirectly, or
14 assisting in or abetting the violation of, or conspiring to violate,
15 any provision of this chapter or any rule or bylaw adopted by the
16 council.

17 (7) Committing any fraudulent, dishonest, or corrupt act that is
18 substantially related to the qualifications or duties of a certificate
19 holder.

20 (8) Denial of licensure, revocation, suspension, restriction,
21 citation, or any other disciplinary action against an applicant or
22 certificate holder by another state or territory of the United States,
23 by any other government agency, or by another California health
24 care professional licensing board. A certified copy of the decision,
25 order, judgment, or citation shall be conclusive evidence of these
26 actions.

27 (9) Being convicted of any felony, misdemeanor, infraction, or
28 municipal code violation, or being held liable in an administrative
29 or civil action for an act, that is substantially related to the
30 qualifications, functions, or duties of a certificate holder. *A plea*
31 *or verdict of guilty, or a conviction after a plea of nolo contendere,*
32 *shall be a conviction for purposes of this paragraph.* A record of
33 the conviction or other judgment or liability shall be conclusive
34 evidence of the crime or liability.

35 (10) Dressing while engaged in the practice of massage for
36 compensation, or while visible to clients in a massage
37 establishment, in any of the following:

38 (A) Attire that is transparent, see-through, or substantially
39 exposes the certificate holder's undergarments.

1 (B) Swim attire, if not providing a water-based massage
2 modality approved by the council.

3 (C) A manner that exposes the certificate holder's breasts,
4 buttocks, or genitals.

5 (D) A manner that constitutes a violation of Section 314 of the
6 Penal Code.

7 (E) A manner that is otherwise deemed by the council to
8 constitute unprofessional attire based on the custom and practice
9 of the profession in California.

10 (11) Committing any act punishable as a sexually related crime
11 or being required to register pursuant to the Sex Offender
12 Registration Act (Chapter 5.5 (commencing with Section 290) of
13 Title 9 of Part 1 of the Penal Code), or being required to register
14 as a sex offender in another state.

15 *(12) Being determined to be a threat to public safety based on*
16 *mental health reasons by a medical or mental health professional,*
17 *or rendered a finding of not guilty in a criminal proceeding by*
18 *reason of insanity.*

19 (b) The council may deny an application for a certificate for the
20 commission of any of the acts described in subdivision (a). The
21 council may also discipline a certificate holder, in any manner
22 permitted by this chapter, for the commission of any of those acts
23 by a certificate holder.

24 (c) The council shall deny an application for a certificate, or
25 revoke the certificate of a certificate holder, if the applicant or
26 certificate holder is required to register pursuant to the Sex
27 Offender Registration Act (Chapter 5.5 (commencing with Section
28 290) of Title 9 of Part 1 of the Penal Code), or is required to
29 register as a sex offender in another state.

30 *(d) Denial of an initial certificate on the grounds that the*
31 *applicant has been convicted of a crime or has been subject to*
32 *formal discipline as provided in this section shall be consistent*
33 *with the requirements of Section 480.*

34 *SEC. 5. Section 4610 of the Business and Professions Code is*
35 *amended to read:*

36 4610. (a) An applicant for a certificate shall not be denied a
37 certificate, and a certificate holder shall not be disciplined pursuant
38 to this chapter except according to procedures that satisfy the
39 requirements of this section. Denial or discipline that is not in
40 accord with this section shall be void and without effect.

(b) The council may discipline a certificate holder by any, or a combination, of the following methods:

(1) Placing the certificate holder on probation, which may include limitations or conditions on practice.

(2) Suspending the certificate and the rights conferred by this chapter on a certificate holder for a period not to exceed one year.

(3) Suspending or staying the disciplinary order, or portions of it, with or without conditions.

(4) Revoking the certificate.

(5) Taking other action as the council deems proper, as authorized by this chapter or policies, procedures, rules, or bylaws adopted by the board.

(c) The council may issue an initial certificate on probation, with specific terms and conditions, to any applicant.

(d) Any denial or discipline shall be decided upon and imposed in good faith and in a fair and reasonable manner. Any procedure that conforms to the requirements of subdivision (e) is fair and reasonable.

(e) A procedure is fair and reasonable and meets requirements for fair procedure if the procedures specified in subdivision (f) or (g) are followed or if all of the following apply:

(1) Denial or discipline shall be based on a preponderance of the evidence. In determining the basis for the denial or discipline and making a final decision that denial or discipline shall be imposed, the council may consider all written documents or statements as evidence, but shall weigh the reliability of those documents or statements. A final decision to deny or impose discipline may be based solely on a written statement or declaration made under penalty of perjury and the individual providing the written statement or declaration made under penalty of perjury shall not be required to appear at an oral hearing or provide additional documents or information beyond the written statement or declaration made under penalty of perjury that was already provided.

(2) The provisions of the procedure are publicly available on the council's ~~Internet Web site~~, *internet website*.

(3) The council provides 15 calendar days prior notice of the denial or discipline and the reasons for the denial or discipline.

(4) The council provides an opportunity for the applicant or certificate holder, to be heard, orally or in writing, not less than

1 five days before the effective date of the denial or discipline, by
2 a person or body authorized *by the board of directors* to decide
3 whether the proposed denial or discipline should go into effect.

4 (f) (1) Notwithstanding any other law, if the council receives
5 notice that a certificate holder has been arrested and charges have
6 been filed by the appropriate prosecuting agency against the
7 certificate holder alleging a violation of subdivision (b) of Section
8 647 of the Penal Code or any other offense described in paragraph
9 (11) of subdivision (a) of Section 4609, the council shall
10 immediately suspend, on an interim basis, the certificate of that
11 certificate holder, and take all of the following additional actions:

12 (A) Notify the certificate holder at the address last filed with
13 the council that the certificate has been suspended and the reason
14 for the suspension within 10 business days.

15 (B) Provide notification of the suspension by email to the clerk
16 or other designated contact of the city, county, or city and county
17 in which the certificate holder lives or works, pursuant to the
18 council's records, within 10 business days.

19 (C) Provide notification of the suspension by email or first-class
20 mail to any establishment or employer, whether public or private,
21 that the council has in its records as employing the certificate
22 holder, within 10 business days.

23 (2) Upon notice to the council that the charges described in
24 paragraph (1) have resulted in a conviction, the council shall
25 permanently revoke the suspended certificate. The council shall
26 provide notice to the certificate holder, at the address last filed
27 with the council by a method providing delivery confirmation,
28 within 10 business days that it has evidence of a valid record of
29 conviction and that the certificate will be revoked unless the
30 certificate holder provides evidence within 15 days from the date
31 of the council's mailing of the notice that the conviction is either
32 invalid or that the information is otherwise erroneous.

33 (3) Upon notice that the charges described in paragraph (1) have
34 resulted in an acquittal or have been otherwise dismissed prior to
35 conviction, the certificate shall be immediately reinstated and the
36 certificate holder and any establishment or employer that received
37 notice pursuant to this section shall be notified of the reinstatement
38 within 10 business days.

39 (g) (1) Notwithstanding any other law, if the council determines
40 that a certificate holder has committed an act punishable as a

1 sexually related crime or a felony that is substantially related to
2 the qualifications, functions, or duties of a certificate holder, the
3 council may immediately suspend the certificate of that certificate
4 holder. A determination to immediately suspend a certificate
5 pursuant to this subdivision shall be based upon a preponderance
6 of the evidence and the council shall also consider any available
7 credible mitigating evidence before making a decision. Written
8 statements by any person shall not be considered by the council
9 when determining whether to immediately suspend a certificate
10 unless made under penalty of perjury. If the council suspends a
11 certificate in accordance with this subdivision, the council shall
12 take all of the following additional actions:

13 (A) Notify the certificate holder within 10 business days, at the
14 address last filed with the council, by a method providing delivery
15 confirmation, that the certificate has been suspended, the reason
16 for the suspension, and that the certificate holder has the right to
17 request a hearing pursuant to paragraph (2).

18 (B) Notify by email or any other means consistent with the
19 notice requirements of this chapter, any business or employer,
20 whether public or private, that the council has in its records as
21 employing or contracting with the certificate holder for massage
22 services, and the California city, county, or city and county that
23 has jurisdiction over that establishment or employer, that the
24 certificate has been suspended within 10 business days.

25 (2) A certificate holder whose certificate is suspended pursuant
26 to this subdivision shall have the right to request, in writing, an
27 oral hearing or consideration of a written statement to challenge
28 the factual basis for the suspension. If the holder of the suspended
29 certificate requests an oral hearing or consideration of a written
30 statement on the suspension, the oral hearing or consideration of
31 a written statement shall be held *by a person or body authorized*
32 *by the board of directors* within 30 calendar days after receipt of
33 the request. A holder whose certificate is suspended based on
34 paragraph (1) shall be subject to revocation or other discipline in
35 accordance with subdivision (a).

36 (3) If the council determines, after a hearing conducted pursuant
37 to this subdivision, to lift the suspension, the certificate shall be
38 immediately reinstated and the certificate holder, any establishment
39 or employer, and the city, county, or city and county that has
40 jurisdiction over that establishment or employer, that received

1 notice pursuant to this section shall be notified of the reinstatement
2 within 10 business days.

3 (h) Any notice required under this section may be given by any
4 method reasonably calculated to provide actual notice. Any notice
5 given by mail shall be given by first-class or certified mail sent to
6 the last address of the applicant or certificate holder shown on the
7 council's records.

8 (i) An applicant or certificate holder may challenge a denial or
9 discipline decision issued pursuant to this section in a court of
10 competent jurisdiction. Any action challenging a denial or
11 discipline, including any claim alleging defective notice, shall be
12 commenced within 90 days after the effective date of the denial
13 or discipline. Certification issued pursuant to this chapter is not a
14 fundamental vested right and judicial review of denial and
15 disciplinary decisions made by the council shall be conducted
16 using the substantial evidence standard of review. If the action is
17 successful, the court may order any relief, including reinstatement,
18 that it finds equitable under the circumstances.

19 (j) *An applicant or certificate holder may appeal a final decision*
20 *by the council to deny or revoke a certificate. An appeal of the*
21 *final decision to deny or revoke a certificate shall be heard at the*
22 *next board of directors meeting with a date, as posted on the*
23 *internet website of the council, that is at least 120 days from the*
24 *last date for the applicant or certificate holder to timely request*
25 *an appeal, unless a timely request for a continuance of the hearing*
26 *date is granted. The council may, in its discretion, for good cause,*
27 *continue the date an appeal may be heard, in which case the appeal*
28 *shall be heard at a later board of directors meeting. The council*
29 *shall notify the applicant or certificate holder of its right to appeal*
30 *pursuant to this subdivision at the time of the final decision.*

31 (j)

32 (k) This section governs only the procedures for denial or
33 discipline decision and not the substantive grounds for the denial
34 or discipline. Denial or discipline based upon substantive grounds
35 that violates contractual or other rights of the applicant or certificate
36 holder, or is otherwise unlawful, is not made valid by compliance
37 with this section.

38 SEC. 6. *Section 4614 of the Business and Professions Code is*
39 *amended to read:*

1 4614. (a) Upon the request of any law enforcement agency or
2 ~~any other agency, state agency, or~~ representative of a local
3 government agency with responsibility for regulating or
4 administering a local ordinance relating to massage or massage
5 establishments, the council shall provide information concerning
6 an applicant or a certificate holder, including, but not limited to,
7 any of the following:

8 (1) The current status of an application or certificate.

9 (2) Any history of disciplinary actions.

10 (3) The home and work addresses of the applicant or certificate
11 holder.

12 (4) The name and home and work addresses of any person whose
13 certificate has been suspended and the length of the ~~suspension,~~
14 ~~if the work address is located within the jurisdiction of agency~~
15 ~~making the request.~~ *suspension.*

16 (5) Any other information in the council's possession that is
17 necessary to verify facts relevant to administering ~~the local~~
18 ~~ordinance.~~ *any local massage or massage establishment ordinance*
19 *or any other federal, state, or local enforcement laws related to*
20 *massage or massage establishments, human trafficking, organized*
21 *crime, acts punishable as a sexually related crime, or regulating*
22 *a California-licensed profession.*

23 (b) Upon the request of the council, any law enforcement agency
24 or any other representative of a local government agency with
25 responsibility for regulating or administering a local ordinance
26 relating to massage or massage establishments is authorized to
27 provide information to the council concerning an applicant or
28 certificate holder, including, but not limited to, any of the
29 following:

30 (1) The current status of any local application or permit.

31 (2) Any history of legal or administrative action taken against
32 the applicant or certificate holder.

33 (3) Any information related to criminal activity or unprofessional
34 conduct allegedly engaged in by a certificate applicant or certificate
35 holder, including, but not limited to, police reports and declarations
36 of conduct.

37 (4) The home and work addresses of the applicant or certificate
38 holder.

39 (5) Any other information in the possession of the law
40 enforcement agency or other local government agency that is

1 necessary to verify information or otherwise implement this
2 chapter.

3 (c) The council shall accept information provided by any law
4 enforcement agency or any other representative of a local
5 government agency with responsibility for regulating or
6 administering a local ordinance relating to massage and review
7 that information in a timely manner. The council shall have the
8 responsibility to review any information received pursuant to this
9 subdivision and to take any actions authorized by this chapter that
10 are warranted by that information.

11 *SEC. 7. Section 4615 of the Business and Professions Code is*
12 *amended to read:*

13 4615. (a) The council shall have the responsibility to determine
14 whether the school from which an applicant has obtained the
15 education required by this chapter meets the requirements of this
16 chapter.

17 (1) If the council has any reason to question whether or not the
18 applicant received the education that is required by this chapter
19 from the school or schools that the applicant is claiming, the
20 council ~~shall~~ *may* investigate the facts to determine that the
21 applicant received the required education before issuing a
22 certificate.

23 (2) For purposes of this section and any other provision of this
24 chapter that authorizes the council to receive factual information
25 as a condition of taking any action, the council may conduct oral
26 interviews of the applicant and others or conduct any investigation
27 deemed necessary to establish that the information received is
28 accurate and satisfies the criteria established by this chapter.

29 (b) (1) The council shall develop policies, procedures, rules,
30 or bylaws governing the requirements and process for approving,
31 denying approval of, imposing corrective action on, or unapproving
32 schools consistent with Section 4601. These policies, procedures,
33 rules, or bylaws shall address topics including, but not limited to,
34 what constitutes an acceptable curriculum, facility requirements,
35 student-teacher ratios, clinical practice requirements, and provisions
36 for the acceptance of accreditation from a recognized accreditation
37 body or other form of acceptance.

38 (2) The approval process for a school shall be consistent with
39 the following timelines:

1 (A) (i) On or before 30 days from the date the council receives
2 an initial application for school approval, the council shall notify
3 the school whether or not, for the purpose of preliminary review,
4 the application is complete.

5 (ii) A notice that an initial application is not complete for the
6 purpose of preliminary review shall specify what additional
7 documents or payment of fees the school is required to submit to
8 the council to make the application complete for the purpose of
9 preliminary review.

10 (B) Within 60 days from the date the council notifies the school
11 that the initial application is not complete for purposes of
12 preliminary review, the school shall provide the missing
13 information and pay the required fees. If a school fails to do so,
14 the council shall purge the application. The council may, in its sole
15 discretion, provide a school with an additional 30 days to make
16 its application complete for purposes of preliminary review. A
17 school with a purged application may submit a new application
18 for school approval, including the required fees, without prejudice,
19 after 180 days have passed from the effective date of purging. The
20 council shall post on its internet website the effective date of
21 purging.

22 (C) (i) On or before one year from the date the council receives
23 an initial application for approval as a school, the council shall
24 approve the school, propose to deny approval of the school, or
25 notify the school that corrective action is required. The council
26 reserves the right to issue a one-time notice of corrective action
27 on an initial application. If the school fails to adequately rectify
28 the deficiencies, the council may deny the application.

29 (ii) Within one year from the date that the council notifies a
30 school of its proposed decision to deny approval of an initial
31 application for school approval, the council shall notify the school
32 of its final decision pursuant to any oral telephonic hearing or
33 consideration of a written statement provided in opposition to the
34 proposed decision to deny approval of the initial application for
35 school approval.

36 (D) A school may appeal the council's final decision to deny
37 approval of the school. An appeal of the council's final decision
38 to deny approval of a school shall be heard at the next board of
39 directors meeting with a date, as posted on the council's internet
40 website, that is at least 120 days from the last date for the school

1 to timely request an appeal, unless a timely request for a
2 continuance of the hearing date is granted. The council may, in its
3 discretion, for good cause, continue the date an appeal may be
4 heard, in which case the appeal shall be heard at a later board of
5 directors meeting. *The council shall notify the school of its right*
6 *to appeal pursuant to this subdivision at the time of the final*
7 *decision.*

8 (3) The council shall exercise its authority to approve, deny
9 approval of, and unapprove schools and specify corrective action
10 in keeping with the purposes set forth in Section 4603.

11 (c) The council may charge a reasonable fee for the inspection
12 or approval of schools, provided the fees do not exceed the
13 reasonable cost of the inspection or approval process.

14 (d) The council shall note on its internet website the date that
15 a letter proposing to deny a school's application for approval or
16 reapproval or requesting corrective action has been sent to the
17 school and the final outcome and date of that proposed action.

18 (e) For purposes of this section, the following terms have the
19 following meanings:

20 (1) "Initial application" means a new application submitted by
21 a school for school approval.

22 (2) "Complete application," for purposes of preliminary review,
23 means an application that the council, after preliminary review,
24 has determined contains all the necessary documents for the council
25 to begin a more thorough review process that allows the council
26 to make a decision to approve or propose to deny the application
27 for school approval or request corrective action. A complete
28 application is not an approved application and a determination by
29 the council upon preliminary review that an application is complete
30 shall not prejudice the council's ability to later determine that the
31 application is not complete.

32 (3) "Preliminary review" means an initial review conducted by
33 the council to determine if all fees have been paid and if all
34 application and supporting documents have been submitted, so
35 that the council can move forward and begin a more thorough
36 review process. The preliminary review process does not include
37 completion of a site visit or completion of background checks for
38 noncertified individuals.

39 *SEC. 8. Section 4621 of the Business and Professions Code is*
40 *amended to read:*

- 1 4621. (a) This chapter shall remain in effect only until January
2 1, ~~2026~~, 2030, and as of that date is repealed.
3 (b) Notwithstanding any other law, the powers and duties of the
4 council shall be subject to review by the appropriate policy
5 committees of the Legislature.

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