

ASSEMBLY BILL

No. 1504

Introduced by Committee on Business and Professions

February 24, 2025

An act to amend Section 4602 of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

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

(1) 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 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.

(2) 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.

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

7 4602. (a) The California Massage Therapy Council, as defined
8 in subdivision (d) of Section 4601, is hereby established and shall
9 carry out the responsibilities and duties set forth in this chapter.

10 (b) The council may take any reasonable actions necessary to
11 carry out the responsibilities and duties set forth in this chapter,
12 including, but not limited to, hiring staff, entering into contracts,
13 and developing policies, procedures, rules, and bylaws to
14 implement this chapter.

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

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

21 (e) The council is authorized to determine whether the
22 information provided to the council in relation to the certification
23 of an applicant is true and correct and meets the requirements of
24 this chapter. If the council has any reason to question whether the
25 information provided is true or correct, or meets the requirements
26 of this chapter, the council is authorized to make any investigation
27 it deems necessary to establish that the information received is
28 accurate and satisfies any criteria established by this chapter. The
29 applicant has the burden to prove that they are entitled to
30 certification.

1 (f) The council shall be governed by a board of directors
2 composed of 13 members who shall be chosen in the following
3 manner:

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

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

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

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

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

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

23 (7) One member shall be appointed by the California Association
24 of Private Postsecondary Schools, unless that entity chooses not
25 to exercise this right to appoint.

26 (8) One member shall be appointed by the American Massage
27 Therapy Association, California Chapter, who shall be a
28 California-certified massage therapist or massage practitioner who
29 is a California resident and who has been practicing massage for
30 at least three years, unless that entity chooses not to exercise this
31 right to appoint.

32 (9) One member shall be a public health official representing a
33 city, county, city and county, or state health department, to be
34 determined by the council. The city, county, city and county, or
35 state health department chosen, shall appoint one member unless
36 that entity chooses not to exercise this right to appoint.

37 (10) (A) One member shall be a certified massage therapist or
38 a certified massage practitioner who is a California resident who
39 has practiced massage for at least three years prior to the
40 appointment, selected by a professional society, association, or

1 other entity which membership is composed of massage therapist
2 professionals, and that chooses to participate in the council. To
3 qualify, a professional society, association, or other entity shall
4 have a dues-paying membership in California of at least 1,000
5 individuals, have been established since 2000, and shall have
6 bylaws that require its members to comply with a code of ethics.

7 (B) If there is more than one professional society, association,
8 or other entity that meets the requirements of subparagraph (A),
9 the appointment shall rotate based on a four-year term between
10 each of the qualifying entities. The qualifying entity shall maintain
11 its appointment authority during the entirety of the four-year term
12 during which it holds the appointment authority. The order in
13 which a qualifying professional society, association, or other entity
14 has the authority to appoint shall be determined by alphabetical
15 order based on the full legal name of the entity as of January 1,
16 2014.

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

30 (g) Any decision to change the appointing authority of any
31 member appointed to the board pursuant to paragraphs (1) to (10),
32 inclusive, of subdivision (f) shall not be effective unless the current
33 member has completed their term under subdivision (h) or the
34 appointment is vacant.

35 (h) (1) Board member terms shall be for four years and until
36 the appointment and qualification of their successor or until one
37 year from the expiration of the term for which the member was
38 appointed, whichever occurs first. A board member who has served
39 two terms shall not be eligible for reappointment to the board
40 regardless of the appointing authority. Any board member who,

1 as of January 1, 2025, has served on the board for 8 out of the
2 preceding 10 years, regardless of the appointing authority, shall
3 vacate their appointment no later than July 1, 2025.

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

6 (i) The board of directors shall establish fees reasonably related
7 to the cost of providing services and carrying out its ongoing
8 responsibilities and duties. Initial and renewal fees for certificates
9 shall be in an amount sufficient to support the functions of the
10 council in the administration of this chapter, but in no event shall
11 exceed three hundred dollars (\$300). The renewal fee shall be
12 reassessed biennially by the board.

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

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

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

33 (m) The council shall assess its contact with non-English
34 speakers. Based on this assessment, the council shall offer and
35 make available all publicly available written and electronic
36 materials provided to certificate holders and applicants in languages
37 other than English that the council determines will be used by a
38 substantial number of non-English speakers who are in contact
39 with the council. This subdivision shall not apply to examinations,
40 denial and disciplinary legal documents, and email

- 1 communications. The council shall provide a report to the
- 2 Legislature on the findings of its assessment of contact with
- 3 non-English speakers on or before January 1, 2019.

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