

AMENDED IN ASSEMBLY APRIL 30, 2025

AMENDED IN ASSEMBLY APRIL 21, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

## ASSEMBLY BILL

**No. 1504**

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**Introduced by ~~Committee on Business and Professions Assembly~~  
*Member Berman***

February 24, 2025

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An act to amend 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~~ *Berman*. California Massage Therapy Council.

Existing law, the Massage Therapy Act, provides for the certification and regulation of massage professionals by the California Massage Therapy Council, which is a 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 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.

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~~ *subject* 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. Section 4600.5 of the Business and Professions
- 2 Code is amended to read:
- 3 4600.5. (a) It is the intent of the Legislature that this act enable
- 4 consumers and local governments to more easily identify certified
- 5 massage professionals, provide for consistent statewide certification
- 6 and oversight of massage professionals, ensure that schools
- 7 approved by the council that are teaching massage provide a high
- 8 level of training, assist local governments and law enforcement in
- 9 meeting their duty to maintain the highest standards of conduct in
- 10 massage establishments by vetting and disciplining certificate
- 11 holders, provide for a self-funded nonprofit oversight body to
- 12 certify massage professionals, and ensure full compliance with,
- 13 and execution of, the requirements of this act.
- 14 (b) It is the intent of the Legislature that broad control over land
- 15 use in regulating massage establishments be vested in local

1 governments so that they may manage those establishments in the  
2 best interests of the individual community, and that the  
3 requirements and practice of the profession of massage therapy  
4 remain a matter of statewide concern, regulation, and oversight.  
5 Local governments should give strong consideration to establishing  
6 a registration program that grants local governments the ability to  
7 either suspend or revoke a registration of massage business for  
8 specific violations.

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

18 (d) It was the intent of the Legislature in creating the council,  
19 and it is further the intent of the Legislature in extending the  
20 council's powers and duties through the sunset review process,  
21 that the council serve as a quasi-public entity entrusted with  
22 administering a state function in its certification and oversight of  
23 the massage therapy profession.

24 (e) It is the intent of the Legislature that both state and local  
25 regulation of massage therapy reflect the recognized status of  
26 certified massage professionals as health care providers.

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

29 4602. (a) The California Massage Therapy Council, as defined  
30 in subdivision (d) of Section 4601, is hereby established and shall  
31 carry out the responsibilities and duties set forth in this chapter.

32 (b) (1) The council may take any reasonable actions necessary  
33 to carry out the responsibilities and duties set forth in this chapter,  
34 including, but not limited to, hiring staff, entering into contracts,  
35 and developing policies, procedures, rules, and bylaws to  
36 implement this chapter.

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

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

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

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

17 (f) The council shall be governed by a board of directors  
18 composed of 13 members who shall be chosen in the following  
19 manner:

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

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

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

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

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

36 (6) One member who represents an approved massage school  
37 shall be appointed by the California Association of Private  
38 Postsecondary Schools, unless that entity chooses not to exercise  
39 this right to appoint.



1 (7) One member shall be appointed by the American Massage  
2 Therapy Association, California Chapter, who shall be a  
3 California-certified massage therapist or massage practitioner who  
4 is a California resident and who has been practicing massage for  
5 at least three years, unless that entity chooses not to exercise this  
6 right to appoint.

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

12 (9) (A) Two members shall each be a certified massage therapist  
13 or a certified massage practitioner who is a California resident  
14 who has practiced massage for at least three years prior to the  
15 appointment, selected by a professional society, association, or  
16 other entity the membership of which is composed of massage  
17 therapist professionals, and that chooses to participate in the  
18 council. To qualify, a professional society, association, or other  
19 entity shall have a dues-paying membership in California of at  
20 least 1,000 individuals, have been established since 2000, and shall  
21 have bylaws that require its members to comply with a code of  
22 ethics.

23 (B) If there is more than two professional societies, associations,  
24 or other entities that meet the requirements of subparagraph (A),  
25 the appointments shall rotate based on a four-year term between  
26 each of the qualifying entities. The qualifying entity shall maintain  
27 its appointment authority during the entirety of the four-year term  
28 during which it holds the appointment authority. The order in  
29 which a qualifying professional society, association, or other entity  
30 has the authority to appoint shall be determined by alphabetical  
31 order based on the full legal name of the entity as of January 1,  
32 2014.

33 (10) The members appointed to the board in accordance with  
34 paragraphs (1) to (9), inclusive, shall appoint three additional  
35 members, at a duly held board meeting in accordance with the  
36 board's bylaws. One of those appointees shall be an attorney  
37 licensed by the State Bar of California who has been practicing  
38 law for at least three years and who at the time of appointment  
39 represents a city, county, or a city and county in the state. One of  
40 those appointees shall represent a massage business entity that has

1 been operating in the state for at least three years. The council  
2 shall establish in its bylaws a process for appointing an additional  
3 member, provided that the member has knowledge of the massage  
4 industry or can bring needed expertise to the operation of the  
5 council for purposes of complying with Section 4603.

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

11 (h) (1) Board member terms shall be for four years and until  
12 the appointment and qualification of their successor or until one  
13 year from the expiration of the term for which the member was  
14 appointed, whichever occurs first. A board member who has served  
15 two terms shall not be eligible for reappointment to the board  
16 regardless of the appointing authority. Any board member who,  
17 as of January 1, 2025, has served on the board for 8 out of the  
18 preceding 10 years, regardless of the appointing authority, shall  
19 vacate their appointment no later than July 1, 2025.

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

22 (i) The board of directors shall establish fees reasonably related  
23 to the cost of providing services and carrying out its ongoing  
24 responsibilities and duties. Initial and renewal fees for certificates  
25 shall be in an amount sufficient to support the functions of the  
26 council in the administration of this chapter, but in no event shall  
27 exceed three hundred dollars (\$300). The renewal fee shall be  
28 reassessed biennially by the board.

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

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

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

10 (m) (1) The council shall provide a meaningful opportunity for  
11 public participation in the adoption, amendment, or repeal of any  
12 policies, procedures, rules, or bylaws that substantially impact the  
13 rights, benefits, privileges, duties, obligations, or responsibilities  
14 of individuals or entities subject to certification or approval by the  
15 council, including, but not limited to, actions by the council to  
16 increase fees, impose additional requirements for certification or  
17 approval, or substantively modify the disciplinary processes.

18 (2) For purposes of this subdivision, the council shall, at a  
19 minimum, publish the complete text of any policies, procedures,  
20 rules, or bylaws proposed for adoption, amendment, or repeal along  
21 with a summary of the changes being considered for a period of  
22 at least 45 calendar days before the adoption, amendment, or repeal.  
23 The council shall accept written public comments during the 45-day  
24 period and allow further public comment during a meeting held  
25 for these purposes that is noticed and conducted in compliance  
26 with the Bagley-Keene Open Meeting Act (Article 9 (commencing  
27 with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title  
28 2 of the Government Code).

29 (n) The council shall assess its contact with non-English  
30 speakers. Based on this assessment, the council shall offer and  
31 make available all publicly available written and electronic  
32 materials provided to certificate holders and applicants in languages  
33 other than English that the council determines will be used by a  
34 substantial number of non-English speakers who are in contact  
35 with the council. This subdivision shall not apply to examinations,  
36 denial and disciplinary legal documents, and email  
37 communications. The council shall provide a report to the  
38 Legislature on the findings of its assessment of contact with  
39 non-English speakers on or before January 1, 2019.

1 (o) The records of the council shall be ~~open to public inspection~~  
2 ~~pursuant~~ *subject* to the California Public Records Act (Chapter 1  
3 (commencing with Section 7920.000) of Part 1 of Division 10 of  
4 Title 1 of the Government ~~Code~~ *Code*), *including the exemptions*  
5 *provided by the act*, as though the council were a public agency  
6 for purposes of that act.

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

9 4608. In addition to the other requirements of this chapter, a  
10 certificate holder shall:

11 (a) Display their original certificate wherever they provide  
12 massage for compensation. A certificate holder shall have their  
13 identification card in their possession while providing massage  
14 services for compensation.

15 (b) Provide their full name and certificate number upon the  
16 request of a member of the public, the council, or a member of  
17 law enforcement, or a local government agency charged with  
18 regulating massage or massage establishments, at the location  
19 where they are providing massage services for compensation.

20 (c) Include the name under which they are certified and their  
21 certificate number in any and all advertising of massage for  
22 compensation.

23 (d) Notify the council within 30 days of any changes in the  
24 certificate holder's legal name, home address, or the address of  
25 any massage establishment or other location where they provide  
26 massage for compensation, excluding those locations where  
27 massage is only provided on an out-call basis. A certificate holder  
28 also shall notify the council of their primary email address, if any,  
29 and notify the council within 30 days of a change of the primary  
30 email address.

31 SEC. 4. Section 4609 of the Business and Professions Code is  
32 amended to read:

33 4609. (a) It is a violation of this chapter for an applicant or a  
34 certificate holder to commit any of the following acts, the  
35 commission of which is grounds for the council to deny an  
36 application for a certificate or to impose discipline on a certificate  
37 holder:

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

1 (A) Engaging in sexually suggestive advertising related to  
2 massage services.

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

6 (C) Engaging in sexual activity while providing massage  
7 services for compensation.

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

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

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

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

16 (3) Failing to fully disclose all information requested on the  
17 application.

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

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

23 (6) Violating or attempting to violate, directly or indirectly, or  
24 assisting in or abetting the violation of, or conspiring to violate,  
25 any provision of this chapter or any rule or bylaw adopted by the  
26 council.

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

30 (8) Denial of licensure, revocation, suspension, restriction,  
31 citation, or any other disciplinary action against an applicant or  
32 certificate holder by another state or territory of the United States,  
33 by any other government agency, or by another California health  
34 care professional licensing board. A certified copy of the decision,  
35 order, judgment, or citation shall be conclusive evidence of these  
36 actions.

37 (9) Being convicted of any felony, misdemeanor, infraction, or  
38 municipal code violation, or being held liable in an administrative  
39 or civil action for an act, that is substantially related to the  
40 qualifications, functions, or duties of a certificate holder. A plea

1 or verdict of guilty, or a conviction after a plea of nolo contendere,  
2 shall be a conviction for purposes of this paragraph. A record of  
3 the conviction or other judgment or liability shall be conclusive  
4 evidence of the crime or liability.

5 (10) Dressing while engaged in the practice of massage for  
6 compensation, or while visible to clients in a massage  
7 establishment, in any of the following:

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

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

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

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

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

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

24 (12) Being determined to be a threat to public safety based on  
25 mental health reasons by a medical or mental health professional,  
26 or rendered a finding of not guilty in a criminal proceeding by  
27 reason of insanity.

28 (b) The council may deny an application for a certificate for the  
29 commission of any of the acts described in subdivision (a). The  
30 council may also discipline a certificate holder, in any manner  
31 permitted by this chapter, for the commission of any of those acts  
32 by a certificate holder.

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

39 (d) Denial of an initial certificate on the grounds that the  
40 applicant has been convicted of a crime or has been subject to

1 formal discipline as provided in this section shall be consistent  
2 with the requirements of Section 480.

3 SEC. 5. Section 4610 of the Business and Professions Code is  
4 amended to read:

5 4610. (a) An applicant for a certificate shall not be denied a  
6 certificate, and a certificate holder shall not be disciplined pursuant  
7 to this chapter except according to procedures that satisfy the  
8 requirements of this section. Denial or discipline that is not in  
9 accord with this section shall be void and without effect.

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

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

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

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

18 (4) Revoking the certificate.

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

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

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

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

31 (1) Denial or discipline shall be based on a preponderance of  
32 the evidence. In determining the basis for the denial or discipline  
33 and making a final decision that denial or discipline shall be  
34 imposed, the council may consider all written documents or  
35 statements as evidence, but shall weigh the reliability of those  
36 documents or statements. A final decision to deny or impose  
37 discipline may be based solely on a written statement or declaration  
38 made under penalty of perjury and the individual providing the  
39 written statement or declaration made under penalty of perjury  
40 shall not be required to appear at an oral hearing or provide

1 additional documents or information beyond the written statement  
2 or declaration made under penalty of perjury that was already  
3 provided.

4 (2) The provisions of the procedure are publicly available on  
5 the council's internet website.

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

8 (4) The council provides an opportunity for the applicant or  
9 certificate holder, to be heard, orally or in writing, not less than  
10 five days before the effective date of the denial or discipline, by  
11 a person or body authorized by the board of directors to decide  
12 whether the proposed denial or discipline should go into effect.

13 (f) (1) Notwithstanding any other law, if the council receives  
14 notice that a certificate holder has been arrested and charges have  
15 been filed by the appropriate prosecuting agency against the  
16 certificate holder alleging a violation of subdivision (b) of Section  
17 647 of the Penal Code or any other offense described in paragraph  
18 (11) of subdivision (a) of Section 4609, the council shall  
19 immediately suspend, on an interim basis, the certificate of that  
20 certificate holder, and take all of the following additional actions:

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

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

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

32 (2) Upon notice to the council that the charges described in  
33 paragraph (1) have resulted in a conviction, the council shall  
34 permanently revoke the suspended certificate. The council shall  
35 provide notice to the certificate holder, at the address last filed  
36 with the council by a method providing delivery confirmation,  
37 within 10 business days that it has evidence of a valid record of  
38 conviction and that the certificate will be revoked unless the  
39 certificate holder provides evidence within 15 days from the date



1 of the council's mailing of the notice that the conviction is either  
2 invalid or that the information is otherwise erroneous.

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

9 (g) (1) Notwithstanding any other law, if the council determines  
10 that a certificate holder has committed an act punishable as a  
11 sexually related crime or a felony that is substantially related to  
12 the qualifications, functions, or duties of a certificate holder, the  
13 council may immediately suspend the certificate of that certificate  
14 holder. A determination to immediately suspend a certificate  
15 pursuant to this subdivision shall be based upon a preponderance  
16 of the evidence and the council shall also consider any available  
17 credible mitigating evidence before making a decision. Written  
18 statements by any person shall not be considered by the council  
19 when determining whether to immediately suspend a certificate  
20 unless made under penalty of perjury. If the council suspends a  
21 certificate in accordance with this subdivision, the council shall  
22 take all of the following additional actions:

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

28 (B) Notify by email or any other means consistent with the  
29 notice requirements of this chapter, any business or employer,  
30 whether public or private, that the council has in its records as  
31 employing or contracting with the certificate holder for massage  
32 services, and the California city, county, or city and county that  
33 has jurisdiction over that establishment or employer, that the  
34 certificate has been suspended within 10 business days.

35 (2) A certificate holder whose certificate is suspended pursuant  
36 to this subdivision shall have the right to request, in writing, an  
37 oral hearing or consideration of a written statement to challenge  
38 the factual basis for the suspension. If the holder of the suspended  
39 certificate requests an oral hearing or consideration of a written  
40 statement on the suspension, the oral hearing or consideration of

1 a written statement shall be held by a person or body authorized  
2 by the board of directors within 30 calendar days after receipt of  
3 the request. A holder whose certificate is suspended based on  
4 paragraph (1) shall be subject to revocation or other discipline in  
5 accordance with subdivision (a).

6 (3) If the council determines, after a hearing conducted pursuant  
7 to this subdivision, to lift the suspension, the certificate shall be  
8 immediately reinstated and the certificate holder, any establishment  
9 or employer, and the city, county, or city and county that has  
10 jurisdiction over that establishment or employer, that received  
11 notice pursuant to this section shall be notified of the reinstatement  
12 within 10 business days.

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

18 (i) An applicant or certificate holder may challenge a denial or  
19 discipline decision issued pursuant to this section in a court of  
20 competent jurisdiction. Any action challenging a denial or  
21 discipline, including any claim alleging defective notice, shall be  
22 commenced within 90 days after the effective date of the denial  
23 or discipline. Certification issued pursuant to this chapter is not a  
24 fundamental vested right and judicial review of denial and  
25 disciplinary decisions made by the council shall be conducted  
26 using the substantial evidence standard of review. If the action is  
27 successful, the court may order any relief, including reinstatement,  
28 that it finds equitable under the circumstances.

29 (j) An applicant or certificate holder may appeal a final decision  
30 by the council to deny or revoke a certificate. An appeal of the  
31 final decision to deny or revoke a certificate shall be heard at the  
32 next board of directors meeting with a date, as posted on the  
33 internet website of the council, that is at least 120 days from the  
34 last date for the applicant or certificate holder to timely request an  
35 appeal, unless a timely request for a continuance of the hearing  
36 date is granted. The council may, in its discretion, for good cause,  
37 continue the date an appeal may be heard, in which case the appeal  
38 shall be heard at a later board of directors meeting. The council  
39 shall notify the applicant or certificate holder of its right to appeal  
40 pursuant to this subdivision at the time of the final decision.

1 (k) This section governs only the procedures for denial or  
2 discipline decision and not the substantive grounds for the denial  
3 or discipline. Denial or discipline based upon substantive grounds  
4 that violates contractual or other rights of the applicant or certificate  
5 holder, or is otherwise unlawful, is not made valid by compliance  
6 with this section.

7 SEC. 6. Section 4614 of the Business and Professions Code is  
8 amended to read:

9 4614. (a) Upon the request of any law enforcement agency,  
10 state agency, or representative of a local government agency with  
11 responsibility for regulating or administering a local ordinance  
12 relating to massage or massage establishments, the council shall  
13 provide information concerning an applicant or a certificate holder,  
14 including, but not limited to, any of the following:

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

16 (2) Any history of disciplinary actions.

17 (3) The home and work addresses of the applicant or certificate  
18 holder.

19 (4) The name and home and work addresses of any person whose  
20 certificate has been suspended and the length of the suspension.

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

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

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

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

38 (3) Any information related to criminal activity or unprofessional  
39 conduct allegedly engaged in by a certificate applicant or certificate

1 holder, including, but not limited to, police reports and declarations  
2 of conduct.

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

5 (5) Any other information in the possession of the law  
6 enforcement agency or other local government agency that is  
7 necessary to verify information or otherwise implement this  
8 chapter.

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

17 SEC. 7. Section 4615 of the Business and Professions Code is  
18 amended to read:

19 4615. (a) The council shall have the responsibility to determine  
20 whether the school from which an applicant has obtained the  
21 education required by this chapter meets the requirements of this  
22 chapter.

23 (1) If the council has any reason to question whether or not the  
24 applicant received the education that is required by this chapter  
25 from the school or schools that the applicant is claiming, the  
26 council may investigate the facts to determine that the applicant  
27 received the required education before issuing a certificate.

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

34 (b) (1) The council shall develop policies, procedures, rules,  
35 or bylaws governing the requirements and process for approving,  
36 denying approval of, imposing corrective action on, or unapproving  
37 schools consistent with Section 4601. These policies, procedures,  
38 rules, or bylaws shall address topics including, but not limited to,  
39 what constitutes an acceptable curriculum, facility requirements,  
40 student-teacher ratios, clinical practice requirements, and provisions

1 for the acceptance of accreditation from a recognized accreditation  
2 body or other form of acceptance.

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

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

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

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

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

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

1 (D) A school may appeal the council's final decision to deny  
2 approval of the school. An appeal of the council's final decision  
3 to deny approval of a school shall be heard at the next board of  
4 directors meeting with a date, as posted on the council's internet  
5 website, that is at least 120 days from the last date for the school  
6 to timely request an appeal, unless a timely request for a  
7 continuance of the hearing date is granted. The council may, in its  
8 discretion, for good cause, continue the date an appeal may be  
9 heard, in which case the appeal shall be heard at a later board of  
10 directors meeting. The council shall notify the school of its right  
11 to appeal pursuant to this subdivision at the time of the final  
12 decision.

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

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

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

23 (e) For purposes of this section, the following terms have the  
24 following meanings:

25 (1) "Initial application" means a new application submitted by  
26 a school for school approval.

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

37 (3) "Preliminary review" means an initial review conducted by  
38 the council to determine if all fees have been paid and if all  
39 application and supporting documents have been submitted, so  
40 that the council can move forward and begin a more thorough

1 review process. The preliminary review process does not include  
2 completion of a site visit or completion of background checks for  
3 noncertified individuals.

4 SEC. 8. Section 4621 of the Business and Professions Code is  
5 amended to read:

6 4621. (a) This chapter shall remain in effect only until January  
7 1, 2030, and as of that date is repealed.

8 (b) Notwithstanding any other law, the powers and duties of the  
9 council shall be subject to review by the appropriate policy  
10 committees of the Legislature.