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MARY C. WICKHAM
County Counsel

February 26, 2019

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Re: The Los Angeles County Massage Establishment Ordinance

Dear Supervisors:

On November 21, 2017, your Board directed our office, in consultation with the Department of Public Health and the Treasurer and Tax Collector, Business License Division to prepare an ordinance establishing enhanced public health and safety requirements for massage establishments. This included a public health permit, annual inspections, and broader business licensing requirements. The Ordinance is enclosed as Exhibit A.

The Los Angeles County Massage Establishment Ordinance ("Ordinance"), would address a top priority for the County of Los Angeles - preventing human trafficking. The Ordinance recognizes in purpose and intent that when operated professionally and legally massage establishments provide valuable health and therapeutic services to the public. However, it also recognizes that massage establishments too often have a history of abuse based in illegal activities including prostitution and crime. Accordingly, the Ordinance would be a way to collectively curb and prevent the potential for human trafficking and other abuses in massage establishments while protecting legitimate businesses.

The Ordinance also amends or adds fees for the reasonable regulatory costs for issuing the license or public health permit. The Auditor-Controller approves the proposed fees, expected to offset enhanced regulatory program costs.

The Honorable Board of Supervisors
February 26, 2019
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Enclosed, as Exhibit B, please find correspondence from the Department of Public Health and the Treasurer Tax Collector explaining the Departments' activities relating to the Ordinance.

Very truly yours,

MARY C. WICKHAM
County Counsel



By JUDY W. WHITEHURST
Senior Assistant County Counsel
Executive Office

APPROVED AND RELEASED:



LAWRENCE L. HAFETZ
Chief Deputy

STC:eb

Enclosures

Exhibit A

ANALYSIS

This Ordinance establishes the Los Angeles County Massage Establishment Ordinance which improves administration and implementation of existing and new business licensing requirements for Massage Establishments in Title 7 – Business Licenses; adds a public health permit requirement in Title 8 – Consumer Protection, Business and Wage Regulations, and Title 11 - Health and Safety; and amends Title 22 – Planning and Zoning - to replace terminology for consistency. This Ordinance also amends or adds fees for the reasonable regulatory costs for issuing the license or permit and enforcing the ordinance.

MARY C. WICKHAM
County Counsel

By 
JUDY WHITEHURST
Senior Assistant County Counsel

STC:eb

Requested: 11/21/17
Revised: 02/05/19

ORDINANCE NO. _____

An ordinance amending and adding various sections to Title 7 – Business Licenses; Title 8 – Consumer Protection, Business and Wage Regulations; Title 11 – Health and Safety; and Title 22 – Planning and Zoning, of the Los Angeles County Code, relating to the regulation of Massage Establishments.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 7.06.040 is hereby amended to read as follows:

7.06.040 Application—Hearing ~~r~~Required for ~~e~~Certain ~~a~~Activities.

Except as otherwise provided in Section 7.06.260 or 7.30.270 of this ~~t~~Title, the ~~e~~Commission or referee shall hold a public hearing on every application for a new license required for:

...

10. ~~Massage parlors~~establishments, Section 7.54.010;

...

SECTION 2. Section 7.06.070 is hereby amended to read as follows:

7.06.070 Valid ~~l~~icense ~~r~~Required to ~~e~~Operate—Businesses ~~d~~Designated.

A valid license other than the receipt described in Section 7.06.050 must be in the possession of the applicant in advance of the operation of the following businesses or activities:

...

Massage parlorsestablishment

...

SECTION 3. Section 7.06.261 is hereby amended to read as follows:

**7.06.261 Renewals—Hearings for cCertain bBusinesses which
eExclude mMinors.**

Notwithstanding Section 2.06.260, the eCommission shall set for public hearing applications for renewals of licenses for escort bureaus; massage parlorsestablishments; model studios; adult businesses; and further, for picture arcades, bookstores, theaters and entertainment licenses, when the licensed activity is not customarily open to the general public because minors are excluded as a prevailing business practice. The public hearing shall be held in accordance with the provisions of this title.

SECTION 4. Section 7.10.110 is hereby amended to read as follows:

**7.10.110 Hearing by cCommission—Public nNotice
rRequirements—For cCertain bBusinesses.**

In addition to the notice required by Section 7.10.100, not less than five (5) days before a hearing on an application for a license for a public billiard room, billiard club, bookstore, bowling alley, card club, entertainment, growth center, off-the-road vehicles, (Section 7.90.570), outdoor festival, traveling show, motion picture theater, massage parlorsestablishment, skating rink, model studio, figure studio, picture arcade, adult

business or dance (except a dance for which pursuant to Section 7.30.210 a fee is not required), the Business License eCommission shall:

A. Serve notice of the time and place of such hearing on the applicant and upon all persons whose names and addresses appear upon the latest available assessment roll as owners of the whole or any portion of the property on the block where the business is to be operated; and

B. Post such notice on the public street or highway in at least five (5) places on the block where it is proposed to conduct, maintain or operate such business. The notice shall be entitled "Notice of Hearing to Conduct a (activity)," which shall be printed in letters not less than one inch in height.

SECTION 5. Section 7.14.010 is hereby amended to read as follows:

7.14.010 Fee sSchedule.

The license fees required to be paid to perform, carry on, conduct or engage in any businesses, occupations or activities set forth in this Title 7, the license ordinance codified in this title, are as stated in this eChapter.

	FEES	
	First Year	Annual Renewal
...		
<u>MESSAGE PARLOREESTABLISHMENT</u>	<u>2,254.00</u> <u>1,896.00</u>	<u>243.00</u> <u>1,119.00</u>
...		

SECTION 6. Section 7.47.020 is hereby amended to read as follows:

7.47.020 License ~~r~~Required—Exceptions.

Every person conducting a health club shall first procure a license, and for each of such places pay an annual license fee in the amount set forth in Section 7.14.010 of this ~~t~~Title. This requirement does not apply to any location licensed as a massage ~~parlor~~establishment.

PART 1 MESSAGE PARLORESTABLISHMENTS.

SECTION 7. Section 7.54.005 is hereby added to read as follows:

7.54.005 Short Title and Findings.

The ordinance codified in this Title, together with the additions and amendments to Titles 8, 11, and 22, are collectively referred to as the Los Angeles County Massage Establishment Ordinance. These Titles should be read together to understand an applicant and permittee's legal obligations and the Board of Supervisors' intent in implementing these provisions.

In enacting the Los Angeles County Massage Establishment Ordinance, the Board of Supervisors finds that preventing and addressing human trafficking is a top priority for the County of Los Angeles. Violations of law in the areas of public health, wage and labor, and general public safety often are an integral part of human trafficking. The Board of Supervisors also recognizes that, when operated professionally and in accordance with law, Massage Establishments provide valuable health and therapeutic services to the public. However, Massage Establishments have a history of abuse in

prostitution and are prone to vice and other violations often with links to human trafficking.

This ordinance, and its various provisions, collectively seek to curb and prevent the potential for human trafficking and other abuses in Massage Establishments through a combination of enhanced business licensing and public health permit requirements, including but not limited to inspections, reporting requirements, and other operational restrictions, as well as existing law enforcement review and coordination.

SECTION 8. Section 7.54.010 is hereby amended to read as follows:

7.54.010 Definitions.

~~As used in this chapter:~~ As used in Title 7:

A. ~~"CAMTC" means the California Massage Therapy Council, created pursuant to the Massage Therapy Act (California Business and Professions Code section 4600 et seq.), and which is authorized to issue certifications to massage practitioners and massage therapists, who have satisfied the requirements for certification.~~ "California Massage Therapy Council" or "CAMTC" means the massage therapy organization authorized to issue certifications to massage technicians pursuant to the California Business and Professions Code Section 4600 et seq., the Massage Therapy Act.

B. ~~"Massage parlor" Establishment means any premises where "massage" or "massage services" are given~~ business that offers "massage," "massage services," or "massage therapy," including, but not limited to, reflexology, fomentations, shiatsu, alcohol rubs, Russian, Swedish, Turkish baths, or acupressure or any combination

thereof in exchange for compensation at a fixed place of business. Any business that offers any combination of massage and bath facilities - including, but not limited to, showers, baths, wet and dry heat rooms, pools and hot tubs - shall be deemed a Massage Establishment under this Chapter.

~~"Massage" and "massage services" mean and shall include any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, manipulation, or stimulating the external parts of the body, with or without the aid of any mechanical or electrical apparatus or appliances, with or without supplementary aids such as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments, or other similar preparations.~~

~~"Massage" and "massage services" shall further include any bath, facial massage, fomentations, massage, electric or magnetic treatment, acupressure, shiatsu, alcohol rubs, and Russian, Swedish, or Turkish baths.~~

C. "Massage," "massage services," or "massage therapy" means the scientific manipulation of the soft tissues or as otherwise defined in Division 2 Chapter 10.5 of the Business and Professions Code.

SECTION 9. Section 7.54.020 is hereby amended to read as follows:

7.54.020 License—Required.

Every person as defined in Title 7, Division 1 Chapter 7.02.260, conducting or managing a ~~m~~Massage parlor or any other place where facial massages, fomentations, massage, electric or magnetic treatment, acupressure, shiatsu, alcohol rubs, Russian, Swedish or Turkish baths are administered or given, or any school of massage which

~~performs any such activity~~Establishment, or any school of massage which provides
massage, massage services, or massage therapy for any member of the public for any
~~form of consideration or gratuity of any kind,~~ shall first procure a license and ~~for each of~~
~~such places pay an annual license fee in the amount set forth in Section 7.14.010 of this~~
~~title, under the appropriate heading~~pay a license fee pursuant to Title 7, Division 1. This
~~requirement does not apply to any location licensed as a health club, provided only one~~
~~massage table is used at such location and provided such use is incidental to the~~
~~operation of the health club~~Part shall not apply to the following classes of persons or
entities and no Massage Establishment business license shall be required of such
persons while engaged in performing the duties of their respective professions:

A. Physicians, surgeons, chiropractors, osteopaths, or physical therapists
who are duly licensed to practice their respective professions in the State of California,
and persons working at the place of business and under the supervision of a licensed
physician, surgeon, chiropractor, osteopath, or physical therapist.

B. Nurses who are registered as such under the laws of the State of
California.

C. Hospitals and medical centers.

D. Barbers and beauticians, estheticians, and cosmetologists who are duly
licensed under the laws of the State of California while engaging in practices within the
scope of their licenses, except that this provision shall apply solely to the massaging of
the neck, face and/or scalp, hands or feet of the clients.

E. Accredited high schools, junior colleges, and colleges or universities whose coaches and trainers are acting within the scope of their employment.

F. Trainers of amateur, semi-professional or professional athletes or athletic teams while engaging in their training responsibilities for and with athletes; and trainers working in conjunction with a specific athletic event.

G. Acupuncturists who are duly certified to practice their profession in the State of California.

H. Staff of any location licensed as a health club/gym, provided only one massage table is used at such location and provided such use is incidental to the operation of the health club/gym.

I. Persons administering massages or health treatment at a single-occurrence athletic, recreational or festival event, such as health fairs, road races, track meets, triathlons and other similar events; provided that all of the following conditions are satisfied.

1. The massage services are made equally available to all participants in the event;

2. The event is open to participation by the general public or a significant segment of the public such as employees of sponsoring or participating corporations;

3. The massage services are provided at the site of the event and either during, immediately preceding or immediately following the event;

4. The sponsors of the event have been advised of and have approved the provision of massage services;

5. Persons providing massage services are not the primary sponsors of the event.

J. Licensed persons administering any healing arts treatment in good faith under the provisions of the Business and Professions Code or any other State law.

SECTION 10. Section 7.54.030 is hereby amended to read as follows:

7.54.030 Employee Massage Technician ~~r~~Reporting ~~r~~Requirement.

The holder of a license required by Section 7.54.020 shall notify the ~~treasurer~~ and ~~tax collector~~ in writing, of the name and address of each massage technician employed or hired as an acupressurist, masseuse, or massage technician as defined in Section 7.54.200 independent contractor within (5) business days of that person being employed performing massages at the Massage Establishment. No persons may perform massage, massage services, or massage therapy unless that person is an employee or independent contractor of the Massage Establishment.

SECTION 11. Section 7.54.040 is hereby deleted in its entirety.

~~7.54.040 ——— Exceptions to chapter applicability.~~

~~This Part 1 does not apply to any treatment administered in good faith in the course of the practice of any healing art personally by any person licensed to practice any such art or profession under the provisions of the Business and Professions Code of the state of California or any other statute of this state.~~

SECTION 12. Section 7.54.050 is hereby amended to read as follows:

7.54.050 License—Hearing on application Prerequisites to

License Issuance, Denial, Suspension, or Revocation:

~~Except as provided in Section 7.06.260, the business license commission shall hold a public hearing on every application for a license required by this Part 1, and shall give notice of such hearing as required by Sections 7.10.100, 7.10.110, 7.10.120 and 7.10.130 of this title. In addition to the general licensing application requirements of Title 7, Division 1, prior to the issuance of a business license for a massage establishment:~~

A. The Sheriff's Department shall conduct a criminal background check of the applicant.

B. Based on the background check results a license may be denied, suspended, or revoked if the applicant:

1. Is required to register under the provisions of California Penal Code section 290 or register as a sex offender in any state of the United States;

2. Has convictions, except for minor traffic violations under Penal Code sections for 266h (pimping); 266i (pandering); 314 (indecent exposure, obscene exhibitions, and bawdy and other disorderly houses); 315 (keeping or residing in a house of ill-fame); 316 (keeping disorderly house); 318 (prevailing upon person to visit a place for prostitution); 647 (b) (engaging in or soliciting prostitution); 653.22 (loitering with intent to commit prostitution); or 653.23 (supervision of a prostitute);

3. Had a business permit or license denied suspended, restricted or revoked by any agency, board, city, county, territory, or state;

4. Owns or owned any Massage Establishment, or any other businesses that are or were subject to an injunction for nuisance pursuant to Penal Code sections 11225-11235 (red light abatement);

5. Has convictions for a felony offense involving the sale of a controlled substance; convictions for any crime involving dishonesty, fraud, deceit, violence, or moral turpitude; or has convictions in any other state for an offense which, if committed in this State, is punishable as one or more referenced offenses in this subdivision; or

6. Within the last five (5) years, had a license or permit governing Massage Establishments in any city, county or state denied, suspended or revoked.

C. The Business License Commission shall hold a public hearing on every application or renewal for a license as required by this Part 1, consistent with 7.06.040, 7.06.260, and 7.06.261. Notice shall be given pursuant to Chapter 7.10 of this Title. Following a public hearing on the application for Massage Establishment, the Business License Commission shall determine whether the license is granted; conditionally granted; or denied.

D. Applicants for a Massage Establishment license must also obtain a public health permit pursuant to Title 8, Division 1 Public Health Licenses Chapter 8.04 and Title 11, Health and Safety Code Chapter 11.36.

E. A Massage Establishment may only operate if it possesses both a valid business license and public health permit pursuant to 7.54.050 of this Chapter.

SECTION 13. Section 7.54.060 is hereby amended to read as follows:

7.54.060 Employment of Unlicensed Massage Technicians and Non-CAMTC-Certified Massage Technicians Prohibited.

A After the effective date of this ordinance, a licensee or person required by this Part 1 to obtain a license shall not hire or employ a massage technician unless such massage technician possesses a valid, subsisting license required by Part 2 of this Chapter, or unless such massage technician possesses a valid and current CAMTC certification, and current CAMTC certification, as defined in 7.54.210 of this Chapter. Massage technicians, as defined in 7.54.200 of this Chapter, in possession of a valid license issued by the Tax Collector as of the effective date of this ordinance may renew such license and operate as a massage technician in the unincorporated area of the County only until the second anniversary of the effective date of this ordinance, at which time it shall be unlawful for any person to operate as a massage technician in the unincorporated area of the County without a valid and current CAMTC certification.

SECTION 14. Section 7.54.070 is hereby amended to read as follows:

7.54.070 ~~Facilities prerequisite to license issuance.~~ Inspections for Licensing and Enforcement.

A. A license shall not be issued or renewed pursuant to this Part 1 unless an inspection reveals that the establishment complies with each of the following minimum

requirements of this Part. The Tax Collector is responsible for inspections for business licensing.

B. For the purposes of enforcement of this Title and all other applicable provisions of this Code, the Tax Collector may conduct inspections or utilize and rely on the Department of Public Health, the Sheriff's Department, the Department of Consumer and Business Affairs or other County officials responsible for the health, safety and welfare of the public to conduct the foregoing inspections.

SECTION 15. Section 7.54.080 is hereby amended to read as follows:

7.54.080 **Site Establishment Operating Requirements.**

No massage or massage services shall be given in a business or premises licensed pursuant to this Chapter, or in an establishment providing acupuncture, shiatsu, skin care, body wrap or the like within any cubicle, room, booth, or other area which is fitted with a door capable of being locked. The premises' exterior doors and the doors separating the waiting or reception area from the remainder of the premises shall remain unlocked during business hours (including electric locking devices), unless the massage parlor is a business entity owned by one individual with one or no employees or independent contractors.

All Massage Establishments shall comply with the following operating requirements:

A. Massage, massage services, or massage therapy are not permitted in rooms, booths, or other areas with doors capable of being locked.

B. All massages, massage services, and massage therapy must be performed at the Massage Establishment.

C. The exterior doors and the doors separating the waiting or reception area from the remainder of the Massage Establishment shall remain unlocked during business hours (including electric locking devices), unless the Massage Establishment is a business entity owned by one person with one or no employees or independent contractors.

D. The windows of the Massage Establishment may not be completely obstructed.

E. Massage Establishments shall not be used as a sleeping room or for any other residential purpose.

F. A recognizable and readable sign shall be posted at the main entrance identifying the Massage Establishment. Such sign shall comply with all requirements of all County ordinances, municipal codes, and State laws.

G. Massage Establishment clients shall enter and exit exclusively through the front door of the Massage Establishment. The front door shall be the door facing the street or, if no such door exists, the door that is most visible to members of the public passing by the establishment.

H. Massage Establishments shall comply with the local building code for lighting and ventilation.

I. The licensee shall not conduct business or operate a Massage Establishment between the hours of 10:30 p.m. and 7:00 a.m. of any day.

J. A list of the services available, minimum duration of the service and the cost of such services shall be displayed in a conspicuous place in the waiting or reception area within the massage premises. No owner, operator, manager or massage technician shall offer or perform any service other than those on the list of services available and displayed in the reception area.

K. All payments including tip/gratuity for massage services at a Massage Establishment shall be made in the designated reception area exclusively regardless of form of payment.

L. All cash registers and point of sale equipment must produce a receipt controlled by consecutive numbers generated automatically and recorded with each transaction. After the collection of funds, the cashier shall offer a copy of the receipt to the customer. Prior to leaving the cash register or work area for any reason, the cashier will lock the cash drawer and remove the key, keeping it in his or her possession. All cash registers and point of sale equipment must produce end-of-day report totals for verification of the cash and cash equivalents collected and deposited into a bank account. A person other than the cashier should review the verification to ensure its accuracy.

M. No alcohol, cannabis or illegal drugs are permitted on premises. No alcoholic beverages, cannabis or illegal drugs may be sold, served, used, consumed, or possessed on the business premises.

N. Contemporaneously with each massage service provided, every Massage Establishment shall keep a complete and legible written or electronic record of the

following information: (1) the date and hour that service was provided; (2) the service provided; (3) the name or initials of the employee or independent contractor entering the information; and (4) the name of the massage technician administering the service.

These records shall be open to inspection and copying by the Sheriff's Department, Tax Collector, or other County officials for purposes of enforcement of this Title and all other applicable provisions of this Code for Massage Establishments. These records may not be used by any massage technician or Massage Establishment operator for any purpose other than as records of service provided and may not be provided to other parties by the massage technician or establishment operator unless otherwise required by law. Such records shall be retained on the premises of the Massage Establishment for two (2) years and be immediately available for inspection during business hours.

SECTION 16. Section 7.54.090 is hereby amended to read as follows:

7.54.090 Signs Notice - Human Trafficking Prohibited.

~~A recognizable and readable sign shall be posted at the main entrance, identifying the establishment. Such signs shall comply with all requirements of all county ordinances.~~

Massage Establishments must comply with the requirements of California Civil Code section 52.6 which requires the posting of notices concerning human trafficking and slavery in a public and conspicuous place.

SECTION 17. Section 7.54.095 is hereby added to read as follows:

7.54.095 Prohibited Advertising.

No Massage Establishment shall cause to be placed, published, or distributed, including on the internet, any advertising that would reasonably suggest to prospective clients that any service is available other than those services listed as an available service pursuant to Section 7.54.080, nor shall any Massage Establishment employ language in the text of such advertising that would reasonably suggest to a prospective client that any service is available other than those services as described in compliance with the provisions of this Chapter. No person providing massage services shall advertise in any manner or form that massage is provided for compensation unless a valid license is possessed as required by Title 7 – Business Licenses, or is CAMTC certified as applicable. No Massage Establishment shall advertise in any manner or form that it provides massage for compensation unless the Massage Establishment possesses a valid public health permit.

SECTION 18. Section 7.54.100 is hereby amended to read as follows:

7.54.100 Building code Posting Requirements for Massage Establishments and Massage Technicians.

~~A. Minimum lighting shall be provided in accordance with the building code, and, in addition, at least one artificial light of not less than 40 watts shall be provided in each enclosed room or booth where massage services are being performed on a patron.~~

~~B. Minimum ventilation shall be provided in accordance with the building code.~~

Each Massage Establishment shall post in a conspicuous public place each license issued pursuant to this Chapter and each public health permit issued pursuant to Chapters 8.04 and 11.36. The CAMTC certificate of each and every employee or independent contractor performing massage, massage services, or massage therapy shall be on display in the reception area or similar open public place on the premises. CAMTC certificates of former employees and or independent contractors are to be removed as soon as those employees or independent contractors are no longer employed by or offering services through the massage establishment.

SECTION 19. Section 7.54.110 is hereby deleted in its entirety.

~~7.54.110 Cleanliness.~~

~~A. Adequate equipment for disinfecting and sterilizing instruments used in performing the acts of massage shall be provided.~~

~~B. Hot and cold running water shall be provided at all times.~~

~~C. Separate closed cabinets shall be provided for the storage of clean and soiled linen, and shall be plainly marked: "Clean Linen," "Soiled Linen."~~

~~D. All walls, ceilings, floors, pools, showers, bathtubs, steamrooms, and all other physical facilities, shall be in good repair.~~

SECTION 20. Section 7.54.120 is hereby deleted in its entirety.

~~7.54.120~~ ~~Separate rooms for customers required when.~~

~~In any establishment in which massage services are rendered only to members of the same sex at any one time, such persons of the same sex may be placed in a single separate room; or the operators of the massage establishment may elect to place such persons of the same sex in separate enclosed rooms or booths having adequate ventilation to an area outside said room or booth while massage services are being performed.~~

SECTION 21. Section 7.54.130 is hereby amended to read as follows:

7.54.130 ~~Bathing, dressing and toilet facilities.~~ Compliance with Consumer Protection, Business and Wage Regulations, Public Health.

~~Adequate bathing, dressing, locker and toilet facilities shall be provided for patrons. A minimum of one tub or shower, one dressing room containing a separate locker for each patron to be served, which locker shall be capable of being locked, as well as a minimum of one toilet and one washbasin, shall be provided in every massage establishment; provided, however, that if male and female patrons are to be served simultaneously at the establishment, separate bathing, a separate massage room or rooms, separate dressing and separate toilet facilities shall be provided for male and female patrons.~~

The licensee at all times must comply with Title 8 – Consumer Protection, Business and Wage Regulations, and Title 11 – Health and Safety. Any violation of these titles is a violation under Title 7, Section 7.04.320-7.04.380.

SECTION 22. Section 7.54.140 is hereby deleted in its entirety.

~~7.54.140 ————— Washbasins for employees.~~

~~A minimum of one separate washbasin shall be provided in each massage establishment of the use of employees of any such establishment, which basin shall provide soap or detergent and hot and cold running water at all times, and shall be located within or as close as practicable to the area devoted to the performing of massage services. In addition, there shall be provided at each washbasin sanitary towels placed in permanently installed dispensers.~~

SECTION 23. Section 7.54.150 is hereby deleted in its entirety.

~~7.54.150 ————— Operation requirements generally.~~

~~Every establishment for which this Part 1 requires a license shall be maintained and operated in conformity with the following sections.~~

SECTION 24. Section 7.54.160 is hereby deleted in its entirety.

~~7.54.160 ————— Hours of operation.~~

~~The licensee shall not conduct or operate a massage parlor between the hours of 10:30 p.m. and 7:00 a.m. of any day, and shall exclude all customers, patrons and visitors therefrom between those hours.~~

SECTION 25. Section 7.54.170 is hereby amended to read as follows:

7.54.170 Recording of aActivities pProhibited.

No building or part thereof of a Massage Establishment where massage or, massage services, or massage therapy are being conducted shall be equipped with any electronic, mechanical or artificial device used, or capable of being used, for recording

or videotaping, for monitoring the activities, conversation, or other sounds in the treatment room or room used by customers, except in the designated reception areas.

SECTION 26. Section 7.54.180 is hereby amended to read as follows:

7.54.180 Maintenance of premises and equipment.
Implementation.

A. ~~All walls, ceilings, floors, pools, showers, bathtubs, steamrooms and all other physical facilities for the establishment shall be in good repair and maintained in a clean and sanitary condition.~~

B. ~~Wet and dry heat rooms, steam or vapor rooms, or steam or vapor cabinets, shower compartments and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs shall be thoroughly cleaned after each use.~~

C. ~~Clean and sanitary towels and linens shall be provided for each patron of the establishment or each patron receiving massage services. No common use of towels or linens shall be permitted.~~

D. ~~Standard or portable massage tables shall be used with a durable, washable plastic or other waterproof material as a covering. Foam pads more than four inches thick or more than four feet wide may not be used. Beds, mattresses and water beds may not be used in the administration of a massage.~~

The Tax Collector is responsible for administration of this Chapter which may include public education, public outreach, and promulgating guidelines and rules consistent with the provisions of this Chapter and the County Code.

SECTION 27. Section 7.54.190 is hereby deleted in its entirety.

~~**7.54.190 ————— Persons using alcohol or drugs prohibited.**~~

~~A person shall not enter, be or remain in any part of a massage parlor or premises licenses as such while in the possession of, consuming or using any alcoholic beverage or drugs. The licensee, manager, and every supervising employee, shall not permit any such person to enter or remain upon such premises.~~

PART 2 MESSAGE TECHNICIANS.

SECTION 28. Section 7.54.200 is hereby amended to read as follows:

7.54.200 Massage Technician Defined.

A. As used in Part 1 and Part 2 of this Chapter, "massage technician" means any of the following:

1. Any persons, ~~male or female,~~ who administers to any person, for any form of consideration or gratuity, a "massage" or, "massage services", or massage therapy as defined in Section 7.54.010 of this Chapter. A "massage technician" includes a student at an approved school of massage who administers a massage or massage services to any person who pays for or gives a gratuity for such, whether the payment or gratuity is to such student or to the school, ~~;~~ As used in this Chapter, approved school means any school or institution of learning approved pursuant to section 4601 (a) of the Business and Professions Code, or

2. A massage ~~practitioner~~therapist who is certified by the CAMTC pursuant to ~~under~~ section 4604.24604 of the Business and Professions Code, and who administers massage for compensation, or

3. A massage therapist~~practitioner~~ who is certified by the CAMTC ~~under~~pursuant to sections 4604.1 and 4604.2 of the Business and Professions Code, or has a valid Los Angeles County business license and who administers massage for compensation.

~~B. As used in this Part 2 "recognized school" means any school or institution of learning, which school or institution of learning has been approved pursuant to section 29025 of the Education Code of the State of California, and which has for its purpose the teaching of the theory, method, profession, practice or work of a massage technician.~~

SECTION 29. Section 7.54.210 is hereby amended to read as follows:

7.54.210 License—Required.

Every massage technician shall first procure a license and pay a license fee in the amount set forth in Section 7.14.010 of this Title, under the appropriate heading, unless the massage technician possesses a valid and current CAMTC certificate. On and after the second anniversary of the effective date of this ordinance, it shall be unlawful for any person to operate as a massage technician in the unincorporated areas of the County unless that individual possesses a valid and current CAMTC certification.

SECTION 30. Section 7.54.230 is hereby amended to read as follows:

7.54.230 License—Information ~~r~~Required in aApplication.

In addition to the requirements of Section 7.06.020, an application for a license required by this Part 2 also shall show:

A. The two (2) previous addresses, if any, immediately prior to the present address of the applicant;

~~B. Written statements of at least five persons that the applicant is of good moral character;~~

~~B.~~ Written proof that the applicant is over the age of 18 years;

~~C.~~ Applicant's height, weight, color of eyes and hair;

~~D.~~ Two (2) portrait photographs at least two (2) inches by two (2) inches;

~~E.~~ Business, occupation or employment of the applicant for the three (3) years immediately preceding the date of the application;

~~F.~~ The license history of the applicant; whether the applicant has had a license for any business or similar activity issued by this or any other county, by any city, or by the state revoked or suspended, the reason therefor, and the business activity or occupation subsequent to such action of suspension or revocation;

~~G.~~ All convictions, except for minor traffic violations, and the reasons therefor;

~~H.~~ A certificate from a medical doctor stating that the applicant has, within 30 days immediately prior thereto, been examined and found to be free of any contagious or communicable disease;

~~I.~~ Such other identification and information necessary to discover the truth of the matters herein above specified as required to be set forth in the application;

~~J.~~ Nothing contained herein shall be construed to deny the sheriff the right to take fingerprints and additional photographs of the applicant, nor shall anything

contained herein be construed to deny the right of the sheriff to confirm the height and weight of the applicant.

SECTION 31. Section 7.54.240 is hereby amended to read as follows:

7.54.240 License—~~Applicant~~ Qualifications for Massage

Technician Applicants—Verification.

A. The applicant shall:

1. Furnish with ~~his~~each application a diploma or certificate of graduation from an ~~recognized~~approved school ~~wherein the method, profession and work of a massage technician is taught~~as defined in Business and Professions Code Section 4601; or

2. Furnish with ~~his~~each application a diploma or certificate from a school outside of the State of California which substantially complies with the educational requirements of ~~Section 29025 of the Education Code of this state~~Business and Professions Code section 4600 et seq. Applicants presenting educational credentials from outside the United States must show a diploma or certificate of graduation from a school within that country which has substantially similar educational requirements as an approved school within the United States or its territories; or

3. Have ~~had not less than~~a minimum of five (5) years' experience as a practicing massage technician and furnish proof thereof.

B. ~~Any department which has as one of its duties the investigation of this licensed activity or enforcement of this Title shall have the right to verify for authenticity the information supplied pursuant to this Section.~~ The Tax Collector may share

application information with the Department of Public Health, the Sheriff's Department, the Department of Consumer and Business Affairs, or other County officials responsible for the health, safety and welfare of the public.

SECTION 32. Section 7.54.250 is hereby amended to read as follows:

7.54.250 License—Limitations.

No massage technician licensed pursuant to this Chapter may perform any massage or massage services in any location other than ~~that~~the location specified on the license.

SECTION 33. Section 7.54.260 is hereby amended to read as follows:

7.54.260 Clothing—Required.

No massage or massage services may be administered unless the patron's genitalia, and if the patron is female, the breasts, are covered to the extent permitted by ~~Government Code s~~Section 51034(c)(4)(5). ~~The massage technician shall at all times while on the premises of the establishment, be clean, and wear nontransparent outer garments covering the body in a manner that does not violate Business and Professions Code section 4609(a)(10).~~

SECTION 34. Section 7.54.270 is hereby amended to read as follows:

7.54.270 Issued i~~dentification~~**—Required.**

~~All massage technicians must wear a picture I.D. issued by the treasurer and tax collector while working in a massage parlor.~~ Documentary proof of CAMTC certification or a picture identification issued by the Tax Collector shall be worn and clearly visible by

all persons providing massages during working hours and at all times when the massage technician is in the Massage Establishment.

SECTION 35. Section 7.54.280 is hereby amended to read as follows:

7.54.280 Manager—Required.

All Message eEstablishments licensed under this sSection shall ~~at all times the establishment is open~~ have a responsible person licensed under Section 7.54.210 ~~acting as manager on the premises~~ at the Massage Establishment at all times when open to the public for business. ~~The manager must be familiar with the requirements of this Chapter and be capable of communicating the provisions of this Chapter to employees and patrons of the establishment.~~ "Manager" means the person(s) designated by the owner or operator of the Massage Establishment to act as the representative or agent of the owner or operator in managing day-to-day operations. The manager must be familiar with the requirements of Los Angeles County Code Titles 7, 8, and 11, and State laws related to massage therapy, and be capable of communicating the provisions of State law and County Code related to massage therapy to employees and patrons of the Massage Establishment.

SECTION 36. Section 7.54.290 is hereby amended to read as follows:

7.54.290 License—RevocationOperating Without a Business License Prohibited.

~~The business license commission shall revoke any license issued pursuant to Part 1 and Part 2 of this chapter upon receiving satisfactory evidence that either:~~

A. ~~The licensee has been convicted of or entered a plea of guilty or nolo contendere to any violation of Penal Code Section 647(b), 266(h), 266(i), 315, or 316; or~~

B. ~~The licensee has violated any provision of chapter 7.54 of the county code on two separate occasions within a 12-month period.~~

~~Whenever a license has been revoked, the former licensee, whether a person, partnership, or corporation, shall not be granted a new license for a period of one year from the date of revocation.~~

To operate as a Massage Establishment in the unincorporated areas of the County, the business must have a valid business license and a valid public health permit in addition to any other licenses, permits, or certifications required by applicable County ordinances, municipal codes and State laws. If the business license is revoked or suspended for any period of time, the public health permit shall be automatically revoked or suspended for the same period.

SECTION 37. Section 7.54.300 is hereby added to read as follows:

7.54.300 License—Revocation.

The Business License Commission shall revoke any license issued pursuant to Part 1 and Part 2 of this Chapter upon receiving satisfactory evidence that either:

A. The licensee has been convicted of any violation of the Penal Code as referenced in 7.54.050 of this Chapter and all other violations listed under Section 11.36.330 of this Code; or

B. The licensee has violated any provision of Chapter 7.54 of the County Code on two (2) separate occasions within a 12-month period; or

C. The public health permit for the Massage Establishment issued pursuant to Title 8, Chapter 8.04 and Title 11, Chapter 11.36 of this Code is terminated, revoked, or otherwise no longer valid.

Whenever a license has been revoked, the former licensee, whether a person, partnership, or corporation, shall not be granted a new license for a period of one (1) year from the date of revocation.

SECTION 38. Section 8.04.288 is hereby added to read as follows:

8.04.288 Massage Establishments.

“Massage Establishment” means any business that offers massage, massage services, or massage therapy, including, but not limited to, reflexology, fomentations, shiatsu, alcohol rubs, Russian, Swedish, Turkish baths, or acupressure, in exchange for compensation at a fixed place of business. Any business that offers any combination of massage therapy and bath facilities – including, but not limited to, showers, baths, wet and dry heat rooms, pools and hot tubs – shall be deemed a Massage Establishment under this Chapter. Excluded from the definition of “Massage Establishment” shall be any commercial sex venue as defined in Section 11.04.310.

SECTION 39. Section 8.04.720 is hereby amended to read as follows:

8.04.720 Fee Schedule.

Business Classification	Permit Fee
...	
<u>Massage establishment</u>	<u>409.00</u>

...	
-----	--

SECTION 40. Section 8.04.728 is hereby amended to read as follows:

8.04.728 Service Charges—Basis—Payment.

...

D. The County Health Officer, upon request and in his or her discretion, may provide to a party requesting plan review an Expedited Construction Inspection. The initial Expedited Construction Inspection shall be completed within forty-eight (48) hours from receipt of payment of the fee. The fee charged shall be one-half (0.5) of the appropriate plan check fee and shall cover the cost of the initial and, if the County Health Officer deems it necessary, a final construction inspection. If a final construction inspection is deemed necessary, the party shall submit a separate request for such final construction inspection which shall be completed within forty-eight (48) hours from the time said request is received. Any additional construction inspections will be charged according to the Standard Billing Hourly Rate Schedule in Subsection C above.

E. The County Health Officer, upon request and in his or her discretion, may provide to a party requesting an Expedited Plan Check Review Process. An Expedited Plan Check Review Process shall consist of the initial plan review to be completed within ten (10) working days from receipt of payment of the fee and one follow-up plan review, and upon separate request, an initial and, if the County Health Officer deems it necessary, a final construction inspection to be completed within forty-eight (48) hours from the time said request is received. A fee shall be charged at the rate of one and a

half times the appropriate plan check fee and shall cover the cost of the expedited initial and follow-up plan review and the expedited initial and final construction inspections. Any additional reviews or inspections will be charged according to the Standard Billing Hourly Rate Schedule in Subsection C above.

F. Following is the Schedule of Service Charges for services provided by the County Health Officer. Failure to pay said fees constitutes a violation of this Section and may be prosecuted as such.

...	
Message parlor <u>reestablishment:</u>	
Message Parlor Inspection <u>Site evaluation</u>	204.00-164.00
...	

SECTION 41. Section 8.04.1400 is hereby added to read as follows:

Part 8. Message Establishments.

8.04.1400 Purpose of Massage Establishment Public Health

Permit.

A. The ordinance codified in this Title, together with the additions and amendments to Titles 7, 11, and 22, are collectively referred to as the Los Angeles County Massage Establishment Ordinance. These Titles should be read together to understand an applicant and permittee's legal obligations and the Board of Supervisors' intent in implementing these provisions.

B. Part 8 of Chapter 8.04 establishes a public health permit and fee system for Massage Establishments that are subject to State and local laws and regulations relating to public health and safety and Los Angeles County Code, Title 11, Chapter 11.36, Massage Establishment to ensure that County expenses resulting from the County's inspection and enforcement of public health requirements of Massage Establishments are offset by the fees collected.

C. The authority for this Part 8 and Los Angeles County Code, Title 11, Chapter 11.36 is contained in the California Government Code section 51030 et seq., which expressly provides for the local regulation of Massage Establishments.

SECTION 42. Section 8.04.1410 is hereby added to read as follows:

8.04.1410 Definitions.

A. "Business" includes, but not by way of limitation, everything about which a person can be employed, and means that which occupies the time, attention, and labor of men and women to produce a livelihood or profit, and connotes the efforts of men and women by varied and diverse methods of dealing with each other, to improve their individual economic conditions, and for the purposes of this Chapter shall include, without limitation, the advertising and soliciting of massages. The term "business" includes, but is not limited to, a massage technician who is the sole owner, operator and employee of a Massage Establishment operating as a sole proprietorship, as well as a Massage Establishment which employs massage technicians. The term "business" excludes massage, massage services, and massage therapy provided at a home-based residence.

B. "California Massage Therapy Council" or "CAMTC" means the massage therapy organization authorized to issue certifications to massage technicians pursuant to the California Business and Professions Code section 4600 et seq., the Massage Therapy Act.

C. "Client" means the customer or patron who pays for or receives massage services.

D. "Compensation" means the payment, loan, advance, donation, contribution, deposit, exchange, or gift of money or anything of monetary value.

E. "Employee" means any person employed by a Massage Establishment owner who may render any service to the business, and who receives any form of compensation from the establishment.

F. "Inspection Notification" means a public notification that may be posted by the County Health Officer at a Massage Establishment upon inspection of the establishment. The notice shall have the County Health Officer's contact information.

G. "Manager" means the person(s) designated by the owner or operator of the Massage Establishment to act as the representative or agent of the owner or operator in managing day-to-day operations. The manager must be familiar with the requirements of Los Angeles County Code, Titles 7, 8, and 11 and State laws related to massage, massage services, or massage therapy, and be capable of communicating the provisions of State law and County Code related to massage, massage services, or massage therapy to employees and patrons of the establishment.

H. "Massage," "Massage Services," and "Massage Therapy" means the scientific manipulation of the soft tissues, or as otherwise defined in Division 2, Chapter 10.5 of the Business and Professions Code.

I. "Massage Technician" as used in this Chapter means the following:

1. Any person(s) who administers to any person, for any form of consideration or gratuity, a massage, massage services, and massage therapy as defined in Section 8.04.1410 of this Chapter. A "massage technician" includes a student at a school of massage who administers massage, massage services, or massage therapy to any person who pays for or gives a gratuity for such, whether the payment or gratuity is to such student or to the school. As used in this Chapter approved school means any school or institution of learning approved pursuant to Division 2, Chapter 10.5 of the Business and Professions Code, or

2. A massage therapist who is certified by the CAMTC under section 4604 of the Business and Professions Code, and who administers massage for compensation, or

3. A massage practitioner who is certified by the CAMTC pursuant to sections 4604.1 or 4604.2 of the Business and Professions Code, or has a valid Los Angeles County business license and who administers massage for compensation.

J. "Owner" means a person with ownership interest in a business. An ownership interest shall be deemed to exist when a person has a five (5) percent or greater interest in the stock, assets, or income of a business other than the sole interest of security for debt.

K. "Reception area" means an area immediately inside the front door of the Massage Establishment dedicated to the reception and waiting of patrons of the Massage Establishment and visitors, and which is not a massage therapy room or otherwise used for the provision of massage therapy services.

L. "Reflexology" means the application of specific pressure by the use of the technician's hands, thumb, and fingers to reflex points in the client's hands, feet, or ears.

M. "Sole proprietorship" means a Massage Establishment where the owner is a massage technician and is the only person employed by that business to provide massage services. A sole proprietorship does not include a single technician operating out of their own personal residence.

N. "Solicit" means to request, ask, demand or otherwise arrange for the provision of services.

O. "Vermin" means cockroaches, mice, rats, and similar pests that carry disease.

P. "Vermin infestation" means the presence of vermin within the Massage Establishment as evidenced by actual live bodies, fresh droppings or vomitus, urine stains, or gnaw marks, that could result in contamination of premises, massage equipment, linens, and massage tables.

SECTION 43. Section 8.04.1420 is hereby added to read as follows:

8.04.1420 Public Health Permit – Required.

A. Any owner of a Massage Establishment shall procure a public health permit, comply with this Part, Los Angeles County Code, Title 11, Chapter 11.36, State laws, and pay an annual permit fee in the amount set forth in Title 8, Section 8.04.720.

B. It shall be unlawful for any business to provide massage services for compensation within the unincorporated area of Los Angeles County without obtaining a public health permit as provided in this Chapter.

SECTION 44. Section 8.04.1430 is hereby added to read as follows:

8.04.1430 Application Requirements for Massage Establishment

Public Health Permit.

A. The public health permit application shall include all the following information:

1. Legal name of the Massage Establishment;
2. Address (no P.O. Box) and telephone number of the Massage Establishment;
3. Legal names of all owners of the Massage Establishments;
4. Any other name(s) used by any owner(s) in the last five (5) years;
5. For all owners, number of the valid and current driver's license and/or identification issued by a state or federal governmental agency or other photographic identification bearing a bona fide seal by a foreign government;
6. Written evidence that the applicant is at least 18 years of age;

7. A list of all the Massage Establishment employees and independent contractors who are performing massage and their CAMTC certification or if non-certified, a copy of their valid business license;

8. Residence address and telephone number of all owners of the Massage Establishment;

9. Business address and telephone number of all owners of the Massage Establishment;

10. The form of business under which the Massage Establishment will operate (i.e., corporation, general or limited partnership, limited liability company, or other form);

11. For all owners, a signed statement that all of the information contained in the application is true and correct; that all owners shall be responsible for the conduct of the establishment, employees or independent contractors providing massage services; and acknowledging that failure to comply with the Business and Professions Code section 4600 et seq., any local, State, or federal law, may result in revocation of the permit.

12. If applicable, provide a copy of their Los Angeles County business license or the receipt for application for a Los Angeles County business license.

13. All convictions, except for minor traffic violations.

14. Any and all violations within the last five (5) years, including revocation, suspensions or denials of any licenses or permits, of any city, county or State laws governing Massage Establishments.

B. The applicant shall be notified in writing if the application is incomplete and shall have sixty (60) days from the date of the notification to supply the information or documentation that is required for the application to be deemed complete. If the applicant does not provide such information within sixty (60) days, the application will be deemed abandoned and will not receive further consideration.

SECTION 45. Section 8.04.1440 is hereby added to read as follows:

8.04.1440 Public Health Permit – Display Required.

Every public health permit issued in accordance with this Chapter shall be displayed in a conspicuous place in plain sight of patrons in the business establishment for which the permit is issued.

SECTION 46. Section 8.04.1450 is hereby added to read as follows:

8.04.1450 Massage Services – Payment.

All payments including tip/gratuuity for massage services at a Massage Establishment shall be made exclusively at the designated reception area regardless of form of payment.

SECTION 47. Section 8.04.1460 is hereby added to read as follows:

8.04.1460 Site Evaluation – When Required.

A. A site evaluation shall be conducted for compliance with this Part and Los Angeles County Code, Title 11, Chapter 11.36, Massage Establishments, as applicable. When a site evaluation is required, a public health permit will be issued after the Massage Establishment complies with the site evaluation.

B. A site evaluation shall be required when:

1. There is new construction or a remodeling of the facility that increases the size or type of business or services provided;
2. There is a change of ownership or a new public health permit is required;
3. Deemed necessary by the County Health Officer for protecting public health and safety.

SECTION 48. Section 8.04.1470 is hereby added to read as follows:

8.04.1470 Approval or Denial of Massage Establishment Public Heath Permits.

A Massage Establishment public health permit will be issued unless:

- A. The applicant has not complied with the site evaluation and thus not in compliance with this Part and the Los Angeles County Code Title 11, Chapter 11.36 Massage Establishments, as applicable.
- B. The application is incomplete.
- C. The applicant has falsified information on the application.
- D. The applicant or any owner of the Massage Establishment was required to register under the provisions of Penal Code section 290 or within ten (10) years immediately preceding the date of the application committed a violation of an offense or crime as listed in Section 11.36.330.

SECTION 49. Section 8.04.1480 is hereby added to read as follows:

8.04.1480 Public Health Permit – Exemptions.

This Part shall not apply to the following classes of persons or entities, and no Massage Establishment public health permit shall be required, while engaged in performing the duties of their respective professions:

A. Physicians, surgeons, chiropractors, osteopaths, or physical therapists who are duly licensed to practice their respective professions in the State of California, and persons working at the place of business and under the supervision of a licensed physician, surgeon, chiropractor, osteopath, or physical therapist.

B. Nurses who are registered as such under the laws of the State of California.

C. Hospitals and medical centers.

D. Barbers and beauticians, estheticians, and cosmetologists who are duly licensed under the laws of the State of California while engaging in practices within the scope of their licenses, except that this provision shall apply solely to the massaging of the neck, face and/or scalp, hands or feet of the clients.

E. Accredited high schools, junior colleges, and colleges or universities whose coaches and trainers are acting within the scope of their employment.

F. Trainers of amateur, semi-professional or professional athletes or athletic teams while engaging in their training responsibilities for and with athletes; and trainers working in conjunction with a specific athletic event.

G. Acupuncturists who are duly certified to practice their profession in the State of California.

H. Staff of any location licensed as a health club/gym, provided only one massage table is used at such location and provided such use is incidental to the operation of the health club/gym.

I. Persons administering massages or health treatment at a single-occurrence athletic, recreational or festival events, such as health fairs, road races, track meets, triathlons and other similar events; provided that all of the following conditions are satisfied:

1. The massage services are made equally available to all participants in the event;
2. The event is open to participation by the general public or a significant segment of the public such as employees of sponsoring or participating corporations;
3. The massage services are provided at the site of the event and either during, immediately preceding or immediately following the event;
4. The sponsors of the event have been advised of and have approved the provision of massage services; and
5. Persons providing the massage services are not the primary sponsors of the event.

SECTION 50. Section 8.04.1490 is hereby added to read as follows:

8.04.1490 Operating Without a Business License - Prohibited.

A. To operate as a Massage Establishment in the unincorporated areas of the County, the business must have a valid public health permit and a County business license. If the tax collector or Business License Commission revokes or suspends the business license for any period of time, the public health permit shall be automatically revoked or suspended for the same period.

B. To operate as a Massage Establishment in the incorporated cities, the business must have a valid public health permit and city business license or permit, as applicable. If the city revokes or suspends the business license for any period of time, the public health permit shall be automatically revoked or suspended for the same period.

SECTION 51. Section 8.04.1500 is hereby added to read as follows:

8.04.1500 Signs.

A recognizable and readable sign shall be posted at the main entrance, identifying the Massage Establishment. Such sign shall comply with all requirements of all county ordinances and municipal codes, as applicable.

SECTION 52. Section 8.04.1510 is hereby added to read as follows:

8.04.1510 Inspection Notification – Display Required.

Upon issuance by the County Health Officer, the health officer shall post at every Massage Establishment the inspection notification as determined by the County Health

Officer, so as to be clearly visible to the general public and to patrons entering the facility. "Clearly visible to the general public and to patrons" means:

1. Posted in the front window of the facility within five (5) feet of the front door or;
2. Posted in a location as directed and determined in the discretion of the County Health Officer to ensure proper notice to the general public and to patrons.

SECTION 53. Section 8.04.1520 is hereby added to read as follows:

8.04.1520 List of Services.

A list of the services available, minimum duration of the service and the cost of such services shall be displayed in a conspicuous place within the reception area of the Massage Establishment. No owner, operator, or manager shall permit, and no massage technician under Title 7, Chapter 7.54.200 shall offer or perform, any service other than those displayed or listed as required herein, nor shall owner, operator or a massage technician request or charge a fee for any service other than those on the list of services available and displayed in the reception area.

SECTION 54. Section 8.04.1530 is hereby added to read as follows:

8.04.1530 Prohibited Advertising.

A. No Massage Establishment shall cause to be placed, published or distributed, including on the internet, any advertising that would reasonably suggest to prospective clients that any service is available other than those services listed as an available service pursuant to Section 8.04.1520, nor shall any Massage Establishment employ language in the text of such advertising that would reasonably suggest to a

prospective client that any service is available other than those services as described in compliance with the provisions of this Chapter. No person providing massage services shall advertise in any manner or form that massage is provided for compensation unless a valid license is possessed as required by Title 7 – Business Licenses, or is CAMTC certified as applicable. No Massage Establishment shall advertise in any manner or form that it provides massage for compensation unless the Massage Establishment possesses a valid public health permit.

B. No Massage Establishment shall cause to be published or distributed, including on the internet, any advertising or services that would violate this Chapter.

SECTION 55. Section 8.04.1540 is hereby added to read as follows:

8.04.1540 Notice - Human Trafficking Prohibited.

Massage Establishments must comply with the requirements of Civil Code section 52.6, which requires the posting of notices concerning human trafficking and slavery in a public and conspicuous place.

SECTION 56. Section 11.36.010 is hereby added to read as follows:

Chapter 11.36 Massage Establishments.

Part 1 General Provisions.

11.36.010 Purpose and Intent.

The ordinance codified in this Title, together with the additions and amendments to Titles 7, 8, and 22, are collectively referred to as the Los Angeles County Massage Establishment Ordinance. These Titles should be read together to understand an

applicant and permittee's legal obligations and the Board of Supervisors' intent in implementing these provisions.

SECTION 57. Section 11.36.020 is hereby added to read as follows:

11.36.020 Definitions.

Definitions contained within Title 8, Chapter 8.04 of the Consumer Protection, Business and Wage Regulations shall pertain to this Chapter.

SECTION 58. Section 11.36.030 is hereby added to read as follows:

11.36.030 Referral of Massage Establishment Public Health Permit

Applications and Law Enforcement Notification.

A. The County Health Officer, or his or her designee, within ten (10) days of receiving an application for a public health permit to operate a Massage Establishment shall refer the applicant to the Tax Collector or the incorporated city agency to obtain the applicable business license.

B. The County Health Officer, or his or her designee, shall notify the Sheriff's Department or local police department of all approved and denied Massage Establishment public health permit applications.

SECTION 59. Section 11.36.100 is hereby added to read as follows:

Part 2 General Requirements of Massage Establishments.

11.36.100 Employment of Minors Prohibited.

It shall be unlawful to employ in a Massage Establishment any individual who is not at least 18 years of age.

SECTION 60. Section 11.36.110 is hereby added to read as follows:

11.36.110 Maintenance of Premises and Equipment.

A. All walls, ceilings, floors, pools, showers, bathtubs, steam rooms and all other physical facilities for the Massage Establishment shall be in good repair and maintained in a clean and sanitary condition.

B. The Massage Establishment's windows may not be completely obstructed.

C. Pools, showers, wet and dry heat rooms, steam or vapor rooms, or steam or vapor cabinets, shower compartments and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs shall be thoroughly cleaned after each use.

D. Clean and sanitized towels and linens shall be provided for each patron of the establishment or each patron receiving massage services. No common use of towels or linens shall be permitted.

E. Separate, adequate, closed cabinets shall be provided for the storage of clean and soiled linen, and shall be plainly marked: "Clean Linen," "Soiled Linen." Linen includes, but is not limited to, sheets, towels, and apparel. Soiled towels, linens and sheets shall be laundered and dried on the premises of suitable laundry facilities or at a commercial laundry service.

F. Standard or portable massage tables with a durable, washable plastic or other waterproof material as a covering shall be used. Foam pads more than four (4) inches thick or more than four (4) feet wide may not be used. Beds, mattresses and water beds may not be used in the administration of a massage.

G. The facility shall be free of vermin, including but not limited to cockroaches, mice, rats, and other pests that carry disease.

H. A room, enclosure, or designated area that is separate from the toilet, massage room(s), steam room, or other common areas shared by the clients shall be designated and provided to employees at all times. The employee area(s) shall be furnished with adequate storage space for employees' personal belongings. Clients and members of the public may not have access to the employee area.

I. Liquid waste shall be disposed of through the approved plumbing system and shall discharge into the public sewerage or into an approved private sewage disposal system.

SECTION 61. Section 11.36.120 is hereby added to read as follows:

11.36.120 Draping the Client – Required.

No massage, massage services, or massage therapy may be administered unless the patron's genitalia, and female breasts, are covered.

SECTION 62. Section 11.36.130 is hereby added to read as follows:

11.36.130 Attire Requirements.

All massage technicians shall meet the attire requirements specified in the California Business and Professions Code section 4609, subdivision (a)(10). All other employees, contractors, and owners of the Massage Establishment shall remain fully clothed in clean outer garments while on the premises of the Massage Establishment. At a minimum, such clothing shall be made of non-transparent material and shall cover the entirety of the torso area from the chest to mid-thigh.

SECTION 63. Section 11.36.150 is hereby added to read as follows:

Part 3 **Operational Requirements of Massage Establishments.**

11.36.150 **Hours of Operation and Other Restrictions.**

The permittee shall not conduct business or operate a Massage Establishment between the hours of 10:30 p.m. and 7:00 a.m. of any day.

SECTION 64. Section 11.36.160 is hereby added to read as follows:

11.36.160 **Massage Technician – Required.**

A. It shall be unlawful for any individual to practice massage therapy for compensation at a Massage Establishment unless that individual is a massage technician, as defined in Section 8.04.1410.

B. CAMTC-certification or a picture identification issued by the Tax Collector shall be worn by and clearly visible on the massage technician's person during working hours and at all times when the massage technician is in the Massage Establishment.

C. Massage technicians shall not engage in lewd conduct on business premises of the Massage Establishment. Lewd conduct means touching the genitals, buttocks, or female breast of either the massage technician or customer with some part of the other person's body for the purpose of sexual arousal or gratification.

SECTION 65. Section 11.36.170 is hereby added to read as follows:

11.36.170 **Manager – Required.**

While open, all Massage Establishments licensed under Section 8.04.288 shall have a manager as defined in Section 8.04.1410 on the premises. The manager must be familiar with and capable of communicating with employees and patrons of the

establishment on the requirements of this Chapter and State law as it relates to massage therapy.

SECTION 66. Section 11.36.180 is hereby added to read as follows:

11.36.180 Entry and Exit.

Massage Establishment clients shall enter and exit exclusively through the front door of the Massage Establishment. The front door shall be the door facing the street or, if no such door exists, the door that is most visible to members of the public passing by the Massage Establishment.

SECTION 67. Section 11.36.190 is hereby added to read as follows:

11.36.190 Cleanliness.

A. Instruments used for massage shall be disinfected prior to each use by a reasonable method approved by the County Health Officer or his or her designee. Where such instruments for massage are employed, adequate quantities of supplies for disinfection shall be available during all hours of operation.

B. Adequate equipment for disinfecting and sterilizing instruments used in performing the acts of massage shall be provided.

C. Hot (100°F) and cold running water shall be provided at all times.

SECTION 68. Section 11.36.200 is hereby added to read as follows:

11.36.200 Contamination Prevention.

A. Skin products, such as oil, lotions, and creams, shall be dispensed from single-use containers. Skin products stored in multi-use containers shall be dispensed in a manner to prevent contamination.

B. Sponges used to rub the skin must be single use, and disposed of after each use.

SECTION 69. Section 11.36.210 is hereby added to read as follows:

11.36.210 Operating Requirements.

A. No alcohol, cannabis or illegal drugs shall be permitted on premises. No alcoholic beverages, cannabis or drugs may be sold, served, used, consumed or possessed on business premises during business hours.

B. A person shall not enter, be or remain in any part of a Massage Establishment or premises licensed as such while in the possession of, consuming or using any alcoholic beverage or drugs. The owner, operator, manager, and every supervising employee shall not permit any such person to enter or remain upon such premises.

C. Massage Establishment owners or operators shall provide all employees with culturally and linguistically appropriate educational materials regarding employee rights, and information on a variety of resources, including linkages to health services, victim assistance services, and emergency numbers and hotlines to call for information and assistance.

D. Massage Establishment premises shall not be used as a sleeping room or for any other residential purpose.

E. A Massage Establishment owner shall notify the County Health Officer, or his or her designee, of any changes to the owner's address and/or phone number.

F. A Massage Establishment owner shall report to the County Health Officer,

or his or her designee, any of the following within ninety-six (96) hours of the occurrence:

1. Arrests of any employees or owners of the Massage Establishment for an offense other than a misdemeanor traffic offense;

2. Any event involving the Massage Establishment owner or a massage technician employed therein that constitutes a violation of this ordinance or state or federal law;

3. Any provision which requires reporting to the County Health Officer or his or her designee even if the Massage Establishment owner believes that the County Health Officer or his or her designee has or will receive the information from another source.

G. Massage, massage services, or massage therapy are not permitted in rooms, booths, or other areas with doors capable of being locked.

H. The exterior doors and the doors separating the waiting or reception area from the remainder of the establishment shall remain unlocked during business hours (including electric locking devices). This subdivision shall not apply to sole proprietorship Massage Establishments as defined in Section 8.04.1410.

I. A copy of the CAMTC certificate or valid business license issued by the Treasurer and Tax Collector of each and every massage technician employed in the business shall be displayed in the reception area or similar open public place on the premises. CAMTC certificates or business licenses of former employees and/or independent contractors shall be removed as soon as those massage technicians are

no longer employed by or offering services through the massage business.

J. For each massage service provided, every massage business shall keep a complete and legible written or electronic record of the following information: (1) the date and hour that service was provided; (2) the service provided; (3) the name or initials of the employee entering the information; and (4) the name of the massage technician administering the service and the CAMTC certificate number. Such records shall be open to inspection and copying by the Sheriff's Department, or other officials charged with enforcement of this Chapter. These records may not be used by any massage technician or operator for any purpose other than as records of service provided and may not be provided to other parties by the massage technician or operator unless otherwise required by law. Such records shall be retained on the premises of the massage business for a period of two (2) years and be immediately available for inspection during business hours.

K. Condoms are prohibited on or within the premises of a Massage Establishment.

L. All massages, massage services, and massage therapy must be performed at the Massage Establishment.

SECTION 70. Section 11.36.220 is hereby added to read as follows:

11.36.220 Lighting and Ventilation.

Massage Establishments shall comply with the local building code for lighting and ventilation.

SECTION 71. Section 11.36.230 is hereby added to read as follows:

11.36.230 Toilet Facilities, Dressing and Lockers.

A. A minimum of one (1) toilet and one (1) washbasin, shall be provided in every Massage Establishment as per local building code for patrons and employees. Hand wash sinks shall be provided with approved, sanitary drying method(s), which includes single-use paper towels, and soap placed in permanently installed dispensers. A trash receptacle shall be provided in each toilet room.

B. Adequate dressing rooms shall be provided for patrons. Dressing rooms will be used only by patrons of the same sex at the same time. Dressing rooms need not be separate from the room in which the massage is being performed. If the massage takes place without disrobing of patrons, then separate dressing rooms are not required for each patron. A location for each patron served to safely store their valuables shall be provided such as a locker or other approved methods as approved by the County Health Officer or his or her designee.

SECTION 72. Section 11.36.240 is hereby added to read as follows:

11.36.240 Hand Wash Sink for Employees.

A minimum of one separate hand wash sink shall be provided in each Massage Establishment for the use of employees. The hand wash sink shall have hot (100°F) and cold running water at all times, and shall be located within or as close as practical to the area devoted to performing massage services. In addition, there shall be provided at each hand wash sink, liquid hand soap, single-use wall mounted disposable paper towels and soap placed in permanently installed dispensers.

SECTION 73. Section 11.36.250 is hereby added to read as follows:

11.36.250 Recording of Activities Prohibited.

No part of a Massage Establishment where massage, massage services or massage therapy are being conducted shall be equipped with any electronic, mechanical or artificial device used, or capable of being used, for recording or videotaping, for monitoring the activities, conversation, or other sounds in the treatment room or room used by customers, except in the designated reception areas.

SECTION 74. Section 11.36.300 is hereby added to read as follows:

Part 4 Inspection of Massage Establishments and

Enforcements.

11.36.300 Inspection By Officials.

The County of Los Angeles, including but not limited to Los Angeles County Sheriff's Department or local law enforcement, County Health Officer, Director of Environmental Health, and Director of Building and Planning for the County of Los Angeles, or their designees, shall have the right to enter the premises from time to time during regular business hours to make reasonable inspections to observe and enforce compliance with building, fire, electrical, plumbing or health regulations, and to enforce compliance with applicable regulations, laws, and statutes, and with the provisions of this Chapter.

SECTION 75. Section 11.36.310 is hereby added to read as follows:

11.36.310 Abatement.

Any Massage Establishment operated or maintained in a manner contrary to the requirements of this Chapter or as deemed by the County Health Officer, is hereby declared to be unlawful and a public nuisance.

SECTION 76. Section 11.36.320 is hereby added to read as follows:

11.36.320 Hearing Process.

A. Any Massage Establishment public health permit issued to a permittee may be suspended or revoked by the Department of Public Health for a violation of the requirements of Titles 7, 8, or 11 or State and local laws or regulations. Any Massage Establishment for which the public health permit has been suspended or revoked shall close and cease doing business and remain closed until the permit has been reinstated or reissued by the Department of Public Health.

B. Whenever the Department of Public Health finds that a Massage Establishment does not comply with the requirements of Titles 7, 8, or 11 or State and local laws or regulations, a report that contains a required compliance date shall be issued to the permittee. If the permittee fails to correct the violation by the compliance date, the Department of Public Health shall issue to the permittee a written notice setting forth the permit violations found by the Department of Public Health. The notice shall inform the permittee of a right to compliance review and if applicable, why the permittee's public health permit should be suspended or revoked. A permittee must make a written request to the Department of Public Health for a compliance review

within ten (10) calendar days of service of the notice, or correct the violation. A failure to request a compliance review within ten (10) calendar days after service of the notice shall be deemed a waiver of the right to a compliance review, and may subject the permittee's permit to immediate suspension by the Department of Public Health.

C. The compliance review shall be held within fifteen (15) calendar days of the Department of Public Health's receipt of the permittee's written request for a compliance review. Upon written request by the permittee, the compliance review officer may postpone any compliance review date, if circumstances warrant such action, or cancel the compliance review if the permittee's violations are corrected as verified by the Department of Public Health.

D. At the compliance review, the compliance review officer shall hear testimony, and read and consider documents submissions from the permittee and the Department of Public Health representatives.

E. The compliance review officer shall issue and serve a written decision to the permittee within fifteen (15) calendar days following the compliance review. In the event of suspension or revocation, the decision shall specify the permit violations that were found to exist and/or continue that were the basis of the suspension or revocation, the time period of the suspension of the permit, and the actions required for the correction of the continuing violations.

F. Failure to appear at the compliance review shall constitute an abandonment of the compliance review request.

G. Notwithstanding any other provision of this Chapter, if any immediate danger to the public health or safety is found or is reasonably suspected, unless the danger is immediately corrected, the Department of Public Health may immediately suspend the permittee's public health permit and order the Massage Establishment immediately closed, pending the determination of a compliance review. Immediate danger to the public health or safety shall include any condition, based upon inspection findings or other evidence, that can cause or is reasonably suspected of causing, infection, illness or disease transmission, lewd conduct, human trafficking, or any known or reasonably suspected hazardous condition.

H. Whenever a public health permit is suspended as the result of an immediate danger to the public health or safety, the Department of Public Health shall issue to the permittee a notice setting forth the violations that have caused the immediate danger, specifying the Sections of this Chapter, or State or local laws or regulations, allegedly violated, and informing the permittee of the right to a compliance review and why the permittee's public health permit should be suspended.

I. The Department of Public Health may, after providing opportunity for a compliance review, modify suspend, modify, or revoke a public health permit for serious or repeated violations of the requirements of this Chapter or State and local laws and regulation, or for interference in the performance of the inspection and investigation duties of the Department of Public Health.

J. A public health permit may be reinstated, or a new public health permit issued if the Department of Public Health determines that the conditions which

prompted the suspension or revocation no longer exist.

SECTION 77. Section 11.36.330 is hereby added to read as follows:

11.36.330 Suspension or Revocation of Massage Establishment

Public Health Permit.

A. Any Massage Establishment public health permit issued under this Chapter may be suspended pending an Office Review when, in the opinion of the County Health Officer or his or her designee, the public health or safety requires such suspension. A written notice of such suspension shall be provided to the permit holder by hand delivery or registered mail.

B. A Massage Establishment public health permit may be revoked or suspended after an Office Review, if the County Health Officer or his or her designee finds:

1. Facts sufficient to support denial of a Massage Establishment public health permit on any ground set forth in Section 8.04.1470.
2. The massage technician has violated the conduct requirements in Section 11.36.160.
3. There is good cause to suspend or revoke the public health permit in accordance with Chapter 8.04 – Public Health Licenses.
4. The massage technician has violated any of the provisions of this Chapter or a rule or regulation adopted by the County Health Officer or his or her designee related to the practice of massage.

5. The owner of the Massage Establishment must register under the provisions of Penal Code section 290 or register as a sex offender in any state of the United States.

6. The owner has been convicted of Penal Code sections 266h (pimping), 266i (pandering), 314 (indecent exposure, obscene exhibitions, and bawdy and other disorderly houses,) 315 (keeping or residing in a house of ill-fame), 316 (keeping disorderly house), 318 (prevailing upon person to visit a place for prostitution), 647(b) (engaging in or soliciting prostitution), 653.22 (loitering with intent to commit prostitution), or 653.23 (supervision of prostitute); has a business permit or license denied, revoked, restricted, or suspended by any agency, board, city, county, territory, or state; is subject to an injunction for nuisance pursuant to Penal Code sections 11225—11235 (red light abatement); is convicted of a felony offense involving the sale of a controlled substance; is convicted of any crime involving dishonesty, fraud, deceit, violence, or moral turpitude; or is convicted in any other state of an offense which, if committed in this State, would have been punishable as one or more referenced offenses in this subdivision.

7. The overflow or backup of toilets, sinks, floor sinks/drains resulting in the accumulation of sewage/wastewater on or within the premises.

8. The presence of a vermin infestation within the Massage Establishment.

9. The lack of available water or hot water (100°F) at all faucets within the facility.

10. The city or county business license has been revoked or suspended.

C. Whenever a public health permit has been revoked, the former permittee, whether a person, partnership, or corporation, shall not be granted a new public health permit for a period of one (1) year from the date of revocation.

SECTION 78. Section 22.14.130 - M is hereby amended to read as follows:

22.14.130 M.

Mailed. This term and the term "mailed or delivered" shall mean:

...

~~Massage. This term includes any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, manipulation, or stimulating the external parts of the body, with or without the aid of any mechanical or electrical apparatus or appliances, with or without supplementary aids such as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations. This term includes "massage services."~~ "Massage," "massage services," or "massage therapy" means the scientific manipulation of the soft tissues or as otherwise defined in Division 2 Chapter 10.5 of the Business and Professions Code.

~~Massage parlor establishment. Means any premises where "massage" or "massage services", or massage therapy are given.~~

...

SECTION 79. Section 22.20.030 is hereby amended to read as follows:

22.20.030 Land Use Regulations for Zones C-H, C-1, C-2, C-3, C-M, C-MJ, and C-R.

...

C. Use Regulations.

1. Principal Uses. Table 22.20.030-B, below, identifies the permit or review required to establish each principal use.

Table 22.20.030-B: PRINCIPAL Use Regulations for Commercial Zones								
	<i>C-H</i>	<i>C-1</i>	<i>C-2</i>	<i>C-3</i>	<i>C-M</i>	<i>C-MJ</i>	<i>C-R</i>	<i>Additional Regulations</i>
Agricultural and Resource-Based Uses								
...								
Massage parlors establishment	-	-	-	CUP	CUP	CUP	CUP	
...								

SECTION 80. Section 22.20.030 is hereby amended to read as follows:

22.22.030 Land Use Regulations for Zones M-1, M-1.5, M-2, and M 2.5.

...

C. Use Regulations.

1. Principal Uses. Table 22.22.030-B, below, identifies the permit or review required to establish each principal use.

Table 22.22.030-B: PRINCIPAL Use Regulations for Industrial Zones					
	<i>M-1</i>	<i>M-1.5</i>	<i>M-2</i>	<i>M-2.5</i>	<i>Additional Regulations</i>
Agricultural and Resource-Based Uses					
...					
Massage parlors establishment	CUP	CUP	CUP	CUP	
...					

SECTION 81. Section 22.24.030 is hereby amended to read as follows:

22.24.030 Land Use Regulations for Rural Zones.

...

C. Use Regulations. 1. Principal Uses. Table 22.24.030-B, below, identifies the permit or review required to establish each principal use.

Table 22.24.030-B: PRINCIPAL Use Regulations for RURAL Zones			
	<i>C-RU</i>	<i>MXD-RU</i>	<i>Additional Regulations</i>
Agricultural and Resource-Based Uses			
...			
Massage parlors establishment	CUP	CUP	
...			

SECTION 82. Section 22.26.030 is hereby amended to read as follows:

22.26.030 Mixed Use Development Zone.

...

3. Use Regulations.

a. Principal Uses.

ii. Table 22.26.030-C, below, identifies the permit or review required to establish each principal use. These uses may be established in commercial-only development projects or properties.

TABLE 22.26.030-C: PRINCIPAL LAND USE REGULATIONS FOR ZONE MXD IN COMMERCIAL-ONLY DEVELOPMENT PROJECTS OR PROPERTIES		
		Additional Regulations
Cannabis Uses		
...		
Massage parlors <u>est</u> ablishment	CUP	
...		

SECTION 83. Section 22.46.3005 is hereby amended to read as follows:

22.46.3005 Definitions of Uses and Terms.

The following definitions shall apply in this Form-Based Code.

A. Definitions of Uses.

...

6. Commercial, Restricted: Commercial, Restricted means a use which, because of its characteristics or location, may be suitable only in specific locations and only if such uses are designed or arranged on the site in a particular manner. For such uses, the Hearing Officer may impose conditions to ensure the purpose and intent of this Form-Based Code are satisfied including conditions related to, but not limited to, location, construction, maintenance, operation, site planning, traffic control, and time limits for the use. Restricted Commercial may include, but not be limited to, a tobacco shop, cigar bar, hookah bar, nail salon, dry cleaning plant, mortuary, tattoo and body piercing, massage parlorsestablishment, check-cashing store, bail bond, pawn shop, and a food and beverage processing use.

...

SECTION 84. Section 22.60.030 is hereby amended to read as follows:

22.60.030 Prohibited Uses.

In addition to uses listed in Section 22.22.030.E (Prohibited Uses), premises in Zone ()-IP shall not be used for the following uses listed in Table 22.60.030-A:

TABLE 22.60.030-A: USES PROHIBITED IN ZONE ()-IP	
...	
Art supply stores	<u>Massage parlors</u> <u>establishment</u>
...	

SECTION 85. Section 22.140.290 is hereby amended to read as follows:

22.140.290 Home-Based Occupations.

...

D. Prohibitions. The following uses are prohibited as home-based occupations as listed in Table 22.140.290-A, below.

TABLE 22.140.290-A: USES PROHIBITED AS HOME-BASED OCCUPATIONS	
...	
Massage therapy services, unless the therapist has procured a massage technician's business license and a massage parlor business license, as needed, massage services, or massage therapy.	Any other uses which disrupt and are inconsistent with the residential character of the neighborhood

[706040STCCC]

Exhibit B



BARBARA FERRER, Ph.D., M.P.H., M.Ed.
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BOARD OF SUPERVISORS

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February 26, 2019

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**APPROVAL OF AN ORDINANCE TO AMEND LOS ANGELES COUNTY CODE
TITLE 7– BUSINESS LICENSES, TITLE 8 – CONSUMER PROTECTION, BUSINESS
AND WAGE REGULATIONS, TITLE 11 – HEALTH AND SAFETY CODE, AND
TITLE 22 – PLANNING AND ZONING RELATED TO MASSAGE ESTABLISHMENTS
(ALL SUPERVISORIAL DISTRICTS) (3 VOTES)**

SUBJECT

Approval to adopt an ordinance to amend Los Angeles County Code (LACC) Title 7 – Business Licenses to update the requirements for the licensing of massage establishments, Title 8 – Consumer Protection, Business and Wage Regulations and Title 11 – Health and Safety Code to establish a public health permit requirement and inspection program for massage establishments, and Title 22 – Planning and Zoning to modernize terminology.

IT IS RECOMMENDED THAT FOLLOWING THE PUBLIC HEARING YOUR BOARD:

1. Introduce, waive reading, and adopt the attached ordinance (Exhibit A) that amends the LACC Title 7 – Business Licenses to update the requirements for the licensing

of massage establishments, align the licensing requirements with Title 8 and Title 11, and update Business License Fees for Massage Establishments as follows: decrease the initial annual license fee from \$2,254 to \$1,896 and increase the renewal fee from \$213 to \$1,119. These fees will recover fully the Treasurer and Tax Collector's (TTC), Public Works Building and Safety's, Fire Department's, Sheriff's Department's (Sheriff), and Business License Commission's costs for accepting and processing the application, conducting inspections, conducting a Business License Commission Hearing, and issuing the business license. Additionally, adoption of the ordinance amends the LACC Title 8 – Consumer Protection, Business and Wage Regulations and Title 11 – Health and Safety Code, to establish a public health permit requirement and a health and safety inspection program for massage establishments and to establish a public health permit fee of \$409 and a site evaluation fee of \$164 to recover costs for the Department of Public Health (DPH) massage establishment inspection program, and amends Title 22 – Planning and Zoning to provide terminology consistent with the proposed amendments in Titles 7, 8, and 11.

2. Upon ratification of Exhibit A, instruct the DPH to terminate existing massage establishment inspection agreements with five incorporated cities and encourage all incorporated cities to adopt, by resolution, the ordinance amendment for uniformity and consistency in health and safety requirements for massage establishments.

PURPOSE/JUSTIFICATION FOR RECOMMENDED ACTION

On November 21, 2017, a Board Motion by Supervisors Janice Hahn and Hilda L. Solis directed County Counsel, in consultation with the DPH, to prepare an ordinance that establishes massage parlor health and safety requirements, establishes a public health permit program, and sets a public health permit fee to recover the costs of the annual inspections. The following recommendations are responsive to this Board Motion.

Adoption of Recommendation 1 would amend the LACC Title 7 – Business Licenses to update the requirements for the licensing of massage establishments and align the licensing requirements with Title 8 and Title 11. These requirements would only be applicable to those massage establishments in the unincorporated areas of the County and the contract cities of Santa Clarita, Malibu and Westlake Village, if adopted by them. Additionally, adoption of Recommendation 1 would amend Title 8 and Title 11 to establish a public health permit requirement, health and safety standards for massage establishments, and a public health permit fee to recover costs for a massage establishment inspection program. Through the ordinance, the DPH would regulate and monitor each massage establishment's compliance through annual inspections. Finally, adoption of Recommendation 1 would amend Title 22 to modernize terminology consistent with the proposed amendments to Titles 7, 8, and 11.

Adoption of Recommendation 2 would allow the DPH to terminate, for convenience, the current contracts with the cities of Bell Gardens, Commerce, Lomita, Rolling Hills Estates, and West Hollywood for massage establishment inspections. The DPH will then send letters to city managers of all incorporated cities, encouraging them to adopt the amended ordinance for permitting and inspecting massage establishments in their cities.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The recommended actions support the County of Los Angeles 2016-2021 Strategic Plan, Goal II, Foster Vibrant and Resilient Communities, Strategy II.2 – Support the Wellness of Our Communities, Strategy III.3 - Pursue Operational Effectiveness, Fiscal Responsibility, and Accountability.

FISCAL IMPACT/FINANCING

There is no Net County Cost associated with any of the recommended actions as the proposed massage establishment fees for the public health permit and business license would offset each department's respective program costs.

At this time, the DPH and TTC propose to use existing staff to implement the massage establishment inspection and licensing programs. However, departments will review staffing requirements as agreements with incorporated cities are executed. If additional staffing is necessary, a budget request will be submitted accordingly.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Environmental Health is a regulatory agency within the DPH and is staffed with Registered Environmental Health Specialists that perform mandated services, including inspections and investigations related to food, housing, drinking water, water pollution, land use, solid waste, and vector management. State law authorizes the DPH to collect fees to offset "reasonable expenses" that arise from its inspection activities. These service fees are exempt from voter approval, pursuant to the California Constitution, Article XII C, Section 1 (e) (1), (3), also known as Proposition 26.

California Business and Professions Code Section 4603.1 provides that local governments shall impose and enforce only reasonable and necessary fees and regulations.

The TTC issues business licenses to massage establishments and to massage technicians that are not California Massage Therapy Council (CAMTC)-certified, and are operating in the unincorporated areas of the County and in three cities that contract with the TTC. As part of the current business license approval process, the DPH conducts field visits of massage establishments to evaluate compliance with Title 7 and notifies the TTC whether the establishment is in compliance. Currently there is no public health permit requirement for massage establishments.

Ordinance

The DPH, TTC, County Counsel, and the Sheriff collaborated in the preparation of the ordinance to update business license requirements and establish public health permit massage regulations. The ordinance contains certain provisions, such as requiring all technicians to have a CAMTC certification, prohibiting advertising of unsolicited services, and requiring that notices be displayed regarding slavery and human trafficking. Licensed technicians without a CAMTC certification will be allowed up to two years from the effective date of the ordinance to satisfy the CAMTC certification requirement. Some provisions in the ordinance are unique to the DPH such as requirements for massage tables and sanitary conditions of the linens, and some are unique to the TTC such as to include background investigations and preparing for, and attending, the Business License Commission Hearings.

County Counsel has reviewed and approved the proposed ordinance and the Auditor-Controller has reviewed and approved both the public health fees and business license fees.

Pursuant to California Government Code Section 66018, a local agency must hold a public hearing as part of a regularly scheduled meeting of the Board of Supervisors, before adopting an ordinance, resolution, or other legislative enactment adopting a new fee, and shall publish notice of the public hearing in a newspaper in accordance with Government Code Section 6062a.

Outreach

On November 1, 2018, the DPH sent outreach invitation letters to all owners of massage establishments licensed by the County and to those who applied for a massage establishment business license in the last two years. Owners were invited to attend one of two outreach events, which were held by the DPH, TTC, and the Department of Regional Planning (DRP) on November 15 and 29, 2018, in West Covina and Downey, respectively. At the outreach events, the County representatives provided information to approximately 50 massage establishment operators and potential

operators regarding the proposed amendments to the LACC and the current zoning requirements for massage establishments in the unincorporated areas of the County. A Mandarin translator was also made available at these two events.

During the outreach, the DRP advised that because of changes in State law on January 1, 2015, effective January 1, 2020, all massage establishments must comply with existing zoning requirements. Several massage establishment owners in attendance had questions and concerns regarding these requirements. Based on the feedback provided, the DRP and TTC will meet with each impacted owner in the unincorporated area to inform them of their zoning requirements. The meetings will take place in early 2019 and include a translator.

The DPH also sent invitations to managers of the 85 contract cities to attend a November 14, 2018, informational session on new State laws and proposed local legislation, including the proposed massage establishment inspection ordinance. Representatives from 13 cities attended that meeting, where they were provided the proposed ordinance and asked to submit their input by November 28, 2018. The DPH sent all 85 contract cities a reminder notice on November 21, 2018, about the due date for ordinance feedback, and received input on the ordinance from the cities of Los Angeles and South Gate in response.

The DPH posted information regarding the proposed massage ordinance on the DPH Environmental Health website in English, Spanish, Mandarin, and Korean. The TTC will post similar information related to business license massage ordinance requirements on the TTC website upon Board approval of the amendments to the LACC Title 7 – Business Licenses.

IMPACT ON CURRENT SERVICES

Currently, massage establishments anywhere in the County are not under routine inspection by the DPH, unless an incorporated city contracts with the DPH to enforce that city's municipal code. Approval of the proposed ordinance will establish a massage establishment inspection and permitting program in the unincorporated areas of the County, which the DPH will enforce.

If Recommendation 1 is approved, the five existing city contracts for the inspection of massage establishments will be cancelled. A 30-day notice will be sent by the DPH informing the five city managers of the cancellation. In addition, all city managers will be encouraged to adopt, by resolution, the County ordinance for the permitting and inspection of massage establishments in their city.

CONCLUSION

Placing a Public Health Permit requirement for massage establishments under annual inspections for compliance with health and safety requirements and updating business license requirements within Title 7 protects the public's health and reduces opportunities for illegal activities, such as human sex trafficking.

Respectfully submitted,



BARBARA FERRER, PH.D., M.P.H., M.ED.
Director



JOSEPH KELLY
Treasurer and Tax Collector

BF:JK:ms

Enclosures

c: Sheriff
Chief Executive Officer
Auditor-Controller
County Counsel
Executive Officer, Board of Supervisors
Fire Department
Public Works
Regional Planning
Business License Commission