

## **A Brief History of AMTA-CA's Legislative Efforts**

1991 - The AMTA-CA organized the California Coalition on Somatic Practices; an informal group representing massage and somatic associations, individuals and school owners.

1995 - Almost 20,000 surveys were sent throughout the State. A narrow majority of massage therapists supported State regulation. Non-massage somatic practitioners, who were not subject to local vice laws, mostly did not want to be regulated.

2001 - The AMTA-CA surveyed our members about massage regulation and found fairly strong support for a State law to preempt local vice regulations. AMTA-CA hired a lobbyist, and began efforts for legislation to create state-wide regulation of the massage profession.

2003 - A Sunrise Survey, documenting the need for State regulation, was introduced. Typically, such need is based on potential harm to the public by the unregulated profession. Since there is little proof that massage practitioners do much physical harm, the Sunrise Survey took the position that the public would be better served by State regulation than the patchwork of local regulations imposed by communities in their mostly futile efforts to prevent the use of massage as a front by the sex industry.

2005-2006 - Then-Senator Figueroa, Chair of the Senate Business and Professions Committee, authored Senate Bill 421 (SB 421). He insisted on the unusual California model of a private public benefit organization, authorized and overseen by the legislature, that would issue certifications and regulate certificate holders.

SB 421 died in the very final hours of the session. This was due to opposition by the California Chiropractic Association (CCA) and, to a lesser degree, the California Physical Therapy Association, over scope of practice issues.

2008 - SB 731 (Oropeza), the initial version of what has become the Massage Therapy Act, was a compromise between different segments of the profession. California, at the time, had local regulations with educational requirements ranging from zero to 1,000 hours. The CCA formally supported the law only after we agreed to remove the scope of practice. As a result, this bill, though sponsored by AMTA-CA, was weak, complex and confusing.

In September, SB 731 was signed into law and created the California Massage Therapy Council to oversee the vetting of applicants and issuance of professional certifications.

2009 - The CAMTC began reviewing applications and issuing certificates.

2010 – Assembly Bill 1822 (AB 1822), a bill that would have essentially repealed SB 731, was sponsored by the formidable California Police Chiefs Association (CPCA). The bill narrowly made it through both houses of the legislature before being vetoed by the governor.

2011 – AMTA-CA sponsored AB 619 (Halderman). This bill cleared up some of the confusion in the original law, particularly in regards to the regulation of massage businesses in which everyone providing massage is certified, and added a few other less substantive provisions. The bill also gave CAMTC greater authority to “unapprove” or otherwise discipline schools for issuing fraudulent and falsified transcripts.

2012 - SB 1238 (Price), sponsored by CAMTC, focused on making the certification program more effective at weeding out individuals who had obtained their certification (fraudulently or by gaming the grandfathering provisions) in order to use massage as a cover for acts of prostitution. Significant authority was given to CAMTC to deny, suspend and revoke certification; most importantly when substantial evidence exists of sexual crimes and misbehavior.

2014 - AB 1147, the new Massage Therapy Act, is passed by both houses of the legislature and cautiously supported by AMTA-CA.

As finally enacted, AB 1147 (Bonilla, Gomez & Holden) retained the existence and portability of a statewide certification; a city could not impose additional requirements on a certified massage therapist to practice in their jurisdiction.

It also returned what is called land use authority to local government. Land use authority means that, while State law controls the requirements for a massage practitioner, local law dictates the requirements of a massage business (the brick and mortar establishment).

Some cities have interpreted the return of this land use authority as empowering them to declare a moratorium on new massage businesses, cap the number of massage establishments in a city, limit massage to ancillary use (ancillary use refers to a massage establishment that exists as part of another business, such as a hotel or gym), and/or require that massage establishments pay extraordinary fees or clear other steep and expensive regulatory hurdles.

Another provision of AB 1147 dissolved the CAMTC Board in September of 2015 and replaced it with a smaller board. The new board composition will have a minority of massage therapists, and now includes a representative from an anti-human trafficking organization. This change in Board structure was initiated by the League of California Cities. AMTA-CA will retain a permanent seat on this new board.

In September of 2014 Governor Brown signed AB 1147 into law, and it became effective January 1, 2015. This new version of The Massage Therapy Act continues voluntary statewide certification of massage providers until December 31, 2016.