

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1747**

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**Introduced by Assembly Member Holden**

February 14, 2014

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*An act to amend Sections 4600.5, 4602, and 4612 of, and to add Section 4601.1 to, the Business and Professions Code, and to amend Sections 51030 and 51032 of, and to add Section 51032.3 to, the Government Code, relating to ~~human trafficking~~ massage therapy.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1747, as amended, Holden. ~~Human trafficking—~~*Massage therapy.*

*(1) Existing law, until January 1, 2015, creates the California Massage Therapy Council and provides for the voluntary certification of massage practitioners and massage therapists by the council. Existing law specifies the requirements for the council to issue to an applicant a certificate as a massage practitioner or massage therapist, including completion of a curricula in massage and related subjects at an approved school. Existing law requires the council to immediately suspend, on an interim basis, the certificate of a certificate holder, if the council receives notice that the certificate holder has been arrested for and charged with, specified crimes, including soliciting or engaging in an act of prostitution or an act punishable as a sexually related crime.*

*This bill would make the records of the council open to public inspection pursuant to the California Public Records Act. The bill would require an approved or registered school to notify its students if the council has removed council approval of the school. The bill would also require the council to notify the city, county, or city and county*

where a certificate holder is operating when the council has revoked a massage certificate.

(2) Existing law authorizes a city, county, or city and county to charge a massage business or establishment a business licensing fee that is no higher than the lowest fee that is applied to other individuals and businesses providing professional services, as defined. Existing law prohibits a local building code or physical facility requirements applicable to a massage business or establishment from requiring an unlocked door when there is no staff available to ensure security of clients and massage staff who are behind closed doors. Existing law makes an owner or operator of a massage business or establishment who is a certificate holder responsible for the conduct of all employees or independent contractors working on the business premises.

This bill would, instead, authorize a city, county, or city and county to charge a massage business or establishment a business licensing fee that is no higher than the average fee that is applied to other individuals and businesses providing professional services. The bill would delete the prohibition against an ordinance requiring an unlocked door as described above. The bill would require an owner or operator to be responsible, as described above, regardless of whether the owner or operator is a certificate holder.

(3) Existing law authorizes a city, county, or city and county to enact an ordinance that provides for the licensing and regulation of the business of massage.

This bill would expressly authorize the ordinance to prohibit an individual or entity from operating a massage business without a valid massage business license, as defined, to require that, during a massage business' operating hours, a certificate holder be present, the massage business display a list of its employees and independent contractors certificate holders, and that each employee or independent contractor present his or her state-issued identification card or United States passport to a law enforcement officer upon request. The bill would also expressly authorize the ordinance to require a massage business to provide the list of certificate holders to the enacting body, and to prohibit sexual conduct at a massage business' premises. The bill would require the legislative body to transmit a copy of the ordinance to the council.

(4) Existing law authorizes a licensing body to deny a license if there is proof that the massage personnel, owners, and operators have been

*convicted of specified crimes, including soliciting or engaging in an act of prostitution.*

*This bill would authorize a licensing body to deny a local massage business license if the council or licensing body of another jurisdiction has revoked the applicant’s massage certificate or massage business license, respectively, the council has disciplined the applicant for unprofessional conduct or other specified acts, or the massage business is located where a previous massage business was located and the massage business license of that previous massage business was revoked.*

*This bill would authorize a local licensing body to suspend a massage business license if the owner, operator, or an employee of a massage business is arrested for specified crimes, including soliciting or engaging in an act of prostitution, for a period up to and including any administrative and judicial hearing regarding the violation, and would require the licensing body to reinstate the massage business license within 60 days of a decision finding the person not guilty of the alleged violation.*

*This bill would authorize a licensing body to revoke a local massage business license if the council or licensing body of another jurisdiction has revoked the owner’s or operator’s massage certificate or massage business license, respectively, or the council has disciplined the owner or operator for unprofessional conduct or other specified acts.*

~~Existing law provides that any person who deprives or violates the personal liberty of another with the intent to obtain forced labor or services or to effect or maintain a felony violation of offenses relating to prostitution, child pornography, as specified, or extortion, as defined, is guilty of human trafficking. Existing law also provides that a person who solicits or agrees to engage in or engages in any act of prostitution is guilty of disorderly conduct, a misdemeanor.~~

~~This bill would state the intent of the Legislature to enact legislation to prevent human trafficking and prostitution in massage therapy establishments.~~

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

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

- 1 *SECTION 1. Section 4600.5 of the Business and Professions*
- 2 *Code is amended to read:*

1 4600.5. (a) The California Massage Therapy Council, as  
 2 defined in subdivision (e) of Section 4600, ~~shall be created and~~  
 3 ~~shall have~~ *is hereby established with* the responsibilities and duties  
 4 set forth in this chapter. The council may take any reasonable  
 5 actions to carry out the responsibilities and duties set forth in this  
 6 chapter, including, but not limited to, hiring staff and entering into  
 7 contracts.

8 (b) (1) The council ~~shall be~~ *is* governed by a board of directors  
 9 made up of two representatives selected by each professional  
 10 society, association, or other entity, whose membership is  
 11 comprised of massage therapists and that chooses to participate in  
 12 the council. To qualify, a professional society, association, or other  
 13 entity shall have a dues-paying membership in California of at  
 14 least 1,000 individuals for the last three years, and shall have  
 15 bylaws that require its members to comply with a code of ethics.  
 16 The board of directors shall also include each of the following  
 17 persons:

18 (A) One member selected by each statewide association of  
 19 private postsecondary schools incorporated on or before January  
 20 1, 2010, whose member schools have together had at least 1,000  
 21 graduates in each of the previous three years from massage therapy  
 22 programs meeting the approval standards set forth in subdivision  
 23 (a) of Section 4600, except from those qualifying associations that  
 24 choose not to exercise this right of selection.

25 (B) One member selected by the League of California Cities,  
 26 unless that entity chooses not to exercise this right of selection.

27 (C) One member selected by the California State Association  
 28 of Counties, unless that entity chooses not to exercise this right of  
 29 selection.

30 (D) One member selected by the Director of Consumer Affairs,  
 31 unless that entity chooses not to exercise this right of selection.

32 (E) One member appointed by the Office of the Chancellor of  
 33 the California Community Colleges, unless that entity chooses not  
 34 to exercise this right of selection. The person appointed, if any,  
 35 shall not be part of any massage therapy certificate or degree  
 36 program.

37 The council's bylaws shall establish a process for appointing  
 38 other professional directors as determined by the board.

39 (2) The initial board of directors shall establish the council,  
 40 initiate the request for tax-exempt status from the Internal Revenue

1 Service, and solicit input from the massage community concerning  
2 the operations of the council. The initial board of directors, in its  
3 discretion, may immediately undertake to issue the certificates  
4 authorized by this chapter after adopting the necessary bylaws or  
5 other rules, or may establish by adoption of bylaws the permanent  
6 governing structure prior to issuing certificates.

7 (c) The board of directors shall establish fees reasonably related  
8 to the cost of providing services and carrying out its ongoing  
9 responsibilities and duties. Initial and renewal fees shall be  
10 established by the board of directors annually.

11 (d) The meetings of the council ~~shall be~~ *are* subject to the rules  
12 of the Bagley-Keene Open Meeting Act (Article 9 (commencing  
13 with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title  
14 2 of the Government Code).

15 (e) *The records of the council shall be open to public inspection*  
16 *pursuant to the California Public Records Act (Chapter 3.5*  
17 *(commencing with Section 6250) of Division 7 of Title 1 of the*  
18 *Government Code).*

19 (f) *It is part of the mission of the council to act as a repository*  
20 *of information for local governments to utilize when issuing permits*  
21 *and taking enforcement action authorized by law.*

22 *SEC. 2. Section 4601.1 is added to the Business and Professions*  
23 *Code, to read:*

24 *4601.1. An approved or registered school shall notify its*  
25 *students if the council has removed council approval of the school.*

26 *SEC. 3. Section 4602 of the Business and Professions Code is*  
27 *amended to read:*

28 4602. (a) The council may discipline a certificate holder by  
29 any, or a combination, of the following methods:

- 30 (1) Placing the certificate holder on probation.
- 31 (2) Suspending the certificate and the rights conferred by this  
32 chapter on a certificate holder for a period not to exceed one year.
- 33 (3) Revoking the certificate.
- 34 (4) Suspending or staying the disciplinary order, or portions of  
35 it, with or without conditions.
- 36 (5) Taking other action as the council, as authorized by this  
37 chapter or its bylaws, deems proper.

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

1 (c) (1) Notwithstanding any other provision of law, if the  
2 council receives notice that a certificate holder has been arrested  
3 and charges have been filed by the appropriate prosecuting agency  
4 against the certificate holder alleging a violation of subdivision  
5 (b) of Section 647 of the Penal Code or any other offense described  
6 in subdivision (h) of Section 4603, the council shall take all of the  
7 following actions:

8 (A) Immediately suspend, on an interim basis, the certificate of  
9 that certificate holder.

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

13 (C) Notify any business within 10 business days that the council  
14 has in its records as employing the certificate holder that the  
15 certificate has been suspended.

16 (2) Upon notice to the council that the charges described in  
17 paragraph (1) have resulted in a conviction, the suspended  
18 certificate shall become subject to permanent revocation. The  
19 council shall provide notice to the certificate holder within 10  
20 business days that it has evidence of a valid record of conviction  
21 and that the certificate will be revoked unless the certificate holder  
22 provides evidence within 15 days that the conviction is either  
23 invalid or that the information is otherwise erroneous.

24 (3) Upon notice that the charges have resulted in an acquittal,  
25 or have otherwise been dismissed prior to conviction, the certificate  
26 shall be immediately reinstated and the certificate holder and any  
27 business that received notice pursuant to subparagraph (C) of  
28 paragraph (1) shall be notified of the reinstatement within 10  
29 business days.

30 (d) Notwithstanding any other provision of law, if the council  
31 receives clear and convincing evidence that a certificate holder  
32 has committed an act punishable as a sexually related crime or a  
33 felony that is substantially related to the qualifications, functions,  
34 or duties of a certificate holder, the council may immediately  
35 suspend the certificate of that certificate holder. A decision to  
36 immediately suspend a certificate pursuant to this subdivision shall  
37 be based on clear and convincing evidence and the council shall  
38 also consider any available credible mitigating evidence before  
39 making a decision to suspend a certificate. Written statements by  
40 any person shall not be considered by the council when determining

1 whether to immediately suspend a certificate unless made under  
2 penalty of perjury. If the council suspends the certificate of a  
3 certificate holder in accordance with this subdivision, the council  
4 shall take all of the following additional actions:

5 (1) Notify the certificate holder, at the address last filed with  
6 the council, within 10 business days by a method providing  
7 delivery confirmation, that the certificate has been suspended, the  
8 reason for the suspension, and that the certificate holder has the  
9 right to request a hearing pursuant to paragraph (3).

10 (2) Notify by electronic mail or any other means consistent with  
11 the notice requirements of this chapter, within 10 business days,  
12 any business that the council has in its records as employing or  
13 contracting with the certificate holder for massage services, and  
14 the California city or county permitting authority that has  
15 jurisdiction over any business that the council has in its records as  
16 employing or contracting with the certificate holder, that the  
17 certificate has been suspended.

18 (3) A certificate holder whose certificate is suspended pursuant  
19 to this subdivision shall have the right to request, in writing, a  
20 hearing to challenge the factual basis for the suspension. If the  
21 holder of the suspended certificate requests a hearing on the  
22 suspension, the hearing shall be held within 30 days after receipt  
23 of the request. A holder whose certificate is suspended based on  
24 paragraph (1) shall be subject to revocation or other discipline in  
25 accordance with subdivision (a).

26 (e) *The council shall notify the city, county, or city and county*  
27 *in which a certificate holder is operating when the council revokes*  
28 *a certificate holder's certificate.*

29 *SEC. 4. Section 4612 of the Business and Professions Code is*  
30 *amended to read:*

31 4612. (a) (1) The holder of a certificate issued pursuant to  
32 this chapter shall have the right to practice massage, consistent  
33 with this chapter and the qualifications established by his or her  
34 certification, in any city, county, or city and county in this state  
35 and shall not be required to obtain any other license, permit, or  
36 other authorization, except as provided in this section, to engage  
37 in that practice.

38 (2) Notwithstanding any other provision of law, a city, county,  
39 or city and county shall not enact an ordinance that requires a  
40 license, permit, or other authorization to provide massage for

1 compensation by an individual who is certified pursuant to this  
2 chapter and who is practicing consistent with the qualifications  
3 established by his or her certification, or by a massage business  
4 or massage establishment that employs or uses only persons who  
5 are certified pursuant to this chapter to provide massage for  
6 compensation. No provision of any ordinance enacted by a city,  
7 county, or city and county that is in effect before the effective date  
8 of this chapter, and that requires a license, permit, or other  
9 authorization to provide massage for compensation, may be  
10 enforced against an individual who is certified pursuant to this  
11 chapter or against a massage business or massage establishment  
12 that employs or uses only persons who are certified pursuant to  
13 this chapter to provide massage for compensation.

14 (3) Except as provided in subdivision (b), nothing in this section  
15 shall be interpreted to prevent a city, county, or city and county  
16 from adopting or enforcing any local ordinance that provides for  
17 reasonable health and safety requirements for massage  
18 establishments or businesses. Subdivision (b) shall not apply to  
19 any massage establishment or business that employs or uses  
20 persons to provide massage services who are not certified pursuant  
21 to this chapter.

22 (b) (1) This subdivision shall apply only to massage  
23 establishments or businesses that are sole proprietorships, where  
24 the sole proprietor is certified pursuant to this chapter, and to  
25 massage establishments or businesses that employ or use only  
26 persons certified pursuant to this chapter to provide massage  
27 services. For purposes of this subdivision, a sole proprietorship is  
28 a business where the owner is the only person employed by that  
29 business to provide massage services.

30 (2) (A) Any massage establishment or business described in  
31 paragraph (1) shall maintain on its premises evidence for review  
32 by local authorities that demonstrates that all persons providing  
33 massage services are certified.

34 (B) Nothing in this section shall preclude a city, county, or city  
35 and county from including in a local ordinance a provision that  
36 requires a business described in paragraph (1) to file copies or  
37 provide other evidence of the certificates held by the persons who  
38 are providing massage services at the business.

39 (3) A city, county, or city and county may charge a massage  
40 business or establishment a business licensing fee, provided that

1 the fee shall be no higher than the ~~lowest~~ *average* fee that is applied  
2 to other individuals and businesses providing professional services,  
3 as defined in subdivision (a) of Section 13401 of the Corporations  
4 Code.

5 (4) Nothing in this section shall prohibit a city, county, or city  
6 and county from enacting ordinances, regulations, rules,  
7 requirements, restrictions, land use regulations, moratoria,  
8 conditional use permits, or zoning requirements applicable to an  
9 individual certified pursuant to this chapter or to a massage  
10 establishment or business that uses only individuals who are  
11 certified pursuant to this chapter to provide massage for  
12 compensation, provided that, unless otherwise exempted by this  
13 chapter, these ordinances, regulations, rules, requirements,  
14 restrictions, land use regulations, moratoria, conditional use  
15 permits, and zoning requirements shall be no different than the  
16 requirements that are ~~uniformly~~ applied to all other individuals  
17 and businesses providing professional services, as defined in  
18 subdivision (a) of Section 13401 of the Corporations Code. No  
19 provision of any ordinance, regulation, rule, requirement,  
20 restriction, land use regulation, moratoria, conditional use permit,  
21 or zoning requirement enacted by a city, county, or city and county  
22 that is in effect before the effective date of this chapter, and that  
23 is inconsistent with this paragraph, may be enforced against an  
24 individual who is certified pursuant to this chapter or against a  
25 massage business or massage establishment that uses only  
26 individuals who are certified pursuant to this chapter to provide  
27 massage for compensation.

28 (5) Local building code or physical facility requirements  
29 applicable to massage establishments or businesses shall not require  
30 additional restroom, shower, or other facilities that are not  
31 ~~uniformly~~ applicable to other professional or personal service  
32 businesses, nor shall building or facility requirements be adopted  
33 that ~~(A) require unlocked doors when there is no staff available to~~  
34 ~~ensure security for clients and massage staff who are behind closed~~  
35 ~~doors, or (B) require windows that provide a view into massage~~  
36 ~~rooms that interfere with the privacy of clients of the massage~~  
37 ~~business.~~

38 (6) A city, county, or city and county may adopt reasonable  
39 health and safety requirements with respect to massage  
40 establishments or businesses, including, but not limited to,

1 requirements for cleanliness of massage rooms, towels and linens,  
2 and reasonable attire and personal hygiene requirements for persons  
3 providing massage services, provided that nothing in this paragraph  
4 shall be interpreted to authorize adoption of local ordinances that  
5 impose additional qualifications, such as medical examinations,  
6 background checks, or other criteria, upon any person certified  
7 pursuant to this chapter.

8 (7) Nothing in this section shall preclude a city, county, or city  
9 and county from doing any of the following:

10 (A) Requiring an applicant for a business license to operate a  
11 massage business or establishment to fill out an application that  
12 requests the applicant to provide relevant information, as long as  
13 the information requested is the same as that required of other  
14 individuals and professionals providing professional services as  
15 defined in subdivision (a) of Section 13401 of the Corporations  
16 Code.

17 (B) Making reasonable investigations into the information so  
18 provided.

19 (C) Denying or restricting a business license if the applicant  
20 has provided materially false information.

21 (c) An owner or operator of a massage business or establishment  
22 ~~who is certified pursuant to this chapter~~ shall be responsible for  
23 the conduct of all employees or independent contractors working  
24 on the premises of the business. Failure to comply with this chapter  
25 may result in revocation of the owner’s or operator’s certificate in  
26 accordance with Section 4603. Nothing in this section shall  
27 preclude a local ordinance from authorizing suspension, revocation,  
28 or other restriction of a license or permit issued to a massage  
29 establishment or business if violations of this chapter, or of the  
30 local ordinance, occur on the business premises.

31 (d) Nothing in this section shall preclude a city, county, or city  
32 and county from adopting a local ordinance that is applicable to  
33 massage businesses or establishments described in paragraph (1)  
34 of subdivision (b) and that does either of the following:

35 (1) Provides that duly authorized officials of the city, county,  
36 or city and county have the right to conduct reasonable inspections,  
37 during regular business hours, to ensure compliance with this  
38 chapter, the local ordinance, or other applicable fire and health  
39 and safety requirements.

1 (2) Requires an owner or operator to notify the city, county, or  
2 city and county of any intention to rename, change management,  
3 or convey the business to another person.

4 (e) Nothing in this chapter shall be construed to preclude a city,  
5 county, or city and county from requiring a background check of  
6 an owner or operator of a massage establishment who owns 5  
7 percent or more of a massage business or massage establishment  
8 and who is not certified pursuant to this chapter. The background  
9 check may include, but is not limited to, a criminal background  
10 check, including requiring submission of fingerprints for a state  
11 and federal criminal background check, submission of an  
12 application that requires the applicant to state information,  
13 including, but not limited to, the applicant's business, occupation,  
14 and employment history for the 10 years preceding the date of  
15 application, the inclusive dates of same, and the name and address  
16 of any massage business or other like establishment owned or  
17 operated by any person who is subject to the background check  
18 requirement of this subdivision. If a noncertified owner's or  
19 operator's background check results in a finding that the city,  
20 county, or city and county determines is relevant to owning or  
21 operating a massage establishment, then the provisions of  
22 subdivisions (a) and (b) shall not apply to that establishment and  
23 the city, county, or city and county may regulate that establishment  
24 in any manner it deems proper that is in accordance with the law.

25 *SEC. 5. Section 51030 of the Government Code is amended to*  
26 *read:*

27 51030. (a) The legislative body of ~~a city for incorporated areas~~  
28 ~~or county for unincorporated areas~~ *city, county, or city and county*  
29 *may enact an ordinance* ~~which~~ *that* provides for the licensing for  
30 regulation of the business of massage when carried on within the  
31 ~~city or county.~~ *city, county, or city and county, including, without*  
32 *limitation, to do any of the following:*

33 (1) (A) *Prohibit an individual or entity from operating a*  
34 *massage business in the jurisdiction without a valid massage*  
35 *business license.*

36 (B) *For purposes of this chapter, "massage business license"*  
37 *means a license issued by a local licensing body to operate a*  
38 *massage business within the local licensing body's jurisdiction.*

39 (2) *Require a certificate holder to be present at the massage*  
40 *business during operating hours.*

1 (3) *Require an employee or independent contractor to present*  
2 *his or her state-issued identification card or United States passport*  
3 *to a law enforcement officer upon request during operating hours.*

4 (4) *Require a massage business to display a list of its*  
5 *employees and independent contractors who are certificate holders.*

6 (5) *Prohibit sexual conduct on the premises of a massage*  
7 *business.*

8 (b) *The legislative body shall transmit a copy of the ordinance*  
9 *to the Massage Therapy Council.*

10 SEC. 6. *Section 51032 of the Government Code is amended to*  
11 *read:*

12 51032. (a) The ordinance may also provide that a *massage*  
13 *business license to engage in the business of massage* may be  
14 denied upon a showing by the licensing authority of ~~either~~ *any* of  
15 the following:

16 (1) Proof that the massage personnel and the owners or operators  
17 of a massage business have been convicted of a violation of Section  
18 236.1, 266i, 315, 316, 318, or subdivision (b) of Section 647 of  
19 the Penal Code, or proof that the massage personnel or the owners  
20 or operators of a massage business have been convicted in any  
21 other state of any offense which, if committed or attempted in this  
22 state, would have been punishable as one or more of the  
23 above-mentioned offenses of this subdivision.

24 (2) Proof that the massage personnel and the owners or operators  
25 of a massage business have been convicted of any felony offense  
26 involving the sale of a controlled substance specified in Section  
27 11054, 11055, 11056, 11057, or 11058 of the Health and Safety  
28 Code or proof that the massage personnel or the owners or  
29 operators of the massage business have been convicted in any other  
30 state of any offense which, if committed or attempted in this state,  
31 would have been punishable as one or more of the above-mentioned  
32 offenses of this subdivision.

33 (3) *The California Massage Therapy Council has revoked the*  
34 *applicant's massage certificate.*

35 (4) *The licensing body of another jurisdiction has revoked the*  
36 *applicant's massage business license pursuant to subdivision (a)*  
37 *of Section 51032.3.*

38 (5) *The California Massage Therapy Council has disciplined*  
39 *the applicant pursuant to Section 4603 of the Business and*  
40 *Professions Code.*

1 (6) *The massage business is located in a location where a*  
2 *previous massage business was located and the massage business*  
3 *license of that previous massage business was revoked.*

4 (b) The ordinance shall also provide that a *massage business*  
5 ~~license to engage in the business of massage~~ shall be denied upon  
6 a showing by the licensing authority of proof that the massage  
7 personnel or the owners or operators of a massage business are  
8 required to register under the provisions of Section 290 of the  
9 Penal Code.

10 (c) *For purposes of this chapter, “massage certificate” means*  
11 *a certificate issued by the Massage Therapy Council pursuant to*  
12 *Chapter 10.5 (commencing with Section 4600) of Division 2 of the*  
13 *Business and Professions Code.*

14 *SEC. 7. Section 51032.3 is added to the Government Code, to*  
15 *read:*

16 *51032.3. (a) (1) The ordinance may authorize the city, county,*  
17 *or city and county to suspend a massage business license if the*  
18 *owner, operator, or an employee is arrested for a crime listed in*  
19 *Section 51032. The suspension may be effective for the period up*  
20 *to and including any administrative and judicial hearing regarding*  
21 *the violation.*

22 (2) *If the owner, operator, or employee is found not guilty of*  
23 *the violation described in paragraph (1), the massage business*  
24 *license shall be reinstated within 60 days of the decision.*

25 (b) *The ordinance may authorize the city, county, or city and*  
26 *county to revoke a massage business license for any of the*  
27 *following reasons:*

28 (1) *The California Massage Therapy Council has revoked a*  
29 *massage certificate it issued to the owner or operator.*

30 (2) *A licensing entity in another jurisdiction has revoked a*  
31 *license that it issued to the owner or operator.*

32 (3) *The California Massage Therapy Council has disciplined*  
33 *the owner or operator pursuant to Section 4603 of the Business*  
34 *and Professions Code.*

35 ~~SECTION 1. It is the intent of the Legislature to enact~~  
36 ~~legislation to prevent human trafficking and prostitution in massage~~  
37 ~~therapy establishments.~~