

AMENDED IN ASSEMBLY APRIL 11, 2016

AMENDED IN ASSEMBLY MARCH 18, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2793

Introduced by Assembly Member Jones

February 19, 2016

An act to ~~amend~~ *add* Section ~~51033~~ of *51033.5* to the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 2793, as amended, Jones. Local government: business license: massage: bowerwork.

Existing law, the Massage Therapy Act, provides for the voluntary certification of the practice of massage therapy by the California Massage Therapy Council. Existing law authorizes a city, county, or city and county to license, regulate, prohibit, or permit an individual who provides massage for compensation without a certificate.

Existing law authorizes the legislative body of a city or county for incorporated areas to enact an ordinance providing for the licensing for regulation of the business of massage when carried on within the city or county. Existing law authorizes ~~an~~ *that* ordinance to condition the issuance of a license to engage in the business of massage upon proof that a massage business meets specified reasonable standards set by the ordinance.

This bill would ~~provide that those ordinance provisions do not apply to a person practicing bowerwork who has been certified by a professional organization, as provided. By requiring a local legislative body to determine whether a person practicing bowerwork satisfies the~~

~~requirements for exemption, the bill would impose a state-mandated local program. state that the business of massage does not include bowerwork.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions:~~

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

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

- 1 ~~SECTION 1. Section 51033.5 is added to the Government Code,~~
- 2 ~~to read:~~
- 3 ~~51033.5. The business of massage does not include bowerwork.~~
- 4 ~~SECTION 1. Section 51033 of the Government Code is~~
- 5 ~~amended to read:~~
- 6 ~~51033. (a) This chapter does not apply to cosmetologists,~~
- 7 ~~barbers, or to persons licensed to practice any healing art pursuant~~
- 8 ~~to Division 2 (commencing with Section 500) of the Business and~~
- 9 ~~Professions Code or the Chiropractic Act when engaging in this~~
- 10 ~~practice within the scope of his or her license.~~
- 11 ~~(b) Notwithstanding any other provision of law, this chapter~~
- 12 ~~shall apply to an independent contractor of any person described~~
- 13 ~~in subdivision (a) if the independent contractor is engaged in, or~~
- 14 ~~is purported to be engaged in, the business of massage.~~
- 15 ~~(c) This chapter does not apply to a person practicing~~
- 16 ~~bowerwork who has been certified by a professional organization.~~
- 17 ~~A person practicing bowerwork does not practice massage therapy~~
- 18 ~~and limits bowerwork practice to one or more of the following~~
- 19 ~~practices:~~
- 20 ~~(1) Using touch, words, and directed movement to deepen~~
- 21 ~~awareness of existing patterns of movement and suggest new~~
- 22 ~~possibilities of movement.~~
- 23 ~~(2) Using minimal touch over specific points on the body to~~
- 24 ~~facilitate balance in the nervous system.~~

1 ~~(3) Using touch to affect the energy systems, channels, or energy~~
2 ~~of the body.~~

3 ~~SEC. 2. If the Commission on State Mandates determines that~~
4 ~~this act contains costs mandated by the state, reimbursement to~~
5 ~~local agencies and school districts for those costs shall be made~~
6 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
7 ~~4 of Title 2 of the Government Code.~~

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