
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair
2025 - 2026 Regular

Bill No: AB 1504 **Hearing Date:** July 15, 2025
Author: Berman
Version: June 26, 2025
Urgency: No **Fiscal:** Yes
Consultant: CA

Subject: *California Massage Therapy Council*

HISTORY

Source: Author

Prior Legislation: AB 1451 (Ashby), Ch. 481, Stats. 2024
AB 2687 (Committee on Business and Professions), Ch. 236, Stats. 2022
AB 1537 (Low), Ch. 179, Stats. 2021
AB 2194 (Salas), Ch. 411, Stats. 2016
SB 731 (Oropeza), Ch. 384, Stats. 2008

Support: None known

Opposition: Unknown

Assembly Floor Vote: 67 - 0

PURPOSE

The purpose of this bill is to extend the sunset date for the California Massage Therapy Council (CAMTC) until January 1, 2030, and make additional technical and statutory changes, including redefining “conviction” for purposes of denying an application for certification or imposing discipline on a certificate holder.

Existing law establishes the Massage Therapy Act to provide for the voluntary certification of massage therapists by the CAMTC, a private nonprofit organization. (Bus. & Prof. Code, §§ 4600 *et seq.*)

Existing law provides CAMTC with authority to take any reasonable actions necessary to carry out the responsibilities and duties set forth in the Massage Therapy Act, including, but not limited to, hiring staff, entering into contracts, and developing policies, procedures, rules, and bylaws to implement the Massage Therapy Act. (Bus. & Prof. Code, § 4602, subd. (b).)

Existing law requires the CAMTC to issue a certificate to an individual applicant who satisfies the requirements for certification. (Bus. & Prof. Code, § 4602, subd. (d).)

Existing law states that protection of the public shall be the highest priority for CAMTC in exercising its certification and disciplinary authority, and any other functions; whenever the

protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount. (Bus. & Prof. Code, § 4603.)

Existing law requires an applicant for certification as a massage therapist to have received 500 hours of education at an approved massage school and successfully completed a background-check investigation. (Bus. & Prof. Code, § 4604.)

Existing law specifies acts which violate the Act and constitute grounds for the CAMTC to deny an application for a certificate or to impose discipline on a certificate holder. These acts include being convicted of a felony, misdemeanor, infraction, or municipal code violation, or being held liable in an administrative or civil action for an act, that is substantially related to the qualifications, functions, or duties of a certificate holder. A record of conviction or other judgment or liability shall be conclusive evidence of the crime or liability. (Bus. & Prof. Code, § 4609, subd. (a)(9).)

Existing law authorizes a board to deny a license regulated by the Department of Consumer Affairs on the grounds that the applicant has been convicted of a crime or has been subject to formal discipline only if either of the following conditions are met:

- The applicant has been convicted of a crime within the preceding seven years from the date of application that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, regardless of whether the applicant was incarcerated for that crime or the applicant has been convicted of a crime that is substantially related to the business or profession for which the application is made and for which the applicant is presently incarcerated or for which the applicant was released from incarceration within the preceding seven years from the date of application, unless the applicant was convicted of a serious felony, as defined, or convicted of a financial crime currently classified as a felony, as specified; or,
- The applicant has been subjected to formal discipline by a licensing board in or outside California within the preceding seven years from the date of application based on professional misconduct that would have been cause for discipline before the board for which the present application is made; however, prior disciplinary action by a licensing board within the preceding seven years shall not be the basis for denial if the basis for that disciplinary action was a conviction that has been dismissed, as specified, or a comparable dismissal or expungement. (Bus. & Prof. Code, § 480, subd. (a).)

This bill clarifies that denial of an initial certificate on the grounds that the applicant has been convicted of a crime or has been subject to formal discipline shall be consistent with the above required conditions having been met.

Existing law prohibits a person from being denied a license on the basis that the person has been convicted of a crime, or on the basis of acts underlying a conviction for a crime, if that person has obtained a certificate of rehabilitation, as specified, has been granted clemency or a pardon by a state or federal executive, or has made a showing of rehabilitation. (Bus. & Prof. Code, § 480, subd. (b).)

Existing law prohibits a person from being denied a license on the basis of any conviction, or on the basis of the acts underlying the conviction, that has been dismissed, as specified, or a comparable dismissal or expungement. An applicant who has a conviction that has been

dismissed shall provide proof of the dismissal if it is not reflected on the report furnished by the Department of Justice. (Bus. & Prof. Code, § 480, subd. (c).)

Existing law generally defines “conviction” for the purposes of licensing as a judgment following a plea or verdict of guilty or a plea of nolo contendere or finding of guilt. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence. However, a board may not deny a license to an applicant who is otherwise qualified on the basis of having obtained a certificate of rehabilitation, clemency or pardon, dismissal or expungement as specified in the foregoing prohibitions. (Bus. & Prof. Code, §§ 480, subd. (h) & 7.5.)

This bill provides that for the purposes of denying an application or disciplining a certificate holder under the Massage Therapy Act, a conviction means a plea or verdict of guilty, or a conviction after a plea of no contest.

Existing law prohibits a board from denying a license on the basis of an arrest that resulted in a disposition other than a conviction, including an arrest that resulted in an infraction, citation, or a juvenile adjudication. (Bus. & Prof. Code, § 480, subd. (d).)

Existing law enacts the California Public Records Act (CPRA), which gives every person a right to inspect any public record, except as specifically exempted. (Govt. Code §§ 7920.000 *et seq.*)

This bill provides that, to the extent practicable, the CAMTC shall make their records available for public inspection in a manner consistent with the CPRA.

This bill states it is the intent of the Legislature that the CAMTC not inappropriately disclose investigatory records or records containing sensitive information, including law enforcement activities or personally identifying information regarding certificate holders, council employees, or members of the public, including potential victims or survivors of human trafficking.

Existing law sunsets the CAMTC on January 1, 2026. (Bus. & Prof. Code, § 4621.)

This bill extends the sunset to January 1, 2030.

This bill also makes numerous technical changes, statutory improvements, and policy reforms in response to the issues raised during the recent sunset review oversight of CAMTC.

COMMENTS

1. Need for This Bill

According to the author:

This bill is the sunset review vehicle for the California Massage Therapy Council, authored by the Assembly Committee on Business and Professions. The bill extends the sunset date for CAMTC and enacts technical changes, statutory improvements, and policy reforms in response to issues raised during CAMTC’s sunset review oversight process.

2. CAMTC Certification:

“The California Massage Therapy Council issues voluntary certifications to massage professionals that meet the requirements in the California State Law. Certification is voluntary. CAMTC Certification is not required by State Law in order for a massage professional to practice their profession in the State. However, some cities and counties locally require CAMTC Certification for massage professionals.”

(<https://www.camtc.org/requirements-to-certify/> [as of July 2, 2025].)

3. Fair Chance Licensing Act

AB 2138 (Chiu), Chapter 995, Statutes of 2018, also known as the Fair Chance Licensing Act, reduced barriers to licensure for individuals with prior criminal convictions. In particular, AB 2138 substantially reformed the initial application process for individuals with criminal records seeking licensure through a board or bureau under the Department of Consumer Affairs. Under AB 2138, an application may only be denied on the basis of prior misconduct if the applicant was formally convicted of a substantially related crime or was subject to formal discipline by a licensing board. Further, prior convictions are ineligible for disqualification of applications after seven years, with the exception of serious and registerable felonies, as well as financial crimes for certain boards. Prior discipline history is ineligible for disqualification after seven years; it is ineligible within the preceding seven years if the conviction was dismissed or expungement, as specified. (See Bus. & Prof. Code, § 480, subd. (a).)

As explained in information provided by the author’s office, because CAMTC is not a licensing board under the Department of Consumer Affairs, the provisions of AB 2138 do not apply to it. CAMTC is required to conduct a fingerprint background check of each applicant for a certificate through both the California Department of Justice and the Federal Bureau of Investigation. (Bus. & Prof. Code, § 4604, subd. (a)(4).) Statute prescribes what misconduct disqualifies an applicant from certification, resulting in the denial of applicants who have been “convicted of any felony, misdemeanor, infraction, or municipal code violation, or being held liable in an administrative or civil action for an act, that is substantially related to the qualifications, functions, or duties of a certificate holder,” or “committing any fraudulent, dishonest, or corrupt act that is substantially related to the qualifications or duties of a certificate holder.” (Bus. & Prof. Code, § 4609, subd. (a)(9).) The statute further provides, “A record of the conviction or other judgment or liability shall be conclusive evidence of the crime or liability.” (*Ibid.*)

This bill applies some of the requirements of AB 2138 – i.e., Business and Professions Code section 480, subdivision (a) – to decisions by CAMTC to deny an initial certificate on the grounds that the applicant has been convicted of a crime or has been subject to formal discipline. In particular, it applies the seven-year washout periods of AB 2138 to prior convictions and prior discipline history. (See Bus. & Prof. Code, § 480, subd. (a).)

This bill defines “conviction” for these purposes of denying an applicant or disciplining a certificate holder under the Massage Therapy Act as a “plea or verdict of guilty, or a conviction after a plea of nolo contendere.” This broad language could encompass, for example, deferred entry of judgment cases, where a defendant pleads guilty or no contest, but the judge delays entering a formal judgment (conviction) while the defendant completes certain requirements, such as counseling, or community service. If the defendant successfully

fulfills all conditions, the charges are dismissed. Also, this language could encompass a judgment that is not final because an appeal is pending.

Importantly, AB 2138 added Business and Professions Code section 7.5 which defines “conviction” for general purposes of licensing, as follows: “A conviction within the meaning of this code means a judgment following a plea or verdict of guilty or a plea of nolo contendere or finding of guilt. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence.

The author should consider amending the bill to mirror the definition of “conviction” used in Business and Professions Code section 7.5.

4. Additional Considerations

AB 2138 also provided that a licensing board may not deny a license to an applicant who is otherwise qualified” as specified. AB 2138 specified that applicants for a license were otherwise qualified pursuant to Business and Professions Code section 480, as follows:

(b) Notwithstanding any other provision of this code, a person shall not be denied a license on the basis that the person has been convicted of a crime, or on the basis of acts underlying a conviction for a crime, if that person has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code, has been granted clemency or a pardon by a state or federal executive, or has made a showing of rehabilitation pursuant to Section 482.

(c) Notwithstanding any other provision of this code, a person shall not be denied a license on the basis of any conviction, or on the basis of the acts underlying the conviction, that has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, 1203.42, or 1203.425 of the Penal Code, or a comparable dismissal or expungement. An applicant who has a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42 of the Penal Code shall provide proof of the dismissal if it is not reflected on the report furnished by the Department of Justice.

In the interests of fair chance certification, as with fair chance licensing, should the bill be amended to also make these provisions of AB 2138 applicable to “convictions” for purposes of certification under the Massage Therapy Act?

When it comes to licensing generally, AB 2138 also provided that a board is prohibited from denying a license on the basis of an arrest that resulted in a disposition other than a conviction, including an arrest that resulted in an infraction, citation, or a juvenile adjudication. (Bus. & Prof. Code, § 480, subd. (d).)

Similarly, in the interests of fair chance certification, as with fair chance licensing, should the bill be amended to include this prohibition against using arrests resulting in infractions, citations, or juvenile adjudications to deny certification under the Massage Therapy Act?

According to information provided by CAMTC, applying these provisions would conflict with other provisions regarding certification under the Massage Therapy Act which allow consideration of non-criminal conduct, unprofessional in nature, and which need only be proven by a preponderance of the evidence, as opposed to beyond a reasonable doubt (as applicable to criminal convictions). (See e.g., Bus. & Prof. Code, §§ 4609, subd. (a)(1)(C) [engaging in sexual activity while providing massage services for compensation], 4610, subd. (e)(1) [preponderance standard].)

5. California Public Records Act (CPRA)

The California Public Records Act (CPRA) generally provides that “public records are open to inspection at all times during the office hours of the state or local agency and every person has a right to inspect any public record.” The CPRA defines “state agency” for purposes of the CPRA as “every state office, officer, department, bureau, board, and commission or other state body or agency, except those agencies provided for in ... the California Constitution.”

This bill provides that, to the extent practicable, the CAMTC shall make their records available for public inspection in a manner consistent with the CPRA. This bill also states the intent of the Legislature that the council not inappropriately disclose investigatory records or records containing sensitive information, including law enforcement activities or personally identifying information regarding certificate holders, council employees, or members of the public, including potential victims or survivors of human trafficking.

6. Double Referral

This bill was double referred to the Senate Business, Professions, and Economic Development Committee. Technical changes, additional statutory changes, and policy reforms in response to the issues raised during the recent sunset review oversight of CAMTC, including extending CAMTC for four years until January 1, 2030, were addressed by that committee.

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