

## CONCURRENCE IN SENATE AMENDMENTS

AB 1504 (Berman)

As Amended September 3, 2025

Majority vote

**SUMMARY**

Extends the sunset date for the California Massage Therapy Council (CAMTC) until January 1, 2030 and makes additional technical changes, statutory improvements, and policy reforms in response to issues raised during CAMTC's sunset review oversight process.

**Senate Amendments**

- 1) Provide that CAMTC is only required to make records available for public inspection to the extent practicable, broadly exempt any investigatory records or records containing sensitive information from disclosure, and authorize CAMTC to charge for the direct costs of responding to requests for records.
- 2) Allow meetings of CAMTC's Board of Directors to be governed by either Rosenberg's Rules of Order or Robert's Rules of Order.
- 3) Clarify provisions of the bill relating to the maximum compensation that may be paid to CAMTC staff.
- 4) Modify the definition of "conviction" to mean a judgment following a plea or verdict of guilty, a plea of nolo contendere, or a finding of guilt.
- 5) Strike language in the Massage Therapy Act expressly prohibiting massage therapists from dressing in certain revealing attire.
- 6) Remove a requirement in existing law that massage therapists obtain a referral from a licensed health care provider prior to massaging female breasts with consent of the client.
- 7) Strike the requirement that hearing officers be appointed by CAMTC's Board of Directors and instead merely require that these hearing officers be qualified for their role.
- 8) Replace language providing applicants and certificate holders with a right to appeal disciplinary decisions to CAMTC's Board of Directors with language allowing the submission of a request for an appeal for consideration by a committee of the board.
- 9) Add private entities authorized to approve schools or educational programs for purposes of a professional certification, like CAMTC, to the definition of "oversight entity" for purposes of existing requirements relating to higher education providers.
- 10) Strike language in the bill broadening the authority of CAMTC to engage in information sharing with law enforcement.
- 11) Establish a timeline for CAMTC to conduct interviews or education hearings for applicants who received instruction from an approved school that was not under formal investigation at the time at which the applicants began instruction but was subsequently placed under investigation by CAMTC.

12) Permanently sunset the massage and bodywork competency assessment examination as a requirement for certification and require approved massage schools to provide notice to students that the examination is not a requirement for certification but may be required for licensure or certification as a massage therapist in any other state.

13) Modify codified intent language in the bill.

## COMMENTS

*Sunset review.* In order to ensure that California's myriad professional boards and bureaus are meeting the state's public protection priorities, authorizing statutes for these regulatory bodies are subject to statutory dates of repeal, at which point the entity "sunsets" unless the date is extended by the Legislature. The sunset process provides a regular forum for discussion around the successes and challenges of various programs and the consideration of proposed changes to laws governing the regulation of professionals. Currently, the sunset review process applies to approximately three dozen different boards and bureaus under the Department of Consumer Affairs, as well as the Department of Real Estate and three nongovernmental nonprofit councils.

On a schedule averaging every four years, each entity is required to present a report to the Legislature's policy committees, which in return prepare a comprehensive background paper on the efficacy and efficiency of their licensing and enforcement programs. Both the Administration and regulated professional stakeholders actively engage in this process. Legislation is then subsequently introduced extending the repeal date for the entity along with any reforms identified during the sunset review process.

*California Massage Therapy Council.* CAMTC was first established in 2009. Unlike the majority of regulatory bodies responsible for overseeing professions and vocations in California, CAMTC is not a state agency and does not function as part of the state's government. Instead, CAMTC is incorporated as a private nonprofit public benefit corporation with 501(c)(3) tax exempt status. Certificates granted by CAMTC are voluntary at the state level, though only certificate holders may use the terms "certified massage therapist" or any other language that implies certification by the council. As of June 2024, there are 50,495 certified massage therapists in California.

The practice of massage, also referred to as bodywork, is defined in statute as "the scientific manipulation of the soft tissues." According to the National Institutes of Health, massage therapy has been found to provide short-term relief for several kinds of pain, and massage therapy may be helpful for anxiety and depression in people with fibromyalgia, cancer, or HIV/AIDS. While a number of recent studies support the promotion of massage therapy as a complementary approach to pain management, for much of the profession's history it has been treated less as a healing art and more as a potential front for illicit activities such as sex trafficking and prostitution. Through partnerships with local law enforcement, CAMTC considers efforts to combat human trafficking to be at the core of its mission and mandate from the Legislature. Local governments frequently include a requirement that all massage professionals possess a certificate from CAMTC as part of their anti-trafficking ordinances. As a result, while certification by CAMTC is technically voluntary at the state level, it is mandated in numerous jurisdictions across the state and is often framed by local government as a form of "vice" regulation rather than health care practice.

CAMTC has the authority to grant or deny applications for certification and to discipline certificate holders by denying, suspending, or placing probationary conditions on certificates. CAMTC is also responsible for approving and unapproving massage schools whose students are eligible for certification. CAMTC does not have any authority over massage establishments, with the exception of when the owner of the business is a certified massage therapist.

Prior to the creation of CAMTC, massage therapy was almost exclusively regulated at the local level. Following years of negotiations, Senate Bill 731 (Oropeza) was signed into law, creating a voluntary statewide certification of massage professionals by a nongovernmental nonprofit. The first section of SB 731 began by declaring:

It is the intent of this act to create a voluntary certification for the massage therapy profession that will enable consumers to easily identify credible certified massage therapists; assure that certified massage therapists have completed sufficient training at approved schools; phase in increased education and training standards consistent with other states; assure that massage therapy can no longer be used as a subterfuge to violate [laws against prostitution]; and to provide a self-funded nonprofit oversight body to approve certification and education requirements for massage therapists.

During the Legislature's review of CAMTC in 2021, the Assembly Committee on Business and Professions and the Senate Committee on Business, Professions, and Economic Development (Committees) received comments from stakeholders who argued that the private nonprofit model was inappropriate for a healing arts profession and that oversight of massage therapy should be a state-level responsibility in the form of a public licensing board. While it was acknowledged that "transitioning from voluntary certification to a statewide license requirement would potentially elevate the profession of massage therapy and align the industry with other therapeutic practices," it was further noted that "a licensing program with all the associated expectations of due process would likely be both more expensive and less efficient than what is currently operated by CAMTC."

Assembly Bill 1537 (Low) was subsequently amended to extend CAMTC's sunset date by another year, with additional codified language declaring the intent of the Legislature to engage in "subsequent consideration of legislation to create a new state board and a new category of licensed professional" through the Legislature's sunrise review process. In the interim, the Committees received a formal sunrise proposal from Associated Bodywork and Massage Professionals (ABMP), which provided supportive analysis for requiring state licensure of massage therapy. CAMTC commissioned its own analysis in a report comparing the potential difference in fees for certification versus licensure, asserting that the biennial fee assessed to practitioners would be substantially higher under a state licensure model. Each of these positions was presented and discussed during an oversight hearing the following year.

Ultimately, CAMTC's sunset date was extended by four years through the enactment of Assembly Bill 2687 (Committee on Business and Professions), which made only minor changes to the Massage Therapy Act. Recent changes in leadership within the Committees discouraged the pursuit of significant reforms to an active certification program, and it was determined that the benefits of licensure had not yet been sufficiently proven to outweigh the potential downsides. While professional stakeholders stated their intention to continue advocating for licensure in the future, the Committees chose to conclude exploration of that proposal as part of the sunset process for CAMTC.

However, in 2024, the Committees grew concerned that CAMTC had engaged in activities warranting more immediate oversight and action than initially anticipated within the scheduled sunset review, with committee analysis arguing that “further scrutiny to [CAMTC’s] operations has been elicited by actions taken by the council that appear to reflect a deliberate circumvention of transparency and accountability.” The Committees specifically raised objections over a substantial certificate fee increase imposed without meaningful opportunity for public input. Concerns were also articulated regarding recent meetings of CAMTC’s Board of Directors, where “it became apparent that CAMTC’s Board of Directors was expected to loyally affirm the decisions of the council’s staff, rather than provide independent oversight of its functions on behalf of the public.” As a result, Senate Bill 1451 (Ashby) was amended to reschedule CAMTC’s sunset review to take place in 2025, a year earlier than originally planned, and to impose stricter term limits on members of CAMTC’s Board of Directors, with those limits effective retroactively beginning July 1, 2025.

*Issues Raised during Sunset Review.* The background paper for CAMTC’s sunset review oversight hearing contained a total of 23 issues and recommendations, each of which is eligible to result in statutory changes enacted through the CAMTC’s sunset bill. In addition to extending CAMTC’s sunset date, this bill addresses a number of those issues. Among other changes, this bill would cap the annual compensation for CAMTC employees at the amount paid to state agency secretaries (currently \$247,000); subject the records of CAMTC to the California Public Records Act, with broad exemptions; require CAMTC to provide public notice and comment for major changes to its policies, procedures, rules, or bylaws; and allow for certificate holders to request to appeal enforcement decisions to CAMTC’s Board of Directors.

### **According to the Author**

"This bill is the sunset review vehicle for the California Massage Therapy Council. 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."

### **Arguments in Support**

The *American Massage Therapy Association* (AMTA) has taken a "support if amended" position on this bill. Specifically, the AMTA states that it “understands the need to extend the CAMTC during this sunset hearing but hope this is the beginning stages of a conversation about the next steps towards licensure. As such, AMTA respectfully requests that AB 1504 sunset the CAMTC and the legislature create a licensing structure. We believe that this will provide public safety to massage clients while supporting the efforts to allow local governments to appropriately ensure that they know who is practicing in their communities. A licensing structure would provide a state enforcement division to identify and eradicate bad actors in the massage wellness centers and spas. AMTA believes that a licensing structure would be a supportive step to protect massage consumers, massage therapists, and sex trafficking victims from the direct effects of sexualized client-initiated behaviors as identified by locals in massage workplaces."

### **Arguments in Opposition**

There is no opposition on file.

## **FISCAL COMMENTS**

According to the Senate Committee on Appropriations, there may be unknown cost pressures to the state funded trial court system to adjudicate any civil cases filed as a result of CAMTC's continued operations.

**VOTES:****ASM BUSINESS AND PROFESSIONS: 16-0-2**

**YES:** Berman, Flora, Ahrens, Alanis, Bauer-Kahan, Caloza, Chen, Elhawary, Wilson, Irwin, Jackson, Krell, Lowenthal, Macedo, Nguyen, Pellerin

**ABS, ABST OR NV:** Bains, Hadwick

**ASM APPROPRIATIONS: 15-0-0**

**YES:** Wicks, Sanchez, Arambula, Calderon, Caloza, Dixon, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache, Ta, Tangipa

**ASSEMBLY FLOOR: 67-0-12**

**YES:** Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Elhawary, Ellis, Fong, Gabriel, Gallagher, Garcia, Gipson, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Nguyen, Ortega, Pacheco, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Rivas

**ABS, ABST OR NV:** Bains, Davies, DeMaio, Dixon, Flora, Jeff Gonzalez, Muratsuchi, Papan, Patterson, Sanchez, Schiavo, Zbur

**UPDATED**

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