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Sex Trafficking in Massage Parlors: Working Out the Knots in the San Francisco Health Code

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Sex Trafficking in Massage Parlors: Working Out the Knots in the San Francisco Health Code

OCTOBER 3, 2013 BY [JOANNE BADUA](#) [1 COMMENT](#)

Brothels masquerading as massage parlors flourish in San Francisco, which is a notorious [hub](#) for sex trafficking. In the Sunset District alone, Supervisor Katy Tang's office found [at least thirty massage businesses](#), some of which blatantly offer "happy endings." The Tenderloin and parts of Chinatown are also teeming with spas that provide such alternative services. Human traffickers hide behind these business fronts, selling sex. The situation in San Francisco is so dire that laws on the local level must be retooled to advance regulation that stops human trafficking.

[Behind the closed doors](#) of these massage parlors, traffickers force their victims to live on-site to service men seven days a week. Mostly women and girls, these victims often lack support systems and are ignorant of their legal rights. Many are also undocumented and struggle with language barriers. Traffickers thrive on these vulnerabilities, using force, fraud, or coercion to enslave sex workers.

District 4 Supervisor [Katy Tang](#) recognizes that the city's ambiguous laws enable this exploitation. On July 31, 2013, Tang [proposed amendments](#) to Article 29 of the San Francisco Health Code ("the Code"), which provides for the licensing and regulation of massage practitioners. Pursuant to the Code, the city's Department of Public Health ("the Department") issues permits to allow massage establishments to operate. It is also responsible for enforcing the Code, which purports to protect the health and safety of customers and employees. However, the Code doesn't provide these protections.

First, the Code avoids the "knotty" issue of sex by not specifying that it is prohibited. While it does prohibit "illegal conduct," it does not explicitly ban "sex" or activities that are sexual in nature. Although "illegal conduct" includes prostitution, this phrase is inadequate to protect workers or patrons seeking massage services. Explicitly prohibiting sexual conduct would make it clear that sex services shouldn't be provided in massage parlors.

Tang's proposed legislation would amend the code by unambiguously prohibiting sexual activity, as well as drug and alcohol use. The amendment would result in a cleaner and safer establishment for patrons looking for a legitimate massage, furthering the purposes of the Code and taking a step toward ending human trafficking.

Another flaw in the current Code is the obscurity of its enforcement provisions. The penalties for parlor owners who violate provisions of Article 29 include permit suspension, permit revocation, and fines. Section 1928 provides a general outline of how these fines are to be assessed, but its over-simplification is a problem. It doesn't provide enough guidance regarding how to punish owners based on the severity of their violations. Furthermore, parlor owners can overcome license revocation by re-applying in five years. As long as an owner has the money to pay for penalties and re-application fees, he or she can skirt the rules by opening another sex parlor under a new name.

Tang's proposed legislation addresses these problems by providing more detailed penalty guidelines. For example, if an owner were to allow sex acts in his or her parlor, the owner would face an administrative fine of \$1,000 and a 60-day permit suspension. A repeat violation would result in permit revocation for the massage parlor and the masseuse. More importantly, an owner convicted of a human trafficking charge would become ineligible to apply for a new massage establishment permit.

Another pragmatic change proposed by Tang is to require masseuses to carry their massage license identification cards at all times. This practical fix would address the

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Department’s lack of resources to oversee enforcement of the Code’s provisions and would result in more efficient investigations. Furthermore, this requirement would communicate to patrons that the establishment is a legitimate massage parlor and not for adult entertainment.

The Code’s provisions must be revised to reflect San Francisco’s stance on human trafficking, which is that these businesses cannot thrive on the backs of the sexually exploited. The [San Francisco Collaborative against Human Trafficking](#) (“SFCaHT”) has expressed the city’s vision for a community that fully appreciates “the value of each human life and abhors any practice that denies a person her or his right to live a life free from violence, exploitation, or slavery.” One of SFCaHT’s goals is to turn these values into reality by advocating for policy changes. Supervisor Tang’s proposed amendment to Article 29 of the Health Code does precisely that.

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kristinamaalouf

October 22, 2013 at 12:22 pm

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Great article, Joanne. Thank you for your attention to this important and timely issue. San Francisco is loved by its residents for being a laid-back city, but it’s important that law enforcement doesn’t get too lax about monitoring human rights violations.

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