



**Hearing Scheduled  
5/19/09  
State House  
10am Rm B-1**

## **OPPOSE SB186 – An Act Providing for the Licensing & Regulation of Pet Groomers (Sen. Tisei)**

Referred to Joint Committee on Consumer Protection & Professional Licensure

### **PROBLEM:**

A TV report of an accident caused by a pet groomer in Connecticut inspired a constituent to have a bill filed in Massachusetts to regulate Pet groomers. A Local Pet Grooming School owner who would benefit from such regulations was featured in the report.

### **HISTORY:**

The dog show world requires that dogs being shown be immaculately groomed and presented at their best. A long tradition of over 100 years has established a system of dog show handlers learning grooming techniques in order to compete successfully. Professional Dog Show Handlers who groom and train show dogs are registered with the American Kennel Club or belong to several professional organizations such as The Dog Handlers Guild or the Professional Handlers Association. Dog Show handlers have also had a tradition of apprenticeship for handlers who train and groom show dogs. Many of these dog show handlers also offer grooming services to the public for their pets. Additionally, many hobby dog show enthusiasts learn the art of grooming and training from their peers and handlers at dog shows. Many of these people can successfully compete with professionals and some of these people groom pet dogs in pet grooming establishments or from their homes as a part of their living. In more recent times, as pet ownership has increased, Pet Dog Grooming Schools have started up to educate novice groomers about how to groom dogs that are owned as pets rather than as show dogs.

### **WHAT THIS BILL WOULD DO:**

Set up a Board to license pet groomers and anyone who bathes or brushes a dog or cat for a fee. Set up tests for licensure, set fees for exams and licenses. Among other things, anyone who is licensed to bathe and brush a dog would have to have completed 80 hours in a bather/brusher program. Those who actually groom or clip animals would be required to complete many more hours of training at “Pet Grooming Schools.” Anyone who grooms, bathes or brushes a dog for compensation without being licensed would be subject to a \$1,000 fine!

### **WHY YOU SHOULD OPPOSE THIS BILL:**

1. Writing legislation based on a TV report of an incident in another state is a poor reason to create a Board and licensure of pet groomers. These incidents have been sensationalized and are infrequent.
2. The most highly trained dog groomers (show dog handlers) would not be able to continue to work because they have not attended “pet grooming school.” In order to qualify for licensure, they would be required to fulfill large numbers of hours in such schools. No provision is made for the years of experience of these highly qualified individuals.
3. Highly skilled dog groomers of specific breeds such as Poodles, Cocker Spaniels, and various Terriers who have learned their craft at dog shows would not be able to groom pet dogs for a fee. This bill infringes on the rights of these well-qualified individuals to earn a living.

### **FOR MORE INFORMATION:**

Massachusetts Federation of Dog Clubs and Responsible Dog Owners  
Virginia Rowland, President, blackslate@aol.com; 978-424-1044  
Nancy Fisk, Vice President; akikoakitas@aol.com; 508-966-4564

MassFed: 05/14/09

**SENATE . . . . . No. 186**

The Commonwealth of Massachusetts

PRESENTED BY:

Richard R. Tisei

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:  
An Act providing for the licensing and regulation of pet groomers.

Name: District/Address:

Richard R. Tisei Middlesex and Essex

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. S00235 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

An Act providing for the licensing and regulation of pet groomers.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 13 of the General Laws, as most recently amended by chapter 170 of the acts of 2006, is hereby further amended by inserting after section 100 the following three sections:-

Section 101. There shall be within the division of professional licensure a board of registration of pet groomers, in sections 102 and 103 called the board. The board shall consist of four pet groomers, and one representative of the public, subject to the provisions of section 9B. Each member of said board shall be a legal resident of the commonwealth. Each pet groomer member of said board shall be licensed, shall have satisfactorily completed appropriate professional training in pet grooming through a recognized educational program, and shall have had at least five years' experience in the active practice of pet grooming prior to his appointment. One member thereof shall annually, before December first, be appointed by the governor, for five years from January first following.

No pet groomer member appointed to a full five year term under this section shall be reappointed to succeed himself. Upon the death or resignation of a board member, a successor shall be appointed in the same way and with the same qualifications and shall hold office for the unexpired term.

Section 102. The members of the board shall meet in February of each year, at such time and place as they shall determine, and shall immediately organize by electing a chairman and a secretary, who shall hold their respective offices for one year. The board shall hold regular meetings at such times and places as it may determine. The secretary shall keep an accurate record of all the proceedings of the board, and shall perform such duties as the rules and regulations of said board shall direct.

Section 103. The members of the board shall not be paid for their service, but may be compensated for necessary traveling and contingent expenses, not exceeding three hundred dollars, actually incurred in attending to the necessary work of the board. The board, with the approval of the director, shall fix the compensation of the secretary.

SECTION 2. Chapter 112 of the General Laws, as most recently amended by Chapter 170 of the Acts of 2006, is hereby further amended by inserting after section 235 the following 14 sections:-

Section 236. As used in this section and sections 237 to 249, inclusive, the following words shall, unless the context requires otherwise, have the following

meanings-

“Board”, the state Board of Registration of Pet Groomers established in section

101 of chapter 13

“Conviction”, includes a judgment, an admission of guilt or a plea of nolo contendere.

“Director”, the Director of the Division of Professional Licensure.

“Division”, the Division of Professional Licensure.

“Facility”, a pet grooming facility.

“Pet”, a dog or cat in the care of an individual licensed to engage in pet grooming or styling.

“Pet groomer”, an individual who is licensed as a bather/brusher, all breed basic groomer or all breed master/teacher groomer to engage in the practice of pet grooming, who bathes, brushes, clips or styles a pet for financial remuneration.

“Pet grooming facility”, a mobile or permanent commercial establishment where a pet may be bathed, brushed, clipped, styled or have its appearance maintained, or the shop in which a licensed pet groomer or stylist or a holder of a limited license provides to a pet a service for which a license is required under this act.

“Pet grooming or styling”, work performed for compensation by an individual which is generally and usually performed by pet groomers or stylists for the embellishment, cleanliness or care of the pet's hair. The work performed may include bathing, brushing, cleaning, styling and appearance maintenance of pets as a retail service or the handling of pets in preparation for these services.

Section 237. The board shall have the following powers and duties:

- (1) To provide for and regulate the practice of pet grooming.
- (2) To provide for and regulate the apprenticeship of pet groomers.
- (3) To prescribe such sanitary rules as it may deem necessary to be employed to prevent the spreading of infectious diseases.

- (4) To investigate the applications for licensure under this act in order to determine their truth and to determine the competency of an individual applying for a license under this act.
- (5) To oversee the process of examinations for licensure under this act, including:
- (i) Prescribing the subjects, manner, time and place of examinations and the filing of applications for examinations.
  - (ii) Preparing or providing for the preparation of examinations.
  - (iii) Conducting or providing for the conduct of examinations.
  - (iv) Making written reports of examinations, which reports shall be preserved for a period of not less than three years.
  - (v) Collecting fees for examinations and for licenses issued without examination.
  - (vi) Issuing licenses to pet grooming facilities and to individuals who pass examinations in the following categories:
    - (a) Bather/brusher;
    - (b) All breed basic groomer; and
    - (c) All breed master/teacher groomer.
  - (vii) Contracting with a professional testing organization, school or association for the examination of qualified applicants for licensure.
- (6) To oversee the process of registering pet groomers under this act, including:
- (i) Providing for, regulating and requiring an individual licensed as a pet groomer to register biennially with the board.
  - (ii) Prescribing the form of the registration, after consultation with the director, and the payment of a biennial registration fee fixed by regulation.
  - (iii) Issuing biennial registration to qualified individuals.
  - (iv) Suspending or revoking the license or registration of an individual that fails, refuses or neglects to register or pay the required fee within the time prescribed by the board by its rules and regulations.
  - (v) Reinstating a license and registration of an individual under subparagraph (iv) who subsequently pays a registration fee in accordance with the rules and regulations of the board.
- (7) To maintain a listing of the names and addresses of pet groomers licensed under this act, along with a record of any license suspension, revocation or other disciplinary action taken against a licensee, with said record to be made available to the public through electronic means.
- (8) To suspend or revoke the license and registration of a pet groomer who is found by the board, by a majority vote of all its members, to be guilty of the practice of fraud, deceit or misrepresentation in obtaining the license or of gross negligence, incompetence, misconduct or animal cruelty in the practice of pet grooming.
- (9) To reinstate a suspended license and registration in any case where a majority of all the members of the board shall deem it proper. Unless ordered to do so by a court, the board shall not reinstate the license of an individual whose license has been revoked, and the individual shall be required to apply for a license, after a period of five years in accordance with this act, if the individual desires to practice at any time after revocation. The board shall require an individual whose license has been suspended or revoked to return the license in a manner directed by the board.
- (10) To submit annually to the division an estimate of the financial requirements of the board for its administrative, investigative, legal and miscellaneous expenses.
- (11) To administer and enforce the laws of the Commonwealth relating to the practice of pet grooming.
- (12) To keep minutes and records of all its transactions and proceedings.
- (13) To adopt, promulgate and enforce administrative rules and regulations, not inconsistent with this act, as are deemed necessary and proper by the board to carry into effect the provisions of this act.
- (14) To submit annually a report to the Joint Committee on Consumer Protection and Professional Licensure, which shall include a description of the types of complaints received, status of cases, any board disciplinary action which has been taken and the length of time from the initial complaint to final board resolution.

Section 238. All licensed pet grooming facilities shall be subject to the following provisions, in addition to any other provisions set forth by the board:

- (1) Pets not undergoing the grooming process shall be kept in structurally sound cages. Such enclosures shall be in good repair and large enough to allow pets to make normal, postural adjustments such as sitting, standing, and turning around. Cages shall be designed to allow for the efficient elimination of animal waste and water in order to keep the animal dry and prevent the animal from coming into contact with these substances. Cages shall be maintained in good repair to contain the animal housed inside and protect it from injury. Surfaces shall have an impervious surface so as

not to permit the absorption of fluids and which can be thoroughly and repeatedly cleaned and disinfected without retaining odors.

(2) Each pet shall be caged separately.

(3) Outdoor facilities shall not be used in inclement weather.

(4) Indoor facilities shall be maintained at a healthy temperature. The temperature surrounding the animal shall be compatible with the health and well-being of the animal. Temperature shall be regulated by heating and cooling and regulation of humidity to sufficiently protect each animal from extremes of temperature and shall not be permitted to fall below or rise above ranges which would pose a health hazard to the animal. This shall include temperature inside cages used for drying animals.

(5) There shall be sufficient lighting to facilitate cleaning of both pets and facilities.

(6) Sanitary conditions shall be maintained at all times. Facilities and cages shall be kept in a clean condition in order to maintain a healthy environment for the animal. This shall include removing and destroying any agents injurious to the health of the animal and periodic cleanings. Surfaces with which the animal comes in contact shall be cleaned and disinfected between each animal. Under no circumstances shall the animal remain inside a cage while it is being cleaned with sterilizing agents or agents toxic to animals or cleaned in a manner likely to threaten the health and safety of the animal. Trash and waste products on the premises shall be properly contained and disposed of so as to minimize the risks of disease, contamination and vermin.

(7) Adequate water shall be available at all times for drinking as well as bathing.

(8) Pets shall not be left unattended.

Section 239. Each pet groomer shall keep and maintain records regarding each animal cared for and the owner thereof. Such records shall include the name and address of the owner, the pet's veterinarian, and the date of providing service.

Records for each animal shall be maintained for a period of two years from the date of service. During normal business hours, such records shall be made available to persons authorized by law to enforce the provisions of this act.

Section 240. Each person licensed as a pet groomer shall prove to the satisfaction of the board that they are sufficiently insured to cover any liability for negligent acts associated with their activity as a pet groomer.

Section 241. The board shall establish standards for the operation and approval of continuing education programs. Programs for the continued education of licensees shall be established and conducted only with the approval of the board. Commencing on a date established by regulation, licensees shall be required to obtain ten hours of continuing education as a condition of biennial renewal.

Section 242. No individual shall be permitted by the board to take an examination to receive a license as a pet groomer unless the individual is at least 18 years of age and of good moral character at the time of making application. Those individuals seeking licensure as a bather/brusher must first complete not less than 80 hours in a bather/brusher program as a student in a registered and accredited school, organization or association or as an apprentice under a licensed all breed basic groomer or a licensed all breed master groomer. Those individuals seeking licensure as an all breed basic groomer must first complete not less than 300 hours in an all breed basic groomer program as a student in a registered and accredited school, organization or association or as an apprentice under an all breed master groomer, or present proof of certification from a national groomer association approved by the board. Those individuals seeking licensure as an all breed master groomer must first complete not less than 600 hours in an all breed master groomer/teacher program as a student in a registered and accredited school, organization or association or as an apprentice under an all breed master groomer/teacher, or present proof of certification from a national groomer association approved by the board.

Subject to the provisions of this section, if the board finds that the applicant has submitted the credentials required by this act for admission to the examination and has paid the license fee required by this act, the board shall admit the applicant to the examination, and the department shall issue a license to practice as a pet groomer or teacher, as the case may be, to those successfully passing the required examinations. If the applicant fails to pass the examination, the applicant may be eligible to take the next examination.

Section 243. No individual shall be permitted to register as an apprentice of pet grooming nor shall a licensed pet groomer or facility employ or cause to be registered an individual until an application for an apprentice permit has been filed with the board and an apprentice permit issued by the board. No apprentice permit shall be issued unless the applicant has established to the satisfaction of the board that the applicant is of good moral character and has completed a tenth grade education or the equivalent thereof.

An individual licensed as an all breed master groomer who is a pet grooming facility owner may instruct apprentices. There shall be no more than two apprentices in any facility and a facility shall not be held out as a school of pet grooming. The master groomer instructing an apprentice shall report quarterly hours to the board on a form provided by the board. An apprentice may apply for examination at the end of the apprenticeship at the next regular examination held by the board and, if successful, shall be licensed as a pet groomer according to the provisions of this act. Registered apprentices, upon completion of their required term of apprenticeship, may apply for and receive from the department a temporary permit to engage in the practice of pet grooming until the next regular examination. Nothing in this act shall prohibit an owner from hiring a pet grooming teacher to instruct apprentices.

Section 244. A pet grooming facility owner shall designate an individual in charge of the facility in the owner's absence. The name of the owner or designated individual in charge of the pet grooming facility shall be posted in a conspicuous place in the pet grooming facility. The owner or designated individual in charge of the pet grooming facility shall be readily available during regular business hours to inspectors.

A holder of a license granted by the board, as provided in this act, shall display it in a conspicuous place in the licensee's principal office, place of business or employment. A pet grooming facility shall display in a conspicuous place near the facility entrance a notice to customers listing the telephone number at which a customer may report a complaint to the board.

Section 245. Before performing pet grooming, a pet grooming facility shall acquire from the pet owner contact information and the telephone number and address of the owner's veterinarian in the event the pet requires emergency medical care. If a pet owner does not have a veterinary preference, then the pet grooming facility shall provide a list of one or more veterinarians that are within reasonable distance from which the pet owner may choose to care for the owner's pet in the case of a medical emergency. A pet grooming facility shall make a reasonable attempt to contact the pet owner and shall contact a veterinarian in the event the pet requires emergency medical care. A pet grooming facility may have, if it so chooses, a working relationship or contract with the veterinarian. Nothing in this section shall be construed to compel a licensed pet groomer to contract with or be regulated by a veterinarian. The board shall promulgate regulations to provide for the implementation of this section.

Section 246. Upon payment of the required fee, a temporary license may be issued to an applicant who is eligible for admission to a pet grooming examination. An applicant who is thus licensed shall practice only under the supervision of a licensed all breed master groomer until the time of the next scheduled examination. The board by regulation shall fix the period of time a temporary license is granted until the time of the next scheduled examination. An individual who fails to renew a license or has escrowed a license for a period of five years without renewing the license shall, prior to receiving a license, submit to and pass an examination appropriate to the license being sought.

Section 247. Before the license of a licensee is suspended or revoked by the board, a written copy of the complaint shall be furnished to the licensee and an opportunity shall be afforded the licensee to be heard before the board personally or by counsel. At least ten days' written notice of the time and place of the hearing shall be given to the licensee by registered mail address.

A license issued under this act may be temporarily suspended under circumstances as determined by the board to be an immediate and clear danger to pets. The board shall issue an order to that effect without a hearing, but upon due notice to the licensee concerned at the last known address of the licensee, which shall include a written statement of all allegations against the licensee. The board shall thereupon commence formal action to suspend, revoke or restrict the license of the person as provided in this act. All actions shall be taken promptly and without delay. Within 30 days

following the issuance of an order temporarily suspending a license, the board shall conduct or cause to be conducted a preliminary hearing to determine whether there is a prima facie case supporting the suspension. The licensee whose license has been temporarily suspended may be present at the preliminary hearing and may be represented by counsel, cross-examine witnesses, inspect physical evidence, call witnesses, offer evidence and testimony and make a record of the proceedings. If it is determined that there is not a prima facie case, the suspended license shall be immediately restored. The temporary suspension shall remain in effect until vacated by the board, but in no event longer than 180 days.

The board shall suspend or revoke a license if the licensee after a hearing is determined to be unable to practice the profession with reasonable skill by reason of illness, addiction to drugs or alcohol, having been convicted of a felonious act prohibited by the Controlled Substance Act or convicted of a felony relating to a controlled substance in a court of law of the United States or any other state, territory, possession or country, or if the licensee is or becomes mentally incompetent. In enforcing this subsection, the board shall, upon probable cause, have authority to compel a licensee to submit to a mental or physical examination by a physician or a psychologist approved by the board.

Failure of a licensee to submit to the examination when directed by the board, unless the failure is due to circumstances beyond the licensee's control, shall constitute an admission of the allegations against the licensee, consequent upon which a default and final order may be entered without the taking of testimony or presentation of evidence. A licensee affected under this subsection shall at reasonable intervals be afforded an opportunity to demonstrate that the licensee can resume a competent practice.

The board shall maintain current records of all reports of alleged violations and periodically review the records for the purpose of determining that each alleged violation has been resolved in a timely manner.

Section 248. It shall be unlawful for:

- (a) A pet grooming school to permit its students to practice pet grooming under any circumstances except by way of clinical work upon pets whose owners are willing to submit a pet of the owner to such practice after having first been properly informed that the operator is a student
- (b) A pet grooming facility to charge any money, other than the reasonable cost of materials, for treatment by its students
- (c) An unlicensed employee, personnel or assistant of a licensed pet groomer to perform or participate in any of the practices in pet grooming.

Section 249. It is unlawful for an individual to engage in the practice or attempt to offer to engage in the practice of pet grooming as defined in this act without having at the time a valid, unexpired, unrevoked and unsuspended license.

Whoever (1) engages in the practice of pet grooming without being licensed and registered as required by this act; (2) presents or attempts to use as the individual's own the license of another; (3) gives any false or forged evidence of any kind to the board or to any member of the board in order to obtain a license as a pet groomer; (4) uses any expired, suspended or revoked license; or

(5) otherwise violates this act shall be subject to a fine of \$1,000.

An individual shall be construed to engage in the practice of pet grooming if the individual:

- (1) By verbal claim, sign, advertisement, letterhead, card or in any other way represents himself to be a pet groomer.
- (2) Uses some title which implies that the individual is a pet groomer or that the individual is licensed under this act.
- (3) Purports to be able to engage in or does engage in the practice of pet grooming.

SECTION 3. The professional members of the board initially appointed pursuant to this act need not be licensed by the licensure examination adopted by the board but, at the time of appointment, must have satisfied the education and experience requirements of this act for licensure as a pet groomer. A professional member shall be licensed, as provided in this act, upon the expiration of the member's initial term.

For a period of two years after the effective date of this act, an individual engaged in the practice of pet grooming at the time this act takes effect shall continue to possess the same rights and privileges with respect to the practice of pet grooming without being required to take an examination.

A license shall be issued without examination to an applicant who:

(1) has been in the practice of pet grooming for not less than five years; has obtained a certificate from an accredited school, organization or association; has been an apprentice at least 300 hours under a certified pet groomer or teacher as provided in this act; or presents proof of certification from a national groomer association approved by the board; and

(2) has paid the fees for licensure and registration set by the board.

An application under this section shall be accompanied by a notarized statement from either the accredited school, organization or association the applicant attended or a certified master groomer who is the owner of a pet grooming facility where the applicant studied and trained stating that the applicant has completed the study and training period required under this act.

All actions of an individual licensed in accordance with this section shall be subject to the power of the board as provided in this act and subject to the power of the board to deny, suspend or revoke a license if the individual fails to meet the requirements set forth in this act or otherwise violates this act.

For the purposes of this act, an existing pet groomer, bather/brusher, student or apprentice who has not obtained the required hours of training shall be permitted to use the entire two-year period following the effective date of this act to comply with the provisions of this act.

SECTION 4. This act shall take effect upon its passage.