

SENATE No. 186

The Commonwealth of Massachusetts

In the Year Two Thousand 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:

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

4 Section 101. There shall be within the division of professional licensure a board of
5 registration of pet groomers, in sections 102 and 103 called the board. The board shall consist of
6 four pet groomers, and one representative of the public, subject to the provisions of section 9B.

7 Each member of said board shall be a legal resident of the commonwealth. Each pet groomer
8 member of said board shall be licensed, shall have satisfactorily completed appropriate
9 professional training in pet grooming through a recognized educational program, and shall have
10 had at least five years' experience in the active practice of pet grooming prior to his appointment.

11 One member thereof shall annually, before December first, be appointed by the governor, for
12 five years from January first following.

13 No pet groomer member appointed to a full five year term under this section shall be
14 reappointed to succeed himself. Upon the death or resignation of a board member, a successor

15 shall be appointed in the same way and with the same qualifications and shall hold office for the
16 unexpired term.

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

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

27 SECTION 2. Chapter 112 of the General Laws, as most recently amended by Chapter
28 170 of the Acts of 2006, is hereby further amended by inserting after section 235 the following
29 14 sections:-

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

32 meanings-

33 “Board”, the state Board of Registration of Pet Groomers established in section
34 101 of chapter 13.

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

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

37 “Division”, the Division of Professional Licensure.

38 “Facility”, a pet grooming facility.

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

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

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

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

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

54 (1) To provide for and regulate the practice of pet grooming.

55 (2) To provide for and regulate the apprenticeship of pet groomers.

56 (3) To prescribe such sanitary rules as it may deem necessary to be employed to prevent
57 the spreading of infectious diseases.

58 (4) To investigate the applications for licensure under this act in order to determine their
59 truth and to determine the competency of an individual applying for a license under this act.

60 (5) To oversee the process of examinations for licensure under this act, including:

61 (i) Prescribing the subjects, manner, time and place of examinations and the filing of
62 applications for examinations.

63 (ii) Preparing or providing for the preparation of examinations.

64 (iii) Conducting or providing for the conduct of examinations.

65 (iv) Making written reports of examinations, which reports shall be preserved for a period
66 of not less than three years.

67 (v) Collecting fees for examinations and for licenses issued without examination.

68 (vi) Issuing licenses to pet grooming facilities and to individuals who pass examinations
69 in the

70 following categories:

71 (a) Bather/brusher;

72 (b) All breed basic groomer; and

73 (c) All breed master/teacher groomer.

74 (vii) Contracting with a professional testing organization, school or association for the
75 examination of qualified applicants for licensure.

76 (6) To oversee the process of registering pet groomers under this act, including:

77 (i) Providing for, regulating and requiring an individual licensed as a pet groomer to
78 register biennially with the board.

79 (ii) Prescribing the form of the registration, after consultation with the director, and the
80 payment of a biennial registration fee fixed by regulation.

81 (iii) Issuing biennial registration to qualified individuals.

82 (iv) Suspending or revoking the license or registration of an individual that fails, refuses
83 or neglects to register or pay the required fee within the time prescribed by the board by its rules
84 and regulations.

85 (v) Reinstating a license and registration of an individual under subparagraph (iv) who
86 subsequently pays a registration fee in accordance with the rules and regulations of the board.

87 (7) To maintain a listing of the names and addresses of pet groomers licensed under this
88 act, along with a record of any license suspension, revocation or other disciplinary action taken
89 against a licensee, with said record to be made available to the public through electronic means.

90 (8) To suspend or revoke the license and registration of a pet groomer who is found by
91 the board, by a majority vote of all its members, to be guilty of the practice of fraud, deceit or
92 misrepresentation in obtaining the license or of gross negligence, incompetence, misconduct or
93 animal cruelty in the practice of pet grooming.

94 (9) To reinstate a suspended license and registration in any case where a majority of all
95 the members of the board shall deem it proper. Unless ordered to do so by a court, the board
96 shall not reinstate the license of an individual whose license has been revoked, and the individual
97 shall be required to apply for a license, after a period of five years in accordance with this act, if
98 the individual desires to practice at any time after revocation. The board shall require an
99 individual whose license has been suspended or revoked to return the license in a manner
100 directed by the board.

101 (10) To submit annually to the division an estimate of the financial requirements of the
102 board for its administrative, investigative, legal and miscellaneous expenses.

103 (11) To administer and enforce the laws of the Commonwealth relating to the practice of
104 pet grooming.

105 (12) To keep minutes and records of all its transactions and proceedings.

106 (13) To adopt, promulgate and enforce administrative rules and regulations, not
107 inconsistent with this act, as are deemed necessary and proper by the board to carry into effect
108 the provisions of this act.

109 (14) To submit annually a report to the Joint Committee on Consumer Protection and
110 Professional Licensure, which shall include a description of the types of complaints received,
111 status of cases, any board disciplinary action which has been taken and the length of time from
112 the initial complaint to final board resolution.

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

115 (1) Pets not undergoing the grooming process shall be kept in structurally sound cages.
116 Such enclosures shall be in good repair and large enough to allow pets to make normal, postural
117 adjustments such as sitting, standing, and turning around. Cages shall be designed to allow for
118 the efficient elimination of animal waste and water in order to keep the animal dry and prevent
119 the animal from coming into contact with these substances. Cages shall be maintained in good
120 repair to contain the animal housed inside and protect it from injury. Surfaces shall have an
121 impervious surface so as not to permit the absorption of fluids and which can be thoroughly and
122 repeatedly cleaned and disinfected without retaining odors.

123 (2) Each pet shall be caged separately.

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

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

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

132 (6) Sanitary conditions shall be maintained at all times. Facilities and cages shall be kept
133 in a clean condition in order to maintain a healthy environment for the animal. This shall include
134 removing and destroying any agents injurious to the health of the animal and periodic cleanings.
135 Surfaces with which the animal comes in contact shall be cleaned and disinfected between each
136 animal. Under no circumstances shall the animal remain inside a cage while it is being cleaned

137 with sterilizing agents or agents toxic to animals or cleaned in a manner likely to threaten the
138 health and safety of the animal. Trash and waste products on the premises shall be properly
139 contained and disposed of so as to minimize the risks of disease, contamination and vermin.

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

141 (8) Pets shall not be left unattended.

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

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

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

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

156 Section 242. No individual shall be permitted by the board to take an examination to
157 receive a license as a pet groomer unless the individual is at least 18 years of age and of good

158 moral character at the time of making application. Those individuals seeking licensure as a
159 bather/brusher must first complete not less than 80 hours in a bather/brusher program as a
160 student in a registered and accredited school, organization or association or as an apprentice
161 under a licensed all breed basic groomer or a licensed all breed master groomer. Those
162 individuals seeking licensure as an all breed basic groomer must first complete not less than 300
163 hours in an all breed basic groomer program as a student in a registered and accredited school,
164 organization or association or as an apprentice under an all breed master groomer, or present
165 proof of certification from a national groomer association approved by the board. Those
166 individuals seeking licensure as an all breed master groomer must first complete not less than
167 600 hours in an all breed master groomer/teacher program as a student in a registered and
168 accredited school, organization or association or as an apprentice under an all breed master
169 groomer/teacher, or present proof of certification from a national groomer association approved
170 by the board.

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

177 Section 243. No individual shall be permitted to register as an apprentice of pet grooming
178 nor shall a licensed pet groomer or facility employ or cause to be registered an individual until an
179 application for an apprentice permit has been filed with the board and an apprentice permit
180 issued by the board. No apprentice permit shall be issued unless the applicant has established to

181 the satisfaction of the board that the applicant is of good moral character and has completed a
182 tenth grade education or the equivalent thereof.

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

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

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

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

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

221 Section 247. Before the license of a licensee is suspended or revoked by the board, a
222 written copy of the complaint shall be furnished to the licensee and an opportunity shall be
223 afforded the licensee to be heard before the board personally or by counsel. At least ten days'

224 written notice of the time and place of the hearing shall be given to the licensee by registered
225 mail address.

226 A license issued under this act may be temporarily suspended under circumstances as
227 determined by the board to be an immediate and clear danger to pets. The board shall issue an
228 order to that effect without a hearing, but upon due notice to the licensee concerned at the last
229 known address of the licensee, which shall include a written statement of all allegations against
230 the licensee. The board shall thereupon commence formal action to suspend, revoke or restrict
231 the license of the person as provided in this act. All actions shall be taken promptly and without
232 delay. Within 30 days following the issuance of an order temporarily suspending a license, the
233 board shall conduct or cause to be conducted a preliminary hearing to determine whether there is
234 a prima facie case supporting the suspension. The licensee whose license has been temporarily
235 suspended may be present at the preliminary hearing and may be represented by counsel, cross-
236 examine witnesses, inspect physical evidence, call witnesses, offer evidence and testimony and
237 make a record of the proceedings. If it is determined that there is not a prima facie case, the
238 suspended license shall be immediately restored. The temporary suspension shall remain in
239 effect until vacated by the board, but in no event longer than 180 days.

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

246 compel a licensee to submit to a mental or physical examination by a physician or a psychologist
247 approved by the board.

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

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

257 Section 248. It shall be unlawful for:

258 (a) A pet grooming school to permit its students to practice pet grooming under any
259 circumstances except by way of clinical work upon pets whose owners are willing to submit a
260 pet of the owner to such practice after having first been properly informed that the operator is a
261 student

262 (b) A pet grooming facility to charge any money, other than the reasonable cost of
263 materials, for treatment by its students

264 (c) An unlicensed employee, personnel or assistant of a licensed pet groomer to perform
265 or participate in any of the practices in pet grooming.

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

269 Whoever (1) engages in the practice of pet grooming without being licensed and
270 registered as required by this act; (2) presents or attempts to use as the individual's own the
271 license of another; (3) gives any false or forged evidence of any kind to the board or to any
272 member of the board in order to obtain a license as a pet groomer; (4) uses any expired,
273 suspended or revoked license; or (5) otherwise violates this act shall be subject to a fine of
274 \$1,000.

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

277 (1) By verbal claim, sign, advertisement, letterhead, card or in any other way represents
278 himself to be a pet groomer.

279 (2) Uses some title which implies that the individual is a pet groomer or that the
280 individual is licensed under this act.

281 (3) Purports to be able to engage in or does engage in the practice of pet grooming.

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

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

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

292 (1) has been in the practice of pet grooming for not less than five years; has obtained a
293 certificate from an accredited school, organization or association; has been an apprentice at least
294 300 hours under a certified pet groomer or teacher as provided in this act; or presents proof of
295 certification from a national groomer association approved by the board; and

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

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

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

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

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