

HOUSE No. 4046

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, March 7, 2016.

The committee on Environment, Natural Resources and Agriculture to whom was referred the petition (accompanied by bill, House, No. 634) of James M. Cantwell for legislation to establish a pet grooming license, reports recommending that the accompanying bill (House, No. 4046) ought to pass.

For the committee,

PAUL A. SCHMID, III.

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**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to pet grooming.

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 129 of the General Laws, as appearing in the 2012 Official Edition,
2 is hereby amended by inserting after section 39G the following section:-

3 Section 39H. (a) For the purposes of this section, the following terms shall have the
4 following meanings:-

5 “Cage and Box Dryer”, a product that is attached to or near a cage or box for the purpose
6 of drying or aiding in the drying of a pet contained in a cage or box, and which is capable of
7 functioning without a person manually holding a dryer.

8 “Division”, the division of animal health of the department of agricultural resources.

9 “Pet”, any domesticated or companion animal placed in the care of a pet groomer for
10 grooming or styling.

11 “Pet Groomer”, an individual who clips, baths or styles a pet for financial remuneration.

12 “Pet Grooming”, clipping, bathing or styling a pet for financial remuneration.

13 “Pet Grooming Facility”, a commercial establishment where a pet may be bathed,
14 brushed, clipped, or styled.

15 (b) No person shall work as a pet groomer without first obtaining a license or a temporary
16 permit from the division, unless they are working under the supervision of a licensed pet
17 groomer. The division, in consultation with the advisory board shall create regulations for
18 licensed pet groomers to supervise unlicensed staff.

19 (c) The division, in consultation with the advisory board, shall establish a testing
20 procedure for obtaining a pet grooming license. Applicants must be at least 16 years of age and
21 may only obtain a pet grooming license after completing said test satisfactory to the standards
22 enumerated by the division and advisory board. An applicant must be notified of their results
23 within 15 days of completing said test.

24 The division shall issue the applicant a license as a pet groomer upon payment of an
25 initial licensure fee set by the division to cover costs of testing and administration of the license
26 system. The initial license fee shall not exceed \$100. The division, in consultation with the
27 advisory board, shall, no later than 3 months prior to the effective date of this section, create
28 standards for temporary permitting, relicensing, and continuing education and for enforcement of
29 rules and regulations under this section.

30 (d) The division shall create and maintain a record of licensees based on information
31 obtained from applicants and the results of their testing. This record shall contain any history of
32 disciplinary action, suspension of license or revocation of license.

33 (e) The division has the power to conduct inspections of pet grooming facilities to ensure
34 compliance with the provisions of this section and to ensure compliance with any additional rules

35 and regulations agreed upon by the division and the advisory board. The division shall give pet
36 grooming facilities no less than 24 hours before conducting an inspection.

37 Any person making inspections shall be first provided training in the provisions of this
38 section, in the rules and regulations promulgated by the division and the advisory board, and the
39 proper care of pets in general.

40 Each pet grooming facility shall present a pet incident file to the inspector upon their
41 inspection of the facility. The pet incident file will include details on pet injuries, pet escapes and
42 pet deaths that have occurred at the facility.

43 (f) Upon investigation by the division, the division may decline to grant or renew, or may
44 suspend or revoke a pet groomer's license if they find that:

45 (i) the applicant or license holder knowingly made a false statement of a material fact
46 in the application for a license;

47 (ii) the applicant or license holder committed an act of gross negligence while pets
48 were in the license holder's care;

49 (iii) the applicant or license holder was convicted of, placed on probation for, granted
50 a continuance without a finding for or otherwise plead guilty to, admitted to a finding of
51 sufficient facts or received a dismissal upon payment of court costs for violating any provision of
52 section 77 of chapter 272.

53 (g) In addition to denial, revocation, suspension or refusal of renewal of a license, as
54 otherwise provided in this section, any violation of a provision of this section is a civil offense,

55 for which a penalty of not less than \$100 nor more than \$1,000 for each violation may be
56 imposed.

57 (h) A groomer may appeal the suspension or revocation of a license to the advisory
58 board. A groomer shall be given a written report explaining the outcome of an appeal within 30
59 days of a decision by the advisory board.

60 (i) Pet grooming facilities shall provide structurally sound, sanitary enclosures that are
61 large enough for each pet to perform normal movements, such as sitting, standing, laying down
62 and turning around. No pet groomer shall leave a pet unsupervised that is currently undergoing
63 the grooming process, unless said pet is secured in an enclosure or safely tethered, provided
64 however that a pet shall not be left unsupervised in a cage or box dryer.

65 SECTION 2. There shall be establish and set upon the books of the commonwealth a
66 separate fund to be administered by the division to be known as the pet groomer licensing and
67 enforcement fund. There shall be credited to the fund any licensing fees or penalties for
68 violations collected from sections 1b to 1k, inclusive, and any income derived from the
69 investment of amounts credited to the fund. Amounts credited to the fund shall be used for the
70 implementation and enforcement of said sections 1b to 1k.

71 SECTION 3. There is hereby established within the department of agricultural resources
72 a board to be known as the pet grooming advisory board. The advisory board shall consist of at
73 least five members, including the commissioner of the department of agricultural resources, or
74 designee, who shall serve as chair. The secretary of the executive office of energy and
75 environmental affairs shall appoint the other members to 3 year terms. The advisory board shall
76 include, but not limited to, a pet groomer, an animal control officer, and a board member of the

77 new england pet grooming professionals, and a veterinarian. The appointed members of the
78 board must have five years of practical experience in a field relevant to pet grooming and pet
79 safety prior to their appointment. The advisory board shall be tasked with working with the
80 division to represent the licensed pet groomers of the commonwealth.

81 The board shall propose rules and regulations to the division including, but not limited to:

82 (i) the licensure of pet groomers, the practice of pet grooming and the operation of pet grooming
83 facilities to promote the health, safety and well-being of pets; (ii) standards of professional and
84 ethical conduct within the pet grooming industry; and (iii) standards for continuing education
85 reflecting acceptable standards within the pet grooming industry.

86 Said advisory board shall hold meetings twice a year, and are permitted to hold additional
87 meetings if the need arises. The board shall appoint a secretary who shall not be a member of the
88 board and will be tasked with keeping complete records of the board proceedings.

89 The members of the board shall serve without compensation; provided however, that
90 each member shall be reimbursed for actual expenses reasonably incurred in the performance of
91 duties as a member or on behalf of the board. Members of said advisory board shall be appointed
92 within 6 months of the passage of this act.

93 SECTION 3. The division, in consultation with the advisory board, shall promulgate
94 rules and regulations pursuant to this act.

95 SECTION 4. Section 1 shall take effect beginning January 1, 2018.