

HOUSE No. 3544

The Commonwealth of Massachusetts

PRESENTED BY:

James M. Cantwell

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 adoption of the accompanying bill:

An Act relative to the certification of pet groomers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>James M. Cantwell</i>	<i>4th Plymouth</i>	<i>1/20/2017</i>

HOUSE No. 3544

By Mr. Cantwell of Marshfield, a petition (accompanied by bill, House, No. 3544) of James M. Cantwell for legislation to establish a board of registration of pet grooming. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

An Act relative to the certification 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 is hereby amended by inserting after
2 section 109, inserted by section 1 of chapter 400 of the acts of 2016, the following section:-

3 Section 110. (a) For the purposes of this section, the following terms shall have the
4 following meanings:

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

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

8 “Pet Grooming”, the act of clipping, bathing or styling a pet for financial remuneration
9 that is not incidental to the work of boarding or caring for animals on behalf of the pet owners or
10 handling animals for animal shows and fairs,.

11 “Pet Grooming Facility”, a location where a pet may be bathed, brushed, clipped, or
12 styled with the exception of self-grooming establishments that only offer self-wash services.

13 “Pet Grooming Certification Program”, an education program of a school, business,
14 professional association, or other institution operating inside or outside of the commonwealth
15 established to educate pet groomers.

16 (b) There is hereby established a board to be known as the board of registration of pet
17 grooming, hereinafter the board. The board shall consist of 13 members; the commissioner of the
18 department of agricultural resources, or designee, who shall serve as chair; and 12 members to be
19 appointed by the governor, including 3 pet groomers representing diverse geographic areas of the
20 commonwealth, 2 pet grooming business owners, 2 representatives from animal welfare groups,
21 2 pet grooming educational instructors, an animal cruelty investigator, a veterinarian and a
22 representative of the general public who shall have no direct affiliation with the practice of pet
23 grooming, each of whom shall serve for 3 year terms. Except for the representative from the
24 general public, each appointed member of the board must have at least 10 years of practical
25 experience in a field relevant to pet grooming or pet safety prior to the appointment.

26 The board shall hold at least 3 meetings a year. The board shall meet at the call of the
27 chairperson or the call of at least 3 members of the board. The board may also hold additional
28 meetings as necessary to discharge its duties. A quorum shall consist of a majority of the
29 members of the board.

30 The members of the board shall serve without compensation; provided however, that
31 each member shall be reimbursed for actual expenses reasonably incurred in the performance of

duties as a member or on behalf of the board. Members of said advisory board shall be appointed within 6 months of the effective date of this section.

(c) The board shall promulgate rules and regulations relative to the following: (i) the certification of pet groomers; (ii) the education of pet groomers through pet grooming certification programs; and (iii) any requirements for continuing education and renewal of pet grooming certifications.

(d) The board shall establish standards for approving pet grooming certification programs that provide minimum training requirements in topics including but not limited to the practice of pet grooming, the standards of professional and ethical conduct, and health and safety standards for grooming pets. The board shall establish a list of approved pet grooming certification programs based on standards established by the board. A current list of approved programs shall be maintained on the public website of the board.

(e) No person shall work as a pet groomer unless said person satisfies at least 1 of the following requirements: (i) completion of an approved pet grooming certification program pursuant to subsection (d); (ii) certification through the grandfathering process pursuant to subsection (f); (iii) completion of an on-the-job training or apprenticeship program that meets the requirements as established in regulations promulgated by the board; or (iv) employment under the direct supervision of the certified pet groomer pursuant to subsection (h).

A certificate of completion issued by a certification program shall be sufficient proof of certification for the board.

(f) The board shall establish a grandfathering certification process for pet groomers who can provide evidence that, prior to the effective date of this section, they: (i) completed a pet

grooming training program offered through a school, business training program, or other institution; or (ii) worked as a pet groomer for at least 2 years. Evidence of work experience can include customer testimonials, ownership of legally established pet grooming business, or other factors the board may deem satisfactory. The board shall refuse to certify a pet groomer under the grandfathering process, and may require said groomer to complete additional training or education if said groomer has been convicted of animal cruelty under section 77 of chapter 272.

(g) The board shall certify any individual who has been certified as a pet groomer under the laws of another state, including the District of Columbia, and any territory, state or province of the United States or foreign country, which, in the opinion of the board, maintains a standard substantially equivalent to that of the commonwealth. The board may require additional education if it determines that the standards required for the certification in another state are inconsistent with the standards in effect in the commonwealth.

(h) The board shall promulgate regulations to allow persons who have not obtained a pet grooming certification and are employed by pet grooming facility to groom, bath, clip, or style animals under the direct supervision of a certified pet groomer.

(i) The division of professional licensure shall maintain a public record of certified pet groomers which shall be maintained on the public website of said division.

(j) The fees, if any, for a pet grooming certification, or any renewal thereof, shall be determined by the secretary of administration and finance in consultation with the pet grooming advisory board. The board shall determine the renewal period, if any, for the pet grooming certification. Applications for renewal shall be made on forms approved by the board and accompanied by payment of a renewal fee, as determined by the secretary of administration and

76 finance. All certification and renewal fees and civil administrative penalties collected under this
77 section shall be deposited into the pet groomer certification and enforcement fund, established
78 pursuant to section 2WWWW of chapter 29.

79 As a condition of operating as an approved pet grooming certification program, said
80 programs shall enter into an agreement with the division of professional licensure to collect
81 certification fees, if any, from students prior to issuing a pet grooming certification. The board
82 shall establish a process for collecting said fees from approved certification programs. Said fees
83 shall be deposited in the pet grooming certification and enforcement fund established pursuant to
84 section 2WWWW of chapter 29.

85 (k) If a complaint is made to the board that: (i) an animal has suffered injury as a result of
86 the negligent occupational practice of a pet groomer; (ii) a pet has been exposed to a hazard to
87 the public's health, safety or welfare; (iii) a facility where services are performed is being kept in
88 an unsanitary condition; or (iv) a person has been engaged in pet grooming in violation of this
89 section, the board may investigate the violation, conduct evidentiary hearings and enforce this
90 section, in accordance with applicable laws and regulations.

91 (l) Pet grooming facilities shall maintain documentation, available for the inspection of
92 consumers or the board, that pet groomers working in the facility are certified under the law.

93 (m) The board shall operate under the supervision of the division of professional
94 licensure and shall have all authority conferred under sections 61 to 65E, inclusive, of chapter
95 112. The board under such reasonable rules and regulations as it may make, may for cause,
96 including professional misconduct, fraud, deceit or misrepresentation in practice or in
97 advertising, gross incompetence, for violation of section 77 of chapter 272, or for any violation

of subsection (b) to (p), inclusive, or any rule or regulation made thereunder, revoke or suspend, upon a two-thirds vote, the certification of any pet groomer.

(n) Any person who violates any provision of subsection (b) to (p), inclusive, or any rule or regulation made thereunder, shall be subject to a civil penalty of not less than \$100 nor more than \$1,000.

(o) The board may, by a majority vote, recertify a person whose certification has been cancelled, or revoke the suspension of a certification, if satisfied that this can be done consistently with the public interest. Provided, however, that notwithstanding this section, failure to pay or appeal an assessed penalty shall be considered grounds for the refusal to renew or reissue a certification.

(p) Pet grooming facilities shall provide structurally sound, sanitary enclosures that are large enough for each pet to perform normal movements, such as sitting, standing, laying down and turning around. No pet groomer shall leave a pet unsupervised that is currently undergoing the grooming process, unless said pet is secured in an enclosure or safely tethered; provided, however, that pet shall be within eyesight or easily observed while being dried in a in a cage or box dryer with heat.

SECTION 2. Chapter 29 of the General Laws is hereby amended by inserting after section 2VVVV, inserted by section 41 of chapter 133 of the acts of 2016, the following section:-

Section 2WWWW. There is hereby established a separate fund to be known as the pet groomer certification and enforcement fund which shall be administered by the division of professional licensure. There shall be credited to the fund any certification fees and penalties for violations collected pursuant to section 110 of chapter 13, and any income derived from the

120 investment of amounts credited to the fund. Amounts credited to the fund shall be used for the
121 certification of pet groomers and the enforcement of the law and regulations relative to pet
122 groomers pursuant to said section 110 of said chapter 13.

123 SECTION 3. Section 1 shall take effect on January 1, 2020.