

# SENATE NO. 235

## **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 of the acts of  
2 2006, is hereby further amended by inserting after section 100 the following three sections:-  
3 Section 101. There shall be within the division of professional licensure a board of registration of pet  
4 groomers, in sections 102 and 103 called the board. The board shall consist of four pet groomers, and  
5 one representative of the public, subject to the provisions of section 9B. Each member of said board  
6 shall be a legal resident of the commonwealth. Each pet groomer member of said board shall be  
7 licensed, shall have satisfactorily completed appropriate professional training in pet grooming through  
8 a recognized educational program, and shall have had at least five years' experience in the active  
9 practice of pet grooming prior to his appointment. One member thereof shall annually, before  
10 December first, be appointed by the governor, for five years from January first following.  
11 No pet groomer member appointed to a full five year term under this section shall be reappointed to  
12 succeed himself. Upon the death or resignation of a board member, a successor shall be appointed in  
13 the same way and with the same qualifications and shall hold office for the unexpired term.

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

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

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

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

28 “Board”, the state Board of Registration of Pet Groomers established in section  
29 101 of chapter 13.

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

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

32 “Division”, the Division of Professional Licensure.

33 “Facility”, a pet grooming facility.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

61 (vi) Issuing licenses to individuals who pass examinations in the following  
62 categories:

63 (a) Bather/brusher;

64 (b) All breed basic groomer; and

65 (c) All breed master/teacher groomer.

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

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

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

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

73 (iii) Issuing biennial registration to qualified individuals.

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

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

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

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

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

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

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

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

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

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

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

104 (1) Pets not undergoing the grooming process shall be kept in structurally sound cages. Such  
105 enclosures shall be in good repair and large enough to allow pets to make normal, postural adjustments  
106 such as sitting, standing, and turning around.

107 (2) Each pet shall be caged separately.

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

109 (4) Indoor facilities shall be maintained at a healthy temperature.

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

111 (6) Sanitary conditions shall be maintained at all times.

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

113 (8) Pets shall not be left unattended.

114 (9) Drying cages shall never be used.

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

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

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

124 Section 241. The board shall establish standards for the operation and approval of continuing  
125 education programs. Programs for the continued education of licensees shall be established and  
126 conducted only with the approval of the board. Commencing on a date established by regulation,

127 licensees shall be required to obtain ten hours of continuing education as a condition of biennial  
128 renewal.

129 Section 242. No individual shall be permitted by the board to take an examination to receive a license  
130 as a pet groomer unless the individual is at least 18 years of age and of good moral character at the  
131 time of making application. Those individuals seeking licensure as a bather/brusher must first  
132 complete not less than 80 hours in a bather/brusher program as a student in a registered and accredited  
133 school, organization or association or as an apprentice under a licensed all breed master groomer.  
134 Those individuals seeking licensure as an all breed basic groomer must first complete not less than 300  
135 hours in an all breed basic groomer program as a student in a registered and accredited school,  
136 organization or association or as an apprentice under an all breed master groomer. Those individuals  
137 seeking licensure as an all breed master/teacher groomer must first complete not less than 600 hours in  
138 an all breed master groomer/teacher program as a student in a registered and accredited school,  
139 organization or association or as an apprentice under an all breed master groomer/teacher.  
140 Subject to the provisions of this section, if the board finds that the applicant has submitted the  
141 credentials required by this act for admission to the examination and has paid the license fee required  
142 by this act, the board shall admit the applicant to the examination, and the department shall issue a  
143 license to practice as a pet groomer or teacher, as the case may be, to those successfully passing the  
144 required examinations. If the applicant fails to pass the examination, the applicant may be eligible to  
145 take the next examination.

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

150 that the applicant is of good moral character and has completed a tenth grade education or the  
151 equivalent thereof.

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

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

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

171 Section 245. Before performing pet grooming, a pet grooming facility shall acquire from the pet owner  
172 contact information and the telephone number and address of the owner's veterinarian in the event the

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

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

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

192 A license issued under this act may be temporarily suspended under circumstances as  
193 determined by the board to be an immediate and clear danger to pets. The board shall issue an order to  
194 that effect without a hearing, but upon due notice to the licensee concerned at the last known address  
195 of the licensee, which shall include a written statement of all allegations against the licensee. The

196 board shall thereupon commence formal action to suspend, revoke or restrict the license of the person  
197 as provided in this act. All actions shall be taken promptly and without delay. Within 30 days  
198 following the issuance of an order temporarily suspending a license, the board shall conduct or cause  
199 to be conducted a preliminary hearing to determine whether there is a prima facie case supporting the  
200 suspension. The licensee whose license has been temporarily suspended may be present at the  
201 preliminary hearing and may be represented by counsel, cross-examine witnesses, inspect physical  
202 evidence, call witnesses, offer evidence and testimony and make a record of the proceedings. If it is  
203 determined that there is not a prima facie case, the suspended license shall be immediately restored.  
204 The temporary suspension shall remain in effect until vacated by the board, but in no event longer than  
205 180 days.

206           The board shall suspend or revoke a license if the licensee after a hearing is determined to be  
207 unable to practice the profession with reasonable skill by reason of illness, addiction to drugs or  
208 alcohol, having been convicted of a felonious act prohibited by the Controlled Substance Act or  
209 convicted of a felony relating to a controlled substance in a court of law of the United States or any  
210 other state, territory, possession or country, or if the licensee is or becomes mentally incompetent. In  
211 enforcing this subsection, the board shall, upon probable cause, have authority to compel a licensee to  
212 submit to a mental or physical examination by a physician or a psychologist approved by the board.  
213 Failure of a licensee to submit to the examination when directed by the board, unless the failure is due  
214 to circumstances beyond the licensee's control, shall constitute an admission of the allegations against  
215 the licensee, consequent upon which a default and final order may be entered without the taking of  
216 testimony or presentation of evidence. A licensee affected under this subsection shall at reasonable  
217 intervals be afforded an opportunity to demonstrate that the licensee can resume a competent practice.

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

221 Section 248. It shall be unlawful for:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

260 All actions of an individual licensed in accordance with this section shall be subject to the  
261 power of the board as provided in this act and subject to the power of the board to deny, suspend or

262 revoke a license if the individual fails to meet the requirements set forth in this act or otherwise  
263 violates this act.

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

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