

SENATE No.

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.

PETITION OF:

NAME:

Richard R. Tisei

DISTRICT/ADDRESS:

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:

1 SECTION 1. Chapter 13 of the General Laws, as most recently amended by chapter 170 of the
2 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 registration of
5 pet groomers, in sections 102 and 103 called the board. The board shall consist of four pet
6 groomers, and one representative of the public, subject to the provisions of section 9B. Each
7 member of said board shall be a legal resident of the commonwealth. Each pet groomer member
8 of said board shall be licensed, shall have satisfactorily completed appropriate professional
9 training in pet grooming through a recognized educational program, and shall have had at least
10 five years' experience in the active practice of pet grooming prior to his appointment. One
11 member thereof shall annually, before December first, be appointed by the governor, for five
12 years from January first following.

13 No pet groomer member appointed to a full five year term under this section shall be reappointed
14 to succeed himself. Upon the death or resignation of a board member, a successor shall be
15 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 and
18 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 170 of the
28 Acts of 2006, is hereby further amended by inserting after section 235 the following 14 sections:-

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

31 meanings-

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

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

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

36 “Division”, the Division of Professional Licensure.

37 “Facility”, a pet grooming facility.

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

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

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

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

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

- 52 (1) To provide for and regulate the practice of pet grooming.
- 53 (2) To provide for and regulate the apprenticeship of pet groomers.
- 54 (3) To prescribe such sanitary rules as it may deem necessary to be employed to prevent the
55 spreading of infectious diseases.
- 56 (4) To investigate the applications for licensure under this act in order to determine their truth
57 and to determine the competency of an individual applying for a license under this act.
- 58 (5) To oversee the process of examinations for licensure under this act, including:
- 59 (i) Prescribing the subjects, manner, time and place of examinations and the filing of applications
60 for examinations.
- 61 (ii) Preparing or providing for the preparation of examinations.
- 62 (iii) Conducting or providing for the conduct of examinations.
- 63 (iv) Making written reports of examinations, which reports shall be preserved for a period of not
64 less than three years.
- 65 (v) Collecting fees for examinations and for licenses issued without examination.
- 66 (vi) Issuing licenses to pet grooming facilities and to individuals who pass examinations in the
67 following categories:
- 68 (a) Bather/brusher;
- 69 (b) All breed basic groomer; and
- 70 (c) All breed master/teacher groomer.
- 71 (vii) Contracting with a professional testing organization, school or association for the
72 examination of qualified applicants for licensure.
- 73 (6) To oversee the process of registering pet groomers under this act, including:
- 74 (i) Providing for, regulating and requiring an individual licensed as a pet groomer to register
75 biennially with the board.
- 76 (ii) Prescribing the form of the registration, after consultation with the director, and the payment
77 of a biennial registration fee fixed by regulation.
- 78 (iii) Issuing biennial registration to qualified individuals.

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

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

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

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

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

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

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

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

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

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

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

112 (1) Pets not undergoing the grooming process shall be kept in structurally sound cages. Such
113 enclosures shall be in good repair and large enough to allow pets to make normal, postural

114 adjustments such as sitting, standing, and turning around. Cages shall be designed to allow for
115 the efficient elimination of animal waste and water in order to keep the animal dry and prevent
116 the animal from coming into contact with these substances. Cages shall be maintained in good
117 repair to contain the animal housed inside and protect it from injury. Surfaces shall have an
118 impervious surface so as not to permit the absorption of fluids and which can be thoroughly and
119 repeatedly cleaned and disinfected without retaining odors.

120 (2) Each pet shall be caged separately.

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

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

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

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

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

138 (8) Pets shall not be left unattended.

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

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

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

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

153 Section 242. No individual shall be permitted by the board to take an examination to receive a
154 license as a pet groomer unless the individual is at least 18 years of age and of good moral
155 character at the time of making application. Those individuals seeking licensure as a
156 bather/brusher must first complete not less than 80 hours in a bather/brusher program as a
157 student in a registered and accredited school, organization or association or as an apprentice
158 under a licensed all breed basic groomer or a licensed all breed master groomer. Those
159 individuals seeking licensure as an all breed basic groomer must first complete not less than 300
160 hours in an all breed basic groomer program as a student in a registered and accredited school,
161 organization or association or as an apprentice under an all breed master groomer, or present
162 proof of certification from a national groomer association approved by the board. Those
163 individuals seeking licensure as an all breed master groomer must first complete not less than
164 600 hours in an all breed master groomer/teacher program as a student in a registered and
165 accredited school, organization or association or as an apprentice under an all breed master
166 groomer/teacher, or present proof of certification from a national groomer association approved
167 by the board.

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

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

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

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

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

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

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

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

222 A license issued under this act may be temporarily suspended under circumstances as determined
223 by the board to be an immediate and clear danger to pets. The board shall issue an order to that
224 effect without a hearing, but upon due notice to the licensee concerned at the last known address
225 of the licensee, which shall include a written statement of all allegations against the licensee. The
226 board shall thereupon commence formal action to suspend, revoke or restrict the license of the
227 person as provided in this act. All actions shall be taken promptly and without delay. Within 30
228 days following the issuance of an order temporarily suspending a license, the board shall conduct
229 or cause to be conducted a preliminary hearing to determine whether there is a prima facie case
230 supporting the suspension. The licensee whose license has been temporarily suspended may be

231 present at the preliminary hearing and may be represented by counsel, cross-examine witnesses,
232 inspect physical evidence, call witnesses, offer evidence and testimony and make a record of the
233 proceedings. If it is determined that there is not a prima facie case, the suspended license shall be
234 immediately restored. The temporary suspension shall remain in effect until vacated by the
235 board, but in no event longer than 180 days.

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

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

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

253 Section 248. It shall be unlawful for:

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

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

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

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

265 Whoever (1) engages in the practice of pet grooming without being licensed and registered as
266 required by this act; (2) presents or attempts to use as the individual's own the license of another;

267 (3) gives any false or forged evidence of any kind to the board or to any member of the board in
268 order to obtain a license as a pet groomer; (4) uses any expired, suspended or revoked license; or
269 (5) otherwise violates this act shall be subject to a fine of \$1,000.

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

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

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

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

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

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

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

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

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

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

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

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

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

303