

**SENATE . . . . . No. 186**

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**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  
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 styling.

40 “Pet groomer”, an individual who is licensed as a bather/brusher, all breed basic groomer or all

41 breed master/teacher groomer to engage in the practice of pet grooming, who bathes, brushes,

42 clips or styles a pet for financial remuneration.

43 “Pet grooming facility”, a mobile or permanent commercial establishment where a pet may be

44 bathed, brushed, clipped, styled or have its appearance maintained, or the shop in which a

45 licensed pet groomer or stylist or a holder of a limited license provides to a pet a service for

46 which a license is required under this act.

47 “Pet grooming or styling”, work performed for compensation by an individual which is generally

48 and usually performed by pet groomers or stylists for the embellishment, cleanliness or care of

49 the pet's hair. The work performed may include bathing, brushing, cleaning, styling and

50 appearance maintenance of pets as a retail service or the handling of pets in preparation for these

51 services.

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

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

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

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

57 (4) To investigate the applications for licensure under this act in order to determine their  
58 truth and to determine the competency of an individual applying for a license under this  
59 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  
62 of 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  
66 a period 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  
69 examinations 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  
75 for the 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  
78 to register biennially with the board.

79 (ii) Prescribing the form of the registration, after consultation with the director,  
80 and the 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,  
83 refuses or neglects to register or pay the required fee within the time prescribed by  
84 the board by its rules and regulations.

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

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

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

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

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

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

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

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

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

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

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

126 (2) Each pet shall be caged separately.

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



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

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

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

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

145 (8) Pets shall not be left unattended.

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

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

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

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

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

171 600 hours in an all breed master groomer/teacher program as a student in a registered and  
172 accredited school, organization or association or as an apprentice under an all breed master  
173 groomer/teacher, or present proof of certification from a national groomer association approved  
174 by the board.

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

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

187           An individual licensed as an all breed master groomer who is a pet grooming facility  
188 owner may instruct apprentices. There shall be no more than two apprentices in any facility and a  
189 facility shall not be held out as a school of pet grooming. The master groomer instructing an  
190 apprentice shall report quarterly hours to the board on a form provided by the board. An  
191 apprentice may apply for examination at the end of the apprenticeship at the next regular  
192 examination held by the board and, if successful, shall be licensed as a pet groomer according to

193 the provisions of this act. Registered apprentices, upon completion of their required term of  
194 apprenticeship, may apply for and receive from the department a temporary permit to engage in  
195 the practice of pet grooming until the next regular examination. Nothing in this act shall prohibit  
196 an owner from hiring a pet grooming teacher to instruct apprentices.

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

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

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

215 compel a licensed pet groomer to contract with or be regulated by a veterinarian. The board shall  
216 promulgate regulations to provide for the implementation of this section.

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

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

230 A license issued under this act may be temporarily suspended under circumstances as  
231 determined by the board to be an immediate and clear danger to pets. The board shall issue an  
232 order to that effect without a hearing, but upon due notice to the licensee concerned at the last  
233 known address of the licensee, which shall include a written statement of all allegations against  
234 the licensee. The board shall thereupon commence formal action to suspend, revoke or restrict  
235 the license of the person as provided in this act. All actions shall be taken promptly and without  
236 delay. Within 30 days following the issuance of an order temporarily suspending a license, the

237 board shall conduct or cause to be conducted a preliminary hearing to determine whether there is  
238 a prima facie case supporting the suspension. The licensee whose license has been temporarily  
239 suspended may be present at the preliminary hearing and may be represented by counsel, cross-  
240 examine witnesses, inspect physical evidence, call witnesses, offer evidence and testimony and  
241 make a record of the proceedings. If it is determined that there is not a prima facie case, the  
242 suspended license shall be immediately restored. The temporary suspension shall remain in  
243 effect until vacated by the board, but in no event longer than 180 days.

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

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

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

261           Section 248. It shall be unlawful for:

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

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

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

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

273           Whoever (1) engages in the practice of pet grooming without being licensed and  
274 registered as required by this act; (2) presents or attempts to use as the individual's own the  
275 license of another; (3) gives any false or forged evidence of any kind to the board or to any  
276 member of the board in order to obtain a license as a pet groomer; (4) uses any expired,

277 suspended or revoked license; or (5) otherwise violates this act shall be subject to a fine of  
278 \$1,000.

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

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

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

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

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

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

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



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

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

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

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

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

314 **SECTION 4.** This act shall take effect upon its passage.