

SENATE BILL 1549

By Burchett

AN ACT to amend Tennessee Code Annotated, Title 62, to enact the "Tennessee Pet Groomers Act".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 62, is amended by adding Sections 2 through 44 of this act as a new, appropriately designated chapter.

SECTION 2. This chapter shall be known and may be cited as the "Tennessee Pet Groomers Act".

SECTION 3. As used in this chapter, unless the context otherwise requires:

(1) "Animal enclosures" or "crates" or "cages" means containers designed and constructed of suitable materials so they are structurally sound, easy to clean and disinfect, have no sharp edges or points that could injure dogs and cats, and provide sufficient space for each dog or cat, appropriate to its species, breed and size to stand erect, lie down in a comfortable, normal position, stretch out, and to turn about freely;

(2) "Board" means the state board of pet groomers, the governing body appointed by the governor to oversee the licensure, examination, inspection, and regulation of pet groomers;

(3) "Doggie daycare" means a place or facility where dogs are kept or boarded, but not kept or boarded between the hours of twelve o'clock a.m. (12:00 a.m.) and five o'clock a.m. (5:00 a.m.).

(4) "Grooming school" means a training facility authorized both by the Tennessee higher education commission and licensed to operate by the Tennessee board of pet groomers;

(5) "Grooming shop" means a commercial establishment where animals are bathed, clipped, or otherwise groomed;

(6) "Kennel" means any premises, other than doggie day care, wherein any person who may engage in the business of boarding, grooming, breeding, buying, letting for hire, training for a fee or selling dogs. "Kennel" may also mean a place where four (4) or more cats or dogs, or any combination of four (4) such animals, are kept, whether by the owners of the animals or by other persons, with or without compensation;

(7) "Mobile groomer" means a person who travels to owners' homes to bathe, clip, or groom animals; and

(8) "Pet groomer" means a person who bathes, dips, or otherwise grooms animals for compensation.

SECTION 4.

(a) The practice of pet grooming shall be under the supervision of a board known as the state board of pet groomers.

(b) The board shall consist of nine (9) members appointed by the governor. There shall be at least two (2) members from each grand division of the state.

(1) Five (5) members shall be pet groomers, each of whom has been a groomer in this state for at least five (5) years. No such members shall, while serving on the board, be an instructor, owner or manager of a school, an employee in a school, or in any manner connected with a school.

(2) Two (2) members shall be persons at least twenty-one (21) years of age who are not engaged in the occupation of pet grooming. Such persons shall participate in all activities of the board except administration of practical portions of examinations and inspections of schools.

(3) One (1) member shall be an instructor who has participated actively

in the occupation of pet grooming for a minimum of five (5) years. Such member shall be entitled to participate in all activities of the board.

(4) One (1) member shall be an owner of a school licensed by the board. Such member shall be entitled to participate in all board activities.

(5) Each member shall have been a bona fide resident of this state for a period of at least five (5) years immediately preceding the date of appointment.

(6) In making appointments to the board, the governor shall strive to ensure that at least one (1) person serving on the board is sixty (60) years of age or older and that at least one (1) person serving on the board is a member of a racial minority.

SECTION 5.

(a) Of the members initially appointed, one (1) shall serve a term of one (1) year, two (2) shall serve a term of two (2) years, two (2) shall serve a term of three (3) years, and two (2) shall serve a term of four (4) years. Thereafter, all appointments shall be made for a term of four (4) years from the expiration date of the preceding term, except that appointments made to fill vacancies shall be for the duration of the unexpired term.

(b) The school owner and instructor members of the board shall initially be appointed to terms of three (3) years and four (4) years, respectively. Thereafter, all appointments shall be made for a term of four (4) years from the expiration date of the preceding term, except that appointments made to fill vacancies shall be for the duration of the unexpired term.

(c) Prior to beginning their duties, members of the board shall take and subscribe to the oath of office provided for state officers.

(d) The governor may remove any member of the board for misconduct, incompetency, willful neglect of duty, or other just cause.

(e) Members shall hold over after the expiration of their term until a successor is appointed and qualified.

SECTION 6.

(a) The board shall annually elect from its members a chair and vice chair.

(b) A majority of the board shall constitute a quorum for the transaction of business at any board meeting.

(c) The duties of the board shall be to conduct or cause to be conducted examinations of applicants, and to make and declare the policy of the board.

(d) The board is authorized to promulgate such rules as are reasonably necessary to effectuate this chapter.

SECTION 7.

(a) All fees and moneys received by board pursuant to this chapter shall be paid to the state treasurer and become part of the general fund.

(b) The commissioner of finance and administration shall make allotments out of the general fund for the proper expenditures of the board. No expenditures shall be made by the board until allotment therefore has been made by the commissioner. Such allotments for the operation of the board shall be disbursed under the general budgetary laws of the state.

SECTION 8.

(a) The board shall keep a record of its proceedings. Such record shall be prima facie evidence of matters therein contained, and shall at all reasonable times be open for public inspection.

(b) The board shall publish a compilation of its rules in a pamphlet form and distribute the same to all licensees under this chapter. Amendments and changes in

such rules shall likewise be published by the board and distributed to the licensees hereunder.

SECTION 9. Except as otherwise provided in this chapter, no person shall practice, teach, or attempt to practice or teach pet grooming in this state without a valid license issued by the board pursuant to this chapter.

SECTION 10.

(a) Persons employed as bathers at grooming salons, kennels, and veterinarians shall be exempt from the licensure requirements of this chapter; however, a person or business who employs such persons must make sure that safety regulations are closely adhered to for the safety and well being of the pet. The employer shall be responsible for all training required to bathe and dry pets.

(b) Persons who are qualified to perform demonstrations, workshops, or seminars for continuing education shall not have to be licensed pursuant to this chapter, however their credentials shall reflect their expertise in the field they are representing.

SECTION 11.

(a) Within the first six (6) months following the effective date of this chapter, any person who has completed and passed a course of instruction in practice and theory at a school of grooming, or who is currently an active pet groomer shall be entitled to submit an application for license to the board on a form prescribed by the board. The board shall have the discretion to determine whether such person shall be licensed without an examination, with such determination to be based on the length of time and experience, as well as training credentials. The board shall notify the applicant if an examination shall be required. The application shall be accompanied by:

(1) A nonrefundable, nontransferable application fee as set by the board; and

(2) Satisfactory proof of background experience and training credentials.

(b) Within the first six (6) months following the effective date of this chapter, any person who desires a license to instruct in a school shall submit an application for examination to the board. The application shall be accompanied by:

(1) A nonrefundable, nontransferable application fee as set by the board; and

(2) Satisfactory proof that the applicant:

(A) Is a high school graduate, as evidenced by a certificate or diploma, or possesses a general education equivalency diploma (GED);

(B) Holds a valid pet stylist license issued by the board; and

(C) Has completed a minimum of two (2) years as an assistant instructor, or provides adequate credentials of education and work experience deemed acceptable by the board.

(c) Within the first six (6) months following the effective date of this chapter, any person who desires a pet groomer license shall submit an application fee for examination to the board on the prescribed form. The application shall be accompanied by:

(1) A nonrefundable, nontransferable application fee as set by the board; and

(2) Satisfactory proof that the applicant has attained the age of at least sixteen (16) years, and has completed and passed a course of instruction of not less than three hundred sixty (360) hours in practice and theory at a school of grooming; or

(3) Satisfactory proof that the applicant has attained the age of at least sixteen (16) years, and has worked as a groomer in this state or another state for a minimum of three (3) years.

(d) Within the first six (6) months following the effective date of this chapter, any person who desires a license to instruct in a school shall submit an application for examination to the board on the prescribed form. The application shall be accompanied by:

(1) A nonrefundable, nontransferable application/examination fee a set by the board; and

(2) Satisfactory proof that the applicant:

(A) Is a high school graduate, evidenced by a certificate or diploma, or possesses a general equivalency diploma (GED);

(B) Holds a valid pet stylist license issued by the board; and

(C) Has completed a minimum of two (2) years as a junior instructor, or provide adequate credentials of education and work experience deemed acceptable by the board.

(e) Any person who previously held an apprentice license to a licensed pet stylist and served satisfactorily in such position for a minimum of one (1) year, or a minimum of seven hundred fifty (750) hours shall submit an application to the board on the prescribed form. The application shall be accompanied by:

(1) A nonrefundable, nontransferable application/examination fee as set by the board; and

(2) Satisfactory proof that the applicant has attained the age of sixteen (16) years, and has completed the one-year apprenticeship.

(f) Any person who desires an apprentice license shall submit an application for examination to the board on the prescribed form. The application shall be accompanied by:

(1) A nonrefundable, nontransferable application fee as set by the board;

(2) Satisfactory proof that the applicant is or will be employed by a licensed

stylist for a minimum of one (1) year; and

(3) An understanding that, if granted, the license would cease to be valid should the applicant leave the employment of the licensed stylist. Should such person decide to work elsewhere, all conditions must be met and a new application must be filed. The total employment time in such position would count towards the one (1) year minimum, or minimum of seven hundred fifty (750) hours as required for licensure pursuant to this chapter.

SECTION 12.

(a) Examinations for licensure shall be held at such times and places, and shall consist of such materials or practical demonstrations, as the board may determine.

(b) The board shall identify for unsuccessful applicants the subjects failed on the examination.

SECTION 13.

(a) The board shall issue a license to qualified applicants upon passage of the examination and receipt of the appropriate fee.

(b) The board shall prescribe fees and penalties.

SECTION 14.

(a) Every holder of a license as a pet groomer or instructor shall:

(1) Prominently display such license at the holder's work station; and

(2) Promptly notify the board of any change of mailing address.

(b) Pending the issuance or denial by the board of the appropriate license, a person may work as a groomer or instructor if such person prominently displays at such person's work station:

(1) The official notice from the board that such person has passed the required examination; and

(2) A copy of a check, cashier's check or money order made payable to the state of Tennessee in the amount of the fee for a license.

SECTION 15.

(a) A person licensed as a pet groomer or instructor shall maintain proof of continuing education. Continuing education may be considered attending workshops, seminars, trade shows, or educational programs offered by licensed schools. Proof of attendance at a minimum of one (1) of the continuing education options in this subsection (a) within a two-year period shall be required to maintain an active license.

(b) The board shall have the right to examine documentation that each person has fulfilled the continuing education requirements of this chapter.

SECTION 16. A fee as set by the board will be charged for:

- (1) Replacement of any lost, misplaced, or mutilated license; and
- (2) Change of name or mailing address by any groomer, instructor, or apprentice

SECTION 16. Upon receipt of a fee of fifty dollars (\$50.00), the board may at its discretion, grant a license without examination to any applicant who:

(1) Holds a valid license issued by another state or the District of Columbia, and has substantially met the qualifications for licensure in this state; or

(2) Furnishes satisfactory proof that such applicant has continuously and lawfully engaged in the occupation or practice for which a license is applied for a period of at least three (3) years immediately preceding the date of application.

SECTION 17.

(a) All groomer, instructor, and apprentice licenses shall expire on the anniversary date of such licenses and shall be invalid on that date unless renewed.

(b) If the board is satisfied that the provisions of this chapter have been complied with, licenses may be renewed for another term upon completion and submission of the prescribed form, accompanied by the proper fee as set by the board.

(c) A penalty fee as set by the board shall be assessed on any renewal application postmarked after the expiration date of the license.

(d) A license which has lapsed for three (3) years or longer shall not be reinstated unless the applicant passes the state law and practical examination.

SECTION 18.

(a) Except as otherwise provided in this chapter, it is unlawful to operate a shop without conspicuously displaying a valid license issued by the board.

(b)

(1) An application for a license to operate a shop shall be submitted by its owner on the form prescribed by the board.

(2) For the purposes of this chapter, "shop" means a free standing building, space within a shopping center, part of a kennel operation set up as an in-home operation, part of a veterinarian service, a mobile unit designed for pet grooming, operating within a patron's home.

(3) The application shall include:

(A) The location of the shop;

(B) The type of shop;

(C) The name of the manager; and

(D) Other pertinent information that the board may require.

(c) Prior to the opening of a new shop, or the relocation of an existing shop, the shop must pass an initial inspection. The fee for an initial inspection shall be set by the board. The inspection shall be made by the board within thirty (30) days of receipt of a request for such inspection.

(d) If a new shop passes the required inspection, the board shall issue a license to operate such shop upon receipt of a fee set by the board.

(e) If a relocated shop passes the required inspection, the board shall re-issue a license showing the change of address upon receipt of a fee as set by the board.

(f) If the ownership of the shop changes, the new owner shall not operate such shop more than thirty (30) days after the date of such change of ownership, unless the new owner submits an application with the appropriate fee as set by the board for an inspection. If the transferred shop passes the required inspection, the board shall issue a new license to operate under new ownership.

(g) The board, at its discretion, shall have the right to do another inspection on a shop should any grievances be made, or unsatisfactory reports be given to the board. If the board finds that a shop is not in compliance with all regulations, it shall have the right to invalidate the license of the shop.

(h) A penalty fee as set by the board will be assessed on any renewal application postmarked after the expiration date of the license, as all licenses to operate a shop shall expire on the anniversary date of such license.

SECTION 19.

The owner and manager shall be responsible for ensuring that:

(1) Only persons duly licensed by the board perform grooming services in the shop; and

(2) If bathers are used, they must be trained in proper application of shampoos, rinses, Hydrosurge systems, ear cleaning, anal glands, and proper drying methods. The bather must be made aware of signs to look for should a pet become stressed or in need of medical attention.

SECTION 20.

(a) Except as otherwise provided in this chapter, it is unlawful for any person, firm, or corporation to operate a school without conspicuously displaying a valid license issued by the board in accordance with this chapter. All schools operating in

accordance with this chapter shall be approved to operate by the Tennessee higher education commission.

(b) An application for a license to operate a school shall be submitted by its owner on the form prescribed by the board. The application shall be accompanied by:

(1) A fee as set by the board;

(2) A copy of a surety bond executed by the applicant and a surety company authorized to do business in this state, made payable to the state of Tennessee in the amount of ten thousand (\$10,000) shall be listed as required by the Tennessee higher education commission. The school shall provide to its students the full course of instruction required under this chapter:

(3) The proposed hours of operation for the school;

(4) A syllabus of courses offered;

(5) A copy of application and enrollment forms;

(6) A copy of certification forms;

(7) A list of school owners, including personal addresses and contact information;

(8) A list of licensed instructors; and

(9) A list of equipment and an educational library.

(c) Prior to the opening of a new school, or the relocation of an existing school, the school must pass an initial inspection by at least one (1) member of the board. The inspection shall be made within thirty (30) days of receipt by the board of a request for such inspection.

(d) If a new school passes the required inspection, the board shall issue the license upon receipt of a fee as set by the board.

(e) If a relocated school passes the required inspection, the board shall reissue

the license showing the change of address upon receipt of a fee as set by the board.

(f) If the ownership of a school changes, the new owner shall not operate the school more than thirty (30) days after the date of such change of ownership unless, within the thirty day period, the new owner has submitted an application for a license to operate the school in accordance with the rules established by the board.

(g) If the transferred school passes an inspection by at least one (1) member of the board, the board shall issue a license to operate the school to the new owner.

(h) Each school shall be inspected at least annually by a member of the board.

SECTION 21.

(a) A license to operate a school shall expire on January 1 of each year. An application for renewal of such license shall be accompanied by satisfactory proof that the applicant:

(1) Is covered by a bond, certificate of deposit, or letter of credit; and

(2) Continues to meet the requirements for operation;

(b) The annual fee for renewal of a license to operate a school is seventy five dollars (\$75.00).

(c) A penalty fee of ten dollars (\$10.00) will be assessed on any renewal applications postmarked after the expiration date of the license.

(d) No renewal application will be accepted after thirty (30) days following the expiration date of a license to operate a school. However, the board may, in its discretion, reinstate a former licensee upon proper application accompanied by all past unpaid renewal fees, the fee for the current year, and a surcharge of three hundred dollars (\$300).

SECTION 22.

(a) A school may enroll only a student who:

(1) Has attained the age of at least sixteen (16) years; and

(2) Has completed and passed at least two (2) years of high school or received a general equivalency diploma (GED), or with approval of a vocational counselor or case worker.

(b) There shall be at least one (1) licensed instructor on the premises at all times the school is in operation.

(c) A school operating both day and night classes shall designate the times for each session. In no event shall a student attend school for more than eight (8) hours per day, six (6) days per week.

(d) No school shall pay compensation to its students either directly or indirectly, or advertise for clinical patrons without clearly disclosing that the services will be performed by students within a school.

(e) Each school shall:

(1) Comply with the rules of sanitation as established by the board;

(2) Have and maintain equipment and other instructional materials as determined by the board to be reasonably necessary for the proper training of all students enrolled;

(3) Teach the curriculum prescribed by the board;

(4) Maintain regular class and instruction hours; and

(5) Keep daily record of the attendance of each student.

SECTION 23.

(a) Each school and shop, including those located in private residences, shall display at their entrances a sign designating each as either a school or a shop.

(b) Each mobile unit shall display signage on its mobile to indicate its business use.

SECTION 24.

(a) The board or its authorized representatives may, at reasonable hours, inspect any place of business operated by any person licensed under the provisions of this chapter.

(b) The board may suspend, revoke, or refuse to issue or renew any license hereunder for any of the following causes:

(1) Fraud in procuring a license;

(2) Any willful abuse or neglect of an animal;

(3) Unprofessional, immoral or dishonorable conduct;

(4) Addiction to intoxicating liquors or drugs;

(5) The sale or distribution of wine, beer, liquor, or any alcoholic beverages or drugs on the premises of a school or shop;

(6) Unlawful invasion of the field of practice of any profession;

(7) Conviction of a felony, or of any misdemeanor involving moral turpitude;

(8) Any cause for which issuance of a license could have been refused had it existed and been known to the board at the time of issuance;

(9) A violation of this chapter; or

(10) Failure to comply with a lawful order of the board

SECTION 25.

(a) A violation of this chapter, or of any rules promulgated under this chapter, is a Class B misdemeanor.

(b) In addition to the powers and duties otherwise conferred upon the board herein, the board is empowered to petition any circuit or chancery court having jurisdiction of any person in this state who is violating this chapter, either with or without a license, to enjoin such person from continuing the violation. Jurisdiction is

conferred upon the circuit and chancery courts of this state to hear and determine such causes.

SECTION 26. All hearings conducted pursuant to this part shall be contested case hearings and shall be conducted pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 27.

(a) The board shall not issue, reissue, or renew a license to operate a school of grooming unless the school is equipped with all workable equipment consisting of at least:

(1) One work station with a chair per student working on the clinic floor with a minimum of six (6) stations;

(2) Two (2) tubs with hot and cold running water;

(3) A washer and dryer unit to clean soiled towels;

(4) One (1) covered trash container in a sanitary condition;

(5) Adequate restroom facilities;

(6) Sufficient work area for each student.

(b) A proposed floor plan shall be submitted to and approved by the board before issuance of a license to operate.

SECTION 28. The board shall be notified within ten (10) days of the effective date of any change in ownership or name of a school of grooming.

SECTION 29.

(a) A school shall offer a curriculum which shall have a total of three hundred sixty (360) hours of training in both theory and practical for persons who will be applying for a grooming license. The curriculum shall include but not be limited to the following:

(1) Plucking and cleaning ears;

- (2) Expressing anal sacs;
- (3) Brushing and de-matting techniques, as well as proper training of use of tools;
- (4) Clipper and scissor training while learning correct hair styles and techniques, clipper vacuum techniques;
- (5) Proper bathing and drying techniques, spa and Hydrosurge ;
- (6) Safety features for both pets and groomers, including:
 - (A) Proper use of restraints, and possible use of muzzles;
 - (B) Recognition of pets that are in distress, CPR and standard emergency procedures;
 - (C) Procedural techniques to maintain well being of the stylist
- (7) Sanitation for work areas and pet areas; and
- (8) Office and business procedures.

(b) A school shall offer a curriculum which shall have a total of one hundred twenty (120) hours of training in both theory and practical for persons desiring basic skills to work and seek licensure as an apprentice to a licensed groomer. Those hours shall reflect time spent learning all aspects of training offered in the three hundred sixty (360) hour course, except for training in office and business procedures.

SECTION 30. For the purpose of determining eligibility for enrollment in a school of grooming, an applicant must have completed and passed at least two (2) years of high school, or obtained a general equivalency diploma (GED), or have the approval of a vocational counselor or case worker.

SECTION 31. Every school shall:

- (1) Publish readily available and clearly expressed admission policies and requirements;

- (2) Provide to students published materials which explain requirements for licensure as a groomer in the state;
- (3) Give a receipt to any student from whom money is collected by authorized school personnel; and
- (4) Submit to the office of the board, on the prescribed form, a report at time of renewal for license, a list of all students for the preceding year.

SECTION 32.

(a) Every school shall maintain documentation of age and education in each student's file which evidences eligibility for enrollment.

(b) Every enrollment of a student in a grooming school shall be evidenced by a written enrollment agreement which clearly details the rights and obligations of both parties. The enrollment agreement shall be signed and dated by the student. The agreement shall identify all costs and charges which the student must bear.

(c) The catalog for every school shall indicate any grounds for termination of a student by the school, and indicate the school's refund policy.

(d) All documentation and enrollment agreements required shall be available for inspection by members or inspectors of the board during business hours.

SECTION 33.

(a) Each student, with school assistance, shall be required to have a kit consisting of the following materials:

- (1) Two (2) brushes;
- (2) One (1) comb;
- (3) One (1) flea comb;
- (4) One (1) undercoat rake;
- (5) One (1) nail clipper for dogs;
- (6) One (1) nail clipper for puppies or cats;

- (7) One (1) bottle ear powder;
- (8) One (1) jar of medistyp or kwik stop;
- (9) One (1) hemostat;
- (10) One (1) clipper with ten (10) blade;
- (11) One (1) 40 blade;
- (12) One (1) 7F blade;
- (13) One (1) 5F blade
- (14) One (1) 4F blade;
- (15) One (1) 3F blade;
- (16) One (1) straight shear;
- (17) One (1) curved shear;
- (18) One (1) thinner;
- (19) One (1) grooming jacket;
- (20) One (1) workbook;
- (21) One (1) hand held dryer;
- (22) One (1) can clipper coolant; and
- (23) One (1) mat breaker.

(b) Every school shall provide the following:

- (1) A work station;
- (2) Shampoos and rinses;
- (3) Cotton balls, Q-tips, ear cleaner; and
- (4) Protective goggles and ear plugs.

SECTION 34. At least thirty (30) days in advance of the expiration date of a license to conduct a school of grooming, the board office shall notify the holder of the impending expiration and the fee for renewal of such certificate.

SECTION 35.

(a) The minimum passing score on all examinations given by the board shall be seventy percent (70%).

(b) The school a student attends for sixty percent (60%) or the greatest percentage of hours will be the school responsible for the pass/fail ratio.

SECTION 36.

(a) If the fee for an original license as a groomer or instructor is not paid within six (6) months after the applicant is notified that the applicant has passed the examination, then such applicant must submit a new application for examination and be re-tested. For good cause shown, this provision may be waived by the board.

(b) To activate a license:

(1) A licensee sixty-five (65) years of age or older may activate a retired license by submitting proof of age, along with payment for the license; and

(2) A licensee under the age of sixty-five (65) will be required to retake and pass the practical and law portions of the examination, before paying for the license.

SECTION 37.

(a) A licensed groomer may work at a licensed grooming school as an assistant to a licensed instructor.

(b) Upon serving as an assistant for a minimum of two (2) years, a licensed groomer shall submit an application for a licensed instructor.

SECTION 38.

(a) The board shall determine a contractor by location for a person submitting an application for groomer license. The fee shall be set by the contractor:

- (1) Original License.....\$35.00
- (2) Renewal.....\$35.00

- (3) Penalty for late renewal.....\$10.00
- (4) Inspection (new shop, relocated shop, shop with change of ownership).....\$50.00
- (5) License (new shop, relocated shop, or change of ownership) \$35.00
- (6) Shop renewal.....\$35.00
- (7) Penalty late shop renewal.....\$10.00
- (8) Change of name only.....\$10.00
- (9) Change of ownership due to death of immediate family, no charge with a copy of the death certificate or obituary.
- (10) Application/license (new school).....\$200.00
- (11) Renewal for school.....\$ 75.00
- (12) License for relocated or change of ownership for a school.....\$125.00
- (13) Replacement or correction of license.....\$ 10.00

(b) In the event that any check, draft or order for the payment of a fee to the board is returned because of insufficient funds, only cash, certified check or money order will be accepted for the amount due, plus thirty dollar (\$30.00) additional fee.

(c) Applications for licensure of a salon are valid for ninety (90) days after approval by the board. Failure to obtain an approved inspection for operation within the ninety-day period shall invalidate the application and require a new application and fee. An extension may be requested by the applicant for good cause.

SECTION 39.

(a) The board may, in a lawful proceeding with respect to any person licensed or required to be licensed, in addition to or in lieu of any other lawful disciplinary action, assess civil penalties for violation of statutes, rules or order enforceable by the board.

(b) With respect to any person required to be registered in the state as a licensed groomer, the board may assess a civil penalty against such person for each separate violation of a statute.

(c) In determining the amount of any penalty to be assessed pursuant to this chapter, the board may consider the following factors:

- (1) Willingness of the violation;
- (2) Repeat violations;
- (3) Magnitude of the risk or harm caused by the violation; and
- (4) Extent to which the licensee has sought to compensate any victim of the violation.

SECTION 40.

(a) The manager of an establishment shall be responsible for maintaining all parts thereof in a sanitary condition at all times, and for otherwise insuring that such establishment is operated in compliance with this chapter. However, this requirement shall not relieve any licensee of responsibility for the sanitary condition of any space or equipment used in the establishment.

(b) The manager or designated manager shall be required to be present on the shop premises at all times services are being rendered.

SECTION 41.

(a) A copy of grooming all laws shall be readily available at each shop and school.

(b) Licenses shall not be laminated.

SECTION 42.

(a) Members or inspectors of the board shall be provided access to each establishment for the purpose of conducting any inspections authorized by law.

(b) The results of any inspection of an establishment shall indicate compliance

or non-compliance on a form prescribed by the board. If an establishment is found to be non-compliant, its owners will have ten (10) days to correct all aspects of the establishment found to be in non-compliance, and shall be re-inspected. Such form shall be furnished to the establishment and posted in a conspicuous place at all times. This form must be signed personally, by both the school owner, school manager, shop owner, or shop manager and the board member and inspector.

(c) Upon receipt of an application for a new or relocated grooming establishment which will be located in an existing licensed space, the establishment may open for business prior to inspection. The application shall be submitted immediately, with inspection to be conducted within thirty (30) days of receipt of the application.

SECTION 43.

(a) Grooming may be practiced only in rooms which are adequately lighted and ventilated.

(b) The floors, walls, ceilings, windows, furniture, cages, and other exposed surfaces of an establishment shall be kept clean at all times and free from dust.

(c) Floors shall be thoroughly swept or mopped each day.

SECTION 44.

(a) Every grooming shop shall be equipped with a minimum of the following:

(1) A tub with hot and cold running water;

(2) A work station;

(3) A covered trash, to be maintained in a sanitary condition;

(4) Crates of sufficient size for individual pets required to be crated, except for mobile grooming units or day-sitting facilities designed for pets to interact;

(5) A washer and dryer unit for cleaning soiled towels, or a sufficient amount of clean towels, with mobile grooming units being exempt from this requirement;

(6) A fire extinguisher that is serviced or replaced annually;

(7) Every shop shall use GFI circuit in and around water. Extension cords are never to be used. Power strips may be used;

(8) First aid kits for both pets and people; and

(9) A separate entrance without requiring passage through any portion of a private residence.

(b) All dryers shall be used in a safe and humane manner to ensure the health and safety of the animal.

(c) Every shop must observe OSHA requirements and all bottles shall be properly labeled.

(d) Pets shall be monitored throughout the bathing, drying and grooming process. Any incidences of negligence or non-compliance resulting in injury of a pet shall be reported to the board, and at the board's discretion, failure to comply may result in revocation of an operator's license.

SECTION 45. The state board of pet groomers established by this act shall terminate on June 30, 2011, pursuant to Tennessee Code Annotated Title 4, Chapter 29, Part 2 and Section 4-29-232(b).

SECTION 46. The commissioner is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 47. This act shall take effect upon becoming a law, the public welfare requiring it.