

AMENDED IN SENATE MAY 17, 2012

AMENDED IN SENATE APRIL 26, 2012

AMENDED IN SENATE APRIL 18, 2012

AMENDED IN SENATE APRIL 9, 2012

SENATE BILL

No. 969

Introduced by Senator Vargas

January 17, 2012

An act to add and repeal Chapter 10 (commencing with Section 122370) of Part 6 of Division 105 of the Health and Safety Code, relating to pet grooming.

LEGISLATIVE COUNSEL'S DIGEST

SB 969, as amended, Vargas. Pet groomers.

Existing law provides for the licensure and regulation of veterinarians and registered veterinary technicians by the Veterinary Medical Board.

This bill would enact, until January 1, 2017, provisions governing the certification of pet groomers and creating the California Pet Grooming Council, *a nonprofit organization exempt from taxation, as specified*, to administer the certification process. The bill would make it an unfair business practice for any person engaged in pet grooming to advertise or hold himself or herself out as a registered, certified, or licensed pet groomer without being certified and regulated by the council. The bill would establish the requirements necessary to obtain a certificate as a pet groomer or a pet bather and brusher and set forth the duties and obligations of a certified pet groomer or a pet bather and brusher, as specified. The bill would set forth the duties of the council with regard to the regulation of pet groomers and pet bathers and brushers and require the board to adopt a fee schedule that would apply

to certificate holders. The bill would set forth standards for discipline and authorize the council to impose administrative penalties for a violation of these provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Chapter 10 (commencing with Section 122370) is added to Part 6 of Division 105 of the Health and Safety Code, to read:

CHAPTER 10. PET GROOMERS

122370. The following definitions shall apply for purposes of this chapter:

(a) "Council" means the California Pet Grooming Council.

(b) "Pet" means any animal placed in the care of a pet groomer for grooming or styling.

(c) "Pet groomer" means an individual who bathes, brushes, clips, or styles a pet for compensation.

(d) "Pet grooming" means the act of bathing, brushing, clipping, or styling a pet.

(e) "Pet grooming facility" means a commercial establishment where a pet may be bathed, brushed, clipped, or styled.

122371. (a) The California Pet Grooming Council shall be created and *shall be a nonprofit organization exempt from taxation under Section 501(c)(3) of Title 26 of the United States Code and Section 23701 or Section 23701d of the Revenue and Taxation Code. The council may commence activities after submitting a request to the Internal Revenue Service and an application or determination letter or ruling to the Franchise Tax Board seeking this exemption. The council shall have the responsibilities and duties set forth in this chapter. The council may take any reasonable actions to carry out the responsibilities and duties set forth in this chapter, including, but not limited to, hiring staff and entering into contracts.*

(b) (1) The council shall be composed of the following members:

1 (A) Two members from Society for the Prevention of Cruelty
2 to Animals (SPCA) associations, one from northern California,
3 and one from southern California, unless that entity chooses not
4 to exercise this right of selection.

5 (B) One member selected by each state or nationwide pet
6 specialty retailer that provides pet grooming services, with gross
7 annual sales exceeding one hundred fifty million dollars
8 (\$150,000,000), unless the entity chooses not to exercise this right
9 of selection.

10 (C) One member selected by the State Humane Association of
11 California, unless that entity chooses not to exercise this right of
12 selection.

13 (D) One member selected by the Director of Consumer Affairs,
14 unless he or she chooses not to exercise this right of selection.

15 (E) One member selected by the Veterinary Medical Board,
16 unless that entity chooses not to exercise this right of selection.

17 (F) One member selected by the California Animal Control
18 Directors Association, unless that entity chooses not to exercise
19 this right of selection.

20 (G) One member selected by the National Dog Groomers
21 Association of America, Inc., unless that entity chooses not to
22 exercise this right of selection.

23 (H) Two members selected by the State Bar of California who
24 have animal law experience and who have been nominated by a
25 fellow animal law attorney, unless that entity chooses not to
26 exercise ~~the~~ this right of selection.

27 (I) One member who is a registered veterinary technician
28 selected by the California Registered Veterinary Technicians
29 Association.

30 (J) One member who is a licensed veterinarian selected by the
31 California Veterinary Medical Association.

32 (2) The council's bylaws shall establish a process for appointing
33 other professional members as determined by the council, including
34 two members who represent pet groomers who own or operate
35 independent facilities and are not affiliated with a pet specialty
36 retailer described in subparagraph (B) of paragraph (1) or another
37 retailer of comparable size.

38 (3) The initial members of the council shall establish the council,
39 initiate the request for tax-exempt status from the Internal Revenue
40 Service *and the Franchise Tax Board*, and solicit input from the

1 pet grooming community concerning the operations of the council.
2 The initial members of the council, in their discretion, may
3 immediately undertake to issue the certificates authorized by this
4 chapter after adopting the necessary bylaws or other rules, or may
5 establish by adoption of bylaws the permanent governing structure
6 prior to issuing certificates.

7 (c) The council shall establish fees reasonably related to the
8 cost of providing services and carrying out its ongoing
9 responsibilities and duties. Initial and renewal fees shall be
10 established by the council annually.

11 (d) The meetings of the council shall be subject to the rules of
12 the Bagley-Keene Open Meeting Act (Article 9 (commencing with
13 Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of
14 the Government Code).

15 122372. (a) The council shall issue a certificate under this
16 chapter to an applicant who satisfies the requirements of this
17 chapter.

18 (b) In order to obtain certification as a pet groomer, an applicant
19 shall submit a written application and shall provide the council
20 with satisfactory evidence that he or she meets all of the following
21 requirements:

22 (1) The applicant is 18 years of age or older.

23 (2) The applicant has successfully completed a curriculum,
24 approved by the council, in pet grooming and related subjects,
25 totaling a minimum of 300 hours, that incorporates appropriate
26 school assessment of student knowledge and skills and that
27 provides a minimum of 1,000 hours of hands-on experience in pet
28 grooming; or has a minimum of 1,000 hours of hands-on
29 experience in pet grooming and successfully passes a pet grooming
30 certification test established by the council.

31 (3) All fees required by the council have been paid.

32 (c) The council shall issue a certificate to an applicant who
33 meets the qualifications of this chapter and who holds a current
34 and valid registration, certification, or license from any other state
35 whose requirements meet or exceed those defined within this
36 chapter. The council shall have discretion to give credit for
37 comparable academic work completed by an applicant in a program
38 outside of California.

39 (d) An applicant applying for a pet bather and brusher certificate
40 shall file with the council a written application provided by the

1 council, showing to the satisfaction of the council that he or she
2 meets both of the following requirements:

3 (1) The applicant is 18 years of age or older.

4 (2) Any of the following:

5 (A) The applicant has successfully completed a curriculum,
6 approved by the council, in pet grooming and related subjects,
7 totaling a minimum of 300 hours, that incorporates appropriate
8 school assessment of student knowledge and skills.

9 (B) The applicant has a minimum of 300 hours of training under
10 the supervision of a certified pet groomer.

11 (C) The applicant has successfully completed a pet grooming
12 certification test established by the council.

13 (e) Prior to the issuance of a certificate by the council, every
14 applicant shall provide proof that he or she is insured against
15 negligent acts associated with his or her activity as a pet groomer.

16 (f) Any certification issued under this chapter shall be subject
17 to renewal every two years in a manner prescribed by the council,
18 and shall expire unless renewed in that manner. The council may
19 provide for the late renewal of a license.

20 122373. (a) The council may discipline a certificate holder by
21 any, or a combination, of the following methods:

22 (1) Placing the certificate holder on probation.

23 (2) Suspending the certificate and the rights conferred by this
24 article on a certificate holder for a period not to exceed one year.

25 (3) Revoking the certificate.

26 (4) Suspending or staying the disciplinary order, or portions of
27 it, with or without conditions.

28 (5) Taking other action as the council, as authorized by this
29 article or its bylaws, deems proper.

30 (b) The council may issue an initial certificate on probation,
31 with specific terms and conditions, to any applicant.

32 (c) (1) Notwithstanding any other law, if the council receives
33 notice that a certificate holder has been arrested and charges have
34 been filed by the appropriate prosecuting agency against the
35 certificate holder alleging a violation of subdivision (b) of Section
36 597 of the Penal Code, the council shall take all of the following
37 actions:

38 (A) Immediately suspend, on an interim basis, the certificate of
39 that certificate holder.

1 (B) Notify the certificate holder within 10 days at the address
2 last filed with the council that the certificate has been suspended,
3 and the reason for the suspension.

4 (C) Notify within 10 days any business that the council has in
5 its records as employing the certificate holder that the certificate
6 has been suspended.

7 (2) Upon notice to the council that the charges described in
8 paragraph (1) have resulted in a conviction, the suspended
9 certificate shall become subject to permanent revocation. The
10 council shall provide notice to the certificate holder within 10 days
11 that it has evidence of a valid record of conviction and that the
12 certificate will be revoked unless the certificate holder provides
13 evidence within 15 days that the conviction is either invalid or that
14 the information is otherwise erroneous.

15 (3) Upon notice that the charges have resulted in an acquittal,
16 or have otherwise been dismissed prior to conviction, the certificate
17 shall be immediately reinstated and the certificate holder and any
18 business that received notice pursuant to subparagraph (C) of
19 paragraph (1) shall be notified of the reinstatement within 10 days.

20 122374. (a) Upon the request of any law enforcement agency,
21 the council shall provide information concerning a certificate
22 holder, including, but not limited to, the current status of the
23 certificate, any history of disciplinary actions taken against the
24 certificate holder, the home and work addresses of the certificate
25 holder, and any other information in the council's possession that
26 is necessary to verify facts relevant to an investigation being
27 conducted by a law enforcement agency.

28 (b) The council shall accept information provided by any law
29 enforcement agency or any other representative of a local
30 government agency. The council shall have the responsibility to
31 review any information received and to take any actions authorized
32 by this chapter that are warranted by that information.

33 122375. It is a violation of this chapter for a certificate holder
34 to commit, and the council may deny an application for a certificate
35 or discipline a certificate holder for committing, any of the
36 following:

37 (a) Unprofessional conduct, including, but not limited to, denial
38 of licensure, revocation, suspension, restriction, or any other
39 disciplinary action against a certificate holder by another state or
40 territory of the United States, by any other government agency, or

1 by another professional licensing board established under this
2 division. A certified copy of the decision, order, or judgment shall
3 be conclusive evidence of these actions.

4 (b) Procuring a certificate by fraud, misrepresentation, or
5 mistake.

6 (c) Violating or attempting to violate, directly or indirectly, or
7 assisting in or abetting the violation of, or conspiring to violate,
8 any provision or term of this chapter or any rule or bylaw adopted
9 by the council.

10 (d) Conviction of any felony, or conviction of a misdemeanor
11 that is substantially related to Section 597 of the Penal Code, in
12 which event the record of the conviction shall be conclusive
13 evidence of the crime.

14 (e) Impersonating an applicant or acting as a proxy for an
15 applicant in any examination referred to under this chapter for the
16 issuance of a certificate.

17 (f) Committing any fraudulent, dishonest, or corrupt act that is
18 substantially related to the qualifications or duties of a certificate
19 holder.

20 122376. (a) No certificate holder or certificate applicant may
21 be disciplined or denied a certificate pursuant to Section 122375
22 except according to procedures satisfying the requirements of this
23 section. A denial or discipline not in accord with this section or
24 subdivision (c) of Section 122373 shall be void and without effect.

25 (b) Any denial of a certificate to an applicant or any discipline
26 imposed on a certificate holder shall be done in good faith and in
27 a fair and reasonable manner. Any procedure that conforms to the
28 requirements of subdivision (c) is fair and reasonable, but a court
29 may also find other procedures to be fair and reasonable when the
30 full circumstances of the certificate denial or certificate holder
31 discipline are considered.

32 (c) A procedure is fair and reasonable when the procedures in
33 subdivision (c) of Section 122373 are followed, or if all of the
34 following apply:

35 (1) The procedure has been set forth in the articles or bylaws,
36 or copies of the procedure are sent annually to all the members as
37 required by the articles or bylaws.

38 (2) The procedure provides for the giving of 15 days' prior
39 notice of the denial or discipline and the reasons therefor.

(3) The procedure provides an opportunity for the certificate applicant or certificate holder to be heard, orally or in writing, not less than five days before the effective date of the denial or discipline by a person or body authorized to decide that the proposed denial or discipline not take place.

(d) Any notice required under this section may be given by any method reasonably calculated to provide actual notice. Any notice given by mail must be given by first-class or certified mail sent to the last address of the certificate applicant or certificate holder shown on the council's records.

(e) Any action challenging a certificate denial or certificate holder discipline, including any claim alleging defective notice, shall be commenced within one year after the date of the certificate denial or certificate holder discipline. If the action is successful, the court may order any relief, including reinstatement, that it finds equitable under the circumstances.

(f) This section governs only the procedures for certificate denial or certificate holder discipline and not the substantive grounds therefor. A certificate denial or certificate holder discipline based upon substantive grounds that violates contractual or other rights of the member or is otherwise unlawful is not made valid by compliance with this section.

(g) The council shall be sued only in the venue of its principal office.

122377. It shall be the responsibility of any certificate holder to notify the council of his or her home address, as well as the address of any business establishment where he or she regularly works as a pet groomer or pet bather and brusher, whether as an employee or as an independent contractor. A certificate holder shall notify the council within 30 days of changing either his or her home address or the address of the business establishment where he or she regularly works as a pet groomer or pet bather and brusher.

122378. A certificate holder shall include the name under which he or she is certified and his or her certificate number in any and all advertising and shall display his or her certificate at his or her place of business.

122379. (a) Notwithstanding Section 122372, the council may grant a pet groomer or a pet bather and brusher certificate to any

1 person who applies on or after January 1, 2013, with one of the
2 following:

3 (1) A current valid pet grooming permit or license from a
4 California city, county, or city and county and documentation
5 evidencing that the person has provided at least 500 hours of pet
6 grooming services to members of the public for compensation.

7 (2) Documentation evidencing that the person has completed
8 at least a 100-hour pet grooming curriculum and has provided at
9 least 500 hours of pet grooming services to members of the public
10 for compensation. For purposes of this subdivision, evidence of
11 practice shall include either of the following:

12 (A) A W-2 form or employer's affidavit containing the dates
13 of the applicant's employment.

14 (B) Tax returns indicating self-employment as a pet groomer,
15 pet bather and brusher, or any other title that may demonstrate
16 experience in the field of pet grooming.

17 (b) After reviewing the information submitted under subdivision
18 (a), the council may require additional information necessary to
19 enable it to determine whether to issue a certificate.

20 (c) (1) A person applying for a pet groomer certificate on or
21 after January 1, 2013, who meets the educational requirements of
22 paragraph (2) of subdivision (a), but who has not completed the
23 required number of practice hours prior to submitting an application
24 pursuant to this section, may apply for a conditional certificate.

25 (2) An applicant for a conditional certificate shall, within five
26 years of being issued the conditional certificate, be required to
27 complete at least 30 hours of additional education per year from
28 schools or courses described in paragraph (5) until he or she has
29 completed a total of at least 300 hours of education, which may
30 include hours previously completed in a pet grooming curriculum
31 described in paragraph (2) of subdivision (a).

32 (3) Upon successful completion of the requirements of this
33 subdivision, the council shall issue a certificate to the person that
34 is not conditional.

35 (4) A conditional certificate issued to any person pursuant to
36 this subdivision shall immediately be nullified, without need for
37 further action by the council, if the time period specified in
38 paragraph (2) expires without proof of completion of the
39 requirements having been filed with the council.

1 (5) Any additional education required by this section may be
2 completed through any of the following:

3 (A) A curriculum approved by the council.

4 (B) A provider approved by, or registered with, the Department
5 of Consumer Affairs.

6 (d) Nothing in this section shall preclude the council from
7 exercising any power or authority conferred by this article with
8 respect to a conditional certificate holder.

9 122380. (a) It is an unfair business practice for any person to
10 advertise or put out any sign or card or other device, or to represent
11 to the public through any print or electronic media, that he or she
12 is certified, registered, or licensed by a governmental agency as a
13 pet groomer or pet bather and brusher.

14 (b) It is an unfair business practice for any person to hold himself
15 or herself out as, or use the title of, “certified pet groomer” or
16 “certified pet brusher and bather” or to use any other term such as
17 “licensed” or “registered” that implies or suggests that the person
18 is certified as a pet groomer or a pet bather and brusher without
19 meeting the requirements of this chapter.

20 (c) The superior court in and for the county in which any person
21 acts as a pet groomer in violation of the provisions of this chapter
22 may, upon a petition by any person, issue an injunction or other
23 appropriate order restraining the conduct. The proceedings under
24 this ~~paragraph~~ *subdivision* shall be governed by Chapter 3
25 (commencing with Section 525) of Title 7 of Part 2 of the Code
26 of Civil Procedure.

27 122381. (a) Every application for admission to examination
28 and certification shall be in writing, on forms prepared and
29 furnished by the council.

30 (b) Each application shall be accompanied by the required fee,
31 and shall contain proof of the qualifications of the applicant for
32 examination and certification. It shall be verified by the oath of
33 the applicant. Every applicant shall, as a condition of admittance
34 to the examination facility, present satisfactory proof of
35 identification. Satisfactory proof of identification shall be in the
36 form of a valid, unexpired driver’s license or identification card,
37 containing the photograph of the person to whom it was issued,
38 issued by any state, federal, or other governmental entity.

39 122382. (a) The examination of applicants for certification
40 shall include both a practical demonstration and a written test and

1 shall embrace the subjects typically taught in a curriculum
2 approved by the council.

3 (b) The examination shall not be confined to any particular
4 system or method. It shall be consistent in both practical and
5 technical requirements, and of sufficient thoroughness to satisfy
6 the board as to the applicant's skill in, and knowledge of, the
7 practice of the occupation for which a certificate is sought.

8 (c) The scope of examinations shall be consistent with the
9 definition of the activities licensed under this chapter, and shall
10 be as the council, by regulation, may require to protect the health
11 and safety of consumers of the services provided by certificate
12 holders.

13 (d) The council's examinations shall be limited to job-related
14 questions, activities, and practical services. The examinations may
15 include other demonstrations and tests as the council, in its
16 discretion, may require.

17 122383. All examinations shall be prepared by or under the
18 direction of the council. The council shall establish standards and
19 procedures governing administration and grading and shall exercise
20 supervision as may be necessary to ensure compliance therewith.

21 122384. Any person who fails the pet groomer's certification
22 examination shall be eligible to retake the examination upon
23 compliance with the provisions of this chapter.

24 122385. The council may contract or otherwise arrange for
25 reasonably required physical accommodations and facilities to
26 conduct examinations.

27 122386. The form and content of a certificate issued by the
28 council shall be determined by the council.

29 122387. The council shall create a record of those certified
30 pursuant to this chapter. The record shall include a certificate
31 holder's first and last name, license number, and a record of any
32 disciplinary action taken against the licensee, including the
33 suspension or revocation of the certificate holder's pet grooming
34 certification.

35 122388. Certificates issued under this chapter, unless
36 specifically excepted, shall be issued for a two-year period and
37 shall expire at midnight on the last day of the month of issuance
38 by the council.

39 122389. Except as otherwise provided in this chapter, a
40 certificate that has expired for failure of the certificate holder to

1 renew within the time fixed by this chapter may be renewed at any
2 time within five years following its expiration upon application
3 and payment of all accrued and unpaid renewal fees, delinquency
4 fees, and fines. Renewal under this section shall be effective on
5 the date on which the application is filed, or on the date on which
6 the accrued renewal fees, delinquency-fee fees, or fines are paid,
7 if any, whichever occurs last. If so renewed, the certificate shall
8 continue in effect through the expiration date provided in this
9 chapter which next occurs following the effective date of the
10 renewal, when it shall expire if it is not again renewed.

11 122390. Except as otherwise provided in this chapter, a
12 certificate which has not been renewed within five years following
13 its expiration shall be deemed canceled and may not be renewed,
14 restored, reinstated, or reissued thereafter. The holder of the
15 canceled certificate may obtain a new certificate only by submitting
16 an application, paying all required fees, and qualifying for and
17 passing the examination that would be required if the holder were
18 applying for the certificate for the first time.

19 122391. A suspended certificate is subject to expiration and
20 shall be renewed by the certificate holder as provided in this
21 chapter, but that renewal does not entitle the certificate holder,
22 while the certificate remains suspended and before it is reinstated,
23 to engage in the pet grooming activity, or in any other activity or
24 conduct in violation of the order or judgment by which the
25 certificate was suspended.

26 122392. A revoked certificate is subject to expiration as
27 provided in this chapter, but may not be renewed. If it is reinstated
28 pursuant to an administrative or court proceeding after its
29 expiration, the certificate holder, as a condition precedent to its
30 reinstatement, shall pay a reinstatement fee in an amount
31 established by the council pursuant to Section 122393.

32 122393. (a) The council shall establish a schedule of fees
33 payable under this chapter, including, but not limited to, all of the
34 following:

- 35 (1) Application and examination fees.
- 36 (2) Initial certification fees.
- 37 (3) Renewal fees.
- 38 (4) Reinstatement fees.
- 39 (5) Delinquency fees.
- 40 (6) Duplicate certificate fees.

1 (7) Processing fee, not to exceed twenty dollars (\$20) to cover
2 the costs of processing the application and certificate.

3 (b) No fee established pursuant to subdivision (a) shall be in
4 excess of the costs to the council of administering the activity
5 covered by that fee.

6 122394. This chapter shall remain in effect only until January
7 1, 2017, and as of that date is repealed, unless a later enacted
8 statute, that is enacted before January 1, 2017, deletes or extends
9 that date.