

AMENDED IN SENATE MAY 23, 2012

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 *voluntary* 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~~ dog or cat placed in the care of a pet groomer for grooming or styling.

(c) "Pet bather or brusher" means an individual who solely bathes and brushes a pet for compensation.

~~(e)~~

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

~~(d)~~

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

~~(e)~~

(f) "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

1 duties set forth in this chapter. The council may take any reasonable
2 actions to carry out the responsibilities and duties set forth in this
3 chapter, including, but not limited to, hiring staff and entering into
4 contracts.

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

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

11 (B) One member selected by each state or nationwide pet
12 specialty retailer that provides pet grooming services, with gross
13 annual sales exceeding one hundred fifty million dollars
14 (\$150,000,000), unless the entity chooses not to exercise this right
15 of selection.

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

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

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

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

26 (G) ~~One member~~ *Two members* selected by the National Dog
27 Groomers Association of America, Inc., unless that entity chooses
28 not to exercise this right of selection.

29 (H) ~~Two members~~ *One member* selected by the State Bar of
30 California who ~~have~~ *has* animal law experience and who ~~have~~ *has*
31 been nominated by a fellow animal law attorney, unless that entity
32 chooses not to exercise this right of selection.

33 (I) ~~One member who is a registered veterinary technician~~
34 ~~selected by the California Registered Veterinary Technicians~~
35 ~~Association~~

36 (I) *Two members selected by the World Pet Association, unless*
37 *that entity chooses not to exercise this right of selection.*

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

1 (K) One member selected by the International Professional
2 Groomers, Inc., unless that entity chooses not to exercise this right
3 of selection.

4 (L) One member selected by the International Society of Canine
5 Cosmetologists, unless that entity chooses not to exercise this right
6 of selection.

7 (M) One member selected by the Northern California
8 Professional Groomers Association, unless that entity chooses not
9 to exercise this right of selection.

10 (N) One member selected by the Southern California
11 Professional Groomers Association, unless that entity chooses not
12 to exercise this right of selection.

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

19 (3) The initial members of the council shall establish the council,
20 initiate the request for tax-exempt status from the Internal Revenue
21 Service and the Franchise Tax Board, and solicit input from the
22 pet grooming community concerning the operations of the council.
23 The initial members of the council, in their discretion, may
24 immediately undertake to issue the certificates authorized by this
25 chapter after adopting the necessary bylaws or other rules, or may
26 establish by adoption of bylaws the permanent governing structure
27 prior to issuing certificates.

28 (c) The council shall establish fees reasonably related to the
29 cost of providing services and carrying out its ongoing
30 responsibilities and duties. Initial and renewal fees shall be
31 established by the council annually.

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

36 122372. (a) The council shall issue a certificate under this
37 chapter to an applicant who satisfies the requirements of this
38 chapter.

39 (b) In order to obtain certification as a pet groomer, an applicant
40 shall submit a written application and shall provide the council

1 with satisfactory evidence that he or she meets all of the following
2 requirements:

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

4 (2) The applicant has successfully completed a curriculum,
5 approved by the council, in pet grooming and related subjects,
6 totaling a minimum of 300 hours, that incorporates appropriate
7 school assessment of student knowledge and skills and that
8 provides a minimum of 1,000 hours of hands-on experience in pet
9 grooming; or has a minimum of 1,000 hours of hands-on
10 experience in pet grooming and successfully passes a pet grooming
11 certification test established by the council.

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

13 (c) The council shall issue a certificate to an applicant who
14 meets the qualifications of this chapter and who holds a current
15 and valid registration, certification, or license from any other state
16 whose requirements meet or exceed those defined within this
17 chapter. The council shall have discretion to give credit for
18 comparable academic work completed by an applicant in a program
19 outside of California.

20 (d) An applicant applying for a pet bather and brusher certificate
21 shall file with the council a written application provided by the
22 council, showing to the satisfaction of the council that he or she
23 meets both of the following requirements:

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

25 (2) Any of the following:

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

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

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

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

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

1 122373. (a) The council may discipline a certificate holder by
2 any, or a combination, of the following methods:

3 (1) Placing the certificate holder on probation.

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

6 (3) Revoking the certificate.

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

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

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

13 (c) (1) Notwithstanding any other law, if the council receives
14 notice that a certificate holder has been arrested and charges have
15 been filed by the appropriate prosecuting agency against the
16 certificate holder alleging a violation of subdivision (b) of Section
17 597 of the Penal Code, the council shall take all of the following
18 actions:

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

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

24 (C) Notify within 10 days any business that the council has in
25 its records as employing the certificate holder that the certificate
26 has been suspended.

27 (2) Upon notice to the council that the charges described in
28 paragraph (1) have resulted in a conviction, the suspended
29 certificate shall become subject to permanent revocation. The
30 council shall provide notice to the certificate holder within 10 days
31 that it has evidence of a valid record of conviction and that the
32 certificate will be revoked unless the certificate holder provides
33 evidence within 15 days that the conviction is either invalid or that
34 the information is otherwise erroneous.

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

1 122374. (a) Upon the request of any law enforcement agency,
2 the council shall provide information concerning a certificate
3 holder, including, but not limited to, the current status of the
4 certificate, any history of disciplinary actions taken against the
5 certificate holder, the home and work addresses of the certificate
6 holder, and any other information in the council's possession that
7 is necessary to verify facts relevant to an investigation being
8 conducted by a law enforcement agency.

9 (b) The council shall accept information provided by any law
10 enforcement agency or any other representative of a local
11 government agency. The council shall have the responsibility to
12 review any information received and to take any actions authorized
13 by this chapter that are warranted by that information.

14 122375. It is a violation of this chapter for a certificate holder
15 to commit, and the council may deny an application for a certificate
16 or discipline a certificate holder for committing, any of the
17 following:

18 (a) Unprofessional conduct, including, but not limited to, denial
19 of licensure, revocation, suspension, restriction, or any other
20 disciplinary action against a certificate holder by another state or
21 territory of the United States, by any other government agency, or
22 by another professional licensing board established under this
23 division. A certified copy of the decision, order, or judgment shall
24 be conclusive evidence of these actions.

25 (b) Procuring a certificate by fraud, misrepresentation, or
26 mistake.

27 (c) Violating or attempting to violate, directly or indirectly, or
28 assisting in or abetting the violation of, or conspiring to violate,
29 any provision or term of this chapter or any rule or bylaw adopted
30 by the council.

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

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

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

1 122376. (a) No certificate holder or certificate applicant may
2 be disciplined or denied a certificate pursuant to Section 122375
3 except according to procedures satisfying the requirements of this
4 section. A denial or discipline not in accord with this section or
5 subdivision (c) of Section 122373 shall be void and without effect.

6 (b) Any denial of a certificate to an applicant or any discipline
7 imposed on a certificate holder shall be done in good faith and in
8 a fair and reasonable manner. Any procedure that conforms to the
9 requirements of subdivision (c) is fair and reasonable, but a court
10 may also find other procedures to be fair and reasonable when the
11 full circumstances of the certificate denial or certificate holder
12 discipline are considered.

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

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

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

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

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

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

37 (f) This section governs only the procedures for certificate denial
38 or certificate holder discipline and not the substantive grounds
39 therefor. A certificate denial or certificate holder discipline based
40 upon substantive grounds that violates contractual or other rights

1 of the member or is otherwise unlawful is not made valid by
2 compliance with this section.

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

5 122377. It shall be the responsibility of any certificate holder
6 to notify the council of his or her home address, as well as the
7 address of any business establishment where he or she regularly
8 works as a pet groomer or pet bather and brusher, whether as an
9 employee or as an independent contractor. A certificate holder
10 shall notify the council within 30 days of changing either his or
11 her home address or the address of the business establishment
12 where he or she regularly works as a pet groomer or pet bather
13 and brusher.

14 122378. A certificate holder shall include the name under which
15 he or she is certified and his or her certificate number in any and
16 all advertising and shall display his or her certificate at his or her
17 place of business.

18 122379. (a) Notwithstanding Section 122372, the council may
19 grant a pet groomer or a pet bather and brusher certificate to any
20 person who applies on or after January 1, 2013, with one of the
21 following:

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

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

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

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

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

39 (c) (1) A person applying for a pet groomer certificate on or
40 after January 1, 2013, who meets the educational requirements of

1 paragraph (2) of subdivision (a), but who has not completed the
2 required number of practice hours prior to submitting an application
3 pursuant to this section, may apply for a conditional certificate.

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

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

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

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

21 (A) A curriculum approved by the council.

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

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

27 122380. (a) It is an unfair business practice for any person to
28 advertise or put out any sign or card or other device, or to represent
29 to the public through any print or electronic media, that he or she
30 is certified, registered, or licensed by a governmental agency as a
31 pet groomer or pet bather and brusher.

32 (b) It is an unfair business practice for any person to hold himself
33 or herself out as, or use the title of, “certified pet groomer” or
34 “certified pet brusher and bather” or to use any other term such as
35 “licensed” or “registered” that implies or suggests that the person
36 is certified as a pet groomer or a pet bather and brusher without
37 meeting the requirements of this chapter.

38 (c) The superior court in and for the county in which any person
39 acts as a pet groomer in violation of the provisions of this chapter
40 may, upon a petition by any person, issue an injunction or other

1 appropriate order restraining the conduct. The proceedings under
2 this subdivision shall be governed by Chapter 3 (commencing with
3 Section 525) of Title 7 of Part 2 of the Code of Civil Procedure.

4 122381. (a) Every application for admission to examination
5 and certification shall be in writing, on forms prepared and
6 furnished by the council.

7 (b) Each application shall be accompanied by the required fee,
8 and shall contain proof of the qualifications of the applicant for
9 examination and certification. It shall be verified by the oath of
10 the applicant. Every applicant shall, as a condition of admittance
11 to the examination facility, present satisfactory proof of
12 identification. Satisfactory proof of identification shall be in the
13 form of a valid, unexpired driver's license or identification card,
14 containing the photograph of the person to whom it was issued,
15 issued by any state, federal, or other governmental entity.

16 122382. (a) The examination of applicants for certification
17 shall include both a practical demonstration and a written test and
18 shall embrace the subjects typically taught in a curriculum
19 approved by the council.

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

25 (c) The scope of examinations shall be consistent with the
26 definition of the activities licensed under this chapter, and shall
27 be as the council, by regulation, may require to protect the health
28 and safety of consumers of the services provided by certificate
29 holders.

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

34 122383. All examinations shall be prepared by or under the
35 direction of the council. The council shall establish standards and
36 procedures governing administration and grading and shall exercise
37 supervision as may be necessary to ensure compliance therewith.

38 122384. Any person who fails the pet groomer's certification
39 examination shall be eligible to retake the examination upon
40 compliance with the provisions of this chapter.

1 122385. The council may contract or otherwise arrange for
2 reasonably required physical accommodations and facilities to
3 conduct examinations.

4 122386. The form and content of a certificate issued by the
5 council shall be determined by the council.

6 122387. The council shall create a record of those certified
7 pursuant to this chapter. The record shall include a certificate
8 holder's first and last name, license number, and a record of any
9 disciplinary action taken against the licensee, including the
10 suspension or revocation of the certificate holder's pet grooming
11 certification.

12 122388. Certificates issued under this chapter, unless
13 specifically excepted, shall be issued for a two-year period and
14 shall expire at midnight on the last day of the month of issuance
15 by the council.

16 122389. Except as otherwise provided in this chapter, a
17 certificate that has expired for failure of the certificate holder to
18 renew within the time fixed by this chapter may be renewed at any
19 time within five years following its expiration upon application
20 and payment of all accrued and unpaid renewal fees, delinquency
21 fees, and fines. Renewal under this section shall be effective on
22 the date on which the application is filed, or on the date on which
23 the accrued renewal fees, delinquency fees, or fines are paid, if
24 any, whichever occurs last. If so renewed, the certificate shall
25 continue in effect through the expiration date provided in this
26 chapter which next occurs following the effective date of the
27 renewal, when it shall expire if it is not again renewed.

28 122390. Except as otherwise provided in this chapter, a
29 certificate which has not been renewed within five years following
30 its expiration shall be deemed canceled and may not be renewed,
31 restored, reinstated, or reissued thereafter. The holder of the
32 canceled certificate may obtain a new certificate only by submitting
33 an application, paying all required fees, and qualifying for and
34 passing the examination that would be required if the holder were
35 applying for the certificate for the first time.

36 122391. A suspended certificate is subject to expiration and
37 shall be renewed by the certificate holder as provided in this
38 chapter, but that renewal does not entitle the certificate holder,
39 while the certificate remains suspended and before it is reinstated,
40 to engage in the pet grooming activity, or in any other activity or

1 conduct in violation of the order or judgment by which the
2 certificate was suspended.

3 122392. A revoked certificate is subject to expiration as
4 provided in this chapter, but may not be renewed. If it is reinstated
5 pursuant to an administrative or court proceeding after its
6 expiration, the certificate holder, as a condition precedent to its
7 reinstatement, shall pay a reinstatement fee in an amount
8 established by the council pursuant to Section 122393.

9 122393. (a) The council shall establish a schedule of fees
10 payable under this chapter, including, but not limited to, all of the
11 following:

- 12 (1) Application and examination fees.
- 13 (2) Initial certification fees.
- 14 (3) Renewal fees.
- 15 (4) Reinstatement fees.
- 16 (5) Delinquency fees.
- 17 (6) Duplicate certificate fees.
- 18 (7) Processing fee, not to exceed twenty dollars (\$20) to cover
19 the costs of processing the application and certificate.

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

23 122394. This chapter shall remain in effect only until January
24 1, 2017, and as of that date is repealed, unless a later enacted
25 statute, that is enacted before January 1, 2017, deletes or extends
26 that date.