

Model Legislation on Licensure of Dog Trainers

A bill for legislation relative to the licensure of dog trainers, consumer protection and professional licensure.

An Act relative to the licensure of dog trainers, who, for compensation, engage in the training or behavior modification of dogs or serve as a dog behavior consultant.

SECTION 1. Chapter [___] of the [___] is hereby amended by adding the following section [___]:

SECTION 2. The following words in this section shall have the following meanings:

“Approved Certification Program” means the Certification Council for Professional Dog Trainers (“CCPDT”) or another examination-based dog trainer certification program approved by the Board that (i) includes minimum education and/or experience eligibility requirements, as defined by the Board, (ii) requires its certified dog trainers to adhere to policies equivalent to the Joint Standards of Practice and Code of Ethics and Least Intrusive, Minimally Aversive Effective Behavior Intervention Policy as developed by the Association of Professional Dog Trainers (“APDT”), CCPDT, and International Association of Behavior Consultants (“IAABC”), and (iii) requires for maintenance of certification at least 36 continuing education units meeting standards defined by the Board per three-year period. The Board shall publish on its website a list of Approved Certification Programs, as well as a list of approved dog trainer education programs that meet minimum education requirements for Approved Certification Programs.

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22 “Board” means the Dog Trainer Licensure Board established under section 2 of this
23 act.

24 “Director” means the Director of the [Division of Professional Licensure].

25 “Dog behavior consultant” means a person who is engaged in the practice of
26 evidence-based applied behavior analysis and behavior modification of dogs, in areas such as
27 fear, phobias, compulsive behaviors, anxiety, or aggressive behavior, when performed for a fee,
28 salary, or other form of compensation.

29 “Dog training” means the training or behavior modification of dogs or serving as a
30 dog behavior consultant, when performed for a fee, salary, or other form of compensation.

31 “Dog trainer” means a person who is engaged in the practice of dog training and, after
32 [DATE], who is licensed or holds a provisional permit pursuant to the provisions of this act.

33 SECTION 3. There is hereby created within the [Division of Professional Licensure] the
34 Dog Trainer Licensure Board. The Board shall consist of nine members who are residents of this
35 State and who shall be appointed by the Governor, as follows: one member shall be from the
36 Department of [___]; four members shall be dog trainers who, if appointed after [DATE], are
37 licensed pursuant to the provisions of this Act, at least one of whom shall hold a professional
38 certification as a dog behavior consultant, or, if appointed prior to [DATE], are professional dog
39 trainers holding dog trainer certification from an Approved Certification Program, at least one of
40 whom shall hold a professional certification as a dog behavior consultant; two members shall be
41 veterinarians licensed in this State; one member shall be a current or former dog owner who does
42 not work as a professional dog trainer and who receives no income or financial benefit from dog

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43 training businesses; and one member shall be affiliated with a nonprofit animal protection group.
44 The Governor shall appoint each member, other than the State executive department member, for
45 a term of four years, except that of the members first appointed, two shall serve for a term of four
46 years, two shall serve for a term of three years, two shall serve for a term of two years, and two
47 shall serve for terms of one year, with the four initial dog trainer members distributed among
48 these term-length groupings. Any vacancy in the membership of the Board shall be filled for the
49 unexpired term in the same manner as provided for the original appointment. No member of the
50 Board may serve more than two successive terms, not to include any unexpired term to which the
51 member has been appointed to fill a vacated position on the Board.

52 SECTION 4. The Board shall organize within 30 days after the appointment of its
53 members and shall annually elect from among its members a chairperson and vice-chairperson,
54 at least one of whom shall be a dog trainer. The Board shall also appoint a secretary who need
55 not be a member of the Board. The Board shall hold regularly scheduled meetings twice a year
56 and may hold additional meetings as necessary to discharge its duties. A majority of the Board
57 membership shall constitute a quorum.

58 SECTION 5. The Board shall:

59 a. adopt a seal to authenticate its records and proceedings;

60 b. prescribe rules pertaining to required qualifications of applicants for licensure as
61 dog trainers;

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62 c. review and determine the sufficiency of the qualifications of applicants for
63 licensure under this act, and issue a license to each qualified and successful applicant, attesting to
64 the applicant’s professional qualification to practice as a dog trainer in the State;

65 d. keep records of its proceedings, a register of all persons to whom licenses have
66 been issued, and a record of all license renewals, suspensions and revocations;

67 e. maintain records of expenses incurred by members of the Board in the
68 performance of their duties;

69 f. take disciplinary action against any individual who violates the provisions of
70 this act or any regulation promulgated hereunder;

71 g. establish rules and procedures to grant reciprocal licensure to individuals who
72 provide dog training or serve as a dog behavior consultant who hold current certification in dog
73 training from an Approved Certification Program and hold a dog trainer license issued by
74 another State.

75 h. adopt rules and regulations as it deems necessary to administer the provisions of
76 this act; and

77 i. prescribe or change the fees for licensure, renewal, provisional permits, and
78 other services performed.

79 SECTION 6. The Director may appoint an Executive Director of the Board who shall
80 serve at the Director’s pleasure. The salary of the Executive Director shall be determined by the

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81 Director within the limit of available funds. The Director may, within the limits of available
82 funds, hire any assistants as necessary to administer this act.

83 SECTION 7. As of [DATE], no persons shall practice, attempt to practice, or hold
84 themselves out as being able to practice dog training in this State unless such person is licensed
85 in accordance with the provisions of this act or holds a provisional permit in accordance with the
86 provisions of this act, except as otherwise permitted by rules and regulations adopted by the
87 Board. The Board shall adopt rules and regulations to allow for temporary limited dog training
88 or dog behavior consultant services by out-of-state practitioners who hold current certification
89 from an Approved Certification Program but who do not hold a license in the State, for no more
90 than [5] days per calendar year in the aggregate. The Board shall also adopt rules and
91 regulations for out-of-state providers of dog training or dog behavior consultant services who
92 hold current certification from an Approved Certification Program to apply for temporary limited
93 permits that authorize the individual to work in this State as a dog trainer for no more than [60]
94 days in any calendar year in the aggregate.

95 SECTION 8. To be eligible for initial licensure or renewal of licensure as a dog trainer,
96 an applicant shall fulfill the following requirements:

97 a. be at least 18 years of age;

98 b. be of good moral character;

99 c. have successfully completed high school or successfully passed a high school

100 equivalency examination developed by the General Education Development (GED) Testing

101 Service; and

102 d. either:

103 (1) hold current certification in dog training from an Approved Certification
104 Program, or

105 (2) to be issued an initial license prior to [TARGET DATE FOR
106 GRANDFATHERING FOR INITIAL LICENSURE], submit proof satisfactory to the Board no
107 later than 180 days after the date procedures are established by the Board for applying for
108 licensure under this act that the applicant has engaged in the practice of dog training in this State
109 continuously for at least one year prior to the effective date of this act.

110 SECTION 9. The Board shall issue to applicants provisional dog trainer permits that
111 authorize the permit-holder to provide dog training services in this State under the supervision
112 of, and documented by, a dog trainer licensed pursuant to this act, for a maximum period of one
113 year from issuance of the provisional permit. Prior to providing dog training services to any
114 customer or client, the permit-holder must disclose in writing to that customer or client that the
115 permit-holder is not a licensed dog trainer in this State and is providing dog training services
116 under the supervision of a licensed dog trainer. To be eligible for a provisional dog trainer
117 permit under this act, an applicant shall fulfill the following requirements:

118 a. be at least 18 years of age;

119 b. be of good moral character;

120 c. have successfully completed high school or successfully passed a high school
121 equivalency examination developed by the General Education Development (GED) Testing
122 Service; and

123 d. agree to abide by the Standards of Practice and Code of Ethics and Least
124 Intrusive, Minimally Aversive Effective Behavior Intervention Policy published by the CCPDT
125 or equivalent standards adopted by the Board.

126 SECTION 10.

127 a. All licenses shall be issued for a three-year period and may be renewed upon
128 filing of a renewal application meeting the requirements of this Section.

129 b. All applicants shall pay a fee for licensure and renewal of licensure under this
130 act. Fees shall be determined by the Board and established by regulation. The Board shall set the
131 fees such that the revenue generated from these fees is not expected to exceed the operating costs
132 incurred by the Board in administering this act.

133 c. A license shall not be renewed until the licensee submits satisfactory evidence
134 to the Board that the licensee has current certification with an Approved Certification Program.

135 SECTION 11. The Board shall investigate all complaints relating to the proper practice
136 of any licensee or holder of a provisional permit under this act and complaints relating to any
137 violation of this act. The Board may impose disciplinary measures based on a finding of a
138 violation. The Board may, during the pendency of an investigation and disciplinary proceeding,
139 summarily suspend the license or provisional permit of a dog trainer upon a preliminary finding
140 by the Board of probable cause to believe that the dog trainer poses a substantial risk to the
141 health or safety of the public or of animals under the dog trainer's care or supervision.

142 a. The Board may, after a hearing pursuant to regulations it shall establish, revoke,
143 suspend or cancel the license or provisional permit of a dog trainer, or deny or revoke eligibility

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144 for the license or provisional permit, or reprimand, censure or otherwise discipline a dog trainer
145 holding or seeking a license or provisional permit under this act, upon proof satisfactory to a
146 majority of the Board that said dog trainer:

147 (1) fraudulently procured a license or provisional permit under this act;

148 (2) is guilty of an offense against any provision of the laws of this State relating to
149 the authorized practice of dog trainers or any rule or regulation adopted thereunder;

150 (3) is guilty of gross misconduct in practicing as a dog trainer, of practicing
151 fraudulently, of practicing with gross incompetence or with gross negligence on a particular
152 occasion, or of practicing with negligence on repeated occasions;

153 (4) is guilty of practicing as a dog trainer while the ability to practice in a safe and
154 competent manner is materially impaired by alcohol, drugs, physical impairment or mental
155 instability;

156 (5) is guilty of being habitually intoxicated or being or having been within the past
157 year addicted to, dependent on or a habitual user of narcotics, barbiturates, amphetamines,
158 hallucinogens or other drugs having similar effects, other than with respect to lawful use of
159 medication in accordance with a prescription issued to that dog trainer;

160 (6) is guilty of knowingly and for purposes of fraud, deception or personal gain
161 permitting, aiding or abetting an unlicensed and unauthorized person to perform activities
162 requiring a license or provisional permit under this act, excluding activities permissible under
163 any provision of the laws of the state relative to the training of aspiring dog trainers;

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164 (7) has been convicted of a criminal offense which reasonably calls into question
165 the individual's ability to practice as a dog trainer;

166 (8) engaged in conduct in material violation of the Joint Standards of Practice and
167 Code of Ethics and Least Intrusive, Minimally Aversive Effective Behavior Intervention Policy
168 as developed by the APDT, CCPDT, and IAABC, or equivalent standards adopted by the Board;
169 or

170 (9) is guilty of violating any rule or regulation of the Board governing the practice
171 of dog trainers.

172 SECTION 12. No person filing a complaint or reporting or providing information
173 pursuant to this Chapter or assisting the Board at its request in any manner in discharging its
174 duties and functions shall be liable in any cause of action arising out of the receiving of such
175 information or assistance; provided, however, that the person making the complaint or reporting
176 or providing such information or assistance does so in good faith and without malice. The Board
177 shall keep confidential during the pendency of the proceeding any complaint, report, record or
178 other information received or kept by the Board in connection with an investigation conducted
179 by the Board pursuant to this section, except with respect to any action that the Board takes
180 affecting the individual's right to practice. After the Board has disposed of the matter under
181 investigation by issuing an order to show cause, by dismissing a complaint or by taking other
182 final action, investigative records or information of the Board shall not be kept confidential
183 except to the extent that disclosures of records or other information may be restricted as
184 otherwise provided by law or by the Board's regulations. The requirement that investigative
185 records or information be kept confidential shall not, at any time, apply to requests from the

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186 person under investigation, the complainant or other state or federal agencies, boards or
187 institutions as the board shall determine by regulation.

188 SECTION 13. Except as provided in this Chapter, as of [180 days] after the Effective
189 Date of this act, whoever, not being lawfully authorized to provide the services of a dog trainer
190 in the State by holding a license or provisional permit under this act or as otherwise permitted by
191 rules and regulations adopted by the Board, holds himself or herself out in this State as a dog
192 trainer or provides or attempts to provide the services of a dog trainer in this State, or whoever
193 provides dog training services under a false or assumed name or under a name other than that by
194 which the individual is authorized by the Board to practice, or whoever impersonates another
195 dog trainer, or whoever practices or attempts to practice any fraud in connection with the filing
196 of an application for a dog training license or provisional permit, shall be punished by a fine of
197 not less than two hundred nor more than one thousand dollars or by imprisonment for not less
198 than one month nor more than six months, or both. A person rendering dog training services in
199 violation of this section shall recover no compensation for those services.

200 SECTION 14. This act shall take effect on [_____].

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