

Model Legislation on Licensure of Dog Trainers

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

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. *Introduction.* Chapter [____] of the [____] is hereby amended by adding the following section [____]:

SECTION 2. *Definitions.* The following words in this Chapter shall have the following meanings:

“Approved Certification Program” means an examination-based dog trainer certification program that is accredited by the National Commission for Certifying Agencies and is approved by the licensure Board established under Section 3 of this Act, and any other examination-based dog trainer certification programs approved by the Board. An Approved Certification Program must (i) include minimum education and/or experience eligibility requirements, as defined by the Board, (ii) require its certified dog trainers to adhere to policies equivalent to or more restrictive of aversive practices than the Joint Standards of Practice, Professional Code of Ethics, and Least Intrusive, Minimally Aversive Effective Behavior Intervention Policy as developed by the Association of Professional Dog Trainers (“APDT”), the Certification Council for Professional Dog Trainers (“CCPDT”), and the International Association of Behavior Consultants (“IAABC”), and (iii) require for maintenance of

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22 certification at least [36] continuing education units meeting standards defined by the Board per
23 three-year period. The Board shall publish on its website a list of Approved Certification
24 Programs, as well as a list of approved dog trainer education programs that meet minimum
25 education requirements for Approved Certification Programs.

26 “Board” means the Dog Trainer Licensure Board established under Section 3 of this
27 Act.

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

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

33 “Dog training” means the training or behavior modification of dogs or serving as a
34 dog behavior consultant, when performed for a fee, salary, or other form of financial
35 compensation, other than on an incidental basis ancillary to other services, such as dog grooming
36 or dog walking. For purposes of this Chapter, dog training does not include training of dogs by
37 active military service members in connection with their military service roles, by active law
38 enforcement in connection with K-9 training, or by incarcerated persons under the auspices of a
39 penal institution’s program.

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

42 “Good professional moral character” means the person has not abused a position of

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43 trust or engaged in fraud or engaged in conduct that poses a substantial risk to the health or
44 safety of the public or of animals under the person’s care or supervision, or that the person has
45 demonstrated sufficient evidence of rehabilitation commensurate with the seriousness of the
46 person’s past misconduct, as determined by the Board.

47 SECTION 3. *Establishment of a Dog Trainer Licensure Board.* There is hereby created
48 within the [Division of Professional Licensure] the Dog Trainer Licensure Board. The Board
49 shall consist of nine members who are residents of this State and who shall be appointed by the
50 Governor, as follows: one member shall be from the Department of [___]; four members shall be
51 dog trainers who, if appointed after [DATE], are licensed pursuant to the provisions of this Act,
52 at least one of whom shall hold a professional certification as a dog behavior consultant, or, if
53 appointed prior to [DATE], are professional dog trainers holding dog trainer certification from an
54 Approved Certification Program, at least one of whom shall hold a professional certification as a
55 dog behavior consultant; one member shall be a veterinarian licensed in this State who is either a
56 board-certified veterinary behaviorist or has professional certification in dog training; two
57 members shall be a current or former dog owners who do not work as a professional dog trainer
58 and who receive no income or financial benefit from dog training businesses; and one member
59 shall be affiliated with a nonprofit animal welfare group. The Governor shall appoint each
60 member, other than the State executive department member, for a term of four years, except that
61 of the members first appointed, two shall serve for a term of four years, two shall serve for a
62 term of three years, two shall serve for a term of two years, and two shall serve for terms of one
63 year, with the four initial dog trainer members distributed among these term-length groupings.
64 Any vacancy in the membership of the Board shall be filled for the unexpired term in the same
65 manner as provided for the original appointment. No member of the Board may serve more than

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66 two successive terms, not to include any unexpired term to which the member has been
67 appointed to fill a vacated position on the Board.

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

74 SECTION 5. *Board Authority and Responsibilities.* The Board shall:

- 75 a. adopt a seal to authenticate its records and proceedings;
- 76 b. prescribe rules pertaining to recognition of Approved Certification Programs
77 and to required qualifications of applicants for licensure or other authorization to practice as dog
78 trainers;
- 79 c. review and determine the sufficiency of the qualifications of applicants for
80 licensure under this Act, and issue a license to each qualified and successful applicant, attesting
81 to the applicant's professional qualification to practice as a dog trainer in the State;
- 82 d. keep records of its proceedings, a register of all persons to whom licenses have
83 been issued, and a record of all license renewals, suspensions, and revocations;
- 84 e. maintain records of expenses incurred by members of the Board in the
85 performance of their duties;

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86 f. take disciplinary action against any individual who violates the provisions of
87 this Act or any regulation promulgated hereunder, including as set forth in Sections 11 and 13;

88 g. administer oaths, issue notices, issue subpoenas in the name of the state to any
89 party or entity that may possess relevant information regarding the subject of an investigation,
90 including to compel production of documents or testimony, receive testimony, conduct hearings,
91 institute court proceedings for contempt to compel testimony or obedience to its orders and
92 subpoenas, take evidentiary depositions, and perform such other acts as are reasonably necessary
93 under this Act or other laws to carry out its duties;

94 h. institute proceedings in courts of competent jurisdiction to enforce its orders and
95 the provisions of this Act, obtain court orders and injunctions to halt unauthorized practice, and
96 present to the proper authorities information it believes indicates an applicant or licensee may be
97 subject to criminal prosecution;

98 i. establish rules and procedures to grant reciprocal licensure to individuals who
99 provide dog training or serve as a dog behavior consultant who hold current certification in dog
100 training from an Approved Certification Program and hold a dog trainer license issued by
101 another State.

102 j. adopt rules and regulations as it deems necessary to administer the provisions of
103 this Act;

104 k. develop and adopt its budget; and

105 l. prescribe or change the fees for licensure, renewal, provisional permits, and
106 other services performed.

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107 SECTION 6. *Executive Director and Staffing.* The Director may appoint an Executive
108 Director of the Board who shall serve at the discretion of the Director. The salary of the
109 Executive Director shall be determined by the Director within the limit of available funds. The
110 Director may, within the limits of available funds, authorize the Executive Director to hire
111 assistants necessary to administer this Act.

112 SECTION 7. *Unauthorized Practice.* As of [DATE], except as otherwise permitted by
113 rules and regulations adopted by the Board, no persons shall practice, attempt to practice, or hold
114 themselves out as being able to practice dog training in this State unless such person is licensed
115 in accordance with the provisions of this Act or holds a provisional permit in accordance with the
116 provisions of this Act, or is a licensed professional in a related field who holds an advanced
117 degree or certification deemed by the Board to be equivalent to the certification in dog training
118 issued by Approved Certification Programs, to include board-certified Veterinary Behaviorists,
119 and licensed veterinary technicians holding VTS (Behavior) certification.

120 SECTION 8. *Licensure Requirements.* To be eligible for initial licensure or renewal of
121 licensure as a dog trainer, an applicant shall fulfill the following requirements:

- 122 a. be at least 18 years of age;
- 123 b. be of good professional moral character, as defined in this Chapter; and
- 124 c. either:
- 125 (1) hold current certification in dog training from an Approved Certification
126 Program or current certification as a Certified Applied Animal Behaviorist or Associate Certified
127 Applied Animal Behaviorist, or

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128 (2) to be issued an initial license prior to [TARGET DATE FOR TRANSITIONAL
129 PERIOD FOR INITIAL LICENSURE], submit proof satisfactory to the Board no later than
130 [180] days after the date procedures are established by the Board for applying for licensure under
131 this Act that the applicant has engaged in the practice of dog training in this State continuously
132 for at least one year prior to the effective date of this Act, and that the applicant agrees to abide
133 by policies adopted by the Board that are equivalent to or more restrictive of aversive practices
134 than the Joint Standards of Practice, Professional Code of Ethics, and Least Intrusive, Minimally
135 Aversive Effective Behavior Intervention Policy as developed by APDT, CCPDT, and IAABC.

136 SECTION 9. *Provisional Permits.* The Board shall issue to applicants provisional dog
137 trainer permits that authorize the permit-holder to provide dog training services in this State
138 under the supervision of, and documented by, a dog trainer licensed pursuant to this Act, for a
139 period of one year from issuance of the provisional permit. A provisional dog trainer permit may
140 be renewed for subsequent one-year periods. Prior to providing dog training services to any
141 customer or client, the permit-holder must disclose in writing to that customer or client that the
142 permit-holder is not a licensed dog trainer in this State and is providing dog training services
143 under the supervision of one or more specific licensed dog trainers (identified by individual
144 names) who take responsibility for the quality of the permit holder's dog training work as well as
145 responsibility for any complaints regarding that permit holder's dog training. To be eligible for a
146 provisional dog trainer permit under this Act, an applicant shall fulfill the following
147 requirements:

148 a. be of good professional moral character, as defined in this Chapter; and

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149 b. agree to abide by policies adopted by the Board that are equivalent to or more
150 restrictive of aversive practices than the Joint Standards of Practice, Professional Code of Ethics,
151 and Least Intrusive, Minimally Aversive Effective Behavior Intervention Policy as developed by
152 APDT, CCPDT, and IAABC.

153 SECTION 10. *License and Permit Duration, Fees, and Means of Instruction.*

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

156 b. Licenses and permits shall be issued in the legal name of the applicant; licensees
157 and permit holders may direct the Board to include on their license or permit additional
158 alternative names that the applicant uses personally and/or professionally.

159 c. All applicants shall pay a fee for licensure and renewal of licensure under this
160 Act. Fees shall be determined by the Board and established by regulation and may not exceed
161 \$_____ per initial license or \$_____ per renewal license. The Board shall set the fees such that
162 the revenue generated from these fees is not expected to exceed the operating costs incurred by
163 the Board in administering this Act.

164 d. A license shall not be renewed until the licensee submits satisfactory evidence
165 to the Board that the licensee holds current certification with an Approved Certification Program,
166 or current certification as a Certified Applied Animal Behaviorist or Associate Certified Applied
167 Animal Behaviorist.

168 e. Any person authorized to practice dog training in this State may conduct such
169 dog training services in person and by live, remote means for any dog located in this State and,

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170 except to the extent restricted or prohibited by the laws of the jurisdiction in which the dog is
171 located, for any dog located outside of this State.

172 SECTION 11. *Practice by Out-of-State Practitioners.* The Board shall adopt rules and
173 regulations to allow for temporary limited dog training services by out-of-state practitioners who
174 hold current certification from an Approved Certification Program, or current certification as a
175 Certified Applied Animal Behaviorist or Associate Certified Applied Animal Behaviorist, but
176 who do not hold a license in the State, for no more than [5] days per calendar year in the
177 aggregate. The Board shall also adopt rules and regulations for out-of-state providers of dog
178 training services who hold current certification from an Approved Certification Program or
179 current certification as a Certified Applied Animal Behaviorist or Associate Certified Applied
180 Animal Behaviorist to apply for temporary limited permits that authorize the individual to work
181 in this State as a dog trainer for no more than [60] days in any calendar year in the aggregate.

182 SECTION 12. *Complaints and Discipline.*

183 a. The Board shall investigate all complaints relating to the proper practice of any
184 licensee or holder of a provisional or temporary permit under this Act and complaints relating to
185 any violation of this Act. The Board may impose disciplinary measures based on a finding of a
186 violation under a preponderance of the evidence standard. The Board may, during the pendency
187 of an investigation and disciplinary proceeding, summarily suspend the license or provisional
188 permit of a dog trainer upon a preliminary finding by the Board of probable cause to believe that
189 the person poses a substantial and imminent risk to the health or safety of the public or of
190 animals under the person's care or supervision.

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191 b. The Board may, after a hearing pursuant to regulations it shall establish, revoke,
192 suspend or cancel the license or provisional or temporary permit of a dog trainer, deny or revoke
193 eligibility for the license or provisional or temporary permit, reprimand, censure, or otherwise
194 discipline (by imposing conditions on the person's continued authorization to practice) a person
195 holding or seeking a license or provisional or temporary permit under this Act, upon proof
196 satisfactory to a majority of the Board that said person:

197 (1) fraudulently procured a license or provisional or temporary permit under this
198 Act;

199 (2) committed an offense against any provision of the laws of this State relating to
200 the authorized practice of dog trainers or any rule or regulation adopted thereunder;

201 (3) engaged in gross misconduct in providing dog training services, practiced
202 fraudulently, practiced with gross incompetence or with gross negligence on a particular
203 occasion, or practiced with negligence on repeated occasions;

204 (4) provided dog training services while the person's ability to practice in a safe and
205 competent manner was materially compromised in a way that posed a substantial risk to the
206 health or safety of the public or of animals under the person's care or supervision;

207 (5) provided dog training services while under the influence of alcohol or a drug
208 described in this subsection and while habitually intoxicated or addicted to, dependent on, or a
209 habitual user of narcotics, barbiturates, amphetamines, hallucinogens or other drugs having
210 similar effects, other than with respect to lawful use of medication in accordance with a
211 prescription issued to that person;

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212 (6) knowingly and for purposes of fraud, deception, or personal gain permitted,
213 aided, or abetted an unlicensed and unauthorized person to perform activities requiring a license
214 or provisional or temporary permit under this Act, excluding activities permissible under any
215 provision of the laws of the state relative to the training of aspiring dog trainers;

216 (7) has committed fraud or a criminal offense that reasonably calls into question the
217 person's ability to practice as a dog trainer without posing a substantial risk to the health or
218 safety of the public or of animals under the person's care or supervision;

219 (8) engaged in conduct in material violation of the Joint Standards of Practice and
220 Code of Ethics and Least Intrusive, Minimally Aversive Effective Behavior Intervention Policy
221 as developed by the APDT, CCPDT, and IAABC, or standards equivalent to or more restrictive
222 of aversive practices that have been adopted by the Board;

223 (9) failed to adequately supervise the dog training services of provisional permit
224 holder who provides those services under the supervision of the licensee, or

225 (10) violated any rule or regulation of the Board governing the practice of dog
226 trainers.

227 SECTION 13. *Restriction on Liability; Information Handling.*

228 a. No person filing a complaint or reporting or providing information pursuant to
229 this Chapter or assisting the Board at its request in any manner in discharging its duties and
230 functions shall be liable in any cause of action arising out of the receipt of such information or
231 assistance, provided that the person making the complaint or reporting or providing such
232 information or assistance does so in good faith and without malice.

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233 b. During the pendency of the proceeding, the Board shall keep confidential any
234 complaint, report, record, or other information received or kept by the Board in connection with
235 an investigation conducted by the Board pursuant to this Section, except with respect to any
236 action that the Board takes affecting the individual's right to practice. After the Board has
237 disposed of the matter under investigation by issuing an order to show cause, by dismissing a
238 complaint, or by taking other final action, investigative records or information of the Board shall
239 not be kept confidential except to the extent that disclosures of records or other information may
240 be restricted as otherwise provided by law or by the Board's regulations. The requirement that
241 investigative records or information be kept confidential shall not, at any time, apply to requests
242 from the person under investigation or the complainant, or information the Board reports to other
243 state or federal agencies, boards, or institutions as the Board shall determine by regulation.

244 SECTION 14. *Penalties for Unauthorized Practice, Fraud, and Harm to Animals.*

245 Except as provided in this Chapter, as of [180 days] after the Effective Date of this Act, whoever,
246 not being lawfully authorized to provide dog training services in the State by holding a license or
247 provisional or temporary permit under this Act or as otherwise permitted by rules and regulations
248 adopted by the Board, holds themselves out in this State as a dog trainer or provides or attempts
249 to provide dog training services in this State, or whoever provides dog training services under a
250 false or assumed name or under a name other than those by which the individual is authorized by
251 the Board to practice, or whoever impersonates another dog trainer, or whoever practices or
252 attempts to practice any fraud in connection with the filing of an application for a dog training
253 license or provisional or temporary permit, shall be subject to the jurisdiction of the Board and
254 shall be punished by a civil fine of not less than [two hundred] nor more than [three thousand]
255 dollars. Violations involving any fraudulent act or practice in relation to a consumer or the State

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256 will constitute an offense under [the State’s unfair and deceptive acts and practices statute]. In
257 such matters and any matter involving animal cruelty or neglect, the Board shall, in addition to
258 any discipline it imposes, report such matters to the proper authorities for criminal prosecution
259 under any applicable criminal statute. A person rendering dog training services in violation of
260 this Section shall recover no compensation for those services, and a court may order a person
261 convicted of an offense under this Section to pay restitution to persons who incurred damages as
262 a result of the convicted individual’s offense.

263 SECTION 15. *Effective Date.* This Act shall take effect on [_____].