

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

35 “Dog training” means the training or behavior modification of dogs or serving as a
36 dog behavior consultant, when performed for a fee, salary, or other form of financial
37 compensation, other than on an incidental basis ancillary to other services, such as dog grooming
38 or dog walking. For purposes of this Chapter, dog training does not include training of dogs by
39 active military service members in connection with their military service roles, by active law
40 enforcement in connection with K-9 training, or by incarcerated persons under the auspices of a
41 penal institution’s program, nor does dog training include services offered by a kennel club
42 affiliated with or licensed or sanctioned by the American Kennel Club or the United Kennel Club

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43 if such services are offered exclusively to the club’s members.

44 “Good professional moral character” means the person has not abused a position of
45 trust or engaged in fraud or engaged in conduct that poses a substantial risk to the health or
46 safety of the public or of animals under the person’s care or supervision, or that the person has
47 demonstrated sufficient evidence of rehabilitation commensurate with the seriousness of the
48 person’s past misconduct, as determined by the Board.

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

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66 Any vacancy in the membership of the Board shall be filled for the unexpired term in the same
67 manner as provided for the original appointment. No member of the Board may serve more than
68 two successive terms, not to include any unexpired term to which the member has been
69 appointed to fill a vacated position on the Board.

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

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

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

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

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

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

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

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

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

106 k. develop and adopt its budget; and

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107 1. prescribe or change the fees for licensure, renewal, provisional permits, and
108 other services performed.

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

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

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

- 124 a. be at least 18 years of age;
- 125 b. be of good professional moral character, as defined in this Chapter; and
- 126 c. either:

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127 (1) hold current certification in dog training from an Approved Certification
128 Program or current certification as a Certified Applied Animal Behaviorist or Associate Certified
129 Applied Animal Behaviorist, or

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

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

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

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

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

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

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

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

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

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170 e. Any person authorized to practice dog training in this State may conduct such
171 dog training services in person and by live, remote means for any dog located in this State and,
172 except to the extent restricted or prohibited by the laws of the jurisdiction in which the dog is
173 located, for any dog located outside of this State.

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

184 SECTION 12. *Complaints and Discipline.*

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

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191 the person poses a substantial and imminent risk to the health or safety of the public or of
192 animals under the person's care or supervision.

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

199 (1) fraudulently procured a license or provisional or temporary permit under this
200 Act;

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

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

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

209 (5) provided dog training services while under the influence of alcohol or a drug
210 described in this subsection and while habitually intoxicated or addicted to, dependent on, or a
211 habitual user of narcotics, barbiturates, amphetamines, hallucinogens or other drugs having

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212 similar effects, other than with respect to lawful use of medication in accordance with a
213 prescription issued to that person;

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

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

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

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

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

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

230 a. No person filing a complaint or reporting or providing information pursuant to
231 this Chapter or assisting the Board at its request in any manner in discharging its duties and

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232 functions shall be liable in any cause of action arising out of the receipt of such information or
233 assistance, provided that the person making the complaint or reporting or providing such
234 information or assistance does so in good faith and without malice.

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

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

247 Except as provided in this Chapter, as of [180 days] after the Effective Date of this Act, whoever,
248 not being lawfully authorized to provide dog training services in the State by holding a license or
249 provisional or temporary permit under this Act or as otherwise permitted by rules and regulations
250 adopted by the Board, holds themselves out in this State as a dog trainer or provides or attempts
251 to provide dog training services in this State, or whoever provides dog training services under a
252 false or assumed name or under a name other than those by which the individual is authorized by
253 the Board to practice, or whoever impersonates another dog trainer, or whoever practices or
254 attempts to practice any fraud in connection with the filing of an application for a dog training

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255 license or provisional or temporary permit, shall be subject to the jurisdiction of the Board and
256 shall be punished by a civil fine of not less than [two hundred] nor more than [three thousand]
257 dollars. Violations involving any fraudulent act or practice in relation to a consumer or the State
258 will constitute an offense under [the State's unfair and deceptive acts and practices statute]. In
259 such matters and any matter involving animal cruelty or neglect, the Board shall, in addition to
260 any discipline it imposes, report such matters to the proper authorities for criminal prosecution
261 under any applicable criminal statute. A person rendering dog training services in violation of
262 this Section shall recover no compensation for those services, and a court may order a person
263 convicted of an offense under this Section to pay restitution to persons who incurred damages as
264 a result of the convicted individual's offense.

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