

# Model Legislation on Licensure of Dog Trainers

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

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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 Standards of Practice and Code of Ethics as developed by the Certification Council for Professional Dog Trainers (“CCPDT”), and (iii) require 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

*(Updated 2/6/2025)*

22 programs that meet minimum education requirements for Approved Certification Programs.

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

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

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

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

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

41 “Good professional moral character” means the person has not abused a position of  
42 trust or engaged in fraud or engaged in conduct that poses a substantial risk to the health or

*(Updated 2/6/2025)*

43 safety of the public or of animals under the person’s care or supervision, or that the person has  
44 demonstrated sufficient evidence of rehabilitation commensurate with the seriousness of the  
45 person’s past misconduct, as determined by the Board.

46 “Industry recognized standards” means the Standards of Practice and Code of Ethics  
47 as developed by CCPDT.

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

*(Updated 2/6/2025)*

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

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

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

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

*(Updated 2/6/2025)*

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

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

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

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

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

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

105 k. develop and adopt its budget; and

*(Updated 2/6/2025)*

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

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

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

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

125           a.    be at least 18 years of age;

126           b.    be of good professional moral character, as defined in this Chapter; and

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127 c. either:

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

131 (2) to be issued an initial license prior to [TARGET DATE FOR TRANSITIONAL  
132 PERIOD FOR INITIAL LICENSURE], submit proof satisfactory to the Board no later than  
133 [180] days after the date procedures are established by the Board for applying for licensure under  
134 this Act that the applicant has engaged in the practice of dog training in this State continuously  
135 for at least one year prior to the effective date of this Act, and that the applicant agrees to abide  
136 by policies adopted by the Board that are equivalent to or more restrictive of aversive practices  
137 than the industry recognized standards.

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

*(Updated 2/6/2025)*

148 be eligible for a provisional dog trainer permit under this Act, an applicant shall fulfill the  
149 following requirements:

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 industry recognized standards.

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.



*(Updated 2/6/2025)*

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,  
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

*(Updated 2/6/2025)*

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.

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

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

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 industry recognized standards or  
220 standards equivalent to or more restrictive of aversive practices that have been adopted by the  
221 Board through policy or rulemaking;

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

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

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

227 a. No person filing a complaint or reporting or providing information pursuant to  
228 this Chapter or assisting the Board at its request in any manner in discharging its duties and  
229 functions shall be liable in any cause of action arising out of the receipt of such information or

*(Updated 2/6/2025)*

230 assistance, provided that the person making the complaint or reporting or providing such  
231 information or assistance does so in good faith and without malice.

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

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

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

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

262 SECTION 15. *Effective Date.* This Act shall take effect on [\_\_\_\_\_].