

**BILL ANALYSIS – SB 969**

**VETERINARY MEDICAL BOARD BILL NO: AB 969**  
**AUTHOR: Vasquez**  
**VERSION: As amended on 4/09/12**

Analysis by: Susan M. Geranen, Executive Officer FISCAL: yes  
Date: 4/10/2012

**SUBJECT:** Regulation of Pet Groomers

**DESCRIPTION:** This bill would create the California Pet Grooming Council under the authority of the Veterinary Medical Board, but apparently, with independent authority to regulate pet groomers and pet bathers. It would require any person engaged in pet grooming or bathing to be certified and regulated by the Council.

**ANALYSIS:** Existing law provides for the licensure and regulation of veterinarians and registered veterinary technicians by the Veterinary Medical Board.

This bill would establish the requirements necessary to obtain a certification as a pet groomer or bather and set forth the duties and obligations of a certified pet groomer or bather. The bill would set forth the duties of the Council with regard to the regulation of pet groomers/bathers and require the Council to adopt a fee schedule that would apply to certified persons and pet grooming schools. The bill would set forth standards for discipline and authorize the Council to impose administrative penalties for a violation of these provisions. The bill would provide that any violation of these provisions is a crime, thereby imposing a state-mandated local program.

**COMMENTS:**

1. Purpose of the bill. The author introduced this bill at the request of a private citizen concerned about injuries sustained by animals during the grooming process. The purpose is to mandate training and standards for groomers and grooming facilities with the intent that this will reduce the injuries suffered by animals at such facilities.

2. Overview of Issues: This bill would require any person engaged in pet grooming to be certified and regulated by the California Pet Grooming Council (CPGC). The program(s) outlined in the bill raise many questions about implementation, identification of stakeholders and the need for regulation.

The professions that are regulated in California are ones in which a “reasonable” person would not be able to determine whether or not a procedure or process was being performed or applied appropriately. So the question arises as to whether the profession of “pet grooming” is one in which a reasonable person cannot determine whether it was being done correctly or are there processes being utilized that may be hazardous to the pet or the consumer that are unknown to the reasonable consumer?

**Questions/issues that surface in creating this new license category include:**

1. Is there a need for this law – what is the problem(s) that will need to be addressed through state regulation?
2. Who are the stakeholders? How many groomers or grooming facilities are there in California? How do you identify them?
3. Are there any standards currently? Any association(s) or certification or training programs that exist today?
4. Was there a sunrise questionnaire completed?

### Issues in the bill language:

1. Section 4918.1 - establishes the CPGC and the entities that have authority to select members to the Council. It does not; however, state who makes the final determination as to the council members and it does not list any requirements for the individual members to be appointed. Subsection (b)(1)(B) names a pet specialty retailer with annual sales exceeding one hundred fifty million dollars, but does not state how that threshold is to be determined or who reviews such criteria. There is also no mention of how council members are to be reimbursed for time spent on the duties of a council member or expenses.
2. 4918.2 - requires applicants to complete requirements at an "approved school" but does not define school approval criteria. It also mandates a test – appears to be the same test for groomers as for bathers. Since there is no exam currently it would take a minimum of 12-18 months after the effective date of the language (1/1/13) to develop and validate a state licensing exam. Costs to validate a state test are an average of \$85,000 to \$120,000 per exam. Also, what is the scope of exam – bathing, brushing, clipping and styling? What skills are we testing for? It mandates insurance prior to certification – might be difficult for applicant and might be difficult for council to determine appropriate insurance levels.
3. 4918.3 - gives the Council discretionary (may) authority to discipline and lists the penalties, but does not specify the violations that would trigger such discipline (see 4819.5).
4. 4918.4 - requires disclosure of home and work addresses – not clear on the purpose of such a requirement.
5. 4918.5 - lists violations that would trigger discipline.
6. 4918.7 - (a) outlines provisions for certification for persons applying on or before 1/1/13; however, this bill would not be effective until 1/1/13; therefore, that provision would apply to zero persons thus nullifying the provision for a conditional certificate.
7. 4918.11 - establishes an "unfair business practice" – but does not clarify it as a violation.
8. 4818.12 - requires specific cage requirements that may have a financial impact on small businesses. It also requires that the grooming facility maintain sanitary conditions at all times, but it does not define the particular criteria necessary to meet that requirement.
9. Sec. 4919.7 – requires a two-part exam – most licensing entities are moving away from the hands-on practical because of the cost and logistics of finding people do be subject matter experts. Maybe instead of a hands-on exam it could be a written exam and then a period of internship where the new licensee is issued a temporary license for maybe 3-6 months so they work under supervision for a period of time and then obtain a full license.
10. 4921.7 - Also, having the licenses expires in the month issued could be chaotic – the facility license would need to be a set date either annually or biannually. The individual license should be on a birthdate renewal cycle. Saying the renewal is effective on date paid is inconsistent with how other licenses are issues and could be in conflict with how the DCA data base is configured.
11. 4923.3 – requires annual inspections. A registration fee for the facility could be established as a way to fund the inspections and staff time necessary to oversee the program. For example, the current fee for veterinary premises is \$200 annually. This funds the Board's inspection program for approximately 3,000 facilities in the state and we are only able to do about 10% a year or about 300 inspections.

If pet grooming facilities are to be inspected annually and if we estimate that there are 2,000 facilities in California at a cost of approximately \$225 per inspection that cost is \$450,000 annually for inspections. The Board currently assigns approximately 100 inspections a year each to five (5) part time inspectors. If grooming inspectors were full time and were assigned maybe 200 inspections a year, 10 inspectors would be required. Utilizing state employee inspectors would increase the overall cost for such inspections. This is not counting complaint-related inspections where the inspector goes out with an investigator to check out allegations of violations.

The registration fee would also have to cover funding for enforcement – what if the facility is really bad – a threat to public health and safety? We would need to take action to correct the problems or shut down the facility – that requires board staff to process and it requires funding because the case would be handled by the Office of the Attorney General and the Office of Administrative law, just like the Board's other cases.

So it is not a direct ratio of money collected to the cost of an inspection - a portion of the facility fee would need to be applied to enforcement costs. It would be a revenue stream, but only to cover the program costs. So, since the bill is proposing to do more than double what the Board is currently doing with veterinary premise inspections, I would estimate that the registration fee for a grooming facility would need to be a minimum of \$300 to \$400 each year to come close to the funding needed for program costs and inspections.

The provisions that allowed for consumer complaints about services appears to have been deleted and there is no scope of the regulated services – would bad haircuts be included in the jurisdiction of complaint review or would it just be sanitary conditions and harm to an animal? What is the authority for review of consumer complaints?

This is a new certification category that would require people who have never been licensed by the state to be informed about the new law, would need to help develop criteria for the exam and the inspections and would create a huge enforcement workload for the state. Implementing these provisions in under three years would be next to impossible.

When the registered veterinary technician profession was created, there was almost two years of discussion and then a three-year grandfather clause to bring people into the new profession who had been doing the work in veterinary hospitals for 3-5 years or more just to get started while all the regulations and criteria was being developed. There needs to be some consideration of the logistics of implementation and some type of provisions like that in this bill. If the general authority is in the bill and then the specifics defined are to be defined in regulations, then that adds approximately a year to two years to the process.