

AMENDED IN SENATE APRIL 9, 2012

**SENATE BILL**

**No. 969**

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**Introduced by Senator Vargas**

January 17, 2012

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An act to add Article 7 (commencing with Section 4918) to Chapter 11 of Division 2 of the Business and Professions Code, relating to pet grooming.

LEGISLATIVE COUNSEL'S DIGEST

SB 969, as amended, Vargas. Pet groomers.

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

This bill would *create the California Pet Grooming Council and would* require any person engaged in pet grooming to be ~~licensed~~ *certified* and regulated by the ~~Veterinary Medical Board~~ *council*. The bill would establish the requirements necessary to obtain a ~~license~~ *certificate* as a pet groomer *or a pet bather and brusher* and set forth the duties and obligations of a ~~licensee~~ *as a certified* pet groomer *or a pet bather and brusher*, as specified. The bill would set forth the duties of the ~~board~~ *council* with regard to the regulation of pet groomers *and pet bathers and brushers* and require the board to adopt a fee schedule that would apply to ~~licensees~~ *certificate holders* and pet grooming schools. The bill would set forth standards for discipline and authorize the ~~board~~ *council* to impose administrative penalties for a violation of these provisions. The bill would provide that a violation of these provisions is a crime, thereby imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Article 7 (commencing with Section 4918) is  
2 added to Chapter 11 of Division 2 of the Business and Professions  
3 Code, to read:

4  
5 Article 7. Pet Groomers  
6

7 4918. The following definitions shall apply for purposes of  
8 this article:

9 (a) ~~“Board”~~ “*Council*” means the ~~Veterinary Medical Board~~  
10 *California Pet Grooming Council*.

11 (b) “Pet” means any animal placed in the care of a pet groomer  
12 for grooming or styling.

13 (c) “Pet groomer” means an individual, licensed as a pet  
14 groomer, who bathes, brushes, clips, or styles a pet for  
15 compensation.

16 (d) “Pet grooming” means the act of bathing, brushing, clipping,  
17 or styling a pet.

18 (e) “Pet grooming facility” means a commercial establishment  
19 where a pet may be bathed, brushed, clipped, or styled.

20 4918.1. (a) *The California Pet Grooming Council shall be*  
21 *created and shall have the responsibilities and duties set forth in*  
22 *this article. The council may take any reasonable actions to carry*  
23 *out the responsibilities and duties set forth in this article, including,*  
24 *but not limited to, hiring staff and entering into contracts.*

25 (b) (1) *The council shall be composed of the following members:*

26 (A) *Two members from Society for the Prevention of Cruelty to*  
27 *Animals (SPCA) associations, one from northern California, and*  
28 *one from southern California, unless that entity chooses not to*  
29 *exercise this right of selection.*

30 (B) *One member selected by each state or nationwide pet*  
31 *specialty retailer that provides pet grooming services, with gross*  
32 *annual sales exceeding one hundred fifty million dollars*

1 (\$150,000,000), unless the entity chooses not to exercise this right  
2 of selection.

3 (C) One member selected by the State Humane Association of  
4 California, unless that entity chooses not to exercise this right of  
5 selection.

6 (D) One member selected by the Director of Consumer Affairs,  
7 unless he or she chooses not to exercise this right of selection.

8 (E) One member selected by the Veterinary Medical Board,  
9 unless that entity chooses not to exercise this right of selection.

10 (F) One member selected by the California Animal Control  
11 Directors Association, unless that entity chooses not to exercise  
12 this right of selection.

13 (G) One member selected by the National Dog Groomers  
14 Association of America, Inc., unless that entity chooses not to  
15 exercise this right of selection.

16 (H) Two members selected by the State Bar of California, who  
17 have animal law experience and who have been nominated by a  
18 fellow animal law attorney, unless that entity chooses not to  
19 exercise the right of selection.

20 (2) The council's bylaws shall establish a process for appointing  
21 other professional members as determined by the council.

22 (3) The initial members of the council shall establish the council,  
23 initiate the request for tax-exempt status from the Internal Revenue  
24 Service, and solicit input from the pet grooming community  
25 concerning the operations of the council. The initial members of  
26 the council, in their discretion, may immediately undertake to issue  
27 the certificates authorized by this article after adopting the  
28 necessary bylaws or other rules, or may establish by adoption of  
29 bylaws the permanent governing structure prior to issuing  
30 certificates.

31 (c) The council shall establish fees reasonably related to the  
32 cost of providing services and carrying out its ongoing  
33 responsibilities and duties. Initial and renewal fees shall be  
34 established by the council annually.

35 (d) The meetings of the council shall be subject to the rules of  
36 the Bagley-Keene Open Meeting Act (Article 9 (commencing with  
37 Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of  
38 the Government Code).

39 4918.2. (a) The council shall issue a certificate under this  
40 article to an applicant who satisfies the requirements of this article.

1 (b) In order to obtain certification as a pet groomer, an  
2 applicant shall submit a written application and provide the council  
3 with satisfactory evidence that he or she meets all of the following  
4 requirements:

5 (1) The applicant is 18 years of age or older.

6 (2) The applicant has successfully completed, at an approved  
7 school, a curriculum in pet grooming and related subjects, totaling  
8 a minimum of 300 hours, that incorporates appropriate school  
9 assessment of student knowledge and skills and that provides a  
10 minimum of 1,000 hours of hands-on experience in pet grooming;  
11 or has a minimum of 1,000 hours of hands-on experience in pet  
12 grooming and successfully passes a pet grooming certification test  
13 established by the council.

14 (3) All fees required by the council have been paid.

15 (c) The council shall issue a certificate to an applicant who  
16 meets the qualifications of this article and who holds a current  
17 and valid registration, certification, or license from any other state  
18 whose licensure requirements meet or exceed those defined within  
19 this article. The council shall have discretion to give credit for  
20 comparable academic work completed by an applicant in a  
21 program outside of California.

22 (d) An applicant applying for a pet bather and brusher  
23 certificate shall file with the council a written application provided  
24 by the council, showing to the satisfaction of the council that he  
25 or she meets both of the following requirements:

26 (1) The applicant is 18 years of age or older.

27 (2) Any of the following:

28 (A) The applicant has successfully completed, at an approved  
29 school, curriculum in pet grooming and related subjects, totaling  
30 a minimum of 300 hours, that incorporates appropriate school  
31 assessment of student knowledge and skills.

32 (B) The applicant has a minimum of 300 hours of training under  
33 the supervision of a certified pet groomer.

34 (C) The applicant has successfully completed a pet grooming  
35 certification test established by the council.

36 (e) Prior to the issuance of a certificate by the council, every  
37 applicant shall provide proof that he or she is insured against  
38 negligent acts associated with his or her activity as a pet groomer.

39 (f) Any certification issued under this article shall be subject to  
40 renewal every two years in a manner prescribed by the council,

1 *and shall expire unless renewed in that manner. The council may*  
2 *provide for the late renewal of a license.*

3 *4918.3. (a) The council may discipline a certificate holder by*  
4 *any, or a combination, of the following methods:*

5 *(1) Placing the certificate holder on probation.*

6 *(2) Suspending the certificate and the rights conferred by this*  
7 *article on a certificate holder for a period not to exceed one year.*

8 *(3) Revoking the certificate.*

9 *(4) Suspending or staying the disciplinary order, or portions of*  
10 *it, with or without conditions.*

11 *(5) Taking other action as the council, as authorized by this*  
12 *article or its bylaws, deems proper.*

13 *(b) The council may issue an initial certificate on probation,*  
14 *with specific terms and conditions, to any applicant.*

15 *(c) (1) Notwithstanding any other law, if the council receives*  
16 *notice that a certificate holder has been arrested and charges have*  
17 *been filed by the appropriate prosecuting agency against the*  
18 *certificate holder alleging a violation of subdivision (b) of Section*  
19 *597 of the Penal Code or any requirement of Section 4918.12, the*  
20 *council shall take all of the following actions:*

21 *(A) Immediately suspend, on an interim basis, the certificate of*  
22 *that certificate holder.*

23 *(B) Notify the certificate holder within 10 days at the address*  
24 *last filed with the council that the certificate has been suspended,*  
25 *and the reason for the suspension.*

26 *(C) Notify any business within 10 days that the council has in*  
27 *its records as employing the certificate holder that the certificate*  
28 *has been suspended.*

29 *(2) Upon notice to the council that the charges described in*  
30 *paragraph (1) have resulted in a conviction, the suspended*  
31 *certificate shall become subject to permanent revocation. The*  
32 *council shall provide notice to the certificate holder within 10 days*  
33 *that it has evidence of a valid record of conviction and that the*  
34 *certificate will be revoked unless the certificate holder provides*  
35 *evidence within 15 days that the conviction is either invalid or that*  
36 *the information is otherwise erroneous.*

37 *(3) Upon notice that the charges have resulted in an acquittal,*  
38 *or have otherwise been dismissed prior to conviction, the certificate*  
39 *shall be immediately reinstated and the certificate holder and any*

1 *business that received notice pursuant to subparagraph (C) of*  
2 *paragraph (1) shall be notified of the reinstatement within 10 days.*

3 4918.4. (a) *Upon the request of any law enforcement agency,*  
4 *the council shall provide information concerning a certificate*  
5 *holder, including, but not limited to, the current status of the*  
6 *certificate, any history of disciplinary actions taken against the*  
7 *certificate holder, the home and work addresses of the certificate*  
8 *holder, and any other information in the council's possession that*  
9 *is necessary to verify facts relevant to an investigation being*  
10 *conducted by a law enforcement agency.*

11 (b) *The council shall accept information provided by any law*  
12 *enforcement agency or any other representative of a local*  
13 *government agency. The council shall have the responsibility to*  
14 *review any information received and to take any actions authorized*  
15 *by this article that are warranted by that information.*

16 4918.5. *It is a violation of this article for a certificate holder*  
17 *to commit, and the council may deny an application for a certificate*  
18 *or discipline a certificate holder for committing, any of the*  
19 *following:*

20 (a) *Unprofessional conduct, including, but not limited to, denial*  
21 *of licensure, revocation, suspension, restriction, or any other*  
22 *disciplinary action against a certificate holder by another state*  
23 *or territory of the United States, by any other government agency,*  
24 *or by another professional licensing board established under this*  
25 *division. A certified copy of the decision, order, or judgment shall*  
26 *be conclusive evidence of these actions.*

27 (b) *Procuring a certificate by fraud, misrepresentation, or*  
28 *mistake.*

29 (c) *Violating or attempting to violate, directly or indirectly, or*  
30 *assisting in or abetting the violation of, or conspiring to violate,*  
31 *any provision or term of this article or any rule or bylaw adopted*  
32 *by the council.*

33 (d) *Conviction of any felony, or conviction of a misdemeanor*  
34 *that is substantially related to Section 597 of the Penal Code, in*  
35 *which event the record of the conviction shall be conclusive*  
36 *evidence of the crime.*

37 (e) *Impersonating an applicant or acting as a proxy for an*  
38 *applicant in any examination referred to under this article for the*  
39 *issuance of a certificate.*

1 (f) *Committing any fraudulent, dishonest, or corrupt act that is*  
2 *substantially related to the qualifications or duties of a certificate*  
3 *holder.*

4 4918.6. (a) *No certificate holder or certificate applicant may*  
5 *be disciplined or denied a certificate pursuant to Section 4918.5*  
6 *except according to procedures satisfying the requirements of this*  
7 *section. A denial or discipline not in accord with this section or*  
8 *subdivision (c) of Section 4918.3 shall be void and without effect.*

9 (b) *Any denial of a certificate to an applicant or any discipline*  
10 *imposed on a certificate holder shall be done in good faith and in*  
11 *a fair and reasonable manner. Any procedure that conforms to*  
12 *the requirements of subdivision (c) is fair and reasonable, but a*  
13 *court may also find other procedures to be fair and reasonable*  
14 *when the full circumstances of the certificate denial or certificate*  
15 *holder discipline are considered.*

16 (c) *A procedure is fair and reasonable when the procedures in*  
17 *subdivision (c) of Section 4918.3 are followed, or if all of the*  
18 *following apply:*

19 (1) *The procedure has been set forth in the articles or bylaws,*  
20 *or copies of the procedure are sent annually to all the members*  
21 *as required by the articles or bylaws.*

22 (2) *The procedure provides for the giving of 15 days' prior*  
23 *notice of the denial or discipline and the reasons therefor.*

24 (3) *The procedure provides an opportunity for the certificate*  
25 *applicant or certificate holder to be heard, orally or in writing,*  
26 *not less than five days before the effective date of the denial or*  
27 *discipline by a person or body authorized to decide that the*  
28 *proposed denial or discipline not take place.*

29 (d) *Any notice required under this section may be given by any*  
30 *method reasonably calculated to provide actual notice. Any notice*  
31 *given by mail must be given by first-class or certified mail sent to*  
32 *the last address of the certificate applicant or certificate holder*  
33 *shown on the council's records.*

34 (e) *Any action challenging a certificate denial or certificate*  
35 *holder discipline, including any claim alleging defective notice,*  
36 *shall be commenced within one year after the date of the certificate*  
37 *denial or certificate holder discipline. If the action is successful,*  
38 *the court may order any relief, including reinstatement, that it*  
39 *finds equitable under the circumstances.*

1 (f) *This section governs only the procedures for certificate denial*  
2 *or certificate holder discipline and not the substantive grounds*  
3 *therefor. A certificate denial or certificate holder discipline based*  
4 *upon substantive grounds that violates contractual or other rights*  
5 *of the member or is otherwise unlawful is not made valid by*  
6 *compliance with this section.*

7 (g) *The council shall be sued only in the venue of its principal*  
8 *office.*

9 4918.7. *It shall be the responsibility of any certificate holder*  
10 *to notify the council of his or her home address, as well as the*  
11 *address of any business establishment where he or she regularly*  
12 *works as a pet groomer or pet bather and brusher, whether as an*  
13 *employee or as an independent contractor. A certificate holder*  
14 *shall notify the council within 30 days of changing either his or*  
15 *her home address or the address of the business establishment*  
16 *where he or she regularly works as a pet groomer or pet bather*  
17 *and brusher.*

18 4918.8. *A certificate holder shall include the name under which*  
19 *he or she is certified and his or her certificate number in any and*  
20 *all advertising and shall display his or her certificate at his or her*  
21 *place of business.*

22 4918.9. (a) *Notwithstanding Section 4918.2, the council may*  
23 *grant a pet groomer or a pet bather and brusher certificate to any*  
24 *person who applies on or before January 1, 2013, with one of the*  
25 *following:*

26 (1) *A current valid pet grooming permit or license from a*  
27 *California city, county, or city and county and documentation*  
28 *evidencing that the person has provided at least 500 hours of pet*  
29 *grooming services to members of the public for compensation.*

30 (2) *Documentation evidencing that the person has completed*  
31 *at least a 100-hour pet grooming curriculum and has provided at*  
32 *least 500 hours of pet grooming services to members of the public*  
33 *for compensation. For purposes of this subdivision, evidence of*  
34 *practice shall include either of the following:*

35 (A) *A W-2 form or employer's affidavit containing the dates of*  
36 *the applicant's employment.*

37 (B) *Tax returns indicating self-employment as a pet groomer,*  
38 *pet bather and brusher, or any other title that may demonstrate*  
39 *experience in the field of pet grooming.*

1 (b) After reviewing the information submitted under subdivision  
2 (a), the council may require additional information necessary to  
3 enable it to determine whether to issue a certificate.

4 (c) (1) A person applying for a pet groomer certificate on or  
5 before January 1, 2013, who meets the educational requirements  
6 of paragraph (2) of subdivision (a), but who has not completed  
7 the required number of practice hours prior to submitting an  
8 application pursuant to this section, may apply for a conditional  
9 certificate.

10 (2) An applicant for a conditional certificate shall, within five  
11 years of being issued the conditional certificate, be required to  
12 complete at least 30 hours of additional education per year from  
13 schools or courses described in paragraph (5) until he or she has  
14 completed a total of at least 300 hours of education, which may  
15 include hours previously completed in a pet grooming curriculum  
16 described in paragraph (2) of subdivision (a).

17 (3) Upon successful completion of the requirements of this  
18 subdivision, the council shall issue a certificate to the person that  
19 is not conditional.

20 (4) A conditional certificate issued to any person pursuant to  
21 this subdivision shall immediately be nullified, without need for  
22 further action by the council, if the time period specified in  
23 paragraph (2) expires without proof of completion of the  
24 requirements having been filed with the council.

25 (5) Any additional education required by this section may be  
26 completed through any of the following:

27 (A) An approved curriculum.

28 (B) A provider approved by, or registered with, the council or  
29 the Department of Consumer Affairs.

30 (C) A provider that establishes to the satisfaction of the council  
31 that its curriculum is an appropriate educational program for this  
32 purpose.

33 (d) Nothing in this section shall preclude the council from  
34 exercising any power or authority conferred by this article with  
35 respect to a conditional certificate holder.

36 ~~4918.3.~~

37 4918.10. Except as provided in this article, it is unlawful for  
38 any person to engage in pet grooming for compensation without  
39 a valid, unexpired ~~license~~ certificate issued by the ~~board~~ council.  
40 A person is eligible for a license as a pet groomer if he or she meets

1 ~~the eligibility requirements set forth in this article, passes the~~  
 2 ~~examination specified in Section 4919.7, and applies for licensure~~  
 3 ~~and pays the fee prescribed by the board pursuant to Section~~  
 4 ~~4920.3.~~

5 *4918.11. It is an unfair business practice for any person to*  
 6 *state or advertise or put out any sign or card or other device, or*  
 7 *to represent to the public through any print or electronic media,*  
 8 *that he or she is certified, registered, or licensed by a governmental*  
 9 *agency as a pet groomer or pet bather and brusher without meeting*  
 10 *the requirements of this article.*

11 ~~4918.5.~~

12 *4918.12. (a) The primary concern of every licensee certified*  
 13 *pet groomer or pet bather and brusher shall be the safety and*  
 14 *well-being of the pets in their his or her care.*

15 *(b) A licensee certificate holder shall comply with all of the*  
 16 *following requirements:*

17 *(1) Pets not in the grooming process shall be kept in a*  
 18 *structurally sound and clean cage. Each enclosure shall be in good*  
 19 *repair and large enough to allow each pet to make normal postural*  
 20 *adjustments, including sitting, standing, and turning around. Each*  
 21 *pet shall be caged separately, except that pets from the same*  
 22 *household may be caged together with the owner's consent.*

23 *(2) Outdoor facilities shall not be utilized in inclement weather*  
 24 *and indoor facilities shall be maintained at a healthy temperature.*

25 *(3) There shall be sufficient lighting to facilitate the cleaning*  
 26 *of pets and facilities.*

27 *(4) The pet grooming facility of the licensee shall maintain*  
 28 *sanitary conditions at all times.*

29 *(5) There shall be an adequate water supply available for*  
 30 *drinking.*

31 *(6) Pets shall not be left unattended while at a pet grooming*  
 32 *facility.*

33 ~~*(7) A drying cage shall never be used. shall meet all of the*~~  
 34 ~~*following conditions:*~~

35 ~~*(A) Contain no-heat air dryers.*~~

36 ~~*(B) Be kept clean and sanitary.*~~

37 ~~*(C) Be large enough to comfortably contain the pet.*~~

38 *(c) Every licensee certificate holder shall display a copy of his*  
 39 *or her pet groomer's licensee certificate and the telephone number*  
 40 *of the board council where the owner of the pet may make*

1 complaints regarding the services received from the ~~licensee~~  
2 *certificate holder*.

3 (d) Every ~~licensee~~ *certificate holder* shall maintain insurance  
4 against negligent acts associated with his or her activity as a pet  
5 groomer.

6 (e) Every ~~licensee~~ *certificate holder* shall keep a record for each  
7 pet receiving grooming services, which shall include all of the  
8 following:

9 (1) The first and last name of the owner of the pet.

10 (2) The address and telephone number of the owner of the pet.

11 (3) The name of the pet.

12 (4) The name of the veterinarian of the pet.

13 (5) Any allergies or special needs the pet may have, as reported  
14 by the owner of the pet.

15 ~~(5)~~

16 (6) The date or dates that the pet received grooming services.

17 ~~(6)~~

18 (7) The services that were performed, including a list of any  
19 chemicals used while performing the services and any medical  
20 conditions discovered during the performance of services.

21 ~~(7)~~

22 (8) When the pet receiving services is a dog, proof that the dog  
23 has received vaccinations against parvo, distemper, bordatella, and  
24 rabies. When the pet receiving services is a cat, proof that the cat  
25 has received a vaccination against rabies.

26 (f) Records for each pet shall be maintained for two years and  
27 shall be available for inspection by the ~~board~~ *council* or the ~~board's~~  
28 *council's* authorized agents during regular business hours.

29 ~~4918.7.~~

30 ~~4918.13.~~ The ~~board~~ *council* shall approve all schools or  
31 institutions offering a curriculum for training pet groomers.  
32 Application forms for schools requesting approval shall be  
33 furnished by the ~~board~~ *council*. Approval by the ~~board~~ *council*  
34 shall be for a two-year period. Reapplication for approval by the  
35 ~~board~~ *council* shall be made at the end of the two-year period.

36 4919. (a) Students engaged in performing grooming services  
37 while enrolled in a school approved by the ~~board~~ *council* shall not  
38 be required to be ~~licensed~~ *certified* under this article if they perform  
39 those services under appropriate supervision at the approved school  
40 in which they are enrolled.

1 (b) Individuals engaged in performing grooming services while  
2 not enrolled in a school approved by the ~~board~~ *council* shall not  
3 be required to be ~~licensed~~ *certified* under this article if they perform  
4 those services under the direct supervision of a ~~licensed~~ *certified*  
5 pet groomer and while in training for the pet groomer's ~~licensing~~  
6 examination.

7 ~~4919.3. The board shall admit to examination for a license as~~  
8 ~~a pet groomer any person who has made application to the board~~  
9 ~~in proper form, paid the fee required by this chapter, and is~~  
10 ~~qualified as follows:~~

11 (a) ~~Is not less than 18 years of age.~~

12 (b) ~~Has completed the 10th grade in the public schools of this~~  
13 ~~state or its equivalent.~~

14 (c) ~~Is not subject to denial pursuant to Section 480.~~

15 4919.5. (a) Every application for admission to examination  
16 and ~~license~~ *certification* shall be in writing, on forms prepared  
17 and furnished by the ~~board~~ *council*.

18 (b) Each application shall be accompanied by the required fee,  
19 and shall contain proof of the qualifications of the applicant for  
20 examination and ~~license~~ *certification*. It shall be verified by the  
21 oath of the applicant. Every applicant shall, as a condition of  
22 admittance to the examination facility, present satisfactory proof  
23 of identification. Satisfactory proof of identification shall be in the  
24 form of a valid, unexpired driver's license or identification card,  
25 containing the photograph of the person to whom it was issued,  
26 issued by any state, federal, or other government entity.

27 4919.7. (a) The examination of applicants for ~~a license~~  
28 *certification* shall include both a practical demonstration and a  
29 written test and shall embrace the subjects typically taught in a  
30 program approved by the ~~board~~ *council*.

31 (b) The examination shall not be confined to any particular  
32 system or method. It shall be consistent in both practical and  
33 technical requirements, and of sufficient thoroughness to satisfy  
34 the board as to the applicant's skill in, and knowledge of, the  
35 practice of the occupation for which a ~~license~~ *certificate* is sought.

36 (c) The scope of examinations shall be consistent with the  
37 definition of the activities licensed under this ~~chapter~~ *article*, and  
38 shall be as the ~~board~~ *council*, by regulation, may require to protect  
39 the health and safety of consumers of the services provided by  
40 ~~licensees~~ *certificate holders*.

1 (d) The ~~board's~~ *council's* examinations shall be limited to  
2 job-related questions, activities, and practical services. The  
3 examinations may include other demonstrations and tests as the  
4 ~~board~~ *council*, in its discretion, may require.

5 4920. All examinations shall be prepared by or under the  
6 direction of the ~~board~~ *council*. The ~~board~~ *council* shall establish  
7 standards and procedures governing administration and grading  
8 and shall exercise supervision as may be necessary to ensure  
9 compliance therewith.

10 ~~4920.3. (a) Licenses shall be issued by the board to any~~  
11 ~~applicant who satisfactorily passes an examination, who possesses~~  
12 ~~the other qualifications required by law, and who has remitted the~~  
13 ~~license fee required by this article. The license shall entitle the~~  
14 ~~holder to engage in the practice of pet grooming. The license shall~~  
15 ~~be issued by the board on the same day that the applicant~~  
16 ~~satisfactorily passes the examination.~~

17 ~~(b) Prior to issuance of a license by the board, every applicant~~  
18 ~~shall provide proof that the applicant is insured against negligent~~  
19 ~~acts associated with their activity as a pet groomer.~~

20 4920.5. Any person who fails the pet groomer's ~~licensing~~  
21 ~~certification~~ examination may be eligible to retake the examination  
22 upon compliance with the provisions of this article.

23 4920.7. The ~~board~~ *council* may contract or otherwise arrange  
24 for reasonably required physical accommodations and facilities to  
25 conduct examinations.

26 4921. The form and content of a ~~license~~ *certificate* issued by  
27 the ~~board~~ *council* shall be determined by the ~~board~~ *council*.

28 4921.3. The ~~board~~ *council* shall create a record of those ~~licensed~~  
29 ~~certified~~ pursuant to this article. The record shall include a  
30 ~~licensee's~~ *certificate holder's* first and last name, license number,  
31 and a record of any disciplinary action taken against the licensee,  
32 including the suspension or revocation of the ~~licensee's~~ *certificate*  
33 ~~holder's~~ pet grooming ~~license~~ *certification*.

34 ~~4921.5. (a) Notwithstanding any other provision of law, the~~  
35 ~~board may revoke, suspend, or deny at any time any license~~  
36 ~~required by this article on any of the grounds for disciplinary action~~  
37 ~~provided in this section. The proceedings under this section shall~~  
38 ~~be conducted in accordance with Chapter 5 (commencing with~~  
39 ~~Section 11500) of Part 1 of Division 3 of Title 2 of the Government~~  
40 ~~Code, and the board shall have all the powers granted therein.~~

1 ~~(b) The grounds for disciplinary action are as follows:~~

2 ~~(1) Conviction of any crime substantially related to the~~  
3 ~~qualifications, functions, or duties of the license holder, including,~~  
4 ~~but not limited to, any provision of law relating to the humane~~  
5 ~~treatment of animals, in which case, the records of conviction or~~  
6 ~~a certified copy shall be conclusive evidence thereof.~~

7 ~~(2) Failure to comply with the requirements of this article.~~

8 ~~(3) Failure to comply with the rules adopted by the board for~~  
9 ~~the regulation of the practice licensed and regulated under this~~  
10 ~~article.~~

11 ~~(4) Failure to display the license in a conspicuous place.~~

12 ~~(5) The making of any false statement as to a material matter~~  
13 ~~in any application to the board.~~

14 ~~(6) Refusal to permit or interference with an inspection~~  
15 ~~authorized under this article.~~

16 4921.7. Licenses ~~Certificates~~ issued under this article, unless  
17 specifically excepted, shall be issued for a two-year period and  
18 shall expire at midnight on the last day of the month of issuance  
19 by the ~~board~~ *council*.

20 4922. Except as otherwise provided in this article, a ~~license~~  
21 ~~certificate~~ that has expired for failure of the ~~licensee~~ *certificate*  
22 *holder* to renew within the time fixed by this article may be  
23 renewed at any time within five years following its expiration upon  
24 application and payment of all accrued and unpaid renewal fees,  
25 delinquency fees, and fines. Renewal under this section shall be  
26 effective on the date on which the application is filed, or on the  
27 date on which the accrued renewal fees, delinquency fee, or fines  
28 are paid, if any, whichever occurs last. If so renewed, the ~~license~~  
29 ~~certificate~~ shall continue in effect through the expiration date  
30 provided in this article which next occurs following the effective  
31 date of the renewal, when it shall expire if it is not again renewed.

32 4922.3. Except as otherwise provided in this article, a ~~license~~  
33 ~~certificate~~ which has not been renewed within five years following  
34 its expiration shall be deemed canceled and may not be renewed,  
35 restored, reinstated, or reissued thereafter. The holder of the  
36 canceled ~~license~~ *certificate* may obtain a new ~~license~~ *certificate*  
37 only by submitting an application, paying all required fees, and  
38 qualifying for and passing the examination that would be required  
39 if the holder were applying for the ~~license~~ *certificate* for the first  
40 time.

1 4922.5. A suspended ~~license~~ *certificate* is subject to expiration  
2 and shall be renewed by the ~~licensee~~ *certificate holder* as provided  
3 in this article, but that renewal does not entitle the ~~licensee~~  
4 *certificate holder*, while the ~~license~~ *certificate* remains suspended  
5 and before it is reinstated, to engage in the ~~licensed~~ *pet grooming*  
6 activity, or in any other activity or conduct in violation of the order  
7 or judgment by which the ~~license~~ *certificate* was suspended.

8 4922.7. A revoked ~~license~~ *certificate* is subject to expiration  
9 as provided in this article, but may not be renewed. If it is reinstated  
10 pursuant to an administrative or court proceeding after its  
11 expiration, the ~~licensee~~ *certificate holder*, as a condition precedent  
12 to its reinstatement, shall pay a reinstatement fee in an amount  
13 established by the ~~board~~ *council* pursuant to Section 4923.

14 4923. (a) The ~~board~~ *council* shall establish by regulation a  
15 schedule of fees payable under this article, including, but not  
16 limited to, all of the following:

- 17 (1) Application and examination fees.
- 18 (2) Initial ~~license~~ *certification* fees.
- 19 (3) Renewal fees.
- 20 (4) Reinstatement fees.
- 21 (5) Delinquency fees.
- 22 (6) Duplicate ~~license~~ *certificate* fees.
- 23 (7) Application fee for approval of a school or institution  
24 offering a curriculum for training pet groomers.
- 25 (8) *Processing fee, not to exceed twenty dollars (\$20) to cover*  
26 *the costs of processing the application and certificate.*

27 (b) No fee established pursuant to subdivision (a) shall be greater  
28 than three hundred fifty dollars (\$350) and shall not be in excess  
29 of the costs to the ~~board~~ *council* of administering that fee.

30 (c) The ~~board~~ *council* shall establish by regulation a fee for  
31 filing an application for approval of a school or institution offering  
32 a curriculum for training ~~licensed~~ *certified* pet groomers pursuant  
33 to Section ~~4918.7~~ *4918.13* of not more than three hundred fifty  
34 dollars (\$350). The ~~school or institution~~ *provider* shall also pay  
35 for the actual costs of an onsite inspection conducted by the ~~board~~  
36 *council* pursuant to Section 2065.6 of Title 16 of the California  
37 Code of Regulations, including, but not limited to, the travel, food,  
38 and lodging expenses incurred by an inspection team sent by the  
39 board.

1 (d) All moneys collected under this article shall be deposited  
2 in a separate account in the Veterinary Medical Board Contingent  
3 Fund and shall be used for the purposes of this article, subject to  
4 appropriation by the Legislature.

5 4923.3. (a) The ~~board council~~ or ~~their~~ *its* authorized agents  
6 shall make annual inspections of pet grooming facilities to ensure  
7 licensees' compliance with this article.

8 (b) Authority to conduct the inspections authorized by this  
9 section may be delegated by the ~~board council~~ to a county animal  
10 control board, subject to the county animal control board's  
11 acceptance of the delegation.

12 (c) Prior to performing an inspection authorized by this section,  
13 an inspector shall receive training as to the provisions of this article  
14 and in the humane treatment of animals.

15 4923.5. Notwithstanding Section 4918.3, any individual  
16 engaged in pet grooming on or before December 31, ~~2011~~ 2012,  
17 may lawfully continue pet grooming without a ~~license~~ *certificate*  
18 for one year from that date, provided that within the year the  
19 individual applies for a ~~license~~ *certificate* as provided in this article.

20 4923.7. This act shall become operative on April 1, ~~2012~~ 2013.  
21 The ~~board council~~ shall, prior to that date, adopt emergency  
22 regulations concerning pet grooming. The adoption, amendment,  
23 repeal, or readoption of a regulation authorized by this section is  
24 deemed to address an emergency, for purposes of Sections 11346.1  
25 and 11349.6 of the Government Code, and the commission is  
26 hereby exempted for this purpose from the requirements of  
27 subdivision (b) of Section 11346.1 of the Government Code, but  
28 shall otherwise be subject to the review and approval of the Office  
29 of Administrative Law. Notwithstanding any other provision of  
30 law, all emergency regulations adopted by the commission pursuant  
31 to this section shall remain in effect until December 31, ~~2012~~ 2013,  
32 except to the extent that the commission exercises its power to  
33 adopt, amend, or repeal these regulations in whole or in part.

34 4924. The ~~board council~~ may impose an administrative penalty  
35 for a violation of this article in an amount of not more than one  
36 thousand dollars (\$1,000) per violation. The ~~board council~~ shall  
37 collect those penalties for deposit into the account specified in  
38 Section 4923.

39 4924.3. Any person, who violates, or aids or abets in violating,  
40 any of the provisions of this ~~chapter~~ *article* is guilty of a

1 misdemeanor and upon conviction thereof shall be punished by a  
2 fine of not less than five hundred dollars (\$500), nor more than  
3 two thousand dollars (\$2,000), or by imprisonment in a county jail  
4 for not less than 30 days nor more than one year, or by both the  
5 fine and imprisonment.

6 SEC. 2. No reimbursement is required by this act pursuant to  
7 Section 6 of Article XIII B of the California Constitution because  
8 the only costs that may be incurred by a local agency or school  
9 district will be incurred because this act creates a new crime or  
10 infraction, eliminates a crime or infraction, or changes the penalty  
11 for a crime or infraction, within the meaning of Section 17556 of  
12 the Government Code, or changes the definition of a crime within  
13 the meaning of Section 6 of Article XIII B of the California  
14 Constitution.

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