

Date of Hearing: April 19, 2022

ASSEMBLY COMMITTEE ON BUSINESS AND PROFESSIONS

Marc Berman, Chair

AB 1901 (Nazarian) – As Amended March 24, 2022

SUBJECT: Dog training services and facilities: requirements.

SUMMARY: Establishes requirements for dog trainers, dog training facilities, and dog training facility operators, and requires dog trainers to disclose in writing certain information to a purchaser of dog training services, including whether the trainer is licensed or certified by an animal training organization.

EXISTING LAW:

- 1) Establishes procedures, as administered by the State Department of Public Health (CDPH), for the care and maintenance of pets boarded at a pet boarding facility, including, but not limited to, sanitation, provision of enrichment for the pet, health of the pet, and safety. (Health and Safety Code (HSC) §§ 122380 – 122388)

THIS BILL:

- 1) Applies the same standards that currently exist for pet boarding facilities to dog trainers, dog training facilities, and dog training facility operators.
- 2) Defines “dog trainer” or “trainer” as a person, firm, partnership, corporation, or other association that sells, offers, or provides dog training services on the premises of the person, firm, partnership, corporation, or other association.
- 3) Defines “dog training facility” as any lot, building, structure, enclosure, or premises, or a portion thereof, whereupon dogs are trained at the request of, and in exchange for compensation provided by, their owner; a dog training facility may be on the same premises as a dog boarding facility.
- 4) Requires a dog trainer to deliver to a purchaser of dog training services a written disclosure containing all of the following:
 - a. The trainer’s name and address.
 - b. Whether the trainer is licensed or certified by any animal training organization.
 - c. The trainer’s training techniques and whether they use negative reinforcement or shock collars.
 - d. A written training plan describing the nature and goals of the training.
 - e. A record of any injury sustained by dogs in their care.
- 5) Provides that the required written disclosure shall be signed by the trainer certifying the accuracy of the statement, and by the purchaser of the training services acknowledging receipt of the statement; however, all medical information shall be made orally.

- 6) Requires a dog trainer to maintain a written record on the health, status, and disposition of each dog trained at the training facility for a period of at least one year after the completion of training.
- 7) Prohibits a dog trainer from failing to do any of the following:
 - a. Maintain facilities where the dogs are kept or trained in a sanitary condition.
 - b. Provide dogs with adequate nutrition, when needed, and potable water.
 - c. Provide adequate space appropriate to the age, size, weight, and breed of dog.
 - d. Provide dogs with a rest board, floormat, or similar device that can be maintained in a sanitary condition.
 - e. Provide dogs with adequate socialization and exercise, as appropriate during the course of the training.
 - f. Wash hands before and after handling an infectious or contagious dog.
 - g. Provide veterinary care without delay when necessary.
- 8) Provides that each dog training facility operator shall be responsible for all of the following:
 - a. Ensuring that the entire dog training facility, including all equipment therein, is structurally sound and maintained in good repair.
 - b. Ensuring that pests do not inhabit any part of the facility in a number large enough to be harmful, threatening, or annoying to the dogs.
 - c. Ensuring the containment of dogs within the facility, and, in the event that a dog escapes, making reasonable efforts to immediately capture the escaped dog.
 - d. If an escaped dog has not been captured despite reasonable efforts, ensuring that all material facts regarding the dog's escape are reported to the local agency for animal control and to the purchaser.
 - e. Ensuring that the facility's interior building surfaces, including walls and floors, are constructed in a manner that permits them to be readily cleaned and sanitized.
 - f. Ensuring that light, by natural or artificial means, is distributed in a manner that permits routine inspection and cleaning, and the proper care and maintenance of the dogs.
 - g. Maintaining an area in the facility for isolating sick dogs from healthy dogs.
- 9) Sets minimum standards for permanent or fixed and temporary enclosures where dog training occurs.
- 10) Requires a dog training facility operator to comply with specified care requirements, including the use of training methods that will not hurt or injure a dog.

- 11) Requires a dog training facility operator to provide each purchaser with additional written information describing facility operations and schedules, and requires that any material deviations from those practices must be disclosed to the purchaser as appropriate.
- 12) Requires animal control officers to issue a single notice to correct any violations and subjects operators who violate the same provision multiple times within five years to infractions or misdemeanors.
- 13) Subjects a trainer who violates the requirements of the bill to a civil penalty of up to \$1,000 or a 30-day prohibition from training dogs, or both; for the second offense, a civil penalty of up to \$2,500 or a 90-day prohibition, or both; for a third offense, a civil penalty of up to \$5,000, or a six month prohibition or both; for a fourth and subsequent offenses, a civil penalty of up to \$10,000 or a year-long prohibition from training dogs, or both.

FISCAL EFFECT: Unknown. This bill has been keyed fiscal by Legislative Counsel.

COMMENTS:

Purpose. This bill is author-sponsored. According to the author: “For over 15,000 years, humans and canines have had a special, mutually beneficial relationship. Up to and including today, this relationship has developed and grown to the point that dogs hold an incredibly important place in our society. Due to this bond, dogs have taken a prominent role in our society. We bring dogs into our homes and families while allowing them to serve in our law enforcement and our armed forces. As a result, we owe to our canine companions to ensure when we entrust them with a dog trainer, we have ample regulations in place to protect them. By creating these regulations on dog trainers, facility operators and giving an animal control officer enforcement powers, we are giving our animals a level of protection that does not exist now.”

Background.

Over the past four years, there have been multiple reports relating to incidents of harm and death of dogs in the care of dog training facilities. All reported incidents involve a dog boarding service and overnight stays by an animal in a fixed/enclosed facility. Additionally, there have been incidents of fraud, embezzlement, and theft of animals also reported by pet owners. In Contra Costa County alone, there have been reported incidents of at least two dogs who died while under the care of dog trainers. Other trainers are accused of leaving their dogs malnourished and taking money for services never completed.

This bill is intended to address these reports of incidents involving dogs in training facilities. It would mimic requirements currently in place for pet boarding facilities. The author believes that imposing similar requirements on dog training facilities would help reduce the number of incidents where dogs are harmed during training.

Current Related Legislation. AB 1881 (Santiago): Would enact the Dog and Cat Bill of Rights and require every public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group to post a copy of the Dog and Cat Bill of Rights, subject to a civil penalty.

ARGUMENTS IN SUPPORT:

Social Compassion in Legislation writes in support of the bill: "Social Compassion in Legislation is proud to support the introduction of the Dog Trainer Disclosure Act, Assembly Bill 1901 (Nazarian). This bill will provide transparency and disclosure for dog owners who are purchasing the services of dog trainers. It would require that dog trainers offer basic but pertinent information to consumers before buying the services. For example, they must provide the trainer's name, address, certification status, techniques, dog training philosophy, and civil judgments related to the dog trainer's services. We, unfortunately, find far too many examples of dogs being harmed and injured by dog trainers who, if forced to disclose some basic information, consumers would stay away from. A lack of regulations for dog trainers is a severe issue that AB 1901 addresses by requiring simple disclosure. Although just a first step, this bill is critical for protecting dogs and dog owners."

ARGUMENTS IN OPPOSITION:

American Kennel Club writes in opposition: "The training for these events is as varied as the activities themselves. This is in addition to the thousands of organized training classes on basic obedience, dog handling and care held in every county in the state. While a few programs encompass overnight care, the vast majority are brief sessions, often lasting an hour or less, where owners and their dogs gather in a variety of venues that include community/recreation centers, schools, dog clubs, training centers, and public parks – just to name a few. Training classes are not the same as boarding kennel situations, and as such, many of the requirements in AB 1901 are not practical or appropriate. This includes requirements for food, resting mats, enrichment, and daily activity and personnel schedules. In addition, with terms such as "negative training" not being defined, it could include a humane but firm verbal command with a misbehaving dog or dog that would potentially come into harm. With so many vague and broad-reaching requirements, it is highly likely that many trainers – particularly dog clubs and community volunteers who offer low-cost dog training to the public – will simply choose to longer offer classes. Loss of affordable opportunities for the public to participate in dog training classes would be a significant and detrimental loss to the state and have a critical negative impact on public safety."

San Diego Humane Society writes in opposition: "Our chief concern with AB 1901 is its vague nature. Dog training is a complex industry and assistance to pet owners is offered in a variety of forms including board and train, private trainers, canine sport trainers, class trainers, and more. While it appears that the intent of this bill is to protect pet owners and pets from mistreatment and inhumane practices for board and train type activities, this bill will adversely impact independent dog trainers that do not have a facility or those trainers who own a facility but only offer short private sessions or group classes. This bill would require dog training facility operators, such as San Diego Humane Society to provide 'daily enrichment,' to dogs during the duration of a short one-hour class or private consultation. Training itself can be considered a form of enrichment that benefits a dog's behavior health. Furthermore, it would be unlawful for a dog trainer to fail to provide a resting board or floormat to a dog during these short session training class or private consultations. Pet owners are encouraged to provide these items themselves during these training activities, however they are not necessary for such a short duration if required to be given by the dog trainer, this will add financial burden for acquiring these items, transportation of these items, and up keep. Further, we appreciate the desire for trainers to be transparent about the techniques they will use to change the dog's behavior and

avoid any methods of training that would cause pain or injury, however, we are unsure as to why the bill singles out ‘negative reinforcement’ and ‘shock collars.’ We suspect the appropriate term you’re seeking is ‘positive punishment’ because this would mean you are adding an aversive stimulus to decrease the likelihood of a behavior, such as a shock collar. For professionals in the industry, the section is confusing and demonstrates a lack of understanding in behavior science because the application of operant conditioning principles is complex.”

POLICY ISSUE(S) FOR CONSIDERATION:

This bill attempts to align a similar standard of care to dog trainers, dog training facilities, and dog training facility operators. However, there are questions surrounding how this would help the health and safety of pet training services. There are already various environments dog trainers operate within. For example, these environments include recreation centers, schools, dog clubs, training centers, and public parks. This bill, as currently drafted, may unintentionally result in untrained or undertrained dogs that risk being surrendered. Dog training program locations are conducted in various types of structures and locations that may be owned privately (client’s home), commercially (dog training facility, mall, restaurant, hospitals, etc.) or government (parks and/or buildings) and do not all require overnight boarding. Thus, it is imperative that different dog training delivery systems be cleanly delineated and standards suitable to each be applied

This bill is including and categorizing all dog training facilities into one category, which may result in the unintentional consequences for dogs, their owners, and access to effective and financially reasonable training services for communities. While similar, dog training classes and boarding kennel facilities are distinctly different and, therefore, need clear standards within the industry.

AMENDMENTS:

- 1) To narrow the bill to only require written disclosures to purchasers of dog training, strike all of the bill’s provisions except those contained in the proposed Section 122395.2 and corresponding definitions.
- 2) To ensure safe pet training services and proper disclosure to the consumer, amend the proposed disclosure requirement so as to read:

A dog trainer shall disclose in writing certain information to a purchaser of dog training services, including:

1. *The trainer’s name and address;*
2. *Whether the trainer is licensed or certified by an animal training organization;*
3. *The trainer’s training techniques and philosophy;*
4. *A written training plan describing the nature and goals of the training;*
5. *Require a dog trainer to disclose in writing any civil judgements related to the care of an animal by their services.*

- 3) Clarify that this written disclosure made pursuant to this section shall be signed by the trainer certifying the accuracy of the statement, and by the purchaser of the training services acknowledging receipt of the statement.

REGISTERED SUPPORT:

Social Compassion in Legislation

REGISTERED OPPOSITION:

Black Brant Group Fred Harpster
California Waterfowl Association
California Houndsmen for Conservation
Cal-Ore Wetland and Waterfowl Council
California Hawking Club
Congressional Sportmen's Foundation
Four Paws to Freedom
Inland Valley Retriever
NorCal Guides Association
San Diego County Wildlife Federation
Tulare Basin Wetlands Association

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