

**ASSEMBLY, No. 5364**

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**STATE OF NEW JERSEY**

**220th LEGISLATURE**

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INTRODUCED MAY 8, 2023

**Sponsored by:**

**Assemblywoman CAROL A. MURPHY**

**District 7 (Burlington)**

**Assemblyman KEVIN J. ROONEY**

**District 40 (Bergen, Essex, Morris and Passaic)**

**SYNOPSIS**

Creates New Jersey Dog Trainer Licensure Board.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/8/2023)**

1 AN ACT concerning the regulation of dog trainers and supplementing  
2 Title 45 of the Revised Statutes.

3  
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6  
7 1. This act shall be known and may be cited as the “Dog Training  
8 Licensure Act.”

9  
10 2. As used in this act:

11 “Approved certification program” means an examination-based  
12 dog trainer certification that is accredited by the National  
13 Commission for Certifying Agencies and is approved by the licensure  
14 board established under section 2 of this act, and any other  
15 examination-based dog trainer certification programs approved by  
16 the board. An approved certification program shall (1) include  
17 minimum education or experience eligibility requirements, as  
18 defined by the board, (2) require its certified dog trainers to adhere  
19 to policies equivalent to or more restrictive of aversive practices than  
20 the Joint Standards of Practice, Professional Code of Ethics, and  
21 Least Intrusive, Minimally Aversive Effective Behavior Intervention  
22 Policy as developed by the Association of Professional Dog Trainers  
23 (“APDT”), the Certification Council for Professional Dog Trainers  
24 (“CCPDT”), and the International Association of Behavior  
25 Consultants (“IAABC”), and (3) require for maintenance of  
26 certification at least 36 continuing education meeting standards  
27 defined by the board per three-year period.

28 “Board” means the New Jersey Dog Trainer Licensure Board  
29 established under section 3 of this act.

30 “Director” means the Director of the Division of Consumer  
31 Affairs.

32 “Dog behavior consultant” means an individual who is engaged in  
33 the practice of evidence-based applied behavior analysis and  
34 behavior modification of dogs, in areas such as fear, phobias,  
35 compulsive behaviors, anxiety, or aggressive behavior, when  
36 performed for a fee, salary, or other form of financial compensation.

37 “Dog trainer” means an individual who is licensed pursuant to this  
38 act to perform dog training.

39 “Dog training” means the training or behavior modification of  
40 dogs or serving as a dog behavior consultant, when performed for a  
41 fee, salary, or other form of financial compensation, other than on an  
42 incidental basis ancillary to other services, such as dog grooming or  
43 dog walking. For purposes of this definition, dog training does not  
44 include:

45 (1) training of dogs by active military service members in  
46 connection with their military service roles, by active law  
47 enforcement in connection with K-9 training, or by incarcerated  
48 persons under the auspices of a program in a penal institution; or

1 (2) the services offered by a kennel club affiliated with or licensed  
2 or sanctioned by the American Kennel Club or the United Kennel  
3 Club if those services are offered exclusively to club members.

4 “Good professional moral character” means the individual has not  
5 abused a position of trust or engaged in fraud or in conduct that poses  
6 a substantial risk to the health or safety of the public or of animals  
7 under the person’s care or supervision, or that the individual has  
8 demonstrated sufficient evidence of rehabilitation commensurate  
9 with the seriousness of the person’s past misconduct, as determined  
10 by the board.

11 “Industry recognized standards” means the Joint Standards of  
12 Practice and Code of Ethics and Least Intrusive, Minimally Aversive  
13 Effective Behavior Intervention Policy as developed by the APDT,  
14 CCPDT, and IAABC, and effective as of January 1, 2019.

15  
16 3. There is hereby created within the Division of Consumer  
17 Affairs in the Department of Law and Public Safety the New Jersey  
18 Dog Trainer Licensure Board. The board shall consist of nine  
19 members who are residents of this State. Except for the members  
20 first appointed: four members shall be licensed dog trainers, at least  
21 one of whom shall hold a professional certification as a dog behavior  
22 consultant; one member shall be a veterinarian licensed pursuant to  
23 P.L.1938, c.277 (C.45:16-1 et seq.) and who is either a board-  
24 certified veterinary behaviorist certified by a program recognized by  
25 the New Jersey State Board of Veterinary Medical Examiners and the  
26 American Veterinary Medical Association or has professional  
27 certification in dog training; two shall be current or former dog  
28 owners who do not work as professional dog trainers and do not  
29 receive income or financial benefit from dog training businesses; one  
30 member shall be affiliated with a nonprofit animal welfare group; and  
31 one member shall be a State executive department member appointed  
32 pursuant to subsection c. of section 2 of P.L.1971, c.60 (C.45:1-2.2).  
33 Of the members first appointed, the four members who are dog  
34 trainers shall be professional dog trainers who hold certification in  
35 dog training from an approved certification program accredited by  
36 the National Commission for Certifying Agencies.

37 Each member, other than the State executive department member,  
38 shall be appointed for a term of four years, except that of the members  
39 first appointed, two shall serve for a term of four years, two shall  
40 serve for a term of three years, two shall serve for a term of two years,  
41 and two shall serve for one year. Any vacancy in the membership of  
42 the board shall be filled for the unexpired term in the same manner  
43 as provided for the original appointment. No member of the board  
44 shall serve more than two successive terms, not to include any  
45 unexpired term to which the member has been appointed to fill a  
46 vacated position on the board.

47  
48 4. The board shall organize within 30 days after the appointment  
49 of its members and shall annually elect from among its members a

1 chairperson and a vice chairperson, at least one of whom shall be a  
2 dog trainer. The board shall also appoint a secretary who need not  
3 be a member of the board. The board shall hold regularly scheduled  
4 meetings twice a year and may hold additional meetings as necessary  
5 to discharge its duties. A majority of the board membership shall  
6 constitute a quorum.

7  
8 5. The board shall:

9 a. adopt a seal to authenticate its records and proceedings;

10 b. review and determine the sufficiency of the qualifications of  
11 applicants for licensure under this act, and issue a license to each  
12 qualified and successful applicant, attesting to the applicant's  
13 professional qualifications to practice as a dog trainer in this State;

14 c. keep records of its proceedings, a register of all individuals to  
15 whom licenses have been issued, and a record of all license renewals,  
16 suspensions, and revocations;

17 d. maintain records of expenses incurred by members of the  
18 board in the performance of their duties;

19 e. take disciplinary action, in accordance with P.L.1978, c.73  
20 (C.45:1-14 et seq.), against any dog trainer who violates the  
21 provisions of this act or any regulations promulgated hereunder;

22 f. administer oaths, issue notices, issue subpoenas in the name  
23 of the State to any party or entity that may possess relevant  
24 information regarding the subject of any investigation, including to  
25 compel production of documents or testimony, receive testimony,  
26 conduct hearings, institute court proceedings for contempt testimony  
27 or obedience to its orders and subpoenas, take evidentiary  
28 depositions, and perform such other acts as are reasonably necessary  
29 under this act or other laws to carry out its duties;

30 g. institute proceedings in courts of competent jurisdiction to  
31 enforce its orders and the provisions of this act, obtain court orders  
32 and injunctions to halt unauthorized practice, and present to the  
33 proper authorities information it believe indicates an applicant or  
34 licensee may be subject to criminal prosecution;

35 h. establish rules and regulations:

36 (1) pertaining to recognition of approved certification programs  
37 and required qualifications of applicants for licensure or other  
38 authorization to practice as dog trainers;

39 (2) to grant reciprocal licensure to individuals who provide dog  
40 training or serve as a dog behavior consultant who hold current  
41 certification in dog training from an approved certification program  
42 and hold a dog trainer license issued by another state; and

43 (3) as the board deems necessary, pursuant to the "Administrative  
44 Procedures Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to administer  
45 the provisions of this act;

46 i. publish and maintain on its website a list of approved  
47 certification programs, as well as a list of approved dog trainer  
48 education programs that meet minimum education requirements for  
49 approved certification programs; and

1 j. charge a fee for initial licensure and license renewal,  
2 reactivation or reinstatement; and provisional and temporary limited  
3 permits.

4  
5 6. There shall be an executive director of the board appointed by  
6 the director who shall serve at the director's pleasure. The salary of  
7 the executive director shall be determined by the director within the  
8 limit of available funds. The director may, within the limits of  
9 available funds, hire any assistants as are necessary to administer this  
10 act.

11  
12 7. Except as otherwise allowed by the board, no individual shall  
13 practice, attempt to practice, or hold themselves out as being able to  
14 practice dog training in this State unless licensed or provisionally  
15 permitted in accordance with the provisions of this act, or is a  
16 licensed professional in a closely-allied profession who holds an  
17 advanced degree or certification deemed by the board to be  
18 equivalent to the certification in dog training issued by an approved  
19 certification program, to include board-certified veterinary  
20 behaviorists certified by a program recognized by the New Jersey  
21 State Board of Veterinary Medical Examiners and the American  
22 Veterinary Medical Association and veterinary technicians holding  
23 Veterinary Technician Specialist (Behavior) certification.

24  
25 8. a. To be eligible for licensure as a dog trainer, an applicant  
26 shall fulfill the following requirements:

27 (1) be at least 18 years of age;

28 (2) be of good professional moral character, as defined in section  
29 2 of this act; and

30 (3) hold current certification in dog training from an approved  
31 certification program or current certification as a certified applied  
32 animal behaviorist or associate certified applied animal behaviorist.

33 b. An individual may be eligible for initial licensure without  
34 certification, pursuant to paragraph (3) of subsection a. of this  
35 section, if the individual can demonstrate, as determined by the  
36 board, the following:

37 (1) at least one year of performing dog training services  
38 continuously prior to the effective date of this act; and

39 (2) compliance with policies equivalent to or more restrictive of  
40 aversive practices than industry recognized standards, which the  
41 individual shall affirm to remain in compliance with upon issuance  
42 of a license.

43  
44 9. a. The board shall issue to eligible applicants provisional dog  
45 trainer permits that authorize an individual to provide dog training  
46 services in the State under the supervision of, and documented by, a  
47 dog trainer licensed pursuant to this act, for the duration of one year  
48 from the date of issuance of the provisional permit. A provisional  
49 permit may be renewed for subsequent one-year periods.

1       b. Prior to providing dog training services, the provisional  
2 permit holder shall disclose in writing to a customer that the  
3 provisional permit holder is not a licensed dog trainer in the State and  
4 is providing dog training services under the supervision of at least  
5 one licensed dog trainer, with the licensee identified by name. The  
6 supervision shall entail responsibility for the quality of the services  
7 provided by the permit holder.

8       c. To be eligible for a provisional dog trainer permit under this  
9 act, an applicant shall fulfill the following requirements:

10       (1) be of good professional moral character, as defined in section  
11 2 of this act; and

12       (2) agree to abide by policies adopted by the board that are  
13 equivalent to or more restrictive of aversive practices than the  
14 industry recognized standards.

15

16       10. a. All licenses shall be issued for a three-year period and may  
17 be renewed upon filing of a renewal application meeting the  
18 requirements of this section.

19       b. Pursuant to subsection j. of section 5 of this act, all applicants  
20 shall pay a fee for initial licensure and renewal of a license. The  
21 board shall set fees such that revenue generated from the fees is not  
22 expected to exceed the operating costs incurred by the board in  
23 administering this act.

24       c. An initial license shall not be renewed until the licensee  
25 submits satisfactory evidence to the board that the licensee holds  
26 current certification with an approved certification program, or  
27 current certification as a certified applied animal behaviorist or an  
28 associate certified applied animal behaviorist.

29       d. Any individual authorized to practice dog training in this State  
30 may perform dog training services in person and by live, remote  
31 means for any dog located in this State, and except to the extent  
32 restricted or prohibited by the laws of the jurisdiction in which the  
33 dog is located, for any dog located outside of this State.

34

35       11. The board shall adopt rules and regulations to allow for:

36       a. temporary limited dog training services by out-of-State  
37 practitioners who hold current certification from an approved  
38 certification program, or current certification as a certified applied  
39 animal behaviorist or an associate certified applied animal  
40 behaviorist, but who do not hold a license in this State, for no more  
41 than five days per calendar year in the aggregate; and

42       b. out-of-State providers of dog training services who hold  
43 current certification from an approved certification program, or  
44 current certification as a certified applied animal behaviorist or an  
45 associate certified applied animal behaviorist, to apply for temporary  
46 limited permits that authorize the individual to work in this State as  
47 a dog trainer for no more than 60 days in any calendar year in the  
48 aggregate.

1       12. a. The board shall investigate all complaints relating to the  
2 proper practice of any licensee or holder of a provisional or  
3 temporary limited permit under this act and complaints relating to  
4 any violation of this act. The board may impose disciplinary  
5 measures based on a finding of a violation under a preponderance of  
6 the evidence standard. The board may, during the pendency of an  
7 investigation and disciplinary proceeding, summarily suspend the  
8 license or provisional or temporary limited permit of a dog trainer  
9 upon a preliminary finding by the board of probable cause to believe  
10 that the individual poses a substantial and imminent risk to the health  
11 or safety of the public or of animals under the care or supervision of  
12 the licensee or holder of a provisional or temporary limited permit.

13       b. The board, after a hearing pursuant to regulation it shall  
14 establish, may:

15       (1) revoke or suspend a license or a provisional or temporary  
16 limited permit of a dog trainer;

17       (2) deny or revoke eligibility for the license or provisional or  
18 temporary limited permit;

19       (3) reprimand, censure or otherwise discipline an applicant  
20 seeking initial licensure or an initial provisional or temporary limited  
21 permit, a licensee, or a holder of a provisional or temporary limited  
22 permit by placing conditions on an individual's continued  
23 authorization to practice.

24       c. For the board to take action pursuant to subsection b. of this  
25 section, proof satisfactory to a majority of the board shall  
26 demonstrate that an applicant seeking initial licensure or an initial  
27 provisional or temporary limited permit, a licensee, or a holder of a  
28 provisional or temporary limited permit:

29       (1) fraudulently procured a license or provisional or temporary  
30 limited permit under this act;

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

34       (3) engaged in gross misconduct in providing dog training  
35 services, practiced fraudulently, practiced with gross incompetence  
36 or with gross negligence on a particular occasion, or practiced with  
37 negligence on repeated occasions;

38       (4) provided dog training services while the individual's ability  
39 to practice in a safe and competent manner was materially  
40 compromised in a way that posed a substantial risk to the health and  
41 safety of the public or of animals under the care or supervision of the  
42 individual;

43       (5) provided dog training services while under the influence of  
44 alcohol or a drug described in this subsection and while habitually  
45 intoxicated or addicted to, dependent on, or a habitual user of  
46 narcotics, barbiturates, amphetamines, hallucinogens, or other drugs  
47 having similar effects, other than with respect to lawful use of  
48 medications in accordance with a prescription issued to the  
49 individual;

1 (6) knowingly and for purposes of fraud, deception, or personal  
2 gain allowed, aided, or abetted an unlicensed and unauthorized  
3 individual to perform activities requiring a license or provisional or  
4 temporary limited permit under this act, excluding activities  
5 permissible under any provision of the laws of this State relative to  
6 the training of aspiring dog trainers;

7 (7) has committed fraud or a criminal offense that reasonably  
8 calls into question the ability of the individual to practice as a dog  
9 trainer without posing substantial risk to the health or safety of the  
10 public or of animals under the care or supervision of the individual;

11 (8) engaged in conduct in material violation of industry  
12 recognized standards, or standards equivalent to or more restrictive  
13 of aversive practices that have been adopted by the board pursuant to  
14 subsection h. of section 5 of this bill;

15 (9) failed to adequately supervise the dog training services of a  
16 provisional permit holder who provides those services under the  
17 supervision of the licensee; or

18 (10) violated any rule or regulation of the board governing the  
19 practice of dog trainers.  
20

21 13. a. No individual filing a complaint or reporting or providing  
22 information pursuant to this act or assisting the board at its request in  
23 any manner in discharging its duties and functions shall be liable in  
24 any cause of action arising out of the receipt of that information or  
25 assistance, provided that the individual making the complaint or  
26 reporting or providing that information or assistance does so in good  
27 faith and without malice.

28 b. During the pendency of the proceeding, the board shall keep  
29 confidential any complaint, report, record, or other information  
30 received or kept by the board in connection with an investigation  
31 conducted by the board pursuant to this section, except with respect  
32 to any action that the board takes affecting the right to practice of the  
33 individual. After the board has disposed of the matter under  
34 investigation by issuing an order to show cause, by dismissing a  
35 complaint, or by taking other final action, investigative records or  
36 information of the board shall not be kept confidential except to the  
37 extent that disclosures of records or other information may be  
38 restricted as otherwise provided by law or by the board's regulations.  
39 The requirement that investigative records or information be kept  
40 confidential shall not, at any time, apply to requests from the  
41 individual under investigation or the complainant, or information the  
42 board reports to other New Jersey, out-of-State or federal agencies,  
43 boards, or institutions as the board shall determine by regulation.  
44

45 14. a. Except as provided in this act, as of the effective date of  
46 P.L. , c. (C. ) (pending before the Legislature as this bill),  
47 whoever, not being lawfully authorized to provide dog training  
48 services in this State by holding a license or provisional or temporary  
49 limited permit under this act or as otherwise permitted by rules and



1 regulations adopted by the board, holds themselves out in this State  
2 as a dog trainer or provides or attempts to provide dog training  
3 services in this State, or whoever provides dog training services  
4 under a false or assumed name or under a name other than those by  
5 which the individual is authorized by the board to practice, or  
6 whoever impersonates another dog trainer, or whoever practices or  
7 attempts to practice any fraud in connection with the filing of an  
8 application for a dog training license or provisional or temporary  
9 limited permit, shall be subject to the jurisdiction of the board and  
10 shall be punished by a civil fine or not less than \$200 nor more than  
11 \$3,000.

12 b. Violations involving any fraudulent act or practice in relation  
13 to a consumer or the State constitute an offense under P.L.1960, c.39  
14 (C.56:8-1 et seq.). In such matters and any matter involving animal  
15 cruelty or neglect, the board shall, in addition to any discipline it  
16 imposes, report those matters to the proper authorities for criminal  
17 prosecution under any applicable criminal statute.

18 c. An individual rendering dog training services in violation of  
19 this section shall recover no compensation for those services, and a  
20 court may order an individual convicted of an offense under this  
21 section to pay restitution to individuals who incurred damages as a  
22 result of the convicted individual's offense.

23

24 15. Sections 1 through 6 and section 11 shall take effect  
25 immediately and the remainder of this act shall take effect on the first  
26 day of the 11th month next following enactment.

27

28

## 29 STATEMENT

30

31 This bill creates a "New Jersey Dog Trainer Licensure Board" in  
32 the Division of Consumer Affairs, part of the Department of Law and  
33 Public Safety, to regulate the practice of dog training. The board is  
34 to consist of nine members appointed to four-year terms. No member  
35 is to serve more than two consecutive terms.

36 Among the stipulations in the bill is that an individual is to be  
37 licensed or be issued a provisional or temporary limited permit to  
38 provide dog training, as defined in the bill. The issuance of a  
39 temporary limited permit is directed to out-of-State individuals. A  
40 provisional permit is intended for State residents who have not met  
41 all requirements for licensure.

42 Individuals eligible for licensure are to be 18 years of age, of  
43 "good professional moral character," as defined in the bill, and hold  
44 current certification in dog training from an approved certification  
45 program or current certification as a certified applied animal  
46 behaviorist or associate certified applied animal behaviorist. The bill  
47 also provides for initial licensure of individuals without certification,  
48 if the individual demonstrates at least one year of performing dog  
49 training services continuously prior to the effective date of the bill.

1    Additionally, compliance with policies equivalent to or more  
2    restrictive of aversive practices than industry recognized standards  
3    has to be proven and the individual has to affirm that they will remain  
4    in compliance when issued a license.

5        Among other items in the bill is the establishment of: (1) the  
6    responsibilities of the board, which includes the development of rules  
7    and regulations for granting licensure through reciprocity; (2) a  
8    system directing the board on its responsibilities in the event of  
9    unlicensed practice; (3) the licensure renewal as every three years;  
10   and (4) the requirements for licensure renewal.