

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2021-2022 Regular Session

AB 1901 (Nazarian)
Version: June 14, 2022
Hearing Date: June 28, 2022
Fiscal: No
Urgency: No
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SUBJECT

Dog training services: disclosure requirement

DIGEST

This bill requires dog trainers, as defined, to disclose in writing certain information to a purchaser of dog training services.

EXECUTIVE SUMMARY

There are a host of certification options for persons and entities that wish to perform dog training services. Many of these are focused on offering robust development of humane, science-based dog training practices and knowledge. However, in California there is no requirement that one must receive such certification before holding oneself out as a dog trainer or a dog-training business.

In recent years, there have been a host of negative reports, including criminal misconduct, associated with the dog training industry. This includes consumer fraud, grand theft, dog injuries, and even deaths.

This bill would establish the Dog Trainer Sufficiency Act. It would require “dog trainers,” as defined, to provide customers purchasing their services a written disclosure that provides specified details about the training and the trainer. This includes information about the trainer’s qualifications, their techniques and philosophy, and any civil judgments related to the dog trainer’s services.

This bill is sponsored by a California resident, Randall Yip. It is supported by several groups, including the San Diego Humane Society. It is opposed by Animal Policy Group. This bill passed out of the Senate Business, Professions and Economic Development Committee on a 9 to 3 vote.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Provides that every person who maliciously and intentionally maims, mutilates, tortures, or wounds a living animal, or maliciously and intentionally kills an animal, is guilty of a crime. (Pen. Code § 597.)
- 2) Provides that every keeper of any animal who permits the animal to be in any building, enclosure, lane, street, square, or lot of any city, county, city and county, or judicial district without proper care and attention is guilty of a misdemeanor. (Pen. Code § 597.1.)
- 3) Provides that every person is responsible, not only for the result of their willful acts, but also for an injury occasioned to another by the person's want of ordinary care or skill in the management of their property or person, except so far as the latter has, willfully or by want of ordinary care, brought the injury upon themselves. (Civ. Code § 1714(a).)
- 4) Requires a legal document assistant or unlawful detainer assistant to be registered in their localities. Their application for registration must include whether the applicant has had a civil judgment entered against them in an action arising out of the applicant's negligent, reckless, or willful failure to properly perform their obligation as a legal document assistant or unlawful detainer assistant. (Bus. & Prof. Code §§ 6402-6403.)

This bill:

- 1) Establishes the Dog Trainer Sufficiency Act.
- 2) Requires a dog trainer to deliver to a purchaser of dog training services a written disclosure signed by the trainer certifying the accuracy of the statement, and by the purchaser of the training services acknowledging receipt of the statement that contains 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 philosophy;
 - d) a written training plan describing the nature and goals of the training; and
 - e) any civil judgments or criminal animal cruelty convictions related to the dog trainer's services.

- 3) 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.

COMMENTS

1. Stated intent of the bill

According to the author:

For over 15,000 years, humans and canines have had a unique, mutually beneficial relationship. Up to and including today, this relationship has developed and grown to the point that dogs hold an 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. We have a deep and unrivaled bond with dogs.

Despite this love and respect, we fail to adequately protect them when we send them to be trained. It is a badly unregulated market. Currently, [there are] no state regulations on the dog training industry in California, while local regulations are scarce. As a result, there is no requirement to get licensed or requirements for how licensing programs are conducted. Anyone can call themselves a dog trainer and advertise their services as a dog trainer despite having minimal or no formal training.

This unregulated market fosters an environment with terrible conditions for dogs and little recourse for dog owners. This bill would resolve some of these issues by requiring the disclosure of essential information by dog trainers to dog owners before completing a transaction.

2. Consumer protections for dog training services

As stated, there have been reports of egregious misconduct in the dog training services industry. One incident involved a woman that sent her puppy away for training:

Two-and-a-half years ago, the families of Thor and Huckleberry sent their dogs to the care of Benjamin Friedenberg of Soquel. The families haven't seen their dogs since, and Friedenberg isn't saying what happened to them. It's the latest in a long line of troubling stories concerning the unregulated dog training industry.

Friedenberg is currently serving a prison sentence of six years for four counts of grand theft and two other charges related to this and other cases involving consumer fraud. There are currently no minimum requirements for anyone to call themselves a dog trainer.¹

Other incidents include an owner of a dog training services business in Antioch that was sentenced to two years in prison for felony gross negligence in the abuse of four dogs² and the death of two dogs in the care of a trainer contracted by a dog training facility in the Bay Area.³

There is little regulation of who can hold themselves out to the public as dog trainers. Although there are industry-wide certification organizations that offer rigorous trainings on best practices, there is a lack of uniformity and oversight.

This bill establishes the Dog Trainer Sufficiency Act. A dog trainer is required to deliver to a purchaser of dog training services a written disclosure that contains all of the following:

- the trainer's name and address;
- whether the trainer is licensed or certified by any animal training organization;
- the trainer's training techniques and philosophy;
- a written training plan describing the nature and goals of the training; and
- any civil judgments or criminal animal cruelty convictions related to the dog trainer's services.

The disclosure must be signed by the trainer certifying the accuracy of the statement. It must also be signed by the purchaser of the training services acknowledging receipt of the statement.

These disclosures provide consumers some baseline of information from which to base their decision making when it comes to purchasing dog training services. Specifically for the disclosure of civil judgments, consumers will be put on notice when the dog trainer has been sued in the past for negligence or even more serious misconduct related to the very services the consumers are seeking. This is similar to a registration requirement for legal document assistants or unlawful detainer assistants that requires disclosure on the application for registration to include whether the applicant has had a civil judgment entered against them in an action arising out of the applicant's negligent,

¹ Michael Finney and Randall Yip, *Families remember lost pets amid renewed calls for regulation of dog training industry* (January 19, 2022) abc7 news, <https://abc7news.com/dog-scam-training-theft-puppy/11488717/>. All internet citations are current as of May 28, 2022.

² Michael Finney and Randall Yip, *Bay Area dog trainer sentenced for 4 felony counts of animal abuse* (July 10, 2020) abc7 news, <https://abc7news.com/animal-abuse-dog-trainer-trainers-training-industry/6311819/>.

³ Kris Reyes, *Santa Clara couple says dog died in care of local trainer* (June 11, 2019) abc7 news, <https://abc7news.com/bay-area-k9-association-dog-dies-in-case-of-trainer-santa-clara-boarding/5342641/>.

reckless, or willful failure to properly perform their obligation as a legal document assistant or unlawful detainer assistant. (Bus. & Prof. Code §§ 6402-6403.)

Writing in support, Social Compassion in Legislation argues:

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.

The California Animal Welfare Association applauds the direction of the bill, but seeks greater disclosure:

As a largely unregulated industry, the simple notion of "buyer beware" is insufficient, particularly when vulnerable animals are put at risk. We believe AB 1901 provides a starting point for thoughtful discussion and future regulation of this industry. Consumers currently believe dog training is a "one size fits all" approach, and it isn't. AB 1901 provides the most basic information to consumers so they can make thoughtful decisions about the types of training methods that will be used on their dogs and who is providing that training.

Though we support the bill in the amended format, we must ask for one additional amendment. The inclusion of a requirement to disclose any civil judgements related to the dog trainer's services is important, but we'd also like to see the inclusion of any criminal animal cruelty convictions.

Animal Policy Group writes in an opposed unless amended position. It highlights a number of concerns with the bill, including the license/certification disclosure:

Lastly, just as a word of caution, the requirement to list any licenses/certifications could have unintended consequences. There are no widely recognized standards or licenses/certifications for dog training, which has resulted in the creation of a lot of companies that essentially "sell" dog training

certifications. AB1901 would likely encourage this market to the detriment of the training profession and the few rigorous programs that do exist. There simply are not many licensed trainers in this country. CCPDT, the most recognized training organization, has fewer than 5,000 trainers certified in knowledge and assessment and only 172 certified in skills, nationally. It is a tough program that takes a lot of time and money. A lot of people train dogs part-time and are not going to make that investment, nor is that extent of training necessary for basic training. Again, this will just lead to people “buying” certificates to try and create a marketing advantage.

3. Amendments

The author committed to amendments in the previous committee, the Senate Business, Professions, and Economic Development Committee, that are to be taken in this Committee. The amendments exempt guide dog instructors from the definition of “dog trainer” or “trainer.” They also define “dog training” to mean “the training or behavior modification of dogs or serving as a dog behavior consultant, when performed for a fee, salary, or other form of compensation.”

The amendments also clarify that the written disclosure must be delivered to a purchaser at the time of purchase of the dog training services.

SUPPORT

San Diego Humane Society
Social Compassion in Legislation

OPPOSITION

Animal Policy Group

RELATED LEGISLATION

Pending Legislation:

SB 879 (Wiener, 2022) prohibits certain facilities from conducting toxicological experiments on dogs and cats for specified purposes. This bill subjects those in violation to civil penalties to be assessed in actions brought by the Attorney General or other, local prosecutors, as specified. This bill is currently in the Assembly Appropriations Committee.

AB 1781 (Rubio, 2022) enacts the Safe Transportation of Dogs and Cats Act and provides that conditions in a mobile or traveling housing facility for dogs and cats shall not endanger the health or well-being of an animal due to heat, cold, lack of adequate

ventilation, lack of food or water, or other circumstances, as specified. This bill is currently in Engrossing and Enrolling.

AB 1881 (Santiago, 2022) enacts the Dog and Cat Bill of Rights and requires each public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group to provide a copy of a specified notice to new owners, or to post a copy of the notice in a conspicuous place accessible to public view. AB 1881 is currently in this Committee and is set to be heard the same day.

Prior Legislation: AB 2691 (Bauer-Kahan, 2020) was substantially similar to this bill. It would have additionally required disclosure of injuries sustained by dogs in trainer's care, made it unlawful for trainers to fail to maintain certain standards of care, and subjected trainers to criminal and civil liability. This bill was not taken up in the Assembly Business and Professions Committee as a result of the COVID-19 pandemic.

PRIOR VOTES:

Senate Business, Professions, and Economic Development Committee (Ayes 9, Noes 3)

Assembly Floor (Ayes 50, Noes 11)

Assembly Business and Professions Committee (Ayes 13, Noes 5)
