

Memorandum in Support with Modifications

COMMITTEE ON ANIMALS AND THE LAW

Animals #21

July 6, 2020

S. 7066
A. 1880

By: Senator Kaminsky

By: M. of A. Zebrowski

Senate Committee: Domestic Animal Welfare

Assembly Committee: Agriculture

Effective Date: Immediately

AN ACT to amend the agriculture and markets law, in relation to requiring the commissioner of agriculture and markets to establish licensing and educational standards for individuals providing canine training for non-service and non-police dogs.

LAW & SECTION REFERRED TO: Section 113-a of the Agriculture and Markets Law.

THE COMMITTEE ON ANIMALS AND THE LAW **SUPPORTS THIS LEGISLATION, WITH MODIFICATIONS**

This bill would amend the Agriculture and Markets Law by adding a new Section 113-a, under which the Commissioner of the Department of Agriculture and Markets would establish licensing and educational standards for people who administer: (i) basic obedience training to non-service and non-police dogs (“companion dogs”); and (ii) instruction to companion dog owners to reinforce desired canine behaviors. This bill expressly excludes trainers of guide dogs, police-work dogs, war dogs, hearing dogs, service dogs, working search dogs, therapy dogs and detection dogs, all as defined in Section 108 of the Agriculture and Markets Law.

The bill requires that licensed trainers maintain practices and facilities complying with standards for municipal pounds and shelters established under the animal control provisions the Agriculture and Markets Law, for humane societies as provided in Article 25-b of the Agriculture and Markets Law and to treat animals humanely, in accordance with Article 26 of the Agriculture and Markets Law. The bill also prohibits anyone convicted of violating any section of New York State’s animal cruelty laws from becoming licensed to provide companion dog training services. Enforcement of the bill’s provisions may be by individuals trained and specializing in the detection of animal abuse, in addition to police officers, constables and peace officers.

Many common but outdated training techniques use fear and pain to elicit a desired response. A chilling example is the use and misuse of “shock collars,”¹ which administer an electric shock at

¹ Such collars are also referred to as “e-collars,” “electric collars,” and “remote collars”

various trainer-controlled voltages to redirect an unwanted behavior, and when used as intended, albeit controversially, involve one single collar being worn on a dog's neck. There are horrifying reports of some "experts" recommending the simultaneous use of multiple shock collars or suggesting that such collars be strapped around a dog's belly or genitals.² Other documented abuses perpetrated on dogs by unscrupulous or unskilled trainers have resulted in animal fatalities. For example, in 2014, a Princeton, NJ, dog trainer fatally "trained" a dog using physical punishment, which included slamming the dog to the floor in a practice known as "Alpha Rolling" and hitting the dog with a crop whip. In January 2020, a dog trainer in Framingham, MA was charged with animal abuse after a video recorded him swinging a dog by its collar, after several failed attempts to forcibly get the dog to run on a treadmill.³ Both of these dog "trainers" were convicted of animal abuse.

Cases that make headlines are outnumbered exponentially by cases that go unreported simply because consumers are unaware that a trainer's methods may be inappropriate or harmful, or that the trainer lacks the skills necessary to properly teach animals the desired behaviors. For instance, many of the older training techniques use adverse consequences to deter an undesired behavior. While such misguided "training" efforts may yield the immediate desired compliance, they also cause pain and fear and may lead to the development of severe maladaptive behaviors in the animal. Examples of this result include, but are not limited to social withdrawal, anxiety, and fear-induced or defensive aggression, in some cases putting an owner's safety at risk.

Current New York law has no provisions that dictate what credentials, knowledge, or expertise are needed to open a business as a self-proclaimed dog trainer. Most pet owners seeking companion dog trainers are unaware of the complete lack of universally adopted requirements for education, knowledge or experience for dog trainers in NY or elsewhere. Consumers will find that a multitude of certificate or certification credentials for pet dog trainers, ranging from the highly respected CPDT (Certified Professional Dog Trainer) offered by the Certification Council for Professional Dog Trainers (CCPDT), to the more generalized CDT (Certified Dog Trainer), are used by various programs and schools.

Further confusing is the subtle, but critical, distinction between a companion dog trainer, the focus of this bill, and a canine or dog behaviorist. Quite often, the terms are used interchangeably in advertisements of dog trainers who may have the minimum skills and knowledge needed to humanely teach basic dog obedience commands but who are not qualified to diagnose and humanely modify complex dog behaviors such as fear, aggression or anxiety. New York's existing law⁴ relating to dangerous dogs recognizes the importance of the distinction between a dog trainer and an animal behaviorist by *explicitly requiring* that evaluations of "dangerous dogs" be performed "by a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert in the field." There is a great

² Such collars are banned in England, Scotland, Wales, parts of Australia, and Quebec, but there are no prohibitions in the United States.

³ <https://www.milforddailynews.com/news/20200103/former-holliston-meadows-dog-trainer-charged-in-abuse-case>

⁴ Section 123(2)(a) of the Agriculture and Markets Law

need to reduce ambiguity and inconsistencies in the existing law by defining and licensing companion dog trainers as this bill seeks to do.

We support the critical intent of S.7066/A.1880 but we are concerned that the bill may not have the necessary components to achieve its goals. Specifically, the bill fails to provide a meaningful definition of the licensing and educational standards it proposes, and it does not establish a specific licensing scheme. Model companion dog training standards, supported by the Humane Society of the United States, the American Veterinary Medical Association and the Certification Counsel for Professional Dog Trainers (CCPDT)⁵ do exist and they could provide guidance. To address this deficiency, we recommend that the dog training licensing requirements, modeled after CCPDT guidelines and its Certified Professional Dog Trainers-Knowledge Assessed (CPDT-KA) exam, be added to the bill. Adding such language will help the bill to meet its stated intent to define educational standards, as well as licensing and enforcement criteria for companion dog trainers in New York.

We also recommend that this bill take advantage of the established licensing process already in existence for thirty-five occupations in the General Business Law, administered by the Secretary of State, and designate the Department of State as the agency with licensing authority for dog trainers, granting the Secretary of State the authority to inspect dog training facilities and to provide civil penalties for licensing violations.

We further recommend that the bill explicitly prohibit training methods and practices which are inhumane, such as: (1) helicoptering; (2) scruff pinning; (3) alpha rolling; (4) hanging; and (5) using any equipment, devices or implements in a manner inconsistent with humane practices or outside of the manufacturer's recommendations.

We commend the sponsors for furthering New York's fight against animal cruelty, and seeking to assist owners of companion looking for a way to train their beloved pets. The bill will help to prevent companion dog owners from being misled about canine training services, which in extreme cases can result in permanent damage to the companion dog.

For the foregoing reasons and with these concerns in mind, the NYSBA's Committee on Animals and the Law **SUPPORTS** the passage and enactment of this legislation, with our suggested modifications.

⁵ Presently, the non-for-profit CCPDT is considered the gold-standard *independent* certification authority for companion dog trainers.