

Memorandum in Support with Modifications

COMMITTEE ON ANIMALS AND THE LAW

Animals #15

June 8, 2021

S. 1148

By: Senator Kaminsky

A. 6107

By: M. of A. Zebrowski

Senate Committee: Agriculture

Assembly Committee: Agriculture

Effective Date: Immediately

AN ACT to amend the Agriculture and Markets Law, in relation to requiring the Commissioner of THE Department 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: New Section 113-a of the Agriculture and Markets Law.

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

This bill would add a new Section 113-a, entitled “Obedience Training,” to the Agriculture and Markets (“Ag & Mkts”) Law under which the Commissioner of the Department of Agriculture and Markets would establish licensing and educational standards for “individuals providing basic obedience courses to non-service and non-police dogs [‘companion dogs’] and their owners.” It 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 Ag & Mkts Law.

The bill requires that licensed trainers “maintain practices and facilities in accordance with animal control provisions” found in the Ag & Mkts Law. It also prohibits someone convicted of violating any 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, such as animal control officers and agents of an SPCA, in addition to police officers, constables and peace officers.

Many common outdated training techniques use fear and pain to elicit a desired response. While such misguided “training” efforts may yield the immediate desired compliance, they also cause pain and fear which may lead to the development of severe maladaptive behaviors in the animal, including social withdrawal, anxiety, and fear-induced or

defensive aggression which, ironically, instead of resulting in a better trained dog, can end up putting an owner's safety at risk. A chilling example is the use of "shock collars,"¹ which administer an electric shock at various trainer-controlled voltages to terminate an unwanted behavior. These collars exclusively function to stop the undesired behavior. They do nothing to address its cause, nor do they replace that behavior with a desired one. Their intended use involves one single collar being worn on a dog's neck, but reports exist 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.

Dogs have suffered other abuses at the hands unscrupulous or unskilled trainers which have resulted in the animals' fatalities. For example, in 2014 a Princeton, NJ dog trainer was convicted of animal cruelty charges and sentenced to five years in prison after having fatally "trained" a dog using physical punishment including slamming the dog to the floor in a practice known as "Alpha Rolling" and hitting the dog with a crop whip.² In January 2020, a dog trainer in Framingham, MA was charged with animal abuse as a result of a video showing him swinging a dog by its collar, after several failed attempts to forcibly get the dog to run on a treadmill.³ Many other instances of animal cruelty perpetrated under the guise of training go unreported simply because consumers do not know about a trainer's inappropriate or harmful methods or because they are unaware that the trainer lacks the skills necessary to properly teach animals the desired behaviors.

Current New York law has no provisions dictating what credentials, knowledge, or expertise are needed to hold oneself out as a dog trainer. Most pet owners seeking companion dog trainers are unaware that there are no requirements for education, knowledge or experience. If consumers do try to research this area, they may find 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)⁴, to the more generalized CDT (Certified Dog Trainer), which are used by various programs and schools.

Further confusing to consumers is that the critical distinction between a companion dog trainer and a canine or dog behaviorist is often blurred. These terms are often used interchangeably in advertisements by dog trainers having only the minimum skills and knowledge needed to teach basic dog obedience commands but who are not qualified to diagnose and humanely modify complex dog behaviors such as fear, aggression or

¹ Such collars are also referred to as "e-collars," "electric collars," and "remote collars" and are banned in England, Scotland, Wales, parts of Australia, and Quebec, Canada.

²https://www.nj.com/mercer/2014/10/princeton_dog_trainer_sentenced_to_five_years_for_role_in_dogs_death.html - last visited 4/22/2021

³ <https://www.milforddailynews.com/news/20200103/former-holliston-meadows-dog-trainer-charged-in-abuse-case> last visited 4/27/2021

⁴ The non-for-profit CCPDT is considered by many to be the gold-standard independent certification authority for companion dog trainers.

anxiety. New York’s existing law, specifically that relating to dangerous dogs,⁵ recognizes the significance 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.”

We support the important goal of S.1148/A.6107 but are concerned that it may not contain the necessary components to achieve its goals. Specifically, it does not define any of the licensing and educational standards that it proposes, nor does it establish a specific licensing scheme. Fortunately, 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) do exist and can offer 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 included in the bill.

We also recommend that this bill take advantage of the licensing processes already in existence for thirty-five occupations in the General Business Law which are administered by the Secretary of State. This bill could similarly designate the Department of State as the agency with licensing authority for dog trainers and grant it authority to inspect dog training facilities and to provide civil penalties for licensing violations.

Finally, we note that expressly prohibiting certain inhumane practices including: (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 would provide specific, objective standards that would be easy to follow and enforce.

We commend the sponsors for making this effort to assist owners of companion animals seeking reputable trainers to help them with their beloved pets. This bill will help to prevent companion dog owners from being misled about canine training services and will also prevent them and their companion dogs from the adverse consequences associated with inhumane, punishment-based “training” practices.

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

⁵ Section 123(2)(a) of the Agriculture and Markets Law