S T A T E O F N E W Y O R K

1451--A

2015-2016 Regular Sessions

I N A S S E M B L Y

January 12, 2015

Introduced by M. of A. PAULIN, COOK, ZEBROWSKI, HOOPER, McDONOUGH, ROSENTHAL, MURRAY -- Multi-Sponsored by -- M. of A. DINOWITZ, PERRY, ROBINSON, SKARTADOS, TITONE -- read once and referred to the Committee on Economic Development -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to the licensing and regulation of pet groomers

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The general business law is amended by adding a new article 29-CCC to read as follows:

ARTICLE 29-CCC
LICENSING AND REGULATION OF PET GROOMERS

SECTION 539. DEFINITIONS.
540. STANDARD OF CARE.
541. RECORD KEEPING.
542. LICENSES.
543. LICENSE REFUSAL, SUSPENSION OR REVOCATION.
544. INSPECTIONS.
545. VIOLATIONS.
546. CURRENT PRACTITIONERS.

S 539. DEFINITIONS. AS USED IN THIS ARTICLE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

1. "PET" MEANS AN ANIMAL AS DEFINED BY SUBDIVISION FIVE OF SECTION THREE HUNDRED FIFTY OF THE AGRICULTURE AND MARKETS LAW.

2. "LICENSED PET GROOMER" MEANS AN INDIVIDUAL, LICENSED AS A PET GROOMER WHO BATHES, BRUSHES, CLIPS OR STYLES A PET FOR FINANCIAL REMUNERATION.

3. "PET GROOMER" MEANS AN INDIVIDUAL, WORKING UNDER THE SUPERVISION OF A LICENSED PET GROOMER AT THE GROOMING FACILITY.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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4. "PET GROOMING FACILITY" MEANS A BUSINESS INCLUDING A MOBILE FACILITY WHERE A PET MAY BE BATHED, BRUSHED, CLIPPED OR STYLED, AND (I) PET GROOMING IS THE ESTABLISHMENT'S PREDOMINANT SOURCE OF SALES, OR (II) PET GROOMING SERVICES ARE OFFERED WITHIN A RETAIL STORE.

S 540. STANDARD OF CARE. 1. THE PRIMARY CONCERN OF EVERY PERSON LICENSED PURSUANT TO THIS ARTICLE, AND THOSE WORKING UNDER THE SUPERVISION OF SUCH PERSON, SHALL BE THE SAFETY AND WELL-BEING OF THE PET IN THEIR CARE. PETS SHALL NOT BE LEFT UNATTENDED WHILE AT THE GROOMING FACILITY. IN THE EVENT A PET IS LEFT UNATTENDED, THE PET SHALL BE KEPT IN A STRUCTURALLY SOUND, CLEAN CAGE. PETS SHALL BE CARED FOR ACCORDING TO THE MINIMUM STANDARDS OF SUBDIVISIONS ONE, TWO, THREE AND FOUR OF SECTION FOUR HUNDRED ONE OF THE AGRICULTURE AND MARKETS LAW, AND ANY OTHER SECTIONS OF THE AGRICULTURE AND MARKETS LAW RELATING TO THE CARE OF PETS.

2. EVERY LOCATION WHERE PETS ARE GROOMED SHALL DISPLAY CONTACT INFORMATION FOR THE SECRETARY OF STATE.

S 541. RECORD KEEPING. 1. EACH PET GROOMER SHALL KEEP AND MAINTAIN RECORDS REGARDING EACH ANIMAL CARED FOR AND THE OWNER THEREOF. SUCH RECORDS SHALL INCLUDE THE NAME AND ADDRESS OF THE OWNER, THE SERVICES PROVIDED, AND THE DATE SUCH SERVICES WERE PROVIDED.

2. RECORDS FOR EACH ANIMAL SHALL BE MAINTAINED FOR A MINIMUM PERIOD OF ONE YEAR FROM THE DATE OF SERVICE. DURING NORMAL BUSINESS HOURS, SUCH RECORDS SHALL BE MADE AVAILABLE TO PERSONS AUTHORIZED BY LAW TO ENFORCE THE PROVISIONS OF THIS ARTICLE.

S 542. LICENSES. 1. ANY PERSON INTENDING TO OWN OR OPERATE A PET GROOMING BUSINESS AS DEFINED IN THIS ARTICLE SHALL HOLD A LICENSE ISSUED BY THE SECRETARY OF STATE.

2. THE SECRETARY OF STATE, IN COOPERATION AND CONSULTATION WITH THE DEPARTMENT OF AGRICULTURE AND MARKETS, SHALL ESTABLISH A TRAINING PROGRAM AND TESTING PROCEDURE FOR APPLICANTS INTERESTED IN OBTAINING SUCH LICENSE. THE OBJECTIVES OF THE TRAINING AND EXAMINATION SHALL BE TO ENSURE THE APPLICANTS HAVE SUFFICIENT SKILLS TO SAFEGUARD THE HEALTH AND SAFETY OF THE ANIMAL, AND TO ENSURE THAT THE APPLICANTS HAVE ATTAINED ADEQUATE LEVELS OF SKILL TO COMPETENTLY ENGAGE IN PET GROOMING. THE PROGRAM SHALL BE AVAILABLE BOTH ONLINE AND ON-SITE, AND SHALL BE HELD AT LEAST QUARTERLY BY THE STATE OR AN AUTHORITY APPROVED BY THE SECRETARY OF STATE.

3. THE SECRETARY OF STATE SHALL CREATE AND MAINTAIN A ROSTER OF LICENSEES. SUCH RECORD SHALL INCLUDE DISCIPLINARY ACTION, SUSPENSION OF LICENSE AND REVOCATION.

4. NO INDIVIDUAL SHALL BE PERMITTED TO TAKE AN EXAMINATION FOR A PET GROOMER'S LICENSE UNLESS SUCH APPLICANT IS AT LEAST SIXTEEN YEARS OF AGE.

5. IF THE APPLICANT MEETS THE NECESSARY QUALIFICATIONS, HAS COMPLETED THE TRAINING AND PASSED THE EXAMINATION, THE SECRETARY OF STATE SHALL ISSUE SUCH APPLICANT A LICENSE AS A PET GROOMER UPON PAYMENT OF A FORTY DOLLAR ANNUAL REGISTRATION FEE.

6. A LICENSED PET GROOMER MAY EMPLOY INDIVIDUALS, UNDER HIS OR HER DIRECT SUPERVISION. A LICENSED PET GROOMER MUST BE ON PREMISES AT ALL TIMES. THE NAME OF THE PERSON IN CHARGE OF ANY PET GROOMING FACILITY SHALL BE POSTED IN A CONSPICUOUS PLACE IN SUCH FACILITY AND THE LICENSE OF SUCH PERSON SHALL BE PROMINENTLY DISPLAYED.

S 543. LICENSE REFUSAL, SUSPENSION OR REVOCATION. 1. THE SECRETARY OF STATE MAY DECLINE TO GRANT OR RENEW, OR MAY SUSPEND OR REVOKE A PET GROOMER'S LICENSE FOR A FALSE STATEMENT AS TO MATERIAL MATTER IN THE APPLICATION FOR SUCH LICENSE, FOR PERSISTENT IMPROPER RECORD KEEPING OR

BUSINESS PRACTICES, OR FOR A VIOLATION OF ANY PROVISION OF THIS LAW OR ANY LAW RELATING TO THE HUMANE TREATMENT OF ANIMALS.

2. THE SECRETARY OF STATE SHALL CONDUCT A HEARING BEFORE REVOKING OR SUSPENDING ANY LICENSE OR BEFORE ISSUING ANY ORDER DIRECTING THE CESSATION OF UNLICENSED ACTIVITIES. AT LEAST TEN DAYS PRIOR TO THE DATE SET FOR THE HEARING, THE HOLDER OF SUCH LICENSE SHALL BE NOTIFIED IN WRITING, OR THE PERSON ALLEGED TO HAVE ENGAGED IN UNLICENSED ACTIVITIES, OF ANY CHARGES MADE AND SHALL AFFORD SUCH PERSON AN OPPORTUNITY TO BE HEARD IN PERSON OR BY COUNSEL IN REFERENCE HERETO. THE HEARING ON SUCH CHARGES SHALL BE AT SUCH TIME AND PLACE AS THE DEPARTMENT SHALL PRESCRIBE.

3. ANY ACTION OF THE SECRETARY OF STATE PURSUANT TO THIS SECTION SHALL BE SUBJECT TO JUDICIAL REVIEW IN A PROCEEDING PURSUANT TO ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES.

S 544. INSPECTIONS. THE SECRETARY OF STATE OR HIS OR HER AUTHORIZED AGENTS SHALL BE AUTHORIZED TO JOINTLY COORDINATE WITH THE COMMISSIONER OF AGRICULTURE AND MARKETS OR HIS OR HER AUTHORIZED AGENTS TO INSPECT PET GROOMING FACILITIES TO ENSURE COMPLIANCE WITH THE PROVISIONS OF THIS ARTICLE. NOTHING HEREIN SHALL LIMIT THE ABILITY OF THE DEPARTMENT OF AGRICULTURE AND MARKETS TO ENFORCE THE PROVISIONS OF THE AGRICULTURE AND MARKETS LAW AS APPLICABLE TO SUCH FACILITY. AUTHORITY TO CONDUCT SUCH INSPECTIONS TO ENFORCE THE PROVISIONS OF THIS ARTICLE AND REPORT THEREON MAY BE DELEGATED BY THE SECRETARY OF STATE TO A MUNICIPALITY.

S 545. VIOLATIONS. 1. IN ADDITION TO DENIAL, REVOCATION, SUSPENSION OR REFUSAL OF RENEWAL OF A LICENSE, AS OTHERWISE PROVIDED IN THIS ARTICLE, ANY VIOLATION OF A PROVISION OF THIS ARTICLE IS A CIVIL OFFENSE, FOR WHICH A PENALTY OF NOT LESS THAN ONE HUNDRED DOLLARS NOR MORE THAN FIVE HUNDRED DOLLARS FOR EACH VIOLATION MAY BE IMPOSED, PROVIDED HOWEVER FOR VIOLATIONS NOT AFFECTING THE HEALTH AND SAFETY OF A PERSON OR A PET AT THE PET GROOMING FACILITY, THE SECRETARY OF STATE MAY ALLOW FOR A CURE PERIOD OR OTHER OPPORTUNITY FOR AMELIORATIVE ACTION, THE SUCCESSFUL COMPLETION OF WHICH WILL PREVENT THE IMPOSITION OF PENALTIES ON THE PARTY OR PARTIES SUBJECT TO ENFORCEMENT. THE SECRETARY OF STATE SHALL IMPLEMENT AN APPEALS PROCESS FOR SUCH LICENSED PET GROOMER WHO WISHES TO CONTEST THE IMPOSITION OF A PENALTY RELATED TO A CIVIL OFFENSE.

2. THE PROVISIONS OF THIS ARTICLE MAY BE CONCURRENTLY ENFORCED BY THE SECRETARY OF STATE AND BY ANY MUNICIPALITY TO WHICH THE SECRETARY OF STATE HAS DELEGATED AUTHORITY. MONEYS COLLECTED THEREUNDER SHALL BE RETAINED BY THE LOCAL MUNICIPALITY.

3. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO LIMIT OR RESTRICT ANY MUNICIPALITY WITH A POPULATION OF ONE MILLION OR MORE FROM ENACTING OR ENFORCING A LOCAL LAW, RULE, REGULATION OR ORDINANCE GOVERNING PET GROOMERS, PROVIDED HOWEVER, THAT ANY SUCH LOCAL LAW, RULE, REGULATION, OR ORDINANCE SHALL BE NO LESS STRINGENT THAN THE APPLICABLE PROVISIONS OF THIS ARTICLE.

S 546. CURRENT PRACTITIONERS. INDIVIDUALS ENGAGED IN PET GROOMING ON THE EFFECTIVE DATE OF THIS ARTICLE MAY CONTINUE IN SUCH CAPACITY FOR ONE YEAR FROM SUCH DATE PROVIDED THAT ALL REGULATIONS ARE IN PLACE, BUT MUST, WITHIN SAID YEAR, MAKE APPLICATION FOR A LICENSE AS PROVIDED IN THIS ARTICLE AND WILL BE SUBJECT TO THE PROVISIONS OF THIS ARTICLE THEREAFTER.

S 2. This act shall take effect on the ninetieth day after it shall have become a law; provided, however, that effective immediately the addition, amendment or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.