

8822

2009-2010 Regular Sessions

I N   A S S E M B L Y

June 10, 2009

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Introduced by M. of A. PAULIN, COOK, ZEBROWSKI, MILLMAN -- Multi-Sponsored by -- M. of A. CHRISTENSEN, DINOWITZ, GABRYSZAK, MENG, PERRY, PHEFFER, ROBINSON, TITONE, WEISENBERG -- read once and referred to the Committee on Economic Development, Job Creation, Commerce and Industry

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:

1     Section 1. The general business law is amended by adding a new article  
2     29-CCC to read as follows:

3                                   ARTICLE 29-CCC  
4                    LICENSING AND REGULATION OF PET GROOMERS

5     SECTION 539. DEFINITIONS.  
6                 540. STANDARD OF CARE.  
7                 541. RECORD KEEPING.  
8                 542. LICENSES.  
9                 543. LICENSE REFUSAL, SUSPENSION OR REVOCATION.  
10                544. INSPECTIONS.  
11                545. VIOLATIONS.  
12                546. CURRENT PRACTITIONERS.

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

15     1. "PET" MEANS ANY ANIMAL PLACED IN THE CARE OF A PET GROOMER FOR  
16     GROOMING OR STYLING.

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

19     3. "PET GROOMING FACILITY" MEANS A COMMERCIAL ESTABLISHMENT WHERE A  
20     PET MAY BE BATHED, BRUSHED, CLIPPED OR STYLED.

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

LBD06114-01-9

1 S 540. STANDARD OF CARE. 1. THE PRIMARY CONCERN OF EVERY PERSON  
2 LICENSED PURSUANT TO THIS ARTICLE SHALL BE THE SAFETY AND WELL-BEING OF  
3 THE PET IN THEIR CARE. PETS NOT IN THE GROOMING PROCESS SHALL BE KEPT IN  
4 STRUCTURALLY SOUND CLEAN CAGES. SUCH ENCLOSURES SHALL BE IN GOOD REPAIR  
5 AND LARGE ENOUGH TO ALLOW EACH PET TO MAKE NORMAL POSTURAL ADJUSTMENTS  
6 SUCH AS SITTING, STANDING AND TURNING AROUND. EACH PET SHALL BE CAGED  
7 SEPARATELY.

8 2. OUTDOOR FACILITIES SHALL NOT BE UTILIZED IN INCLEMENT WEATHER.  
9 INDOOR FACILITIES SHALL BE MAINTAINED AT A HEALTHY TEMPERATURE. THERE  
10 SHALL BE SUFFICIENT LIGHTING TO FACILITATE CLEANING OF BOTH PETS AND  
11 FACILITIES. SANITARY CONDITIONS SHALL BE MAINTAINED AT ALL TIMES.

12 3. UPON RECEIVING A PET FOR GROOMING, THE GROOMER SHALL INQUIRE AS TO  
13 THE PET'S VETERINARIAN AND ANY SPECIAL NEEDS OF SUCH PET. ADEQUATE WATER  
14 SUPPLY SHALL BE AVAILABLE FOR DRINKING AS WELL AS BATHING.

15 4. EVERY LOCATION WHERE PETS ARE GROOMED SHALL DISPLAY A TELEPHONE  
16 NUMBER OF THE STATE BUREAU OR OFFICE WHERE THE PET'S OWNER MAY MAKE  
17 KNOWN THEIR FEELINGS REGARDING THE SERVICES RECEIVED AT THE PET GROOMING  
18 FACILITY.

19 5. PETS SHALL NOT BE LEFT UNATTENDED WHILE AT THE GROOMING FACILITY,  
20 AND A DRYING CAGE SHALL NEVER BE USED.

21 6. EVERY PERSON LICENSED AS A PET GROOMER SHALL PROVE TO THE SATISFAC-  
22 TION OF THE SECRETARY OF STATE OR A REPRESENTATIVE THEREOF THAT SUCH  
23 PERSON IS INSURED COVERING THEIR LIABILITY FOR NEGLIGENT ACTS ASSOCIATED  
24 WITH THEIR ACTIVITY AS A PET GROOMER.

25 S 541. RECORD KEEPING. 1. EACH PET GROOMER SHALL KEEP AND MAINTAIN  
26 RECORDS REGARDING EACH ANIMAL CARED FOR AND THE OWNER THEREOF. SUCH  
27 RECORDS SHALL INCLUDE THE NAME AND ADDRESS OF THE OWNER, THE PET'S  
28 VETERINARIAN AND THE DATE OF PROVIDING SERVICE.

29 2. RECORDS FOR EACH ANIMAL SHALL BE MAINTAINED FOR A PERIOD OF TWO  
30 YEARS FROM THE DATE OF SERVICE. DURING NORMAL BUSINESS HOURS, SUCH  
31 RECORDS SHALL BE MADE AVAILABLE TO PERSONS AUTHORIZED BY LAW TO ENFORCE  
32 THE PROVISIONS OF THIS ARTICLE.

33 S 542. LICENSES. 1. THE SECRETARY OF STATE SHALL ESTABLISH A BUREAU OR  
34 OFFICE FOR THE LICENSING OF INDIVIDUALS AS PET GROOMERS. SUCH BUREAU OR  
35 OFFICE SHALL HAVE BRANCHES LOCATED IN VARIOUS AREAS OF THE STATE IN  
36 SUFFICIENT NUMBER TO MEET THE NEEDS OF THE PEOPLE OF THE STATE. THE  
37 SECRETARY OF STATE, IN COOPERATION AND CONSULTATION WITH THE EDUCATION  
38 AND HEALTH DEPARTMENTS, SHALL ESTABLISH A TRAINING PROGRAM AND TESTING  
39 PROCEDURE FOR APPLICANTS INTERESTED IN OBTAINING SUCH LICENSE.

40 2. THE BUREAU OR OFFICE SHALL CREATE AND MAINTAIN A ROSTER OF LICEN-  
41 SEES BASED ON INFORMATION OBTAINED FROM APPLICANTS AND THE RESULTS OF  
42 THEIR TRAINING AND TESTING. SUCH RECORD SHALL INCLUDE DISCIPLINARY  
43 ACTION, SUSPENSION OF LICENSE AND REVOCATION.

44 3. NO INDIVIDUAL SHALL BE PERMITTED TO TAKE AN EXAMINATION FOR A PET  
45 GROOMER'S LICENSE UNLESS SUCH APPLICANT IS AT LEAST SIXTEEN YEARS OF  
46 AGE, IS OF GOOD MORAL CHARACTER AND HAS COMPLETED AT LEAST A TENTH GRADE  
47 EDUCATION.

48 4. IF THE APPLICANT MEETS THE NECESSARY QUALIFICATIONS, HAS COMPLETED  
49 THE TRAINING AND PASSED THE EXAMINATION, THE SECRETARY OF STATE SHALL  
50 ISSUE SUCH APPLICANT A LICENSE AS A PET GROOMER UPON PAYMENT OF A TWENTY  
51 DOLLAR BIENNIAL REGISTRATION FEE. AN APPLICANT WHO HAS NOT PASSED THE  
52 EXAMINATION BUT WHO IS OTHERWISE QUALIFIED, MAY CONTINUE TO TAKE FURTHER  
53 EXAMINATIONS UPON PAYMENT OF A TEN DOLLAR FEE FOR EACH EXAMINATION  
54 TAKEN.

55 5. A LICENSED PET GROOMER MAY EMPLOY INDIVIDUALS, UNDER HIS OR HER  
56 DIRECT SUPERVISION, WHO ARE IN TRAINING FOR THE PET GROOMER'S EXAMINA-

1 TION. THE NAME OF THE PERSON IN CHARGE OF ANY PET GROOMING FACILITY  
2 SHALL BE POSTED IN A CONSPICUOUS PLACE IN SUCH FACILITY AND THE LICENSE  
3 OF SUCH PERSON SHALL BE PROMINENTLY DISPLAYED.

4 S 543. LICENSE REFUSAL, SUSPENSION OR REVOCATION. 1. THE SECRETARY OF  
5 STATE MAY DECLINE TO GRANT OR RENEW, OR MAY SUSPEND OR REVOKE A PET  
6 GROOMER'S LICENSE FOR A MATERIAL MISSTATEMENT IN THE APPLICATION FOR  
7 SUCH LICENSE, FOR IMPROPER RECORD KEEPING OR BUSINESS PRACTICES OR FOR A  
8 VIOLATION OF ANY PROVISION OF LAW RELATING TO THE HUMANE TREATMENT OF  
9 ANIMALS.

10 2. PRIOR TO SUSPENSION OR REVOCATION OF A LICENSE AND UPON DUE NOTICE  
11 TO THE LICENSEE, A HEARING SHALL BE HELD AS PROVIDED IN ARTICLES THREE  
12 AND FOUR OF THE STATE ADMINISTRATIVE PROCEDURE ACT.

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

16 S 544. INSPECTIONS. 1. THE SECRETARY OF STATE OR HIS OR HER AUTHORIZED  
17 AGENTS SHALL MAKE YEARLY INSPECTIONS OF PET GROOMING FACILITIES TO  
18 ENSURE COMPLIANCE WITH THE PROVISIONS OF THIS ARTICLE. AUTHORITY TO  
19 CONDUCT SUCH INSPECTIONS AND REPORT THEREON MAY BE DELEGATED BY THE  
20 SECRETARY OF STATE TO A COUNTY, CITY OR TOWN.

21 2. ANY PERSON MAKING SUCH INSPECTIONS SHALL BE FIRST PROVIDED TRAINING  
22 IN THE PROVISIONS OF THIS ARTICLE AND THE PROPER CARE OF PETS IN GENER-  
23 AL.

24 S 545. VIOLATIONS. 1. IN ADDITION TO DENIAL, REVOCATION, SUSPENSION OR  
25 REFUSAL OF RENEWAL OF A LICENSE, AS OTHERWISE PROVIDED IN THIS ARTICLE,  
26 ANY VIOLATION OF A PROVISION OF THIS ARTICLE IS A CIVIL OFFENSE, FOR  
27 WHICH A PENALTY OF NOT LESS THAN ONE HUNDRED DOLLARS NOR MORE THAN ONE  
28 THOUSAND DOLLARS FOR EACH VIOLATION MAY BE IMPOSED.

29 2. THE PROVISIONS OF THIS ARTICLE MAY BE CONCURRENTLY ENFORCED BY THE  
30 SECRETARY OF STATE AND BY ANY COUNTY, CITY OR TOWN TO WHICH THE SECRE-  
31 TARY OF STATE HAS DELEGATED AUTHORITY. MONEYS COLLECTED THEREUNDER SHALL  
32 BE RETAINED BY THE LOCAL MUNICIPALITY.

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

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