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

3156

2011-2012 Regular Sessions

I N S E N A T E

February 10, 2011

Introduced by Sen. KRUGER -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

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 ANY ANIMAL PLACED IN THE CARE OF A PET GROOMER FOR GROOMING OR STYLING.

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

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

S 540. STANDARD OF CARE. 1. THE PRIMARY CONCERN OF EVERY PERSON LICENSED PURSUANT TO THIS ARTICLE SHALL BE THE SAFETY AND WELL-BEING OF

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

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THE PET IN THEIR CARE. PETS NOT IN THE GROOMING PROCESS SHALL BE KEPT IN STRUCTURALLY SOUND CLEAN CAGES. SUCH ENCLOSURES SHALL BE IN GOOD REPAIR AND LARGE ENOUGH TO ALLOW EACH PET TO MAKE NORMAL POSTURAL ADJUSTMENTS SUCH AS SITTING, STANDING AND TURNING AROUND. EACH PET SHALL BE CAGED SEPARATELY.

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

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

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

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

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

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 PET'S VETERINARIAN AND THE DATE OF PROVIDING SERVICE.

2. RECORDS FOR EACH ANIMAL SHALL BE MAINTAINED FOR A PERIOD OF TWO YEARS 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. THE SECRETARY OF STATE SHALL ESTABLISH A BUREAU OR OFFICE FOR THE LICENSING OF INDIVIDUALS AS PET GROOMERS. SUCH BUREAU OR OFFICE SHALL HAVE BRANCHES LOCATED IN VARIOUS AREAS OF THE STATE IN SUFFICIENT NUMBER TO MEET THE NEEDS OF THE PEOPLE OF THE STATE. THE SECRETARY OF STATE, IN COOPERATION AND CONSULTATION WITH THE EDUCATION AND HEALTH DEPARTMENTS, SHALL ESTABLISH A TRAINING PROGRAM AND TESTING PROCEDURE FOR APPLICANTS INTERESTED IN OBTAINING SUCH LICENSE.

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

3. 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, IS OF GOOD MORAL CHARACTER AND HAS COMPLETED AT LEAST A TENTH GRADE EDUCATION.

4. 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 TWENTY DOLLAR BIENNIAL REGISTRATION FEE. AN APPLICANT WHO HAS NOT PASSED THE EXAMINATION BUT WHO IS OTHERWISE QUALIFIED, MAY CONTINUE TO TAKE FURTHER EXAMINATIONS UPON PAYMENT OF A TEN DOLLAR FEE FOR EACH EXAMINATION TAKEN.

5. A LICENSED PET GROOMER MAY EMPLOY INDIVIDUALS, UNDER HIS OR HER DIRECT SUPERVISION, WHO ARE IN TRAINING FOR THE PET GROOMER'S EXAMINATION. 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 MATERIAL MISSTATEMENT IN THE APPLICATION FOR SUCH LICENSE, FOR IMPROPER RECORD KEEPING OR BUSINESS PRACTICES OR FOR A VIOLATION OF ANY PROVISION OF LAW RELATING TO THE HUMANE TREATMENT OF ANIMALS.

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

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

2. ANY PERSON MAKING SUCH INSPECTIONS SHALL BE FIRST PROVIDED TRAINING IN THE PROVISIONS OF THIS ARTICLE AND THE PROPER CARE OF PETS IN GENERAL.

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 ONE THOUSAND DOLLARS FOR EACH VIOLATION MAY BE IMPOSED.

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

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, 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.