

6082--A

2013-2014 Regular Sessions

I N A S S E M B L Y

March 14, 2013

Introduced by M. of A. McDONOUGH, MALLIOTAKIS, KEARNS, BROOK-KRASNY, CORWIN -- Multi-Sponsored by -- M. of A. CERETTO, DUPREY, RIVERA, SALADINO, SOLAGES, TENNEY, THIELE -- read once and referred to the Committee on Economic Development -- recommitted to the Committee on Economic Development in accordance with Assembly Rule 3, sec. 2 -- 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 certification 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 CERTIFICATION AND REGULATION OF PET GROOMERS

5 SECTION 539. DEFINITIONS.  
6 540. STANDARD OF CARE.  
7 541. RECORD KEEPING.  
8 542. CERTIFICATION.  
9 543. CERTIFICATION 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, CERTIFIED AS A PET GROOMER WHO  
18 BATHES, BRUSHES, CLIPS OR STYLES A PET FOR FINANCIAL REMUNERATION.

19 3. "PET GROOMING FACILITY" MEANS ANY PERSON OR ENTITY THAT ENGAGES IN  
20 BATHING, BRUSHING, CLIPPING OR STYLING A PET FOR FINANCIAL REMUNERATION

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

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1 AND SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO, A COMMERCIAL ESTABLISH-  
2 MENT OR A MOTOR VEHICLE WHERE SUCH SERVICES ARE PROVIDED AND PET GROOM-  
3 ERS WHO PROVIDE SUCH SERVICES AT ANY LOCATION THAT IS NOT A COMMERCIAL  
4 ESTABLISHMENT OR MOTOR VEHICLE WHERE SUCH SERVICES ARE PROVIDED.

5 S 540. STANDARD OF CARE. 1. THE PRIMARY CONCERN OF EVERY PERSON CERTI-  
6 FIED PURSUANT TO THIS ARTICLE SHALL BE THE SAFETY AND WELL-BEING OF THE  
7 PET IN THEIR CARE. PETS NOT IN THE GROOMING PROCESS SHALL BE KEPT IN  
8 STRUCTURALLY SOUND CLEAN CAGES. SUCH ENCLOSURES SHALL BE IN GOOD REPAIR  
9 AND LARGE ENOUGH TO ALLOW EACH PET TO MAKE NORMAL POSTURAL ADJUSTMENTS  
10 SUCH AS SITTING, STANDING AND TURNING AROUND. EACH PET SHALL BE CAGED  
11 SEPARATELY. PETS SHALL NOT BE ALLOWED TO ROAM FREE IN THE PET GROOMING  
12 FACILITY.

13 2. OUTDOOR FACILITIES SHALL NOT BE UTILIZED IN INCLEMENT WEATHER.  
14 INDOOR FACILITIES SHALL BE MAINTAINED AT A HEALTHY TEMPERATURE. THERE  
15 SHALL BE SUFFICIENT LIGHTING TO FACILITATE CLEANING OF BOTH PETS AND  
16 FACILITIES. SANITARY CONDITIONS SHALL BE MAINTAINED AT ALL TIMES.  
17 GROOMERS SHALL BE PROVIDED WITH THE PET'S VACCINATION HISTORY AND THE  
18 PET OWNER'S EMERGENCY CONTACT NUMBER.

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

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

26 5. PETS SHALL NOT BE LEFT UNATTENDED WHILE AT THE GROOMING FACILITY,  
27 AND A DRYING CAGE SHALL NEVER BE USED. PETS SHALL NOT BE LEFT UNATTENDED  
28 ON A GROOMING TABLE OR IN A BATH TUB.

29 6. EVERY PERSON CERTIFIED AS A PET GROOMER SHALL PROVE TO THE SATIS-  
30 FACTION OF THE SECRETARY OF STATE OR A REPRESENTATIVE THEREOF THAT SUCH  
31 PERSON IS INSURED COVERING THEIR LIABILITY FOR NEGLIGENT ACTS ASSOCIATED  
32 WITH THEIR ACTIVITY AS A PET GROOMER.

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

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

41 S 542. CERTIFICATION. 1. THE SECRETARY OF STATE SHALL ESTABLISH A  
42 BUREAU OR OFFICE TO ENFORCE AND OVERSEE THE CERTIFICATION OF INDIVIDUALS  
43 AS PET GROOMERS. SUCH BUREAU OR OFFICE SHALL HAVE BRANCHES LOCATED IN  
44 VARIOUS AREAS OF THE STATE IN SUFFICIENT NUMBER TO MEET THE NEEDS OF THE  
45 PEOPLE OF THE STATE. THE SECRETARY OF STATE, IN COOPERATION AND CONSUL-  
46 TATION WITH THE EDUCATION AND HEALTH DEPARTMENTS, SHALL ESTABLISH A  
47 TRAINING PROGRAM AND TESTING PROCEDURE FOR APPLICANTS INTERESTED IN  
48 OBTAINING SUCH CERTIFICATION.

49 2. THE BUREAU OR OFFICE SHALL CREATE AND MAINTAIN A ROSTER OF CERTI-  
50 FIED PET GROOMERS BASED ON INFORMATION OBTAINED FROM APPLICANTS AND THE  
51 RESULTS OF THEIR TRAINING AND TESTING. SUCH RECORD SHALL INCLUDE DISCI-  
52 PLINARY ACTION, SUSPENSION OF CERTIFICATION AND REVOCATION.

53 3. NO INDIVIDUAL SHALL BE PERMITTED TO TAKE AN EXAMINATION FOR A PET  
54 GROOMER'S CERTIFICATION UNLESS SUCH APPLICANT IS AT LEAST SIXTEEN YEARS  
55 OF AGE, IS OF GOOD MORAL CHARACTER, HAS COMPLETED AT LEAST A TENTH GRADE  
56 EDUCATION AND PASSED A BACKGROUND CHECK.

1 4. IF THE APPLICANT MEETS THE NECESSARY QUALIFICATIONS, HAS COMPLETED  
2 THE TRAINING AND PASSED THE EXAMINATION, THE SECRETARY OF STATE SHALL  
3 CERTIFY SUCH APPLICANT AS A PET GROOMER UPON PAYMENT OF A BIENNIAL  
4 REGISTRATION FEE AS DETERMINED BY THE DEPARTMENT. AN APPLICANT WHO HAS  
5 NOT PASSED THE EXAMINATION BUT WHO IS OTHERWISE QUALIFIED, MAY CONTINUE  
6 TO TAKE FURTHER EXAMINATIONS UPON PAYMENT OF A FEE AS DETERMINED BY THE  
7 DEPARTMENT FOR EACH EXAMINATION TAKEN.

8 5. A CERTIFIED PET GROOMER MAY EMPLOY INDIVIDUALS, UNDER HIS OR HER  
9 DIRECT SUPERVISION, WHO ARE IN TRAINING FOR THE PET GROOMER'S EXAMINA-  
10 TION. THE NAME OF THE PERSON IN CHARGE OF ANY PET GROOMING FACILITY  
11 SHALL BE POSTED IN A CONSPICUOUS PLACE IN SUCH FACILITY AND THE CERTIF-  
12 ICATION OF SUCH PERSON SHALL BE PROMINENTLY DISPLAYED.

13 S 543. CERTIFICATION REFUSAL, SUSPENSION OR REVOCATION. 1. THE SECRE-  
14 TARY OF STATE MAY DECLINE TO GRANT OR RENEW, OR MAY SUSPEND OR REVOKE A  
15 PET GROOMER'S CERTIFICATION FOR A MATERIAL MISSTATEMENT IN THE APPLICA-  
16 TION FOR SUCH CERTIFICATION, FOR IMPROPER RECORD KEEPING OR BUSINESS  
17 PRACTICES OR FOR A VIOLATION OF ANY PROVISION OF LAW RELATING TO THE  
18 HUMANE TREATMENT OF ANIMALS AND THE PROTECTION OF THE CONSUMER.

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

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

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

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

33 S 545. VIOLATIONS. 1. IN ADDITION TO DENIAL, REVOCATION, SUSPENSION OR  
34 REFUSAL OF RENEWAL OF A CERTIFICATION, AS OTHERWISE PROVIDED IN THIS  
35 ARTICLE, ANY VIOLATION OF A PROVISION OF THIS ARTICLE IS A CIVIL  
36 OFFENSE, FOR WHICH A PENALTY OF NOT LESS THAN ONE HUNDRED DOLLARS NOR  
37 MORE THAN ONE THOUSAND DOLLARS FOR EACH VIOLATION MAY BE IMPOSED. AN  
38 INCIDENT REPORT SHALL BE COMPLETED AND FILED WITH THE DEPARTMENT OF  
39 STATE BY THE PET GROOMER WHENEVER A PET DIES OR IS INJURED WHILE IN THE  
40 GROOMER'S CARE.

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

45 S 546. CURRENT PRACTITIONERS. INDIVIDUALS ENGAGED IN PET GROOMING ON  
46 THE EFFECTIVE DATE OF THIS ARTICLE MAY CONTINUE IN SUCH CAPACITY FOR ONE  
47 YEAR FROM SUCH DATE, BUT MUST, WITHIN SAID YEAR, MAKE APPLICATION FOR  
48 CERTIFICATION AS PROVIDED IN THIS ARTICLE AND WILL BE SUBJECT TO THE  
49 PROVISIONS OF THIS ARTICLE THEREAFTER.

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