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

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:

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

ARTICLE 29-CCC
CERTIFICATION AND REGULATION OF PET GROOMERS

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

3. "PET GROOMING FACILITY" MEANS ANY PERSON OR ENTITY THAT ENGAGES IN 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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AND SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO, A COMMERCIAL ESTABLISHMENT OR A MOTOR VEHICLE WHERE SUCH SERVICES ARE PROVIDED AND PET GROOMERS WHO PROVIDE SUCH SERVICES AT ANY LOCATION THAT IS NOT A COMMERCIAL ESTABLISHMENT OR MOTOR VEHICLE WHERE SUCH SERVICES ARE PROVIDED.

S 540. STANDARD OF CARE. 1. THE PRIMARY CONCERN OF EVERY PERSON CERTIFIED PURSUANT TO THIS ARTICLE SHALL BE THE SAFETY AND WELL-BEING OF 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. PETS SHALL NOT BE ALLOWED TO ROAM FREE IN THE PET GROOMING FACILITY.

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. GROOMERS SHALL BE PROVIDED WITH THE PET'S VACCINATION HISTORY AND THE PET OWNER'S EMERGENCY CONTACT NUMBER.

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. PETS SHALL NOT BE LEFT UNATTENDED ON A GROOMING TABLE OR IN A BATH TUB.

6. EVERY PERSON CERTIFIED 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. CERTIFICATION. 1. THE SECRETARY OF STATE SHALL ESTABLISH A BUREAU OR OFFICE TO ENFORCE AND OVERSEE THE CERTIFICATION 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 CERTIFICATION.

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

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

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

5. A CERTIFIED 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 CERTIFICATION OF SUCH PERSON SHALL BE PROMINENTLY DISPLAYED.

S 543. CERTIFICATION REFUSAL, SUSPENSION OR REVOCATION. 1. THE SECRETARY OF STATE MAY DECLINE TO GRANT OR RENEW, OR MAY SUSPEND OR REVOKE A PET GROOMER'S CERTIFICATION FOR A MATERIAL MISSTATEMENT IN THE APPLICATION FOR SUCH CERTIFICATION, FOR IMPROPER RECORD KEEPING OR BUSINESS PRACTICES OR FOR A VIOLATION OF ANY PROVISION OF LAW RELATING TO THE HUMANE TREATMENT OF ANIMALS AND THE PROTECTION OF THE CONSUMER.

2. PRIOR TO SUSPENSION OR REVOCATION OF A CERTIFICATION AND UPON DUE NOTICE TO THE GROOMER, 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 CERTIFICATION, 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. AN INCIDENT REPORT SHALL BE COMPLETED AND FILED WITH THE DEPARTMENT OF STATE BY THE PET GROOMER WHENEVER A PET DIES OR IS INJURED WHILE IN THE GROOMER'S CARE.

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 CERTIFICATION 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.