

1451--B

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, SALADINO, 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 -- reported and referred to the Committee on Codes -- 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:

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 AN ANIMAL AS DEFINED BY SUBDIVISION FIVE OF SECTION
16 THREE HUNDRED FIFTY OF THE AGRICULTURE AND MARKETS LAW.

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

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1 2. "LICENSED PET GROOMER" MEANS AN INDIVIDUAL, LICENSED AS A PET
2 GROOMER WHO BATHES, BRUSHES, CLIPS OR STYLES A PET FOR FINANCIAL REMUN-
3 ERATION.

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

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

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

20 2. EVERY LOCATION WHERE PETS ARE GROOMED SHALL DISPLAY CONTACT INFOR-
21 MATION FOR THE SECRETARY OF STATE.

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

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

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

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

43 3. THE SECRETARY OF STATE SHALL CREATE AND MAINTAIN A ROSTER OF LICEN-
44 SEES. SUCH RECORD SHALL INCLUDE DISCIPLINARY ACTION, SUSPENSION OF
45 LICENSE AND REVOCATION.

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

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

53 6. A LICENSED PET GROOMER MAY EMPLOY INDIVIDUALS, UNDER HIS OR HER
54 DIRECT SUPERVISION. A LICENSED PET GROOMER MUST BE ON PREMISES AT ALL
55 TIMES. THE NAME OF THE PERSON IN CHARGE OF ANY PET GROOMING FACILITY

1 SHALL BE POSTED IN A CONSPICUOUS PLACE IN SUCH FACILITY AND THE LICENSE
2 OF SUCH PERSON SHALL BE PROMINENTLY DISPLAYED.

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

9 2. THE SECRETARY OF STATE SHALL CONDUCT A HEARING BEFORE REVOKING OR
10 SUSPENDING ANY LICENSE OR BEFORE ISSUING ANY ORDER DIRECTING THE CESSA-
11 TION OF UNLICENSED ACTIVITIES. AT LEAST TEN DAYS PRIOR TO THE DATE SET
12 FOR THE HEARING, THE HOLDER OF SUCH LICENSE SHALL BE NOTIFIED IN WRIT-
13 ING, OR THE PERSON ALLEGED TO HAVE ENGAGED IN UNLICENSED ACTIVITIES, OF
14 ANY CHARGES MADE AND SHALL AFFORD SUCH PERSON AN OPPORTUNITY TO BE HEARD
15 IN PERSON OR BY COUNSEL IN REFERENCE HERETO. THE HEARING ON SUCH CHARG-
16 ES SHALL BE AT SUCH TIME AND PLACE AS THE DEPARTMENT SHALL PRESCRIBE.

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

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

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

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

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

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

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