

5098--A

2015-2016 Regular Sessions

I N   S E N A T E

April 30, 2015

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

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

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

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

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

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

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

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

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

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

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

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

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

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

50 6. A LICENSED PET GROOMER MAY EMPLOY INDIVIDUALS, UNDER HIS OR HER  
51 DIRECT SUPERVISION. A LICENSED PET GROOMER MUST BE ON PREMISES AT ALL  
52 TIMES. THE NAME OF THE PERSON IN CHARGE OF ANY PET GROOMING FACILITY  
53 SHALL BE POSTED IN A CONSPICUOUS PLACE IN SUCH FACILITY AND THE LICENSE  
54 OF SUCH PERSON SHALL BE PROMINENTLY DISPLAYED.

55 S 543. LICENSE REFUSAL, SUSPENSION OR REVOCATION. 1. THE SECRETARY OF  
56 STATE MAY DECLINE TO GRANT OR RENEW, OR MAY SUSPEND OR REVOKE A PET

1 GROOMER'S LICENSE FOR A FALSE STATEMENT AS TO A MATERIAL MATTER IN THE  
2 APPLICATION FOR SUCH LICENSE, FOR PERSISTENT IMPROPER RECORD KEEPING OR  
3 BUSINESS PRACTICES, OR FOR A VIOLATION OF ANY PROVISION OF THIS LAW OR  
4 ANY LAW RELATING TO THE HUMANE TREATMENT OF ANIMALS.

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

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

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

37 2. THE PROVISIONS OF THIS ARTICLE MAY BE CONCURRENTLY ENFORCED BY THE  
38 SECRETARY OF STATE AND BY ANY MUNICIPALITY TO WHICH THE SECRETARY OF  
39 STATE HAS DELEGATED AUTHORITY. MONEYS COLLECTED THEREUNDER SHALL BE  
40 RETAINED BY THE LOCAL MUNICIPALITY.

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

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

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