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

7088

I N S E N A T E

March 23, 2016

Introduced by Sen. AVELLA -- 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 and pet grooming facilities

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 AND PET GROOMING FACILITIES

SECTION 539. DEFINITIONS.
540. FACILITIES STANDARDS.
541. RECORD KEEPING.
542. ANIMAL MANAGEMENT, HANDLING AND SAFETY STANDARDS.
543. LICENSING REGULATIONS.
544. INSPECTIONS.
545. CURRENT PRACTITIONERS.
546. VIOLATIONS.
547. OTHER PROTECTIONS.

S 539. DEFINITIONS. FOR THE PURPOSES OF THIS ARTICLE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

1. "PET" SHALL MEAN ANY DOG, CAT OR OTHER ANIMAL ACCEPTED FOR GROOMING OR STYLING.

2. "PET GROOMING", "PET STYLING", "GROOMING" OR "STYLING" SHALL MEAN CLIPPING, TRIMMING, STYLING, OR BATHING A PET FOR FINANCIAL REMUNERATION.

3. "PET GROOMER", "PET STYLIST", "GROOMER", "STYLIST" OR "BATHER/BRUSHER" SHALL MEAN AN INDIVIDUAL WHO CLIPS, TRIMS, STYLES, OR BATHES A PET FOR FINANCIAL REMUNERATION AND WHO ADHERES TO THESE INDUSTRY STANDARDS OF CARE FOR SAFETY AND SANITATION.

4. "PET GROOMING OR STYLING FACILITY", "GROOMING SALON" OR "FACILITY" SHALL MEAN A COMMERCIAL ESTABLISHMENT WHERE A PET MAY BE BATHED,

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

LBD13769-03-6

BRUSHED, CLIPPED, TRIMMED AND/OR STYLED. THIS MAY BE A BRICK-AND-MORTAR FACILITY, A MOBILE UNIT, OR HOME GROOMING FACILITY.

5. "HOUSE CALL" OR "HOUSE CALL GROOMER" SHALL MEAN A PERSON WHO CLIPS, TRIMS, STYLES, OR BATHES A PET WITHIN THE CONFINES OF THE CUSTOMER'S PRIVATE HOME, GROUNDS, OR BUSINESS.

6. "STUDENT", "TRAINEE" OR "APPRENTICE" SHALL MEAN A PERSON WHO IS ENGAGED IN LEARNING AND ACQUIRING KNOWLEDGE OF PET GROOMING OR STYLING, EITHER UNDER THE DIRECTION AND SUPERVISION OF A PET GROOMER OR STYLIST OR WHILE ENROLLED IN A GROOMING OR STYLING SCHOOL, ACADEMY OR TRAINING PROGRAM.

7. "SCHOOL", "ACADEMY" OR "TRAINING PROGRAM" SHALL MEAN AN ESTABLISHMENT OR PROGRAM THAT TEACHES PET GROOMING AND/OR STYLING IN A COURSE OF INSTRUCTION WHICH INCORPORATES THESE INDUSTRY STANDARDS OF CARE FOR SAFETY AND SANITATION.

8. "CRATE" OR "CAGE" SHALL MEAN A SAFE AND HUMANE CONTAINMENT METHOD OF KEEPING AND/OR HOUSING PETS IN THE FACILITY.

9. "CONTINUING EDUCATION" SHALL MEAN ANY PROGRAM OR COURSE OF STUDY INTENDED TO ENHANCE KNOWLEDGE OF SUBJECTS RELEVANT TO ONE'S PROFESSION.

10. "PET FIRST AID" SHALL MEAN RECOGNITION OF INJURY OR ILLNESS AND PROTOCOL FOR ENSURING THE PET RECEIVES APPROPRIATE CARE.

11. "PET FRIENDLY" SHALL MEAN ANY PRODUCT, CHEMICAL, TOOL OR PIECE OF EQUIPMENT WHICH IS SAFE FOR USE FOR PETS.

12. "PET RESTRAINT" SHALL MEAN ANY PET FRIENDLY RESTRAINT USED OR ATTACHED TO A GROOMING ARM, TUB, OR OTHER FACILITY FIXTURE OR EQUIPMENT TO HOLD THE PET SAFELY AND UNDER CONTROL.

S 540. FACILITIES STANDARDS. 1. PET HOUSING STANDARDS. ALL PETS ENTRUSTED TO THE CARE OF A PET GROOMER OR STYLIST SHALL BE TREATED HUMANELY AND COMPASSIONATELY, INCLUDING BUT NOT LIMITED TO:

(A) ALL PET HOUSING PROVIDED BY THE FACILITY SHALL BE IN GOOD REPAIR, SAFE, SECURE, STABLE, DURABLE, WELL PROTECTED, COMFORTABLE AND IN AN ESCAPE CONTROLLED ENVIRONMENT.

(B) PETS SHOULD BE ABLE TO SIT, STAND AND TURN AROUND COMFORTABLY IN THE PROVIDED CRATE OR ENCLOSURE.

(C) IF CRATES ARE UTILIZED, SUCH CRATES AND/OR ENCLOSURES SHALL BE:

(I) ADEQUATELY VENTILATED FOR THE PET'S HEALTH, SAFETY AND COMFORT;

(II) OF MATERIAL THAT IS EASY TO CLEAN; AND

(III) ARRANGED SO PERSONNEL CAN SAFELY SEE AND ACCESS ALL AREAS OF THE CRATES AND ENCLOSURES.

(D) UNLESS BY OWNER'S CONSENT, NO MORE THAN ONE PET MAY BE HOUSED PER CRATE OR ENCLOSURE.

(E) PETS CONFINED FOR MORE THAN THIRTY MINUTES SHALL BE OFFERED FRESH WATER.

(F) EVERY FACILITY SHOULD PROVIDE A SAFE AND HEALTHY WORKING ENVIRONMENT FOR ALL PERSONNEL AND THE PETS LEFT IN THEIR CARE.

2. BATHING AREAS. (A) ALL BATHING AREAS SHALL BE IN GOOD REPAIR AND SAFE OPERATING CONDITION.

(B) PRODUCTS AND/OR CHEMICALS USED IN THE PROCESS OF GROOMING AND STYLING SHALL COMPLY WITH ALL APPLICABLE LOCAL, STATE AND FEDERAL GUIDELINES, RULES AND REGULATIONS AND BE PET FRIENDLY.

(C) TUBS FOR THE BATHING OF DOGS SHALL HAVE A NON-SLIP BOTTOM SURFACE.

(D) WATER TEMPERATURE SHALL BE SET AT AN APPROPRIATE LEVEL FOR THE PET AND CARE SHALL BE TAKEN TO PREVENT DISCOMFORT OR INJURY FROM EXCESSIVELY HOT OR COLD WATER.

(E) THERE SHALL BE A NON-SLIP SURFACE ON THE FLOOR BY EACH TUB FOR GROOMERS AND STYLISTS.

3. GROOMING AREAS. (A) GROOMING TABLES SHALL BE SAFE, STURDY AND IN GOOD OPERATING CONDITION.

(B) TABLE TOPS FOR DOGS SHALL BE EQUIPPED WITH A NON-SLIP SURFACE THAT IS EASY TO CLEAN.

(C) GROOMING ARMS, BY WHICH THE PET IS RESTRAINED, SHALL BE PET FRIENDLY AND SECURE.

(D) ALL OTHER PRODUCTS, TOOLS AND EQUIPMENT USED IN THE PERFORMANCE OF THE WORK SHALL BE MAINTAINED IN GOOD WORKING CONDITION AND USED IN A SAFE, PROFESSIONAL MANNER.

(E) PET RESTRAINTS SHALL BE SAFE AND HUMANE AND FOLLOW CURRENT STANDARDS OF PRACTICE FOR ALL PETS.

(F) THE FACILITY SHALL BE CLEANED AS NECESSARY FOR PET AND HUMAN HEALTH.

(G) CRATES, ENCLOSURES, TUBS AND TABLES SHALL BE CLEANED BETWEEN EACH PET.

4. GENERAL FACILITY STANDARDS. (A) A FIRST AID KIT FOR THE BENEFIT OF PETS AND ALL PERSONNEL, INCLUDING EYE WASH PRODUCTS AND EQUIPMENT, SHALL BE ON SITE.

(B) THE FACILITY SHALL BE VENTILATED TO PROVIDE FOR GOOD AIR QUALITY.

(C) AIR TEMPERATURE SHALL PROVIDE FOR THE SAFETY, HEALTH AND COMFORT OF ALL PERSONNEL AND ALL PETS.

(D) WHEN PETS ARE PRESENT, AT LEAST ONE PERSON TRAINED IN PET FIRST AID SHALL BE IN THE FACILITY.

(E) EMERGENCY ACTION PROTOCOLS SHALL BE IN PLACE TO ASSURE ALL PETS WITHIN THE FACILITY RECEIVE PROPER CARE IF AN EMERGENCY SITUATION ARISES.

(F) EACH FACILITY SHALL HAVE THE NAME AND CONTACT INFORMATION OF A LOCAL EMERGENCY VETERINARIAN POSTED AND READILY AVAILABLE.

(G) CLEANING PRODUCTS AND EQUIPMENT SHALL BE MADE READILY AVAILABLE TO ALL PERSONNEL.

(H) THE FACILITY SHALL CARRY GENERAL AND PROFESSIONAL LIABILITY INSURANCE.

(I) THE FACILITY SHALL BE IN COMPLIANCE WITH ALL LOCAL, STATE, AND FEDERAL LAWS, RULES AND REGULATIONS.

S 541. RECORD KEEPING. 1. RECORDS. THE FACILITY SHALL KEEP AND MAINTAIN RECORDS OF ALL CLIENTS AND THEIR RESPECTIVE PETS. SUCH RECORDS SHALL INCLUDE THE NAME, ADDRESS AND PHONE NUMBERS OF THE OWNER, THE SERVICES PROVIDED, AND THE DATE SUCH SERVICES WERE PROVIDED.

2. MINIMUM PERIOD. RECORDS FOR EACH PET SHALL BE MAINTAINED FOR A MINIMUM PERIOD OF ONE YEAR FROM THE DATE OF SERVICE.

3. INCIDENT REPORTS. PET INCIDENT REPORTS SHALL BE CREATED IN THE EVENT OF ANY INCIDENT THAT OCCURS AND KEPT ON FILE FOR A MINIMUM OF THREE YEARS.

4. PERSONNEL RECORDS. ACCURATE SAFETY AND HEALTH RECORDS FOR ALL PERSONNEL SHALL BE MAINTAINED IN ACCORDANCE WITH LOCAL, STATE AND FEDERAL REQUIREMENTS.

S 542. ANIMAL MANAGEMENT, HANDLING AND SAFETY STANDARDS. 1. GENERAL PROFESSIONAL STANDARDS.

(A) ALL PETS SHALL BE TREATED AND HANDLED SAFELY, HUMANELY AND COMPASSIONATELY AT ALL TIMES.

(B) NO PET SHALL BE LEFT UNSUPERVISED WHILE ON THE GROOMING TABLE OR IN THE BATHING TUB.

(C) PET GROOMERS AND STYLISTS SHALL BE KNOWLEDGEABLE IN THE SAFE AND HEALTHY HANDLING OF PETS. STUDENTS, TRAINEES OR APPRENTICES WORKING IN A FACILITY MUST BE UNDER THE SUPERVISION OF A PET GROOMER LICENSED UNDER THIS ARTICLE.

(D) WHEN BRUSHING, COMBING, DEMATTING, BATHING, TOPICALLY CONDITIONING SKIN AND COAT, GROOMING OR STYLING THE PET, ALL PRODUCTS, TOOLS AND EQUIPMENT SHALL PROVIDE FOR THE SAFETY AND HEALTH OF THE PET.

2. WORK STANDARDS. (A) ALL PET GROOMERS AND STYLISTS SHALL BE IN COMPLIANCE WITH ACCEPTED INDUSTRY STANDARDS.

(B) STUDENTS, TRAINEES OR APPRENTICES WORKING IN A FACILITY MUST BE UNDER THE SUPERVISION OF A PET GROOMER LICENSED UNDER THIS ARTICLE.

(C) ALL PERSONNEL SHALL CONDUCT THEMSELVES IN A MANNER THAT PROMOTES THE SAFE, HUMANE AND COMPASSIONATE HANDLING AND MANAGEMENT OF PETS.

(D) PRODUCTS, TOOLS AND EQUIPMENT USED IN PERFORMANCE OF THE WORK SHALL BE SAFE AND HUMANE.

(E) THE PET CARE FACILITY AND THEIR STAFF SHALL PRESENT A CLEAN, NEAT APPEARANCE.

(F) WORKSTATIONS SHALL BE CLEANED BETWEEN EACH PET.

(G) ALL PET GROOMERS AND STYLISTS SHALL BE KNOWLEDGEABLE IN SAFE HANDLING AND MANAGEMENT OF PETS TO INCLUDE, BUT NOT BE LIMITED TO:

(I) ACCEPTING ANIMALS FROM AND RETURNING THEM TO OWNERS;

(II) SAFE AND HUMANE APPROACH AND RETRIEVAL TECHNIQUES;

(III) SAFE AND HUMANE HANDLING TECHNIQUES;

(IV) SAFE AND HUMANE USE OF PET RESTRAINTS; AND

(V) SAFE AND HUMANE MANAGEMENT OF BEHAVIORAL ISSUES.

S 543. LICENSING REGULATIONS. 1. TRAINING PROGRAM AND TESTING PROCEDURES. THE SECRETARY OF STATE, IN COOPERATION WITH THE DEPARTMENT OF AGRICULTURE AND MARKETS, SHALL ESTABLISH A TRAINING PROGRAM AND TESTING PROCEDURE FOR PET GROOMING APPLICANTS.

2. SECRETARY OF STATE. THE SECRETARY OF STATE SHALL:

(A) CREATE AND MAINTAIN A LIST OF LICENSED GROOMERS.

(B) ISSUE A LICENSE TO QUALIFIED INDIVIDUALS, AFTER PAYMENT OF A LICENSING FEE TO BE DETERMINED BY THE SECRETARY OF STATE.

(C) CONDUCT A PROPER BACKGROUND CHECK TO VERIFY THAT THE APPLICANT HAS NOT BEEN CONVICTED OF ANY ANIMAL CRUELTY OR NEGLECT CHARGES AND DOES NOT HAVE A HISTORY OF INTERPERSONAL VIOLENCE.

3. LICENSED GROOMERS. LICENSED GROOMERS SHALL BE ON THE PREMISES AT ALL TIMES AND MAY EMPLOY INDIVIDUALS UNDER HIS OR HER DIRECT SUPERVISION, WHO ARE IN TRAINING FOR GROOMER EXAMINATION.

4. DISPLAY. LICENSES SHALL BE DISPLAYED IN A CONSPICUOUS PLACE.

5. REFUSAL. LICENSES CAN BE REFUSED, SUSPENDED OR REVOKED BY THE SECRETARY OF STATE.

S 544. INSPECTIONS. 1. ANNUAL INSPECTIONS. THE SECRETARY OF STATE OR HIS OR HER AUTHORIZED AGENTS SHALL MAKE ANNUAL INSPECTIONS OF PET GROOMING FACILITIES.

2. COMPLAINT REVIEW BOARD. THE SECRETARY OF STATE SHALL CREATE A COMPLAINT REVIEW BOARD WHERE CONSUMERS CAN FILE COMPLAINTS. SUCH COMPLAINTS SHALL BE INVESTIGATED BY SUCH SECRETARY OR HIS OR HER AUTHORIZED AGENTS.

S 545. 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 SHALL, WITHIN SUCH YEAR, APPLY FOR A LICENSE THROUGH A PROCESS TO BE DETERMINED BY THE SECRETARY OF STATE AND SHALL BE SUBJECT TO THE PROVISIONS OF THIS ARTICLE THEREAFTER.

S 546. VIOLATIONS. 1. CIVIL OFFENSE. VIOLATIONS OF ANY PROVISION OF THIS ARTICLE IS A CIVIL OFFENSE WHICH MAY CARRY A PENALTY OF NOT LESS THAN TWO HUNDRED FIFTY DOLLARS.

2. CRIMINAL OFFENSE. VIOLATIONS CAUSING ANIMALS PAIN OR DEATH SHALL BE REFERRED IMMEDIATELY TO THE APPROPRIATE DISTRICT ATTORNEY'S OFFICE FOR CRIMINAL PROSECUTION.

S 547. OTHER PROTECTIONS. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO AFFECT ANY PROTECTION AFFORDED TO PETS UNDER ANY OTHER PROVISION OF LAW OR IN ANYWAY PRECLUDE CHARGES PURSUANT TO ARTICLE TWENTY-SIX OF THE AGRICULTURE AND MARKETS LAW RELATING TO CRUELTY TO ANIMALS.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/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.