STATE OF NEW YORK

1569--A

2017-2018 Regular Sessions

IN SENATE

January 10, 2017

Introduced by Sens. AVELLA, BOYLE, SERRANO -- 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 registration and certification of pet groomers and pet grooming businesses

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 35-G to read as follows:

ARTICLE 35-G

REGISTRATION AND CERTIFICATION OF PET GROOMERS AND PET GROOMING FACILITIES

Section 759-b. Legislative intent.
759-c. Definitions.
759-d. Pet grooming registration required.
759-e. Pet groomer registration.
759-f. Health and safety standards.
759-g. Penalties for violations.
759-h. Rules and regulations.

§ 759-b. Legislative intent. The legislature hereby finds and determines that pets are an integral part of many families in the state of New York. The legislature further finds and determines that many pet owners choose to use pet grooming facilities to maintain their pet's appearance, health or well-being and, by doing so, these individuals are entrusting their pet to the care of professionals skilled in the grooming, cleaning and styling of animals. The legislature determines that it is important to establish safe and sanitary practices for those individual professionals who are providing for the care and treatment of animals through their grooming, cleaning and styling. The legislature further finds that these professionals should be required to register

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

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with the state of New York and follow certain basic rules to provide safe grooming services to those individuals who seek their services. Therefore, the purpose of this law is to require pet groomers to register with the state and to follow common sense care and safety regulations when providing their services.

§ 759-c. Definitions. For the purposes of this article, the following terms shall have the following meanings:

1. "Apprentice" means a person who is engaged in learning and acquiring knowledge of pet grooming or styling under the direction and supervision of a pet groomer.

2. "Box dryer" means a piece of equipment that is attached to, or near, a cage or enclosure for the purpose of drying or aiding in the drying of a pet contained in a cage or enclosure, and which is capable of functioning without a person manually holding a dryer.

3. "Cage or crate" means a safe and humane container for the keeping and/or housing of pets in a facility.

4. "Continuing education" means any program or course of study intended to enhance knowledge and skills in subjects relevant to one's profession.

5. "Department" means the department of state.

6. "Grooming" means any act of preparing, cleaning, trimming, or styling animal hair by an individual for financial remuneration.

7. "Incident" means when the skin of any pet or person is broken, when a pet sustains an injury of any kind during the course of a grooming session, or a pet has an allergic reaction during the course of a grooming session.

8. "Pet" means any dog, cat or other animal accepted for grooming or styling.

9. "Pet groomer" means any individual who clips, trims, styles, bathes or dries a pet for financial remuneration.

10. "Pet grooming business" means any person, corporation, firm or proprietorship or other entity or business organization that engages in a business that provides pet grooming or styling services. This shall include businesses that provide their services at a commercial building, from a mobile unit, from the business owner's home, or are provided at a customer's home, grounds or business using equipment provided by a pet groomer.

11. "Pet restraint" shall mean any tool or piece of equipment used or attached to a grooming arm, tub or other facility, fixture or equipment to hold a pet safely and under control.

§ 759-d. Pet grooming registration required. 1. No pet grooming business shall operate within the state of New York unless it has registered with the department in accordance with the provisions of this section. The initial application fee for registration of a pet grooming business shall be fifty dollars. Registration shall be filed biennially for a fee of one hundred dollars.

2. Each registrant shall provide the following information and appropriate supporting documentation to the department:

(a) The name of the pet grooming business;

(b) The principal address and the names of all owners of the business; and

(c) Documents providing proof of professional and general liability and property damage insurance and workers' compensation insurance.

3. The department shall conduct a background check to verify applicant has not been convicted of animal cruelty or neglect or interpersonal violence.

4. No applicant for registration or renewal shall have any outstanding judgment for child support against him or her, or be in arrears in child support payments as determined by official court records or official government records, at the time an application is filed for such registration or renewal. If an applicant has such a judgment against him or her, or is in arrears, but is current in payments on a judicially approved, or support collection unit sanctioned payment schedule to pay off or reduce such judgment or arrears, then such individual shall not be deemed ineligible for registration or renewal on the grounds of such judgment or arrears. At least thirty days prior to the expiration of a registration, the department shall send a written notice to a registrant informing said registrant of his or her obligation to comply with the provisions of this section pertaining to compliance with child support obligations. If necessary, a second written notice shall be sent by the department to a registrant sixty days after the registration has lapsed, informing said registrant of his or her obligation to comply with the provisions of this section pertaining to compliance with the child support obligations. In addition, the local department of social services, through its support collection unit, shall notify all current noncustodial parents of the obligations contained in this section.

5. Biennial registration shall be contingent upon the registrant demonstrating successful completion of eight hours of continuing education on safety and sanitation from a professional pet groomers and stylists alliance compliant administrator. This requirement may be satisfied through in person training, personalized coaching, webinars, distance learning, industry shows, seminars, events, workshops or any combination thereof.

6. The department shall provide each pet grooming business which has complied with the registration requirements provided in this section with a registration certificate and an identification card, which shall have a registration number and expiration date.

7. Pet grooming businesses shall display their registration number on all vehicles and identification used by employees.

8. Pet grooming businesses shall comply with all local, state and federal laws, rules and regulations.

§ 759-e. Pet groomer registration. 1. No natural person shall provide services as a pet groomer in the state of New York unless they have registered with the department in accordance with the provisions of this section. The initial application fee for registration as a pet groomer shall be twenty-five dollars. Registration shall be filed biennially for a fee of fifty dollars. Registrants who are owners of a registered pet grooming business shall be exempt from the pet groomer registration fees provided for in this section.

2. Registrants must be at least eighteen years of age.

3. The department shall conduct a background check to verify applicant has not been convicted of animal cruelty or neglect or interpersonal violence.

4. Each registrant must provide the following information and appropriate documentation to the department:

(a) Proof of age; and

(b) Documents demonstrating that the applicant has either:

(i) Received training in the field of pet grooming for at least one hundred fifty hours, either as an apprentice or from a school or institution that provides instruction in pet grooming and is compliant with the professional pet groomers and stylists alliance standards of care for safety and sanitation; or

(ii) Successfully completed a grooming certification course through a professional pet groomers and stylists alliance compliant membership organization in good standing at the time of completion; or

(iii) Has continually operated a business providing pet grooming services or has been employed as a pet groomer in good standing for a period of at least one year prior to the effective date of this article.

5. The department shall provide each pet groomer who has complied with the registration requirements a registration certificate and an identification card, which shall have a registration number and expiration date.

6. Natural persons who are employed by only one pet grooming business shall be exempt from the individual pet groomer registration requirements set forth in this article.

7. Natural persons engaged in grooming a dog or cat for a specific exhibition or competition shall be exempt from the individual pet groomer registration requirements set forth in this article.

8. Biennial registration shall be contingent upon the registrant providing proof of successful completion of eight hours of continuing education on safety and sanitation from a professional pet groomers and stylists alliance compliant administrator. This requirement may be satisfied through in person training, personalized coaching, webinars, distance learning, industry shows, seminars, events, workshops or any combination thereof.

§ 759-f. Health and safety standards. 1. Pet grooming businesses shall provide temporary housing for pets that is in good repair, safe, secure and stable. Pets should be able to sit, stand and turn around comfortably in any crate or enclosure. All pet housing shall be sufficiently ventilated and climate controlled for the health and safety of the pet.

2. Pet grooming businesses and groomers must offer fresh water to any pet confined more than four hours.

3. No pet shall be left unsupervised while on a grooming table or in the bathing areas. Bathing areas used by grooming businesses should be in safe, operational condition with non-slip flooring for pets and pet groomers. Water temperature should be set appropriately to prevent injury to pets.

4. All equipment, tools and products used by pet grooming businesses shall be in good working condition and used in a professional manner. All pet restraints used shall be both secure and species appropriate. Pet grooming businesses and pet groomers shall only use products and/or chemicals in the grooming and styling of pets that are species appropriate. Any pesticide used on a pet shall be approved by the department of environmental conservation.

5. Pets in box dryers shall be attended to by at least one person in the room at all times.

6. The facilities used by pet grooming businesses shall be clean, neat and orderly, with enclosures and work spaces cleaned between uses by different pets. Facilities shall have appropriate ventilation and first aid kits available for pets and personnel.

7. All facilities used by pet grooming businesses shall have emergency procedures to assure the health and safety of pets in the event of an emergency situation. This shall include, but shall not be limited to, the name and contact information of a local emergency veterinarian to be used by pet groomers or pet owners in the event of a pet's medical emergency and/or protocols promoting training in cardiopulmonary resuscitation, first aid, and other emergency care.

8. Pet grooming businesses shall keep and maintain records of all clients and their respective pets, including, but not limited to: the name of the pet, the age of the pet (if known), the name, address and phone number of the pet owner; any known allergies or preexisting conditions of the pet; the services provided; and the dates of services rendered. Incident reports shall be created in the event of an incident occurring with a pet. General records shall be retained for at least one calendar year from the date of service. Incident reports shall be retained for at least three years from the date of service. Incidents resulting in pain or significant injury shall be reported to the appropriate authorities for investigation.

9. Apprentices working in a pet grooming business must be under the supervision of a pet groomer.

§ 759-g. Penalties for violations. 1. Except as provided in subdivision two of this section, any pet grooming business which violates any of the provisions of this article shall be subject to a civil penalty of no less than five hundred dollars and no more than one thousand dollars for each violation.

2.Violations of this article that do not involve the health and safety of a pet, shall be subject to a civil penalty of no less than fifty dollars and no more than one hundred dollars for each violation.

3. The department is hereby empowered to revoke or deny a registration certificate to any pet grooming business or pet groomer which fails to file all required information, files falsified information or is found responsible for more than three violations during any registration period of two years. Any pet grooming business or pet groomer whose registration is revoked or denied may reapply after a period of two years.

4. Any civil penalty, revocation or denial of registration may only be assessed by the department following a hearing and opportunity for an alleged violator to be heard.

5. In addition to any civil penalties imposed by the department pursuant to this section, any person who shall conduct a pet grooming business requiring registration under this article without obtaining such registration or who shall continue to engage in such business after having a registration revoked or denied shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than five thousand dollars or imprisonment for up to one year, or both. Each such violation shall be deemed a separate offense.

§ 759-h. Rules and regulations. The department is hereby authorized and empowered to issue and promulgate such rules and regulations as deemed necessary for the implementation and enforcement of this article.

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.