

STATE OF NEW YORK

5146--A

2017-2018 Regular Sessions

IN SENATE

March 9, 2017

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 § 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. A pet grooming
7 facility shall not include any self-service pet grooming facilities,
8 including but not limited to businesses such as car wash facilities
9 where pet grooming is ancillary to the primary business of the facility
10 or businesses that provide customers with pet grooming equipment and/or
11 supplies for customers to use to groom their own personal pets and
12 employees at such self-service pet grooming facilities only provide
13 assistance demonstrating how to operate equipment properly and safely.
14 If a self-service pet grooming facility also offers pet grooming
15 services, then such facility shall be considered a pet grooming facility
16 and a licensed pet groomer would be required to be on premises.

17 § 540. Standard of care. 1. The primary concern of every person
18 licensed pursuant to this article, and those working under the super-
19 vision of such person, shall be the safety and well-being of the pet in
20 their care. Pets shall not be left unattended while at the grooming
21 facility. In the event a pet is left unattended, the pet shall be kept
22 in a structurally sound, clean cage. Pets shall be cared for according
23 to the minimum standards of subdivisions one, two, three and four of
24 section four hundred one of the agriculture and markets law, and any
25 other sections of the agriculture and markets law relating to the care
26 of pets.

27 2. Every location where pets are groomed shall display contact infor-
28 mation for the secretary of state.

29 § 541. Record keeping. 1. Each pet groomer shall keep and maintain
30 records regarding each animal cared for and the owner thereof. Such
31 records shall include the name and address of the owner, the services
32 provided, and the date such services were provided.

33 2. Records for each animal shall be maintained for a minimum period of
34 one year from the date of service. During normal business hours, such
35 records shall be made available to persons authorized by law to enforce
36 the provisions of this article.

37 § 542. Licenses. 1. Any person intending to own or operate a pet
38 grooming business as defined in this article shall hold a license issued
39 by the secretary of state.

40 2. The secretary of state, in cooperation and consultation with the
41 department of agriculture and markets, shall establish a training
42 program and testing procedure for applicants interested in obtaining
43 such license. The objectives of the training and examination shall be
44 to ensure the applicants have sufficient skills to safeguard the health
45 and safety of the animal, and to ensure that the applicants have
46 attained adequate levels of skill to competently engage in pet grooming.
47 The program shall be available both online and on-site, and shall be
48 held at least quarterly by the state or an authority approved by the
49 secretary of state.

50 3. The secretary of state shall create and maintain a roster of licen-
51 sees. Such record shall include disciplinary action, suspension of
52 license and revocation.

53 4. No individual shall be permitted to take an examination for a pet
54 groomer's license unless such applicant is at least sixteen years of
55 age.

1 5. If the applicant meets the necessary qualifications, has completed
2 the training and passed the examination, the secretary of state shall
3 issue such applicant a license as a pet groomer upon payment of a forty
4 dollar annual registration fee.

5 6. A licensed pet groomer may employ individuals, under his or her
6 direct supervision. A licensed pet groomer must be on premises at all
7 times. The name of the person in charge of any pet grooming facility
8 shall be posted in a conspicuous place in such facility and the license
9 of such person shall be prominently displayed.

10 § 543. License refusal, suspension or revocation. 1. The secretary of
11 state may decline to grant or renew, or may suspend or revoke a pet
12 groomer's license for a false statement as to a material matter in the
13 application for such license, for persistent improper record keeping or
14 business practices, or for a violation of any provision of this law or
15 any law relating to the humane treatment of animals.

16 2. The secretary of state shall conduct a hearing before revoking or
17 suspending any license or before issuing any order directing the cessa-
18 tion of unlicensed activities. At least ten days prior to the date set
19 for the hearing, the holder of such license shall be notified in writ-
20 ing, or the person alleged to have engaged in unlicensed activities, of
21 any charges made and shall afford such person an opportunity to be heard
22 in person or by counsel in reference hereto. The hearing on such charg-
23 es shall be at such time and place as the department shall prescribe.

24 3. Any action of the secretary of state pursuant to this section shall
25 be subject to judicial review in a proceeding pursuant to article seven-
26 ty-eight of the civil practice law and rules.

27 § 544. Inspections. The secretary of state or his or her authorized
28 agents shall be authorized to jointly coordinate with the commissioner
29 of agriculture and markets or his or her authorized agents to inspect
30 pet grooming facilities to ensure compliance with the provisions of this
31 article. Nothing herein shall limit the ability of the department of
32 agriculture and markets to enforce the provisions of the agriculture and
33 markets law as applicable to such facility. Authority to conduct such
34 inspections to enforce the provisions of this article and report thereon
35 may be delegated by the secretary of state to a municipality.

36 § 545. Violations. 1. In addition to denial, revocation, suspension or
37 refusal of renewal of a license, as otherwise provided in this article,
38 any violation of a provision of this article is a civil offense, for
39 which a penalty of not less than one hundred dollars nor more than five
40 hundred dollars for each violation may be imposed, provided however for
41 violations not affecting the health and safety of a person or a pet at
42 the pet grooming facility, the secretary of state may allow for a cure
43 period or other opportunity for ameliorative action, the successful
44 completion of which will prevent the imposition of penalties on the
45 party or parties subject to enforcement. The secretary of state shall
46 implement an appeals process for such licensed pet groomer who wishes to
47 contest the imposition of a penalty related to a civil offense.

48 2. The provisions of this article may be concurrently enforced by the
49 secretary of state and by any municipality to which the secretary of
50 state has delegated authority. Moneys collected thereunder shall be
51 retained by the local municipality.

52 3. Nothing in this article shall be construed to limit or restrict any
53 municipality with a population of one million or more from enacting or
54 enforcing a local law, rule, regulation or ordinance governing pet
55 groomers, provided however, that any such local law, rule, regulation,

1 or ordinance shall be no less stringent than the applicable provisions
2 of this article.

3 § 546. Current practitioners. Individuals engaged in pet grooming on
4 the effective date of this article may continue in such capacity for one
5 year from the time regulations are finalized, but must, within said
6 year, make application for a license as provided in this article and
7 will be subject to the provisions of this article thereafter.

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