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Introduced by M. of A. PAULIN, COOK, ZEBROWSKI, HOOPER, McDONOUGH, L. ROSENTHAL, MURRAY, ABINANTI, SEAWRIGHT -- Multi-Sponsored by -- M. of A. DINOWITZ, PERRY, TITONE -- read once and referred to the Committee on Economic Development -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- ordered to a third reading, amended and ordered reprinted, retaining its place on the order of third reading -- again amended on third reading, ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the general business law, in relation to the registration and regulation of pet groomers

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 REGISTRATION AND REGULATION OF PET GROOMERS

Section 539. Definitions.

540. Standard of care.

541. Record keeping.

542. Certificate of registration.

543. Certificate of registration refusal, suspension or revocation.

544. Inspections.

545. Violations.

§ 539. Definitions. As used in this article, the following terms shall have the following meanings:

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

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1 1. "Pet" means an animal as defined by subdivision five of section
2 three hundred fifty of the agriculture and markets law.

3 2. "Registered pet groomer" means an individual, registered as a pet
4 groomer who bathes, brushes, dries, clips or styles a pet for financial
5 remuneration.

6 3. "Pet groomer" means an individual, working under the supervision of
7 a registered pet groomer at the grooming facility.

8 4. "Pet grooming facility" means a business permanently operating in
9 New York state including mobile and home-based facilities where a pet
10 may be bathed, dried, brushed, clipped or styled, and (i) pet grooming
11 is the establishment's predominant source of sales, or (ii) pet grooming
12 services are offered within a retail store. A pet grooming facility
13 shall not include any self-service pet grooming facilities, including
14 but not limited to businesses such as car wash facilities where pet
15 grooming is ancillary to the primary business of the facility or busi-
16 nesses that provide customers with pet grooming equipment and/or
17 supplies for customers to use to groom their own personal pets and
18 employees at such self-service pet grooming facilities only provide
19 assistance demonstrating how to operate equipment properly and safely.
20 If a self-service pet grooming facility also offers pet grooming
21 services, then such facility shall be considered a pet grooming facility
22 and a registered pet groomer would be required to be on premises.

23 § 540. Standard of care. 1. The primary concern of every person regis-
24 tered pursuant to this article, and those working under the supervision
25 of such person, shall be the safety and well-being of the pet in their
26 care. No pet shall be left restrained or unrestrained while on a groom-
27 ing table, in a bathing area or in a dryer. Pets shall be cared for
28 according to the minimum standards of subdivisions one, two, three and
29 four of section four hundred one of the agriculture and markets law, and
30 any other sections of the agriculture and markets law relating to the
31 care of pets.

32 2. Every location where pets are groomed shall display contact infor-
33 mation for the secretary of state and a copy of their certificate of
34 registration as required by section five hundred forty-two of this arti-
35 cle.

36 § 541. Record keeping. 1. Each pet groomer shall keep and maintain
37 records regarding each animal cared for and the owner thereof. Such
38 records shall include the name, contact number, and address of the
39 owner, the services provided, and the date such services were provided.

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

44 § 542. Certificate of registration. 1. Any person intending to own or
45 operate a pet grooming business as defined in this article shall hold a
46 certificate of registration issued by the secretary of state as required
47 by this article.

48 2. The secretary of state, in cooperation and consultation with the
49 department of agriculture and markets, shall establish a training
50 program and examination procedure for applicants interested in obtaining
51 such registration. The objectives of the training and examination shall
52 be to ensure the applicants have sufficient skills to safeguard the
53 health and safety of the animal, and to ensure that the applicants have
54 attained adequate levels of skill to competently engage in pet grooming.
55 The training and examination shall be available through an educational
56 course or program approved by the department and shall be available

1 online or on-site, and shall be held at least quarterly by the state or
2 an authority approved by the secretary of state.

3 3. The secretary of state shall create and maintain a roster of regis-
4 trants. Such record shall include disciplinary action, suspension of
5 registration and revocation.

6 4. No individual shall be permitted to take an examination for a pet
7 groomer's registration unless such applicant is at least eighteen years
8 of age.

9 5. (a) If the applicant provides the necessary business information
10 and has completed the training and passed the examination, the secretary
11 of state shall issue such applicant a certificate of registration as a
12 pet groomer upon payment of a forty dollar annual registration fee. At
13 minimum, each registrant shall provide:

14 (i) the name of the pet grooming business;

15 (ii) the principal address, contact number, and names of all the
16 owners of the business;

17 (iii) evidence of appropriate training, such as: (1) having been in
18 the field of pet grooming either as an apprentice program or from a
19 school or institution approved by the department and that provides
20 instruction in pet grooming; or (2) has successfully completed a groom-
21 ing certification course through a professional pet groomers and styl-
22 ists alliance compliant membership organization in good standing at the
23 time of completion and such program is approved by the department; and

24 (iv) any other information that the department deems necessary and
25 appropriate.

26 (b) Individuals currently engaged in pet grooming on the effective
27 date of this article may apply for a certificate of registration by
28 providing:

29 (i) payment of the same registration fee as required in paragraph (a)
30 of this subdivision;

31 (ii) the name of the pet grooming business;

32 (iii) the principal address, contact number, and names of all the
33 owners of the business;

34 (iv) evidence of completion of a training program approved by the
35 department; and

36 (v) any other information that the department deems necessary and
37 appropriate.

38 (c) The department shall provide each pet grooming business which has
39 complied with the registration requirements as provided for in this
40 article with a certificate of registration and an identification card or
41 certificate, which shall have an identification number and expiration
42 date.

43 6. A registered pet groomer may employ individuals, under his or her
44 direct supervision. A registered pet groomer must be on premises at all
45 times that a pet is being groomed. The name of the person in charge of
46 any pet grooming facility shall be posted in a conspicuous place in such
47 facility and the certificate of registration of such person shall be
48 prominently displayed.

49 § 543. Certificate of registration refusal, suspension or revocation.

50 1. The secretary of state may decline to grant or renew, or may suspend
51 or revoke a pet groomer's certificate of registration for a false state-
52 ment as to a material matter in the application for such certificate of
53 registration, for persistent improper record keeping or business prac-
54 tices, or for a violation of any provision of this law or any law relat-
55 ing to the humane treatment of animals.

1 2. The secretary of state shall conduct a hearing before revoking or
2 suspending any certificate of registration or before issuing any order
3 directing the cessation of unauthorized activities. At least ten days
4 prior to the date set for the hearing, the holder of such certificate of
5 registration shall be notified in writing, or the person alleged to have
6 engaged in unauthorized activities, of any charges made and shall afford
7 such person an opportunity to be heard in person or by counsel in refer-
8 ence hereto. The hearing on such charges shall be at such time and
9 place as the department shall prescribe. Any pet grooming business or
10 pet groomer whose certificate of registration is revoked, denied, or
11 suspended may reapply after re-taking a training course and re-passing
12 an examination as well as demonstrate to the secretary of state their
13 ability to provide for the humane and appropriate care and safety of
14 pets in their care.

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

18 § 544. Inspections. The secretary of state or his or her authorized
19 agents shall be authorized to jointly coordinate with the commissioner
20 of agriculture and markets or his or her authorized agents to inspect
21 pet grooming facilities to ensure compliance with the provisions of this
22 article. Nothing herein shall limit the ability of the department of
23 agriculture and markets to enforce the provisions of the agriculture and
24 markets law as applicable to such facility. Authority to conduct such
25 inspections to enforce the provisions of this article and report thereon
26 may be delegated by the secretary of state to a municipality.

27 § 545. Violations. 1. In addition to denial, revocation, suspension or
28 refusal of renewal of a certificate of registration, as otherwise
29 provided in this article, any violation of a provision of this article
30 is a civil offense, for which a penalty of not less than one hundred
31 dollars nor more than five hundred dollars for each violation may be
32 imposed, provided however for violations not affecting the health and
33 safety of a person or a pet at the pet grooming facility, the secretary
34 of state may allow for a cure period or other opportunity for ameliora-
35 tive action, the successful completion of which will prevent the imposi-
36 tion of penalties on the party or parties subject to enforcement. The
37 secretary of state shall implement an appeals process for such regis-
38 tered pet groomer who wishes to contest the imposition of a penalty
39 related to a civil offense.

40 2. The provisions of this article may be concurrently enforced by the
41 secretary of state and by any municipality to which the secretary of
42 state has delegated authority. Moneys collected thereunder shall be
43 retained by the local municipality.

44 3. Nothing in this article shall be construed to limit or restrict any
45 municipality with a population of one million or more from enacting or
46 enforcing a local law, rule, regulation or ordinance governing pet
47 groomers, provided however, that any such local law, rule, regulation,
48 or ordinance shall be no less stringent than the applicable provisions
49 of this article.

50 § 2. This act shall take effect on the one hundred eightieth day after
51 it shall have become a law; provided, however, that effective immediat-
52 ly the addition, amendment or repeal of any rule or regulation necessary
53 for the implementation of this act on its effective date are authorized
54 and directed to be made and completed on or before such effective date.