

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:

1 Section 1. The general business law is amended by adding a new article
2 35-G to read as follows:

ARTICLE 35-G

REGISTRATION AND CERTIFICATION OF PET GROOMERS AND PET GROOMING FACILITIES

6 Section 759-b. Legislative intent.

7 759-c. Definitions.

8 759-d. Pet grooming registration required.

9 759-e. Pet groomer registration.

10 759-f. Health and safety standards.

11 759-g. Penalties for violations.

12 759-h. Rules and regulations.

13 § 759-b. Legislative intent. The legislature hereby finds and deter-
14 mines that pets are an integral part of many families in the state of
15 New York. The legislature further finds and determines that many pet
16 owners choose to use pet grooming facilities to maintain their pet's
17 appearance, health or well-being and, by doing so, these individuals are
18 entrusting their pet to the care of professionals skilled in the groom-
19 ing, cleaning and styling of animals. The legislature determines that it
20 is important to establish safe and sanitary practices for those individ-
21 ual professionals who are providing for the care and treatment of
22 animals through their grooming, cleaning and styling. The legislature
23 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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1 with the state of New York and follow certain basic rules to provide
2 safe grooming services to those individuals who seek their services.
3 Therefore, the purpose of this law is to require pet groomers to regis-
4 ter with the state and to follow common sense care and safety regu-
5 lations when providing their services.

6 § 759-c. Definitions. For the purposes of this article, the following
7 terms shall have the following meanings:

8 1. "Apprentice" means a person who is engaged in learning and acquir-
9 ing knowledge of pet grooming or styling under the direction and super-
10 vision of a pet groomer.

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

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

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

20 5. "Department" means the department of state.

21 6. "Grooming" means any act of preparing, cleaning, trimming, or styl-
22 ing animal hair by an individual for financial remuneration.

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

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

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

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

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

41 § 759-d. Pet grooming registration required. 1. No pet grooming busi-
42 ness shall operate within the state of New York unless it has registered
43 with the department in accordance with the provisions of this section.
44 The initial application fee for registration of a pet grooming business
45 shall be fifty dollars. Registration shall be filed biennially for a fee
46 of one hundred dollars.

47 2. Each registrant shall provide the following information and appro-
48 priate supporting documentation to the department:

49 (a) The name of the pet grooming business;

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

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

54 3. The department shall conduct a background check to verify applicant
55 has not been convicted of animal cruelty or neglect or interpersonal
56 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

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

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

7 5. The department shall provide each pet groomer who has complied with
8 the registration requirements a registration certificate and an iden-
9 tification card, which shall have a registration number and expiration
10 date.

11 6. Natural persons who are employed by only one pet grooming business
12 shall be exempt from the individual pet groomer registration require-
13 ments set forth in this article.

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

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

24 § 759-f. Health and safety standards. 1. Pet grooming businesses shall
25 provide temporary housing for pets that is in good repair, safe, secure
26 and stable. Pets should be able to sit, stand and turn around comfort-
27 ably in any crate or enclosure. All pet housing shall be sufficiently
28 ventilated and climate controlled for the health and safety of the pet.

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

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

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

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

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

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

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

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

14 § 759-g. Penalties for violations. 1. Except as provided in subdivi-
15 sion two of this section, any pet grooming business which violates any
16 of the provisions of this article shall be subject to a civil penalty of
17 no less than five hundred dollars and no more than one thousand dollars
18 for each violation.

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

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

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

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

39 § 759-h. Rules and regulations. The department is hereby authorized
40 and empowered to issue and promulgate such rules and regulations as
41 deemed necessary for the implementation and enforcement of this article.

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