

STATE OF NEW YORK

5146--C

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 -- recommitted to the Committee on Consumer Protection in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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 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:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (iv) any other information that the department deems necessary and
23 appropriate.

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

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

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

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

32 (iv) evidence of completion of a training program approved by the
33 department; and

34 (v) any other information that the department deems necessary and
35 appropriate.

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

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

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

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

54 2. The secretary of state shall conduct a hearing before revoking or
55 suspending any certificate of registration or before issuing any order
56 directing the cessation of unauthorized activities. At least ten days

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

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

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

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

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

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

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