

STATE OF NEW YORK

3778

2019-2020 Regular Sessions

IN ASSEMBLY

January 31, 2019

Introduced by M. of A. McDONOUGH, MALLIOTAKIS -- Multi-Sponsored by --
M. of A. M. L. MILLER, RIVERA, SOLAGES, THIELE -- read once and
referred to the Committee on Economic Development

AN ACT to amend the general business law, in relation to the certification 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 CERTIFICATION AND REGULATION OF PET GROOMERS

5 Section 539. Definitions.
6 540. Standard of care.
7 541. Record keeping.
8 542. Certification.
9 543. Certification 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 any animal placed in the care of a pet groomer for
16 grooming or styling.

17 2. "Pet groomer" means an individual, certified as a pet groomer who
18 bathes, brushes, clips or styles a pet for financial remuneration.

19 3. "Pet grooming facility" means any person or entity that engages in
20 bathing, brushing, clipping or styling a pet for financial remuneration
21 and shall include, but shall not be limited to, a commercial establish-

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

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1 ment or a motor vehicle where such services are provided and pet groom-
2 ers who provide such services at any location that is not a commercial
3 establishment or motor vehicle where such services are provided.

4 § 540. Standard of care. 1. The primary concern of every person certi-
5 fied pursuant to this article shall be the safety and well-being of the
6 pet in their care. Pets not in the grooming process shall be kept in
7 structurally sound clean cages. Such enclosures shall be in good repair
8 and large enough to allow each pet to make normal postural adjustments
9 such as sitting, standing and turning around. Each pet shall be caged
10 separately. Pets shall not be allowed to roam free in the pet grooming
11 facility.

12 2. Outdoor facilities shall not be utilized in inclement weather.
13 Indoor facilities shall be maintained at a healthy temperature. There
14 shall be sufficient lighting to facilitate cleaning of both pets and
15 facilities. Sanitary conditions shall be maintained at all times.
16 Groomers shall be provided with the pet's vaccination history and the
17 pet owner's emergency contact number.

18 3. Upon receiving a pet for grooming, the groomer shall inquire as to
19 the pet's veterinarian and any special needs of such pet. Adequate water
20 supply shall be available for drinking as well as bathing.

21 4. Every location where pets are groomed shall display a telephone
22 number of the state bureau or office where the pet's owner may make
23 known their feelings regarding the services received at the pet grooming
24 facility.

25 5. Pets shall not be left unattended while at the grooming facility,
26 and a drying cage shall never be used. Pets shall not be left unattended
27 on a grooming table or in a bath tub.

28 6. Every person certified as a pet groomer shall prove to the satis-
29 faction of the secretary of state or a representative thereof that such
30 person is insured covering their liability for negligent acts associated
31 with their activity as a pet groomer.

32 § 541. Record keeping. 1. Each pet groomer shall keep and maintain
33 records regarding each animal cared for and the owner thereof. Such
34 records shall include the name and address of the owner, the pet's
35 veterinarian and the date of providing service.

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

40 § 542. Certification. 1. The secretary of state shall establish a
41 bureau or office to enforce and oversee the certification of individuals
42 as pet groomers. Such bureau or office shall have branches located in
43 various areas of the state in sufficient number to meet the needs of the
44 people of the state. The secretary of state, in cooperation and consul-
45 tation with the education and health departments, shall establish a
46 training program and testing procedure for applicants interested in
47 obtaining such certification.

48 2. The bureau or office shall create and maintain a roster of certi-
49 fied pet groomers based on information obtained from applicants and the
50 results of their training and testing. Such record shall include disci-
51 plinary action, suspension of certification and revocation.

52 3. No individual shall be permitted to take an examination for a pet
53 groomer's certification unless such applicant is at least sixteen years
54 of age, is of good moral character, has completed at least a tenth grade
55 education and passed a background check.

1 4. If the applicant meets the necessary qualifications, has completed
2 the training and passed the examination, the secretary of state shall
3 certify such applicant as a pet groomer upon payment of a biennial
4 registration fee as determined by the department. An applicant who has
5 not passed the examination but who is otherwise qualified, may continue
6 to take further examinations upon payment of a fee as determined by the
7 department for each examination taken.

8 5. A certified pet groomer may employ individuals, under his or her
9 direct supervision, who are in training for the pet groomer's examina-
10 tion. The name of the person in charge of any pet grooming facility
11 shall be posted in a conspicuous place in such facility and the certif-
12 ication of such person shall be prominently displayed.

13 § 543. Certification refusal, suspension or revocation. 1. The secre-
14 tary of state may decline to grant or renew, or may suspend or revoke a
15 pet groomer's certification for a material misstatement in the applica-
16 tion for such certification, for improper record keeping or business
17 practices or for a violation of any provision of law relating to the
18 humane treatment of animals and the protection of the consumer.

19 2. Prior to suspension or revocation of a certification and upon due
20 notice to the groomer, a hearing shall be held as provided in articles
21 three and four of the state administrative procedure act.

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

25 § 544. Inspections. 1. The secretary of state or his or her authorized
26 agents shall make yearly inspections of pet grooming facilities to
27 ensure compliance with the provisions of this article. Authority to
28 conduct such inspections and report thereon may be delegated by the
29 secretary of state to a county, city or town.

30 2. Any person making such inspections shall be first provided training
31 in the provisions of this article and the proper care of pets in gener-
32 al.

33 § 545. Violations. 1. In addition to denial, revocation, suspension or
34 refusal of renewal of a certification, as otherwise provided in this
35 article, any violation of a provision of this article is a civil
36 offense, for which a penalty of not less than one hundred dollars nor
37 more than one thousand dollars for each violation may be imposed. An
38 incident report shall be completed and filed with the department of
39 state by the pet groomer whenever a pet dies or is injured while in the
40 groomer's care.

41 2. The provisions of this article may be concurrently enforced by the
42 secretary of state and by any county, city or town to which the secre-
43 tary of state has delegated authority. Moneys collected thereunder shall
44 be retained by the local municipality.

45 § 546. Current practitioners. Individuals engaged in pet grooming on
46 the effective date of this article may continue in such capacity for one
47 year from such date, but must, within said year, make application for
48 certification as provided in this article and will be subject to the
49 provisions of this article thereafter.

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