

STATE OF NEW YORK

408

2019-2020 Regular Sessions

IN SENATE

(Prefiled)

January 9, 2019

Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

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:

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 REGISTRATION AND REGULATION OF PET GROOMERS

5 Section 539. Definitions.
6 540. Standard of care.
7 541. Record keeping.
8 542. Certificate of registration.
9 543. Certificate of registration refusal, suspension or revoca-
10 tion.
11 544. Inspections.
12 545. Violations.

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

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

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

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

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

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

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, contact number, and address of the
32 owner, the services 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. Certificate of registration. 1. Any person intending to own or
38 operate a pet grooming business as defined in this article shall hold a
39 certificate of registration issued by the secretary of state as required
40 by this article.

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

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

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

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

(i) the name of the pet grooming business;

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

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

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

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

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

(ii) the name of the pet grooming business;

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

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

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

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

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

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

1. The secretary of state may decline to grant or renew, or may suspend or revoke a pet groomer's certificate of registration for a false statement as to a material matter in the application for such certificate of registration, for persistent improper record keeping or business practices, or for a violation of any provision of this law or any law relating to the humane treatment of animals.

2. The secretary of state shall conduct a hearing before revoking or suspending any certificate of registration or before issuing any order directing the cessation of unauthorized activities. At least ten days prior to the date set for the hearing, the holder of such certificate of registration shall be notified in writing, or the person alleged to have engaged in unauthorized activities, of any charges made and shall afford

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

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

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

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

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

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

44 § 2. This act shall take effect on the one hundred eightieth day after
45 it shall have become a law. Effective immediately, the addition, amend-
46 ment and/or repeal of any rule or regulation necessary for the implemen-
47 tation of this act on its effective date are authorized to be made and
48 completed on or before such effective date.