

STATE OF NEW YORK

408--A

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 -- 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:

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.

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

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

3 4. "Pet grooming facility" means a business permanently operating in
4 New York state, including mobile facilities, where a pet may be bathed,
5 dried, brushed, clipped or styled, and (i) pet grooming is the estab-
6 lishment's predominant source of sales, or (ii) pet grooming services
7 are offered within a retail store. A pet grooming facility shall not
8 include any self-service pet grooming facilities, including but not
9 limited to businesses such as car wash facilities where pet grooming is
10 ancillary to the primary business of the facility or businesses that
11 provide customers with pet grooming equipment and/or supplies for
12 customers to use to groom their own personal pets and employees at such
13 self-service pet grooming facilities only provide assistance demonstrat-
14 ing how to operate equipment properly and safely. If a self-service pet
15 grooming facility also offers pet grooming services, then such facility
16 shall be considered a pet grooming facility and a registered pet groomer
17 would be required to be on premises. For purposes of this section,
18 locations used for temporary events, such as pet shows and exhibitions,
19 are not considered a pet grooming facility. Further, a pet grooming
20 facility shall not include a home-based breeder as defined by paragraph
21 (a) of subdivision four of section four hundred of the agriculture and
22 markets law.

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 unaccompanied while restrained or unres-
27 trained on a grooming table, in a bathing area or in a dryer. Pets shall
28 be cared for according to the minimum standards of subdivisions one,
29 two, three and four of section four hundred one of the agriculture and
30 markets law, and any other sections of the agriculture and markets law
31 relating to the care of pets.

32 2. Every pet grooming facility where pets are groomed shall display
33 contact information for the secretary of state and a copy of their
34 certificate of registration as required by section five hundred forty-
35 two of this article.

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 Further, each pet grooming facility shall request from pet owners proof
41 of annual vaccinations and a record of any known medical issues, condi-
42 tions or injuries for each pet groomed.

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

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

51 2. The secretary of state, in cooperation and consultation with the
52 department of agriculture and markets, shall establish a training
53 program for applicants interested in obtaining such registration. The
54 objectives of the training shall be to ensure the applicants have suffi-
55 cient skills to safeguard the health and safety of the animal. The
56 training shall be available through an educational course or program

1 developed by the department and/or offered through a groomer certifi-
2 cation school, organization or program approved by the department.
3 Such educational training programs or courses shall, at a minimum,
4 include basic health, safety, animal first aid, best sanitation prac-
5 tices and general care and grooming for animals. Such training shall
6 also be available online by the state or an organization approved by the
7 secretary of state.

8 3. The secretary of state shall create and maintain an online roster
9 of registrants. Such record shall include disciplinary action, suspen-
10 sion of registration and revocation.

11 4. No individual shall be permitted to register as a pet groomer
12 unless such applicant is at least eighteen years of age.

13 5. (a) If the applicant provides the necessary business information
14 and has completed the training and received a certificate, then the
15 secretary of state shall issue such applicant a certificate of registra-
16 tion as a registered pet groomer upon payment of a forty dollar annual
17 registration fee. At minimum, each registrant shall provide:

18 (i) the name of the pet grooming facility;

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

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

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

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

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

36 (ii) the name of the pet grooming facility;

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

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

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

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

48 6. A registered pet groomer may employ individuals, under his or her
49 direct supervision. A registered pet groomer must be on premises at all
50 times that a pet is being actively groomed. The grooming facility shall
51 display in a conspicuous place in such facility the certificate of
52 registration.

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

54 1. The secretary of state may decline to grant or renew, or may suspend
55 or revoke a pet groomer's certificate of registration for a false state-
56 ment as to a material matter in the application for such certificate of

1 registration, for persistent improper record keeping or business prac-
2 tices, or for a violation of any provision of this law or any law relat-
3 ing to the humane treatment of animals.

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

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

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

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

44 2. The provisions of this article may be concurrently enforced by the
45 secretary of state and by any municipality to which the secretary of
46 state has delegated authority. Moneys collected thereunder shall be
47 retained by the local municipality.

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

54 § 2. This act shall take effect on the one hundred eightieth day after
55 it shall have become a law. Effective immediately, the addition, amend-
56 ment and/or repeal of any rule or regulation necessary for the implemen-

1 tation of this act on its effective date are authorized to be made and
2 completed on or before such effective date.