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:

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.

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

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

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

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

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

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

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

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

3. The secretary of state shall create and maintain a roster of registrants. Such record shall include disciplinary action, suspension of 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

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

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

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

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

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

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

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.