

Memorandum in Support

COMMITTEE ON ANIMALS AND THE LAW

Animals and the Law #9

June 9, 2016

S. 5098-A

By: Senator Lanza

A. 1451-B

By: M. of A. Paulin

Senate Committee: Consumer Protection

Assembly Committee: Ways and Means

Effective Date: 90th day after it shall have become a law

AN ACT to amend the general business law, in relation to the licensing and regulation of pet groomers.

LAW AND SECTIONS REFERRED TO: A new article 29-CCC (sections 539-546) is added to the General Business Law enacting a system of licensing and regulation for pet groomers.

This bill would amend the General Business Law by adding a new article which would establish licensing and regulation of pet groomers, and provides for license refusal, suspension or revocation. It would establish standards of care, training and testing, and would require that anyone intending to own or operate a pet grooming business hold a license issued by the Secretary of State. Licensed individuals must be on the premises at all times during business hours but may employ other unlicensed individuals to perform pet grooming. The Secretary of State, in cooperation and consultation with the Department of Agriculture and Markets, would create a training program and testing procedure for applicants interested in obtaining a pet groomer's license. This bill would establish standards for record keeping that must be followed by pet groomers.

Pet grooming establishments have existed in almost every town in New York State for many, many years, yet they have never been held to any standards of care nor have the owners and employees been required to obtain any special training to provide these services. Over the years there have been numerous incidents of injury and even death of pets while in the care of pet groomers at pet grooming establishments. It has become clear that in order to protect consumers and their pets from inappropriate or unsafe practices followed by some groomers, it is necessary for the state to establish basic principles and training for those individuals who wish to own or operate a pet grooming facility. This bill would still allow non-licensed individuals to perform grooming services, but it would make the licensed individual in charge responsible for the standards of care, record keeping, and training necessary for proper and safe grooming.

Opinions expressed are those of the Section/Committee preparing this memorandum and do not represent those of the New York State Bar Association unless and until they have been adopted by its House of Delegates or Executive Committee.

The bill provides that the Secretary of State, in cooperation and consultation with the Department of Agriculture and Markets, would establish a training program and testing procedure for applicants. The objectives of the training and examination would be to ensure the applicants have sufficient skills to safeguard the health and safety of the animals they are grooming, and to ensure that the applicants have attained adequate levels of skill to competently engage in pet grooming. The program would be available online and on-site and would be held at least quarterly by the state or an authority approved by the state. Applicants for a pet groomers license must be at least 16 years of age, must have completed the training and passed the examination, and must pay a license fee of \$40.00 for a license to be issued.

Further, the bill would provide for license refusal, suspension or revocation and outlines procedures for hearings to afford the individual subject to a license refusal, suspension or revocation an opportunity to be heard in person or to be represented by counsel. Any action of the Secretary of State would be subject to judicial review. The bill also would provide for inspections and possible fines, but in cases not involving the health or safety of a person or pet, the Secretary of State may allow for a cure period or other opportunity for ameliorative action. The provisions of the bill would provide for a municipality, to which the Secretary of State has delegated authority, to concurrently enforce the law, with moneys collected to be retained by the local municipality. Any municipality with a population of one million or more would not be limited or restricted from enacting or enforcing a local law governing pet groomers, provided that such local law is no less stringent than the provisions of the state law.

The need for this law to be enacted is clear. Consumers should be able to have confidence that when they deliver their pet to a grooming establishment for grooming services they are not putting their pets at risk, and that if injuries do occur that they have legal recourse against the facility and the licensed owner or manager of the facility. Without such a law there are no enforceable standards for groomers, and no way to hold the individuals providing these services to account. We urge the legislature to pass this important and necessary bill.

Based on the foregoing, the Committee on Animals and the Law support passage of this bill.

Prepared by: NYSBA Committee on Animals and the Law