

Memorandum in Support

COMMITTEE ON ANIMALS AND THE LAW

Animals #8

May 19, 2017

S. 5146-A
A. 284-A

By: Senator Lanza
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 & SECTIONS REFERRED TO: General Business Law Article 29-CCC, sections 539-546.

THE COMMITTEE ON ANIMALS AND THE LAW **SUPPORTS THIS LEGISLATION**

This Bill would amend the General Business Law by adding a new article establishing 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 to be followed by pet groomers. It also would grant the Secretary of State authority to inspect, and provides for civil penalties.

Pet grooming facilities exist in almost every community in New York State 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. There have been numerous incidents of injury and even death of pets while in the care of pet groomers at pet-grooming establishments. Clearly, 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 own and/or operate a pet-grooming facility. This Bill would still allow non-licensed individuals to perform

grooming services by allowing the licensed individual in charge to be responsible for the standards of care, record keeping, and training necessary for proper and safe grooming.

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 groomer's 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.

The Bill would further 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 would also 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, and allows moneys collected to be retained by the 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.

Pets live in more than 50% of American homes. The American Pet Products Association (APPA) estimates American consumers will spend more than \$69 billion on their pets in 2017. Pet services alone, such as grooming and boarding, totaled more than \$5.76 billion in 2016 and are predicted to increase in 2017. Pet grooming is big business but is still largely unregulated in most states including New York. Preventable pet injuries and deaths are increasing as the demand for grooming services increases. Regulations requiring training and uniform standards would provide confidence to consumers when they deliver their family pet to a facility for grooming services that they are not placing their pets at unnecessary risk. When preventable injuries occur due to lack of training and skill, there must be 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 accountable. We urge the Legislature to pass this important and necessary Bill to protect families from the preventable, premature loss of their pets.

For the foregoing reasons, the Committee on Animals and the Law **SUPPORTS** the passage and enactment of this legislation.