

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Veterinary Medical Board

RULE CITATION: 21 NCAC 66 .1001

DEADLINE FOR RECEIPT: Thursday, August 8, 2024.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In line 8, add periods to "GS" to make it "G.S.". Also, add ".1" after "181" to make it "181.1(b)(1a)".

In line 9, consider adding a comma after "cats". Also, consider replacing "showing the following:" with "that include the following information."

In line 15, (3), consider replacing "product" with "the medication".

In lines 17-18, add a comma after "duration" and add "the medication," after "given".

In (4), add a comma after "occurrence" (line 19). In line 20, delete the first "or" and add a comma after "administration". In lines 21-22, add a comma after "record" and after "inspection."

In (5), lines 24-25, add "the" before "date", "incident", and before "pet's". In line 26, add "taken" after "action".

In your History Note, line 31, needs to list all of the Authority for your agency to promulgate this Rule. Please replace "Session Law 2023-63" with "G.S. 187.10 (S.L. 2023-63)" and add "G.S. 90-185" as Authority. Please add "Eff. Date" below "Authority" and add the date you desire. The earliest it can be entered into the Code is September 1, 2024.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis Wiggs
Commission Counsel
Date submitted to agency: July 25, 2024

1 21 NCAC 66 .1001 is adopted as published in 38:19 NCR page 1253 as follows:

2
3 **CHAPTER 66 – VETERINARY MEDICAL BOARD**

4
5 **SECTION .1000 – BOARDING KENNELS**

6
7 **21 NCAC 66 .1001 BOARDING KENNEL RECORDS**

8 Operators of a boarding kennel, as defined in GS 90-181(b)(1a), shall maintain records, as part of the medical record,
9 of all dogs and cats showing the following:

- 10 (1) name and address of owner or person responsible for animal, the date of entry and signature of the
11 person leaving the animal; and the date of release and signature and address of individual to whom
12 animal is released;
- 13 (2) description of animal including breed or breed type, sex, age, and color markings;
- 14 (3) veterinary care provided while boarded, which shall include date, times of administration,
15 description of medication and initials of person administering product or procedure. The description
16 of the medication shall include the name, strength or concentration, dosage, and dosing regimen.
17 The dosage regimen shall include the frequency and duration to include the number of dosages or
18 days to be given and the reason for the administration;
- 19 (4) all records shall be created and/or updated at the time of the occurrence such as intake, medication,
20 or treatment administration and/or release. The record shall be accurate; creation of a misleading
21 record or deliberate or non-incidentals falsification of a record including medication administration
22 during or after an investigation or inspection shall be considered a violation of this regulation;
- 23 (5) an incident file shall be kept within each facility for animals sustaining injury or illness requiring
24 veterinary care; animal death; and/or any animal escape. Each report shall include date of incident,
25 pet's name, breed or breed type/species, age, owner's name and contact information, description of
26 incident and course of action; and
- 27 (6) in the event of either an animal death or escape, while boarding not incidental to the practice of
28 veterinary medicine, the licensee shall notify the North Carolina Veterinary Medical Board within
29 48 hours.

30
31 History Note: Authority Session Law 2023-63.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Veterinary Medical Board

RULE CITATION: 21 NCAC 66 .1002

DEADLINE FOR RECEIPT: Thursday, August 8, 2024.

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In line 4, how does the regulated public know what “required records” to make available to the Board? Are you able to cross-reference rules and/or general statutes that list all the “required records”?

In line 5, consider adding a comma after “representative”, after “business hours”, and after “facility”. Delete “and/or” after “hours” and replace “or” after “facility” with “and during”.

In line 6, add an “s” to the end of “record”. Also, consider adding “by boarding kennels” after “maintained”.

In your History Note, line 9, needs to list all of the Authority for your agency to promulgate this Rule. Please replace “Session Law 2023-63” with “G.S. 187.10 (S.L. 2023-63)” and add “G.S. 90-185” and “G.S. 90-186” as Authority. Please add “Eff. Date” below “Authority” and add the date you desire. The earliest it can be entered into the Code is September 1, 2024.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis Wiggs
Commission Counsel
Date submitted to agency: July 25, 2024

1 21 NCAC 66 .1002 is adopted as published in 38:19 NCR page 1253 as follows:

2

3 **21 NCAC 66 .1002 INSPECTION OF RECORDS**

4 Boarding kennels shall make all required records available to the North Carolina Veterinary Medical Board or its
5 authorized representative on request, during business hours and/or during an inspection of the facility or an
6 investigation. The operator must be able to match each animal to its record upon request. Records shall be maintained
7 for a period of three years after the animal is released from a boarding kennel.

8

9 *History Note: Authority Session Law 2023-63.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Veterinary Medical Board

RULE CITATION: 21 NCAC 66 .1003

DEADLINE FOR RECEIPT: Thursday, August 8, 2024.

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In line 12, add periods to "GS" to make it "G.S.". Also, add ".1" after "181" to make it "181.1(b)(1a)".

In (10), lines 24-26, please move lines 25-26 up to line 24 after "enough".

In (21), line 10, add a comma after "housing".

In (23), lines 16-17, add "who is" before "able" and add "and" after "constantly".

In your History Note, line 25, needs to list all of the Authority for your agency to promulgate this Rule. Please replace "Session Law 2023-63" with "G.S. 187.1 (S.L. 2023-63)" and add "G.S. 90-185" as Authority. Please add "Eff. Date" below "Authority" and add the date you desire. The earliest it can be entered into the Code is September 1, 2024.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis Wiggs
Commission Counsel
Date submitted to agency: July 25, 2024

1 21 NCAC 66 .1003 is adopted as published, with changes, in 38:19 NCR pages 1253-1254 as follows:

2
3 **21 NCAC 66 .1003** **DEFINITIONS**

4 As used in this Section:

5 (1) "Accessories" means any objects used in cleaning and sanitizing primary enclosures, exercise areas,
6 or objects to which an animal may have access, including, but not limited to toys, blankets, food and
7 water utensils, and bedding.

8 (2) "Adequate" means a condition which, when met, does not jeopardize an animal's comfort, safety or
9 health. Adequate veterinary care means provision of veterinary care sufficient to address the relief
10 of pain and/or suffering experienced by the animal and sufficient to address the medical condition.

11 (3) "Behavioral-control device" means any apparatus used to control a pet animal's behavior.

12 (4) "Boarding Kennel" as defined in GS 90-181(b)(1a).

13 (5) "Cage" means a primary enclosure which is enclosed on all sides including the top and bottom.

14 (6) "Compatible group" means all animals in the group comingle peacefully without the presence of
15 aggressive, harassing, and/or agitating behaviors toward any other member(s) of the group.

16 (7) "Common area(s)" means areas of the facility in which multiple animals may have access such as
17 walkway(s), facility lobby(ies), hallway(s), area(s) around primary enclosures and exercise areas,
18 and other such similar areas.

19 (8) "Disposition" means the death, euthanasia, release, or transfer from a facility.

20 (9) "Enrichment" means providing objects or activities, appropriate to the needs of the species as well
21 as the age, size, and condition of the animal, that stimulates the pet and promotes the pet's well-
22 being.

23 (10) "Exercise area" means an enclosed space in which an animal(s) is confined, and which is large
24 enough
25 for species-appropriate activity such as walking, running, climbing, jumping, socialization and/or
26 play to occur.

27 (11) "Husbandry" means the practice of daily care administered to animals.

28 (12) "Impervious to moisture" means a surface that prevents the absorption of fluids and that can be
29 thoroughly and repeatedly sanitized, will not retain odors, and from which fluids bead up and run
30 off or can be removed without being absorbed into the surface material.

31 (13) "Infirm" means not physically or mentally strong, especially through age or illness.

32 (14) "Isolation" means the separation, for the period of communicability, of infected animals from others
33 in such a place and under such conditions to prevent the direct or indirect transmission of the
34 infectious agent from those infected to those that are susceptible or that may spread the agent to
35 others.

36 (15) "Isolation area" means a location where animals infected with disease may be placed to contain,
37 control, and limit the spread of the disease.

1 (16) “Permit period” means January 1 through December 31.

2 (17) "Long term care" means the housing of an animal for a period of more than 30 consecutive days.

3 (18) "Potable" means suitable for drinking.

4 (19) "Properly cleaned" means the removal of carcasses, debris, food waste, excrement, urine, dirty or
5 soiled accessories and other organic material with adequate frequency.

6 (20) "Social interaction" means friendly physical contact or play between animals of the same species or
7 with a person. Physical contact or play with the caretaker during cage cleaning and/or sanitation is
8 not considered social interaction.

9 (21) "Special provisions" means additional procedures, protocols, and/or equipment used when caring
10 for, housing and/or transporting animals with special needs. Examples of animals with "special
11 needs" include, but are not limited to, brachycephalic breeds, very young or old animals, animals
12 with a medical condition, infirm animals, and/or animals that are compromised or debilitated.

13 (22) "Suitable method of drainage" means drainage that allows for the elimination of water and waste
14 products, prevents contamination of animals, allows animals to remain dry, and complies with
15 applicable building codes and local ordinances.

16 (23) "Supervision " means at least one person (at least 16 years of age) present, at all times, able to
17 constantly, directly view all animals within the entirety of each enclosure or exercise area.

18 (24) ~~“Surgical procedure” for the purpose of this section means any invasive procedure performed on an~~
19 ~~animal to include, but not limited to: procedures to spay or neuter, any procedure that invades a~~
20 ~~body cavity and/or requires suturing or repairing of tissues; and/or any treatment of injuries or~~
21 ~~disorders of the body by incision, manipulation or alteration of organs or tissues with the hands or~~
22 ~~with instruments. For the purposes of this section, insertion of a microchip is not considered to be~~
23 ~~a surgical procedure.~~

24
25 History Note: Authority Session Law 2023-63.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Veterinary Medical Board

RULE CITATION: 21 NCAC 66 .1004

DEADLINE FOR RECEIPT: Thursday, August 8, 2024.

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In line 4, add periods to "GS" to make it "G.S.". Also, add ".1" after "181" to make it "181.1(b)(1a)".

In (1), lines 7-8, add a comma after "applications" and after the first "kennel" (line 8).

In line 17, add a comma after the second "protocols".

In line 19, add a comma after "emergency".

In your History Note, line 25, needs to list all of the Authority for your agency to promulgate this Rule. Please replace "Session Law 2023-63" with "G.S. 187.1 (S.L. 2023-63)" and add "G.S. 90-185" and "G.S. 90-186" as Authority. Please add "Eff. Date" below "Authority" and add the date you desire. The earliest it can be entered into the Code is September 1, 2024.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis Wiggs
Commission Counsel

Date submitted to agency: July 25, 2024

1 21 NCAC 66 .1004 is adopted as published, with changes, in 38:19 NCR page 1254 as follows:

2
3 **21 NCAC 66 .1004 PERMITS AND REGISTRATIONS**

4 All operators of a boarding kennels, as defined in GS 90-181(b)(1a), shall have a valid veterinary facility permit and
5 a valid boarding kennel permit.

6 ~~(1) Veterinary facility permits are not transferable.~~

7 ~~(2)(1) Boarding kennel permits shall be submitted with veterinary facility permit applications or if adding~~
8 ~~_____ a boarding kennel then by completion of a boarding kennel application permit. The content of the~~
9 ~~_____ applications shall include the following:~~

10 ~~(a) _____ the name, physical address, phone number, email address and mailing address for the~~
11 ~~_____ veterinary facility permit;~~

12 ~~(b) _____ the name, address, phone number, and email address for the owner of the facility;~~

13 ~~(c) _____ the hours and days the facility is open to the public;~~

14 ~~(d) _____ the cleaning hours of the facility;~~

15 ~~(e) _____ the number of enclosures and the maximum number of animals on site;~~

16 ~~(f) _____ the description of the facility's program of veterinary care ('PVC') including the~~
17 ~~_____ disinfection protocols; vaccination protocols including rabies vaccination; the isolation of~~
18 ~~_____ ill or injured animals; the sale/adoption/transfer of animals; and the provision of routine,~~
19 ~~_____ emergency and after hours veterinary care;~~

20 ~~(g) _____ statement of presence of an emergency disaster plan for the facility; and~~

21 ~~(h) _____ statement of agreement by the owner or authorized agent of the accuracy of the information~~
22 ~~_____ contained in the application; of the willingness to comply with the rules of this section and~~
23 ~~_____ to cooperate as required by law with the Board inspections and investigations;~~
24 ~~_____ acknowledgement of authority to execute the application; and agreement to notify the~~
25 ~~_____ Board of any significant change in the operation of the facility.~~

26
27 *History Note: Authority Session Law 2023-63*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Veterinary Medical Board

RULE CITATION: 21 NCAC 66 .1101

DEADLINE FOR RECEIPT: Thursday, August 8, 2024.

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In reviewing this Rule, the staff recommends the following changes be made

In line 7, add a comma after the first "animals".

In (b), line 8, please incorporate the applicable section(s) of the State Building Code by reference in accordance with 150B-21.6.

In (c), line 11, what is meant by "adequate electric power"? Are facilities required to have generators on the premises in case electricity is lost?

In line 23, add a comma after "bedding".

In line 24, add a comma after the first "facility".

In (f), line 26, what does "potable water must be available" mean? When and where must it be available? Available to all residents of the facility? Also, add a comma after "basin".

In line 29, add a comma after the first "areas".

In (i), line 33, what is the meaning of "adequate" and "provided"? Does the Board determine if the system is "adequate"? Consider replacing "provided" with "installed".

In (k), line 36, capitalize "section".

In (1), on pg. 2, consider adding G.S. 14-223 (Resisting Officers) as a definition of "Abuse". G.S. 14-223 may be applicable since (n) includes a "State Official" and the elements include the language "delay or obstruct".

In your History Note, line 30, how does "Session Law 2023-63" provide Authority for this Rule? Please add "G.S. 90-185" and "G.S. 90-186" as Authority. Please add "Eff. Date" below "Authority" and add the date you desire. The earliest it can be entered into the Code is September 1, 2024.

Travis Wiggs

Commission Counsel

Date submitted to agency: July 25, 2024

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis Wiggs
Commission Counsel
Date submitted to agency: July 25, 2024

1 21 NCAC 66 .1101 is adopted as published in 38:19 NCR page 1254-1255 as follows:

2
3 **SECTION .1100 – FACILITIES AND OPERATING STANDARDS**

4
5 **21 NCAC 66 .1101 GENERAL**

6 (a) Housing facilities for dogs and cats shall be structurally sound and maintained in good repair to protect the animals
7 from injury, contain the animals and restrict the entrance of other animals and people.

8 (b) All light fixtures and electrical outlets in animal areas shall be in compliance with the State Building Code.
9 Electrical appliances, light fixtures, electrical outlets, and electrical cords shall be located or protected in such a way
10 that animals do not have access to them.

11 (c) Facilities shall have adequate electric power.

12 (d) Storage of food and bedding:

13 (1) food and bedding shall be stored in cabinets and/or sealed containers which adequately protect such
14 supplies against infestation or contamination by vermin and insects;

15 (2) all open bags of food and edible treats shall be stored in airtight containers with lids;

16 (3) refrigeration shall be provided for supplies of perishable food including opened cans of food;

17 (4) clean bedding and laundry shall be: stored in cabinets and/or sealed containers; stored separately
18 from soiled laundry and materials; and stored separately from general housing areas for animals;
19 and

20 (5) in areas housing animals being observed or treated for contagious disease, bedding shall only be
21 stored in sealed cabinets if that clean laundry is dedicated solely for the use for those specific
22 animals.

23 (e) The facility shall provide for the daily removal and disposal of animal and food waste, soiled bedding and debris
24 from the facility in accordance with local ordinances, to assure the facility will be maintained in a clean and sanitary
25 manner.

26 (f) Hot and cold running, potable water must be available. Facilities such as a washroom, basin or sink shall be
27 provided to maintain cleanliness among animal caretakers, animals, and animal food and water receptacles.

28 (g) Each facility shall have the ability to confirm ambient temperature. A functional room thermometer shall be
29 present in each separate area of indoor enclosures, common areas and exercise areas.

30 (h) A separate five-foot tall perimeter fence is required if any animal(s) has/have unsupervised access to an outdoor
31 primary enclosure, common area, and/or exercise area. Supervision of animals is required for any animal(s) within
32 any outdoor enclosure, common area, or exercise area without a separate five-foot tall perimeter fence.

33 (i) An adequate drainage system must be provided for the facility.

34 (j) All areas of a facility are subject to review or inspection by the Board or its authorized representative during normal
35 business hours (8:00 a.m. through 5:30 p.m. Monday through Friday).

36 (k) All animals in a facility are subject to the requirements of this section, regardless of ownership.

37 (l) A facility shall comply with all federal, state, and local laws, rules and ordinances relating to or affecting the

1 welfare of dogs and cats in its facility.

2 (m) All persons of the facility shall be truthful with the Board during all phases of inspections or investigations.

3 (n) Neither an applicant for a permit or any agent of a facility may abuse, harass, delay, or obstruct any inspector or
4 State official while inspectors or officials are attempting to discharge their official duties. For the purposes of this
5 Rule, the following definitions apply:

6 (1) "Abuse" means:

7 (A) Communicating a threat as defined by G.S. 14-277.1;

8 (B) Using profane, indecent, or threatening language to any person over the telephone,
9 annoying or harassing by repeated telephoning or making false statements over the
10 telephone as defined by G.S. 14-196;

11 (C) Cyberstalking as defined by G.S. 14-196.3;

12 (D) Stalking as defined by G.S. 14-277.3A; and/or

13 (E) Disorderly conduct as defined by G.S. 14-288.4.

14 (2) "Harass" means knowingly conduct, including oral, written, or printed communication or

15 transmission, telephone, cellular, or other wireless telephonic communication, facsimile

16 transmission, page messages or transmissions, answering machine or voice mail messages or

17 transmissions, electronic mail messages, or other computerized or electronic transmissions directed

18 at a specific person that torments, terrorizes or terrifies that person and that serves no legitimate

19 purpose.

20 (o) No dog or cat shall be in a window display except during business hours and then only in compliance with
21 standards set forth in this Section.

22 (p) Battery operated or electrical behavioral control devices, such as shock collars, shock prods, or electrical fences,
23 as well as pinch-collars and prong-collars, may only be used on an animal in a boarding kennel with the specific
24 written consent of the owner of that animal.

25 (q) All facilities shall be equipped with an operational smoke alarm and carbon monoxide alarm and shall have a
26 means of fire suppression, such as functional fire extinguishers or a sprinkler system on the premises.

27 (r) All licensed and registered facilities must develop and maintain a plan of action for the continuity of care and/or
28 evacuation of animals in the event of a natural or manmade disaster.

29

30 History Note: Authority Session Law 2023-63.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Veterinary Medical Board

RULE CITATION: 21 NCAC 66 .1102

DEADLINE FOR RECEIPT: Thursday, August 8, 2024.

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made

In (b), line 13, is the word "either" necessary? You already have "and/or" on line 14.

In (b), line 16, add a comma after "dust". Is the phrase "and as often as necessary" needed? You already have "necessary" in line 15.

In (c), line 19, consider replacing "permit" with "enable".

In (e)(1), line 25, consider replacing "provided" with "installed".

In your History Note, line 30, how does "Session Law 2023-63" provide Authority for this Rule? Please add "G.S. 90-185" as Authority. Please add "Eff. Date" below "Authority" and add the date you desire. The earliest it can be entered into the Code is September 1, 2024.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis Wiggs
Commission Counsel

Date submitted to agency: July 25, 2024

1 21 NCAC 66 .1102 is adopted as published in 38:19 NCR page 1255-1256 as follows:

2
3 **21 NCAC 66 .1102 INDOOR FACILITIES**

4 **(a) Heating and cooling of indoor facilities:**

- 5 (1) indoor facilities for dogs and cats shall be adequately heated and cooled to protect the dogs and cats
6 from cold and heat and provide for their health and comfort;
7 (2) the ambient temperature shall not be allowed to fall below 50 degrees F or exceed 85 degrees F; and
8 (3) special provisions shall be provided to any animal that cannot maintain its normal body temperature.
9 These special provisions shall be sufficient for the animal to maintain its normal body temperature
10 and shall be documented in the animal's record.

11 **(b) Ventilation of indoor facilities:**

- 12 (1) indoor housing facilities for dogs and cats shall be adequately ventilated to provide for the health
13 and comfort of the animals at all times; the facilities shall be provided with fresh air either by means
14 of windows, doors, vents and/or air conditioning and shall be ventilated so as to minimize drafts;
15 (2) air vents and/or air filters shall be cleaned and/or changed as often as necessary to minimize buildup
16 of debris, dust and biological material and as often as necessary to prevent inhibition or restriction
17 of air flow; and
18 (3) air flow shall be adequate to minimize odors and moisture condensation.

19 **(c) Indoor housing facilities for dogs and cats shall have sufficient illumination to permit routine inspections,**
20 **maintenance, cleaning and housekeeping of the facility and observation of the animals. Illumination shall provide**
21 **regular diurnal lighting cycles of either natural or artificial light, uniformly diffused throughout the animal facilities.**

22 **(d) Interior building surfaces of indoor facilities with which animals come in contact shall be constructed and**
23 **maintained so that they are impervious to moisture and can be readily sanitized.**

24 **(e) Drainage of indoor housing facility:**

- 25 (1) a suitable method of drainage shall be provided to rapidly eliminate excess water from an indoor
26 housing facility;
27 (2) if closed drain systems are used, they shall be equipped with traps and installed to prevent odors and
28 backup of sewage; and
29 (3) the drainage system shall be constructed with barriers adequate to protect the animals from cross-
30 contamination with urine and fecal material from animals housed in adjacent and/or nearby
31 enclosures and/or exercise areas.

32
33 *History Note: Authority Session Law 2023-63.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Veterinary Medical Board

RULE CITATION: 21 NCAC 66 .1103

DEADLINE FOR RECEIPT: Thursday, August 8, 2024.

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made

In (a), line 4, capitalize "section".

In (a), line 9, shouldn't "Subchapter" be replaced with "Section".

In lines 9, 16, 18, 20, 27, and 8 (pg. 2), please be consistent with how you reference these Rules. I suggest using "Rule .1107 of this Section" for all the references, except use "Rule .1109(b) and (c) of this Section" on lines 20-21.

In line 22, consider replacing "non-approved material" with "non-impervious materials".

In your History Note, line 30, how does "Session Law 2023-63" provide Authority for this Rule? Please add "G.S. 90-185" as Authority. Please add "Eff. Date" below "Authority" and add the date you desire. The earliest it can be entered into the Code is September 1, 2024.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis Wiggs
Commission Counsel
Date submitted to agency: July 25, 2024

1 21 NCAC 66 .1103 is adopted as published in 38:19 NCR page 1256-1257 as follows:

2
3 **21 NCAC 66 .1103 OUTDOOR FACILITIES**

4 (a) In outdoor facilities that are subject to this section, primary enclosures, common areas and walkways with which
5 an animal comes in contact:

6 (1) shall have groundcover constructed of sealed concrete or other surfaces so long as it is impervious
7 to moisture, and/or;

8 (2) may use gravel for groundcover so long as it is maintained at a minimum depth of six inches and
9 maintained in a sanitary manner as prescribed in Rule .1107 of this Subchapter.

10 (b) Exercise areas of outdoor facilities:

11 (1) shall have flooring or groundcover constructed of sealed concrete or other surfaces impervious to
12 moisture; and/or

13 (2) use gravel for groundcover so long as it is maintained at a minimum depth of six inches and kept in
14 a sanitary manner; and/or

15 (3) artificial turf may be allowed so long as it is adequately maintained in good repair, is replaced when
16 damaged, and is cleaned and sanitized in accordance with 21 NCAC 66 .1107; and/or

17 (4) may contain established grass so long as the animal(s) do not have access to bare dirt and the grass
18 covered area(s) must be kept properly cleaned and sanitized as prescribed in Rule .1107 of this
19 section. In the event of a contagious disease outbreak, the sanitation, management, and use of the
20 grass area shall be addressed in the veterinarian's written protocol required by 21 NCAC 66 .1109
21 (b) and (c).

22 (c) Sand and organic materials such as mulch, pine straw, or other similar non-approved material shall not be used as
23 ground cover in primary enclosures, common areas, exercise areas and/or walkways.

24 (d) Dogs and cats in outdoor primary enclosures shall be provided housing to allow them to remain dry and
25 comfortable during inclement weather:

26 (1) housing shall be constructed of material which is impervious to moisture and which can be cleaned
27 and sanitized in accordance with 21 NCAC 66 .1107;

28 (2) one house shall be available for each animal within each primary enclosure. The house(s) shall be
29 of adequate size for the animal housed in the enclosure. In the case of a mother and her unweaned
30 offspring, one house of adequate size to comfortably house the mother and all the offspring together
31 must be provided;

32 (3) housing structures in outdoor facilities must contain clean, dry bedding or a heat source when the
33 temperature falls below 32 degrees F;

34 (4) special provisions shall be provided to any animal that cannot maintain its normal body temperature
35 when housed outside. These special provisions shall be adequate for the animal to maintain its
36 normal body temperature and shall be documented in the animal's record. If the animal cannot
37 maintain its normal body temperature even with special provisions, then that animal shall not be

1 housed outside. No infirm animal may be housed outdoors; and
2 (5) in addition to housing, the enclosure shall provide protection from excessive sun and inclement
3 weather.

4 (e) Dogs and cats in outdoor areas shall be provided adequate protection from inclement weather and the sun. This
5 protection shall be sufficient to protect all animals simultaneously in the exercise area. If an animal cannot maintain
6 its normal body temperature in an outdoor exercise area, the animal shall not be placed in an outside exercise area.

7 (f) Outdoor common areas used for play, enrichment and elimination shall be maintained in good repair and be
8 properly cleaned and sanitized as set forth in 21 NCAC 66 .1107 to protect the animals from injury and/or illness.

9 (g) Animal owners shall be advised at the time of reservation and admission at a boarding kennel if the animal will
10 be kept in outside facilities. This shall be documented in the animal's record.

11 (h) A suitable method of drainage shall be provided so that water is adequately drained from the primary enclosures,
12 common areas, exercise areas and walkways and so that the animal(s) does/do not have access to standing water.

13
14 History Note: Authority Session Law 2023-63.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Veterinary Medical Board

RULE CITATION: 21 NCAC 66 .1104

DEADLINE FOR RECEIPT: Thursday, August 8, 2024.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made

In (a), line 5, consider replacing “with which” with “where”.

In (a), line 6, add a comma after “moisture”.

In lines 10-11, is “in good repair and” necessary to include in this Rule?

In line 13, delete “and to”, add “and” before “sit”, and delete the comma after “sit”.

In line 14, add a comma after “enclosure”.

In line 29, add a comma after “housed” and after “confined”. Delete the “or” before “confined”.

In lines 31 and 35, add a comma after “dogs”, after “facility”, and after “aggression”.

On pg. 2, lines 1-2, delete “and” before “to easily”, add “and” before “sit”, and delete the comma after “sit”.

In line 3, add a comma after “enclosure” and add “open” before “exercise”.

In line 6, add “of floor space” after “feet”.

In (p)(1), consider rearranging this subsection for a more active voice to say, “shall have an ingress-egress area whenever water in a pool is deeper than the height at the shoulder of the shortest dog in the pool area”.

In (p)(1)-(5), the first letter in each subsection should be lower-cased, please change.

In your History Note, line 30, how does “Session Law 2023-63” provide Authority for this Rule? Please add “G.S. 90-185” as Authority. Please add “Eff. Date” below

Travis Wiggs
Commission Counsel
Date submitted to agency: July 25, 2024

“Authority” and add the date you desire. The earliest it can be entered into the Code is September 1, 2024.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis Wiggs
Commission Counsel
Date submitted to agency: July 25, 2024

1 21 NCAC 66 .1104 is adopted as published in 38:19 NCR page 1257 as follows:

2
3 **21 NCAC 66 .1104 PRIMARY ENCLOSURES**

4 (a) Primary enclosures and exercise areas shall be constructed so as to prevent contamination from waste and
5 wastewater from animals in other enclosures. All surfaces with which an animal comes in contact shall be impervious
6 to moisture excluding the ground cover options of gravel and grass allowed for in Rule .1103 of this Section.

7 (b) For primary enclosures and exercise areas placed into service on or after January 1, 2005, no wood shall be within
8 the animal's reach. For primary enclosures and exercise areas in use in a licensed or registered facility prior to January
9 1, 2005, any damaged wood shall be replaced in a manner that does not permit contact with wood by the animal.

10 (c) Primary enclosures and exercise areas for dogs and cats shall be structurally sound and maintained in good repair
11 and in a manner to prevent injury to animals and keep other animals out.

12 (d) Primary enclosures shall be constructed so as to provide space to allow each dog or cat to walk, turn about freely,
13 and to stand with their tails erect, sit, or lie in a natural position with their limbs extended without touching other
14 animals within the enclosure or the sides or top covering of the enclosure.

15 (e) Exercise areas shall be constructed to provide adequate space to allow each dog or cat to run and express natural
16 play behaviors typical of the species.

17 (f) The height of a primary enclosure or an exercise area other than a cage shall be no less than five feet tall.

18 (g) All primary enclosures and exercise areas shall be constructed to prevent the escape of animals.

19 (h) Each primary enclosure and exercise area shall be provided with a solid resting surface or surfaces adequate to
20 comfortably hold all occupants of the primary enclosure and exercise area at the same time. All resting surfaces shall
21 be of a non-porous or easily sanitized material, such as a solid floor, towel, or a disposable material such as newspaper.
22 The resting surface or surfaces shall be elevated in primary enclosures housing two or more cats.

23 (i) In addition to Paragraph (b) of this Rule, each dog shall be provided a minimum square footage of floor space
24 equal to the mathematical square of the sum of the length of the dog in inches, as measured from the tip of its nose to
25 the base of its tail, plus six inches, then divide the product by 144. The calculation is: (length of dog in inches + 6) x
26 (length of dog in inches + 6) = required floor space in square inches. Required floor space in square inches ÷ 144 =
27 required floor space in square feet. The calculation shall be expressed in square feet.

28 (j) Not more than four adult dogs shall be housed or confined in the same primary enclosure or exercise area without
29 supervision. Dogs younger than six months of age shall not be housed or confined or comingled with adult dogs other
30 than their dams without supervision; this includes any animals owned by the staff or operator of the facility.

31 (k) If more than four dogs including animals owned by the staff or operator of the facility are housed or confined in
32 an exercise area or primary enclosure, then there shall be at least one person constantly supervising each 10 dogs
33 housed or confined within each primary enclosure or exercise area. This supervision shall be conducted from within
34 the exercise area or primary enclosure such that the person(s) has/have immediate access to the animals in the event
35 of an emergency, aggression or fight between animals.

36 (l) Pregnant dogs and cats shall be housed singly in a primary enclosure. Nursing dogs and cats shall be housed only
37 with their litter in a primary enclosure until the litter has been weaned. The primary enclosure shall be of sufficient

1 size to allow the dam and all animals in the litter to walk, turn about freely, nurse, and to easily stand with their tails
2 erect, sit, or lie in a natural position with their limbs extended without touching other animals within the enclosure,
3 the sides, or top covering of the enclosure and to leave the whelping/queening area for exercise.

4 (m) In addition to Paragraphs (d), (e) and (h) of this Rule, each feline older than six months housed in any primary
5 enclosure or exercise area shall be provided a minimum of four-square feet of floor space which may include elevated
6 resting surfaces. Each feline younger than six months shall be provided 1.5 square feet.

7 (n) Not more than 12 cats shall be housed or confined in the same primary enclosure or exercise area.

8 (o) In all cat primary enclosures and exercise areas, a clean receptacle containing clean litter shall be provided for
9 waste. A minimum of one receptacle per three cats is required for each primary enclosure and exercise area.

10 (p) Pools in primary enclosures and/or exercise areas:

11 (1) Whenever water in a pool is deeper than the height at the shoulder of the shortest dog in the pool
12 area, an ingress-egress area shall be provided;

13 (2) No dog shall have access to the pool or pool area other than a typical kiddie wading pool without
14 supervision;

15 (3) Facilities shall be constructed, maintained, and managed to protect animals from illness, injury, and
16 death resulting from access to pools or pool areas;

17 (4) Pools with a capacity of less than 100 gallons shall have the water changed and be cleaned and
18 sanitized daily. Pools with a capacity of 100 gallons or more shall have commercially manufactured
19 filtration and cleaning systems installed and the manufacturer recommendations followed for
20 cleaning, sanitation, and water quality; and

21 (5) Typical kiddie wading pools are to be considered accessories for the purposes of cleaning,
22 sanitation, repair, and maintenance.

23
24 History Note: Authority Session Law 2023-63.
25

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Veterinary Medical Board

RULE CITATION: 21 NCAC 66 .1105

DEADLINE FOR RECEIPT: Thursday, August 8, 2024.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In 21 NCAC 66 .1105-.1110, the citation for where each rule was published in the North Carolina Register is not listed on line 1 of those rules. Please add the information for each rule (e.g. "21 NCAC 66 .1105 is published in 38:19 NCR page 1258, as follows:").

In line 4, is "and puppies and kittens" necessary to include?

In (c)(6), lines 14-15, consider editing this subsection to say, "documentation by the facility of each veterinary review and renewal of the directive, occurring every 30 days until it is no longer required".

In line 31, capitalize "section".

In your History Note, line 12, needs to list all of the Authority for your agency to promulgate this Rule. Please replace "Session Law 2023-63" with "G.S. 90-185; G.S. 90-186 (S.L. 2023-63)". Please add "Eff. Date" below "Authority" and add the date you desire. The earliest it can be entered into the Code is September 1, 2024.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis Wiggs
Commission Counsel
Date submitted to agency: July 25, 2024

1 21 NCAC 66 .1105 is adopted as published in 38:19 NCR page 1258 as follows:

2
3 **21 NCAC 66 .1105 FEEDING**

4 (a) Adult dogs and cats and puppies and kittens older than six months shall be fed at least once each 24-hour period.

5 (b) Puppies and kittens less than six months of age shall be fed at least twice in each 24-hour period. An eight-hour
6 interval between feedings is required if only two feedings are offered in a 24-hour period.

7 (c) Should a veterinarian prescribe a feeding regime different from the ones described in Paragraphs (a) and (b) of
8 this Rule for a specific animal, documentation of such veterinary care is required and shall include:

9 (1) the original veterinary directive signed by the veterinarian issuing it;

10 (2) the printed name of the veterinarian;

11 (3) the reason for the restriction;

12 (4) the specific feeding directions;

13 (5) the origination and review dates of the directive;

14 (6) the facility shall have the veterinarian review and renew the directive every 30 days until it is no
15 longer required;

16 (7) the date of the cessation of the directive; and

17 (8) documentation by the facility of each feeding as prescribed by the veterinarian.

18 (d) Food shall be commercially prepared food which complies with laws applicable to animal feed or the food shall
19 be provided by the owner.

20 (e) The food shall be free from contamination, wholesome, palatable, and of sufficient quality and quantity appropriate
21 of the given size, age, and condition of an animal to meet the daily requirements for nutritional value.

22 (f) Food receptacles shall be accessible to all dogs or cats and shall be located so as to minimize contamination by
23 waste.

24 (g) For every adult animal, there shall be at least one food receptacle offered. When multiple animals are housed
25 together, caretakers shall observe each animal feeding to ensure that each animal receives adequate feed.

26 (h) Food receptacles shall be durable and shall be kept clean and sanitized.

27 (i) Uneaten food within food receptacles shall be discarded within 24 hours or sooner if spoiled or contaminated.

28 (j) Damaged food receptacles shall be replaced. Disposable food receptacles may be used but shall be discarded after
29 each feeding.

30 (k) Food and water receptacles in outdoor facilities shall be protected from the elements.

31 (l) This Rule is applicable only to animals identified within this section.

32
33 History Note: Authority Session Law 2023-63.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Veterinary Medical Board

RULE CITATION: 21 NCAC 66 .1106

DEADLINE FOR RECEIPT: Thursday, August 8, 2024.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In 21 NCAC 66 .1105-.1110, the citation for where each rule was published in the North Carolina Register is not listed on line 1 of those rules. Please add the information for each rule (e.g. "21 NCAC 66 .1105 is published in 38:19 NCR page 1258, as follows:").

In (a), lines 4-5, does this requirement apply to all facilities that house, board, or care for animals? Please clarify the Rule. Also, what does "except as might otherwise be required to provide veterinary care" mean? This phrase is unclear and ambiguous.

In line 7, add a comma after "animal".

In your History Note, line 22, how does "Session Law 2023-63" provide Authority for this Rule? Please add "G.S. 90-185" as Authority. Please add "Eff. Date" below "Authority" and add the date you desire. The earliest it can be entered into the Code is September 1, 2024.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

1 21 NCAC 66 .1106 is adopted as published in 38:19 NCR page 1258 as follows:

2

3 **21 NCAC 66 .1106 WATERING**

4 (a) Animals shall have continuous access to fresh, potable water, except as might otherwise be required to provide
5 adequate veterinary care.

6 (b) Veterinary care for a specific animal that requires water to be withheld, given in intervals, or any variation other
7 than continuous access by an animal can only be prescribed by a veterinarian and shall be documented in writing by
8 the facility. The documentation shall include:

9 (1) the original veterinary directive signed by the veterinarian issuing it;

10 (2) the printed name of the veterinarian;

11 (3) the reason for the restriction;

12 (4) the specific watering directions;

13 (5) the origination and review dates of the directive;

14 (6) the facility shall have the veterinarian review and renew this directive every 30 days until it is no
15 longer required;

16 (7) the date of the cessation of the directive; and

17 (8) documentation by the facility of each watering as prescribed by the veterinarian.

18 (c) Water in receptacles shall be changed daily and whenever visibly soiled.

19 (d) Watering receptacles shall be durable and kept clean and sanitized.

20 (e) Damaged receptacles shall be replaced.

21

22 History Note: Authority Session Law 2023-63

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Veterinary Medical Board

RULE CITATION: 21 NCAC 66 .1107

DEADLINE FOR RECEIPT: Thursday, August 8, 2024.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made

In 21 NCAC 66 .1105-.1110, the citation for where each rule was published in the North Carolina Register is not listed on line 1 of those rules. Please add the information for each rule (e.g. "21 NCAC 66 .1105 is published in 38:19 NCR page 1258, as follows:").

In line 4, add a comma after the first "areas".

In line 6, is the word "properly" necessary? Or is "thoroughly" more specific?

In (c), line 11, consider substituting "in place" with "located" or "installed".

In (d)(2), lines 17-18, add a comma after "days" and after "Rule".

In (d)(4), line 32, add a comma after "animals".

On pg. 2, line 3, capitalize "fans", add "and" before "vent", and delete "etc.".

In line 6, please cite where "in this Rule" the practices are found.

In line 8, add a comma after "premises" and delete "and".

In your History Note, line 12, how does "Session Law 2023-63" provide Authority for this Rule? Please add "G.S. 90-185" and "G.S. 90-186" as Authority. Please add "Eff. Date" below "Authority" and add the date you desire. The earliest it can be entered into the Code is September 1, 2024.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis Wiggs
Commission Counsel
Date submitted to agency: July 25, 2024

1 21 NCAC 66 .1107 is adopted as published in 38:19 NCR page 1258-1259 as follows:

2
3 **21 NCAC 66 .1107 SANITATION**

4 (a) Waste shall be removed from primary enclosures, exercise areas and common areas to prevent contamination of
5 the dogs or cats contained therein and to reduce disease hazards and odors. Enclosures and exercise areas for dogs and
6 cats shall be properly cleaned a minimum of two times per day. The animal must be able to walk or lie down without
7 coming in contact with any waste or debris.

8 (b) When a hosing or flushing method is used for cleaning an enclosure, dogs or cats contained therein shall be
9 removed during the cleaning process, and adequate measures shall be taken to protect the animals in clean enclosures
10 from being contaminated with water and other wastes.

11 (c) Cross contamination barriers shall be in place in primary enclosures and be sufficient to prevent feces, urine and
12 cleaning waste water from entering another occupied primary enclosure.

13 (d) Sanitation shall be as follows:

14 (1) Prior to the introduction of dogs or cats into empty primary enclosures previously occupied, enclosures
15 and accessories shall be sanitized in the manner provided in Subparagraph (d)(3) of this Rule;

16 (2) In addition to primary enclosures being properly cleaned a minimum of two times per day, enclosures
17 and accessories shall be sanitized a minimum of once every seven days in the manner provided in
18 Subparagraph (d)(3) of this Rule if the same animal is housed in the same enclosure for seven or more
19 days;

20 (3) Primary enclosures, cages, rooms, hard-surfaced or artificial turf exercise areas, pens, and runs shall be
21 sanitized by:

22 (A) washing them with hot water (180 degrees F.) and soap or detergent as in a mechanical
23 cage washer; or

24 (B) removal of visible organic matter, precleaning all soiled surfaces with a detergent or
25 degreaser solution, followed by the application, at the correct concentration, of an animal-
26 safe disinfectant labeled to be effective against common pathogens. The disinfectant is to
27 be left on the surfaces for the time indicated by the manufacturer. After such time, all
28 surfaces shall be thoroughly rinsed to remove all residual chemicals and then the area dried
29 prior to returning the animal(s) to this area; or

30 (C) cleaning all soiled surfaces with live steam. The area is to be cooled and dried prior to the
31 return of the animal(s).

32 (4) Common areas, any area accessible to multiple animals and exercise areas not covered by 21 NCAC 66
33 .1107(d)(3) shall be kept clean and sanitary. These areas are to be properly cleaned a minimum of two
34 times per day. Hard and/or impervious surfaces of these areas shall be sanitized a minimum of once
35 every seven days in the manner provided in Subparagraph (d)(3) of this Rule;

36 (5) Food and water receptacles shall be sanitized daily with hot water, detergent, and disinfectant. The
37 disinfectant shall be used consistent with the manufacturer's directions;

- 1 (6) Soiled linens and cloth products shall be mechanically washed with detergent and sanitized;
2 (7) Any area accessible to multiple animals shall be kept clean and sanitary; and
3 (8) fans, including floor fans, ceiling fans, wall fans, vent fans, etc. shall be kept clean of accumulated
4 debris, dust, and biological material.

5 (e) Premises (buildings and grounds) shall be kept clean and in good repair in order to protect the animals from injury
6 and to facilitate the prescribed husbandry practices set forth in this Rule. Premises shall remain free of accumulations
7 of trash, junk, waste products, and discarded matter. Weeds, grasses, and bushes must be controlled so as to facilitate
8 cleaning of the premises and to improve pest control, and to protect the health and well-being of the animals.

9 (f) An effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established
10 and maintained.

11

12 History Note: Authority Session Law 2023-63.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Veterinary Medical Board

RULE CITATION: 21 NCAC 66 .1108

DEADLINE FOR RECEIPT: Thursday, August 8, 2024.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In 21 NCAC 66 .1105-.1110, the citation for where each rule was published in the North Carolina Register is not listed on line 1 of those rules. Please add the information for each rule (e.g. "21 NCAC 66 .1105 is published in 38:19 NCR page 1258, as follows:").

In line 3, please change "SEPERATION" TO "SEPARATION".

In line 4, is "compatible" necessary since you go on to list the factors which constitute "compatible groups"?

In line 9, consider adding a comma after "cats". Also, consider replacing "showing the following:" with "that include the following information:"

In (4), line 16, change "four" to "4". In line 17, add a comma after "interaction" and add "the medication," after "given".

In (6), line 25, add a comma after "cats" and "animals". In line 28, add a comma after "equipment".

On pg. 2, line 3, add a comma after "offered". In line 5, should "Subchapter" be replaced with "Section"? Please cross-reference the specific "rules" you are referring to.

In your History Note, line 31, needs to list all of the Authority for your agency to promulgate this Rule. Please replace "Session Law 2023-63" with "G.S. 187.10 (S.L. 2023-63)" and add "G.S. 90-185" as Authority. Please add "Eff. Date" below "Authority" and add the date you desire. The earliest it can be entered into the Code is September 1, 2024.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis Wiggs
Commission Counsel

Date submitted to agency: July 25, 2024

1 21 NCAC 66 .1108 is adopted with changes as published in 38:19 NCR page 1259-1260 as follows:

2
3 **21 NCAC 66 .1108 CLASSIFICATION AND SEPERATION**

4 Animals housed in the same primary enclosure or confined to an exercise area shall be maintained in compatible
5 groups, with the following additional restrictions:

6 (1) Females in season (estrus) shall not be housed in the same primary enclosure or exercise area with intact
7 or neutered males, except for planned breeding purposes. Breeding shall not be allowed in animal
8 shelters. males.

9 (2) In boarding kennels, animals of different owners shall not have contact with other animals, unless written
10 permission is obtained from the animal's owner. The documentation of this written permission shall be
11 kept as part of the animal's record for one year and must be renewed yearly thereafter.

12 (3) Any dog or cat exhibiting an aggressive disposition shall be housed individually in a primary enclosure.
13 Housing of aggressive animals shall be such that the animals are prevented from biting or injuring
14 another animal or human.

15 (4) Puppies or kittens less than six months of age shall not be housed in the same primary enclosure with
16 adult dogs or cats other than their dams, except when permanently maintained in breeding colonies, or
17 if requested in writing, by the animals' owner, as in a boarding kennel. Puppies or kittens between four
18 and 16 weeks of age shall have daily access to human social interaction in addition to the human
19 interaction during the cleaning and sanitation of the enclosures, excluding animals which pose a danger
20 to humans or other animals.

21 (5) Dogs shall not be housed in the same primary enclosure or exercise areas with cats, nor shall dogs or cats
22 be housed in the same primary enclosure or exercise areas with any other species of animals. Exceptions
23 are allowed at boarding kennels, if requested in writing by the animals' owner.

24 (6) All facilities shall designate an isolation area for animals being treated or observed for communicable
25 diseases. Dogs or cats in isolation that are being treated for a communicable disease shall be separated
26 from other dogs or cats and other susceptible species of animals in such a manner as to minimize
27 dissemination of such disease. A sign shall be posted at the cage or isolation area when in use, giving
28 notice of a communicable disease, including the identification of the disease. Accessories, cleaning
29 equipment and supplies used in isolation areas shall not be used in other areas of the facility.

30 (7) Animals in long term care must be provided with human interaction other than interaction for enclosure
31 cleaning, same species social interaction, opportunity for play and exercise, and environmental
32 enrichment daily. The provision of these daily interactions and enrichment shall be adequate for the
33 animal's species, age, size and behavior needs. In addition:

34 (a) The provision of the daily social interactions and enrichment shall be documented in the
35 animal's records and the records maintained for three years; and

1 **(b) Exemptions from these long-term care provisions are allowed only for safety or health**
2 **reasons and must be approved by a veterinarian. This exemption must be reviewed and**
3 **renewed every 30 days if the continuation is necessary. Documentation of the exemption**
4 **must include the reason for the exemption, the name and contact information of the**
5 **veterinarian authorizing the exemption, the original exemption date and the dates of review**
6 **and renewal and alternative(s) offered if any.**

7 **(8) All animals shall be confined in primary enclosures or exercise areas. Primary enclosures and**
8 **exercise areas shall be inspected by the Animal Welfare Section and in compliance with the rules of this**
9 **Subchapter before an animal can be confined in the enclosure or area.**

10
11 **History Note: Authority Session Law 2023-63.**

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Veterinary Medical Board

RULE CITATION: 21 NCAC 66 .1109

DEADLINE FOR RECEIPT: Thursday, August 8, 2024.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In 21 NCAC 66 .1105-.1110, the citation for where each rule was published in the North Carolina Register is not listed on line 1 of those rules. Please add the information for each rule (e.g. "21 NCAC 66 .1105 is published in 38:19 NCR page 1258, as follows:").

In line 4, capitalize "program", "veterinary", and "care". Also, add a comma after "(PVC)".

In line 6, consider adding "at each facility." after "veterinarian".

In (1)-(3), lines 7-11, change the first letter in each subsection to lowercase.

In lines 16-17, is "a minimum" necessary to include? If not, please delete it.

In lines 19-20, add a comma after "trained" and after "care".

In line 21, what constitutes "in a timely manner"?

In line 28, capitalize "rabies" and "law".

In your History Note, line 36, needs to list all of the Authority for your agency to promulgate this Rule. Please replace "Session Law 2023-63" with "G.S. 187.10 (S.L. 2023-63)" and add "G.S. 90-185" as Authority. Please add "Eff. Date" below "Authority" and add the date you desire. The earliest it can be entered into the Code is September 1, 2024.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis Wiggs
Commission Counsel
Date submitted to agency: July 25, 2024

1 21 NCAC 66 .1109 is adopted with changes as published in 38:19 NCR page 1260 as follows:

2
3 **21 NCAC 66 .1109 VETERINARY CARE**

4 (a) A written program of veterinary care ('PVC') to include disease control and prevention, vaccination, euthanasia,
5 disposition of diseased, ill, injured, infirm or deformed animals, and provision of adequate routine and emergency
6 veterinary care shall be established by the owner and supervising veterinarian. The following is required of each PVC:

7 (1) The PVC for boarding kennels shall be submitted as part of the application and must be approved
8 by the Board;

9 (2) The facility shall implement and follow the PVC; and

10 (3) Changes to the PVC shall be submitted for approval to the Board within 10 days of the effective
11 date.

12 (b) If there is an infectious disease outbreak that persists for more than seven days at the facility, the facility owner
13 shall consult with a veterinarian for procedures to mitigate the problem. This consultation shall be documented by the
14 facility.

15 (c) If there is a disease problem that persists for more than 30 days at the facility, the facility operator shall obtain and
16 follow a veterinarian's written recommendations for correcting the problem. These recommendations shall include, at
17 a minimum: sanitation of primary enclosures, common areas, exercise areas and accessories, and protocols for animal
18 intake, evaluation, isolation, disease recognition and treatment and euthanasia.

19 (d) Each dog and cat shall be observed daily by the animal caretaker who has been adequately trained or is experienced
20 in animal care or is under the direct supervision of a person who has such training or experience. Sick or diseased,
21 injured, lame, or blind dogs or cats shall be provided with adequate veterinary care in a timely manner or be euthanized,
22 provided that the euthanasia shall not affect compliance with any state or local law requiring the holding, for a specified
23 period, of animals suspected of being diseased. ~~If an animal cannot be euthanized due to a required holding period,~~
24 ~~then adequate veterinary care shall be provided to the animal.~~

25 (e) Full written disclosure of the medical condition of the animal and all veterinary medical treatments provided to
26 the animal shall be provided to the person or organization receiving, adopting, purchasing or otherwise acquiring the
27 animal. Proof of written disclosure signed by the person or organization receiving the animal shall be maintained as
28 part of the animal's medical record.

29 (f) All animals in a facility shall be in compliance with the North Carolina rabies law, G.S. 130A, Article 6, Part 6.

30 (g) Boarding kennels shall not administer a prescription medication, tranquilizer, sedative, or any pharmaceutical
31 drug designed to calm an animal unless the medication or drug is administered under the direction of or by prescription
32 from the animal's veterinarian, and written permission from the animal's owner. In the event a boarding kennel agrees
33 to administer such medications or substances, the medications shall be in the original container issued by the
34 veterinarian or pharmacy and administered according to label directions. The administration of these medications or
35 substances shall be documented as required by 21 NCAC 66 .1001.

36
37 History Note: Authority Session Law 2023-63.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Veterinary Medical Board

RULE CITATION: 21 NCAC 66 .1110

DEADLINE FOR RECEIPT: Thursday, August 8, 2024.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In 21 NCAC 66 .1105-.1110, the citation for where each rule was published in the North Carolina Register is not listed on line 1 of those rules. Please add the information for each rule (e.g. "21 NCAC 66 .1105 is published in 38:19 NCR page 1258, as follows:").

In line 5, replace "the" with "this".

In line 6, add a comma after "Rules" and after "to".

In your History Note, line 30, please replace "Session Law 2023-63" with "G.S. 90-186 (S.L. 2023-63)" as Authority. Please add "Eff. Date" below "Authority" and add the date you desire. The earliest it can be entered into the Code is September 1, 2024.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis Wiggs
Commission Counsel
Date submitted to agency: July 25, 2024

1 21 NCAC 66 .1110 is adopted with changes as published in 38:19 NCR page 1260-1261 as follows:

2
3 **21 NCAC 66 .1110 DISCIPLINE OF BOARDING KENNEL PERMITS**

4 (a) The Board shall investigate any complaint within its jurisdiction. The investigation and any resulting hearings
5 shall be conducted pursuant to Sections .0600 and .0700 of the Chapter. Following an investigation and the boarding
6 kennel permittee's opportunity to be heard, the Board may:

- 7 (1) revoke or suspend a boarding kennel permit issued under this Chapter;
8 (2) discipline the boarding kennel permittee permitted under this Chapter in accordance with the
9 disciplinary measures set forth in Sections .0600 and .0700 of this Chapter;
10 (3) deny a boarding kennel permit required by G.S. 90-186(8) and the rules of this Chapter based on
11 violations of Board Rules including but not limited to Rules .1000 - .1009 of this Chapter.

12 For the purpose of this Rule, references to licensee or registrant in the provisions of Sections .0600 and .0700 of this
13 Chapter are treated as references to owner and permittee. References to license are treated as references to boarding
14 kennel permit.

15 (b) The Board may suspend, revoke, or deny issuance of a boarding kennel permit, without hearing, if:

- 16 (1) A veterinary facility has not had a supervising veterinarian or an interim supervising veterinarian
17 _____ serving in that capacity for more than five business days.
18 (2) The Board obtains a summary emergency order pursuant to the provisions of G.S. 90-186(3).
19 (3) The owners of the veterinary facility have failed to notify the Board after 10 business days of a
20 _____ change in ownership of the facility or change in the supervising veterinarian.

21 (c) A boarding kennel permittee shall cease to operate a veterinary facility the boarding kennel as of the date the Board
22 notifies the boarding kennel permittee of the revocation of his or her boarding kennel permit. Within 24 hours of
23 receiving notification of revocation, a boarding kennel permittee shall display the following information at the
24 boarding kennel and through any existing medium of communication with the public, such as social media, a telephone
25 answering system, or boarding kennel website:

- 26 (1) information that the boarding kennel is closed;
27 (2) the means by which clients may obtain their animal's medical records; and
28 (3) notice of the Board's revocation of the boarding kennel permit.

29
30 History Note: Authority Session Law 2023-63.