

## Burgos, Alexander N

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**From:** Keith West <kwest@ncvmb.org>  
**Sent:** Wednesday, August 14, 2024 10:01 AM  
**To:** Rules, Oah  
**Cc:** Burgos, Alexander N; 'Matt Skidmore'  
**Subject:** [External] Revised 21 NCAC 66 .1103  
**Attachments:** 21 NCAC 66 .1103.docx

**CAUTION:** External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Good afternoon,

Per Mr. Wiggs request, attached is the final revision and submission for 21 NCAC .1103.

Best Regards,

**Keith West**

Keith West  
Executive Director  
Legislative Liaison  
North Carolina Veterinary Medical Board  
(P)919-854-5601

Email correspondence to and from this address are subject to the North Carolina Public Records Law and may be disclosed to third parties.

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

**21 NCAC 66 .1103        OUTDOOR FACILITIES**

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

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

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

(b) Exercise areas of outdoor facilities:

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

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

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

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

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

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

(1)        housing shall be constructed of material which is impervious to moisture and which can be cleaned and sanitized in accordance with ~~21 NCAC 66~~ Rule 1107 of this Section;

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

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

(4)        special provisions shall be provided to any animal that cannot maintain its normal body temperature when housed outside. These special provisions shall be adequate for the animal to maintain its normal body temperature and shall be documented in the animal's record. If the animal cannot

1 maintain its normal body temperature even with special provisions, then that animal shall not be  
2 housed outside. No infirm animal may be housed outdoors; and  
3 (5) in addition to housing, the enclosure shall provide protection from excessive sun and inclement  
4 weather.

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

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

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

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

15  
16 History Note: Authority G.S. 187.1 (S.L. 2023-63); G.S. 90-185.

17 Eff. Date: January 1, 2025.

## Burgos, Alexander N

---

**Subject:** FW: [External] Resubmission 21 NCAC 66 .1103

---

**From:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>  
**Sent:** Wednesday, August 14, 2024 9:06 AM  
**To:** Keith West <kwest@ncvmb.org>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; 'Matt Skidmore' <Matt@skidmorelawgroup.com>  
**Subject:** RE: [External] Resubmission 21 NCAC 66 .1103

Pardon me. Please replace “good” with “adequate” since it’s been defined in another rule.

Thanks,

Travis C. Wiggs  
Rules Review Commission Counsel  
Office of Administrative Hearings  
Telephone: 984-236-1929  
Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

---

**From:** Keith West <[kwest@ncvmb.org](mailto:kwest@ncvmb.org)>  
**Sent:** Tuesday, August 13, 2024 4:06 PM  
**To:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; 'Matt Skidmore' <[Matt@skidmorelawgroup.com](mailto:Matt@skidmorelawgroup.com)>  
**Subject:** RE: [External] Resubmission 21 NCAC 66 .1103

**CAUTION:** External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Need clarification on: In (f), line 8, please replace “repair” with “adequate”.

Now reads: ....shall be maintained in good repair...

Will read: ....shall be maintained in good adequate...

Best Regards,

**Keith West**

Keith West  
Executive Director  
Legislative Liaison  
North Carolina Veterinary Medical Board  
(P)919-854-5601

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## Burgos, Alexander N

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**Subject:** FW: [External] Resubmission 21 NCAC 66 .1103

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**From:** Keith West <[kwest@ncvmb.org](mailto:kwest@ncvmb.org)>  
**Sent:** Tuesday, August 13, 2024 4:06 PM  
**To:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; 'Matt Skidmore' <[Matt@skidmorelawgroup.com](mailto:Matt@skidmorelawgroup.com)>  
**Subject:** RE: [External] Resubmission 21 NCAC 66 .1103

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Need clarification on: In (f), line 8, please replace “repair” with “adequate”.

Now reads: ....shall be maintained in good repair...  
Will read: ....shall be maintained in good adequate...

Best Regards,

**Keith West**

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Executive Director  
Legislative Liaison  
North Carolina Veterinary Medical Board  
(P)919-854-5601

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**From:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>  
**Sent:** Tuesday, August 13, 2024 3:47 PM  
**To:** Keith West <[kwest@ncvmb.org](mailto:kwest@ncvmb.org)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; 'Matt Skidmore' <[Matt@skidmorelawgroup.com](mailto:Matt@skidmorelawgroup.com)>  
**Subject:** RE: [External] Resubmission 21 NCAC 66 .1103

In line 21, consider replacing “addressed” with “documented”.  
In (f), line 8, please replace “repair” with “adequate”.  
In line 9, add a comma after “sanitized” and after “Section”.

Thanks,

Travis C. Wiggs  
Rules Review Commission Counsel  
Office of Administrative Hearings  
Telephone: 984-236-1929  
Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

## Burgos, Alexander N

---

**From:** Keith West <kwest@ncvmb.org>  
**Sent:** Tuesday, August 13, 2024 3:55 PM  
**To:** Rules, Oah  
**Cc:** Burgos, Alexander N; 'Matt Skidmore'  
**Subject:** [External] Revised 21 NCAC 66 .1105  
**Attachments:** 21 NCAC 66 .1105.docx

**CAUTION:** External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Good afternoon,

Per Mr. Wiggs request, attached is the final revision and submission for 21 NCAC .1105.

Best Regards,

**Keith West**

Keith West  
Executive Director  
Legislative Liaison  
North Carolina Veterinary Medical Board  
(P)919-854-5601

Email correspondence to and from this address are subject to the North Carolina Public Records Law and may be disclosed to third parties.

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

**21 NCAC 66 .1105        FEEDING**

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

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

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

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

(2) the printed name of the veterinarian;

(3) the reason for the restriction;

(4) the specific feeding directions;

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

(6) ~~the facility shall have the veterinarian review and renew the directive every 30 days~~ documentation by the facility of each veterinary review and renewal of the directive, occurring every 30 days until it is no longer required;

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

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

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

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

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

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

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

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

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

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

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

History Note: Authority G.S. 90-185; G.S. 90-186(S.L. 2023-63).

Eff. Date: January 1, 2025.

## Burgos, Alexander N

---

**From:** Keith West <kwest@ncvmb.org>  
**Sent:** Tuesday, August 13, 2024 3:52 PM  
**To:** Rules, Oah  
**Cc:** Burgos, Alexander N; 'Matt Skidmore'  
**Subject:** [External] Final Revised 21 NCAC 66 .1108  
**Attachments:** 21 NCAC 66 .1108.docx

**CAUTION:** External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Good afternoon,

Per Mr. Wiggs request, attached is 21 NCAC 66 .1108 revised for submission.

Best Regards,

**Keith West**

Keith West  
Executive Director  
Legislative Liaison  
North Carolina Veterinary Medical Board  
(P)919-854-5601

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

**21 NCAC 66 .1108 CLASSIFICATION AND SEPERATION SEPARATION**

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

- (1) Females in season (estrus) shall not be housed in the same primary enclosure or exercise area with intact or neutered males, except for planned breeding purposes. Breeding shall not be allowed in animal shelters. males.
- (2) In boarding kennels, animals of different owners shall not have contact with other animals, unless written permission is obtained from the animal's owner. The documentation of this written permission shall be kept as part of the animal's record for one year and must be renewed yearly thereafter.
- (3) Any dog or cat exhibiting an aggressive disposition shall be housed individually in a primary enclosure. Housing of aggressive animals shall be such that the animals are prevented from biting or injuring another animal or human.
- (4) Puppies or kittens less than six months of age shall not be housed in the same primary enclosure with adult dogs or cats other than their dams, except when permanently maintained in breeding colonies, or if requested in writing, by the animals' owner, as in a boarding kennel. Puppies or kittens between four 4 and 16 weeks of age shall have daily access to human social interaction in addition to the human interaction during the cleaning and sanitation of the enclosures, excluding animals which pose a danger to humans or other animals.
- (5) Dogs shall not be housed in the same primary enclosure or exercise areas with cats, nor shall dogs or cats be housed in the same primary enclosure or exercise areas with any other species of animals. Exceptions are allowed at boarding kennels, if requested in writing by the animals' owner.
- (6) All facilities shall designate an isolation area for animals being treated or observed for communicable diseases. Dogs or cats cats, in isolation that are being treated for a communicable disease disease, shall be separated from other dogs or cats and other susceptible species of animals animals, in such a manner as to minimize dissemination of such disease. A sign shall be posted at the cage or isolation area when in use, giving notice of a communicable disease, including the identification of the disease. Accessories, cleaning equipment equipment, and supplies used in isolation areas shall not be used in other areas of the facility.
- (7) Animals in long term care must be provided with human interaction other than interaction for enclosure cleaning, same species social interaction, opportunity for play and exercise, and environmental enrichment daily. The provision of these daily interactions and enrichment shall be adequate for the animal's species, age, size and behavior needs. In addition:
  - (a) The provision of the daily social interactions and enrichment shall be documented in the 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~~ 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 Rules Section .1103 and .1104~~ of this Section before an animal can be confined in the  
10       enclosure or area.

11  
12       *History Note:     Authority G.S. 187.10 (S.L. 2023-63; G.S. 90-185.*

13       *Eff. Date: January 1, 2025.*

## Burgos, Alexander N

---

**Subject:** FW: [External] Resubmission 21 NCAC 66 .1103

---

**From:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>

**Sent:** Tuesday, August 13, 2024 3:47 PM

**To:** Keith West <kwest@ncvmb.org>

**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; 'Matt Skidmore' <Matt@skidmorelawgroup.com>

**Subject:** RE: [External] Resubmission 21 NCAC 66 .1103

In line 21, consider replacing “addressed” with “documented”.

In (f), line 8, please replace “repair” with “adequate”.

In line 9, add a comma after “sanitized” and after “Section”.

Thanks,

Travis C. Wiggs

Rules Review Commission Counsel

Office of Administrative Hearings

Telephone: 984-236-1929

Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

## Burgos, Alexander N

---

**Subject:** FW: [External] Resubmission 21 NCAC 66 .1105

---

**From:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>

**Sent:** Tuesday, August 13, 2024 3:45 PM

**To:** Keith West <kwest@ncvmb.org>

**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; 'Matt Skidmore' <Matt@skidmorelawgroup.com>

**Subject:** RE: [External] Resubmission 21 NCAC 66 .1105

In line 20, add a comma after the second “food” and after “feed”.

Thanks,

Travis C. Wiggs

Rules Review Commission Counsel

Office of Administrative Hearings

Telephone: 984-236-1929

Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)



## Burgos, Alexander N

---

**Subject:** FW: [External] Resubmission 21 NCAC 66 .1108

---

**From:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>

**Sent:** Tuesday, August 13, 2024 3:43 PM

**To:** Keith West <kwest@ncvmb.org>

**Cc:** 'Matt Skidmore' <Matt@skidmorelawgroup.com>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>

**Subject:** RE: [External] Resubmission 21 NCAC 66 .1108

Mr. West,

I have a few minor edit requests that I will send with an email for each rule. Please make the changes and resend the final revised rules to [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov) and Alex, who is cc'd here.

In line 29, please add a comma.

Thanks,

Travis C. Wiggs

Rules Review Commission Counsel

Office of Administrative Hearings

Telephone: 984-236-1929

Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

## Burgos, Alexander N

---

**Subject:** FW: [External] Plumbing & Heating Contractors - 21 NCAC 50. 0301; 21 NCAC 50. 0306; 21 NCAC 50. 0318

---

**From:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>

**Sent:** Tuesday, August 13, 2024 3:01 PM

**To:** Kelly Edwards <kelly.edwards@youngmoorelaw.com>; Rules, Oah <oah.rules@oah.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>

**Cc:** Reed Fountain <Reed.Fountain@youngmoorelaw.com>

**Subject:** RE: [External] Plumbing & Heating Contractors - 21 NCAC 50. 0301; 21 NCAC 50. 0306; 21 NCAC 50. 0318

Good afternoon,

I discovered a couple of minor requests for the following rules:

**21 NCAC 50. 0306**

In line 6, please add a comma after “website” and after “.org”.

**21 NCAC 50. 0318**

In (d), line 7, please add an “s” to the second “examination” to make it plural.

In (f), line 18, delete the comma after “Section”.

In (g), line 20, add a comma after “Section”.

Please let me know if you have any questions. If not, please reply all with the final revised rules.

Thanks,

Travis C. Wiggs

Rules Review Commission Counsel

Office of Administrative Hearings

Telephone: 984-236-1929

Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

## Burgos, Alexander N

---

**Subject:** FW: [External] Resubmission 21 NCAC 66 .1110

---

**From:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>  
**Sent:** Thursday, August 8, 2024 2:14 PM  
**To:** Keith West <[kwest@ncvmb.org](mailto:kwest@ncvmb.org)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; 'Matt Skidmore' <[Matt@skidmorelawgroup.com](mailto:Matt@skidmorelawgroup.com)>  
**Subject:** RE: [External] Resubmission 21 NCAC 66 .1110

Yes sir, you're very welcome. Thank you for promptness and professionalism.

Travis C. Wiggs  
Rules Review Commission Counsel  
Office of Administrative Hearings  
Telephone: 984-236-1929  
Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

---

**From:** Keith West <[kwest@ncvmb.org](mailto:kwest@ncvmb.org)>  
**Sent:** Thursday, August 8, 2024 12:38 PM  
**To:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; 'Matt Skidmore' <[Matt@skidmorelawgroup.com](mailto:Matt@skidmorelawgroup.com)>  
**Subject:** RE: [External] Resubmission 21 NCAC 66 .1110

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Thanks Mr. Wiggs for your patience and help with these.

Best Regards,  
**Keith West**

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Legislative Liaison  
North Carolina Veterinary Medical Board  
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**From:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>  
**Sent:** Thursday, August 8, 2024 12:09 PM  
**To:** Keith West <[kwest@ncvmb.org](mailto:kwest@ncvmb.org)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; 'Matt Skidmore' <[Matt@skidmorelawgroup.com](mailto:Matt@skidmorelawgroup.com)>  
**Subject:** RE: [External] Resubmission 21 NCAC 66 .1110

Mr. West,

I intend to recommend to the RRC that all the final revised rules be approved at the August 28<sup>th</sup> meeting. Please submit all revised rules via email to [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov) no later than 5pm on August 16, 2024. The electronic copy must be saved as the official rule name (XX NCAC XXXX). Please include me on the email.

Thank you.

Travis C. Wiggs  
Rules Review Commission Counsel  
Office of Administrative Hearings  
Telephone: 984-236-1929  
Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

## Burgos, Alexander N

---

**Subject:** FW: [External] Resubmission 21 NCAC 66 .1107

---

**From:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>  
**Sent:** Thursday, August 8, 2024 11:59 AM  
**To:** Keith West <kwest@ncvmb.org>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: [External] Resubmission 21 NCAC 66 .1107

Thank you. Please strike through "21" in line 32.

Travis C. Wiggs  
Rules Review Commission Counsel  
Office of Administrative Hearings  
Telephone: 984-236-1929  
Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

## Burgos, Alexander N

---

**Subject:** FW: [External] Resubmission 21 NCAC 66 .1110

---

**From:** Keith West <kwest@ncvmb.org>

**Sent:** Thursday, August 8, 2024 12:38 PM

**To:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>

**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; 'Matt Skidmore' <Matt@skidmorelawgroup.com>

**Subject:** RE: [External] Resubmission 21 NCAC 66 .1110

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Thanks Mr. Wiggs for your patience and help with these.

Best Regards,

**Keith West**

Keith West

Executive Director

Legislative Liaison

North Carolina Veterinary Medical Board

(P)919-854-5601

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tate official.

## Burgos, Alexander N

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**Subject:** FW: [External] Resubmission 21 NCAC 66 .1110

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**From:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>  
**Sent:** Thursday, August 8, 2024 12:09 PM  
**To:** Keith West <kwest@ncvmb.org>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; 'Matt Skidmore' <Matt@skidmorelawgroup.com>  
**Subject:** RE: [External] Resubmission 21 NCAC 66 .1110

Mr. West,

I intend to recommend to the RRC that all the final revised rules be approved at the August 28<sup>th</sup> meeting. Please submit all revised rules via email to [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov) no later than 5pm on August 16, 2024. The electronic copy must be saved as the official rule name (XX NCAC XXXX). Please include me on the email.

Thank you.

Travis C. Wiggs  
Rules Review Commission Counsel  
Office of Administrative Hearings  
Telephone: 984-236-1929  
Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

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**From:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>  
**Sent:** Wednesday, August 7, 2024 5:52 PM  
**To:** Keith West <[kwest@ncvmb.org](mailto:kwest@ncvmb.org)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; 'Matt Skidmore' <[Matt@skidmorelawgroup.com](mailto:Matt@skidmorelawgroup.com)>  
**Subject:** RE: [External] Resubmission 21 NCAC 66 .1110

Mr. West,

Thank you for the revisions. Please see below:

- *In (3), line 11, add a comma after “Rules”, after “including”, and after “to”.*
- *In lines 12-13, add a comma after “registrant”, after “Chapter”, and after “license”.*

Please send me this Rule with the requested revisions for one final review.

Thanks,

Travis C. Wiggs  
Rules Review Commission Counsel  
Office of Administrative Hearings  
Telephone: 984-236-1929  
Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

---

**From:** Keith West <[kwest@ncvmb.org](mailto:kwest@ncvmb.org)>  
**Sent:** Thursday, August 1, 2024 7:08 AM  
**To:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; 'Matt Skidmore' <[Matt@skidmorelawgroup.com](mailto:Matt@skidmorelawgroup.com)>  
**Subject:** [External] Resubmission 21 NCAC 66 .1110

**CAUTION:** External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Travis,

Attached is the revised 21 NCAC 66 .1110, with one exception. I was unable to correct the request below because I was not sure what was being referenced.

- In line 6, add a comma after “Rules” and after “to”.

Best Regards,

**Keith West**

Keith West

Executive Director

Legislative Liaison

North Carolina Veterinary Medical Board

(P)919-854-5601

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---

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## Burgos, Alexander N

---

**Subject:** FW: [External] Resubmission of Rules - Reviewed  
**Attachments:** Chapter 66 Boarding Kennels .1101 (Rev. 2).docx

---

**From:** Keith West <kwest@ncvmb.org>  
**Sent:** Thursday, August 8, 2024 12:07 PM  
**To:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; 'Matt Skidmore' <Matt@skidmorelawgroup.com>  
**Subject:** RE: [External] Resubmission of Rules - Reviewed

**CAUTION:** External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Attached is the requested revision.

Best Regards,

**Keith West**

Keith West

Executive Director

Legislative Liaison

North Carolina Veterinary Medical Board

(P)919-854-5601

Email correspondence to and from this address are subject to the North Carolina Public Records Law and may be disclosed to third parties.

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

## **SECTION .1100 – FACILITIES AND OPERATING STANDARDS**

### **21 NCAC 66 .1101        GENERAL**

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

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

(c) Facilities shall have adequate, as defined in Rule .1003 of this Section, electric power.

(d) Storage of food and bedding:

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

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

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

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

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

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

(f) Hot and cold running, potable water, as defined in Rule .1003 and compliant with Rule .1106 of this Section, must be available. Facilities such as a washroom, basin, or sink shall be provided to maintain cleanliness among animal caretakers, animals, and animal food and water receptacles.

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

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

(i) ~~An adequate drainage system~~ A suitable method of drainage, as defined in Rule .1003 of this Section, must be provided installed for the facility.

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

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

2 (l) A facility shall comply with all federal, state, and local laws, rules and ordinances relating to or affecting the  
3 welfare of dogs and cats in its facility.

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

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

8 (1) "Abuse" means:

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

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

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

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

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

16 (2) "Harass" means knowingly conduct, including oral, written, or printed communication or  
17 transmission, telephone, cellular, or other wireless telephonic communication, facsimile  
18 transmission, page messages or transmissions, answering machine or voice mail messages or  
19 transmissions, electronic mail messages, or other computerized or electronic transmissions directed  
20 at a specific person that torments, terrorizes or terrifies that person and that serves no legitimate  
21 purpose.

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

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

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

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

31  
32 History Note: Authority Session Law 2023-63; G.S. 90-185; G.S. 90-186.

33 Eff. Date: January 1, 2025.

## Burgos, Alexander N

---

**Subject:** FW: [External] Resubmission 21 NCAC 66 .1107  
**Attachments:** Chapter 66 Boarding Kennels .1107 (Rev. 2).docx

---

**From:** Keith West <[kwest@ncvmb.org](mailto:kwest@ncvmb.org)>  
**Sent:** Thursday, August 8, 2024 12:05 PM  
**To:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** RE: [External] Resubmission 21 NCAC 66 .1107

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Attached is the requested revision.

Best Regards,

**Keith West**

Keith West  
Executive Director  
Legislative Liaison  
North Carolina Veterinary Medical Board  
(P)919-854-5601

Email correspondence to and from this address are subject to the North Carolina Public Records Law and may be disclosed to third parties.

Best Regards,

**Keith West**

Keith West  
Executive Director  
Legislative Liaison  
North Carolina Veterinary Medical Board  
(P)919-854-5601

Email correspondence to and from this address are subject to the North Carolina Public Records Law and may be disclosed to third parties.

---

**From:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>  
**Sent:** Wednesday, August 7, 2024 5:45 PM  
**To:** Keith West <[kwest@ncvmb.org](mailto:kwest@ncvmb.org)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; 'Matt Skidmore' <[Matt@skidmorelawgroup.com](mailto:Matt@skidmorelawgroup.com)>  
**Subject:** RE: [External] Resubmission 21 NCAC 66 .1107

Mr. West,

Thank you for the revisions. Please see below:

- In (4), lines 32-33, change “21 NCAC 66 .1107(d)(3)” to “Subparagraph (d)(3) of this Rule.”
- On pg. 2, line 5, change “good” to “adequate” since it’s being defined. Also, change “(buildings and grounds)” to “,which include the buildings and grounds,”.
- In line 6, delete “.1107”.

Please send me this Rule with the requested revisions for one final review.

Thanks,

Travis C. Wiggs  
Rules Review Commission Counsel  
Office of Administrative Hearings  
Telephone: 984-236-1929  
Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

---

**From:** Keith West <[kwest@ncvmb.org](mailto:kwest@ncvmb.org)>  
**Sent:** Wednesday, July 31, 2024 11:22 AM  
**To:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; 'Matt Skidmore' <[Matt@skidmorelawgroup.com](mailto:Matt@skidmorelawgroup.com)>  
**Subject:** [External] Resubmission 21 NCAC 66 .1107

Some people who received this message don't often get email from [kwest@ncvmb.org](mailto:kwest@ncvmb.org). [Learn why this is important](#)

**CAUTION:** External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Travis,

Attached is the revised 21 NCAC 66 .1107.

Best Regards,

**Keith West**

Keith West  
Executive Director  
Legislative Liaison  
North Carolina Veterinary Medical Board  
(P)919-854-5601

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---

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

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

**21 NCAC 66 .1107        SANITATION**

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

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

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

(d) Sanitation shall be as follows:

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

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

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

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

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

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

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

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

3       (6) Soiled linens and cloth products shall be mechanically washed with detergent and sanitized;

4       (7) Any area accessible to multiple animals shall be kept clean and sanitary; and

5       (8) ~~fans~~ Fans, including floor fans, ceiling fans, wall fans, and vent fans, ~~etc.~~ shall be kept clean of  
6       accumulated debris, dust, and biological material.

7       (e) Premises, ~~(buildings and grounds)~~ which include the buildings and grounds, shall be kept clean and in good  
8       adequate repair in order to protect the animals from injury and to facilitate the prescribed husbandry practices set forth  
9       in this Rule. -1107. Premises shall remain free of accumulations of trash, junk, waste products, and discarded matter.  
10       Weeds, grasses, and bushes must be controlled so as to facilitate cleaning of the ~~premises~~ premises, and to improve  
11       pest control, and to protect the health and well-being of the animals.

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

14  
15       History Note:     Authority G.S. 187.1 (S.L. 2023-63); G.S. 90-185; G.S. 90-186.

16       Eff. Date: January 1, 2025.  
17

## Burgos, Alexander N

---

**Subject:** FW: [External] Resubmission of Rules - Reviewed

---

**From:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>

**Sent:** Thursday, August 8, 2024 12:01 PM

**To:** Keith West <kwest@ncvmb.org>

**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; 'Matt Skidmore' <Matt@skidmorelawgroup.com>

**Subject:** RE: [External] Resubmission of Rules - Reviewed

Thank you. Please move line 24 up to 23. It appears to have moved with the last revision.

Travis C. Wiggs

Rules Review Commission Counsel

Office of Administrative Hearings

Telephone: 984-236-1929

Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)



## Burgos, Alexander N

---

**Subject:** FW: [External] Resubmission 21 NCAC 66 .1107

---

**From:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>  
**Sent:** Thursday, August 8, 2024 11:59 AM  
**To:** Keith West <kwest@ncvmb.org>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: [External] Resubmission 21 NCAC 66 .1107

Thank you. Please strike through "21" in line 32.

Travis C. Wiggs  
Rules Review Commission Counsel  
Office of Administrative Hearings  
Telephone: 984-236-1929  
Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

## Burgos, Alexander N

---

**Subject:** FW: [External] Resubmission of Rules - Reviewed  
**Attachments:** Chapter 66 Boarding Kennels .1101 (Rev. 2).docx

---

**From:** Keith West <kwest@ncvmb.org>  
**Sent:** Thursday, August 8, 2024 9:49 AM  
**To:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; 'Matt Skidmore' <Matt@skidmorelawgroup.com>  
**Subject:** RE: [External] Resubmission of Rules - Reviewed

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Mr. Wiggs,

Attached are the requested revisions.

Best Regards,

**Keith West**

Keith West  
Executive Director  
Legislative Liaison  
North Carolina Veterinary Medical Board  
(P)919-854-5601

Email correspondence to and from this address are subject to the North Carolina Public Records Law and may be disclosed to third parties.

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

## **SECTION .1100 – FACILITIES AND OPERATING STANDARDS**

### **21 NCAC 66 .1101        GENERAL**

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

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

(c) Facilities shall have adequate, as defined in Rule .1003 of this Section, electric power.

(d) Storage of food and bedding:

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

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

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

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

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

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

(f) Hot and cold running, potable water, as defined in Rule .1003 and compliant with Rule .1106 of this Section, must be available. Facilities such as a washroom, basin, or sink shall be provided to maintain cleanliness among animal caretakers, animals, and animal food and water receptacles.

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

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

(i) ~~An adequate drainage system~~ A suitable method of drainage, as defined in Rule .1003 of this Section, must be provided installed for the facility.

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

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

2 (l) A facility shall comply with all federal, state, and local laws, rules and ordinances relating to or affecting the  
3 welfare of dogs and cats in its facility.

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

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

8 (1) "Abuse" means:

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

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

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

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

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

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

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

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

19 transmissions, electronic mail messages, or other computerized or electronic transmissions directed  
20 at a specific person that torments, terrorizes or terrifies that person and that serves no legitimate

21 purpose.

22 (o) No dog or cat shall be in a window ~~display~~ display, except during business ~~hours~~ hours, and then only in compliance  
23 with

24 standards set forth in this Section.

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

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

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

32  
33 History Note: Authority Session Law 2023-63; G.S. 90-185; G.S. 90-186.

34 Eff. Date: January 1, 2025.

## Burgos, Alexander N

---

**Subject:** FW: [External] Resubmission 21 NCAC 66 .1108  
**Attachments:** Chapter 66 Boarding Kennels .1108 (Rev. 2).docx

---

**From:** Keith West <kwest@ncvmb.org>  
**Sent:** Thursday, August 8, 2024 9:58 AM  
**To:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>  
**Cc:** 'Matt Skidmore' <Matt@skidmorelawgroup.com>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: [External] Resubmission 21 NCAC 66 .1108

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Mr. Wiggs,

Attached are the requested revisions.

Best Regards,

**Keith West**

Keith West  
Executive Director  
Legislative Liaison  
North Carolina Veterinary Medical Board  
(P)919-854-5601

Email correspondence to and from this address are subject to the North Carolina Public Records Law and may be disclosed to third parties.

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

**21 NCAC 66 .1108 CLASSIFICATION AND SEPERATION SEPARATION**

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

- (1) Females in season (estrus) shall not be housed in the same primary enclosure or exercise area with intact or neutered males, except for planned breeding purposes. Breeding shall not be allowed in animal shelters. males.
- (2) In boarding kennels, animals of different owners shall not have contact with other animals, unless written permission is obtained from the animal's owner. The documentation of this written permission shall be kept as part of the animal's record for one year and must be renewed yearly thereafter.
- (3) Any dog or cat exhibiting an aggressive disposition shall be housed individually in a primary enclosure. Housing of aggressive animals shall be such that the animals are prevented from biting or injuring another animal or human.
- (4) Puppies or kittens less than six months of age shall not be housed in the same primary enclosure with adult dogs or cats other than their dams, except when permanently maintained in breeding colonies, or if requested in writing, by the animals' owner, as in a boarding kennel. Puppies or kittens between four 4 and 16 weeks of age shall have daily access to human social interaction in addition to the human interaction during the cleaning and sanitation of the enclosures, excluding animals which pose a danger to humans or other animals.
- (5) Dogs shall not be housed in the same primary enclosure or exercise areas with cats, nor shall dogs or cats be housed in the same primary enclosure or exercise areas with any other species of animals. Exceptions are allowed at boarding kennels, if requested in writing by the animals' owner.
- (6) All facilities shall designate an isolation area for animals being treated or observed for communicable diseases. Dogs or cats cats, in isolation that are being treated for a communicable disease disease, shall be separated from other dogs or cats and other susceptible species of animals animals, in such a manner as to minimize dissemination of such disease. A sign shall be posted at the cage or isolation area when in use, giving notice of a communicable disease, including the identification of the disease. Accessories, cleaning equipment and supplies used in isolation areas shall not be used in other areas of the facility.
- (7) Animals in long term care must be provided with human interaction other than interaction for enclosure cleaning, same species social interaction, opportunity for play and exercise, and environmental enrichment daily. The provision of these daily interactions and enrichment shall be adequate for the animal's species, age, size and behavior needs. In addition:
  - (a) The provision of the daily social interactions and enrichment shall be documented in the 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~~ 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 Rules Section .1103 and .1104 of this Section before an animal can be confined in the  
10 enclosure or area.

11  
12 *History Note: Authority G.S. 187.10 (S.L. 2023-63; G.S. 90-185.*

13 *Eff. Date: January 1, 2025.*

## Burgos, Alexander N

---

**Subject:** FW: [External] Resubmission 21 NCAC 66 .1109  
**Attachments:** Chapter 66 Boarding Kennels .1109 (Rev. 2).docx

---

**From:** Keith West <kwest@ncvmb.org>  
**Sent:** Thursday, August 8, 2024 10:02 AM  
**To:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; 'Matt Skidmore' <Matt@skidmorelawgroup.com>  
**Subject:** RE: [External] Resubmission 21 NCAC 66 .1109

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Mr. Wiggs,

Attached are the requested revisions.

Best Regards,

**Keith West**

Keith West  
Executive Director  
Legislative Liaison  
North Carolina Veterinary Medical Board  
(P)919-854-5601

Email correspondence to and from this address are subject to the North Carolina Public Records Law and may be disclosed to third parties.



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

**21 NCAC 66 .1109 VETERINARY CARE**

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

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

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

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

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

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

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

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

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

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

1

2 History Note: Authority G.S. 187.10 (S.L. 2023-63); G.S. 90-185.

3 Eff. Date: January 1, 2025.

## Burgos, Alexander N

---

**Subject:** FW: [External] Resubmission 21 NCAC 66 .1110  
**Attachments:** Chapter 66 Boarding Kennels .1110 (Rev. 2).docx

---

**From:** Keith West <kwest@ncvmb.org>  
**Sent:** Thursday, August 8, 2024 10:05 AM  
**To:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; 'Matt Skidmore' <Matt@skidmorelawgroup.com>  
**Subject:** RE: [External] Resubmission 21 NCAC 66 .1110

**CAUTION:** External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Mr. Wiggs,

Attached are the requested revisions.

Best Regards,

**Keith West**

Keith West  
Executive Director  
Legislative Liaison  
North Carolina Veterinary Medical Board  
(P)919-854-5601

Email correspondence to and from this address are subject to the North Carolina Public Records Law and may be disclosed to third parties.

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

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

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

- (1) revoke or suspend a boarding kennel permit issued under this Chapter;
- (2) discipline the boarding kennel permittee permitted under this Chapter in accordance with the disciplinary measures set forth in Sections .0600 and .0700 of this Chapter;
- (3) deny a boarding kennel permit required by G.S. 90-186(8) and the rules of this Chapter based on violations of Board ~~Rules~~ Rules, ~~including including~~, but not limited ~~to~~ to, Rules .1000 - .1009 of this Chapter. For the purpose of this Rule, references to licensee or registrant in the provisions of Sections .0600 and .0700 of this Chapter are treated as references to owner and permittee. References to license are treated as references to boarding kennel permit.

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

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

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

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

History Note: Authority G.S. 90-186 (S.L. 2023-63).

Eff. Date: January 1, 2025.

## Burgos, Alexander N

---

**Subject:** FW: [External] Resubmission 21 NCAC 66 .1110

---

**From:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>

**Sent:** Wednesday, August 7, 2024 5:52 PM

**To:** Keith West <kwest@ncvmb.org>

**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; 'Matt Skidmore' <Matt@skidmorelawgroup.com>

**Subject:** RE: [External] Resubmission 21 NCAC 66 .1110

Mr. West,

Thank you for the revisions. Please see below:

- *In (3), line 11, add a comma after “Rules”, after “including”, and after “to”.*
- *In lines 12-13, add a comma after “registrant”, after “Chapter”, and after “license”.*

Please send me this Rule with the requested revisions for one final review.

Thanks,

Travis C. Wiggs

Rules Review Commission Counsel

Office of Administrative Hearings

Telephone: 984-236-1929

Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

## Burgos, Alexander N

---

**Subject:** FW: [External] Resubmission 21 NCAC 66 .1109

---

**From:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>

**Sent:** Wednesday, August 7, 2024 5:49 PM

**To:** Keith West <kwest@ncvmb.org>

**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; 'Matt Skidmore' <Matt@skidmorelawgroup.com>

**Subject:** RE: [External] Resubmission 21 NCAC 66 .1109

Mr. West,

Thank you for the revisions. Please see below:

- *In line 6, add a comma after “care”.*
- *In line 19, add a comma after “treatment.”*
- *In (g), line 37, change the rule citation to “Rule .1001 of this Section.”*

Please send me this Rule with the requested revisions for one final review.

Thanks,

Travis C. Wiggs

Rules Review Commission Counsel

Office of Administrative Hearings

Telephone: 984-236-1929

Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

## Burgos, Alexander N

---

**Subject:** FW: [External] Resubmission 21 NCAC 66 .1108

---

**From:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>

**Sent:** Wednesday, August 7, 2024 5:47 PM

**To:** Keith West <kwest@ncvmb.org>

**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; 'Matt Skidmore' <Matt@skidmorelawgroup.com>

**Subject:** RE: [External] Resubmission 21 NCAC 66 .1108

Mr. West,

Thank you for the revisions. Please see below:

- *In (8), lines 8-9, change “with the rules of this Section .1103 and .1104” to with Rules .1103 and .1104 of this Section”.*

Please send me this Rule with the requested revisions for one final review.

Thanks,

Travis C. Wiggs

Rules Review Commission Counsel

Office of Administrative Hearings

Telephone: 984-236-1929

Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

## Burgos, Alexander N

---

**Subject:** FW: [External] Resubmission 21 NCAC 66 .1107

---

**From:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>

**Sent:** Wednesday, August 7, 2024 5:45 PM

**To:** Keith West <kwest@ncvmb.org>

**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; 'Matt Skidmore' <Matt@skidmorelawgroup.com>

**Subject:** RE: [External] Resubmission 21 NCAC 66 .1107

Mr. West,

Thank you for the revisions. Please see below:

- In (4), lines 32-33, change “21 NCAC 66 .1107(d)(3)” to “Subparagraph (d)(3) of this Rule.”
- On pg. 2, line 5, change “good” to “adequate” since it’s being defined. Also, change “(buildings and grounds)” to “,which include the buildings and grounds,”.
- In line 6, delete “.1107”.

Please send me this Rule with the requested revisions for one final review.

Thanks,

Travis C. Wiggs

Rules Review Commission Counsel

Office of Administrative Hearings

Telephone: 984-236-1929

Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)



## Burgos, Alexander N

---

**Subject:** FW: [External] Resubmission of Rules - Reviewed

---

**From:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>

**Sent:** Wednesday, August 7, 2024 5:39 PM

**To:** Keith West <kwest@ncvmb.org>

**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; 'Matt Skidmore' <Matt@skidmorelawgroup.com>

**Subject:** RE: [External] Resubmission of Rules - Reviewed

Mr. West,

Thank you for the revisions. Please see below:

- *In (f), line 27, add a comma after “basin”.*
- *In (o), line 22, add a comma after “display” and after “hours.”*
- *Please reinsert the Session Law as Authority for this Rule as was done previously.*

Please send me this Rule with the requested revisions for one final review.

Thanks,

Travis C. Wiggs

Rules Review Commission Counsel

Office of Administrative Hearings

Telephone: 984-236-1929

Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

## Burgos, Alexander N

---

**Subject:** FW: [External] Resubmission of Rules - Reviewed  
**Attachments:** Chapter 66 Boarding Kennels .1101 (Rev. 1).docx

---

**From:** Keith West <kwest@ncvmb.org>  
**Sent:** Wednesday, August 7, 2024 7:42 AM  
**To:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; 'Matt Skidmore' <Matt@skidmorelawgroup.com>  
**Subject:** RE: [External] Resubmission of Rules - Reviewed

**CAUTION:** External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Mr. Wiggs,

Attached are the requested revisions of 21 NCAC 66 .1101.

Best Regards,

**Keith West**

Keith West  
Executive Director  
Legislative Liaison  
North Carolina Veterinary Medical Board  
(P)919-854-5601

Email correspondence to and from this address are subject to the North Carolina Public Records Law and may be disclosed to third parties.

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

## **SECTION .1100 – FACILITIES AND OPERATING STANDARDS**

### **21 NCAC 66 .1101        GENERAL**

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

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

(c) Facilities shall have adequate, as defined in Rule .1003 of this Section, electric power.

(d) Storage of food and bedding:

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

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

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

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

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

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

(f) Hot and cold running, potable water, as defined in Rule .1003 and compliant with Rule .1106 of this Section, must be available. Facilities such as a washroom, basin or sink shall be provided to maintain cleanliness among animal caretakers, animals, and animal food and water receptacles.

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

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

(i) ~~An adequate drainage system~~ A suitable method of drainage, as defined in Rule .1003 of this Section, must be provided installed for the facility.

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

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

2 (l) A facility shall comply with all federal, state, and local laws, rules and ordinances relating to or affecting the  
3 welfare of dogs and cats in its facility.

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

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

8 (1) "Abuse" means:

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

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

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

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

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

16 (2) "Harass" means knowingly conduct, including oral, written, or printed communication or  
17 transmission, telephone, cellular, or other wireless telephonic communication, facsimile  
18 transmission, page messages or transmissions, answering machine or voice mail messages or  
19 transmissions, electronic mail messages, or other computerized or electronic transmissions directed  
20 at a specific person that torments, terrorizes or terrifies that person and that serves no legitimate  
21 purpose.

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

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

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

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

31  
32 History Note: Authority G.S. 90-185; G.S. 90-186.

33 Eff. Date: January 1, 2025.

## Burgos, Alexander N

---

**Subject:** FW: [External] Resubmission of Rules - Reviewed

---

**From:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>  
**Sent:** Monday, August 5, 2024 3:52 PM  
**To:** Keith West <kwest@ncvmb.org>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; 'Matt Skidmore' <Matt@skidmorelawgroup.com>  
**Subject:** RE: [External] Resubmission of Rules - Reviewed

Mr. West,

Please see my requests and comments below. Based on our discussion and my research, I have removed a few of my original requests. Let me know if you have any questions.

**RULE CITATION:** 21 NCAC 66 .1101

**DEADLINE FOR RECEIPT:** **Monday, August 12, 2024.**

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

*In line 6, delete “in good repair”, as it’s unclear and unnecessary.*

*In line 7, add a comma after the first “animals”.*

*In (c), line 11, “adequate electric power” is clearer since “adequate” is being defined in 21 NCAC 06 .1003. You can incorporate 21 NCAC 06 .1003 by reference (just once in this Rule), pursuant to 150B-21.6, or you can cross-reference 21 NCAC 06 .1003 each time you use a term that is being defined.*

*In line 23, add a comma after “bedding”.*

*In line 24, add a comma after the first “facility”.*

*In (f), line 26, “potable water” is clearer since it is being defined in 21 NCAC 06 .1003. If you don’t incorporate 21 NCAC 06 .1003 by reference above, you will need to cross-reference 21 NCAC 06 .1003 each time you use a term that is being defined. Further, “potable water” requirements are found in Rule .1106 of this Section. Please cross-reference Rule .1106. Also, add a comma after “basin”.*

*In line 29, add a comma after the first “areas”.*

*In (i), line 33, consider replacing “adequate drainage system” with “suitable method of drainage, as defined in Rule .1003 of this Section.” Consider replacing “provided” with “installed”.*

*In (k), line 36, capitalize “section”.*

*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.*

Please retype the rule accordingly and resend it to me for review.

Thanks,

Travis C. Wiggs  
Rules Review Commission Counsel  
Office of Administrative Hearings  
Telephone: 984-236-1929  
Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

---

**From:** Keith West <[kwest@ncvmb.org](mailto:kwest@ncvmb.org)>  
**Sent:** Thursday, August 1, 2024 7:34 AM  
**To:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; 'Matt Skidmore' <[Matt@skidmorelawgroup.com](mailto:Matt@skidmorelawgroup.com)>  
**Subject:** [External] Resubmission of Rules - Reviewed

**CAUTION:** External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Travis,

I believe all of the items have been resolved except for 21 NCAC 66 .1101. That is the one rule you and I discussed on Tuesday.

Best Regards,

**Keith West**

Keith West  
Executive Director  
Legislative Liaison  
North Carolina Veterinary Medical Board  
(P)919-854-5601

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---

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

## Burgos, Alexander N

---

**Subject:** FW: [External] Resubmission of Rules - Reviewed

---

**From:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>

**Sent:** Friday, August 2, 2024 4:12 PM

**To:** Keith West <kwest@ncvmb.org>

**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; 'Matt Skidmore' <Matt@skidmorelawgroup.com>

**Subject:** RE: [External] Resubmission of Rules - Reviewed

Mr. West,

Thank you for the emails and revisions. Please see my comments below:

**.1003**

In (21), please move up lines 11-12 for correct formatting.

**.1101-.1107**

For all these rules, your reply did not answer my question of how does Session Law -2023-63 apply to these rules? For example, I believe G.S. 90-185 and 90-186 provide the authority for your agency to promulgate .1101. However, I don't see where the Session Law modified G.S. 90-185 and it only modified 90-186 to apply to boarding kennels. Please explain.

**.1107**

On pg. 2, line 8, delete the first "and".

**.1108**

In line 25, add a comma after "disease".

In (8), lines 8-9, after the word "compliance, please change to "with Rules .1103 and .1104 of this Section..."

I will continue reviewing .1101 and be in touch with you next week.

Thanks,

Travis C. Wiggs

Rules Review Commission Counsel

Office of Administrative Hearings

Telephone: 984-236-1929

Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

## Burgos, Alexander N

---

**From:** Keith West <kwest@ncvmb.org>  
**Sent:** Thursday, August 1, 2024 6:59 AM  
**To:** Wiggs, Travis C  
**Cc:** Burgos, Alexander N; 'Matt Skidmore'  
**Subject:** [External] Resubmission 21 NCAC 66 .1109  
**Attachments:** Chapter 66 Boarding Kennels .1109 (Rev. 1).docx

**CAUTION:** External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Travis,

Attached is the revised 21 NCAC 66 .1109

Best Regards,

**Keith West**

Keith West  
Executive Director  
Legislative Liaison  
North Carolina Veterinary Medical Board  
(P)919-854-5601

Email correspondence to and from this address are subject to the North Carolina Public Records Law and may be disclosed to third parties.



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

**21 NCAC 66 .1109 VETERINARY CARE**

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

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

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

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

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

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

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

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

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

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

1

2 History Note: Authority G.S. 187.10 (S.L. 2023-63); G.S. 90-185.

3 Eff. Date: January 1, 2025.

## Burgos, Alexander N

---

**From:** Keith West <kwest@ncvmb.org>  
**Sent:** Thursday, August 1, 2024 7:08 AM  
**To:** Wiggs, Travis C  
**Cc:** Burgos, Alexander N; 'Matt Skidmore'  
**Subject:** [External] Resubmission 21 NCAC 66 .1110  
**Attachments:** Chapter 66 Boarding Kennels .1110 (Rev. 1).docx

**CAUTION:** External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Travis,

Attached is the revised 21 NCAC 66 .1110, with one exception. I was unable to correct the request below because I was not sure what was being referenced.

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

Best Regards,

**Keith West**

Keith West  
Executive Director  
Legislative Liaison  
North Carolina Veterinary Medical Board  
(P)919-854-5601

Email correspondence to and from this address are subject to the North Carolina Public Records Law and may be disclosed to third parties.

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

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

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

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

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

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

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

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

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

*History Note: Authority G.S. 90-186 (S.L. 2023-63).*

*Eff. Date: January 1, 2025.*

## Burgos, Alexander N

---

**From:** Keith West <kwest@ncvmb.org>  
**Sent:** Thursday, August 1, 2024 7:28 AM  
**To:** Wiggs, Travis C  
**Cc:** Burgos, Alexander N; 'Matt Skidmore'  
**Subject:** [External] Resubmission 21 NCAC 66 .1108  
**Attachments:** Chapter 66 Boarding Kennels .1108 (Rev.1).docx

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Travis,

Attached are the requested revisions for 21 NCAC 66 .1108, with the following exceptions:

- In line 9, consider adding a comma after “cats”. Also, consider replacing “showing the following:” with “that include the following information:”  
(I was not able to find the referenced request.)
- In line 17, add a comma after “interaction” and add “the medication,” after “given”.  
(I was not able to find the referenced request.)

Best Regards,

**Keith West**

Keith West

Executive Director

Legislative Liaison

North Carolina Veterinary Medical Board

(P)919-854-5601

Email correspondence to and from this address are subject to the North Carolina Public Records Law and may be disclosed to third parties.

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

**21 NCAC 66 .1108 CLASSIFICATION AND SEPERATION SEPARATION**

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

- (1) Females in season (estrus) shall not be housed in the same primary enclosure or exercise area with intact or neutered males, except for planned breeding purposes. Breeding shall not be allowed in animal shelters. males.
- (2) In boarding kennels, animals of different owners shall not have contact with other animals, unless written permission is obtained from the animal's owner. The documentation of this written permission shall be kept as part of the animal's record for one year and must be renewed yearly thereafter.
- (3) Any dog or cat exhibiting an aggressive disposition shall be housed individually in a primary enclosure. Housing of aggressive animals shall be such that the animals are prevented from biting or injuring another animal or human.
- (4) Puppies or kittens less than six months of age shall not be housed in the same primary enclosure with adult dogs or cats other than their dams, except when permanently maintained in breeding colonies, or if requested in writing, by the animals' owner, as in a boarding kennel. Puppies or kittens between four 4 and 16 weeks of age shall have daily access to human social interaction in addition to the human interaction during the cleaning and sanitation of the enclosures, excluding animals which pose a danger to humans or other animals.
- (5) Dogs shall not be housed in the same primary enclosure or exercise areas with cats, nor shall dogs or cats be housed in the same primary enclosure or exercise areas with any other species of animals. Exceptions are allowed at boarding kennels, if requested in writing by the animals' owner.
- (6) All facilities shall designate an isolation area for animals being treated or observed for communicable diseases. Dogs or cats cats, in isolation that are being treated for a communicable disease shall be separated from other dogs or cats and other susceptible species of animals animals, in such a manner as to minimize dissemination of such disease. A sign shall be posted at the cage or isolation area when in use, giving notice of a communicable disease, including the identification of the disease. Accessories, cleaning equipment and supplies used in isolation areas shall not be used in other areas of the facility.
- (7) Animals in long term care must be provided with human interaction other than interaction for enclosure cleaning, same species social interaction, opportunity for play and exercise, and environmental enrichment daily. The provision of these daily interactions and enrichment shall be adequate for the animal's species, age, size and behavior needs. In addition:
  - (a) The provision of the daily social interactions and enrichment shall be documented in the animal's records and the records maintained for three years; and

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

(8) All animals shall be confined in primary enclosures or exercise areas. Primary enclosures and exercise areas shall be inspected by the Animal Welfare Section and in compliance with the rules of this Subchapter Section .1103 and .1104 before an animal can be confined in the enclosure or area.

*History Note: Authority G.S. 187.10 (S.L. 2023-63; G.S. 90-185.*

*Eff. Date: January 1, 2025.*

## Burgos, Alexander N

---

**From:** Keith West <kwest@ncvmb.org>  
**Sent:** Wednesday, July 31, 2024 11:22 AM  
**To:** Wiggs, Travis C  
**Cc:** Burgos, Alexander N; 'Matt Skidmore'  
**Subject:** [External] Resubmission 21 NCAC 66 .1107  
**Attachments:** Chapter 66 Boarding Kennels .1107 (Rev. 1).docx

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Travis,

Attached is the revised 21 NCAC 66 .1107.

Best Regards,

**Keith West**

Keith West

Executive Director

Legislative Liaison

North Carolina Veterinary Medical Board

(P)919-854-5601

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

**21 NCAC 66 .1107        SANITATION**

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

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

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

(d) Sanitation shall be as follows:

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

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

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

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

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

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

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

(5) Food and water receptacles shall be sanitized daily with hot water, detergent, and disinfectant. The 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~~ Fans, including floor fans, ceiling fans, wall fans, and vent fans, ~~ete~~, shall be kept clean of  
4       accumulated 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 .1107. Premises shall remain free of  
7       accumulations of trash, junk, waste products, and discarded matter. Weeds, grasses, and bushes must be controlled so  
8       as to facilitate cleaning of the ~~premises~~ premises, and to improve pest control, and to protect the health and well-being  
9       of the animals.

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

12  
13       History Note: Authority G.S. 187.1 (S.L. 2023-63); G.S. 90-185; G.S. 90-186.

14       Eff. Date: January 1, 2025.

## Burgos, Alexander N

---

**From:** Keith West <kwest@ncvmb.org>  
**Sent:** Wednesday, July 31, 2024 11:20 AM  
**To:** Wiggs, Travis C  
**Cc:** Burgos, Alexander N; 'Matt Skidmore'  
**Subject:** [External] Resubmission 21 NCAC .1106  
**Attachments:** Chapter 66 Boarding Kennels .1106 (Rev. 1).docx

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Travis,

Attached is the resubmission for 21 NCAC .1106.

Best Regards,

**Keith West**

Keith West

Executive Director

Legislative Liaison

North Carolina Veterinary Medical Board

(P)919-854-5601

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

**21 NCAC 66 .1106 WATERING**

(a) Animals, subject to this Subchapter, shall have continuous access to fresh, potable water, except as might otherwise be required to provide adequate veterinary care, when directed by a veterinarian to limit access.

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

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

(2) the printed name of the veterinarian;

(3) the reason for the restriction;

(4) the specific watering directions;

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

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

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

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

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

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

(e) Damaged receptacles shall be replaced.

History Note: Authority G.S. 187.1 (S.L. 2023-63); G.S. 90-185.

Eff. Date: January 1, 2025.

## Burgos, Alexander N

---

**From:** Keith West <kwest@ncvmb.org>  
**Sent:** Wednesday, July 31, 2024 10:57 AM  
**To:** Wiggs, Travis C  
**Cc:** Burgos, Alexander N; 'Matt Skidmore'  
**Subject:** [External] Resubmission 21 NCAC 66 .1105  
**Attachments:** CHAPTER 66 Boarding Kennels .1105 (Rev. 1).docx

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Travis,

Attached is 21 NCAC 66 .1105 with the requested revisions.

Best Regards,

**Keith West**

Keith West

Executive Director

Legislative Liaison

North Carolina Veterinary Medical Board

(P)919-854-5601

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

**21 NCAC 66 .1105        FEEDING**

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

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

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

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

(2) the printed name of the veterinarian;

(3) the reason for the restriction;

(4) the specific feeding directions;

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

(6) ~~the facility shall have the veterinarian review and renew the directive every 30 days~~ documentation by the facility of each veterinary review and renewal of the directive, occurring every 30 days until it is no longer required;

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

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

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

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

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

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

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

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

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

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

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

History Note: Authority G.S. 90-185; G.S. 90-186(S.L. 2023-63).

Eff. Date: January 1, 2025.

## Burgos, Alexander N

---

**From:** Keith West <kwest@ncvmb.org>  
**Sent:** Wednesday, July 31, 2024 9:43 AM  
**To:** Wiggs, Travis C  
**Cc:** Burgos, Alexander N; 'Matt Skidmore'  
**Subject:** [External] Resubmission 21 NCAC 66 .1104  
**Attachments:** CHAPTER 66 Boarding Kennels .1104 (Rev. 1).docx

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Travis,

Attached is 21 NCAC 66 .1104 with the requested revisions.

Best Regards,

**Keith West**

Keith West

Executive Director

Legislative Liaison

North Carolina Veterinary Medical Board

(P)919-854-5601

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

**21 NCAC 66 .1104        PRIMARY ENCLOSURES**

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

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

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

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

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

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

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

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

(i) In addition to Paragraph (b) of this Rule, each dog shall be provided a minimum square footage of floor space 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 the base of its tail, plus six inches, then divide the product by 144. The calculation is: (length of dog in inches + 6) x (length of dog in inches + 6) = required floor space in square inches. Required floor space in square inches ÷ 144 = required floor space in square feet. The calculation shall be expressed in square feet.

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

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



1 (l) Pregnant dogs and cats shall be housed singly in a primary enclosure. Nursing dogs and cats shall be housed only  
2 with their litter in a primary enclosure until the litter has been weaned. The primary enclosure shall be of sufficient  
3 size to allow the dam and all animals in the litter to walk, turn about freely, nurse, and to easily stand with their tails  
4 erect, and sit, sit or lie in a natural position with their limbs extended without touching other animals within the  
5 enclosure, the sides, or top covering of the enclosure enclosure, and to leave the whelping/queening area for open  
6 exercise.

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

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

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

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

14 (1) \_\_\_\_\_ whenever water in a pool is deeper than the height at the shoulder of the shortest dog in the pool  
15 \_\_\_\_\_ area, an shall have an ingress-egress area whenever water in a pool is deeper than the height at the  
16 shoulder of the shortest dog in the pool; shall be provided;

17 (2) \_\_\_\_\_ no dog shall have access to the pool or pool area other than a typical kiddie wading pool without  
18 \_\_\_\_\_ supervision;

19 (3) \_\_\_\_\_ facilities shall be constructed, maintained, and managed to protect animals from illness, injury, and  
20 \_\_\_\_\_ death resulting from access to pools or pool areas;

21 (4) \_\_\_\_\_ pools with a capacity of less than 100 gallons shall have the water changed and be cleaned and  
22 \_\_\_\_\_ sanitized daily. Pools with a capacity of 100 gallons or more shall have commercially manufactured  
23 \_\_\_\_\_ filtration and cleaning systems installed and the manufacturer recommendations followed for  
24 \_\_\_\_\_ cleaning, sanitation, and water quality; and

25 (5) \_\_\_\_\_ typical kiddie wading pools are to be considered accessories for the purposes of cleaning,  
26 \_\_\_\_\_ sanitation, repair, and maintenance.

27  
28 History Note: Authority G.S. 187.1 (S.L. 2023-63); G.S. 90-185.

29 Eff. Date: January 1, 2025.

## Burgos, Alexander N

---

**From:** Keith West <kwest@ncvmb.org>  
**Sent:** Wednesday, July 31, 2024 9:08 AM  
**To:** Wiggs, Travis C  
**Cc:** Burgos, Alexander N; 'Matt Skidmore'  
**Subject:** [External] Resubmission 21 NCAC .1002  
**Attachments:** CHAPTER 66 Boarding Kennels .1002 (Rev. 1).docx

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Travis,

Attached is 21 NCAC 66 .1002 with the requested revisions, with an exception to a consideration request.

RRC Comment: In line 6, add an "s" to the end of "record". Also, consider adding "by boarding kennels" after "maintained".

I have decided not to make the consideration change since the records are required to be part of the medical record as stated in 21 NCAC 66 .1001, "Operators of a boarding kennel, as defined in GS 90-181(b)(1a), shall maintain records, as part of the medical record, of all dogs and cats showing the ....".

Please let me know if this is not acceptable.

Best Regards,

**Keith West**

Keith West  
Executive Director  
Legislative Liaison  
North Carolina Veterinary Medical Board  
(P)919-854-5601

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

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

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

*History Note: Authority G.S. 187.10 (S.L. 2023-63); G.S. 90-185; G.S. 90-186.*

*Eff. Date: January 1, 2025.*

## Burgos, Alexander N

---

**From:** Keith West <kwest@ncvmb.org>  
**Sent:** Wednesday, July 31, 2024 8:30 AM  
**To:** Wiggs, Travis C  
**Cc:** Burgos, Alexander N; 'Matt Skidmore'  
**Subject:** [External] Resubmission 21 NCAC .1102  
**Attachments:** CHAPTER 66 Boarding Kennels .1102 (Rev. 1).docx

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Travis,

Attached is 21 NCAC 66 .1102 with the requested revisions.

Best Regards,

**Keith West**

Keith West

Executive Director

Legislative Liaison

North Carolina Veterinary Medical Board

(P)919-854-5601

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

**21 NCAC 66 .1102        INDOOR FACILITIES**

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

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

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

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

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

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

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

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

*History Note: Authority G.S. 187.1 (S.L. 2023-63); G.S. 90-185.*

*Eff. Date: January 1, 2025.*

## Burgos, Alexander N

---

**From:** Keith West <kwest@ncvmb.org>  
**Sent:** Wednesday, July 31, 2024 7:37 AM  
**To:** Wiggs, Travis C  
**Cc:** Burgos, Alexander N; 'Matt Skidmore'  
**Subject:** [External] Resubmission 21 NCAC 66 .1004  
**Attachments:** CHAPTER 66 Boarding Kennels .1004 (Rev. 1).docx

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Travis,

Attached is 21 NCAC 66 .1004 with the requested revisions.

Best Regards,

**Keith West**

Keith West

Executive Director

Legislative Liaison

North Carolina Veterinary Medical Board

(P)919-854-5601

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

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

All operators of a boarding kennels, as defined in ~~GS 90-181(b)(1a)~~ G.S. 90-181.1(b)(1a), shall have a valid veterinary facility permit and a valid boarding kennel permit.

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

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

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

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

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

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

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

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

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

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

*History Note: Authority G.S. 187.1 (S.L. 2023-63); G.S. 90-185; G.S. 90-186.*

*Eff. Date: January 1, 2025.*

## Burgos, Alexander N

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**From:** Keith West <kwest@ncvmb.org>  
**Sent:** Wednesday, July 31, 2024 7:29 AM  
**To:** Wiggs, Travis C  
**Cc:** Burgos, Alexander N; 'Matt Skidmore'  
**Subject:** [External] Resubmission 21 NCAC 66 .1003  
**Attachments:** CHAPTER 66 Boarding Kennels .1003 (Rev. 1).docx

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Travis,

Attached is 21 NCAC 66 .1003 with the requested revisions.

Best Regards,

**Keith West**

Keith West

Executive Director

Legislative Liaison

North Carolina Veterinary Medical Board

(P)919-854-5601

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

**21 NCAC 66 .1003      DEFINITIONS**

As used in this Section:

- (1) "Accessories" means any objects used in cleaning and sanitizing primary enclosures, exercise areas, or objects to which an animal may have access, including, but not limited to toys, blankets, food and water utensils, and bedding.
- (2) "Adequate" means a condition which, when met, does not jeopardize an animal's comfort, safety or health. Adequate veterinary care means provision of veterinary care sufficient to address the relief of pain and/or suffering experienced by the animal and sufficient to address the medical condition.
- (3) "Behavioral-control device" means any apparatus used to control a pet animal's behavior.
- (4) "Boarding Kennel" as defined in ~~GS 90-181(b)(1a)~~ G.S. 90-181.1(b)(1a).
- (5) "Cage" means a primary enclosure which is enclosed on all sides including the top and bottom.
- (6) "Compatible group" means all animals in the group comingle peacefully without the presence of aggressive, harassing, and/or agitating behaviors toward any other member(s) of the group.
- (7) "Common area(s)" means areas of the facility in which multiple animals may have access such as walkway(s), facility lobby(ies), hallway(s), area(s) around primary enclosures and exercise areas, and other such similar areas.
- (8) "Disposition" means the death, euthanasia, release, or transfer from a facility.
- (9) "Enrichment" means providing objects or activities, appropriate to the needs of the species as well as the age, size, and condition of the animal, that stimulates the pet and promotes the pet's well-being.
- (10) "Exercise area" means an enclosed space in which an animal(s) is confined, and which is large enough for species-appropriate activity such as walking, running, climbing, jumping, socialization and/or play to occur.
- (11) "Husbandry" means the practice of daily care administered to animals.
- (12) "Impervious to moisture" means a surface that prevents the absorption of fluids and that can be thoroughly and repeatedly sanitized, will not retain odors, and from which fluids bead up and run off or can be removed without being absorbed into the surface material.
- (13) "Infirm" means not physically or mentally strong, especially through age or illness.
- (14) "Isolation" means the separation, for the period of communicability, of infected animals from others in such a place and under such conditions to prevent the direct or indirect transmission of the infectious agent from those infected to those that are susceptible or that may spread the agent to others.
- (15) "Isolation area" means a location where animals infected with disease may be placed to contain, control, and limit the spread of the disease.
- (16) "Permit period" means January 1 through December 31.

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

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

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

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

8       (21)     "Special provisions" means additional procedures, protocols, and/or equipment used when caring  
9       for, ~~housing~~ housing, and/or transporting animals with special needs. Examples of animals with  
10      "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, who is able  
17      to constantly and 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.~~

25      History Note: Authority G.S. 187.1 (S.L. 2023-63); G.S. 90-185.

26      Eff. Date: January 1, 2025.

## Burgos, Alexander N

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**From:** Keith West <kwest@ncvmb.org>  
**Sent:** Wednesday, July 31, 2024 7:04 AM  
**To:** Wiggs, Travis C  
**Cc:** 'Matt Skidmore'; Burgos, Alexander N  
**Subject:** [External] Resubmission 21 NCAC 66 .1001  
**Attachments:** CHAPTER 66 Boarding Kennels .1001 (Rev.1).docx

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Travis,

Attached is 21 NCAC 66 .1001 with the requested revisions.

Best Regards,

**Keith West**

Keith West  
Executive Director  
Legislative Liaison  
North Carolina Veterinary Medical Board  
(P)919-854-5601

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

## CHAPTER 66 – VETERINARY MEDICAL BOARD

### SECTION .1000 – BOARDING KENNELS

#### 21 NCAC 66 .1001 BOARDING KENNEL RECORDS

Operators of a boarding kennel, as defined in ~~GS 90-181(b)(1a)~~ G.S. 90-181.1(b)(1a), shall maintain records, as part of the medical record, of all dogs and ~~eats~~ cats, showing that include the following information:

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

History Note: Authority G.S. 187.10 (S.L. 2023-63); G.S. 90-185.

Eff. Date: January 1, 2025.

## Burgos, Alexander N

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**From:** Wiggs, Travis C  
**Sent:** Thursday, July 25, 2024 11:11 AM  
**To:** kwest@ncvmb.org  
**Cc:** Burgos, Alexander N  
**Subject:** Veterinary Medical Board Rules-August 2024  
**Attachments:** 8\_2024-Veterinary Medical Board Request for Changes.docx

Good morning,

I'm the attorney who reviewed the Rules submitted by the Veterinary Medical Board for the August 2024 RRC meeting. The RRC will formally review these Rules at its meeting on Wednesday, August 28, 2024, at 10:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite should be sent to you as we get close to the meeting. If there are any other representatives from your agency who want to attend virtually, please let me know prior to the meeting, and we will get evites out to them as well.

Attached is the Request for Changes Pursuant to G.S. 150B-21.10. Please submit the revised Rules and forms to me via email, no later than 5 p.m. on August 8, 2024.

Please let me know if you have any questions. Thank you.

Travis C. Wiggs  
Rules Review Commission Counsel  
Office of Administrative Hearings  
Telephone: 984-236-1929  
Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

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