

ARTICLE 33-39
LODGING ESTABLISHMENTS

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CHAPTER 33-39-01
LODGING ESTABLISHMENT SANITATION STANDARDS

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33-39-01-01. Definitions.

For purposes of this chapter:

1. "Approved" means acceptable to the department based on compliance with applicable standards and public health practices.
2. "Communicable disease" means any disease that can be directly or indirectly transmitted from person to person.
3. "Department" means the state department of health.
4. "Guest" means an occupant of a rental unit of a lodging establishment.
5. "Guest room" means any room used or intended to be used by a guest for sleeping purposes.
6. "Health hazard" means a chemical agent, source of filth, cause of sickness, or condition that is a health threat to others or a threat to the public health.
7. "Lodging establishment" means any hotel, motel, resort, building, or structure that is used to provide sleeping accommodations to the public for charge. The term does not include primitive lodging cabins, lodges, or ranches.

History: Effective October 1, 1998.

General Authority: NDCC 23-09-02

Law Implemented: NDCC 23-09-02

33-39-01-02. Employee health and disease control.

A person, while affected with any communicable disease or a carrier of such a disease, or while afflicted with boils, infected wounds, sores, or an acute respiratory infection, may not work in any area of a lodging establishment in any capacity in which there is a likelihood of the person contaminating equipment with pathogenic organisms or transmitting disease to other individuals. If the owner or operator of the lodging establishment has knowledge of any employee who has contracted a

communicable disease or has become a carrier of such a disease, the owner or operator shall immediately notify the department.

History: Effective October 1, 1998.
General Authority: NDCC 23-09-02
Law Implemented: NDCC 23-09-02

33-39-01-03. Ice.

Ice, if provided to guests in a lodging establishment, must be manufactured, stored, transported, and handled in a manner approved by the department. Processes and controls must be designed and monitored to ensure that neither the product nor the product area is subject to contamination. Ice must be dispensed with scoops, tongs, or other ice-dispensing utensils or through automatic self-service ice-dispensing equipment. Ice-dispensing utensils must be stored on a clean surface or in the ice with the dispensing handle extending out of the ice. Scooping of ice with a cup, glass, or similar container is prohibited. Ice storage bins must be drained through an air gap. When existing ice storage bins in areas accessible to the public are replaced, automatic self-service ice-dispensing equipment must be used.

History: Effective October 1, 1998.
General Authority: NDCC 23-09-02
Law Implemented: NDCC 23-09-02

33-39-01-04. Guest room toilet and bathing facilities.

Each lodging establishment must provide toilet, lavatory, and bathing facilities. In lodging establishments providing toilet, lavatory, and bathing facilities shared by more than one guest room, the facilities must be provided in the ratio of one restroom for each ten guests, must be provided separately for each sex, and must be available on each floor. To determine the number of guests, a single-bed unit is designed for two people, and a double-bed unit is designed for four people. All facilities must be provided with hot and cold running water under pressure to each lavatory, shower, bathtub, and shower and bathtub combination at a maximum temperature of one hundred twenty degrees Fahrenheit [48.9 degrees Celsius] at the tap. Bathing or shower facilities must have a nonslip floor surface, such as a manufactured nonslip bathtub or shower unit, a rubberized throw mat, or adhesive-backed nonslip strips. All toilets, lavatories, and bathing fixtures must be kept clean, sanitary, and in good repair when the guest room is in use and between stays of different guests.

History: Effective October 1, 1998.
General Authority: NDCC 23-09-02
Law Implemented: NDCC 23-09-02

33-39-01-05. Utensil washing.

Utensil washing must be in compliance with chapter 33-33-04. Sanitizing solutions must comply with 21 CFR section 178.1010. After cleaning and until use, all contact surfaces of equipment and utensils must be wrapped, sealed, or stored in a manner that protects them from contamination.

History: Effective October 1, 1998.
General Authority: NDCC 23-09-02
Law Implemented: NDCC 23-09-02

33-39-01-06. Single-service items.

Lodging establishments which do not have facilities for cleaning and sanitizing utensils that meet the requirements in chapter 33-33-04 shall use single-service articles. All single-service articles must be stored, handled, and dispensed in a sanitary manner and may be used only once. The use of

common drinking containers in public places is prohibited. Single-service articles must be made from clean, sanitary, and safe materials.

History: Effective October 1, 1998.
General Authority: NDCC 23-09-02
Law Implemented: NDCC 23-09-02

33-39-01-07. Bedding and linen.

Lodging establishments that provide bedding and linen must furnish each guest with clean sheets and pillowcases for the bed, bunk, or cot to be occupied by the guest. Sheets must be of sufficient width and length to cover the mattress completely. All bath, linen, sheets, and pillowcases used by one guest must be washed and mechanically dried before being furnished to another guest. All bedding, including mattresses, mattress pads, quilts, blankets, pillows, sheets, and spreads, and all bath linen must be kept clean, in good repair, and stored in a sanitary manner. Soiled linens, uniforms, and other garments must be kept separate from clean linens to prevent cross-contamination. All clean linens must be stored on smooth, nonabsorbent, cleanable surfaces located a minimum of six inches [152.4 millimeters] above the floor.

History: Effective October 1, 1998.
General Authority: NDCC 23-09-02
Law Implemented: NDCC 23-09-02

33-39-01-08. Housekeeping.

All parts of the lodging establishment and its premises must be kept neat, clean, and free from litter and rubbish. Operations or conditions may not constitute a health hazard. Cleaning operations must be conducted in a manner that minimizes contamination of facilities. Cleaning equipment, supplies, insecticides, paints, and other toxic or hazardous products may not be stored above or next to linens. All cleaners, sanitizers, and disinfectants must comply with 21 CFR section 178.1010. An ingredient label and "direction for use" label on each chemical being used must be readily available for reference or inspection. All containers used for dispensing these chemicals must be prominently and distinctively labeled for identification of contents.

History: Effective October 1, 1998.
General Authority: NDCC 23-09-02
Law Implemented: NDCC 23-09-02

33-39-01-09. Water recreation facilities.

All water recreation facilities, including swimming pools, spas, and water slides operated by a lodging establishment, and used by guests or the public, must be designed, constructed, and maintained to protect the health and safety of its guests. A colorimetric test kit is required for the monitoring and adjusting of disinfectant levels and pH in swimming pools, spas, or other water recreational facilities. A daily log of disinfection levels and pH must be maintained by the owner of the facility.

History: Effective October 1, 1998.
General Authority: NDCC 23-09-02
Law Implemented: NDCC 23-09-02

33-39-01-10. Submission of plans.

Whenever a lodging establishment is constructed or extensively remodeled, properly prepared plans and specifications for such construction or remodeling must be submitted to the department for review and approval before construction or remodeling is begun. The plans and specifications must indicate the proposed layout, arrangement, and construction materials, paying particular attention to all

fire or life safety provisions required by law. The department shall approve the plans and specifications if they meet the requirements of this chapter and North Dakota Century Code chapter 23-09.

History: Effective October 1, 1998.

General Authority: NDCC 23-09-02

Law Implemented: NDCC 23-09-02