

R392. Health, Disease Control and Prevention, Environmental Services.

R392-502. Public Lodging Facility Sanitation.

R392-502-1. Authority and Purpose.

- (1) This rule is authorized under Sections 26-1-5 and 26-15-2, and Subsection 26-1-30(23).
- (2) This rule sets standards for health and welfare of guests of public lodging and for the prevention of the spread of disease in or through a public lodging facility.

R392-502-2. Applicability.

This rule applies to any person who owns or operates a public lodging facility, unless specifically exempted. This rule applies to the repair, maintenance, use, operation, and occupancy of public lodging facilities designed, intended for use, or otherwise used for human habitation.

R392-502-3. Definitions.

For the purposes of this rule:

- (1) "Clean" means the condition of being visibly free from dirt, soil, stain, leftover food particles, or other materials not intended to be a part of the object in question.
- (2) "Dilapidated" means a building or structure, or part thereof, which is:
 - (a) deemed structurally unsafe for habitation by the local building authority; or
 - (b) deemed unsanitary or constituting a public health hazard by the local health officer.
- (3) "Habitable space" means a space within a building or structure intended to be used for living, sleeping, cooking, or eating. Bathrooms, laundry rooms, toilet rooms, closets, halls, storage or utility spaces, accessory buildings, and similar areas are not considered habitable spaces.
- (4) "Hot water" means water heated to a temperature of not less than 110 degrees F (43.3 degrees C) at the outlet.
- (5) "Linens" means fabric household goods intended for daily guest use, such as bedding, towels, and tablecloths.
- (6) "Local Health Department" has the same meaning as provided in Subsection 26A-1-102(5).
- (7) "Local Health Officer" means the director of the jurisdictional local health department as defined in 26A, Chapter 1, or a designated representative.
- (8) "Nuisance" means a condition or hazard, or the source thereof, which may be deleterious or detrimental to the health, safety, or well-being of the public.
- (9) "Operator" means any person who owns, leases, manages or controls, or who has the duty to manage or control a public lodging facility.
- (10) "Pet" means a domesticated companion animal that is not included in the definition of a service animal or support animal under federal or state law that allows access of the animal to a public lodging facility.
- (11) "Pet Friendly" means the designation of a guest room by an owner or operator to allow a pet to stay in a guest room with the guest.
- (12) "Pest" means a noxious, destructive, or troublesome organism whether plant or animal, when found in and around places of human occupancy, habitation, or use which threatens the health or well-being of the public.
- (13) "Plumbing Code" means International Plumbing Code as incorporated and amended in Title 15A, State Construction and Fire Codes Act.
- (14) "Plumbing fixture" means a receptacle or device that is connected to the water supply system of the premises; or discharges wastewater, liquid-borne waste materials, or sewage to the drainage system of the premises.
- (15) "Premises" means any lot, parcel, or plot of land, including any buildings or structure.
- (16) "Public lodging facility" means:
 - (a) a place that is maintained, advertised, offered, used, or kept to provide temporary lodging for the general public.
 - (b) a Public lodging facility may include:
 - (i) a hotel;
 - (ii) a motel;
 - (iii) a bed and breakfast;
 - (iv) a hostel;
 - (v) a guest ranch;
 - (vi) a resort;
 - (vii) a cabin; or
 - (viii) any other structure designed or intended to provide temporary lodging for a guest.
 - (c) Included in the public lodging facility are the premises upon which the facility is located together with parking lots, recreational facilities on the grounds, and other appurtenances.
 - (d) For the purposes of this rule, a public lodging facility does not include:
 - (i) student housing such as a dormitory or boarding house operated by an educational institution;
 - (ii) transient housing such as employee or migrant worker living quarters regulated under Rule R392-501; or
 - (iii) a private residence or domicile unless it is advertised, offered, used, or kept as a place of public lodging.
- (17) "Public lodging unit" or "Guestroom" means a room, suite, or space occupied by the public located in and operated by a public lodging facility.

(18) "Red tagged" means having a notice affixed to an appliance by a qualified servicing utility indicating that the appliance has been found to contain an imminent health hazard.

(19) "Sanitary" means the condition of being free from infective, physically hurtful, diseased, poisonous, unwholesome, or otherwise unhealthful substances and being completely free from vermin, vectors, and pests and from the traces of either, and free of harborage for vermin, vectors, or pests.

(20) "Service Animal" has the same meaning as provided in Section 35.104 of the Americans with Disabilities Act Title II Regulations.

(21) "Vector" means any organism, such as insects or rodents, that transmits a pathogen that can adversely affect public health.

(22) "Vermin" means rats, mice, cockroaches, bedbugs, flies, or any other pest or vector as determined by the local health officer to be harmful to the life, health, or welfare of the public.

(23) "Virucidal disinfectant" as defined in this rule means:

(a) a chlorine bleach and water solution with a concentration of 1,000 to 5,000 ppm chlorine, which is made by adding between five and 25 tablespoons of 5.25% household bleach per gallon of water; or

(b) a disinfectant product registered as effective against norovirus with the U.S. Environmental Protection Agency, having an EPA Registration number and being listed on the current publication of the Office of Pesticide Programs' List G.

(24) "Wastewater" means sewage, industrial waste, or other liquid or waterborne substances causing or capable of causing pollution of waters of the state.

R392-502-4. General Public Lodging Provisions.

(1) This rule does not require a construction change in any portion of a public lodging facility if the public lodging facility was in compliance with the law in effect at the time the facility was constructed, except the local health officer may require construction changes if it is determined the public lodging facility or portion thereof is dangerous, unsafe, unsanitary, or a nuisance or risk to life, health, or property.

(2) The operator shall:

(a) comply with this rule; and

(b) be responsible for the conduct of occupants to ensure compliance with this rule.(3) An operator or agent shall select or construct a location for the facility that will provide adequate surface drainage. The operator shall make a reasonable effort to locate the facility away from any existing or potential imminent health hazard or nuisance.

(4) A public lodging facility shall have:

(a) a 24-unit ANSI compliant First Aid kit in a readily accessible location, properly stocked, and checked monthly; and

(b) an adequate supply of virucidal disinfectant for disinfecting a room or its contents after a known incident of vomiting or diarrhea.

R392-502-5. Water Supply.

(1) Potable water supply systems for use by public lodging occupants shall be designed, installed, and operated according to the requirements set forth by:

(a) Plumbing Code;

(b) the Utah Department of Environmental Quality, Division of Drinking Water under Title R309, Drinking Water; and

(c) local health department regulations.

(2) The operator shall ensure that the public lodging facility and each public lodging unit bathroom is provided with potable water.

(3) If a public lodging facility experiences or will experience a disruption of potable water or sewer service for more than four hours for any reason, the operator shall notify the local health officer within one hour of becoming aware of the service disruption.

R392-502-6. Wastewater Disposal Requirements.

(1) The operator shall ensure that sewer services are made available to the public lodging facility occupants.

(2) Sewer systems for use by public lodging occupants shall be designed, installed, and operated according to the requirements set forth by:

(a) Plumbing Code;

(b) the Utah Department of Environmental Quality, Division of Water Quality under Title R317, Water Quality; and

(c) local health department regulations.

(3) Wastewater shall be discharged to a public sanitary sewer system whenever practicable.

(4)(a) Where connection to a public sanitary sewer is not practicable, wastewater shall be discharged to an approved onsite wastewater disposal system.

(b) The operator shall submit required plans for the construction or alteration of an onsite wastewater disposal system in accordance with Title R317 Water Quality.

R392-502-7. Ventilation, Heating, Electrical, Lighting, and Plumbing Requirements.

(1) Every bathroom shall have:

(a) at least one window facing directly outdoors that can be easily opened, or;

(b) a mechanical device that ventilates to the outside.

- (2) For guestroom heating, every public lodging unit shall have:
- (a) properly maintained and safely operating heating equipment and appurtenances, or;
 - (b) a common heating system that is correctly installed and maintained in a safe and working condition.
- (3)(a) An operator, agent, or other person shall only install, operate, or use a heating device, or water heating unit producing heat by combustion that is:
- (i) vented to the outside of the structure in a manner approved by the local building official or fire inspector; and
 - (ii) supplied with sufficient air to continuously and adequately support fuel combustion.
- (b) The operator is prohibited from using a heating device, or water heating unit producing heat by combustion that the servicing utility or building official has:
- (i) deemed unsafe; or
 - (ii) red tagged.
- (c) Heating devices shall be constructed, installed, and operated in accordance with applicable building, boiler, and utility codes.
- (4) Each public lodging unit and each common area shall be supplied with electrical service. Each outlet, wiring, circuit panel, and fixture shall be correctly installed and maintained in good and safe working condition in accordance with the electrical code incorporated and amended in Title 15A, State Construction and Fire Codes Act.
- (5) Each common entryway, hall, and stairway in a public lodging facility shall be lighted at all times to provide in all parts at least ten foot-candles (108 lux) of light at floor or tread level. This requirement does not preclude the use of on-demand lighting.
- (6) The operator shall ensure that every plumbing fixture, waste pipe, water pipe, and appurtenance is properly constructed, installed, and maintained in accordance with Plumbing Code.
- (7) The operator shall provide a continuous supply of cold and hot water at every sink, bathtub, and shower, where installed, for each:
- (a) public restroom; and
 - (b) public lodging unit.
- (8) If plumbing fixtures are not included in a guestroom, the operator shall make communal facilities available to public lodging occupants as required in table I:

TABLE I	
Required Plumbing Fixtures for Common Facilities	
Plumbing Fixtures	Ratio of Plumbing Fixtures For Public Lodging Facility Occupants
Toilets	1:10
Sinks	1:10
Shower or Bath	1:8
Drinking Fountain	1:100
Service Sink	1

(9) The facility shall be equipped with a service sink, also known as a mop receptor or utility sink, which shall be used for cleaning mops and disposing of mop water. The operator shall refrain from using other plumbing fixtures for these purposes.

R392-502-8. Cleaning and Hygiene Requirements.

- (1)(a) The operator shall maintain buildings, rooms, equipment, and surrounding grounds in a clean and safe condition.
- (b) Rubbish, litter and other items not used in the operation of the establishment shall not be permitted to accumulate on the premises.
- (2)(a) Interior surfaces shall be clean and in good repair.
- (b) The operator shall clean to sight and touch each common-use item between guest use including the television remote, telephone, door knobs, and alarm clock.
- (3) The operator shall ensure that bathroom plumbing fixtures and bathroom surfaces are maintained in a clean and sanitary condition.
- (4) When cleaning a toilet in a public or communal bathroom, or in a guest room, the operator shall:
 - (a) use a separate wiping cloth that is clearly distinguishable between wiping cloths used to clean other surfaces; or
 - (b) use disposable wiping cloths.
- (5) When cleaning vomit or diarrhea from any surface or location in the interior of a public lodging facility, the operator shall:
 - (a) wipe surfaces and immediately dispose of or launder any potentially infectious materials. Kitty litter (vermiculite), baking soda, or other absorbent material may be used on carpets and upholstery to absorb liquid;
 - (b) clean surfaces with soap and hot water;
 - (c) rinse thoroughly with plain water;
 - (d) wipe dry with paper towels;
 - (e) disinfect with virucidal disinfectant; and

- (f) leave surfaces wet and allow for air drying according to the manufacturer's recommendations.
- (6)(a) The operator shall keep public and communal bathrooms supplied with individual-use personal hygiene products including soap, hand drying materials or equipment, and toilet tissue.
- (b) The use of common cloth towels is prohibited in public and communal bathrooms.
- (c) Each public or communal bathroom shall have:
 - (i) at least one solid, easily cleanable, covered waste receptacle; or
 - (ii) at least one solid, easily cleanable, uncovered waste receptacle and a sanitary napkin receptacle. This requirement does not apply to guest rooms or public lodging unit restrooms.
- (7) The operator shall supply each public lodging unit bathroom or shower room with soap, toilet paper, and clean towels daily upon request and between occupant use.
- (8) Where a public lodging facility provides fitness equipment for guest use, the operator shall make sanitizer available for guest use along with instructions for proper handling and use.

R392-502-9. Structural and Operational Requirements.

- (1) Every foundation, chimney, floor, exterior and interior wall, ceiling, and roof of a public lodging unit shall be weather and water-tight, vermin-proof, and in good repair.
- (2) Stairs and railings shall be correctly installed and maintained in good repair.
- (3) Every public lodging unit bathroom and kitchen wall and ceiling surface shall be constructed and maintained reasonably impervious to water.
- (4) Floor surfaces within two feet of the toilet shall be smooth and easily cleanable.
- (5) Floor to wall junctures in bathrooms and kitchens shall have coving to prevent the leakage of water into the wall through the juncture during toilet or shower overflows, regular mopping, or spills. Such coving shall be sealed to the floor.
- (6)(a) The operator shall take effective measures to keep vermin out of the public lodging facility and to prevent their breeding or presence on the premises.
- (b) Exterior openings, windows, skylights, and outer doors shall be protected against the entrance of flies and other flying insects by self-closing doors, closed windows, 16-mesh or finer screening, controlled air currents, or other effective means.
- (7) There shall be no fly or mosquito breeding places, vermin harborages, or undrained areas on the premises.
- (8)(a) In open bay type sleeping areas containing four or more beds, the operator shall separate beds by a horizontal distance of at least five feet, reducible to three feet, if beds are alternated head to foot, except in case of double stacked bunks, which shall have a minimum horizontal separation of six feet under all circumstances.
- (b) If partitions are utilized to preclude face-to-face exposure between beds, spacing requirements may be modified to a minimum separation distance of three feet between adjacent beds upon approval of the local health officer.

R392-502-10. Guestroom Bedding and Laundry Service.

- (1)(a) Each bed, bunk, or cot shall be maintained in a sanitary condition.
- (b) Mattresses, mattress covers, quilts, blankets, pillows, pillowcases, sheets, bedcovers, and other bedding shall be kept clean and in good repair.
- (c) Two sheets shall be provided for each bed, and shall be large enough to cover the top and all four sides of the mattress. The upper sheet shall be folded over the top end of the bedcover for at least six inches.
- (d) A pillowcase shall be provided for each pillow.
- (e) Bedding shall be replaced with clean linen, including sheets and pillowcases, at least weekly and before each new occupant use.
- (2)(a) The operator shall maintain and store supplied linen in a clean and sanitary manner at a location free from the likelihood of contamination by vermin, wastewater, filth, or toxic chemicals.
- (b) Clean linen shall not come in contact with soiled linen at any time.
- (3) Laundry carts and baskets shall be constructed with smooth, durable, non-porous, and easily cleanable materials, and shall be maintained in good condition. Washable laundry bags and cart liners are permitted.
- (4) If laundry is processed at the public lodging facility, the operator shall ensure the following laundry processing and cleaning procedures are utilized:
 - (a) when any used linen is soiled with blood, vomit, or fecal material:
 - (i) soiled linen is kept separate and contaminated laundry is not presorted with other linens in the guest room or laundry processing room;
 - (ii) contaminated laundry is transported separately to the laundry processing room;
 - (iii) contaminated laundry is placed directly into the washing machine;
 - (iv) solid fecal materials are removed and linen that is heavily contaminated with fecal material is pre-rinsed; and
 - (v) linen that is contaminated with blood or vomit is not pre-rinsed;
 - (b) any visible residue is removed from laundry carts and baskets;
 - (c) carts and baskets used to transport used linens are cleaned each day of use with a disinfectant cleaner;
 - (d) separate containers such as carts, baskets, hampers, and laundry bags are used for transporting clean and soiled linens;
 - (e) non-disposable laundry bags and cart liners are laundered frequently;
 - (f) laundry machines and work tables are cleaned each day of use with a disinfectant cleaner; and
 - (g) laundry floors are damp mopped each day of use with a disinfectant cleaner.

R392-502-11. Pets in a Public Lodging Facility.

(1) Only service animals assisting persons with disabilities are permitted in dining areas, or in swimming pool or spa areas. Pets, emotional support animals, comfort animals, and therapy animals are not permitted in these areas.

(2) The operator may elect to allow animals in public lodging units when the following conditions are met:

(a) the operator prevents allergens, odors, noise, filth, and other nuisances from migrating to other units and from disturbing other guests;

(b) a pet friendly public lodging unit does not share heating, ventilation, or air-conditioning with another public lodging unit or any common area;

(c) the operator ensures that animal hair, fur, feathers, feces, and soiled bedding is removed at least once per day or as often as necessary to prevent unsanitary conditions or odors; and

(d) to designate the unit as "pet friendly," the operator posts a clearly legible sign in a position where it may be easily viewed upon entry into the room at the entrance of any individual public lodging unit where pets are allowed.

(3) If an operator chooses to modify the status of a public lodging unit from a pet friendly unit to a unit where pets are not allowed, the operator shall perform a full deep cleaning of the unit in a manner likely to remove allergens, which shall include, at a minimum:

(a) shampooing of carpets;

(b) laundering of bedding and window coverings;

(c) washing of each wall; and

(d) cleaning of any other object or surface that may harbor allergens.

(4) A public lodging facility operator may provide a kennel facility for the use of guests' pets.

(a) A kennel facility shall be maintained in a clean, safe, and sanitary condition, and free from nuisance.

(b) A kennel facility may not share heating, ventilation, or air-conditioning with public lodging units or common areas.

R392-502-12. Utah Indoor Clean Air Act.

The operator shall comply with Rule R392-510, Utah Indoor Clean Air Act.

R392-502-13. Swimming Pools.

The operator shall comply with Rule R392-302, Design, Construction, and Operation of Public Pools for any pool or spa made available to public lodging facility guests or employees.

R392-502-14. Food and Beverage Service.

(1)(a) Any food service, including the dispensing of ice, shall comply with the requirements of Rule R392-100.

(b) The operator shall ensure that ice machines intended for guest use are designed for automatic dispensing.

(c) This rule does not require that an operator provide a 3-compartment sink, or commercial-grade dishwasher or refrigerator in any guest room.

(2) Eating and drinking utensils and food service equipment for use by guests in rooms shall be:

(a) single service; or

(b) washed, rinsed, sanitized, and stored daily upon request and before each new occupant use in a manner prescribed in Rule R392-100, Food Service Sanitation and protected from subsequent contamination.

(3) Any appliance provided in a public lodging unit, including a coffee maker, microwave, or refrigerator shall be cleaned between occupant use or more frequently as needed to be maintained clean by:

(a) using a clean, sanitary cloth; and

(b) not using any cleaning equipment, tool, or implement that was previously used in a toilet room or other unsanitary surface.

(4) A refrigerator, when provided in a guestroom, shall be capable of holding food at or below 41 degrees F.

(5) When a kitchenette is provided in the guestroom, the operator shall sanitize counter surfaces between guest use.

R392-502-15. Solid Waste.

(1) Solid waste generated at a public lodging facility shall be stored in a leak-proof, non-absorbent container, which shall be kept covered with a tight-fitting lid.

(2) Solid wastes shall be disposed with sufficient frequency and in such a manner as to prevent insect breeding or a public health nuisance.

R392-502-16. Inspections and Investigations.

(1)(a) Upon presenting proper identification, the operator shall permit the local health officer to enter the premises of a public lodging facility to perform inspections, investigations, reviews, and other actions as necessary to ensure compliance with this rule.

(b) The local health officer may not enter an occupied public lodging unit without the express verbal or written permission of the occupant except when a warrant is issued to a duly authorized public safety officer that authorizes the local health officer to enter, or when the operator and the local health officer determine that there exists an imminent risk to the life, health, or safety of the occupant.

R392-502-17. Closing of Public Lodging Units.

(1) When a facility or guestroom is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin infested that it creates or may create a hazard to the health of the occupants or of the public, the public lodging facility or guestroom may be deemed unfit for human habitation, as determined by a local health officer.

(2) If a local health officer deems a public lodging facility or guestroom unfit for human occupancy due to vermin infestation, pest control services shall be completed under the direction of a licensed Utah pesticide applicator, and pesticide application practices shall comply with Rule R68-7, Utah Pesticide Control Rule.

(3) When bedbugs are discovered or significant evidence indicates their presence in an individual unit or multiple units, effective and safe pest control treatment as well as closure of the affected units and any adjacent units may be required, as determined by a local health officer.

(4) A public lodging facility or guestroom that is deemed unfit for human habitation may be closed to occupancy or use until deemed fit for occupancy or use by the local health officer.

(5) Any public lodging facility or guestroom deemed unfit for human habitation and closed to occupancy shall be vacated within a reasonable time as ordered by the local health officer.

(6) It shall be unlawful for an operator to allow any person to occupy any public lodging facility or guestroom that has been deemed unfit for human habitation until written approval of the local health officer is given.

R392-502-18. Severability.

If any provision of this rule, or its application to any person or circumstance is declared invalid, the application of such provisions to other persons or circumstances, and the remainder of this rule shall be given effect without the invalidated provision or application.

KEY: public health, hotel, motel, public lodging

Date of Last Change: December 3, 2021

Notice of Continuation: October 21, 2021

Authorizing, and Implemented or Interpreted Law: 26-1-5; 26-1-30(23); 26-15-2