ALABAMA STATE COMMITTEE OF PUBLIC HEALTH
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF ENVIRONMENTAL AND HEALTH SERVICE STANDARDS
ADMINISTRATIVE CODE

CHAPTER 420-3-11
CONSTRUCTION, MAINTENANCE, AND OPERATION OF HOTELS

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420-3-11-.01 General Provisions.

(1) Purpose - These rules are promulgated to provide definitions; to set minimum standards for the construction, operation, and maintenance of hotels; to provide for hotel permit issuance, suspension, and revocation; to provide for inspections; and to provide for plan review and approval. These rules shall be interpreted and applied to promote the protection of public health.

(2) Definitions - For the purpose of these rules:

(a) "Approved" means acceptable to the State Health Officer based on his/her determination as to conformance with appropriate standards and good public health practice.

(b) "Bed and Breakfast" means a private owner-occupied residence providing accommodations for a charge to the public

with no more than ten (10) guests rooms for rent. Breakfast may be provided to the guests only. Bed and breakfast establishments are exempt from the Rules for Construction and Maintenance and Operation of Hotels (420-3-11) and Rules for Food Service Sanitation (420-3-22).

(c) "Board" means the Board of Health of the State of Alabama as defined in Section 22-2-1, Code of Ala. 1975, or the State Health Officer or his designee, when acting for the Board, for the purposes of these rules, the Bureau of Environmental and Health Service Standards.

(d) "Continual Violation" or "Continued Violation" means a particular condition of construction, operation, or maintenance, which is found in violation of these rules on two consecutive inspections or laboratory analyses.

(e) "Easily Cleanable" means surfaces that are readily accessible and made of such materials and finishes and so fabricated that residue may be effectively removed by normal cleaning methods.

(f) "Employee" means the permit holder, individuals having supervisory or management duties, and any other person working in the hotel.

(g) "Equipment" means any washers, dryers, ice machines, fans, air conditioning units, heaters, or any other such items used in connection with the operation of a hotel.

(h) "Extensive Remodeling" means any major renovation changing the existing floor plan or structure proper in any respect; provided that this shall not apply to painting or refinishing of walls, floors, or ceilings.

(i) "Fixtures" means any sinks, bathtubs, showers, toilet fixtures, or any other such items used in connection with the operation of a hotel.

(j) "Flagrant Violation" means that the provisions of these rules have been violated by a hotel to the extent that the earned numerical score at the time of the inspection is less than eighty; or a critical condition such as improper water supply or sewage disposal system operation, a severe infestation of insects or rodents, improper heater ventilation or a similar condition in violation of these rules which may endanger the public's health.

(k) "Furnishings" means any bedding, mattresses, furniture, lamps, or any other such items used in connection with the operation of a hotel.

(l) "Guest" means any person who rents and/or occupies a guest room in a hotel. Hotel employees who occupy rooms on a permanent basis, as part of their compensation or pay, shall not be considered guests.

(m) "Guest Room" means accommodations and connected bath and toilet facilities provided for use of the guest.

(n) "Health Officer" means the Health Officer of the county or district or area in which the hotel in question is located as provided in Section 22-3-2, Code of Ala. 1975; or the authorized representative.

(o) "Hotel" means any establishment where sleeping or sleeping and eating accommodations are advertised or held out to be available to transients. It may be known as a hotel, apartment hotel, inn, tavern, club, resort, tourist home, tourist court, motel, court, motor court, motor lodge, or by any other like terms and regardless of the number of rooms, suites or cabins available. This term shall not be construed to include apartments, clubs, trailer courts, boarding houses, rooming houses, or portions thereof where single night accommodations are not advertised or held out to be available.

(p) "Hotel Inspector" means the State Health Officer who is by law the ex-officio State Hotel Inspector. It shall also include Assistant Hotel Inspectors as designated by the State Health Officer and who shall be known as ex-officio Assistant Hotel Inspectors.

(q) "Inspect" or "Inspection" means an examination by the Hotel Inspector of the hotel's structure, facilities, equipment, and operations. It shall include, but is not limited to, the public and guest rooms, fixtures, furnishings, equipment and utensils; water supply and waste disposal facilities; and the building's surroundings. It shall also include a determination of the cleanliness and maintenance of the building, furnishings, fixtures, equipment and utensils, and any other examinations necessary to determine the degree to which any hotel complies with the provision of these rules.

(r) "Kitchenette" means a compact kitchen complete with repeat use cooking utensils and/or tableware, refrigerator, microwave, stove, and/or sink.

(s) "Law" means all federal, state, and local statutes, ordinances and/or rules.

(t) "Manager" means the person having charge of the operation of a hotel, whether such person is the proprietor or his/her authorized representative.

(u) "Numerical Score" means the score determined by deducting the values of all items found in violation from 100 as shown on the Inspection Report Form authorized by the State Health Officer and found in Appendix A.

(v) "Permit" means the document issued by the Health Officer which authorizes a person to operate a hotel.

(w) "Person" means any individual, partnership, corporation, association or other legal entity.

(x) "Proprietor" means the person who is legally responsible for the operation of a hotel and to whom the permit for the operation of the particular hotel is issued.

(y) "Safe Depository" means and includes a safe, vault, safety deposit box, or other depository for the safekeeping of valuables.

(z) "Sanitize" means the effective bactericidal treatment by a process that provided enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, to a safe level on cleaned surfaces.

(aa) "Sealed" means free of cracks or other openings that permit the entry or passage of moisture.

(bb) "Single-Service Articles or Utensils" means cups, containers, ice bucket liners, stirrers, paddles, straws, napkins, doilies, wrapping materials and similar articles intended for one time use and then discarded.

(cc) "State Health Department" means the State of Alabama, Department of Public Health, as defined by Section 22-1-1, Code of Ala. 1975, and any officer, agent or employee authorized to act for the department with respect to the enforcement and administration of these rules.

(dd) "State Health Officer" means the State Health Officer of Alabama as provided in Section 22-2-8, Code of Ala. 1975; or the authorized representative.

(ee) "Utensil" means any article for containing or serving beverages or food which is provided by the hotel management to its guests on a repetitive or rotating basis.

Author: Ronald Dawsey, Tim Hatch
Statutory Authority: Code of Ala. 1975, §§22-2-2, 34-15-3.
History: Filed September 1, 1982. **Repealed and Replaced:** Effective March 26, 1993. **Amended:** December 20, 2006; effective January 24, 2007.

420-3-11-.02 Water Supply.

(1) General - Enough potable water for the needs of the hotel shall be provided from a source operated and constructed according to law.

(2) Transportation - All potable water not provided directly by pipe to the hotel from the source shall be transported in a bulk water transport system and shall be delivered in a closed water system. Both of these water systems shall be constructed and operated according to law.

(3) Bottled Water - Bottled and packaged potable water shall be obtained from a source that complies with all laws and shall be handled and stored in a way that protects it from contamination. Bottled and packaged water shall be dispensed from the original container.

(4) Water Under Pressure - Water under pressure at the required temperatures shall be provided to all fixtures and equipment that use water.

(5) Bacterial Quality Standards - All Hotels/Motels not on a community water supply shall possess a valid permit from the Alabama Department of Environmental Management.
Author: Ronald Dawsey, Tim Hatch
Statutory Authority: Code of Ala. 1975, §§22-2-2, 34-15-3.
History: Filed September 1, 1982. **Repealed and Replaced:** Effective March 26, 1993. **Amended:** December 20, 2006; effective January 24, 2007.

420-3-11-.03 Sewage Disposal.

General - All sewage, including liquid waste, shall be disposed of by a public sewage system or by a sewage disposal system constructed and operated according to law. Non-water carried sewage disposal facilities are prohibited.
Author: Ronald Dawsey, Tim Hatch
Statutory Authority: Code of Ala. 1975, §§22-2-2, 34-15-3.
History: Filed September 1, 1982. **Repealed and Replaced:** Effective March 26, 1993. **Amended:** December 20, 2006; effective January 24, 2007.

420-3-11-.04 Plumbing.

(1) General - Plumbing shall be sized, installed and maintained according to the local plumbing codes as enforced by the local plumbing officials. There shall be no cross connection between the potable water supply and any nonpotable or questionable water supply or any source of pollution through which the potable water supply might become contaminated.

(2) Nonpotable Water System - A nonpotable water system is permitted only for purposes such as air conditioning, fire protection, lawn irrigation, or similar situations and only if the system is installed according to law. The system shall not directly or indirectly contact the potable water or equipment, which contacts utensils, ice machines, or laundry. The piping of any nonpotable water system shall be directly identified so that it is readily distinguishable from piping that carries potable water.

(3) Backflow - The potable water system shall be installed to preclude the possibility of cross connections, backflow, or back siphonage.

(4) Drains - Except for properly trapped open sinks, there shall be no direct connection between the sewage system and any drains originating from ice machines, dish machines, or other closed equipment in which utensils are placed.

(5) Mop sink - A mop sink or curbed cleaning facility shall be provided.

Author: Ronald Dawsey, Tim Hatch
Statutory Authority: Code of Ala. 1975, §§22-2-2, 34-15-3.
History: Filed September 1, 1982. **Repealed and Replaced:** Effective March 26, 1993. **Amended:** December 20, 2006; effective January 24, 2007.

420-3-11-.05 Building Construction.

(1) General.

(a) All buildings occupied by hotels shall be kept in good repair.

(b) The construction, materials, and workmanship shall comply with all local and state building and fire codes, laws, rules and regulations as enforced by local and/or state building or fire officials.

Author: Ronald Dawsey, Tim Hatch

Statutory Authority: Code of Ala. 1975, §§22-2-2, 34-15-3. **History:** Filed September 1, 1982. **Repealed and Replaced:** Effective March 26, 1993. **Amended:** December 20, 2006; effective January 24, 2007.

420-3-11-.06 Building Interiors.

(1) General.

(a) All floors, walls and ceilings of hotel public areas, guest rooms, laundry rooms, utensil washing and/or wrapping rooms, and storage areas or rooms shall be constructed of materials suitable to their intended use and shall be kept in good repair.

(b) All surface treatments of floors, walls and ceilings shall be of durable construction and kept in good repair. Where use requires, these treatments shall be easily cleanable. Carpeting, if used, as a floor covering, shall be of closely woven construction, properly installed, treated so as to be easily cleanable, and shall be maintained in good repair. Carpeting is prohibited in laundry rooms, toilet and bathrooms (excluding areas where only hand sinks are installed), utensil washing rooms, ice machine locations, and other areas subject to extensive splash or drippage. The walls within the food preparation and service area of a kitchenette shall be constructed of a durable and easily cleanable material.

(c) All finishes shall comply with all local and/or state building and fire codes, laws, rules or regulations, as enforced by local and/or state building or fire officials.

(2) Guest Rooms - Every guest room shall contain at least sixty square feet per bed. Windows shall have suitable coverings to insure the privacy of the guests.

(3) Door Locks - Guest rooms shall be provided with means for locking all entrances thereto, both from the inside and the outside. The key furnished to any guest shall not unlock the door to any other guest's room. Dead bolts, thumb bolts, chain locks, or similar devices shall be provided in addition to the standard locks and shall be installed in accordance with the manufacturer's directions. Connecting rooms shall be equipped with two doors, each with a lock on the bedroom side of the door only.

(4) Safe Depository - A safe depository for the storage of guest valuables shall be provided.

(5) Heating and Ventilation

(a) All guest rooms, public rooms and work areas shall be provided with adequate ventilation to maintain comfortable temperatures and conditions, to remove objectionable odors and fumes, and to prevent excessive condensation. All guest rooms and public areas shall be provided with heating equipment capable of maintaining a temperature of at least 70 F and shall be adjustable by the guest in his room. All rooms not equipped with a mechanical cooling system shall have an operable screened window.

(b) All heating, cooling and ventilation systems shall comply with all applicable state and local building and fire codes, laws, rules or regulations. All heating, cooling and ventilation systems shall be kept in good repair, adequately maintained and in a condition which presents no hazard to guests or employees.

(6) Smoke Detectors

(a) Every owner, manager, or operator of a hotel shall install and maintain in operating condition a battery or electrically operated smoke detector device in each hotel guest sleeping room. The detector shall have received an approval from a nationally recognized testing organization.

(b) Hotel owners or operators shall be required to test each smoke detector device at least once each quarter of each calendar year to determine if each detector is in working order. Records shall be maintained and provided to the Hotel Inspector when requested.

(c) Any person who is convicted, in a court of proper jurisdiction, of tampering with or removing a smoke detector from a hotel room shall be guilty of a Class C misdemeanor.

(d) Hotel owners or operators who are found to be in non-compliance with this section shall be guilty upon conviction of a class C misdemeanor.

(7) Lighting - All guest rooms, public areas, bath and toilet rooms, storage rooms, utensil washing rooms and laundry rooms shall have adequate lighting to maintain the area in a clean and sanitary condition.

(8) Cleaning

(a) All floors in all public areas, service areas, halls, and walkways, shall be cleaned as needed by effective means suitable to the finish. Guest room floors shall be cleaned between guests and at any other time it is needed.

(b) All walls, ceilings, and attached equipment in all public areas, service areas, halls, walkways, and guest rooms,

including windows, screens, transoms, ledges and vents shall be cleaned as needed by effective means suitable to the finish.

Author: Ronald Dawsey, Tim Hatch
Statutory Authority: Code of Ala. 1975, §§22-2-2, 34-15-3.
History: Filed September 1, 1982. **Repealed and Replaced:** Effective March 26, 1993. **Amended:** December 20, 2006; effective January 24, 2007.

420-3-11-.07 Furnishings And Equipment.

(1) General - All furniture, mattresses, window coverings, equipment, lighting fixtures and other items provided by the hotel as a part of the guest room or public area furnishings shall be kept clean and maintained in good repair. All furnishings shall comply with local codes, laws, rules and regulations.

(2) Kitchenettes - Kitchenettes and efficiency cooking equipment shall be constructed of durable and easily cleanable material, and maintained in a sanitary condition.

(3) Cribs - Where provided, all cribs shall conform to applicable federal standards for construction and finish. Cribs and mattresses shall be easily cleanable and sanitized between uses.

(4) Storage - Excess or extra furnishings and equipment shall be stored in a manner to facilitate storage area cleaning and minimize insect and rodent harborage. Roll-away beds and cribs shall be stored in a clean area, either unmade or covered with a protective cover.

Author: Ronald Dawsey, Tim Hatch
Statutory Authority: Code of Ala. 1975, §§22-2-2, 34-15-3.
History: Filed September 1, 1982. **Repealed and Replaced:** Effective March 26, 1993. **Amended:** December 20, 2006; effective January 24, 2007.

420-3-11-.08 Toilet And Bath Facilities.

(1) General

(a) In hotels where there are floors which have guest rooms without private or adjoining bath and toilet rooms, there shall be installed at least one male and one female facility per floor. These facilities shall conform to all applicable plumbing and building codes as enforced by local officials.

(b) Public and employee handwashing lavatories and toilets shall be installed as required by applicable plumbing codes as enforced by local plumbing officials. There shall be a minimum

of one lavatory supplied with hot and cold water tempered by means of a mixing faucet, and one toilet for the use of the hotel employees.

(c) There shall be one handwashing lavatory supplied with hot and cold water tempered by means of a mixing faucet in all hotel laundry rooms and in the rooms or adjacent to the rooms where utensils are washed and/or wrapped.

(2) Toilets and Bathrooms

(a) Toilets, bathrooms, and related fixtures and equipment shall be of substantial, durable, and easily cleanable construction. These rooms, fixtures, and equipment shall be kept in good repair.

(b) Toilets and bathrooms shall be vented to the outside. Ventilation shall be provided in these rooms through an opened screened window or by a mechanical ventilation system. Ventilation through common pipe chases or similar arrangements shall have suitable fans that are ducted to the buildings exterior and which are operating at all times. Public toilets shall be vented to the exterior of all new or extensively remodeled hotels.

(c) The use of ductless air filtration systems to meet ventilation requirements is prohibited in all new or extensively remodeled hotels.

(3) Cleaning and Supplies

(a) All public, employee and occupied guest room toilet and bath facilities shall be cleaned daily. Guest room toilet and bath facilities shall be thoroughly cleaned before being rented to the next occupant. Walls, ceilings and other surfaces shall be cleaned at a frequency to prevent accumulation of dust, dirt, soap film and mildew.

(b) The use of common towels in employee and public lavatories or bath facilities is prohibited. An ample supply of hand soap or cleanser, single-service sanitary towels or approved hand drying devices, waste cans, including a covered can in public and employee women's restrooms, and toilet paper shall be required. An adequate supply of toilet paper, soap and clean towels shall be required in guest toilet and/or bathrooms.

Author: Ronald Dawsey, Tim Hatch
Statutory Authority: Code of Ala. 1975, §§22-2-2, 34-15-3.
History: Filed September 1, 1982. **Repealed and Replaced:** Effective March 26, 1993. **Amended:** December 20, 2006; effective January 24, 2007.

420-3-11-.09 Linens, Towels And Supplies.

(1) Linens

(a) All sheets, pillow cases, blankets, bed coverings and mattress pads shall be maintained in sound condition. Every bed, cot or crib in a guest room shall be provided with two clean sheets and clean pillow cases, which have been laundered using an approved method since last used by a previous guest. A blanket, mattress pad, and bedspread which are cleaned as often as necessary to be maintained in a clean condition shall be provided for each bed.

(b) All sofa beds or rolling cots must be stored without linens in place to help prevent contamination, except when the hotel provision in writing to change all bed linens between guests or protected in room storage is provided. Guests should be given clean linens at time of check-in if they request the use of the sofa bed or rolling cot.

(2) Towels - All towels, wash cloths and bath mats shall be maintained in sound condition and laundered using an approved method since used by a previous guest.

(3) Laundry Facilities

(a) Hotel laundry facilities shall be restricted to the washing and drying of linens, towels, uniforms, and aprons necessary to the operation. If such items are laundered on the premises, a washing machine (at least a 25 pound load capacity) and dryer shall be provided and used. Washers and dryers shall be installed according to manufacturer's directions and applicable plumbing codes as enforced by local plumbing officials.

(b) Separate laundry facilities may be provided for the use of hotel guests if these are located in a different room or area of the hotel. These facilities shall be maintained clean and in good repair.

(4) Handling Linens and Towels

(a) Clean linen shall be stored and handled in a manner which will prevent contact and/or contamination from dirty linen. Storage areas, separated by partition or distance, shall be identified and used for clean and dirty linens. No laundry cart used to transport dirty linen shall be used for clean linen unless the cart is thoroughly cleaned between uses. When separate laundry carts are used for clean and dirty linen, they must be clearly marked.

(b) Clean linen storage areas shall afford protection of linens from dust, dirt, vermin, or other contamination.

(c) Maid or housekeeping carts shall provide protection of the clean linens, single-service and repeat use items. Maid or housekeeping carts shall be kept clean.

(5) Soap - Guest rooms shall be provided with a dispensed liquid or powdered soap or with new, individually wrapped bar soap. Used bar soap shall be removed from guest rooms when the guest ends the occupancy. A dispensed liquid or powdered soap shall be provided in all common and public bathrooms and toilets. Other toiletries provided by the hotel which are opened by the guest, shall be removed when the guest ends the occupancy. Used soap and toiletries shall be discarded and shall not be used for any other purpose.

Author: Ronald Dawsey, Tim Hatch
Statutory Authority: Code of Ala. 1975, §§22-2-2, 34-15-3.
History: Filed September 1, 1982. **Repealed and Replaced:** Effective March 26, 1993. **Amended:** December 20, 2006; effective January 24, 2007.

420-3-11-.10 Utensils And Single-Service Articles.

(1) General - All utensils and single-service articles furnished to guests that are used to contain ice, water or other beverages or food shall be constructed of safe materials. Utensils which are designed for repeat services shall also be of durable, nonabsorbent and easily cleanable construction and kept in good repair. No cracked or chipped utensils shall be provided for use in kitchenettes.

(2) Protection

(a) All clean utensils and all single-service articles shall be protected from dirt, dust, splash, vermin, and other sources of contamination at all times. The hotel shall provide suitable storage facilities for these items in a clean, dry location at least six inches above the floor. They shall not be stored under exposed sewer or water lines except for fire protection sprinkler heads.

(b) Drinking glasses or cups shall be provided with sanitary bags or individually wrapped in plastic or by other approved means of protection prior to being taken from the storage area or utensil washing area. Handwashing facilities shall be provided and used by employees prior to wrapping the utensils or glasses.

(3) Utensils - All used and/or unwrapped repeat service glasses, in areas other than kitchenettes shall be removed from the guest

rooms upon the vacancy of that room and washed, rinsed, and sanitized using approved methods and facilities. Ice buckets shall be removed from the room and washed, rinsed, and sanitized between guests or kept clean and provided with a plastic liner sized to fit the bucket. The plastic liners shall not be installed in the containers by personnel who are engaged in cleaning the guest rooms. All repeat use items and kitchen utensils located in the kitchenette cabinets shall be washed between guests and a placard, advising the guests that these utensils have not been sanitized since their last use, shall be placed in view of the guest.

(4) Utensil Cleaning

(a) Approved manual or mechanical utensil cleaning outlined in Chapter 420-3-22, Rules of Alabama State Board of Health for Food Service Sanitation, shall be installed in the hotel or in a food service facility operated in conjunction with the hotel, if the hotel provides repeat service utensils to its guests.

(b) These facilities shall be installed in a room separate from the room or area used for laundering, the handling of soiled linen, or other activities which would be conducive to the contamination of the facilities, clean utensils or clean utensil storage area.

(c) The utensil cleaning and sanitization room shall have a handwashing lavatory in the room or immediately adjacent to it.

(d) The cleaning and sanitization process shall be performed as outlined in Chapter 420-3-22, Rules of the Alabama State Board of Health for Food Service Sanitation.

Author: Ronald Dawsey, Tim Hatch
Statutory Authority: Code of Ala. 1975, §§22-2-2, 34-15-3.
History: Filed September 1, 1982. **Repealed and Replaced:** Effective March 26, 1993. **Amended:** December 20, 2006; effective January 24, 2007.

420-3-11-.11 Ice.

(1) Source - only ice that has been made from potable water and handled in a sanitary manner shall be provided by a hotel. Ice that is not made by the hotel shall be obtained from an approved source and shall be protected from contamination during transportation and storage. Ice shall be free from visible trash and sediment. Ice for guest use shall not be made or stored in the owner or manager's private refrigerator and/or his/her private living area.

(2) Ice Machines

(a) Ice machines shall be of sanitary, durable, corrosion-resistant and easily cleanable construction. Ice machines shall be kept clean and in good repair. Ice storage bins shall be drained through an air gap.

(b) Ice machines shall be located in a place that provides protection from the elements and possible sources of contamination. The area shall be kept clean and shall be free of accumulation of moisture or drippage.

(3) Dispensing – All ice machines shall be automatic self-service ice dispensing machines. This standard shall not apply to in-room ice makers.
Author: Ronald Dawsey, Tim Hatch
Statutory Authority: Code of Ala. 1975, §§22-2-2, 34-15-3.
History: Filed September 1, 1982. **Repealed and Replaced:** Effective March 26, 1993. **Amended:** December 20, 2006; effective January 24, 2007.

420-3-11-.12 Insect And Rodent Control.

(1) General - Effective measures intended to minimize the presence of rodents, flies, cockroaches and other insects on the premises shall be utilized. The premises shall be kept in such condition as to prevent the harborage or feeding of insects or rodents. Openings to the outside shall be protected from rodents and insects by tight-fitting, self-closing doors, closed windows, screening, controlled air-currents or other means. Screening material shall be not less than sixteen mesh to the inch, tight-fitting and free of breaks.

(2) Infestations - Guest rooms and other areas of the hotel found to be infested with rodents and/or insects, including but not limited to cockroaches, bed bugs, fleas, lice or mites, shall be subject to immediate closure until treatment of the room or area has been deemed effective in elimination of the vermin. The Health officer shall declare the problem abated before the room or area is reopened to guests.

(3) Premises - Immediate surroundings and premises shall be kept clean and free from rank growth of vegetation, discarded materials and insanitary nuisances.

(4) Garbage and Refuge - Each guest room and vanity area shall be provided with garbage containers. All containers used in guest rooms, vanities, bathrooms, lobbies, hallways, and public assembly rooms shall be constructed of durable materials that do not leak or absorb liquids. These containers shall be kept clean and in good repair. Garbage containers and single- service liners shall be provided in kitchenette areas.

(a) All outside garbage containers, dumpsters, and/or compactor systems in the immediate area of the hotel/motel shall be constructed of durable materials that do not leak or absorb liquids. All outside garbage containers, excluding those used by the guests, shall be provided with tight-fitting lids or covers and shall be kept covered. Each container shall be cleaned or replaced at a frequency to prevent a nuisance or odor. Liquid waste resulting from cleaning the containers shall be disposed of as sewage.

(b) Garbage and refuse storage areas shall be kept clean, and free from nuisances and odors.

Author: Ronald Dawsey, Tim Hatch
Statutory Authority: Code of Ala. 1975, §§22-2-2, 34-15-3.
History: Filed September 1, 1982. **Repealed and Replaced:** Effective March 26, 1993. **Amended:** December 20, 2006; effective January 24, 2007.

420-3-11-.13 Personnel.

(1) Health - No employee, while infected with a disease in a communicable form that can be transmitted to other employees or guests, or who is a carrier of organisms that cause such a disease, or who is affected with a boil, an infected wound or an acute respiratory infection shall work in a hotel in any capacity in which there is a likelihood of such an employee contaminating ice, clean linens, utensils, or single-service articles with pathogenic organisms or transmitting the disease to other persons.

(2) Cleanliness - Employees working in utensil washing or wrapping, handling clean laundry, ice or beverages shall thoroughly wash their hands and exposed portions of their arms before starting work; after smoking, eating, or using the toilet; or after doing anything which would contaminate their hands. Employees shall keep their fingernails trimmed and clean.

(3) Clothing - Employees involved in guest services and housekeeping functions shall wear clean outer clothing that is in good repair.

Author: Ronald Dawsey, Tim Hatch
Statutory Authority: Code of Ala. 1975, §§22-2-2, 34-15-3.
History: Filed September 1, 1982. **Repealed and Replaced:** Effective March 26, 1993. **Amended:** December 20, 2006; effective January 24, 2007.

420-3-11-.14 Procedures When Infection Is Suspected.

(1) Employees

(a) When the Health Officer has reasonable cause to suspect possible communicable disease transmission by an employee of a hotel, he/she shall immediately secure a morbidity history of the suspected employee, make other investigations as indicated, and notify the State Epidemiologist. The Health Officer may require any or all of the following measures and any other measures which he/she deems necessary for the protection of public health.

1. The immediate exclusion of the employee from employment in hotels.

2. The immediate closing of the hotel concerned until, in the opinion of the Health Officer, no further danger of disease outbreak exists. Immediate permit suspension initiated without a hearing shall occur only upon personal order of the State/County Health Officer or the Public Health Area Environmental Director.

3. The restriction of the employee's services to specific areas of hotel operations where there would be no danger of transmitting disease.

4. Adequate medical and laboratory examination of the employee and other hotel employees and of his or their required specimens.

(2) Guests - If the Health Officer has reasonable cause to suspect a possible communicable disease, the guest room shall not be rented again until approval has been given by the Health Officer. The hotel manager or proprietor shall follow the Health Officer's instructions with respect to required cleaning and disinfection of the guest room, bathroom, furnishings and equipment or the temporary removal of said furnishings and equipment.

(3) Closure - The Health Officer may require the immediate closure of any hotel or any portion of a hotel, after proper notice has been given, if just cause exists to suspect the possibility of transmission of disease or other public health hazard will result from the operation of the hotel or a particular portion of the hotel. Immediate permit suspension initiated without a hearing shall only occur upon personal order of the State/County Health Officer or the Public Health Area Environmental Director.
Author: Ronald Dawsey, Tim Hatch
Statutory Authority: Code of Ala. 1975, §§22-2-2, 34-15-3.
History: Filed September 1, 1982. **Repealed and Replaced:** Effective March 26, 1993. **Amended:** December 20, 2006; effective January 24, 2007.

420-3-11-.15 Poisonous Or Toxic Materials.

(1) Materials Permitted - There shall be present in hotels only those poisonous or toxic materials necessary for maintaining and cleaning the premises, maintaining the landscaped grounds, maintaining the swimming pool/spa, washing linens and towels, cleaning and sanitizing equipment and utensils, and controlling insects and rodents.

(2) Labeling of Materials - Containers of poisonous or toxic materials shall be prominently and distinctly labeled according to law for easy identification of contents.

(3) Storage of Materials

(a) Poisonous or toxic materials consist of the following categories:

1. Insecticides and rodenticides.

2. Detergents, sanitizers and related cleaning or drying agents and caustics, acids, polishes and other chemicals.

3. Landscaping materials and related chemicals.

(b) Each of the three categories set forth in 420-3-11-.15(3) shall be stored and physically located separate from each other. All poisonous or toxic materials shall be stored in cabinets or in a similar physically separate place used for no other purpose. To preclude contamination, poisonous or toxic materials shall not be stored above ice, linens, towels, utensils or single-service articles, except that this requirement does not prohibit the convenient availability of detergents or sanitizers at utensil or dishwashing stations, or laundry compounds in the vicinity of washing machines or dryers.

(4) Use of Materials

(a) Bactericides, cleaning compounds or other compounds intended for use on food, beverage, or ice contact surfaces shall not be used in a way that leaves a toxic residue on such surfaces or that constitutes a hazard to employees or other persons.

(b) Poisonous or toxic materials shall not be used in a way that contaminates ice, linens, towels, single-service articles or utensils, nor in a way that constitutes a hazard to guests, employees or other persons, nor in a way other than in full compliance with the manufacturer's labeling.

(5) Personal Articles and Medications - Personal articles and medications shall be stored in a way that prevents them from contaminating clean linens, or towels, single-service articles, utensils and ice and food items.

(6) First Aid Supplies - First aid supplies shall be stored in a way that prevents them from contaminating clean linen or towels, single-service articles, utensils, ice and food items.
Author: Ronald Dawsey, Tim Hatch
Statutory Authority: Code of Ala. 1975, §§22-2-2, 34-15-3.
History: Filed September 1, 1982. **Repealed and Replaced:** Effective March 26, 1993. **Amended:** December 20, 2006; effective January 24, 2007.

420-3-11-.16 Premises.

(1) General

(a) Hotels and all appurtenances of the property used in connection with their operations shall be kept free of litter.

(b) The walking and driving surfaces of all immediate exterior areas of hotels shall be surfaced with concrete or asphalt, or with gravel or other approved material to minimize dust. These surfaces shall be graded to prevent pooling of water and shall be kept free of litter.

(c) Only articles necessary for the operation and maintenance of the hotels shall be stored on the premises.

(d) The traffic of unauthorized persons through the laundry and utensil washing and/or wrapping areas is prohibited.

(2) Living Areas - All laundry facilities, linen storage areas, utensil washing and/or wrapping areas, single-service article storage and ice machines or ice storage facilities shall be separated from any permanent living quarters by complete partitioning and solid, self-closing doors.

(3) Equipment Storage - Maintenance and cleaning tools such as brooms, mops, vacuum cleaners and similar equipment and all equipment used in maintaining the building, swimming pool/spa, or landscape shall be maintained and stored in a way that does not contaminate ice, utensils, single-service items, linens, roll-away beds, cribs or extra bedding and shall be stored in an orderly manner to facilitate the cleaning of that storage location.

(4) Animals

(a) Animals shall be excluded from within the laundry, linen storage, utensil washing and/or wrapping areas, single-service article storage and ice machine areas of hotels.

(b) Patrol dogs accompanying security or police officers, or guide animals aiding the physically impaired, shall be permitted in all public areas of the building.

(5) **Swimming Pools and Spas**

(a) Hotel swimming pools/spas shall be constructed, operated, and maintained in accordance with the following minimum requirements, provided that where there are local rules or regulations for swimming pools enforced by the county health department and applicable to hotel swimming pools, those local rules or regulations shall control.

1. Water Supply: All water used in swimming pools shall be from sources approved by the Health Officer. No piping arrangements shall exist which, under any conditions, will permit sewage, waste water, or water from an unapproved source to enter the swimming pool/spa water system or water from the swimming pool/spa to enter the make-up water supply. Fresh water inlets shall be at an elevation above the deck level of the pool.

2. Construction: All swimming pools/spas shall be structurally sound and constructed of an inert and enduring material, nontoxic to humans, such as but not limited to concrete and tile.

3. Swimming Pool/Spa Inlets and Outlets: Swimming Pool/ Spa inlets and outlets shall be provided and arranged to produce a uniform circulation of water so that a uniform disinfectant residual is maintained throughout the swimming pool/spa.

4. Recirculation and Filtration: All swimming pools/spas shall have and maintain adequate recirculation and filtration equipment approved by the Health Officer for water disinfection.

5. Water Treatment: Satisfactory means of disinfecting which provides a residual of disinfecting agent in the swimming pool/spa water shall be used. Adequate, dependable automatic chemical feeding equipment and equipment for testing disinfection residual and pH must be provided. Chlorinating equipment shall be operated at such a rate and for such time as is necessary to maintain a free chlorine residual of not less than 1 ppm when the pH measures 7.2 to 7.6. If the pH is greater than 7.6, the free chlorine residual shall be no less than 1 ppm. (At no time shall the pH read less than 7.2.) If other

halogens are used, residuals of equivalent strength shall be used. Daily records of test results shall be recorded and shall be kept on file for three years and retained at the hotel, and shall be made available to the Health Officer upon his/her request.

6. Algae Accumulations: Walls and floors of swimming pools/spas and surrounding walks and scum gutters shall be kept free from algae and other accumulations. No compounds shall be used for algae control which may be injurious to the guests' health under use conditions.

7. Life Saving Equipment: Every hotel shall have life saving equipment readily accessible to the swimming pool. This item shall not apply to spas and /or wading pools. Life saving equipment shall include a shepherd's crook and an approved life buoy with sufficient rope attached to reach at least one-half the width of the swimming pool.

(b) Immediate Closures – If an imminent health hazard exists, the hotel shall immediately cease operation of the swimming pool/spa. These imminent health hazards shall include, but are not limited to the following:

1. Swimming Pool/Spa pump recirculation and filtration equipment not operating.

2. Turbidity is at a point where the main drain cover can not be plainly seen.

3. The residual disinfectant in the swimming pool/spa is below minimum acceptable level.

4. Absence of an approved test kit.

(c) When the authorization to operate a swimming pool/spa is suspended, the permit owner may make application for the authorization to operate a swimming pool/spa to be reinstated. When a written application stating that, in the opinion of the permit holder, the conditions causing suspension of the authorization to operate have been corrected, the Health Officer shall, as soon as practical, make a reinspection of the swimming pool/spa. If the applicant is complying with the requirements of these rules, the authorization to operate shall be reinstated.

Author: Ronald Dawsey, Tim Hatch
Statutory Authority: Code of Ala. 1975, §§22-2-2, 34-15-3.
History: Filed September 1, 1982. **Repealed and Replaced:** Effective March 26, 1993. **Amended:** December 20, 2006; effective January 24, 2007.

420-3-11-.17 Review Of Plans.

(1) Submission of Plans

(a) Whenever a hotel is constructed or extensively remodeled and whenever an existing structure is converted to use as a hotel, properly prepared plans and specifications for such construction, remodeling, or conversion shall be submitted to the Health Officer for review and approval before construction, remodeling or conversion is begun. The plans and specifications shall indicate the proposed layout, arrangement, mechanical plans, and construction materials of equipment and facilities. Plans shall also be submitted to the State Building Commission in accordance with Title 41, Chapter 9, Code of Ala. 1975.

(b) The Health Officer shall approve the plans and specifications if they meet the requirements of these rules. No hotel shall be constructed, remodeled, or converted except in accordance with the plans and specifications approved by the Health Officer. Plans shall be reviewed and action taken within twenty working days after receipt.

(c) Confidential material submitted to the Health Officer must be treated in accordance with the provisions of Title 36-12-40.

(2) Preoperational Inspection - Whenever plans and specifications are required by Rule 420-3-11-.17 to be submitted to the Health Officer, the Health Officer shall inspect the proposed hotel prior to the start of operations or within five working days after a written request is made to determine compliance with the approved plans and specifications and with the requirements of these rules.
Author: Ronald Dawsey, Tim Hatch
Statutory Authority: Code of Ala. 1975, §§22-2-2, 34-15-3.
History: Filed September 1, 1982. **Repealed and Replaced:** Effective March 26, 1993. **Amended:** December 20, 2006; effective January 24, 2007.

Ed. Note: Rule was renumbered to 420-3-11-.17 as per certification filed December 20, 2006; effective January 24, 2007.

420-3-11-.18 Permits.

(1) General - It shall be unlawful for any person to operate a hotel in Alabama unless such person possesses a valid permit issued by the Health Officer for the operation of such hotel. Only persons who comply with the provisions of these rules shall be

entitled to receive and retain such a permit. Permits shall not be transferable with respect to person, hotel, or location. The permit shall be kept posted by the proprietor in a conspicuous place within the hotel, but shall remain the property of the Health Department. The permit shall be revocable for violation of these rules.

(2) Issuance of Permits

(a) Any person desiring to operate a hotel shall make written application for a permit on forms provided by the Health Officer. Such application shall include the name and address of the proposed hotel; the name and address of the proprietor and the signature of each applicant.

(b) The permit for operation of a hotel shall be issued on forms prescribed by the State Health Officer. Permits shall automatically expire on the date upon which state, county and municipal annual privilege licenses expire or on a date designated by the Health Officer, and shall be renewable each year upon written application from the operator within 90 days prior to date of expiration and upon compliance with the laws and rules.

(c) Prior to approval of an application for a permit, the Health Officer shall inspect the proposed hotel to determine compliance with the requirements of these rules.

(d) The Health Officer shall issue a permit to the applicant if his/her inspection reveals that the hotel complies with the requirements of these rules.

(3) **Permit denials, suspensions, and revocations** – The Health Officer's denial, suspension and/or revocation of a permit shall be governed by the Alabama Administrative Procedure Act, §41-22-1, et seq., Code of Ala. 1975.

(4) **Hearings** – Contested case hearings shall be provided in accordance with the Alabama Administrative Procedure Act, §41-22-1, et seq., Code of Ala. 1975, and the State Board of Health's Contested Case Hearing Rules, Chapter 420-1-3, Informal settlement conferences may be conducted as provided in the State Board of Health's Contested Case Hearing Rules, Chapter 420-1-3.

(5) **Suspension of permits** – Permits may be suspended temporarily by the Health Officer for failure of the permit holder to comply with the requirements of these rules.

(a) Notwithstanding the other provisions of these rules, whenever the Health Officer finds insanitary or other conditions in the operation of a hotel which, in his/her judgment, constitutes an imminent health hazard to the public's health, he/she may, without warnings, issue a written

notice to the permit holder or operator citing such conditions, specifying the corrective action to be taken, and specifying the time period within which such action shall be taken; and, if deemed necessary, such order shall state that the permit is immediately suspended, and all hotel operations shall be immediately discontinued. Any person to whom such order is issued shall comply immediately therewith. Immediate suspension initiated without a hearing shall only occur upon personal order to the State/County Health Officer or the Public Health Area Environmental Director.

(6) Revocation of permits – The health Officer may, after providing opportunity for hearing, revoke a permit for serious or repeated violations of any of the requirements of these rules or for interference with the Health Officer in the performance of his duty or for failure to comply with the provisions of a notice of permit suspension issued under 420-3-11-.18(5).

(7) Application after revocation - Whenever a revocation of a permit has become final, the holder of the revoked permit may make written application for a new permit after 90 days from the date of revocation.
Author: Ronald Dawsey, Mark Sestak
Statutory Authority: Code of Ala. 1975, §§22-2-2, 34-15-3.
History: Filed September 1, 1982. **Repealed and Replaced:** Effective March 26, 1993. **Amended:** December 20, 2006; effective January 24, 2007. **Amended:** Filed September 17, 2009; effective October 22, 2009.

Ed. Note: Rule was renumbered to 420-3-11-.18 as per certification filed December 20, 2006; effective January 24, 2007.

420-3-11-.19 Inspections.

(1) Inspection Frequency - An inspection of a hotel shall be performed at least once each year at those establishments with a numerical score of 85 or more. Hotels earning a numerical score of less than 85 must be inspected at least every 90 days until such time as a score of 85 or greater is received. Legal notices shall be issued when substantial violations of these rules are found, or when four-point or five-point weighted items are violated and the necessary reinspections shall be made in accordance with 420-3-11-.20(4). Additional inspections of hotels shall be performed as often as necessary for the enforcement of these rules.

(2) Access - The Health Officer, after proper identification, shall be permitted to enter any part of a hotel at any reasonable time for the purpose of making inspections to determine compliance with these rules. The privacy of occupied guest rooms shall be respected. The Health Officer shall be permitted to examine the

records of the establishment to obtain information pertaining to the sanitary operation of the hotel or to persons employed.

(3) Report of Inspections

(a) Whenever an inspection of a hotel is made the findings shall be recorded on the inspection report form prescribed by the State Health Officer. The inspection report form shall summarize the requirements of these rules and shall set forth a maximum weighted point value for each requirement. Inspectional remarks shall be written to reference the rule violated and shall state the corrections to be made. The numerical score of the establishment shall be obtained by subtracting the total number of demerit points from 100.

(b) The original of the inspection report form shall be conspicuously displayed for public view at the registration desk or other approved location. It shall be unlawful to remove, obscure or deface an inspection report.

(c) A copy of the inspection report shall be filed with the records of the county health department. The completed inspection report form is a public document that shall be made available for public disclosure to any person who requests it according to law.

(4) Correction of violation

(a) The completed inspection report form shall specify a reasonable period of time for the correction of the violations found; and correction of the violations shall be accomplished within the period specified, in accordance with the following provisions.

1. If an imminent health hazard exists, the hotel shall immediately cease operations as directed by the Health Officer. Immediate suspension initiated without a hearing shall only occur upon personal order of the State/County Health Officer or the Public Health Area Environmental Director. Operations shall not be resumed until authorized by the Health Officer.

2. All four- and five-point violations of these rules as indicated on the inspection report and as determined by the Health Officer shall be corrected as soon as possible, but in any event, within ten days following the inspection.

3. All minor violations, as determined by the Health Officer shall be corrected is soon as possible, but in any event, by the time of the next routine inspection.

4. When the rating score of the establishment is less than 80, the establishment shall initiate corrective action on all identified violations within 48 hours. One or more reinspections will be conducted at reasonable time intervals to assure correction.

(b) The inspection report shall state that failure to comply with any time limits for corrections may result in cessation of hotel operations. An opportunity for hearing on the inspection findings or the time limitations or both will be provided if a written request is filed with the Health Officer within fifteen days following the inspection or cessation of operations. If a request for hearing is received, a hearing shall be held within five days of receipt of the request.

(c) Whenever a hotel is required under the provisions of 420-3-11-.18(3) to cease operations, it shall not resume operations until it is shown on reinspection that conditions responsible for the order to cease operations no longer exist. Opportunity for reinspection shall occur within five working days after a formal request is made.

(5) Survey and Training - The State of Alabama, Department of Public Health, shall make Hotel Sanitation Surveys and Program Evaluations as deemed necessary by the State Health Officer. Surveys shall be made in accordance with the provisions of these rules and results may be incorporated in the annual Alabama Public Health Resort. The Department shall provide education and training in hotel/motel sanitation and in rule interpretation, standardization inspection techniques, and enforcement, procedures for lodging program personnel.
Author: Ronald Dawsey, Tim Hatch
Statutory Authority: Code of Ala. 1975, §§22-2-2, 22-20-5, 34-15-3.
History: Filed September 1, 1982. **Repealed and Replaced:** Effective March 26, 1993. **Amended:** Filed December 17, 2003; effective January 21, 2004. **Amended:** December 20, 2006; effective January 24, 2007.

Ed. Note: Rule was renumbered to 420-3-11-.19 as per certification filed December 20, 2006; effective January 24, 2007.

420-3-11-.20 Repealer.

Except for those rules promulgated under authority of the Code of Ala. 1975, Sections 22-2-2, 34-15-3, et seq., all rules promulgated by the Board which are in conflict with these rules or any portion thereof are hereby expressly repealed.
Author: Ronald Dawsey, Tim Hatch
Statutory Authority: Code of Ala. 1975, §§22-2-2, 34-15-3.

History: Filed September 1, 1982. **Repealed and Replaced:** Effective March 26, 1993. **Amended:** December 20, 2006; effective January 24, 2007.

Ed. Note: Rule was renumbered to 420-3-11-.20 as per certification filed December 20, 2006; effective January 24, 2007.