

**RULES
OF
THE TENNESSEE DEPARTMENT OF HEALTH
HEALTH SERVICES ADMINISTRATION**

**CHAPTER 1200-23-04
HOTELS**

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1200-23-04-.01 DEFINITIONS.

- (1) "Approved" means being accepted by the Commissioner.
- (2) "Commissioner" means the Commissioner of the Department of Health or the Commissioner's duly appointed representative, and in the event of a vacancy in the office of Commissioner, the Acting Commissioner.
- (3) "Contractor" means a person that enters into an agreement with another person to perform specific duties and acts as a representative of the permittee or permit applicant.
- (4) "Employee" means the permit holder, individuals having supervisory or management duties, or any other person working in a hotel.
- (5) "Furnished for pay to transients or travelers" means offering sleeping accommodations by the day.
- (6) "Hotel" means any building or establishment kept, used, maintained, or advertised to the public to be a place where sleeping accommodations are furnished for pay to transients or travelers whether or not meals are served therein, regardless of what term the owner or operator uses to describe the establishment.
- (7) "Ice dispensing machines" means any machine which dispenses ice in bulk or package form.
- (8) "Law" means any provision of the State of Tennessee statutes and rules.
- (9) "Linens" means all sheets, pillowcases, towels, washcloths, and other reusable cloth items which come in personal contact with occupants.
- (10) "Owner/Operator" means the applicant, permittee, or other persons to be in charge of facilities.
- (11) "Person" means any individual, partnership, firm, corporation, agency, municipality, or state or political subdivisions, or the federal government and its agencies and departments.
- (12) "Person in charge" means the individual present in a hotel, who is the apparent supervisor at the time of inspection, or if no individual is the apparent supervisor, then any employee present.
- (13) "Potable water" means water that is safe for drinking.

(Rule 1200-23-04-.01, continued)

- (14) "Sanitary ice-dispensing machine" means any machine which automatically dispenses ice with no manual contact with the ice.
- (15) "Self-service ice storage bin" means a self-service machine or storage bin in which ice is manufactured or stored in bulk form and the ice can be removed by the hotel guests through use of an ice scoop or similar device.
- (16) "Sewage" means human excreta, all water carried waste, and household wastes from residences, buildings, or commercial and industrial establishments.
- (17) "Shall" denotes a mandatory requirement.
- (18) "Single-service articles" means cups, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, napkins, wrapping materials, toothpicks, and similar articles intended to be used for one-time, one-person use and then to be discarded.
- (19) "Solid waste" means, refuse, garbage, trash, rubbish, and any other item or items which could cause an unsanitary condition or undesirable health and safety conditions.

Authority: T.C.A. §§ 4-5-202 and 68-14-301, et seq. **Administrative History:** Original rule filed September 9, 1999; effective November 22, 1999.

1200-23-04-.02 MINIMUM STANDARDS FOR HOTELS.

- (1) Sanitary Facilities and Controls
 - (a) Water Supply
 - 1. Enough potable water for the needs of the hotel shall be provided from a source constructed and operated according to law.
 - 2. Cold running water under pressure shall be provided to all equipment that uses water. Hot and cold running water under pressure shall be provided to all lavatories, bathing facilities, laundry facilities, and all water-using equipment where eating and drinking utensils are washed.
 - 3. Ice used for any purpose shall be made from water which comes from an approved source and shall be used only if it has been manufactured, stored, transported, or handled in a sanitary manner.
 - 4. Self-Service Ice Machines
 - (i) Self-service ice provided for the hotel guest shall be dispensed through use of sanitary ice dispensing machines or shall be prepackaged for individual hotel guests from an approved source in all hotels constructed after July 1, 1986; provided, however, that ice machines located in individual rooms shall not be prohibited. Self-service ice storage bins presently being used may be continued in use indefinitely, provided that the machines are maintained in good repair and capable of being properly cleaned. On or after July 1, 1986, the replacement of self-service ice storage bins or additional ice machines shall require the installation of sanitary ice-dispensing machines.
 - (ii) Ice machines shall be easily cleanable, in good repair, clean, and free of contaminants and rust.

(Rule 1200-23-04-.02, continued)

- (iii) Ice storage containers and scoops shall be smooth, constructed of impervious material designed to facilitate cleaning, and shall be stored, handled, and used in a sanitary manner.

5. Plumbing

- (i) General. Plumbing shall be sized, installed, and maintained according to law. There shall be no cross-connections between any safe water supply and any unsafe or questionable water supply, or any source of pollution through which the safe water supply might become contaminated.
 - (ii) Non-potable System. A non-potable water system is permitted only for purposes such as air conditioning and fire protection and only if the system is installed according to law and the non-potable water does not contact, directly or indirectly, the potable water system or equipment or utensils that come in contact with food or drink. The piping of any non-potable water system shall be durably identified so that it is readily distinguishable from piping that carries potable water.
 - (iii) Backflow. The potable water system shall be installed to preclude the possibility of backflow. Devices to protect against backflow and backsiphonage shall be installed at all fixtures and equipment where an air gap at least twice the diameter of the water inlet is not provided between the water outlet from the fixture and the fixture's flood-level rim and wherever else backflow or backsiphonage may occur. A hose shall not be attached to a faucet unless a backflow prevention device is installed.
 - (iv) Drains. There shall be no direct connection between the sewerage system and any drains originating from equipment in which ice is stored.
- (b) Sewage. All sewage, including liquid waste, shall be disposed of by a public sewerage system or by a sewage disposal system constructed and operated according to law.
- (c) Insect and Rodent Control
- 1. General. Effective measures intended to control the presence of rodents, flies, roaches, 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, rodents, or other vermin.
 - 2. Openings. Openings to the outside shall be effectively protected against the entrance of rodents and shall be protected against entrance of insects by tight-fitting doors and windows. Screen or storm doors, excluding sliding glass doors and sliding screens, shall be self-closing, and screens for windows, doors, sliding screens, skylights, transoms, and other openings to the outside shall be tight-fitting and free of breaks. Screening materials shall not be less than sixteen mesh to the inch.
 - 3. Garbage and Refuse
 - (i) All containers used in guest rooms, lobbies, hallways, and public assembly rooms for storage of garbage and refuse shall be constructed of durable metal or other approved types of materials, which do not leak, do not absorb liquids, do not support combustion or melt under intense heat. Such

(Rule 1200-23-04-.02, continued)

containers shall be thoroughly cleaned on the inside and outside each time they are emptied unless liners are used.

- (ii) All outside refuse or garbage storage containers shall be constructed of durable metal or other approved types of materials, which do not leak nor absorb liquids, and shall be provided with tight-fitting lids or covers and shall be kept covered when stored, unless located in a special vermin-proof room or enclosure. Each container shall be cleaned at such frequency as to prevent a nuisance or odor. Liquid waste resulting from the cleaning of containers shall be disposed of as sewage.
- (iii) Storage rooms, enclosures, areas, and containers shall be adequate for storage of all refuse or garbage accumulating on the premises in accordance with these rules. Adequate cleaning facilities shall be provided, and each storage room, enclosure, or container shall be thoroughly cleaned after the emptying or removal of refuse or garbage. Areas surrounding these rooms, enclosures, and containers shall be kept clean and orderly.
- (iv) Garbage and refuse shall be disposed of often enough to prevent the development of odor and the attraction of insects and rodents. Where garbage or refuse is burned on the premises, it shall be done by controlled incineration that prevents the escape of particulate matter and in accordance with law. Areas around incineration facilities shall be kept clean and orderly.
- (v) All outside premises shall be maintained free of litter and unnecessary articles.

(2) Poisonous or Toxic Materials

- (a) General. Only such poisonous and toxic materials as are required to maintain sanitary conditions and for sanitization purposes may be used or stored in hotels. Such materials shall be properly stored and identified and shall be used only in such manner and under such conditions as shall not constitute a hazard to employees or guests.
- (b) Containers of poisonous or toxic materials, including insecticides and rodenticides, shall be prominently and distinctly labeled for easy identification of contents.
- (c) Storage of Materials
 - 1. Poisonous or toxic materials consist of the following categories:
 - (i) Insecticides and rodenticides, caustics, acids, polishes, and other chemicals;
 - (ii) Detergents, sanitizers, and related cleaning or drying agents; and
 - (iii) Medicines and personal care items.
 - 2. Each of the three categories set forth in part 1. of this subparagraph shall be stored and physically located separate from each other.
 - (i) Poisonous or toxic materials shall be stored in cabinets or shelves that are used for no other purpose or in a place other than an area where linens or other articles which come in contact with guests are stored.

(Rule 1200-23-04-.02, continued)

- (ii) To preclude contamination, poisonous or toxic materials shall not be stored above linens, drinking glasses, ice buckets, utensils, or other articles which come in personal contact with guests. This requirement does not prohibit the convenient availability of detergents or sanitizers at utensil or dishwashing stations.

- 3. Bactericides, cleaning compounds, or other compounds shall not be used in a way that leaves a toxic residue, nor in a way that constitutes a hazard to employees or guests. Poisonous or toxic materials or cleaning compounds shall be used only in full compliance with their labeling.

(3) Personnel

- (a) Employee Health. No person while affected with any disease in a communicable form, or while a carrier of such disease, or while afflicted with boils, infected wounds, or sores shall work in any area of a hotel establishment in any capacity in which there is a likelihood of such a person contaminating bedding and other surfaces with pathogenic organisms, or transmitting disease to other individuals. No person known or suspected of being affected with any such disease or condition shall be employed in such an area or capacity. When there is reason to suspect that any employee has contracted any disease in communicable form or has become a carrier of such a disease, the employee shall be

- 1. Removed from the hotel establishment, or
- 2. Their service be restricted to some area of the establishment where there would be no danger of transmitting disease.

- (b) Personal Cleanliness. Employees, other than clerical employees, shall thoroughly wash their hands and the exposed portions of their arms with soap and warm water before starting work, during work as often as necessary to keep them clean, and after smoking, eating/drinking or using the toilet. Employees shall keep their fingernails clean and trimmed. Employees shall maintain a high degree of personal cleanliness and conform to other good hygienic practices.

(4) Fire Safety

(a) Fire Extinguishers

- 1. Portable fire extinguishers shall be provided in hazardous areas, including storage, laundry, linen, and gas-fired equipment rooms.
- 2. Fire extinguishers shall be of a type approved by the State Fire Marshal's office and installed and operated according to law. Fire extinguishers shall be inspected and serviced at least annually and tagged showing the date of inspection by an approved fire extinguisher servicing company or an approved fire department.
- 3. No soda-acid types of extinguishers are to be used.

(b) Smoke Detectors and Fire Alarms

- 1. All sleeping rooms and sleeping areas shall be provided with a single station smoke detector, which is installed, operated, and maintained according to law. Smoke detectors shall be of a type approved by the State Fire Marshal's office or

(Rule 1200-23-04-.02, continued)

local jurisdiction. Single station smoke detection shall not be required when sleeping rooms contain smoke detectors connected to a central alarm system which also alarms locally.

2. A fire alarm system of a type approved by the State Fire Marshal's Office shall be installed, maintained, and operated, according to law in hotels having more than fifteen (15) guest rooms, exceptions being hotels
 - (i) With all individual guest rooms having a direct exit to the outside or
 - (ii) Buildings three (3) stories or less with each guestroom having two (2) or more directions to exit from the entrance door of the room.
3. Telephone Service. Telephone service shall be accessible to guests and staff in the event of emergencies.

(c) Electrical Hazards, Heating, and Flammable

1. Visible and/or obvious fire and electrical hazards are prohibited.
2. There shall be no storage of flammables, lawnmowers, gas-powered weed eaters, or other similar flammable operated equipment in boiler or electrical panel rooms.
3. Flammable liquids and lawn mowers shall be stored in a well ventilated, separate building or in a one hour enclosed, (6" concrete block, 5/8" sheet rock), sprinklered area away from guest sleeping rooms.
4. Draperies, curtains, and other similar loosely hanging furnishings and decorations shall be flame resistant.
5. Furnishings or decorations of an explosive or highly flammable character shall not be used.

(d) Exits and Evacuation Plans

1. Each guestroom door that opens into an interior corridor shall be self-closing.
2. Stairways and exits shall be clear of obstructions, marked, lighted, and maintained at all times.
3. A floor diagram reflecting the actual floor arrangement, exit locations, and room identifications shall be posted in a location and in an acceptable manner on or immediately adjacent to every guest room door.

(e) Plan Approval for Fire Safety

1. Plans shall be reviewed and approved by the State Fire Marshal or by any jurisdiction of local government which has certified in writing that it has adopted the fire safety/building codes allowed by T.C.A. 68-120-101(b)(2), as amended.
2. Plans for two-story hotels with twelve (12) rooms or less and all one (1)-story hotels shall be reviewed for approval by the Commissioner.

(5) General Construction

(Rule 1200-23-04-.02, continued)

- (a) Lobbies and Hallways. Lobbies and hallways shall be kept clean and in good repair.
- (b) Toilet Installation. Each hotel shall be provided with adequate and conveniently located toilet facilities for employees. Toilet fixtures shall be of a sanitary design and easily cleanable. Toilets shall be kept in a clean condition and in good repair. Toilet tissue shall be available at each toilet. Easily cleanable receptacles shall be provided for waste materials, and such receptacles in toilet rooms for women shall be covered.
- (c) Lavatory Installation
 - 1. Lavatories shall be installed and located to permit convenient use by employees at all times.
 - 2. Lavatories shall be accessible to employees at all times.
 - 3. Lavatories shall be located in or immediately adjacent to toilet rooms or vestibules.
- (d) Each lavatory shall be provided with hot and cold water tempered by means of a mixing valve or combination faucet. Any self-closing, slow closing, or metering faucet used shall be designed to provide a flow of water for at least 15 seconds without the need to reactivate the faucet. Steam-mixing valves are prohibited.
- (e) Lavatory Supplies. A supply of hand-cleaning soap or detergent shall be available at each lavatory. A supply of sanitary towels or a hand-drying device providing heated air shall be conveniently located near the lavatory. Common towels are prohibited. Easily cleanable waste receptacles shall be conveniently located near the handwashing facilities.
- (f) Lavatory Maintenance. Lavatories, soap dispensers, hand-drying devices, and all related fixtures shall be kept clean and in good repair.
- (g) Roof and Outside Walls. All gutters, roofs and outside walls and doors shall be maintained in good repair.
- (h) Walkways. All walkways, porches, and hallways shall be maintained in good repair.
- (i) Building Site. Only articles necessary to the operation and maintenance of the establishment shall be stored on the premises.
- (j) Sleeping Rooms
 - 1. Toilet and bathing facilities
 - (i) Each hotel shall be provided with adequate and conveniently located toilet and bathing facilities. Except for hotels constructed before July 1, 1977, toilet and bathing facilities shall be provided for each sleeping room. Toilets and bathing facilities, including rooms and fixtures, shall be of a sanitary design, easily cleanable, and kept in a clean condition and in good repair. Toilet tissue shall be provided and new soap shall be provided after each guest occupancy. Easily cleanable receptacles shall be provided for waste materials.
 - (ii) Anti-slip tubs, adequate slip strips, appliqués, or slip-proof mats shall be provided in each bathing facility and shall be kept clean and in good repair.

(Rule 1200-23-04-.02, continued)

- (iii) Each hotel shall provide adequate, conveniently located handwashing facilities at each toilet and bathroom including a lavatory or lavatories equipped with hot and cold or tempered running water, hand-cleaning soap and towels. Such facilities shall be kept clean and in good repair.
- 2. Heating and cooling system. The heating system shall be properly installed and maintained in good repair and shall be capable of maintaining a temperature of 68°F. The cooling system, if provided, shall be properly installed and maintained in good repair.
- 3. Lighting
 - (i) Natural and artificial lighting for general cleaning purposes and safety of guests shall be at least ten (10) foot-candles in guestrooms, stairways, hallways, closets and storage areas.
 - (ii) Lighting in reading areas of guestrooms and public meeting rooms shall be thirty (30) foot-candles.
 - (iii) Lighting at bathroom mirrors shall be forty (40) foot-candles.
- 4. Ventilation. Sleeping and toilet rooms shall have sufficient ventilation to keep them free from steam, condensation, excessive heat vapors, smoke, fumes, or noxious odors.
- 5. Windows and doors. All windows and doors shall be kept clean and maintained in good repair. All doors shall be constructed and equipped with in-room security devices, such as locks, chains, or similar devices. All open windows shall require screening.
- 6. Furnishings
 - (i) Equipment. Rooms used for sleeping purposes shall be provided with a minimum of soap, two clean towels, two clean washcloths of adequate size, four clothes hangers, two chairs, two drinking glasses, and two ashtrays, except in areas designated as "No Smoking."
 - (ii) Ice storage containers. Ice storage containers shall be constructed of a smooth, impervious material, designed to facilitate cleaning, and shall be stored and handled in a sanitary manner.
 - (iii) Beds and bedding. Beds, mattresses, springs, slats, rails, pads, linens, covers, and spreads shall be clean and in good repair. Mattress pads or covers, spreads and blankets, or covering shall be changed when obviously soiled and on a systematic cleaning program established by the hotel, but not to exceed every sixty (60) days. Sheets and pillowcases shall be changed after each occupant, or daily when a room is occupied, unless otherwise requested by the occupant.
 - (iv) Bedding accessories. Mattress pads or covers shall be used on all mattresses. Each bed shall be provided with adequate sheets, pillows, and pillowcases. Minimum requirements are two sheets, one pillow, and one pillowcase per pillow. All beds shall be supplied with sufficient blankets or coverings to keep the occupant warm.

(Rule 1200-23-04-.02, continued)

- (v) Room furnishings. Furniture, appliances, and utensils shall be kept clean and maintained in good repair.
 - (vi) Window covering. All draperies, curtains, shades, venetian blinds, or other covering shall be kept clean and maintained in good repair.
 - 7. Floors. The floors of all hotels shall be constructed of smooth, durable materials such as sealed concrete, terrazzo, ceramic tile, or wood with tight seams between tiles or planks and that is light in color. Floor coverings, such as linoleum or carpeting, shall be kept clean and maintained in good repair. Carpeting shall be properly installed, easily cleanable, and maintained in good repair. Carpeting is prohibited in any linen or utensil washing area.
 - 8. Walls and ceilings. Walls and ceilings including doors, windows, skylights, and similar closures shall be kept clean and maintained in good repair. The walls of toilet rooms and vestibules shall be smooth, nonabsorbent, and easily cleanable. Exposed lines and pipes shall be installed in a way that does not obstruct or prevent cleaning. Light fixtures, vent covers, decorative material, or any similar equipment attached to walls and ceilings shall be cleanable and maintained in good repair. Concrete or pumice blocks used for interior wall construction shall be finished and sealed.
 - 9. Storage areas and closets. All closets shall be kept clean and in good repair.
- (k) Cleaning and Storage of Linens and Utensils
- 1. Linen room. Adequate storage areas, rooms, or cabinets shall be provided for all supplies, linens, and/or equipment and shall be kept neat, orderly, clean, and in good repair. Clean linens shall be stored in cabinets or on shelves in a linen storage room. Soiled linens shall be so handled and stored as not to come in contact with clean linens.
 - 2. Laundry facilities
 - (i) General. Laundry facilities shall be kept clean, orderly, and in good repair. Any door leading from a laundry room shall be tight-fitting. Laundry facilities shall be maintained in such a way that dirty linen does not come in contact with clean linen. Maintenance and cleaning equipment shall be maintained and stored in a way that does not contaminate clean linen.
 - (ii) Sanitization rinse
 - (I) Linens and mattress pads or covers shall be thoroughly washed in a detergent solution containing a sanitizer equivalent to at least fifty parts per million (50 ppm) available chlorine. Spreads and blankets may be dry cleaned in lieu of washing and sanitizing.
 - (II) A three-compartment sink shall be used if cleaning and sanitization of equipment or utensils is done manually. Sinks shall be large enough to permit the complete immersion of the equipment and utensils, and each compartment of the sink shall be supplied with hot and cold potable running water.
 - 3. In lieu of manual cleaning and sanitizing, the Commissioner may approve the use of dish machines or similar means of sanitizing.

(Rule 1200-23-04-.02, continued)

4. Glasses, utensils, coffee pots, and ice buckets shall be clean, sanitized, and kept in good repair. In lieu of sanitizing ice buckets, properly sized, single-service plastic liners may be used.
5. Single-service articles. Single-service articles shall be stored at least six (6) inches above the floor on clean shelves and in closed containers that protect them from contamination. Handling of single-service articles in bulk shall be conducted in a way that protects them from contamination. Single-service articles shall be made from non-toxic materials. Single-service articles placed in sleeping rooms shall be individually wrapped or dispensed in a sanitary manner. Re-use of single-service articles is prohibited.

(6) Review of Plans

- (a) Submission of Plans. Whenever a hotel is constructed or extensively remodeled and whenever an existing structure is converted to use as a hotel, at least one set of properly prepared plans and specifications for such construction, remodeling, or conversion shall be submitted to the Commissioner 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 for work areas, sleeping areas and/or rooms, and the type and model of proposed fixed equipment and facilities. The Commissioner shall approve the plans and specifications if they meet the requirements of these rules. No hotel shall be constructed, extensively remodeled, or converted except in accordance with plans and specifications approved by the Commissioner.
- (b) Pre-operational Inspection. After plans and specifications have been approved by the Commissioner, the hotel shall not start operations until the Commissioner has made a pre-operational inspection and has determined compliance with the approved plans and specifications and with the requirements of these rules.

Authority: T.C.A. §§ 4-5-202 and 68-14-301, et seq. **Administrative History:** Original rule filed September 9, 1999; effective November 22, 1999.

1200-23-04-.03 ESTABLISHMENT PERMITTING AND INSPECTION SYSTEM.

(1) Application Procedures

- (a) Any person planning to operate a hotel must obtain a written application for a permit on a form provided by the Commissioner through the local county health department prior to operating a hotel. A new or initial application is required for hotels that have not previously been permitted or for instances when ownership changes.
- (b) The Commissioner shall issue a hotel permit:
 1. After an inspection of the proposed facility reveals that the facility is in compliance with requirements of these rules and
 2. Upon receiving a completed application with applicable fees.

(2) Inspection System

- (a) The Commissioner shall inspect or cause to be inspected every hotel at least once every six (6) months and as often as deemed necessary by the Commissioner.

(Rule 1200-23-04-.03, continued)

- (b) Inspection results for hotels shall be recorded on standard departmental forms which summarize the requirements of the law and rules.
 - (c) The scoring system shall include a weighted point value for each requirement in which critical items are assigned values of either four (4) or five (5) points, with less critical items having assigned values of either one (1) or two (2) points.
 - (d) The rating score of the facilities shall be the total of the weighted point values for all violations subtracted from one hundred (100).
- (3) Violation Correction
 - (a) In accordance with T.C.A. 68-14-318, critical violations shall be corrected within ten (10) calendar days from the date of the inspection report. Minor or non-critical violations shall be corrected as soon as possible, but in any event by the time of the next routine inspection.
 - (b) Upon declaration of an imminent health hazard by the Commissioner, the facility shall immediately cease operations until authorized to reopen.
 - (c) The inspection report shall state that failure to comply with any time limits for correction may result in suspension of permit. An opportunity for a hearing concerning the inspection and/or inspection report and/or on the ordered corrective action will be provided, if written request is filed with the Commissioner within ten (10) calendar days following the inspection. If a request for a hearing is received, a hearing shall be held within a reasonable period of time after receipt of the request.
- (4) Permit Revocation
 - (a) After providing an opportunity for a hearing, the Commissioner or his duly authorized representative may revoke a permit for serious or repeated violations of requirements of this part or for interference with the Commissioner or his duly authorized representative in the performance of his duty.
 - (b) Prior to revocation, the Commissioner or his duly authorized representative shall notify, in writing, the permittee of the specific reason(s) for which the permit is to be revoked, and that the permit shall be revoked at the end of ten (10) days following service of such notice, unless a written request for a hearing is filed with the Commissioner within such ten-day period. If no request for hearing is filed within the ten-day period, the revocation of the permit becomes final.
- (5) Whenever a facility is required under this section to cease operations, it shall not resume operations until it is shown on re-inspection that conditions responsible for the order to cease operations no longer exist. Opportunity for re-inspection shall be offered within a reasonable time.

Authority: T.C.A. §§ 4-5-202 and 68-14-301, et seq. **Administrative History:** Original rule filed September 9, 1999; effective November 22, 1999.

1200-23-04-.04 REPEALED.

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