

**CABINET FOR HEALTH AND FAMILY SERVICES**  
**Department for Public Health**  
**Division of Public Health Protection and Safety**  
**(As Amended at ARRS, September 16, 2019)**

**902 KAR 7:010. Hotel and motel code.**

RELATES TO: KRS 194A.050, 219.011-219.041, 219.111[-219.084], 219.991(1)

STATUTORY AUTHORITY: KRS 194A.050(1),(3), 219.021, 219.041[Chapter 13B, 194.050, 211.090, EO 96-862]

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) **requires[authorizes]** the Cabinet for Health and Family Services to promulgate administrative regulations necessary to operate programs and fulfill the responsibilities vested in the cabinet. KRS 194A.050(3) **authorizes[allows]** the secretary of the cabinet to establish a schedule of reasonable fees for permitting and inspection to ensure compliance with program standards administered by the cabinet. KRS 219.021 **requires[authorizes]** the cabinet to issue permits to operate a hotel[;] and to establish a fee for an annual permit and permit renewal[219.011 to 219.081 and 219.991(1) directs the Health Services Cabinet to regulate hotels]. KRS 219.041 **requires[(3) authorizes]**[directs] the [Health Services] cabinet to adopt a State Hotel Code, which includes ~~the[, among other things,]~~ requirements for the issuance, suspension, and revocation of permits to operate; submission of plans for construction and equipment layout; plumbing; lighting; ventilation; water supply; sewage disposal; sanitary standards for operation; and other matters deemed necessary to ~~ensure[insure]~~ a safe and sanitary operation of a hotel.[Executive Order 96-862, effective July 2, 1996, reorganizes the Cabinet for Human Resources and places the Department for Public Health and its programs under the Cabinet for Health Services.]

Section 1.[Citation of Administrative Regulation. This administrative regulation may be cited as the "State Hotel Code."

Section 2.] Definitions.[As used in this administrative regulation:]

(1) "Employee" means any person working in a hotel[, ~~including janitors, maids, porters, and other persons whose duties include the cleaning of rooms, toilets, or other parts of the building or the carrying of ice or ice water to guests].~~

(2) "Ice dispensing machine" means any self-service or semi self-service machine operated by a mechanism that[which], upon insertion of a coin, coins, or tokens, or by other devices such as levers or switches, dispenses ice either in bulk or in package form.

(3) "Public restroom[rest room]" means any facility that provides toilet and hand-washing facilities for the general public.

(4) "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 removed by the hotel guest through use of an ice scoop or other similar device.

(5) "Tempered water" means a water temperature of at least ninety (90) degrees Fahrenheit to a maximum temperature of 110 degrees Fahrenheit.

(6) "Transient" means occupancy of a dwelling unit or a sleeping unit for not more than thirty (30) days.

Section 2. Applicability. For the purposes of this administrative regulation, a hotel shall:

(1) Primarily be transient in nature;

(2)[and shall] Not include apartments, dormitories, hostels, single or multi-family homes, or

vacation rental cabins; and

**(3)[shall]** Consist of three (3) or more rentable units within one (1) location.

### Section 3. Application for a Permit.

(1) A person desiring to operate a hotel shall complete and submit form DFS-200, Application for Permit **or**[/] License, as incorporated by reference in 902 KAR **45:065**[~~10:040~~], to the local or district health department serving the county where the hotel is located[Application for a permit required by KRS 219.021 shall be made on forms provided by the cabinet and include:

(a) Applicant's full name and address and indicate whether the applicant is an individual, firm or corporation;

(b) If a partnership, the names of the partners, with their addresses;

(c) The location of the hotel; and

(d) The signature of the applicant or applicants].

(2)(a) Upon receipt of an application, the cabinet shall inspect[make an inspection of] the hotel to determine compliance with the provisions of this administrative regulation.

(b) If the[When] inspection reveals that the applicable requirements of this administrative regulation have been met, a permit shall be issued to the applicant by the cabinet.

(3) A permit to operate a hotel shall be renewed annually pursuant to KRS 219.021.

(4)(a) An application for an annual permit to operate a hotel shall be accompanied by a fee of \$100.

(b) A late **renewal**[penalty] fee of fifty (50) dollars shall be assessed on all annual permit renewals that are postmarked beyond thirty (30) days of the expiration date.

(5) The fee assessed for the inspection of a hotel shall be assessed according to the total number of rooms of the establishment:

(a) One (1) to twenty-five (25) rooms - \$150;

(b) Twenty-six (26) to fifty (50) rooms - \$175;

(c) Fifty-one (51) to 100 rooms - \$200;

(d) 101 to 200 rooms - \$225;

(e) 201 to 300 rooms - \$250;

(f) 301 to 400 rooms - \$275; **[or]**

(g) 401 to 500**[or more]** rooms - \$300;

**(h) 501 to 600 rooms - \$325; or**

**(i) 601 or more rooms - \$350.**

(6) Payment of Fees. Fees shall be paid to the local health department having jurisdiction. Fees received by local health departments shall be deposited in the Kentucky State Treasury. Inspection fees shall be submitted with the application for a permit to operate.

### Section 4. Hotel Water Supply and Ice.

(1)(a) The water supply shall be potable, adequate, and from an approved public supply of a municipality or water district, if available.

(b) If[In the event] a public water supply of a municipality or a water district is not available, the supply for a hotel shall be developed and approved in accordance with applicable requirements of 401 KAR Chapter 8.

(c)[the Natural Resources and Environmental Protection Cabinet; provided, however,] If a public water supply of a municipality or water district subsequently becomes available, connections shall be made to this supply,[thereto] and the hotel supply shall be discontinued.

(2) Hot and cold or tempered**[running]** water under pressure shall be provided in all bathrooms and toilet rooms.

(3) Ice used for any purpose shall be:

(a) Made from water **that[which]** comes from an approved source;[;] and

(b)[shall be] Used only if it has been manufactured, stored, transported, and handled in a sanitary manner in accordance with the requirements of 401 KAR Chapter 8 and 902 KAR 45:005.

(4)(a) Self-service ice provided for the hotel guest shall be dispensed through use of ice dispensing machines or prepackaged for individual hotel guests from an approved source in all [new] hotels.

(b)[constructed after the effective date of this administrative regulation; provided, however, that] Ice making equipment located in individual rooms shall not be prohibited.

(c) Self-service ice storage bins shall be prohibited.

**(5) Ice machines shall be:**

**(a) Constructed of sanitary, durable, corrosion-resistant material that is easily cleanable;**

**(b) Located, installed, and operated to prevent contamination of the ice;**

**(c) Kept clean, free of any mold, rust, debris, or other contaminants;**

**(d) Maintained in good repair in accordance with the manufacturer's instructions; and**

**(e) Drained through an air gap**[presently being used may be continued in use provided that the machines are maintained in good repair and capable of being properly cleaned. In all cases where the replacement of a self-service ice storage bin becomes necessary, or additional machines added, an ice dispensing machine shall be installed].

Section 5. Hotel Sewage and Waste Disposal.

(1) All sewage and waste matter shall be disposed of into a public sewerage system, if available.

(2) If[In the event] a public sewerage system is not available, disposal shall be made into a private system designed, constructed, and operated in accordance with the requirements of 902 KAR 10:085.

(3)[the cabinet; provided, however,] If a public sewerage system subsequently becomes available, connections shall be made **to this system,[thereto]** and the hotel sewerage system shall be discontinued.

Section 6. Toilet and Bathing Facilities.

(1) Each hotel shall be provided with adequate and conveniently located toilet and bathing facilities.

(2)[Except as provided by KRS 219.021(3) for existing hotels,] Toilet and bathing facilities shall be provided for each sleeping room in accordance with 815 KAR 20:191[7:120][the requirements of the State Building Code].

(3) Toilet and bathing fixtures shall be of a sanitary design and readily cleanable.

(4) Toilets and bathing facilities, including rooms and fixtures, shall be kept in a clean condition and in good repair.

(5) Toilet tissue shall be provided.

(6) Easily cleanable receptacles shall be provided for waste materials, and **the[such]** receptacles in public toilet rooms for women shall be covered.

(7) Public **restroom[rest room]** facilities for both sexes shall be provided when required by 815 KAR 20:191[7:120][the State Building Code, in all new hotels constructed after the effective date of this administrative regulation].

(8) The doors of all public **restrooms[rest rooms]** shall be self-closing.

(9)[(2)] Each hotel shall provide adequate, conveniently located hand-washing facilities at

each toilet and bathroom and include~~[including a lavatory or lavatories equipped with hot and cold or tempered running water,]~~ hand-cleansing soap and approved sanitary towels or other approved hand-drying devices. ***These/Such*** facilities shall be kept clean and in good repair.

~~(10)~~~~(3)~~ All plumbing in hotels shall comply with 815 KAR Chapter 20~~[the state plumbing code].~~

#### Section 7. Storage, Collection and Disposal of Hotel Refuse.

(1) All containers used in guest rooms, lobbies, hallways, and public assembly rooms for storage of refuse~~[and rubbish containing food waste]~~ shall be constructed~~[of durable metal or other approved types]~~ of materials that~~[, which]~~ do not leak and do not absorb liquids. ***These/Such*** containers shall be thoroughly cleaned on the inside and outside each time they are emptied unless liners are used.

(2) All outside storage containers shall be:

~~(a)~~ Constructed~~[of durable metal or other approved types]~~ of materials that~~[, which]~~ do not leak and do not absorb liquids;

~~(b)~~~~[, and shall be]~~ Provided with tight fitting lids or covers; and

~~(c)~~~~[shall, unless kept in a special vermin-proof room or enclosure, be]~~ Kept covered ~~[when stored. Each storage container shall be cleaned at such frequency as to prevent a nuisance].~~

(3) Refuse~~[The rooms, enclosures, areas and]~~ containers shall be adequate for storage of all refuse accumulating on the premises.~~[Adequate cleaning facilities shall be provided and each storage room or area shall be thoroughly cleaned after the emptying or removal of refuse.]~~

(4) All refuse and waste collected at a hotel shall be disposed of in a safe and sanitary manner.~~[In the event a permitted site or facility approved by the Natural Resources and Environmental Protection Cabinet is available, disposal shall be at such site or facility.]~~

#### Section 8. **General**~~[Room]~~ Construction and **Room** Layout.

(1) All structures used as hotels shall be of permanent, weatherproof construction with sound floors, walls, and ceilings.

(2) **All walking, driving, and parking surfaces shall be graded to prevent the pooling of water.**

**(3)** All habitable rooms, bathrooms, and halls shall have adequate lighting, ventilation, and heating **as specified in this subsection.**

(a) The heating system shall be capable of maintaining a temperature of sixty-eight (68) degrees Fahrenheit.

(b) Natural and artificial lighting for general cleaning purposes and safety of guests shall be at least five (5) foot-candles in guest rooms, stairways, and hallways.

(c) Lighting in reading areas of guest rooms and public meeting rooms shall be thirty (30) foot-candles.

(d) Lighting at bathroom mirrors shall be forty (40) foot-candles.

**(4)**~~(3)~~ Sleeping rooms shall have at least one (1) window to the outside air which can be easily opened unless other openings or mechanical devices are used for room ventilation.

**(5) Windows that open to the outside air shall have screens to prevent the entry of insects and other vermin, and be maintained in good repair.**

~~(6)~~~~(4)~~ All sleeping rooms shall have a door opening directly to the outside or into a hallway leading to the outside.

**(7) All sleeping rooms shall be in compliance with KRS 219.111.**

#### Section 9. Soap, Towels, Washcloths, Drinking Glasses, and Ice Containers.

(1) Rooms used for sleeping purposes shall be provided with soap, towels, washcloths, and drinking glasses.

(a) Two (2) clean towels and one (1) clean washcloth of adequate size shall be provided for each occupant.

(b) One (1) multiuse drinking glass or individual single-service cup shall be provided for each occupant.

(2) Ice storage containers, scoops, and drinking glasses, unless they are of the single-service type, shall be smooth, impervious material and designed to facilitate cleaning, and shall be stored, handled, and dispensed in a sanitary manner.

(3) Multiuse drinking glasses and ice containers shall be washed and sanitized according to procedures as set forth in 902 KAR 45:005[the state food service code].

(4) Hotels ~~that~~**[which]** do not have adequate and effective facilities for cleaning and sanitizing multiuse drinking glasses and ice containers shall use single-service articles. All single-service articles shall be:

**(a)** Stored, handled, and dispensed in a sanitary manner;

**(b)**~~[and shall be]~~ Used only once; **and**

**(c)**~~[. Single-service articles shall be]~~ Made from nontoxic materials.

(5) Multiuse drinking glasses or single-service containers placed in sleeping rooms shall be individually wrapped or stored on a clean surface in an inverted position.

#### Section 10. Hotel Beds and Bedding Accessories.

(1) Mattress pads or covers shall be used on all mattresses.

(2) Beds, mattresses, springs, slats, mattress pads, and covers shall be clean and free from vermin.

(3) Each bed shall be provided with two (2) sheets; and one (1) pillow and one (1) pillow case for each occupant.

(4) Sheets and pillow cases shall be kept clean and changed at least once per week or more often if necessary or when there is a new occupant.

(5) All beds shall be supplied with sufficient blankets or coverings to keep the occupant warm.

Section 11. Maintenance of Rooms, Furniture and Accessories. All sleeping rooms, hallways, lobbies, and other facilities shall be kept clean and in good repair. Furniture, drapes, curtains, and shades shall be kept clean and in good repair.

Section 12. Linen Storage. Adequate storage areas, rooms, or cabinets shall be provided for all supplies, linens, and equipment, and shall be kept neat, orderly, ~~[and]~~ clean, and stored away from soiled linens.~~[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.]~~

#### Section 13. Vermin Control.

(1) Effective measures shall be taken to control vermin and other pests including their entrance into the hotel.

**(2) All exterior areas shall be kept clean and free of debris that could provide rodent harborage or breeding places for flies, mosquitoes, or other pests.**

**(3) Guest rooms shall not be rented if infested with insects, rodents, or other pests, until the infestation is eliminated.**

**(4) Any application of pesticides shall be in accordance with 302 KAR Chapter 29.**

Section 14. Poisonous and Toxic Materials. The hotel shall only use or store~~Only~~[such] poisonous and toxic materials that[as] are required to maintain sanitary conditions and for sanitization purposes. ~~These may be used or stored in hotels. The~~[Such] materials shall be properly stored and identified and shall be used only in a[such] manner and under[such] conditions as will not constitute a hazard to employees or customers.

Section 15. Hotel Swimming Facilities. Any swimming or bathing facility provided for use by hotel occupants shall be constructed and operated in accordance with 815 KAR 7:120 and 902 KAR 10:120~~the State Building Code and the Kentucky public swimming and bathing facilities administrative regulation~~.

Section 16. Hotel Personnel.

(1) ~~A~~No person shall not work in any area of a hotel in any capacity while:

(a) Affected with, or a carrier of, any disease in a communicable form;

~~(b)[, or while a carrier of such disease, or while]~~ Afflicted with boils, infected wounds, or sores; or

(c) Diagnosed with an acute respiratory infection.

~~(2) If[, shall work in any area of a hotel 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, the hotel manager or person in charge shall follow the procedures established in Section 17 of this administrative regulation~~[and no person known or suspected of being affected with any such disease or condition shall be employed in such an area or capacity. If the manager or person in charge of the hotel has reason to suspect that any employee has contracted any disease in communicable form or has become a carrier of such a disease, he shall notify the cabinet immediately].~~

~~(3)[(2)]~~ All employees shall:

(a) Wear clean outer garments;

(b)[,] Maintain a high degree of personal cleanliness;

(c)[, and] Conform to hygienic practices while on duty; and

(d)[. They shall] Wash their hands thoroughly in an approved hand-washing facility before starting work, and as often as may be necessary to remove soil and contamination.

(4) All employees~~[No employee]~~ shall wash their hands~~[resume work]~~ after visiting the toilet, smoking, or eating before returning to work~~[without first washing his hands]~~.

Section 17. Procedure when Infection is Suspected.

(1) If the hotel manager or person in charge has reason to suspect that any employee has contracted any disease in communicable form or has become a carrier of[such] a communi-cable disease, the cabinet shall be notified immediately.

(2) If~~[When]~~ the cabinet has reasonable cause to suspect the possibility of disease transmission from any hotel employee, the cabinet shall secure a morbidity history of the suspected employee, or make [such] other investigation as may be indicated and take appropriate action in accordance with subsection (3) of this section.

(3) The cabinet may require ~~[any or all of]~~ the following measures:

~~(a)[(1)]~~ The immediate exclusion of the employee from the hotel;

~~(b)[(2)]~~ Restriction of the employee's services to an~~[some]~~ area of the establishment where there would be no danger of transmitting disease; or

~~(c)[and (3)]~~ Require adequate medical and laboratory examinations of the employee, or of other employees~~[, and of his and their body discharges]~~.

Section 18. Plan Review of Future Construction. (1) A person shall not construct, alter, or convert an existing structure into a hotel unless the cabinet has approved the plans and specifications.

(2) The plans and specifications required in subsection (1) of this section shall:

(a) Be submitted to the cabinet; and

(b) Provide the following information:

1. The layout of the hotel;

2. The construction materials that will be used;

3. The fixed equipment; and

4. A plumbing riser diagram~~[A]~~~~[No]~~~~[person shall not construct or]~~~~[extensively]~~~~[alter a hotel, or convert an existing structure for use as a hotel, until properly prepared plans and specifications for such construction or alteration, showing layout,~~~~]~~~~[arrangements,]~~~~[and construction materials,]~~~~[and the location, size and type of]~~~~[fixed equipment and]~~~~[facilities and]~~~~[a plumbing riser diagram, have been submitted to and approved by the cabinet]~~~~[before such work is begun. If the construction plans are not acceptable, the cabinet shall give the reason therefor in writing to the person submitting the construction plans and, if the objection can be corrected, the plans can be resubmitted for another review].~~

Section 19. Inspection of Hotels.

(1) At least once every twelve (12) months, the cabinet shall inspect each hotel and shall make additional inspections and reinspections as are necessary for the enforcement of this administrative regulation.

(2) ~~When~~~~[Whenever]~~ an agent of the cabinet makes an inspection of a hotel, the findings ~~[he]~~ shall be recorded~~[record his findings]~~ on an official cabinet inspection report form, DFS-314, Hotel - Motel Inspection Form, and a copy provided to~~[provide]~~ the permit holder or operator~~[with a copy]~~. The inspection report shall:

(a) Set forth the specific violations~~[violations(s)]~~ found;

(b) Establish a specific~~[and reasonable]~~ period of time for the correction of the violations~~[violation(s)]~~ found; and

(c) State that failure to comply with any notice issued in accordance with the provisions of this administrative regulation can~~[may]~~ result in suspension of the permit.

(3) If the cabinet or its agent is on notice that a hotel is in violation of another agency's lawful requirement, the permit shall not be renewed until the permit holder demonstrates to the cabinet or its agent that the violation has been corrected.

Section 20. Suspension of Permit.

(1) A hotel permit shall be suspended immediately upon notice to the permit holder if:

(a)~~[Whenever]~~ The cabinet has reason to believe that an imminent public health hazard exists;~~[.]~~ or

(b)~~[whenever]~~ The permit holder has interfered with ~~[the authorized]~~ agents of the cabinet in the performance of their duties.

(2) If a, the permit may be suspended immediately upon notice to the permit holder without a hearing. In such event [The permit holder whose] permit has been suspended, the permit holder may request an administrative~~[a]~~ hearing~~[which shall be conducted]~~ in accordance with 902 KAR 1:400.

(3)~~(2)~~ In all other instances of violation of the provisions of this administrative regulation the cabinet shall serve upon the holder of the permit a written notice specifying the violation(s) in

~~question and afford the holder a reasonable opportunity to correct same. Whenever]~~ A permit holder or operator who has failed to comply with any written notice issued under the provisions of this administrative regulation~~[, the permit holder or operator]~~ shall be notified in writing that the permit shall be suspended at the end of ten (10) days following service of **the[such]** notice, unless a written request for a hearing is filed in accordance with 902 KAR 1:400~~[with the cabinet, by the permit holder within such ten (10) day period].~~

~~(3) All administrative hearings shall be conducted in accordance with 902 KAR 1:400].~~

Section 21. Reinstatement of Suspended Permits. Any person whose permit has been suspended may, at any time, make application for a reinspection for the purpose of reinstatement of the permit. ~~[Within ten (10) days following receipt of a written request, including a statement signed by the applicant that in his opinion the conditions causing suspension of the permit have been corrected, the cabinet shall make a reinspection. If the applicant is found to be in compliance with the requirements of this administrative regulation, the permit shall be reinstated.]~~

Section 22. Revocation of Permits.

(1) For serious or repeated violations of any of the requirements of this administrative regulation or for interference with the agents of the cabinet in the performance of their duties, the permit may be permanently revoked.

~~(2)[after an opportunity for a hearing has been provided by the cabinet.]~~ Prior to **revocation[such action]**, the cabinet shall notify the permit holder in writing, stating the reasons for which the permit is subject to revocation and advising that the permit shall be permanently revoked at the end of ten (10) days following service of **the[such]** notice, unless a request for an appeal[a hearing] is filed in accordance with 902 KAR 1:400.

(3) A permit may be suspended for cause pending revocation~~[with the cabinet, by the permit holder, within such ten (10) day period].~~

Section 23. Incorporation by Reference.

(1) The "DFS-314, Hotel – Motel Inspection Form", **7/19[10/18]**, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at Environmental Management Branch, Division of Public Health Protection and Safety, Department for Public Health, 275 East Main Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

JEFFREY D. HOWARD, JR., M.D., Commissioner

ADAM M. MEIER, Secretary

APPROVED BY AGENCY: August 12, 2019

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