902 KAR 7:010. Hotel and motel code.

RELATES TO: KRS 194A.050, 219.011-219.041, 219.111, 219.991(1)
STATUTORY AUTHORITY: KRS 194A.050(1),(3), 219.021, 219.041
CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires 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 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 the cabinet to issue permits to operate a hotel and to establish a fee for an annual permit and permit renewal. KRS 219.041 requires the cabinet to adopt a State Hotel Code, which includes the 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 a safe and sanitary operation of a hotel.

Section 1. Definitions.

(1) "Employee" means any person working in a hotel.

(2) "Ice dispensing machine" means any self-service or semi self-service machine operated by a mechanism that, 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" 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) Not include apartments, dormitories, hostels, single or multi-family homes, or vacation rental cabins; and

(3) 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, to the local or district health department serving the county where the hotel is located.

(2)

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

(b) If the 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 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;
(g) 401 to 500 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 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) If a public water supply of a municipality or water district subsequently becomes available, connections shall be made to this supply, and the hotel supply shall be discontinued.

(2) Hot and cold or tempered 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 comes from an approved source; and

(b) 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 hotels.

(b) 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.

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 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) If a public sewerage system subsequently becomes available, connections shall be made to this system, 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) Toilet and bathing facilities shall be provided for each sleeping room in accordance with 815 KAR 20:191.

(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 receptacles in public toilet rooms for women shall be covered.

(7) Public restroom facilities for both sexes shall be provided when required by 815 KAR 20:191.

(8) The doors of all public restrooms shall be self-closing.

(9) Each hotel shall provide adequate, conveniently located hand-washing facilities at each toilet and bathroom and include hand-cleansing soap and approved sanitary towels or other approved hand-drying devices. These facilities shall be kept clean and in good repair.

(10) All plumbing in hotels shall comply with 815 KAR Chapter 20.

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 shall be constructed of materials that do not leak and do not absorb liquids. These 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 materials that do not leak and do not absorb liquids;

(b) Provided with tight fitting lids or covers; and

(c) Kept covered.

(3) Refuse containers shall be adequate for storage of all refuse accumulating on the premises.

(4) All refuse and waste collected at a hotel shall be disposed of in a safe and sanitary manner.

Section 8. General 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) 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) 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.

(4) Hotels that 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) Used only once; and

(c) 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, clean, and stored away from soiled 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 poisonous and toxic materials that are required to maintain sanitary conditions and for sanitization purposes. These materials shall be properly stored and identified and shall be used only in a manner and under 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.

Section 16. Hotel Personnel.
(1) A 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) Afflicted with boils, infected wounds, or sores; or
(c) Diagnosed with an acute respiratory infection.
(2) If there is a likelihood of 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.
(3) All employees shall:
(a) Wear clean outer garments;
(b) Maintain a high degree of personal cleanliness;
(c) Conform to hygienic practices while on duty; and
(d) 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 shall wash their hands after visiting the toilet, smoking, or eating before returning to work.

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 a communicable disease, the cabinet shall be notified immediately.
(2) If 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 other investigation as may be indicated and take appropriate action in accordance with subsection (3) of this section.
(3) The cabinet may require the following measures:
(a) The immediate exclusion of the employee from the hotel;
(b) Restriction of the employee's services to an area of the establishment where there would be no danger of transmitting disease; or
(c) Require adequate medical and laboratory examinations of the employee, or of other employees.

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.

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 an agent of the cabinet makes an inspection of a hotel, the findings shall be recorded on an official cabinet inspection report form, DFS-314, Hotel - Motel Inspection Form, and a copy provided to the permit holder or operator. The inspection report shall:

(a) Set forth the specific violations found;

(b) Establish a specific period of time for the correction of the violations found; and

(c) State that failure to comply with any notice issued in accordance with the provisions of this administrative regulation can 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) The cabinet has reason to believe that an imminent public health hazard exists; or

(b) The permit holder has interfered with agents of the cabinet in the performance of their duties.

(2) If a permit has been suspended, the permit holder may request an administrative hearing in accordance with 902 KAR 1:400.

(3) A permit holder or operator who has failed to comply with any written notice issued under the provisions of this administrative regulation shall be notified in writing that the permit shall be suspended at the end of ten (10) days following service of the notice, unless a written request for a hearing is filed 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.

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) Prior to revocation, 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 notice, unless a request for an appeal is filed in accordance with 902 KAR 1:400.

(3) A permit may be suspended for cause pending revocation.

Section 23. Incorporation by Reference.

(1) The "DFS-314, Hotel – Motel Inspection Form", 7/19, 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.

(902 KAR 007:010. 1 Ky.R. 641; eff. 4-9-1975; Am. 16 Ky.R. 936; eff. 1-12-1990; 22 Ky.R. 2355; eff. 8-1-1996; 45 Ky.R. 3560; 46 Ky.R. 979, 1128; eff. 11-1-2019; Crt eff. 5-14-2026.)