

SECTION .2200 - SANITATION OF BED AND BREAKFAST HOMES

Rules .2201 - .2221 of Title 15A Subchapter 18A of the North Carolina Administrative Code (T15A.18A .2201 - .2221); has been transferred and recodified from Rules .2201 - .2221 Title 10 Subchapter 10A of the North Carolina Administrative Code (T10.10A .2201 - .2221), effective April 4, 1990.

15A NCAC 18A .2201 DEFINITIONS

The following definitions shall apply throughout this Section:

- (1) "Bed and Breakfast Home" means a private home offering bed and breakfast accommodations to eight or less persons per night for a period of less than a week.
- (2) "Division" means the North Carolina Division of Environmental Health. The term also means the authorized representative of the Division.
- (3) "Director" means the Director of the Division of Environmental Health of the Department of Environment and Natural Resources.
- (4) "Imminent Hazard" means a situation which is likely to cause an immediate threat to life or a serious risk of irreparable damage to the environment if no immediate action is taken.
- (5) "Permittee" means the person in charge who resides in and owns or rents the home.
- (6) "Potentially Hazardous Food" means any food or ingredient, natural or synthetic, in a form capable of supporting the growth of infectious or toxigenic microorganisms, including *Clostridium botulinum*. This term includes raw or heat treated foods of animal origin, raw seed sprouts, and treated foods of plant origin. The term does not include foods which have a pH level of 4.6 or below or a water activity (Aw) value of 0.85 or less.
- (7) "Sanitarian" means a person authorized to represent the Division in making inspections and evaluations pursuant to this Section.

*History Note: Authority G.S. 130A-250;
Eff. April 1, 1984;
Amended Eff. November 1, 2002; September 1, 1990.*

15A NCAC 18A .2202 PERMITS

- (a) No person shall operate a bed and breakfast home within the State of North Carolina who does not possess a valid permit from the Division.
- (b) No permit to operate shall be issued to a person until an inspection by the Division shows that the home complies with the rules of this Section.
- (c) Upon transfer of ownership of an existing bed and breakfast home, the Division shall evaluate the facility to determine compliance with the rules. If the establishment satisfies all the requirements of the rules, a permit shall be issued. If the establishment does not satisfy all the requirements of the rules, a permit shall not be issued. However, if the Department determines that the noncompliant items are construction or equipment problems that do not represent an immediate threat to the public health, a transitional permit may be issued. The transitional permit shall expire 90 days after the date of issuance, unless suspended or revoked before that date, and shall not be renewed. Upon expiration of a transitional permit, the owner or operator shall have corrected the noncompliant items and obtained a permit, or the bed and breakfast home shall not continue to operate.
- (d) The Division may impose conditions on the issuance of a permit or a transitional permit. Conditions may be specified for one or more of the following areas:
 - (1) The number of bedrooms or persons served.
 - (2) The amount of laundry or kitchen and tableware washing equipment on the premises.
 - (3) Time schedules in completing minor construction items.
 - (4) Modification or maintenance of water supplies, water use fixtures and sanitary sewage systems.
 - (5) Use of facilities for more than one purpose.
 - (6) Continuation of contractual arrangements upon which basis the permit was issued.
 - (7) Submission and approval of plans for renovation.

- (8) Any other conditions necessary for a bed and breakfast home to remain in compliance with this Section.
- (e) A permit is issued by and inspections are made by local and state sanitarians who are authorized representatives of the Division.
- (f) A permit or transitional permit shall be immediately revoked in accordance with G.S. 130A-23(d) for failure of the facility to maintain a minimum grade of C. A permit or transitional permit may otherwise be suspended or revoked in accordance with G.S. 130A-23. A new permit to operate shall be issued only after the establishment has been reinspected by the Division and found to comply with this Section. This reinspection will be conducted within a reasonable length of time, not to exceed 30 days, after the request is made by the operator.

*History Note: Authority G.S. 130A-250;
Eff. April 1, 1984;
Amended Eff. April 1, 1992; March 1, 1988.*

15A NCAC 18A .2203 INSPECTIONS: VISITS: POSTING OF GRADE CARD

- (a) The sanitarian shall inspect or visit a bed and breakfast home when necessary to insure compliance. Inspections shall be made at least once every 12 months.
- (b) An inspection for the purpose of establishing a sanitation grade shall be made within 30 days from the date the permit is issued.
- (c) Whenever an inspection of a bed and breakfast home is made, the sanitarian shall remove the existing grade card, issue a grade card, and post the new grade card in a conspicuous place where it may be readily observed by the public upon entering the facility. The permittee shall be responsible for keeping the grade card posted at the location designated by the sanitarian at all times.
- (d) Inspections for the purpose of raising the alphabetical grade shall be conducted after a reasonable period of time, not to exceed 30 days, from the date of the request.

*History Note: Authority G.S. 130A-250;
Eff. April 1, 1984;
Amended Eff. July 1, 1986.*

15A NCAC 18A .2204 INSPECTION FORMS

The grading of bed and breakfast homes shall be done on an inspection form prepared and furnished by the Division.

*History Note: Authority G.S. 130A-250;
Eff. April 1, 1984.*

15A NCAC 18A .2205 GRADING

- (a) The grading of bed and breakfast homes shall be based upon the standards of construction and operation set out in Rules .2206 to .2219 of this Section.
- (b) The sanitation grading of all homes shall be based on a system of scoring wherein all establishments receiving a score of at least 90 percent shall be awarded Grade A; all homes receiving a score of at least 80 percent and less than 90 percent shall be awarded Grade B; all homes receiving a score of at least 70 percent and less than 80 percent shall be awarded Grade C. Permits for homes receiving a score of less than 70 percent shall be revoked.

*History Note: Authority G.S. 130A-250;
Eff. April 1, 1984.*

15A NCAC 18A .2206 FLOORS

Floors in the home shall be easily cleanable and shall be kept clean and in good repair.

*History Note: Authority G.S. 130A-250;
Eff. April 1, 1984.*

15A NCAC 18A .2207 WALLS AND CEILINGS

The walls and ceilings of rooms and areas shall be kept clean and in good repair.

*History Note: Authority G.S. 130A-250;
Eff. April 1, 1984.*

15A NCAC 18A .2208 LIGHTING AND VENTILATION

(a) Rooms and areas used in conjunction with bed and breakfast homes shall be lighted and ventilated and shall be effective under actual use conditions. Lighting fixtures and ventilating equipment shall be kept clean and in good repair.

(b) In kitchens, effective ventilation shall be provided. Effective residential type ventilation systems, if provided, which exhaust to the outdoors shall be considered acceptable.

*History Note: Authority G.S. 130A-250;
Eff. April 1, 1984;
Amended Eff. September 1, 1990.*

15A NCAC 18A .2209 TOILET: HANDWASHING: LAUNDRY: AND BATHING FACILITIES

(a) Bed and breakfast homes shall be provided with approved sanitary toilet, handwashing, and bathing facilities. These facilities, and laundry facilities used in conjunction with bed and breakfast homes, shall be kept clean and in good repair.

(b) All lavatories and baths shall be supplied with hot and cold running water. Each person who is provided accommodations shall be provided individual soap and clean individual bath cloths and towels.

(c) Clean towels and bath cloths shall be stored and handled in a sanitary manner.

*History Note: Authority G.S. 130A-250;
Eff. April 1, 1984.*

15A NCAC 18A .2210 WATER SUPPLY

(a) An adequate water supply shall be provided from an approved source which is of a safe and sanitary quality.

(b) The water supply used shall be located, constructed, maintained, and operated in accordance with the Commission for Health Services' rules governing water supplies. Copies of 15A NCAC 18A .1700 and

15A NCAC 18C may be obtained from the Division of Environmental Health, Department of Environment, Health, and Natural Resources, P.O. Box 27687, Raleigh, North Carolina 27611-7687. A sample of water from a private or public non-community water supply serving a bed and breakfast home shall be collected by the sanitarian and submitted at least once a year to the laboratory section of the Department of Environment, Health, and Natural Resources or other approved laboratory for bacteriological examination.

(c) Cross-connections with unapproved water supplies are prohibited. All plumbing fixtures for potable water shall be provided and installed as required by the North Carolina State Building Code as amended through July 1, 1986. Copies of the North Carolina State Building Code may be obtained from the North Carolina Department of Insurance, P.O. Box 26387, Raleigh, North Carolina 27611.

(d) Adequate hot water heating facilities shall be provided. Hot and cold running water under pressure shall be provided to food preparation areas, and any other areas in which water is required for cleaning.

*History Note: Authority G.S. 130A-250;
Eff. April 1, 1984;
Amended Eff. August 1, 1991; July 1, 1986.*

15A NCAC 18A .2211 DRINKING WATER FACILITIES: ICE HANDLING

Common drinking cups shall not be provided or used. If ice is provided for persons provided accommodations, it shall be handled, transported, stored, and dispensed in such a manner as to be protected against contamination.

*History Note: Authority G.S. 130A-250;
Eff. April 1, 1984.*

15A NCAC 18A .2212 DISPOSAL OF WASTES

(a) All sewage and other liquid wastes shall be disposed of in a public sewer system or, in the absence of a public sewer system, by a sewage disposal system permitted, constructed, and operated in accordance with appropriate laws, rules, and ordinances.

(b) All solid wastes containing food scraps shall, prior to disposal, be kept in durable, rust-resistant, nonabsorbent, watertight, rodent-proof standard garbage containers which shall be kept covered when filled or stored or not in continuous use. All solid wastes shall be disposed of with sufficient frequency and in such a manner as to prevent insect breeding and public health nuisances.

*History Note: Authority G.S. 130A-250;
Eff. April 1, 1984.*

15A NCAC 18A .2213 VERMIN CONTROL: PREMISES

(a) Effective measures shall be taken to keep insects, rodents, and other vermin out of bed and breakfast homes and to prevent vermin breeding, harborage, or presence on the premises. The premises shall be kept neat, clean, drained, and free of litter and vermin harborage. Openings to the outer air shall be effectively protected against the entrance of flying insects by screens, closed doors, closed windows, or other effective means.

(b) Only those pesticides shall be used which have been approved for a specific use and properly registered with the Environmental Protection Agency and with the North Carolina Department of Agriculture in accordance with the "Federal Environmental Pesticide Control Act" and the "North Carolina Pesticide Law." Such pesticides shall be used as directed on the label and shall be so handled and stored as to avoid health hazards.

*History Note: Authority G.S. 130A-250;
Eff. April 1, 1984.*

15A NCAC 18A .2214 STORAGE: MISCELLANEOUS

- (a) Rooms or spaces which are provided and used for the storage of clothing, personal effects, luggage, necessary equipment and supplies, and items not in routine use shall be kept clean.
- (b) Pesticides, herbicides, and other substances which may be hazardous if ingested, inhaled, or handled shall be stored in a closet, cabinet, or box not accessible to young children.
- (c) Household cleaning agents such as bleaches, detergents, and polishes shall be stored out of the reach of young children.
- (d) Medications shall be stored in a separate cabinet, closet, or box not accessible to young children.

*History Note: Authority G.S. 130A-250;
Eff. April 1, 1984.*

15A NCAC 18A .2215 BEDS: LINEN: FURNITURE

- (a) Furniture, mattresses, curtains, draperies, etc. shall be kept clean and in good repair.
- (b) Clean bed linen in good repair shall be provided for each guest who is provided accommodations and shall be changed between guests and as often as necessary.
- (c) Clean linen shall be stored and handled in a sanitary manner and separate from soiled linen.

*History Note: Authority G.S. 130A-250;
Eff. April 1, 1984.*

15A NCAC 18A .2216 FOOD SERVICE UTENSILS AND EQUIPMENT

- (a) Equipment and utensils shall be so constructed as to be easily cleaned and shall be kept in good repair. Surfaces with which food or drink comes in contact shall, in addition, be easily accessible for cleaning, and shall be nontoxic, corrosion-resistant, nonabsorbent, and free of open crevices. Disposable articles shall be made from nontoxic materials.
- (b) Multi-use eating and drinking utensils shall be thoroughly cleaned after each usage, and the facilities needed for the operations of washing and rinsing shall be provided.
- (c) Pots, pans, and other utensils used in the preparation or serving of food or drink, and all food storage utensils shall be thoroughly cleaned after each use. Cooking surfaces of equipment, if any, shall be cleaned at least once each day. Non-food-contact surfaces of equipment shall be cleaned at such intervals as to keep them in a clean and sanitary condition.
- (d) No polish or other substance containing cyanide or other poisonous material shall be used for the cleaning or polishing of eating or cooking utensils.
- (e) Cloths used in the kitchen shall be clean. Each disposable item shall be used only once.
- (f) Containers and clean utensils shall be stored in a clean place. Containers and clean utensils shall be covered, inverted, stored in tight, clean cabinets, or otherwise stored in such a manner as to prevent contamination. After cleaning and until use, food-contact surfaces of equipment shall be protected from contamination. Utensils shall be handled in such a manner as to prevent contamination.
- (g) Disposable utensils shall be purchased only in sanitary containers, shall be stored therein in a clean, dry place until used, and shall be handled in a sanitary manner.
- (h) Acceptable facilities for washing multi-use eating and drinking utensils, and pots, pans and other cooking utensils, include two-section residential sinks.

(i) Acceptable storage facilities include residential kitchen cabinets, which should be kept clean and free of vermin.

*History Note: Authority G.S. 130A-250;
Eff. April 1, 1984.*

15A NCAC 18A .2217 FOOD SUPPLIES

Food, including milk and milk products, shall be clean, wholesome, free from spoilage, free from adulteration and misbranding, and safe for human consumption. Only Grade "A" milk may be used.

*History Note: Authority G.S. 130A-250;
Eff. April 1, 1984;
Amended Eff. September 1, 1990.*

15A NCAC 18A .2218 FOOD PROTECTION

(a) Foods shall be protected from contamination while being stored, prepared, served, and during transportation. Perishable foods shall be stored at such temperatures as will protect against spoilage. Potentially hazardous food shall be maintained at safe temperatures (45° F. or below, or 140° F. or above) except during necessary periods of preparation and serving. Frozen food shall be kept at such temperatures as to remain frozen, except when being thawed for preparation or use. Potentially hazardous frozen food shall be thawed at refrigerator temperatures of 45° F. or below; or quick-thawed as part of the cooking process; or by a method approved by the sanitarian. An indicating thermometer shall be located in each refrigerator. Raw fruits and vegetables shall be washed thoroughly before use. Ground beef and foods containing ground beef shall be cooked to an internal temperature of at least 155° F (68° C). Potentially hazardous foods that have been cooked and then refrigerated shall be reheated rapidly to 165° F (74° C) or higher throughout before being served or before being placed in a hot food storage facility, except that food in intact packages from regulated food manufacturing plants may initially be reheated to 140° F (60° C). Stuffings, poultry, stuffed meats and poultry, and pork and pork products shall be thoroughly cooked before being served. Salads made of meat, poultry, potatoes, fish, shellfish, or eggs, and other potentially hazardous prepared food, shall be prepared, preferably from chilled products, with a minimum of manual contact. Portions of food once served to an individual shall not be served again.

(b) Live pets shall not be allowed in any room or area in which food is prepared or stored. Live pets, unless caged and restricted from the immediate eating area, shall not be allowed in any room or area in which food is served.

(c) Refrigeration facilities, hot food storage facilities, and effective insulated facilities shall be provided as needed to assure the maintenance of all food at required temperatures during storage, preparation, and serving.

(d) Containers of food shall be stored above the floor, on clean racks, shelves, or other clean surfaces, in such a manner as to be protected from splash and other contamination.

*History Note: Authority G.S. 130A-250;
Eff. April 1, 1984;
Amended Eff. October 1, 1993.*

15A NCAC 18A .2219 FOOD SERVICE PERSONS

(a) Persons, while preparing or serving food or washing equipment or utensils, shall wear clean outer garments, maintain a high degree of personal cleanliness, and conform to hygienic practices. They shall wash their hands thoroughly before starting work and as often as necessary to remove soil and contamination. After visiting a toilet room, persons shall wash their hands thoroughly in a lavatory and in no case in the kitchen sink. They shall not use tobacco in any form while preparing or serving food.

(b) No person while infected with a disease in a communicable form, or while a carrier of such a disease, or while afflicted with boils, infected wounds, sores, or an acute respiratory infection, shall work in any

capacity in which there is a likelihood of that person contaminating food or food-contact surfaces with pathogenic organisms. If the permittee has reason to suspect that any person has contracted any disease in a communicable form or has become a carrier of such disease, he shall notify the local health department immediately.

*History Note: Authority G.S. 130A-250;
Eff. April 1, 1984.*

15A NCAC 18A .2220 SEVERABILITY

If any provision of this Section, or the application thereof to any person or circumstance, is held invalid, the remainder of these Rules, or the application of such provision to other persons or circumstances, shall not be affected thereby.

*History Note: Authority G.S. 130A-250;
Eff. April 1, 1984.*

15A NCAC 18A .2221 APPEALS PROCEDURE

Appeals concerning the interpretation and enforcement of the rules in this Section shall be made in accordance with G.S. 150B and 10 NCAC 1B.

*History Note: Authority G.S. 130A-250;
Eff. April 1, 1984;
Amended Eff. February 1, 1987.*