

## CHAPTER 285. LODGING ESTABLISHMENTS

[Authority:63 O.S., §§ 1-104 and 1-1201 et seq.]

[Source:Codified 12-31-91]

### SUBCHAPTER 1. GENERAL PROVISIONS

#### 310:285-1-1. Purpose

The rules in this Chapter implement the Lodging Establishment Statute, 63 O.S. Section 1-1201 et seq.

[Source: Amended at 38 Ok Reg 1982, eff 9-11-21]

#### 310:285-1-1.1. Scope

The rules in this chapter shall apply only to guest rooms and any supporting facilities. It is not the intent of this chapter to license or regulate:

- (1) Living quarters where permanent residents reside; or
- (2) Establishments which require the rental of the entire establishment and grounds.

[Source: Added at 38 Ok Reg 1982, eff 9-11-21]

#### 310:285-1-2. Definitions

The following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

**"Bedding"** means mattresses, sleeper sofas, mattress covers, mattress pads, bedskirts, quilts, blankets, sheets, pillows, pillow cases, comforters and spreads.

**"Cabin"** means a single structure where sleeping accommodations are furnished to the transient, traveling, or vacationing public. A group of less than four (4) cabins, at the same location and under the same ownership shall be exempt from this chapter.

**"Certified applicator"** means any individual who is certified under 7 U.S.C., Section 136(e)(1) or by the Oklahoma State Department of Agriculture Food and Forestry as authorized to use or supervise the use of any pesticide that is classified for restricted use. Any applicator who holds or applies registered pesticides or uses dilutions of registered pesticides consistent with the product labeling only to provide a service of controlling pests without delivering any unapplied pesticide to any person so served is not deemed to be a seller or distributor of pesticides.

**"Clean"** means free of visible stains, dirt, dust, sludge, foam, slime (including algae and fungi), mold, rust, scale, mineral deposits, accumulation of impurities, food debris, and other foreign material.

**"Commissioner"** means the State Commissioner of Health and authorized representatives or designated agents thereof.

**"Continental breakfast"** means a morning meal consisting of no more than the food items described in OAC 310:285-5-6(a) and this Chapter, or an authorized agent thereof.

**"Department"** means the Oklahoma State Department of Health and a health department designated in writing by the State Commissioner of Health to perform official duties or other acts authorized under 63 O.S. § 1- 101 et seq.

**"Employee"** means the permit holder, individuals having supervisory or management duties and any other person working in a lodging establishment whose duties include the cleaning of rooms, toilets, linens, utensils, or any part of the building or the rendering of any service to guests.

**"EPA-registered"** means any chemical or substances, including sanitizers, sterilizers, biocides, or other substances which must be registered with the United States Environmental Protection Agency under 7 U.S.C. § 136 et seq. prior to their distribution and use by industry and consumers.

**"Food"** means any raw, cooked, or processed edible substance, ice, beverage or ingredient used or intended for use or for sale in whole or in part for human consumption.

**"Guest room"** means any room in a lodging establishment which is offered for occupancy on a daily basis or for a period of less than thirty (30) days.

**"Housekeeper's cart"** means a vehicle which is used to transport cleaning materials, room supplies, clean and soiled linens and refuse.

**"Imminent health hazard"** means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury based on the number of potential injuries, and the nature, severity, and duration of the anticipated injury.

**"Infestation"** means the presence of vermin, which includes but is not limited to bed bugs, cockroaches, or rodents, which is indicated by observation of living or dead vermin or vermin carapace, eggs or egg casings, or the typical brownish or blood spotting on linens, mattresses, or furniture, or the presence of vermin droppings.

**"Kitchenette"** means a room or area within a single guest room of a lodging establishment that has the following amenities:

- (A) A kitchen sink supplied with hot and cold potable water;
- (B) Properly vented cooking facilities such as a microwave oven, convection oven, or stove;
- (C) An easily cleanable, non-porous counter for food preparation;
- (D) A refrigerator capable of holding 41°F or less; and
- (E) A cupboard or other kitchen cabinetry.

**"Law"** means state statutes and rules.

**"Lodging establishment"** means and includes any hotel, motel, tourist court, apartment house, rooming house or other place where sleeping accommodations are furnished or offered for pay for transient guests, if five (5) or more rooms are available therein for transient guests.

**"Person"** means any individual, partnership, corporation, association, or other legal entity.

**"Person in charge"** means the individual present in a lodging establishment who is the supervisor of the lodging establishment at the time of inspection. If no individual is the supervisor, then any employee present is the person in charge.

**"Physical facilities"** means the structure and interior surfaces of a lodging establishment including accessories such as soap and towel dispensers and attachments such as light fixtures and heating or air conditioning system vents.

**"Potable water"** means water which is safe for human consumption in that it is free from impurities in amounts sufficient to cause disease or harmful physiological effects and, for the purpose of this definition, approved by the Department of Environmental Quality prior to serving to the general public.

**"Premises"** means the physical establishment, its contents, and the contiguous land or property under the control of the license holder which operated as a single business.

**"Putrescible"** means capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances from odors or gases.

**"Ready-to-eat food"** means a food product that is intended to be consumed without any further preparation or cooking processes.

**"Regulatory authority"** means a representative, such as an onsite inspector, of the Department.

**"Restricted use pesticide"** means a pesticide product that contains the active ingredients specified in 40 CFR 152.175, pesticides classified for restricted use, and pesticides limited to use by or under the direct supervision of a certified applicator.

**"Sanitization"** means effective bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens to a safe level as determined by applicable state and federal requirements on utensils and equipment.

**"Sewage"** means liquid waste containing animal or vegetable matter in suspension or solution and may include liquids containing chemicals in solution.

**"Single-service articles"** means cups, containers, lids, closures, knives, forks, spoons, stirrers, paddles, straws, wrapping materials, and similar utensils intended to be discarded after one use.

**"Substantial compliance"** means a level of compliance with the requirements of participation such that any identified deficiencies pose no greater risk to resident health or safety than the potential for causing minimal harm.

**"Time/Temperature Control for Safety Food"** means a food that requires time/temperature control for safety (TCS) to limit pathogenic microorganism growth or toxin formation.

(A) Time/Temperature Control for Safety Food includes: An animal food that is raw or heat-treated; a plant food that is heat-treated or consists of raw seed sprouts, cut melons, cut leafy greens, cut tomatoes or mixtures of cut tomatoes that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation, or garlic-in-oil mixtures that are not modified in a way that results in mixtures that do not support growth or toxin formation; and

(B) Time/Temperature Control for Safety Food does not include:

(i) An air-cooled hard-boiled egg with shell intact, or a shell egg that is not hard-boiled, but has been pasteurized to destroy all viable Salmonellae;

(ii) A food in an unopened hermetically sealed container that is commercially processed to achieve and maintain commercial sterility under conditions of non-refrigerated storage and distribution;

(iii) A food that because of its aW or pH values, is designated as a non-TCS food.

**"Utensil"** means any multi-use or single service implement used in the storage, preparation, transportation, or service of ice, beverage, or other food.

**"Variance"** means a written document issued by the Department that authorizes a modification or waiver of one or more requirements of this Chapter, if, in the opinion of the regulatory authority, a health hazard or nuisance will not result from the modification or waiver.

[Source: Amended at 38 Ok Reg 1982, eff 9-11-21; Amended at 41 Ok Reg, Number 22, effective 8-11-24]

### **310:285-1-3. Captions**

Section tag lines and subsection tag lines are part of the rules of this Chapter.

### **310:285-1-4. Severability**

If any provision or application of any provision of the rules in this Chapter is held invalid, that invalidity shall not affect other provisions or applications of the rules in this Chapter.

### **SUBCHAPTER 3. ESTABLISHMENT MAINTENANCE**

#### **310:285-3-1. Establishment maintenance**

(a) All buildings and appurtenances used in the operation of any lodging establishment, excluding the buildings and appurtenances of hotels as defined in 63 O.S. § 1-1201(A), shall be maintained as necessary to safeguard the health, comfort and safety of guests accommodated therein. Hotels remain subject to the Department's rules governing *cleanliness and bactericidal treatment of equipment and utensils; cleanliness and hygiene of personnel; toilet facilities; disposal of wastes; water supply; and any other items deemed necessary to safeguard the health, comfort and safety of guests accommodated therein.* [63 O.S. § 1-1201(A)]

(b) The floors in areas used for washing and sanitizing multiuse utensils, laundry areas, kitchenettes, and in areas in restrooms, which are next to the tub, shower, or toilet, shall be constructed of smooth, durable, nonabsorbent, and easily cleanable material.

(c) All floors, walls, ceilings, equipment, and other appurtenances in hallways, common areas, and foodservice areas shall be maintained clean and in good repair.

(d) Studs, joists, rafters, and beams shall not be left exposed in restrooms, laundry rooms, or kitchenettes. If left exposed in other areas, these structural members shall be suitably finished and be kept clean and in good repair.

[Source: Amended at 38 Ok Reg 1982, eff 9-11-21; Amended at 41 Ok Reg, Number 22, effective 8-11-24]

#### **310:285-3-1.1. Smoking**

A lodging establishment may allow smoking in no more than twenty-five percent (25%) of the guest rooms as stated in 63 O.S. § 1-1523 and shall comply with OAC 310: 355, relating to smoking in public and indoors.

[Source: Added at 38 Ok Reg 1982, eff 9-11-21]

#### **310:285-3-2. Plumbing**

Plumbing shall be maintained in a safe manner and comply with applicable laws.

(1) There shall be no apparent cross-connection between the potable water supply and any non-potable or questionable water supply nor any source of pollution through which the potable water supply might become contaminated.

(2) Each washing machine, dishwasher, or sink used for washing laundry, tableware or utensils, and all ice machines, shall drain through an approved air gap.

(3) Hot water at handwashing sinks shall be at least 100°F and 110°F at ware washing sinks.

[Source: Amended at 38 Ok Reg 1982, eff 9-11-21]

#### **310:285-3-3. Electrical**

The electrical distribution system shall be maintained in a safe manner and comply with applicable law.

[Source: Amended at 38 Ok Reg 1982, eff 9-11-21]

#### **310:285-3-4. Light**

Lighting shall be provided to promote cleanliness and safety.

(1) Each lodging unit shall maintain at least one lighting fixture which will provide at least fifty (50) foot-candles of light measured at thirty (30) inches above the floor.

(2) At least fifty (50) foot-candles of light measured at thirty (30) inches above the floor shall be provided in each area used for preparing food, at ice machines, and in each kitchenette.

(3) At least twenty (20) foot-candles of light at a distance of thirty (30) inches from the floor shall be provided in each laundromat area for guest use, toilet room, bathroom, continental food service areas, in ware washing areas, in laundry rooms, and in each other area during cleaning.

(4) At least fifteen (15) foot-candles of light shall be provided in any living or sleeping area.

[Source: Amended at 38 Ok Reg 1982, eff 9-11-21]

### **310:285-3-5. Safety**

(a) **Fire extinguishers.** Fire extinguishers shall be provided as required by law and maintained in working order at all times as indicated by the manufacturer's recommendation.

(1) The employer shall distribute portable fire extinguishers for use by employees on Class A (Ordinary combustibles) fires so that the travel distance for employees to any extinguisher is 75 feet (22.9 m) or less.

(2) The employer shall distribute portable fire extinguishers for use by employees on Class K (Commercial Cooking Equipment) fires so that the travel distance for employees to any extinguisher is 30 feet (9.1 m) or less.

(b) **Smoke detectors.** Each guest room shall be equipped with at least one working smoke detector, clearly audible over background noise, and maintained free of foreign matter that could impair its proper function. Electronic smoke detectors shall be tested and approved annually by a sprinkler company, fire alarm company, fire department representative, or other entity. Record of the most recent test shall be made available to the regulatory authority upon request

(1) All battery operated smoke detectors shall be checked each time the room is cleaned.

(2) If the smoke detector is not working properly, the room shall be closed until the smoke detector can be repaired to working order.

(3) Facilities constructed after the effective date of these regulations shall have electronically operated smoke detectors.

(c) **Carbon monoxide detectors.** Carbon monoxide detectors shall be required in each guest room which has a gas appliance inside it.

(d) **Fire escapes.** All fire escapes shall be maintained in good repair, unobstructed, easily accessible at all times, and marked with a colored lighted sign.

(1) Conspicuous directions to all fire escapes shall be posted in all hallways or walkways.

(2) An evacuation route diagram, showing location of room, layout of floor, and nearest available exits, shall be posted in a conspicuous location in each guest room.

(e) **Platforms.** All platform areas accessible to persons, such as porches, decks, or lofts elevated more than thirty (30) inches, shall be enclosed by a rail at least twenty-eight (28) inches high and with openings of no greater than four (4) inches.

(f) **Ventilation.** There must be a forced air vent or window that can be opened to provide ventilation of all guest rooms. Windows which can be opened must be screened and the screen must be removable.

[Source: Amended at 38 Ok Reg 1982, eff 9-11-21]

### **310:285-3-6. Restroom facilities**

(a) All lodging establishments shall provide toilet facilities and lavatories on each floor for use by those guests without private toilet facilities in their rooms.

(b) The walls, floors, and ceilings, toilet bowls, lavatories, bath tubs, shower stalls, and other equipment and appurtenances in all restrooms shall be maintained clean and in good repair.

(c) Towels, soap, and toilet paper shall be provided in each guest room toilet facility. Locked, permanently-mounted stocked soap and shampoo dispensers may be provided for tub, shower, or lavatory use.

(d) Every surface of a bathtub, shower, shower enclosure, toilet, and lavatory, which may come in contact with a person's body, shall be sanitized each day the rooms are in use, unless the guest has declined regular guest room services. If a guest declines regular guest room services, the lodging establishment shall ensure these surfaces are cleaned and sanitized at least once per week and between guests.

(e) All public and employee restrooms shall be stocked with a sufficient supply of toilet paper, disposable paper or single-use cloth towels, and soap. Cloth towels provided in public restrooms for use by guests and customers shall be dispensed in a manner that clearly facilitates single use prior to laundering. If cloth towels are provided for this purpose, they shall be stored for use, dispensed, and stored for re-laundering in a sanitary manner.

(f) Ventilation in all restroom areas shall be installed and maintained according to applicable laws.

[Source: Amended at 38 Ok Reg 1982, eff 9-11-21]

### **310:285-3-7. Refuse storage and disposal**

(a) Each public lodging establishment shall have solid waste containers of sufficient number and size to store all the solid waste in a manner that does not exceed the waste container capacity.

(1) Containers shall be emptied at least weekly or sooner at an interval which prevents putrescible waste from becoming a nuisance.

(2) Exterior waste containers shall be kept clean, covered, and closed with a tight fitting lid at all times except when being filled.

(b) At least one nonperforated metal or plastic waste basket shall be provided for each guest room.

[Source: Amended at 38 Ok Reg 1982, eff 9-11-21]

### **310:285-3-8. Premises**

The premises of all lodging establishments shall be adequately drained and kept clean and free from high weeds, clutter, and refuse.

(1) Only those chemicals necessary to the operation of the lodging establishment shall be stored on the premises.

(2) Chemicals and pesticides used on the premises must be used in accordance with the manufacturer's recommended directions and stored in a safe manner.

(3) A restricted use pesticide shall be applied only by an applicator certified as defined in 7 U.S.C., Section 136(e)(1), or a person under the direct supervision of a certified applicator.

(4) Chemicals removed from their original container shall be properly labeled. All chemical storage areas shall be properly identified.

(5) Chemicals shall not be stored with or above food, food equipment or utensils, or clean linens or bedding.

[Source: Amended at 38 Ok Reg 1982, eff 9-11-21]

### **310:285-3-9. Vermin control**

Effective methods of vermin control shall be provided for all buildings and appurtenances thereto. Premises shall be kept free of conditions conducive to harborage and infestation at all times. Guest rooms found to have evidence of or live rodents, cockroaches, bed bugs, or other

vermin in type and number to cause a public health nuisance shall be closed to the public immediately and until the presence or infestation is eliminated. Measures to control such infestations shall be implemented and documented. Such documentation shall be maintained for a period of one year.

[Source: Amended at 38 Ok Reg 1982, eff 9-11-21]

### **310:285-3-10. Restriction of animals and fowl**

The keeping of animals or fowl in a guest room may be permitted by the lodging establishment. Each room occupied by any animal or fowl shall be adequately cleaned, including wet scrubbing of carpet if need is indicated, to assure that the room is clean and free of vermin infestation. Pesticides shall be applied according to the manufacturer's instructions to prevent any health hazard from pesticide residue to subsequent occupants.

[Source: Amended at 38 Ok Reg 1982, eff 9-11-21]

### **310:285-3-11. Public bathing places**

All public bathing places, even if use is restricted to guests of the lodging establishment, shall be maintained in compliance with standards and rules and regulations adopted by the Department.

[Source: Amended at 38 Ok Reg 1982, eff 9-11-21]

### **310:285-3-12. Sewage**

All sewage shall be disposed of by a public sewage system or by a sewage disposal system maintained in compliance with the standards and rules and regulations adopted by the Oklahoma Department of Environmental Quality.

[Source: Amended at 38 Ok Reg 1982, eff 9-11-21]

#### **310:285-3-12.1. In-room spas**

A hot tub or spa located in a guest room shall be drained, cleaned, and sanitized according to the manufacturer's recommendations for public use between each room occupant, and monitored for sanitation at least weekly when offered for use. Indoor, single room hot tubs or spas shall be in an enclosed area constructed such that no person, other than the occupants of that room, can access the tub or spa for use.

[Source: Added at 38 Ok Reg 1982, eff 9-11-21]

### **310:285-3-13. Water**

Potable water shall be obtained from an approved source that is:

- (1) A public water system, or
- (2) A nonpublic water system that is constructed, maintained, and operated according to law.

[Source: Amended at 38 Ok Reg 1982, eff 9-11-21]

### **310:285-3-14. Food service [REVOKED]**

[Source: Amended at 19 Ok Reg 2916, eff 7-26-02 (emergency); Amended at 20 Ok Reg 88, eff 10-29-02 (emergency); Amended at 20 Ok Reg 1181, eff 5-27-03; Amended at 21 Ok Reg 1284, eff 5-27-04; Revoked at 38 Ok Reg 1982, eff 9-11-21]

## **SUBCHAPTER 5. SANITARY OPERATIONS AND CONTROLS**

### **310:285-5-1. Ice**

(a) **Equipment.** Ice provided to customers shall be manufactured with equipment that is maintained in a clean manner and meets design, construction, installation and service requirements which comply with manufacturer's recommendations and the Department's Food Establishment Regulations. Ice machines shall be located in a protected or enclosed hallway or room.

(b) **Customer self-service.**

(1) Automatically dispensed ice which eliminates human contact with the ice other than that portion being dispensed may be used provided the equipment conforms to the installation and operation requirements of the manufacturer. Automatic ice dispensing equipment shall be installed when existing machines are replaced.

(2) Ice containers may be placed in the guest room or made available at the registration desk, or other location under the direct continuous control of the employees. Multi-use containers must be constructed of smooth, non-porous materials which must be cleaned and sanitized before being offered to the customer. Containers may be lined with approved single-service plastic film liners.

(3) Ice Makers provided in guest rooms must be emptied, cleaned, and sanitized between guests.

(c) **Operator-dispensed ice.** Ice dispensed by the operator or employee shall be obtained from an approved source, or from an ice machine installed in a protected location not accessible to patrons and not located in private or tenant quarters. The ice must be dispensed into a sanitized container or food grade single-use bag.

(d) **Pre-packaged ice.** The lodging establishment operator may purchase bulk ice from an approved source for packaging in individual containers, may provide an on-premises machine, or ice may be obtained pre-packaged in individual service size from an approved source. Pre-packaged ice obtained from a manufacturer in individual service size shall be offered to the consumer in its original, unbroken, entire package.

(e) **Other methods.** Any other method that provides for manufacture, storage, dispensing, or serving of ice may be offered upon approval by the Department.

[Source: Amended at 38 Ok Reg 1982, eff 9-11-21]

### **310:285-5-2. Laundry**

(a) **Physical arrangement.** Those lodging establishments electing to provide their own laundry shall comply with the following provisions:

(1) The physical arrangement of the laundry facility shall include a laundry area for receiving and handling soiled laundry, a washing and extracting area, a finishing area (where the laundry is dried, tumbled, ironed, pressed or folded) and a clean article storage area.

(2) Floors, walls, ceilings, pipes and equipment shall be kept clean, free of dirt or grease, and in good repair.

(3) Laundry chutes, if used, shall discharge soiled linens into a suitable container.

(4) Every room with laundry facilities shall have a floor drain and the floor shall be sloped to provide proper drainage to the floor drain.

(5) Every room with laundry facilities shall have a dedicated handwashing sink available at all times. The sink shall be equipped with:

(A) Handwashing soap,

(B) Disposable paper towels,

(C) Hot and cold running water,

(D) A sign reminding employees to wash hands before returning to work.



(6) Shelving shall have a smooth, easily cleanable, and non-absorbent finish. When existing shelving is replaced, it may be replaced with the same material as long as it is sealed to create a smooth cleanable finish.

**(b) Laundry storage.**

(1) All washable items, when laundered, shall be stored in the clean laundry area, or in a guest room.

(2) Clean linens shall be stored separate from the "soiled laundry area".

(3) Soiled laundry containers shall be lined with a disposable plastic liner or shall be cleaned and sanitized daily.

[Source: Amended at 38 Ok Reg 1982, eff 9-11-21]

**310:285-5-3. Housekeeper cart**

The housekeeper cart shall be arranged so that clean replacement supplies, clean linens and cleaned and sanitized multi-use equipment and utensils shall be protected from soiled items being removed from each room. Soiled linens and refuse shall be placed in appropriate containers if placed on the housekeeper's cart and handled in such a manner as to not contaminate other items on that cart.

(1) Housekeeper carts shall be kept in a sanitary manner and in good repair.

(2) Cloths used for cleaning and sanitizing dirty environmental surfaces of the guest room shall be used in one guest room only, and then placed in the dirty compartment of the housekeeping cart when the guest room attendant has completed cleaning that room.

(3) Leftover room service food items and used tableware shall be removed from public hallways at least every 4 hours.

[Source: Amended at 38 Ok Reg 1982, eff 9-11-21]

**310:285-5-4. Guest rooms**

**(a) Furnishings.**

(1) All furniture, windows, shades, draperies, floors, floor coverings, walls, ceilings, and other equipment and appurtenances shall be kept clean.

(2) All furniture, windows, shades, draperies, floors, floor coverings, walls, ceilings, and other equipment and appurtenances must be maintained in good repair.

**(b) Beds, bedding and linens.**

(1) All beds, springs, mattresses, bedding and linens, shall be in good repair.

(2) All beds, springs, mattresses, bedding, and linens shall be kept clean.

(3) A minimum of two sheets and one mattress cover of appropriate size shall be provided for each bed. A pillow cover and a pillow case shall be provided for each pillow.

(4) Mattresses, pillows, and any bedding appearing soiled or stained shall be subjected to a cleaning and sanitizing process, or removed from service. Such items found in service shall be ordered removed from service and shall be returned to service only after cleaning, sanitizing, and stain removal.

**(c) Service.**

(1) Bar soap and other individually packaged used personal hygiene items left by departing guests shall not be reused for customer service. Used hygiene items can be donated to non-profit shelters, Food Banks, or other similar establishments.

(2) All sheets, pillow cases, and towels shall be changed after each occupancy.

[Source: Amended at 38 Ok Reg 1982, eff 9-11-21]

### **310:285-5-5. Storage, cleaning, and bactericidal treatment of utensils**

#### **(a) Multi-use utensils.**

- (1) All multi-use utensils shall be removed from the room after each occupancy for cleaning and sanitizing.
- (2) All multi-use utensils shall be in good condition.
- (3) All multi-use utensils shall be stored at least six inches above floor level in a clean and dry location which is protected from splash, dust, and other contamination.
- (4) A room separate from the laundry shall be provided for washing, rinsing and sanitizing multi-use utensils.

**(b) Manual cleaning and sanitizing.** Multi-use equipment and utensils shall be washed in a 3-compartment sink, with soap and hot water of at least 110°F, rinsed in clear water, sanitized with a chlorine sanitizer of 50-100 ppm, or any other sanitizer allowed under 40 CFR 180.940 and then allowed to air dry.

**(c) Mechanical cleansing and sanitizing.** Cleaning and sanitizing may be done by mechanical dishwashing machines provided that:

- (1) The dish temperature reaches °160°F during the final rinse; or
- (2) After cleaning and rinsing, the dish is sanitized with chlorine at a concentration of 50 ppm and a water temperature of at least 75°F, or any other sanitizing agent allowed by 40 CFR 180.940; and
- (3) The machine is operated according to the manufacturer's instructions on the data plate
- (4) A test kit, an irreversible registering temperature indicator, or other device that accurately measures the concentration in mg/L of sanitizing solutions shall be provided.

[Source: Amended at 38 Ok Reg 1982, eff 9-11-21]

### **310:285-5-6. Employees [REVOKED]**

[Source: Revoked at 38 Ok Reg 1982, eff 9-11-21]

#### **310:285-5-6.1. Food service**

(a) Food service, if provided, shall be limited under a lodging license. The products shall be from an approved source and limited to the following:

- (1) Coffee;
- (2) Tea;
- (3) Commercially processed fruit juices;
- (4) Carbonated beverages. Beverage dispensers may be used if the source of ice for the dispenser is automatic dispensing;
- (5) Fresh, washed, uncut fruits, or fruits that are processed in a regulated establishment;
- (6) Baked goods;
- (7) Cereals;
- (8) Jams, jellies, syrups;
- (9) Pasteurized Grade A milk, Pasteurized Grade A cream, non-dairy creamers;
- (10) Butters, margarines, or products of similar nature;
- (11) Commercially produced hard cheeses, cream cheese, and yogurt;
- (12) Except for (9), (13), and (14) of this subsection, Time/Temperature Control for Safety foods commercially packaged in individual servings;
- (13) Bulk or individual waffle mixes from a commercial producer that is regulated by a food regulatory agency. Prepared mixes shall be discarded after the food service has ended.

(14) Gravy in bulk form from a commercial producer that is regulated by a food regulatory agency. Prepared gravy shall be heated to 135°F or above prior to service and discarded after the food service has ended; and

(15) Left over, non-packaged food items from the continental breakfast shall not be reused for customer service.

(b) Equipment required to conduct food service under a lodging license shall consist of at least the following:

(1) A three (3) compartment warewashing sink or commercial dish washing machine dedicated solely to the cleaning of utensils and equipment used in the food service operation or the multiuse utensils supplied to guest rooms.

(A) The warewashing sink shall not be used for handwashing.

(B) Sink compartments shall have smooth rounded corners and be large enough to permit the accommodation of the equipment and utensils.

(C) Each compartment of the sink shall be supplied with hot and cold potable running water.

(D) Warewashing facilities shall not be located in laundry areas, living, or tenant quarters.

(2) Test strips to measure sanitization;

(3) A handwashing sink, supplied with hot and cold running water, separate from the three (3) compartment sink in the food preparation area that shall be used for no other purpose;

(4) Commercial refrigeration that is capable of holding 41°F or less;

(5) Thermometers for all refrigerators used to store Time/Temperature Control for Safety Foods;

(6) Sneeze guards and covers for self-service foods that are not wrapped or protected; and

(7) Calibrated, probe type thermometer.

(c) Milk, milk products, prepared waffle mixes, and juices removed from the original container for dispensing or consumption shall be discarded after the food service has ended. Milk, milk products, and other Time/Temperature Control for Safety Foods may be held above 41°F but less than 70°F for no more than six (6) hours and then discarded or discarded at the end of four (4) hours if the temperature exceeds 70°F. The food shall have an initial temperature of 5°C (41°F) or less when removed from cold holding temperature control.

(d) All food and food contact surfaces shall be stored at least six inches above floor level in a clean and dry location so that it is protected from splash, dust and other contamination.

(e) Lodging establishments may offer prepackaged food or beverage for sale in guest rooms or at the check in area using a cabinet, refrigerator, freezer, or mini-bar.

(f) Lodging establishments providing any food service in excess of this section must obtain a food service license from the Department and shall comply with the requirements of OAC 310:257, Food Establishments.

(g) All food shall be from sources approved by law.

[Source: Added at 38 Ok Reg 1982, eff 9-11-21]

### **310:285-5-7. Employees**

(a) No person known or suspected of being infected with a disease in a communicable form, or who is a carrier of organisms that cause such a disease or while affected with a boil, an infected wound, or an acute respiratory infection, shall work in a lodging establishment in any capacity in which there is a likelihood of such person contaminating food or food-contact surfaces with pathogenic organisms or transmitting disease to other persons. Such areas include but are not limited to the food service area, guest rooms, laundry room, and the rooms in which multi-use utensils are cleaned, sanitized and stored.

- (b) Clean outer garments shall be worn and good personal hygiene shall be practiced by all employees.
- (c) Whenever the responsible person knows or suspects that a guest room has been occupied by a person with a reportable infectious illness, the guest room shall be thoroughly cleaned and sanitized, including fumigation, as needed, depending on the suspected or known pathogen.
- (d) Food employees shall wash their hands and any exposed portions of their arms, as described in OAC 310:285-5-12 of this Chapter, before handling clean utensils or dishware, ice, beverages, food, or clean laundry.
- (e) Food employees shall not use bare hands to handle ready-to-eat foods, except as where provided in OAC 310:285-5-8 (d) in this Chapter.
- (f) Single use gloves shall be available for food employees, housekeeping, and laundry staff and provided in the food, laundry, and housekeeping areas. Single use gloves shall be used for only one task, such as handling ready-to-eat food, used for no other purpose, and discarded when damaged, soiled, contaminated, or when interruptions occur in the operation.
- (g) Employee personal items shall not be stored with food, equipment or utensils, or bedding items.

[Source: Added at 38 Ok Reg 1982, eff 9-11-21]

### **310:285-5-8. Preventing contamination from hands**

- (a) Employees shall wash their hands as specified under OAC 310:285-5-12.
- (b) Except when washing fruits and vegetables or as specified in (d) of this section, food employees may not contact exposed, ready-to-eat food with their bare hands and shall use suitable utensils such as deli tissue, spatulas, tongs, single-use gloves, or dispensing equipment.
- (c) Food employees shall minimize bare hand and arm contact with exposed food that is not in a ready-to-eat food form.
- (d) Food employees may contact exposed, ready-to-eat food with their bare hands if:
  - (1) The permit holder obtains prior approval from the regulatory authority;
  - (2) A written employee health policy that details how the establishment complies with OAC 310:285-5-9, OAC 310:285-5-10, and OAC 310:285-5-11 including:
    - (A) Documentation that employees acknowledge that they are informed to report information about their health and activities as they relate to gastrointestinal symptoms and diseases that are transmittable through food as specified under OAC 310:285-5-9(a),
    - (B) Documentation that employees acknowledge their responsibilities as specified under OAC 310:285-5-9(e), and
    - (C) Documentation that the person in charge acknowledges the responsibilities as specified under OAC 310:285-5-9(b), (c) and (d), and OAC 310:285-5-10, and OAC 310:285-5-11;
  - (3) Documentation that employees acknowledge that they have received training in:
    - (A) The risks of contacting the specific ready-to-eat foods with bare hands,
    - (B) Proper handwashing as specified under OAC 310:285-5-12,
    - (C) When to wash their hands as specified under OAC 310:285-5-13,
    - (D) Where to wash their hands as specified under OAC 310:285-5-14,
    - (E) Proper fingernail maintenance as specified under OAC 310:285-5-15,
    - (F) Prohibition of jewelry as specified under OAC 310:285-5-16, and
    - (G) Good hygienic practices as specified under OAC 310:285-5-17 and OAC 310:285-5-18;
  - (4) Documentation that employees contacting ready-to-eat foods with bare hands use two or more of the following control measures to provide additional safeguards to hazards associated with bare hand contact:

- (A) Double handwashing,
- (B) Nail brushes,
- (C) A hand antiseptic after handwashing, or
- (D) Other control measures approved by the Department; and
- (5) Documentation that corrective action is taken when (d)(1) - (5) of this section are not followed.

[Source: Added at 38 Ok Reg 1982, eff 9-11-21]

**310:285-5-9. Reporting responsibility of license holder, person in charge, and employees**

(a) The license holder shall require food employees to report to the person in charge information about their health and activities as they relate to diseases that are transmissible through food. A food employee shall report the information in a manner that allows the person in charge to reduce the risk of foodborne disease transmission, including providing necessary additional information, such as the date of onset of symptoms and an illness, or of a diagnosis without symptoms, if the food employee:

(1) Has any of the following symptoms:

- (A) Vomiting,
- (B) Diarrhea,
- (C) Jaundice,
- (D) Sore throat with fever, or
- (E) A lesion containing pus such as a boil or infected wound that is open or draining and is:
  - (i) On the hands or wrists, unless an impermeable cover such as a finger cot or stall protects the lesion and a single-use glove is worn over the impermeable cover,
  - (ii) On exposed portions of the arms, unless the lesion is protected by an impermeable cover, or
  - (iii) On other parts of the body, unless the lesion is covered by a dry, durable, tight-fitting bandage;

(2) Has an illness diagnosed by a health practitioner due to:

- (A) Norovirus,
- (B) Hepatitis A virus,
- (C) Shigella spp.,
- (D) Shiga Toxin-Producing Escherichia Coli,
- (E) Typhoid fever (caused by Salmonella Typhi) or
- (F) Salmonella (nontyphoidal);

(3) Had Typhoid fever, diagnosed by a health practitioner, within the past 3 (three) months, without having received antibiotic therapy, as determined by a health practitioner;

(4) Has been exposed to, or is the suspected source of, a confirmed disease outbreak, because the food employee consumed or prepared food implicated in the outbreak, or consumed food at an event prepared by a person who is infected or ill with:

- (A) Norovirus within the past 48 (forty eight) hours of the last exposure,
- (B) Shiga Toxin-Producing Escherichia Coli or Shigella spp. within the past 3 (three) days of the last exposure,
- (C) Typhoid fever within the past 14 (fourteen) days of the last exposure, or
- (D) Hepatitis A virus within the past 30 (thirty) days of the last exposure; or reportable history of exposure.

(5) Has been exposed by attending or working in a setting where there is a confirmed disease outbreak, or living in the same household as, and has knowledge about, an individual who works

or attends a setting where there is a confirmed disease outbreak, or living in the same household as, and has knowledge about, an individual diagnosed with an illness caused by:

- (A) Norovirus within the past 48 (forty eight) hours of the last exposure,
- (B) Shiga Toxin-Producing Escherichia Coli or Shigella spp. within the past 3 (three) days of the last exposure,
- (C) Typhoid fever (caused by Salmonella Typhi) within the past 14 (fourteen) days of the last exposure, or
- (D) Hepatitis A virus within the past 30 (thirty) days of the last exposure.

(b) The person in charge shall notify the regulatory authority when a food employee is:

- (1) Jaundiced; or
- (2) Diagnosed with an illness due to a pathogen as specified under (a)(2)(A) - (F) of this section.

(c) The person in charge shall ensure that a food employee who exhibits or reports a symptom, or who reports a diagnosed illness or a history of exposure as specified under (a)(1) - (5) of this section is:

- (1) Excluded as specified under OAC 310:285-5-11(a) - (c), and in compliance with the provisions specified under OAC 310:285-5-11(a) - (h); or
- (2) Restricted as specified under OAC 310:285-5-10(d), (e), (f), (h), (i) and in compliance with the provisions specified under OAC 310:285-5-11(d) - (i).

(d) A food employee shall report to the person in charge the information as specified under (a) of this section.

(e) A food employee shall:

- (1) Comply with an exclusion as specified under OAC 310:285-5-10(a) - (c) and with the provisions specified under OAC 310:285-5-11(a) - (h); or
- (2) Comply with a restriction as specified under OAC 310:285-5-10(d), (e), (f), (g), (h), or (i) and comply with the provisions specified under OAC 310:285-5-11(d) - (i).

[Source: Added at 38 Ok Reg 1982, eff 9-11-21]

### **310:285-5-10. Food employee exclusions and restrictions**

(a) The person in charge shall exclude or restrict a food employee from an establishment in accordance with the following:

(1) Except when the symptom is from a noninfectious condition, exclude an employee if the employee is:

- (A) Symptomatic with vomiting or diarrhea; or
- (B) Symptomatic with vomiting or diarrhea and diagnosed with an infection from Norovirus, Shigella spp., Salmonella (nontyphoidal), or Shiga Toxin-Producing Escherichia Coli.

(2) Exclude an employee who is:

- (A) Jaundiced and the onset of jaundice occurred within the last 7 (seven) calendar days, unless the employee provides to the person in charge written medical documentation from a health practitioner specifying that the jaundice is not caused by hepatitis A virus or other fecal-orally transmitted infection;
- (B) Diagnosed with an infection from hepatitis A virus within 14 (fourteen) calendar days from the onset of any illness symptoms, or within 7 (seven) calendar days of the onset of jaundice; or
- (C) Diagnosed with an infection from hepatitis A virus without developing symptoms.

(b) Exclude an employee who is diagnosed with Typhoid fever, or reports having had Typhoid fever within the past 3 (three) months as specified under OAC 310:285-5-9(a)(3).

(c) If an employee is diagnosed with an infection from Norovirus and is asymptomatic, restrict the employee.

- (d) If an employee is diagnosed with an infection from *Shigella* spp. and is asymptomatic, restrict the employee.
- (e) If an employee is diagnosed with an infection from Shiga Toxin-Producing *Escherichia Coli*, and is asymptomatic, restrict the employee.
- (f) If an employee is diagnosed with an infection from *Salmonella* (nontyphoidal) and is asymptomatic, restrict the employee.
- (g) If an employee is ill with symptoms of acute onset of sore throat with fever, restrict the employee.
- (h) If an employee is infected with a skin lesion containing pus such as a boil or infected wound that is open or draining and not properly covered as specified under OAC 310:285-5-9(a)(1)(E), restrict the employee.

[Source: Added at 38 Ok Reg 1982, eff 9-11-21]

### **310:285-5-11. Removal, adjustment, or retention of exclusions and restrictions for food employees**

- (a) The person in charge shall adhere to the following conditions when removing, adjusting, or retaining the exclusion or restriction of an employee: Except when an employee is diagnosed with Typhoid fever or an infection from hepatitis A virus:
  - (1) Reinstate an employee who was excluded as specified under OAC 310:285-5-10(a)(1) if the employee:
    - (A) Is asymptomatic for at least 24 (twenty four) hours; or
    - (B) Provides to the person in charge written medical documentation from a health practitioner that states the symptom is from a noninfectious condition.
  - (2) If an employee was diagnosed with an infection from Norovirus and excluded as specified under OAC 310:285-5-10(a)(2), restrict the employee, who is asymptomatic for at least 24 (twenty four) hours, until the conditions for reinstatement as specified under (d)(1) or (d)(2) of this section are met; or
  - (3) If an employee was diagnosed with an infection from *Shigella* spp. and excluded as specified under OAC 310:285-5-10(a)(2), adjusting exclusion for food employee who was symptomatic and is now asymptomatic. Restrict the food employee, who is asymptomatic for at least twenty four (24) hours and works in a food service establishment not serving a highly susceptible population, until the conditions for reinstatement as specified in (a)(5)(A) or (a)(5)(B) of this Section are met; or
  - (4) If an employee was diagnosed with an infection from Shiga Toxin-Producing *Escherichia Coli* and excluded as specified under OAC 310:285-5-10(a)(2), restrict the employee, who is asymptomatic for at least 24 (twenty four) hours, until the conditions for reinstatement as specified under (f)(1) or (f)(2) of this section are met; or
  - (5) If an employee was diagnosed with an infection from *Salmonella* (nontyphoidal) and excluded as specified under OAC 310:285-5-10(a)(2):
    - (A) Restrict the employee, who is asymptomatic for at least 30 (thirty) days until conditions for reinstatement as specified under (g)(1) or (g)(2) of this section are met; or
    - (B) Retain the exclusion for the employee who is symptomatic, until conditions for reinstatement as specified under Paragraphs (g)(1) or (g)(2) of this section are met.
- (b) Reinstate an employee who was excluded as specified under OAC 310:285-5-10(b) if the person in charge obtains approval from the Department and one of the following conditions is met:
  - (1) The employee has been jaundiced for more than 7 (seven) calendar days;

- (2) The employee has been symptomatic with symptoms other than jaundice for more than 14 (fourteen) calendar days; or
  - (3) The employee provides to the person in charge written medical documentation from a health practitioner stating that the employee is free of a hepatitis A virus infection.
- (c) Reinstate an employee who was excluded as specified under OAC 310:285-5-10(c) if:
- (1) The person in charge obtains approval from the Department; and
  - (2) The employee provides to the person in charge written medical documentation from a health practitioner that states the employee is free from Typhoid fever.
- (d) Reinstate an employee who was excluded as specified under OAC 310:285-5-10(a)(2), who was restricted under OAC 310:285-5-10(d) if the person in charge obtains approval from the Department and one of the following conditions is met:
- (1) The excluded or restricted employee provides to the person in charge written medical documentation from a health practitioner stating that the employee is free of a Norovirus infection;
  - (2) The employee was excluded or restricted after symptoms of vomiting or diarrhea resolved, and more than 48 (forty eight) hours have passed since the employee became asymptomatic; or
  - (3) The employee was excluded or restricted and did not develop symptoms and more than 48 (forty eight) hours have passed since the employee was diagnosed.
- (e) Reinstate an employee who was excluded as specified under OAC 310:285-5-10(a)(2) or (e) or who was restricted under OAC 310:285-5-10(e) if the person in charge obtains approval from the Department and one of the following conditions is met:
- (1) The excluded or restricted employee provides to the person in charge written medical documentation from a health practitioner stating that the employee is free of a Shigella spp. infection based on test results showing 2 (two) consecutive negative stool specimen cultures that are taken:
    - (A) Not earlier than 48 (forty eight) hours after discontinuance of antibiotics, and
    - (B) At least 24 (twenty four) hours apart;
  - (2) The employee was excluded or restricted after symptoms of vomiting or diarrhea resolved, and more than 7 (seven) calendar days have passed since the food employee became asymptomatic; or
  - (3) The employee was excluded or restricted and did not develop symptoms and more than 7 (seven) calendar days have passed since the food employee was diagnosed.
- (f) Reinstate an employee who was excluded or restricted as specified under OAC 310:285-5-10(a)(2) or who was restricted under OAC 310:285-5-10(f) if the person in charge obtains approval from the Department and one of the following conditions is met:
- (1) The excluded or restricted employee provides to the person in charge written medical documentation from a health practitioner stating that the employee is free of an infection from Shiga Toxin-Producing Escherichia Coli based on test results that show 2 (two) consecutive negative stool specimen cultures that are taken:
    - (A) Not earlier than 48 (forty eight) hours after discontinuance of antibiotics; and
    - (B) At least 24 (twenty four) hours apart;
  - (2) The employee was excluded or restricted after symptoms of vomiting or diarrhea resolved and more than 7 (seven) calendar days have passed since the employee became asymptomatic; or
  - (3) The employee was excluded or restricted and did not develop symptoms and more than 7 (seven) days have passed since the employee was diagnosed.



(g) Reinstate an employee who was excluded as specified under OAC 310:285-5-10(a)(2) or who was restricted as specified under OAC 310:285-5-10(g) if the person in charge obtains approval from the Department and one of the following conditions is met:

(1) The excluded or restricted employee provides to the person in charge written medical documentation from a health practitioner stating that the employee is free of a Salmonella (nontyphoidal) infection based on test results showing 2 (two) consecutive negative stool specimen cultures that are taken;

(A) Not earlier than 48 (forty eight) hours after discontinuance of antibiotics, and

(B) At least 24 (twenty four) hours apart;

(2) The employee was restricted after symptoms of vomiting or diarrhea resolved, and more than 30 (thirty) days have passed since the employee became asymptomatic; or

(3) The employee was excluded or restricted and did not develop symptoms and more than 30 (thirty) days have passed since the employee was diagnosed.

(h) Reinstate an employee who was excluded or restricted as specified under OAC 310:285-5-10(h) if the employee provides to the person in charge written medical documentation from a health practitioner stating that the employee meets one of the following conditions:

(1) Has received antibiotic therapy for Streptococcus pyogenes infection for more than 24 (twenty four) hours;

(2) Has at least one negative throat specimen culture for Streptococcus pyogenes infection; or

(3) Is otherwise determined by a health practitioner to be free of a Streptococcus pyogenes infection.

(4) Reinstate an employee who was restricted as specified under OAC 310:285-5-10(i) if the skin, infected wound, cut, or pustular boil is properly covered with one of the following:

(A) An impermeable cover such as a finger cot or stall and a single-use glove over the impermeable cover if the infected wound or pustular boil is on the hand, finger, or wrist;

(B) An impermeable cover on the arm if the infected wound or pustular boil is on the arm; or

(C) A dry, durable, tight-fitting bandage if the infected wound or pustular boil is on another part of the body.

[Source: Added at 38 Ok Reg 1982, eff 9-11-21]

### **310:285-5-12. Cleaning procedure**

(a) Employees shall clean their hands and exposed portions of their arms, including surrogate prosthetic devices for hands or arms for at least 20 (twenty) seconds, using a cleaning compound in a properly equipped handwashing sink.

(b) Employees shall use the following cleaning procedure in the order stated to clean their hands and exposed portions of their arms, including surrogate prosthetic devices for hands and arms:

(1) Rinse under clean, running warm water;

(2) Apply an amount of cleaning compound recommended by the cleaning compound manufacturer;

(3) Rub together vigorously for at least 10 to 15 seconds while:

(A) Paying particular attention to removing soil from underneath the fingernails during the cleaning procedure, and

(B) Creating friction on the surfaces of the hands and arms or surrogate prosthetic devices for hands and arms, finger tips, and areas between the fingers;

(4) Thoroughly rinse under clean, running warm water; and

(5) Immediately follow the cleaning procedure with thorough drying using a disposable paper towel.

(c) To avoid recontamination of their hands or surrogate prosthetic devices, employees may use disposable paper towels or similar clean barriers when touching surfaces such as manually operated faucet handles on a handwashing sink or the handle of a restroom door.

[Source: Added at 38 Ok Reg 1982, eff 9-11-21]

### **310:285-5-13. When to wash**

Employees shall clean their hands and exposed portions of their arms immediately before engaging in food preparation including working with exposed food, clean equipment and utensils, and unwrapped single-service and single use articles and:

- (1) After touching bare human body parts other than clean hands and clean, exposed portions of arms;
- (2) After using the toilet room;
- (3) After caring for or handling service animals or aquatic animals;
- (4) Except as specified in OAC 310:285-5-17(b), after coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking;
- (5) After handling soiled equipment and utensils;
- (6) During food preparation, as often as necessary to remove soil and contamination and to prevent cross contamination when changing tasks;
- (7) Before donning gloves to initiate a task that involves working with food; and
- (8) After engaging in other activities that contaminate the hands.

[Source: Added at 38 Ok Reg 1982, eff 9-11-21]

### **310:285-5-14. Where to wash**

Employees shall clean their hands in a handwashing sink and shall not clean their hands in a sink used for food preparation or warewashing, or in a service sink or a curbed cleaning facility used for the disposal of mop water and similar liquid waste.

[Source: Added at 38 Ok Reg 1982, eff 9-11-21]

### **310:285-5-15. Maintenance**

- (a) Food employees shall keep their fingernails trimmed, filed, and maintained so the edges and surfaces are cleanable and not rough.
- (b) Unless wearing intact gloves in good repair, an employee may not wear fingernail polish or artificial fingernails when working with exposed food.

[Source: Added at 38 Ok Reg 1982, eff 9-11-21]

### **310:285-5-16. Prohibition**

Except for a plain ring such as a wedding band, while preparing food, an employee may not wear jewelry including medical information jewelry on their arms and hands.

[Source: Added at 38 Ok Reg 1982, eff 9-11-21]

### **310:285-5-17. Eating, drinking, or using tobacco**

(a) Except as specified in (b) of this section, an employee shall not eat, drink, or use any form of tobacco, vaping product, or Medical Marijuana in areas where the contamination of exposed food; clean equipment, utensils, and linens; unwrapped single-service and single-use articles; or other items needing protection may result.

(b) An employee may drink from a closed beverage container if the container is handled to prevent contamination of:

- (1) The employee's hands;
- (2) The container; and
- (3) Exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles.

[Source: Added at 38 Ok Reg 1982, eff 9-11-21]

### **310:285-5-18. Discharges from the eyes, nose, and mouth**

Employees experiencing persistent sneezing, coughing, or a runny nose that causes discharges from the eyes, nose, or mouth may not work with exposed food; clean equipment, utensils, and linens; or unwrapped single-service or single-use articles.

[Source: Added at 38 Ok Reg 1982, eff 9-11-21]

## **SUBCHAPTER 7. NEW CONSTRUCTION [REVOKED]**

### **310:285-7-1. General building requirements [REVOKED]**

[Source: Revoked at 38 Ok Reg 1982, eff 9-11-21]

### **310:285-7-2. Submission of plans [REVOKED]**

[Source: Revoked at 38 Ok Reg 1982, eff 9-11-21]

### **310:285-7-3. Pre-operational inspection [REVOKED]**

[Source: Revoked at 38 Ok Reg 1982, eff 9-11-21]

## **SUBCHAPTER 9. COMPLIANCE PROCEDURES**

### **310:285-9-1. Licensure**

No person shall operate a lodging establishment who does not have a valid license issued to such person by the Oklahoma State Department of Health pursuant to 63 O.S. Sections 1-1201 et seq. Only a person who is in substantial compliance with the requirements of this Chapter shall be entitled to receive or retain such a license. Licenses are not transferable. A valid license shall be posted in every lodging establishment.

[Source: Amended at 38 Ok Reg 1982, eff 9-11-21]

### **310:285-9-2. Issuance of license [REVOKED]**

[Source: Amended at 8 Ok Reg 3107, eff 7-18-91 (emergency); Amended at 9 Ok Reg 1489, eff 5-1-92; Revoked at 38 Ok Reg 1982, eff 9-11-21]

#### **310:285-9-2.1. Public health protection**

(a) The regulatory authority shall apply this Chapter to promote its purpose of safeguarding public health.

(b) In enforcing the provisions of this Chapter, the regulatory authority shall assess existing facilities or equipment that were in use before the effective date of this Chapter based on the following considerations:

- (1) Whether the facilities or equipment are in good repair and capable of being maintained in a safe and sanitary condition; and
- (2) The existence of a documented agreement, as described in OAC 310:285-9-4, with the license holder that the facilities or equipment will be replaced within an agreed upon timeframe.

[Source: Added at 38 Ok Reg 1982, eff 9-11-21]

### **310:285-9-3. Access [REVOKED]**

[Source: Revoked at 38 Ok Reg 1982, eff 9-11-21]

#### **310:285-9-3.1. Preventing health hazards, provision for conditions not addressed**

- (a) If necessary to protect against public health hazards or nuisances, the Department may impose specific requirements that are not listed in this Chapter as authorized by law.
- (b) The regulatory authority shall document the conditions that necessitate the imposition of additional requirements and the underlying public health rationale. The documentation shall be provided to the license applicant or license holder and a copy shall be maintained in the Department file for the establishment.

[Source: Added at 38 Ok Reg 1982, eff 9-11-21]

### **310:285-9-4. Suspected infection [REVOKED]**

[Source: Revoked at 38 Ok Reg 1982, eff 9-11-21]

#### **310:285-9-4.1. Waiver**

- (a) Whenever the Department adopts new rules or amends existing language in this Chapter, the owner of a lodging establishment may request that a waiver be granted on any nonconforming use that may then exist, on or before the effective date of the rule change, at the license holder's place of operation.
- (b) Waivers requested pursuant to this Subchapter are subject to approval by the Department. In order to have the waiver approved, a license holder must submit a written application on a form provided by the Department. Any waiver request shall be deemed denied unless the license holder subsequently receives notice of approval from the Department.
- (c) Variances are not transferable.

[Source: Added at 38 Ok Reg 1982, eff 9-11-21]

### **310:285-9-5. Emergency occurrences [REVOKED]**

[Source: Revoked at 38 Ok Reg 1982, eff 9-11-21]

#### **310:285-9-5.1. Plans required**

A license applicant or license holder shall submit to the regulatory authority plans and specifications for review and approval before:

- (1) The construction of a new establishment;
- (2) The conversion of an existing structure for use as a lodging establishment;
- (3) The extensive remodel of the food service area of the establishment.

[Source: Added at 38 Ok Reg 1982, eff 9-11-21]

#### **310:285-9-6. Contents of the plans and specifications**

The plans and specifications for a lodging establishment shall include the following items if applicable:

- (1) Intended food service menu;
- (2) Anticipated volume of food to be stored, prepared, and sold or served;
- (3) Proposed food preparation equipment types, manufacturer and model numbers;
- (4) Proposed floor plan to include:
  - (A) Food storage, preparation, and service areas;
  - (B) Laundry facilities;

- (C) Public restrooms; and
- (D) Ice Machines.
- (5) Other information that may be required by the regulatory authority for the proper review of the proposed construction, conversion or modification.

[Source: Added at 38 Ok Reg 1982, eff 9-11-21]

### **310:285-9-7. Preoperational inspections**

The regulatory authority may conduct one or more preoperational inspections to verify the establishment is constructed and equipped in accordance with the approved plans and approved modifications of those plans, and is in compliance with law and this Chapter.

[Source: Added at 38 Ok Reg 1982, eff 9-11-21]

### **310:285-9-8. Qualifications and responsibilities of applicants**

To qualify for a license, an applicant shall:

- (1) Be an owner of the lodging establishment or an officer of the legal ownership;
- (2) Comply with the requirements of this Chapter;
- (3) Agree to allow access to the lodging establishment and to provide required information; and
- (4) Pay any applicable license fees at the time the application is submitted.

[Source: Added at 38 Ok Reg 1982, eff 9-11-21]

### **310:285-9-9. License application**

(a) A person desiring to operate a lodging establishment shall submit to the Department a written application for a license on a form provided by the Department.

(b) A lodging establishment license shall expire one year from the date of its issuance unless canceled or revoked prior to its expiration. For purposes of determining the expiration date of all licenses under this Chapter, the date of issuance shall be deemed to be the date that an approved application for licensure is first issued by a duly authorized representative of the Health Department.

(c) The application shall include:

- (1) The name, mailing address, e-mail address, telephone number, and signature of the person applying for the license and the name, mailing address, e-mail address, and location of the lodging establishment;
- (2) Information specifying whether the lodging establishment is owned by an association, corporation, individual, partnership, or other legal entity;
- (3) The number of guest rooms available;
- (4) Any other information required by the regulatory authority;
- (5) The Department shall issue a license to the applicant after:
  - (A) A properly completed application is received;
  - (B) The required fees are received;
  - (C) The plans, specifications, and information, if applicable, are reviewed; and
  - (D) An inspection shows that the establishment is constructed in accordance with the approved plans and specifications and that the establishment is in compliance with this Chapter and meets the Department's criteria for a license; or
  - (E) Any other information required by the Department.

[Source: Added at 38 Ok Reg 1982, eff 9-11-21]

### **310:285-9-10. Existing establishments, license renewal, and change of ownership**

The Department may renew a license for an existing lodging establishment or may issue a license to a new owner of an existing lodging establishment after a properly completed application is submitted, reviewed, and approved, the fees are paid, and an inspection shows that the establishment is in substantial compliance with this Chapter.

[Source: Added at 38 Ok Reg 1982, eff 9-11-21]

### **310:285-9-11. Denial of application for license, notice**

If an application for a license to operate is denied, the regulatory authority shall provide the applicant with a notice that includes:

- (1) The specific reasons and Chapter citations for the license denial; and
- (2) The actions, if any, that the applicant must take to qualify for a license.

[Source: Added at 38 Ok Reg 1982, eff 9-11-21]

### **310:285-9-12. Responsibilities of the license holder**

Upon acceptance of the license issued by the Commissioner of Health, in order to retain the license, the license holder shall:

- (1) Post the license in a location of the establishment that is conspicuous to consumers;
- (2) Comply with the provisions of this Chapter including the conditions of any granted waiver;
- (3) Immediately discontinue or limit operations and notify the regulatory authority if an imminent health hazard may exist within the establishment;
- (4) Allow representatives of the Department access to the establishment for the purpose of inspection;
- (5) Comply with directives of the Department including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives issued by the Department in regard to the license holder's establishment or in response to community emergencies;
- (6) Accept notices issued and served by the Department according to law;
- (7) Be subject to the administrative, civil, injunctive, and criminal remedies authorized in law for failure to comply with this Chapter or a directive of the Department, including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives; and
- (8) Submit the annual renewal application and pay all renewal license and late fees.

[Source: Added at 38 Ok Reg 1982, eff 9-11-21]

### **310:285-9-13. Licenses not transferable**

A license cannot be transferred from one person to another person, from one establishment to another, from one physical address to another, from one corporation to another, from one limited liability company or corporation to another, or from one partnership to another.

[Source: Added at 38 Ok Reg 1982, eff 9-11-21]

### **310:285-9-14. Competency of inspectors**

An authorized representative of the Department who inspects an establishment or conducts plan review for compliance with this Chapter shall have the knowledge, skills, and ability to adequately perform the required duties, and be licensed pursuant to 59 O.S. §1150.1 et seq.

[Source: Added at 38 Ok Reg 1982, eff 9-11-21]

### **310:285-9-15. Allowed at reasonable times after due notice**

After the regulatory authority presents official credentials and provides notice of the purpose of, and an intent to conduct, an inspection, the person in charge shall allow the regulatory authority to determine if the lodging establishment is in compliance with this Chapter by allowing access to the establishment, allowing inspection, and providing information and records specified in this chapter and to which the regulatory authority is entitled according to law, during the lodging establishment's hours of operation and other reasonable times.

[Source: Added at 38 Ok Reg 1982, eff 9-11-21]

### **310:285-9-16. Refusal, notification of right to access, and final request for access**

If a person denies access to the regulatory authority, the Department shall:

(1) Inform the person that:

(A) The license holder is required to allow access to the regulatory authority as specified under OAC 310:285-9-12,

(B) Access is a condition of the acceptance and retention of a lodging establishment license to operate as specified under OAC 310:285-9-12, and

(C) If access is denied, an inspection order issued by the appropriate authority allowing access may be obtained according to law; and

(2) Make a final request for access.

[Source: Added at 38 Ok Reg 1982, eff 9-11-21]

### **310:285-9-17. Refusal, reporting**

If after the regulatory authority presents credentials and provides notice as specified under OAC 310:285-9-15, explains the authority upon which access is requested, and makes a final request for access as specified in OAC 310:285-9-16, the person in charge continues to refuse access, the regulatory authority shall document the details of the denial of access on an inspection report form.

[Source: Added at 38 Ok Reg 1982, eff 9-11-21]

### **310:285-9-18. Inspection order to gain access**

If denied access to a lodging establishment for an authorized purpose and after complying with OAC 310:285-9-16, the Department may issue, or apply for the issuance of, an order to gain access as provided in law.

[Source: Added at 38 Ok Reg 1982, eff 9-11-21]

### **310:285-9-19. Documenting information and observations**

The regulatory authority shall document on an inspection report form:

(1) Administrative information about the lodging establishment's legal identity, physical, mailing and e-mail addresses, inspection date, and other information that may be required; and

(2) Specific factual observations of violative conditions or other deviations from this Chapter that require correction by the license holder. The use of photographs to document observations may be utilized.

[Source: Added at 38 Ok Reg 1982, eff 9-11-21]

### **310:285-9-20. Specifying time frame for corrections**

The regulatory authority may specify on the inspection report form the time frame for correction of the documented violations.

[Source: Added at 38 Ok Reg 1982, eff 9-11-21]

### **310:285-9-21. Issuing report and obtaining acknowledgment of receipt**

At the conclusion of the inspection the regulatory authority shall provide a copy of the completed inspection report and the notice to correct violations to the license holder or to the person in charge, and request a signed acknowledgment of receipt.

[Source: Added at 38 Ok Reg 1982, eff 9-11-21]

### **310:285-9-22. Refusal to sign acknowledgment**

The regulatory authority shall inform a person who declines to sign an acknowledgment of receipt of inspectional findings as specified under OAC 310:285-9-21:

- (1) An acknowledgment of receipt is not an agreement with findings;
- (2) Refusal to sign an acknowledgment of receipt will not affect the license holder's obligation to correct the violations noted in the inspection report within the timeframes specified;
- (3) A refusal to sign an acknowledgment of receipt is noted in the inspection report and conveyed to the Department's historical record for the lodging establishment; and
- (4) Make a final request that the person in charge sign an acknowledgment receipt of inspectional findings.

[Source: Added at 38 Ok Reg 1982, eff 9-11-21]

### **310:285-9-23. Ceasing operations and reporting**

(a) Except as specified in (b) of this Section, a license holder shall immediately discontinue or limit operations and notify the regulatory authority if an imminent health hazard exists because of an emergency such as a fire, flood, sewage backup, no water in the establishment, insufficient refrigeration and/or hot food storage facilities available, substantial evidence or presence of a large number of insects or evidence of rodents, interruption of safe potable water supply to the establishment, misuse of poisonous or toxic materials, onset of an apparent foodborne illness outbreak, interruption of electrical service for more than 4 hours, severe structural damage in the establishment, an employee working with a Salmonella, Shigella, Shiga toxin producing E. coli or Hepatitis A infection, gross unsanitary occurrence or condition, or other circumstance as determined by the Commissioner of Health, or his designee, that may endanger public health.

(b) A license holder need not discontinue operations in an area of an establishment that is unaffected by the imminent health hazard.

[Source: Added at 38 Ok Reg 1982, eff 9-11-21]

### **310:285-9-24. Resumption of operations**

If operations are discontinued as specified under OAC 310:285-9-23 or otherwise according to law, the license holder shall obtain approval from the regulatory authority before resuming operations.

[Source: Added at 38 Ok Reg 1982, eff 9-11-21]

### **310:285-9-25. Timely correction**

(a) Except as specified in (b) of this Section, a license holder shall correct violations within a time frame, not to exceed 10 calendar days after the inspection.

(b) The license holder shall correct violations which are structural in nature and do not present a potential health hazard, by a date and time agreed to or specified by the regulatory authority but no later than 90 calendar days after the inspection.



(c) The Department may approve a compliance schedule that extends beyond the time limits specified under (a) of this Section if a written schedule of compliance is submitted by the license holder and no imminent health hazard exists or will result from allowing an extended schedule for compliance.

(d) If corrections are not made according to OAC 310:285-9-25(a), (b) and (c), then the establishment is subject to enforcement action.

[Source: Added at 38 Ok Reg 1982, eff 9-11-21]

**310:285-9-26. Verification and documentation of correction**

(a) After observing at the time of inspection a correction of a violation, the regulatory authority shall also record the corrective action on the inspection report.

(b) After receiving notification that the license holder has corrected a violation, or at the end of the specified period of time, the regulatory authority shall verify correction of the violation, document the information on an inspection report, and enter the report in the Department's records.

[Source: Added at 38 Ok Reg 1982, eff 9-11-21]

**APPENDIX A. Chemical Sanitization**

Figure 1

**TABLE 1. CHEMICAL SANITIZATION WITH CHLORINE FOR WARE WASHING**

(OAC 310:285-5-5. Manual and mechanical ware washing equipment, chemical sanitization – temperature, pH, concentration, and hardness when Chlorine is used as a sanitization agent)

Concentration Range Mg/L	Minimum Temperature	
	pH 10 or less °C (°F)	pH 8 or less °C (°F)
25 - 49	49 (120)	49 (120)
50 - 99	38 (100)	24 (75)
100	13 (55)	12 (55)

[Source: Added at 38 Ok Reg 1982, eff 9-11-21]

**APPENDIX B. Reporting, Exclusion, Restriction, Removal**

Figure 1

**TABLE 2. REPORTING, EXCLUSION, RESTRICTION AND THE REMOVAL THEREOF**

(OAC 310:285-5-9 thru 5-11. Reporting responsibilities, exclusion, restrictions, and removal or adjustment of exclusions or restrictions)

OAS 310:285	SYMPTOM/SICKNESS	NON-HSP	TO REINSTATE	OAS 310:285
5-10(a)(1)	Vomiting or diarrhea	Exclude	Asymptomatic for at least 24 hrs; or Dr. note.	5-11(a)(1)
5-10(b)(1)	Onset of jaundice occurred within the last 7 days, no Dr. note		Approval from OSDH and: The employee has been jaundiced for more than 7 days; or The employee has been symptomatic with symptoms other than jaundice for more than 14 days; or Dr. Note.	5-11(b)
5-10 (b)(2)	Diagnosed with hepatitis A within 14 days from the onset of symptoms, or within 7 days of jaundice			
5-10(b)(3)	Diagnosed with hepatitis A without developing symptoms		Approval from OSDH and: Dr. Note.	5-11(c)
5-10(c)	Previous illness with Typhoid fever within the past 3 months			
5-10(f)	STEC infection and asymptomatic	Restrict	Approval from OSDH and: The employee provides a Dr. note showing free of STEC infection; or The employee was excluded or restricted after symptoms resolved, and 7+ days have passed since the employee became asymptomatic; or The employee was excluded or restricted, did not develop symptoms, and 7 + days have passed since the employee was diagnosed	5-11(a)(4); 2-5-11(f)
5-10(a)(2); 2-5-10(d)	Infection from Norovirus; Diagnosed with an asymptomatic infection from Norovirus		Approval from OSDH and: The employee provides a Dr. note showing free of Norovirus infection; or The employee was excluded or restricted after symptoms resolved, and 48+ hrs have passed since the employee became asymptomatic; or The employee was excluded or restricted and did not develop symptoms and 48+ hrs have passed since the employee was diagnosed	5-11(a)(2); 5-11(d)
5-10(a)(2); 5-10(e)	Shigella spp. infection and asymptomatic		Approval from OSDH and: The employee provides a Dr. note showing free of Shigella spp. infection; or The employee was excluded or restricted after symptoms resolved, and 7+ days have passed since the employee became asymptomatic; or The employee was excluded or restricted, did not develop symptoms, and 7 + days have passed since the employee was diagnosed	5-11(a)(3); 5-11(e)
5-10(h)	Symptomatic with sore throat with fever		The employee provides a Dr. note showing: Has received antibiotic therapy for Streptococcus pyogenes infection for 24+ hrs; or Has at least 1 negative throat culture for Streptococcus pyogenes infection; or Is determined by Dr. to be free of a Streptococcus pyogenes infection	5-11(h)
5-10(f)	Symptomatic with uncovered infected wound or pustular boil	Restrict	If the infected wound is properly covered by impermeable cover and single use glove if necessary.	5-11(i)

[Source: Added at 38 Ok Reg 1982, eff 9-11-21]

