

**TITLE 9. HEALTH SERVICES**

**CHAPTER 8. DEPARTMENT OF HEALTH SERVICES**

**FOOD, RECREATIONAL, AND INSTIUTIONAL SANITATION**

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**ARTICLE 13. ~~HOTELS, MOTELS AND TOURIST COURTS~~ LODGING ESTABLISHMENTS**

**R9-8-1301. Reserved Definitions**

In this Article, unless otherwise specified:

1. “Bathroom” means a restroom that contains a shower head or bathtub.
2. “Bathtub” means a receptacle, in which a user can sit, with a faucet that supplies water capable of reaching at least 85° F and with a drain connected to a sewage collection system.
3. “Bedding” has the same meaning as in A.R.S. § 36-796.
4. “Clean” means free from dirt or debris.
5. “Common area” means any area of a lodging establishment, excluding lodging space, that is provided by the lodging establishment for use by all lodgers.
6. “Common drinking cup” means a hand-held container not connected to a plumbing system that:
  - a. Holds liquid for human consumption.
  - b. Comes into contact with a user’s mouth, and
  - c. Is used by more than one individual.
7. “Community kitchen” means a structure or room provided by a lodging establishment that is used by individuals staying at the lodging establishment for the purpose of preparing food.
8. “Compensation” means money or other consideration, including goods, services, vouchers, time, government or public expenditures, government or public funding, or another benefit that is received as payment.
9. “Drinking water” means water for human consumption that meets the requirements of 18 A.A.C. 4.
10. “Durable” means capable of withstanding expected use and remaining easily cleanable.
11. “Dwelling unit” means the total space offered as a single unit to an individual dweller or party of dwellers for use in exchange for compensation.
12. “Faucet” means a fixture connected to a plumbing system that provides and regulates the flow of drinking water from the plumbing system.
13. “Fixture” means an attachment to a structure.
14. “House trailer” has the same meaning as in A.R.S. § 28-4332.
15. “Human consumption” means an individual’s use of water for activities such as:
  - a. Drinking.

- b. Bathing.
  - c. Showering.
  - d. Hand washing.
  - e. Cooking.
  - f. Dishwashing.
  - g. Laundering, or
  - h. Cleaning.
16. “Human excreta” means fecal and urinary discharges and includes any waste that contains this material.
17. “Impervious” means incapable of being penetrated.
18. “Lavatory” means a sink or a basin with a faucet that supplies water capable of reaching at least 85° F and with a drain connected to a sewage collection system.
19. “Lodger” means the same as “transient” in A.R.S. § 42-5070(f).
20. “Lodging establishment” means a place or portion of a place that provides two or more dwelling units of lodging space with sleeping accommodations on a single plot of land for lodgers to use in exchange for compensation, including a hotel, motel, motor hotel, tourist court, tourist camp, rooming house, boarding house, inn, and similar facilities.
21. “Lodging space” means:
- a. A structure or room that has 3 or more sides and a top;
  - b. A mobile home, house trailer, recreational vehicle, houseboat, or other similar structure at a fixed location; or
  - c. Land intended by the lodging establishment to be occupied by lodgers in their self-provided trailer coach or house trailer.
22. “Manages” or “managed” means to direct the use of.
23. “Mobile home” has the same meaning as in A.R.S. § 41-4001.
24. “Non-absorbent” means impervious to liquid, such as a material coated or treated with rubber, plastic, or other sealing substance.
25. “Owns” means to have the right to possess, use, and convey the interest.
26. “Plumbing system” means fixtures, pipes, and related parts assembled to carry drinking water into a structure and carry sewage out of the structure.
27. “Public nuisance” means the activities or conditions that may be subject to A.R.S. § 36-601.
28. “Recreational vehicle” has the same meaning as in A.R.S. § 41-4001.
29. “Refuse” has the same meaning as in A.A.C. R18-13-302.

30. “Refuse container” means a portable receptacle that is capable of being moved and is used for refuse storage.
31. “Regulatory authority” means:
- a. The Arizona Department of Health Services; or
  - b. One of the following entities as specified in A.R.S. § 36-136(E):
    - i. A local health department;
    - ii. A county environmental department; or
    - iii. A public health services district.
32. “Responsible person” means an individual, partnership, corporation, association, the state, a governmental subdivision of the state, a unit of a governmental subdivision of the state, an agency of the state, or a public or private organization that owns or manages a lodging establishment within the state.
33. “Restroom” means a structure or room that contains at least one lavatory and water closet or at least one lavatory, water closet, urinal or water free urinal.
34. “Sanitary” means free from filth, bacteria, viruses, mold, and fungi.
35. “Sanitize” has the same meaning as in R9-5-101.
36. “Sewage” has the same meaning as in A.A.C. R18-9-101.
37. “Sewage collection system” has the same meaning as in A.A.C. R18-9-101.
38. “Shower head” means a fixture connected to a plumbing system that allows drinking water to fall on a user’s body.
39. “Shower room” means a structure or a room that contains at least one shower head and at least one floor drain, but does not contain a bathtub, lavatory, water closet, urinal or water free urinal.
40. “Spa” has the same meaning as in A.A.C. R18-5-201.
41. “Swimming pool” has the same meaning as in A.A.C. R18-5-201.
42. “Urinal” means a water-flushed, chemical-flushed, or no-flush upright basin used for urination only.
43. “Water closet” has the same meaning as in A.R.S. § 45-311.
44. “Water free urinal” has the same meaning as in A.R.S. § 45-311.

**R9-8-1302. Reserved General Provisions**

- A.** A responsible person or the responsible person’s designee shall ensure the lodging establishment complies with the provisions of this Article and with federal and state laws and rules and local ordinances governing operations of a lodging establishment;

- B.** A violation of this Article is a public nuisance according to A.R.S. § 36-601 and may be subject to abatement pursuant to A.R.S. § 36-602.
- C.** This Article does not apply to lodging establishments located on federal or tribal land within the state.
- D.** This Article does not apply to a bed and breakfast that:
- 1.** Is owner occupied,
  - 2.** Has no more than six dwelling units on the premise, and
  - 3.** Does not serve meals to more than 18 individuals.
- E.** This Article does not apply to the activities listed in A.R.S. § 42-5070(B).

**R9-8-1303. Reserved Restroom, Bathroom, and Shower Room Management**

A responsible person or the responsible person's designee shall ensure that:

- 1.** The lodging establishment has restrooms and bathrooms that:
  - a.** Are:
    - i.** Clean;
    - ii.** Sanitary; and
    - iii.** Maintained to avoid odors and insect or vermin infestation;
  - b.** Have:
    - i.** Toilet paper at each water closet;
    - ii.** Soap and single use-paper towels, hand dryers, or cloth towels that are machine washed with detergent and machine dried after each use; and
    - iii.** Refuse containers as specified in R9-8-1309(1);
    - iv.** Floors and walls of a non-absorbent material;
    - v.** Interior surfaces that are washable and free from gaps;
- 2.** Each shower room located at a lodging establishment:
  - a.** Is:
    - i.** Clean;
    - ii.** Sanitary, and
    - iii.** Maintained to avoid odors and insect or vermin infestation;
  - b.** Has:
    - i.** Water capable of reaching at least 85° F from all shower heads;
    - ii.** Floors and walls of a non-absorbent material;
    - iii.** Floors that slope to a drain connected to a sewage collections system;
    - iv.** Interior surfaces that are washable and free of gaps;

- v. Soap;
- vi. Cloth towels, which are machine washed with detergent and machine dried after each use; and
- vii. Refuse containers as specified in R9-8-1309(1).

**R9-8-1304. Reserved Community Kitchen**

A responsible person or the responsible person's designee shall ensure:

- 1. That a community kitchen provided by the lodging establishment is maintained in a clean and sanitary condition.
- 2. If preparing food in a community kitchen for compensation, the requirements of 9 A.A.C. 8, Article 1 are met.

**R9-8-1305. Reserved Water Supply**

A responsible person or the responsible person's designee shall ensure that:

- 1. Water provided by the lodging establishment for human consumption meets the requirements of 18 A.A.C. 4;
- 2. Water provided by the lodging establishment to operate each restroom, bathroom, and shower room located at the lodging establishment is sufficient in quantity and in pressure to operate each restroom, bathroom, and shower room located at the lodging establishment at all times;
- 3. The lodging establishment does not have a common drinking cup unless the common drinking cup is washed, rinsed, and sanitized as specified in 9 A.A.C. 8, Article 1, after each use; and
- 4. If applicable, each individual who enters the lodging establishment is notified of each source of water located with the lodging establishment that does not meet the requirements of 18 A.A.C. 4.

**R9-8-1306. Reserved Sewage Disposal**

A responsible person or the responsible person's designee shall ensure that sewage and human excreta produced within the lodging establishment:

- 1. Does not create a public nuisance; and
- 2. Is disposed of according to 18 A.A.C. 9, Article 3 or 18 A.A.C. 13, Article 11.

**R9-8-1307. Reserved Refuse Management**

A responsible person or the responsible person's designee shall ensure that:

1. The lodging establishment has conspicuously located refuse containers that are:
  - a. Constructed of durable and non-absorbent material; and
  - b. Sealable; and
2. Refuse produced at the lodging establishment:
  - a. Does not create a public nuisance; and
  - b. Is collected, stored, and disposed of according to 18 A.A.C. 13, Article 3.

**R9-8-1308. Reserved Inspections**

The regulatory authority shall inspect a campground for compliance with this Article at least once each year.

**R9-8-1309. Reserved Common Area Management**

A responsible person or the responsible person's designee shall ensure that:

1. Each common area:
  - a. Is:
    - i. Maintained to avoid odors and insect infestations; and
    - ii. Clean and sanitary; and
  - b. Has refuse containers as specified in R9-8-1309(1);
2. Bedding located within the common area is:
  - a. Maintained in good-repair;
  - b. Clean and sanitary; and
  - c. Kept free of ectoparasites such as bedbugs, lice, and mites; and
3. Each swimming pool and spa located within a common area complies with 9 A.A.C. 8, Article 8.

**R9-8-1310. Reserved Lodging Space Management**

A responsible person or the responsible person's designee shall ensure that:

1. Lodging space provided to a lodger by a lodging establishment:
  - a. Is:
    - i. Maintained to avoid odors and insect infestations; and
    - ii. Clean and sanitary; and
  - b. Has or is near refuse containers as specified in R9-8-1309(1).
2. Bedding, sheets, pillow slips, and blankets provided by the lodging establishment are:

- a. Maintained in good-repair;
  - b. Clean and sanitary; and
  - c. Kept free of ectoparasites including bedbugs, lice, and mites; and
3. Cloth towels provided by the lodging establishment are machine washed with detergent and machine dried after each use.

**R9-8-1312. Definitions Repealed**

- ~~A. "Approved" means acceptable to the Department.~~
- ~~B. "Department" means the Arizona Department of Health Services or a local health department designated by the Arizona Department of Health Services.~~
- ~~C. "Dwelling unit" means any suite, room, cottage, bedroom, or other unit established or maintained by a transient dwelling establishment for temporary occupancy.~~
- ~~D. "Person" means the state, a municipality, district, or other political subdivision, a cooperative, institution, corporation, company, firm, partnership, or individual.~~
- ~~E. "Plumbing or plumbing system" means and includes the water supply distributing pipes; the fixtures and fixture traps; the soil, waste, and vent pipes; and the building drains with their devices, appurtenances and connections either within or adjacent to the transient dwelling establishment.~~
- ~~F. "Transient" means any member of the public who occupies a dwelling unit on a temporary basis in a transient dwelling establishment as defined above.~~
- ~~G. "Transient dwelling establishment" means and includes any place where sleeping accommodations are available to transients or tourists on a temporary basis such as a hotel, motel, motor hotel, tourist court, tourist camp, rooming house, boarding house, inn, and similar facilities by whatever name called, consisting of two or more dwelling units; provided, however, that the term shall not be construed to include apartments, clubs, boarding houses, rooming houses, and similar facilities where occupancy of all dwelling units is on a permanent or semi permanent basis.~~

**R9-8-1314. Inspection Repealed**

~~Representatives of the local health department shall make such inspections of any transient dwelling establishment as are necessary to assure compliance with these regulations, but not less than once each year. A copy of the report of the inspection shall be furnished the owner, lessee, or operator of the transient dwelling establishment indicating the degree of compliance or non-compliance with the provisions of these regulations. Failure to correct any discrepancies noticed within the time limit specified~~

shall be cause for denial, revocation, or suspension of the permit to operate.

**R9-8-1321. Dwelling units Repealed**

- A.** Dwelling units shall be of sufficient size to afford ample circulation of air and freedom of movement, but not less than 100 square feet of floor area shall be provided for each unit, exclusive of bathrooms, closets, kitchens, and similar ancillary facilities.
- B.** Floors of all rooms shall be of such construction as to be easily cleaned and shall be kept clean and in good repair.
- C.** The walls and ceilings of all rooms shall be of a finish that will permit easy cleaning and shall be kept clean and in good repair.
- D.** Where windows are relied on to provide light and ventilation, the area of the windows for each dwelling unit shall be equal to at least 20% of the floor area.
- E.** Not less than 25% of the window area furnished shall be capable of being opened unless other satisfactory means of ventilation is provided. Windows capable of being opened shall be effectively screened.
- F.** Furniture, drapes, carpets, and other accessories shall be kept clean and in good repair.
- G.** Dwelling units shall be maintained free of insects, rodents, and other vermin.
- H.** The provisions of A.R.S. Title 36, Chapter 13, Article 2 relating to gas appliances shall be met.

**R9-8-1322. Grounds Repealed**

- A.** Grounds of a transient dwelling establishment shall be properly graded and drained.
- B.** Grounds shall be kept clean and free of accumulations of refuse and other debris. There shall be no evidence of fly, mosquito, or rodent breeding or infestation.

**R9-8-1331. Bedding Repealed**

- A.** The beds, mattresses, pillows, and bed linen, including sheets, pillow slips, blankets, etc., used in all transient dwelling establishments shall be maintained in good repair, shall be kept clean and free of vermin, and shall be properly stored when not in use.
- B.** Each bed, bunk, cot, or other sleeping place shall be provided with pillow slips, under and top sheets for the use of guests. Sheets and pillow slips shall be adequately sized to completely cover the mattress and pillow.
- C.** Clean linen shall be provided to each new guest and shall be changed at least once each week when occupancy exceeds this period.

**~~R9-8-1332. Food service Repealed~~**

~~The storage, preparation and serving of food and drink shall comply with the requirements of Article 1 of this Chapter.~~

**~~R9-8-1333. Drinking water; ice Repealed~~**

- ~~A. Where drinking fountains are provided, the fountain shall be constructed so that the drinking is from a free jet projected at an angle from the vertical and provided with a guard to prevent the mouth being placed directly against the orifice. There shall be no possibility of the orifice becoming submerged. The fountain bowl shall be constructed of nonabsorbent, easily cleanable material.~~
- ~~B. All glasses and other multi-use utensils furnished to each dwelling unit shall be cleaned and sanitized in an approved manner after each occupancy. Single service paper cups with suitable dispenser may be substituted for glasses.~~
- ~~C. The use of a common drinking cup is prohibited.~~
- ~~D. Ice shall be obtained from an approved source and shall be stored and handled in such a manner as to prevent contamination.~~

**~~R9-8-1334. Refuse Repealed~~**

- ~~A. All refuse shall be stored and disposed of in accordance with Article 4 of these regulations.~~
- ~~B. Garbage cans shall be thoroughly washed after emptying and shall be maintained free of odors and other objectionable conditions.~~
- ~~C. All containers for rubbish shall be cleaned as often as necessary to prevent a nuisance.~~
- ~~D. All refuse containers shall be maintained in good repair.~~

**~~R9-8-1335. Water supply Repealed~~**

~~Each transient dwelling establishment shall be provided with an adequate and safe water supply from an approved source. Whenever a transient dwelling establishment finds it necessary to develop a source or sources of supply, complete plans and specifications of the proposed water system shall be submitted to the Department and approval received prior to the start of construction. The design, construction, and operation of all such water supply systems shall comply with Article 2 of this Chapter.~~

**~~R9-8-1336. Toilet; lavatory Repealed~~**

- ~~A. Adequate and convenient toilet, lavatory, and bathing facilities shall be provided at all transient~~

~~dwelling establishments and shall be available to the guests at all times.~~

- ~~B. Where private or connecting toilet rooms are not available for each dwelling unit, separate and plainly marked central toilet rooms for each sex shall be provided, located within 200 feet of such units.~~
- ~~C. Central toilet rooms shall provide not less than one toilet, one lavatory, and one tub or shower for each sex for each 10 dwelling units, or major fraction thereof, not having private or connecting baths. At least one urinal shall be provided in each central toilet room designated for men.~~
- ~~D. Hot and cold water and soap shall be provided in all toilet rooms. Clean, individual sanitary towels shall be furnished for each guest.~~
- ~~E. Toilet rooms shall be well lighted and ventilated. Where gravity or mechanical ventilation is provided, the ventilation ducts for the toilet rooms shall not be connected into ventilation ducts from or to any dwelling unit.~~
- ~~F. Floors of all toilet rooms shall be of easily cleanable construction, shall be kept clean and in good repair, and where necessary shall slope to properly located drains.~~
- ~~G. Walls and ceilings of all toilet rooms shall be of easily cleanable construction and shall be kept clean and in good repair.~~

**R9-8-1337. Sewage disposal Repealed**

- ~~A. The liquid wastes from all transient dwelling establishments shall be discharged into a public sewer system in compliance with applicable local ordinances or codes or into separate sewage disposal facilities approved by the Department.~~
- ~~B. Separate sewage disposal facilities will not be approved where in the opinion of the Department connection to a public sewer is practicable.~~
- ~~C. Where separate sewage disposal facilities are proposed the design, construction and operation of such systems shall be in accordance with Article 3 of this Chapter. Plans and specifications for such systems shall be submitted to the Department and approval received prior to the start of construction.~~
- ~~D. Recommendations are found in the Engineering Bulletins of the Department to assist in compliance with these regulations regarding the design of sewage disposal systems. Copies of these Bulletins may be obtained from the Department.~~
- ~~E. No sewage treatment effluent or other wastewater shall be deposited on the surface of the ground except in a manner approved by the Department.~~

**R9-8-1338. Plumbing Repealed**

~~All plumbing shall be installed in accordance with any local ordinance or code. Where a local ordinance or code does not exist, plumbing shall be installed in accordance with the requirements adopted by reference in R9-1-412(D).~~

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