**44:02:06:01.  Definitions.** Words defined in SDCL 34-18-1 have the same meaning when used in this chapter. In addition, the terms used in this chapter mean:

(1)  "Approved," acceptable to the Department of Health based on compliance with applicable standards and public health practices;

(2)  "Bed and breakfast establishment," any building or buildings run by an operator that is used to provide accommodations for a charge to the public, with at most five rental units for up to an average of ten guests per night and in which family style meals are provided;

(3)  "Communicable disease," as defined in § 44:20:01:01;

(4)  "Community water system," a system that is regulated by the Department of Agriculture and Natural Resources that meets the definition requirements set forth in § 74:04:12:01;

(5)  "Designated agent," a municipal, county, or district health department that has been organized under SDCL chapter 34-3 and SDCL 9-32-1 and has been designated as an agent of the secretary as provided in SDCL 34-18-7;

(6)  "EPA-certified laboratory," a laboratory that meets the requirements outlined in chapter 74:04:07;

(7)  RESERVED;

(8)  "Guest," an occupant of a rental unit of a lodging establishment;

(9)  "Guest room," any room used or intended to be used by a guest for sleeping purposes;

(10)  "Health hazard," a chemical agent, source of filth, cause of sickness, or condition that is a health threat to others or a threat to the public health;

(11)  "Inspection," an objective examination of a lodging establishment by the department to review the employee practices, sanitary conditions, and health standards in accordance with SDCL chapter 34-18 and this chapter;

(12) "Operator," any person or organization designated in charge of the day to day operations of a lodging establishment, campground, or food service establishment as defined in SDCL 34-18-1;

(13)  "Nontransient noncommunity public water system," a system that is regulated by the Department of Agriculture and Natural Resources that meets the definition requirements set forth in § 74:04:12:01;

(14)  "Potentially hazardous food," a food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, whipped butter, or whipped margarine, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include foods which have a pH level of 4.6 or below or a water activity (Aw) value of 0.85 or less;

(15)  "Primary exit," an exit with a side hinge door leading to the exterior of the structure that is most often used when entering or existing the structure;

(16)  "Private water system," a water system that serves a campground, food service establishment, or lodging establishment that is not a public water system regulated by the Department of Agriculture and Natural Resources;

(17)  "Public water system," a system that is regulated by the Department of Agriculture and Natural Resources that meets the definition requirements set forth in § 74:04:12:01;

(18)  "Single action hardware," a latching mechanism that allows a door to unlock and open with a single turn or movement of the interior knob or lever. This includes door knobs, lever handles, and panic bars;

(19)  "Transient noncommunity water system," a system that is regulated by the Department of Agriculture and Natural Resources that meets the definition requirements set forth in § 74:04:12:01.

**Source:** 23 SDR 75, effective November 19, 1996; 34 SDR 321, effective June 30, 2008; 36 SDR 31, effective August 18, 2009; SL 2021, ch 1, §§ 8, 19, effective April 19, 2021.

**General Authority:** SDCL 34-1-17, 34-18-22.

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