**44:02:02:00.  Definitions.** Words defined by 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)  "Communicable disease," as defined in § 44:20:01:01;

(3)  "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;

(4)  "Continental breakfast," a breakfast meal provided by the lodging establishment that consists of food products requiring no food preparation. Food products shall consist of whole fresh fruits, dry cereal, bread, muffins, bagels and prepackaged pastries or baked products purchased from a licensed food service establishment. The continental breakfast may include two hot food items that are commercially manufactured, fully precooked food items that are hot held for a maximum time frame of four hours then discarded. These commercially manufactured, fully precooked food items are limited to: sausage and gravy, french toast, pancakes, waffles, eggs, bacon, or breakfast rolls. This shall include reconstituted batter mixes of pancake or waffle flour or other food items as approved by the regulatory authority;

(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)  "Food preparation," mixing, blending, smoking, curing, decorating, frosting, cooking, slicing, or changing the physical characteristics of food products;

(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)  "Hotel," any hotel, motel, lodge, resort, cabins, building, or buildings with more than ten rental units which is used to provide sleeping accommodations for charge to the public.

(12)  "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;

(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)  "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;

(15)  "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;

(16)  "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;

(17)  "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:** 20 SDR 204, effective June 8, 1994; 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.

**Law Implemented:** SDCL 34-18-22, 34-18-24.