**44:02:05:01.  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)  "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)  "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;

(5)  "Egress window," a window of sufficient size to meet the requirements of § 44:02:05:27 so that an occupant of a guest room can escape through the window in an emergency;

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

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

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

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

(10)  "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;

(11)  "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;

(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)  "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;

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

(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)  "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;

(18)  "Specialty resort," any bed and breakfast establishment except a bed and breakfast establishment as defined in § 44:02:06:01, lodge, dude ranch, resort, building, or buildings used to provide accommodations or recreation for a charge to the public, with no more than ten rental units for up to an average of twenty guests per night and in which meals are provided to only the guests staying at the specialty resort;

(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; 36 SDR 96, effective December 8, 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, 34-18-22.1, 34-18-22.2, 34-18-24.