

**CHAPTER 33-33-06
BED AND BREAKFAST FACILITIES**

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SECTION 1: Section 33-33-06-01 is amended as follows:

33-33-06-01. Definitions.

1. "Approved" means acceptable to the department based on a determination as to conformance with appropriate standards and good public health practice.
2. "Corrosion-resistant material" means a material which maintains its original surface characteristics under prolonged influence of the food, cleaning compounds, and sanitizing solutions which may contact it.
3. "Department" means the ~~state~~ department of health ~~or its designated agent~~ and human services.
4. "Easily cleanable" means that surfaces are readily accessible and made of such materials and finish and so fabricated that residue may be effectively removed by normal cleaning methods.
5. "Employee" means the permitholder, individuals having supervisory or management duties, and any other ~~person~~ individual working in a bed and breakfast facility.

6. "Equipment" means stoves, ovens, ranges, hoods, slicers, mixers, meatblocks, tables, counters, refrigerators, sinks, dishwashing machines, steamtables, and similar items other than utensils, used in the operation of a bed and breakfast facility.
7. ~~"Family-style meal" means a meal ordered by persons staying at a bed and breakfast facility which is served from common food service containers, as long as any food not consumed by those persons is not reused or fed to other people if the food is unwrapped.~~
8. "Food" means any raw, cooked, processed edible substance, or combination of substances, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption.
- 9.8. "Food-contact surfaces" means those surfaces of equipment and utensils with which food normally comes in direct contact, and those surfaces with which food may come in contact and drain back onto surfaces normally in contact with food.
10. ~~"Food processing establishment" means a commercial establishment in which food is manufactured or packaged for human consumption. The term does not include a food service establishment, retail food store, or commissary operation.~~
- 11.9. "Kitchenware" means all multiuse utensils other than tableware.
12. ~~"Lodging unit" means a room with one or more beds for an unspecified number of persons.~~
- 13.10. "Perishable food" means any food of such type or in such condition as may spoil.
14. ~~"Potentially hazardous food" means any perishable food which consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, raw seed sprouts, cut melons, cut leafy greens, cut tomatoes, or other ingredients capable of supporting rapid and progressive growth of infectious or toxigenic micro-organisms.~~
- 15.11. "Private home" means a place of residence of an individual or family.
- 16.12. "Proprietor" means the person in charge of the bed and breakfast facility whether as owner, lessee, manager, or agent.
- 17.13. "Sanitize" means effective bactericidal treatment of clean surfaces of equipment and utensils by a process which has been approved by the

department as being effective in destroying micro-organisms, including pathogens.

~~18-14.~~ "Single-service articles" means cups, containers, lids or closures, plates, knives, forks, spoons, stirrers, paddles, straws, place mats, napkins, doilies, wrapping materials, and all similar articles which are constructed wholly or in part from paper, paperboard, molded pulp, foil, wood, plastic synthetic, or readily destructible materials, and which are intended for one usage only, then to be discarded.

15. "Sleeping unit" means a room used for sleeping purposes by guests.

~~49-16.~~ "Tableware" means multiuse eating and drinking utensils.

17. "Time and temperature control for safety food" means a food that requires time and temperature control for safety to limit pathogenic microorganism growth or toxin formation.

~~20-18.~~ "Utensil" means any implement used in the storage, preparation, transportation, or service of food.

History: Effective August 1, 1988; amended effective January 1, 1990; December 1, 1991; April 1, 2012; January 1, 2026.

General Authority: NDCC 23-01-03(3), 23-09.1-02

Law Implemented: NDCC 23-09.1-02

SECTION 2: Section 33-33-06-18 is amended as follows:

33-33-06-18. License fees.

The annual license fee paid to the department by proprietors of bed and breakfast facilities is ~~fifty~~sixty dollars. The plan review application fee for a bed and breakfast facility is fifty percent of the annual license fee when a plan review application is required. For a person's initial license application, an annual license fee and a license application administration fee of one hundred dollars is required in addition to fifty percent of the annual license fee when a plan review application is required. An additional amount of fifty percent of the license fee must be imposed upon renewal if the license was not renewed on or before February first following the expiration date.

History: Effective January 1, 2006; amended effective April 1, 2008; January 1, 2014; January 1, 2026.

General Authority: NDCC 23-01-03

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