

November 14, 2025

Liz Fordahl, Counsel
North Dakota Legislative Council
State Capitol
Bismarck, ND 58505

RE: Proposed Amendments to N.D. Admin. Code Chapter 33-39-01
Lodging Establishment Sanitation Standards

Dear Ms. Fordahl:

Enclosed for filing in the office of the Legislative Council is the Notice of Intent to Amend Administrative Rules concerning the above proposed rules as required by N.D.C.C. section 28-32-10. Also enclosed is a copy of the proposed rules.

We have requested publication of an abbreviated newspaper publication notice once in each official county newspaper which will notify the public that an oral hearing on these rules will be held on Friday, December 19, 2025, beginning at 12:30 p.m. and continuing until 2:00 p.m. or until no further testimony is offered, whichever occurs first.

If you have any questions or concerns, please contact me at 328-2311. Thank you.

Sincerely,



Jonathan Alm
Legal Division

JA/rv

cc: Julie Wagendorf, Food & Lodging
Amy Illg, Food & Lodging
Tim Wiedrich, Health Response & Licensure
Dirk Wilke, Executive Director of Public Health Division

Enclosures

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NOTICE OF INTENT TO AMEND
ADMINISTRATIVE RULES RELATING TO N.D.
ADMINISTRATIVE CODE CHAPTER 33-39-01
LODGING ESTABLISHMENT SANITATION STANDARDS

TAKE NOTICE that the North Dakota Department of Health and Human Services will hold a public hearing to address proposed amendments to N.D. Admin. Code chapter 33-39-01 at 12:30 p.m. on Friday, December 19, 2025, in Bismarck, N.D. in Room 210, located on the second floor of the Judicial Wing of the State Capitol.

The proposed amendments to N.D. Admin. Code chapter 33-39-01, Lodging Establishment Sanitation Standards, are as follows:

Section 33-39-01-01 is amended to improve clarity and consistency of definitions, with the following new terms added to support the accurate application of rule language: “clean”, “cleaning”, “equipment”, “extensively remodeled”, “food”, “furnishings”, “good repair”, “imminent health hazard”, “infestation”, “linen”, “pest”, “plumbing fixture”, “primitive lodging cabins, lodges, or ranches”, “sanitizing solution”, “single-service articles”, “single-use articles”, “time and temperature control for safety food”, “utensil”, and “warewashing”. This section also amends the definitions of “department”, “guest”, “guest room”, and “lodging establishment” and removes the redundant or duplicative definition of “communicable disease.”

Section 33-39-01-01.1 is created to provide general requirements for licensure and safety standards, including reference to state and local codes relating to building, fire, heating, ventilation and air handling systems, plumbing systems, electrical systems, water supply systems, and wastewater disposal systems.

Section 33-39-01-02 is amended to clarify when employees must be excluded by the lodging establishment due to illness, and to add personal cleanliness, clean clothing, and handwashing requirements.

Section 33-39-01-03 is amended to require that ice dispensed by guests or the general public must be provided through automatic self-service dispensing machines, and to require that ice machines that are not automatic self-service dispensing machines must only be accessible to employees who follow handwashing and dispensing sanitation requirements. This section also addresses when and how ice dispensing utensils and machines must be cleaned, sanitized, and maintained.

Section 33-39-01-04 is amended to provide standards for toilets, sinks, bathing and shower facilities, and plumbing fixtures in a guest unit. The section

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is amended to clarify that plumbing fixtures must be in compliance with building and plumbing code. The section also establishes standards for maintenance of walls, floors, ceilings, doors, windows and furnishings, and door locks. The use of guest rooms with mold-like substances is prohibited, the use of portable electric or open-flame cooking devices is prohibited, and pet-friendly disclosure is required.

Section 33-39-01-05 is amended to update requirements for utensil and equipment warewashing, to establish standards for utensils and equipment intended for repeat use, and to permit utensils and equipment to be provided in guest rooms for guest convenience if a proper notice is posted.

Section 33-39-01-06 is amended to clarify the use of single-service and single-use articles, including what they must be constructed of, and when they are required.

Section 33-39-01-07 is amended to clarify that sufficient linens must be provided for each guest, or if not, that guests must be notified prior to their stay that linens will not be provided. The section is amended to outline cleanliness, repair, and storage requirements for linens.

Section 33-39-01-08 is amended to outline guest room cleaning frequency standards and toiletry requirements, to require that guest rooms are cleaned between each guest, and to require that housekeeping facilities, laundry facilities, and laundry equipment are cleaned and kept in good repair.

Section 33-39-01-09 is amended to provide inspection and licensure standards for water recreation facilities at lodging facilities.

Section 33-39-01-10 is amended to clarify that when a lodging establishment is to be constructed or extensively remodeled, the department may require as part of the plans documentation of wastewater system, water system, and local planning and zoning approval from the applicable regulatory authority, as well as certifications stating all work was completed in accordance with applicable codes.

Section 33-39-01-11 is created to clarify fire safety requirements in alignment with applicable building and fire code, including fire protection systems, smoke detection and alarm systems, fire extinguishers, and emergency exits.

Section 33-39-01-12 is created to clarify when a food establishment license is required at lodging establishments.

Section 33-39-01-13 is created to establish standards for employee and public toilet rooms in lodging establishments.

Section 33-39-01-14 is created to outline the requirements for the safe storage and use of poisonous or toxic materials for the lodging establishment operation.

Section 33-39-01-15 is created to require the lodging establishment to be free from pests and harborage conditions, be cleaned, maintained, and repaired if pests are present, and to provide requirements for when an infestation or pest conditions necessitates that department approved pest control measures be implemented by a professional pest control management provider or certified commercial pesticide applicator.

Section 33-39-01-16 is created to require that the exterior premises and grounds are maintained clean, well-drained, in good condition, adequately illuminated, and free from safety hazards. This section also requires that garbage and refuse is stored in appropriate containers which are kept clean and in good repair, removed at the necessary frequency, and disposed of correctly.

Section 33-39-01-17 is created to require a lodging establishment to discontinue operation of the affected portions of the lodging establishment immediately upon discovery of an imminent health hazard, and to require the proprietor to notify the department within 24 hours of that discovery.

The proposed amendments are not anticipated to have an impact on the regulated community in excess of \$50,000. No taking of real property is involved in this rulemaking action.

Copies of the proposed rules are available for review at human service zones offices and at the state-operated behavioral health clinics. Copies of the proposed rules and the regulatory analysis relating to these rules may be requested by telephoning (701) 328-2311. Written or oral data, views, or arguments may be entered at the hearing or sent to: Rules Administrator, North Dakota Department of Health and Human Services, State Capitol - Judicial Wing, 600 E. Boulevard Ave., Dept. 325, Bismarck, ND 58505-0250. Written data, views, or arguments must be received no later than 5:00 p.m. on Monday, December 29, 2025.

ATTENTION PERSONS WITH DISABILITIES: If you plan to attend the hearing and will need special facilities or assistance relating to a disability, please contact the Department of Health and Human Services at the above telephone number or address at least two weeks prior to the hearing.

Dated this 14th day of November, 2025.