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CHAPTER 4.

SOUTH CAROLINA BED AND BREAKFAST ACT

**SECTION 45‑4‑10.** Short title.

This chapter shall be cited as the "South Carolina Bed and Breakfast Act".

HISTORY: 1998 Act No. 300, Section 1, eff May 27, 1998.

**SECTION 45‑4‑20.** Definitions.

As used in this chapter:

(A) "Bed and breakfast" means a residential‑type lodging facility having no more than ten guestrooms where transient guests are fed and lodged for pay. This chapter does not apply to other types of transient accommodations, such as hotels, motels, motor inns, resorts, rooming houses, boarding houses, hunting lodges, or campgrounds. The phrase includes the following types of residential‑type lodging facilities:

(1) "bed and breakfast" or "bed and breakfast inn", which are residential‑type lodging facilities that have three to ten guestrooms and that serve only breakfast to registered guests;

(2) "home stay bed and breakfast", a residential‑type lodging facility that has one to three guestrooms and that serves only breakfast to registered guests; and

(3) "country inn", a residential‑type lodging facility that has three to ten guestrooms and that serves breakfast to registered guests.

(B) "Residential‑type lodging facility", means a facility that:

(1) serves as both the innkeeper's residence and a place of lodging for transient guests; and

(2) is primarily residential in style with regard to the amenities provided to guests.

(C) "Guestroom" means a sleeping room, or a combination of rooms for sleeping and sitting, which includes, among other amenities:

(1) a bed or beds;

(2) a private or shared bathroom;

(3) clothes hanging and storage amenities; and

(4) a selection of furniture and lighting.

(D) "Innkeeper" means the proprietor of a bed and breakfast.

(E) "Residential kitchen" means a private‑home‑type kitchen in a bed and breakfast used for food service to registered guests as well as the innkeeper.

HISTORY: 1998 Act No. 300, Section 1, eff May 27, 1998.

**SECTION 45‑4‑30.** Food service; compliance with applicable regulations.

(A) A bed and breakfast with a residential kitchen may provide the following food service without having to obtain a permit authorizing the service:

(1) a continental or full breakfast to registered guests only;

(2) a tea‑type service to registered guests only.

(B) Regulations promulgated by the Department of Health and Environmental Control pursuant to Section 44‑1‑140(2) or other provision of law regarding food service do not apply to a bed and breakfast providing only the food service identified in subsection (A) of this section. Instead of those regulations, a bed and breakfast must comply with the provisions of Section 45‑4‑40.

(C) A bed and breakfast providing any food service other than that identified in subsection (A) of this section must comply with regulations applicable to that food service, including catering.

HISTORY: 1998 Act No. 300, Section 1, eff May 27, 1998.

**SECTION 45‑4‑40.** Standards for food products; hygiene practices for innkeepers and employees; use of tobacco; food preparation areas and equipment.

(A) The standards provided in this section shall apply to a bed and breakfast providing the food service identified in Section 45‑4‑30(A)(1).

(B)(1) Food shall be in sound condition and safe for human consumption. The use of food in hermetically‑sealed containers that was not prepared in a food processing establishment is prohibited, with the exception of properly sealed and refrigerated homemade jams, jellies, and preserves, which shall be monitored by the innkeeper for freshness.

(2) Fluid milk and fluid milk products shall be pasteurized and shall comply with applicable law. Raw milk shall not be provided or used in a bed and breakfast.

(3) Only clean shell eggs meeting applicable grade standards or pasteurized liquid, frozen or dry eggs, or pasteurized egg products shall be used.

(4) Only ice which has been manufactured with potable water and handled in a sanitary manner shall be used.

(5) Food shall be protected from cross‑contamination and from potential contamination by insects, insecticides, rodents, rodenticides, cleaning chemicals or utensils, overhead leakage or condensation, dust, coughs, and sneezes or other agents of public health significance.

(6) A refrigerator or an oven used in a residential kitchen shall have a nonstationary, interior thermometer to monitor food temperatures. The storage temperature for perishable foods shall not exceed forty‑five degrees Fahrenheit. The preparation temperature for baked foods shall be one hundred forty degrees Fahrenheit or more.

(C)(1) Food shall be prepared with a minimum of manual contact and shall be prepared on food contact surfaces and with utensils that are clean and have been sanitized.

(2) Foods shall be cooked and immediately served to guests. The following food handling practices shall be prohibited:

(a) cooling and reheating prior to service;

(b) hot holding for more than two hours; and

(c) service of previously‑served foods.

(3) Frozen food shall be thawed:

(a) in a refrigerator at a temperature not to exceed forty‑five degrees Fahrenheit; or

(b) under potable running water with sufficient water velocity to agitate and float off loose food particles; or

(c) in a microwave oven only or as part of the conventional cooking process.

(4) Innkeepers and employees engaged in food preparation shall maintain a high degree of personal cleanliness and shall conform to good hygienic practices during all food service and food handling periods. No innkeeper or employee who is infected with, or who is a carrier of, a disease that can be transmitted by foods may work with or handle food.

(5) Innkeepers and employees shall not use tobacco in bed and breakfast kitchens and food preparation areas.

(6) Food preparation areas, equipment, and utensils shall be constructed and repaired with safe materials, shall be corrosion resistant, nonabsorbent, and easily cleanable and durable under conditions of normal use. Equipment, utensils, and single service articles shall not impart odors, color, taste, nor contribute to the contamination of food.

(D) Food equipment, tableware, and utensils shall be easily cleanable and stored in a manner to avoid contamination. These items shall be cleaned and sanitized prior to food preparation, and after each use. A domestic or residential dishwasher and manual cleaning procedures may be utilized for cleaning and sanitizing. If a domestic or residential dishwasher is used, it must:

(1) be installed and operated according to manufacturer instructions for the highest level of sanitization possible, and the dishwasher temperature must be maintained at a minimum of 150º;

(2) effectively remove physical soil from all surfaces of dishes and utensils; and

(3) sanitize dishes and utensils by the application of sufficient accumulative heat.

HISTORY: 1998 Act No. 300, Section 1, eff May 27, 1998.

**SECTION 45‑4‑50.** Water supply; potable water; sewage disposal; toilet facilities; ventilation; fixtures and supplies.

(A) Sufficient potable water for the needs of the bed and breakfast shall be provided from an approved water supply. A private well water supply may be used if it meets residential water quality standards.

(B) An approved means of sewage disposal must be provided. A public sewage system is the preferred means of sewage disposal and, if available, must be used. If a sewage disposal system is used, it must be constructed, maintained, and operated according to applicable residential sewage disposal standards.

(C)(1) Toilet facilities shall be installed in accordance with residential construction standards.

(2) There shall be at least one toilet facility for every two guestrooms. Shared bathrooms shall contain appropriate cleaning agents and disinfectants for self‑service by guests.

(3) There shall be at least one bathroom which shall be conveniently located and accessible to innkeepers and employees at all times. Bathrooms used by food handlers shall have hot and cold potable water, soap dispensers and disposable towels, a supply of toilet tissue, and an easily cleanable receptacle for waste materials.

(4) Bathrooms opening to the kitchen or dining area shall have adequate mechanical ventilation.

(5) Toilet facilities, including toilet fixtures and all related facilities, and any related vestibules, shall be kept clean and in good repair. Guestroom toilets shall have, at a minimum, a supply of toilet tissue, soap, towels, and an easily cleanable receptacle for waste materials at all times.

HISTORY: 1998 Act No. 300, Section 1, eff May 27, 1998.

**SECTION 45‑4‑60.** Fire safety provisions; compliance with codes; equipment and exits.

(A)(1) A bed and breakfast must provide a safe and secure environment for guests, visitors, and staff.

(2) The use of a portable, supplemental heater may not be substituted for a permanent heating source.

(B)(1) A new bed and breakfast must comply with provisions of fire safety and fire prevention statutes, regulations, codes, and ordinances enacted or promulgated by the State or a political subdivision for application to private residences or single‑family dwellings.

(2) A new bed and breakfast must adopt a controlled cooking plan or install a commercial hood with a fire suppression system.

(3) A bed and breakfast which is damaged or renovated in an amount exceeding fifty percent of the appraised value of the building is considered a new building for purposes of this chapter.

(C) An existing bed and breakfast must comply with the following provisions:

(1) Guestrooms that are used for sleeping purposes must be provided with smoke detectors. Smoke detectors must be installed in accordance with the manufacturer's instructions and may be battery‑operated or hard wired in existing buildings.

(2) Not more than 15 guests may be housed on any floor of an existing bed and breakfast. Occupancy in excess of this number requires a one‑hour safety corridor and a second exit. Windows are not exits. All guest sleeping rooms must have at least one operable window.

(3) In an existing bed and breakfast, one exit is allowed from an occupied roof, if the area is less than five hundred square feet and is not higher than immediately above the second floor. Rooms within a bed and breakfast may exit through more than one intervening room. Windows are not exits.

(4) Corridors and exit balconies in an existing bed and breakfast may be as narrow as thirty‑six inches. A guestroom located not higher than the second floor above ground level does not require an enclosed stairway.

(5) An existing bed and breakfast must provide illuminated hallways and stairs, with an emergency power source in the event of power failure to the building.

(6) At least one fire extinguisher with a 2A:10BC rating or higher must be provided on each floor of an existing bed and breakfast. A 40BC rated fire extinguisher must be provided in the kitchen area.

(7) An existing bed and breakfast is exempt from the requirements of a commercial hood and extinguishing system.

HISTORY: 1998 Act No. 300, Section 1, eff May 27, 1998.

**SECTION 45‑4‑70.** Swimming pools; standards for construction and operation.

If a bed and breakfast has a swimming pool which is available to guests, it must be constructed and operated in accordance with Department of Health and Environmental Control standards for residential swimming pools.

HISTORY: 1998 Act No. 300, Section 1, eff May 27, 1998.

**SECTION 45‑4‑80.** Insurance coverage.

A bed and breakfast shall maintain appropriate commercial insurance, including property and liability coverage, as a lodging facility.

HISTORY: 1998 Act No. 300, Section 1, eff May 27, 1998.

**SECTION 45‑4‑90.** Exemption for tax on accommodations for transients.

The exemption from the tax provided in Section 12‑36‑920 shall apply to any bed and breakfast that has no more than five rentable guestrooms on the same premises and that is also the innkeeper's place of abode.

HISTORY: 1998 Act No. 300, Section 1, eff May 27, 1998.