

BOARD OF HEALTH: Board of Health may make tourist camp regulations applicable to hotels.
HOTELS:

December 17, 1941

Dr. James Stewart
State Health Commissioner
Jefferson City, Missouri



Dear Dr. Stewart:

This will acknowledge receipt of your letter of November 10, 1941, which is as follows:

"The statutes of this state governing resorts and those governing hotels overlap in definition, making it impossible to definitely establish the identity of certain establishments as hotel or resort. There is little emphasis placed upon sanitation in our state hotel laws, and the need of supervision of hotels, especially in areas not served by public utilities, is of significance comparable with that of the neighboring resort.

"We feel that the Health Department has certain obligations in supervision of environmental sanitation at the hotels of this state. We further feel that our existing regulations governing resorts could advantageously be used as a basis of such supervision.

"I, therefore, request that you advise me, as State Health Commissioner, whether or not the enclosed contemplated regulation would constitute a legal means to control environmental sanitation at hotels in this state based on the State Board of Health statutory powers. We are enclosing a copy of our resort regulations for your information."

Section 9931, R. S. Missouri, 1939, defines "hotel" as follows:

"That every building or other structure, kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are furnished for pay to transient or permanent guests, in which ten or more rooms are furnished for the accommodation of such guests, whether with or without meals, shall for the purpose of this article be deemed a hotel, * * * * *"
(Underscoring ours)

Section 9955, R. S. Missouri, 1939, defines "tourist camp and resort" as follows:

"The State Board of Health is empowered and it is hereby made their duty through their deputies to have inspected, at least annually and as often as shall be necessary, for the proper regulation and sanitation thereof, all tourist camps, cabins or resorts of whatever kind kept, used, maintained or advertised or held out to the public to be a place where sleeping accommodations are furnished for pay to transient or permanent guests in which two or more cabins, whether in combination or under separate roofs, are furnished for the accommodation of guests. For this purpose the said inspectors shall have the right of entry and access thereto at any reasonable time." (Underscoring ours)

In your opinion request you state these two definitions overlap, making it impossible to definitely establish the identity of certain establishments as hotels or resorts. We think there is a clear distinction made in the statutes. The statute relating to hotels contemplates that it is a

single building or structure in which ten or more rooms are furnished for the accommodation of guests. The law relating to tourist camps or resorts contemplates that it is a place where more than one room (cabin) is furnished for the accommodation of guests not in a single building or structure. The one complements the other, so that all places furnishing more than one room (except where the number is less than ten and are in one building or structure) for the accommodation of guests are subject to regulation. The principal distinction is that a hotel must have ten or more rooms, all in one building, while a tourist camp must consist of less than ten rooms and need not be all in one structure.

Section 9955b, R. S. Missouri, 1939, is as follows:

"To carry out the provisions of this law the State Board of Health shall be empowered to promulgate such rules and regulations as they deem necessary for the proper cleanliness and sanitation of said tourist camps, cabins or resorts and for the proper regulations of water supplies in connection therewith."

Under the authority of this subsection you advise that the State Board of Health has promulgated certain rules governing the sanitary conditions at such tourist camps or resorts, and submit a copy of the regulation asking whether or not such regulation can be made applicable to hotels. In connection with this question we note that the portion of the act dealing with hotels goes into detail concerning sanitary conditions.

Section 9925, R. S. Missouri, 1939, requires the keeping of records on each hotel inspected "showing its sanitary condition." Section 9940, R. S. Missouri, 1939, requires hotels to be properly plumbed, lighted and ventilated, and conducted in every manner with strict regard to the comfort, health and safety of guests, and goes on to prescribe what is meant by proper illumination, plumbing and ventilation, and lays down certain requirements for sleeping rooms. Section 9941, R. S. Missouri, 1939, deals in detail with toilet facilities and sewerage disposal in cities where there is a

system of water works and sewerage. Section 9942, R. S. Missouri, 1939, makes similar requirements respecting hotels in cities where there is no system of water works and sewerage. Section 9943, R. S. Missouri, 1939, requires a main public washroom. Section 9944, R. S. Missouri, 1939, requires the furnishing of individual towels for guests in the public washroom and in each bedroom and prescribes the size of said towels. Section 9945, R. S. Missouri, 1939, makes certain requirements as to the bed and bed linen, size, quality and prohibits reuse without being laundered. Section 9946, R. S. Missouri, 1939, also pertains to bed and bedding and requires the same to be thoroughly aired, disinfected and kept clean, and prohibits the use of certain products in the construction of mattresses that are used by hotels and deals with vermin. Section 9947, R. S. Missouri, 1939, requires that a kitchen, dining room, cellar, ice boxes and other places where food is prepared and stored be kept in a clean and sanitary condition.

A comparison of the above resume of the hotel law with the rules laid down for tourist camps and resorts discloses that those rules are in the main a mere restatement of what the statutes provide relative to the sanitary conditions of hotels. We see no reason why such rules can not be applicable to hotels, but we do not see the need therefor since, in so far as any of those rules should contravene the statutes heretofore referred to, they would be void and, in so far as they merely restate what the statutes already provide, they would be useless.

CONCLUSION.

It is therefore our opinion that the State Board of Health may, by appropriate regulations, make the rules heretofore promulgated relating to the sanitary conditions of tourist camps and resorts applicable to hotels, in so far as said rules are not contrary to the provisions of the statutes already providing for sanitary conditions of hotels.

Respectfully submitted,

APPROVED:

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Assistant Attorney General

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