

## CHAPTER 67:42:11

### ENVIRONMENTAL HEALTH STANDARDS

#### Section

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[67:42:11:44](#) Pets.

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**67:42:11:01. Scope of chapter.** The environmental health standards contained in this chapter apply only to chapters 67:42:07 -- Group care centers; 67:42:08 -- Residential treatment centers; 67:42:10 -- Licensed day care programs; 67:42:14 -- Before and after school care, and 67:42:15 -- Intensive residential treatment center, unless otherwise specifically indicated.

**Source:** 7 SDR 66, 7 SDR 89, effective July 1, 1981; 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987; 15 SDR 94, effective January 1, 1989; 27 SDR 63, effective December 31, 2000; 32 SDR 33, effective August 31, 2005; 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL [26-6-16](#).

**Law Implemented:** SDCL [26-6-16](#).

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**67:42:11:02. Playground area -- Group care centers, residential treatment centers, day care programs, and intensive residential treatment centers.** The playground area for group care centers, residential treatment centers, day care programs, and intensive residential treatment centers must have at least 50 square feet of play area for each child each scheduled recess time. Day care programs shall enclose playground areas with a fence. All other facilities shall enclose the playground if it is within 25 feet of a high volume traffic area or located near any hazardous area. The fence must be at least four feet high. The playground must be kept free of litter, trash, and weeds.

Swimming pools located on the premises and not emptied after each use must be secured on all sides with a fence that is at least five feet high and constructed to discourage climbing. A wall of the facility or home may not be considered as one side of the fence if that area of the facility or home has access to the pool area. Exits from and entrances to the pool must have self-closing, latching gates that must be latched and locked at all times when children are present.

Playground equipment must be properly installed and maintained in good repair. Sandboxes must be kept free from animal excrement and must permit drainage.

When there are children on the playground, the staff-child ratio required in §§ 67:42:07:03, 67:42:08:03, 67:42:10:07, and 67:42:15:14 must be maintained on the playground.

**Source:** 7 SDR 66, 7 SDR 89, effective July 1, 1981; 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987; 15 SDR 94, effective January 1, 1989; 21 SDR 206, effective June 4, 1995; 27 SDR 63, effective December 31, 2000; 31 SDR 40, effective September 29, 2004; 32 SDR 33, effective August 31, 2005; 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL [26-6-16](#).

**Law Implemented:** SDCL [26-6-16](#).

**Cross-Reference:** Physical standards for facility, § 67:42:10:19.

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**67:42:11:02.01. Space requirements -- Before and after school care.** A before and after school care center must provide a minimum of 25 square feet of play space indoors for each child in care. Floor space used for permanent and stationary equipment and furniture, storage, halls, bathrooms, offices, kitchens, and mechanical rooms may not be included when calculating the indoor space. If the floor is used for quiet activities or resting, the floor must be covered with a padded covering, such as a rug or carpet. The center must provide space for children to store their personal belongings.

The center must provide a minimum of 50 square feet of outdoor play space for each child each scheduled recess time. Use of nearby playgrounds, parks, hazard-free lots, or streets blocked off by local authorities may be used to meet the minimum requirement if a playground is either not available or the existing playground area does not meet the minimum requirement. Outdoor areas that contain unsafe areas or obstacles that have the potential to cause injury or be life-threatening to children must be contained, fenced, or have barriers to restrict children from the unsafe areas.

**Source:** 27 SDR 63, effective December 31, 2000.

**General Authority:** SDCL [26-6-16](#).

**Law Implemented:** SDCL [26-6-16](#).

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**67:42:11:03. Floor construction -- Ceiling height.** Repealed.

**Source:** 7 SDR 66, 7 SDR 89, effective July 1, 1981; repealed, 13 SDR 197, effective July 1, 1987; repealed, 14 SDR 20, effective August 13, 1987.

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**67:42:11:04. Lighting.** Repealed.

**Source:** 7 SDR 66, 7 SDR 89, effective July 1, 1981; 21 SDR 206, effective June 4, 1995; repealed, 39 SDR 220, effective June 27, 2013.

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**67:42:11:05. Sleeping areas.** Group care centers, residential treatment centers, and intensive residential treatment centers must provide a minimum of 50 square feet of floor space for the first client occupying a sleeping area with an additional 30 square feet for each additional client occupying the same sleeping space.

In day care programs where only short naps or rest periods are scheduled, the facility must provide a minimum of 3 feet between each child. The child must be provided with or must bring a pad, blanket, or rug for this purpose. For overnight care, the facility must provide a cot or bed for each child in overnight care. A facility must change the crib sheets between use by different children. Cribs and mattresses must be maintained in good repair. Stackable cribs may not be used. Soft bedding materials that could pose a suffocation hazard may not be used in cribs or playpens. Infants must be placed on their backs for sleeping.

**Source:** 7 SDR 66, 7 SDR 89, effective July 1, 1981; 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987; 21 SDR 206, effective June 4, 1995; 27 SDR 63, effective December 31, 2000; 31 SDR 40, effective September 29, 2004; 32 SDR 33, effective August 31, 2005; 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL [26-6-16](#).

**Law Implemented:** SDCL [26-6-16](#).

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**67:42:11:06. Toilet facilities.** If a group care center, residential treatment center, or intensive residential treatment center provides care for both male and female clients, it shall provide separate toilet facilities for each gender. There must be a minimum of one toilet and one hand lavatory for every 12 male clients and a minimum of one toilet and one hand lavatory for every 12 female clients. Showers or bathtubs must be provided at the ratio of one shower or bathtub for every 5 male clients and one shower or bathtub for every 5 female clients.

Day care programs and before and after school care programs shall provide a minimum of one toilet and one hand lavatory for every 15 children. The facility shall maintain separate bathrooms for each gender. A facility serving more than 20 children shall have a service sink for cleaning mops or similar wet floor cleaning tools and for disposing of mop water and similar liquid waste. Day care programs shall either have a permanently plumbed bathtub or a portable bathtub for the bathing of infants and toddlers. Bathtubs must be emptied immediately after each individual use and must be sanitized with a solution of one ounce of household bleach to one quart of water.

There must be toilet training equipment for children being toilet trained but this equipment does not count as toilets in the toilet-child ratio.

Hot and cold water through a mixing faucet must be supplied to all lavatories, showers, or tubs.

There must be natural or mechanical ventilation in all restrooms.

The interior surfaces of the room must be finished so that the room is easily cleanable and impervious to moisture penetration. Toilet fixtures must be kept clean and in good repair. A supply of toilet tissue must be provided at each toilet at all times. Easily cleanable receptacles must be provided for waste materials. Metal receptacles must be lined with plastic liners. Toilet rooms used by women must have at least one covered waste receptacle.

**Source:** 7 SDR 66, 7 SDR 89, effective July 1, 1981; 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987; 15 SDR 94, effective January 1, 1989; 21 SDR 206, effective June 4, 1995; 27 SDR 63, effective December 31, 2000; 32 SDR 33, effective August 31, 2005; 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL [26-6-16](#).

**Law Implemented:** SDCL [26-6-16](#).

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**67:42:11:06.01. Diaper changing.** Facilities which care for infants must have a diaper changing table with a top which is easily cleanable and nonabsorbent. The table must be cleaned after each use with a solution of one ounce of household bleach to one quart of water. If a provider finds a product that the provider prefers to use instead of bleach, the provider shall submit the product label to the department. The department, in consultation with the Department of Health, shall review the product and make a determination of whether the product and the provider's established procedures for using the product is an effective and acceptable disinfectant.

Soiled disposable diapers must be kept in a leakproof, nonabsorbent container which is kept covered with a tight-fitting lid and disposed of as required in § 67:42:11:35.

A hand lavatory is required near the diaper changing area and must be separate from that used in the food preparation area.

**Source:** 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987; 15 SDR 94, effective January 1, 1989; 21 SDR 206, effective June 4, 1995; 31 SDR 40, effective September 29, 2004.

**General Authority:** SDCL [26-6-16](#).

**Law Implemented:** SDCL [26-6-16](#).

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**67:42:11:07. Cleaning and sanitizing of equipment.** Equipment, utensils, kitchenware, dining tables, and food contact surfaces of equipment must be washed, rinsed, and sanitized. Manual sanitization must include immersion in a solution of one ounce of household bleach to two gallons of water after each use and following any interruption of operations during which contamination might have occurred. Mechanical sanitization must include a sanitizing cycle in which hot water, not hot air, is used and the water temperature is maintained at 150 degrees Fahrenheit.

Single-service articles may be used only once and must be discarded after use.

Dining tables must be sanitized after each meal and, if used in the meantime, before the next meal by washing with a solution of one ounce of household bleach to two gallons of water. Food contact surfaces must be free of breaks, open seams, cracks, chips, pits, and similar imperfections.

Toys capable of being placed in a child's mouth must be washed, rinsed, and sanitized daily by the method described in this section.

The facility may use any of the sanitizing solutions contained in § 44:02:07:56. If the provider finds a product that the provider prefers to use instead of bleach, the provider shall submit the product label to the department. The department, in consultation with the Department of Health, shall review the product and make a determination of whether the product and the provider's established procedures for using the product is an effective and acceptable disinfectant for a child care program.

**Source:** 7 SDR 66, 7 SDR 89, effective July 1, 1981; 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987; 15 SDR 94, effective January 1, 1989; 31 SDR 40, effective September 29, 2004; 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL [26-6-16](#).

**Law Implemented:** SDCL [26-6-16](#).

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**67:42:11:07.01. Manual cleaning and sanitizing.** Repealed.

**Source:** 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987; 15 SDR 94, effective January 1, 1989; repealed, 39 SDR 220, effective June 27, 2013.

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**67:42:11:07.02. Mechanical cleaning and sanitizing.** Repealed.

**Source:** 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987; 21 SDR 206, effective June 4, 1995; 27 SDR 63, effective December 31, 2000; repealed, 39 SDR 220, effective June 27, 2013.

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**67:42:11:08. Ventilation of cooking areas.** A facility that provides care for more than 20 children must provide a ventilation hood over all cooking areas. A ventilation hood must be constructed of metal, vented to the outside, and have a removable grease filter.

**Source:** 7 SDR 66, 7 SDR 89, effective July 1, 1981; 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987; 15 SDR 94, effective January 1, 1989; 21 SDR 206, effective June 4, 1995; 27 SDR 63, effective December 31, 2000; 31 SDR 40, effective September 29, 2004.

**General Authority:** SDCL [26-6-16](#).

**Law Implemented:** SDCL [26-6-16](#).

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**67:42:11:09. Water source and temperature.** Enough water for the needs of the program must be provided. Water must be derived from a community water system or from a water system that is tested at least annually by the Department of Environment and Natural Resources or a laboratory certified by the Department of Health to conduct such tests. The water must be tested for bacteria and nitrate levels and must be safe for consumption. The provider shall maintain written documentation of the test results.

The hot water supply system must be large enough to meet the peak hot water demands of the facility. Hot water from plumbing fixtures normally utilized for the everyday living activities of clients may not exceed 120 degrees Fahrenheit.

**Source:** 7 SDR 66, 7 SDR 89, effective July 1, 1981; 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987; 14 SDR 37, effective September 13, 1987; 15 SDR 94, effective January 1, 1989; 27 SDR 63, effective December 31, 2000; 39 SDR 220, effective June 27, 2013; 43 SDR 31, effective September 12, 2016.

**General Authority:** SDCL [26-6-16](#).

**Law Implemented:** SDCL [26-6-16\(2\)\(6\)](#).

**Cross-References:** General rules, ch 74:02:01; Water system operators, art 74:21.

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**67:42:11:10. Electrical outlet covers.** Except for day care centers and group family day care homes, facilities caring for children aged four years and younger must cover unused electrical outlets with an Underwriters' Laboratories approved electrical outlet cover. Facilities that are for children aged four years and younger and which were constructed or approved after June 4, 1995, must have self-closing outlet covers that cover outlet holes automatically upon removal of appliance prongs.

Day care centers must meet the requirements of § 61:15:05:13.

Group family day care homes must meet the requirements of § 61:15:06:10.

**Source:** 7 SDR 66, 7 SDR 89, effective July 1, 1981; 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987; 21 SDR 206, effective June 4, 1995; 27 SDR 63, effective December 31, 2000.

**General Authority:** SDCL [26-6-16](#).

**Law Implemented:** SDCL [26-6-16](#).

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**67:42:11:11. Compliance with chapters 67:28:08 and 67:28:12.** Repealed.

**Source:** 7 SDR 66, 7 SDR 89, effective July 1, 1981; repealed, 13 SDR 197, effective July 1, 1987; repealed, 14 SDR 20, effective August 13, 1987.

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**67:42:11:12. Heating, ventilating, and cooling systems.** Each facility must have a working heating and cooling system.

Heating, ventilating, and cooling systems must be inspected at least once a year by a person qualified through experience in heating and ventilation maintenance. Verification of the inspection

must be a written statement made by the person making the inspection and must include the date of inspection and the person's signature. This written verification must be kept on file in the facility.

Electric fans, if used, must be guarded to limit the size of the opening in the blade guard to less than one-quarter inch.

**Source:** 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987; 15 SDR 94, effective January 1, 1989; 21 SDR 206, effective June 4, 1995; 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL [26-6-16](#).

**Law Implemented:** SDCL [26-6-16](#).

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**67:42:11:13. Electrical wiring.** Repealed.

**Source:** 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987; 21 SDR 206, effective June 4, 1995; repealed, 39 SDR 220, effective June 27, 2013.

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**67:42:11:14. Railings.** All floor and wall openings, open-sided stairs, open-sided mezzanine areas, platforms, and decks which are 30 inches or more above the adjacent ground level must be guarded by a railing or barrier. The railing or barrier must be constructed to prevent a child from crawling or falling through or becoming entrapped.

**Source:** 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987; 21 SDR 206, effective June 4, 1995; 31 SDR 40, effective September 29, 2004; 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL [26-6-16](#).

**Law Implemented:** SDCL [26-6-16](#).

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**67:42:11:15. Other hazardous conditions.** The department may direct a facility to remove or correct other hazardous conditions or circumstances not covered in this chapter if the department considers the conditions or circumstances to have the potential to cause injury or illness to clients or staff.

**Source:** 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987.

**General Authority:** SDCL [26-6-16](#).

**Law Implemented:** SDCL [26-6-16](#).

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**67:42:11:15.01. Traffic through food preparation area prohibited.** The traffic of unauthorized persons through the food preparation, food storage, and ware washing area is prohibited.

**Source:** 31 SDR 40, effective September 29, 2004.

**General Authority:** SDCL [26-6-16](#).

**Law Implemented:** SDCL [26-6-16](#).

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**67:42:11:16. Food supplies.** Food must be free from spoilage, filth, or other contamination and must be safe for human consumption. The use of home-canned foods is prohibited.

Fluid milk and fluid milk products used or served must be pasteurized and must meet Grade A quality standards as defined in SDCL [39-6-1\(4\)](#). Dry milk and dry milk products must be made from pasteurized milk and milk products and may be used in food preparation but not for drinking.

Only clean whole eggs with shell intact and without cracks, pasteurized liquid, frozen, or dry eggs, or pasteurized egg products may be used, except that hard-boiled, peeled eggs commercially prepared and packaged may be used.

The temperature of potentially hazardous foods as defined in § 44:02:07:18 must be 41 degrees Fahrenheit or below or 140 degrees Fahrenheit or above at all times except as other provided in this chapter. Potentially hazardous foods must be reheated rapidly to 165 degrees Fahrenheit or higher throughout before being served.

Frozen foods must be kept frozen and must be stored at a temperature of zero degrees Fahrenheit or below and must be thawed in one of the following ways.

- (1) In refrigerated units at a temperature not exceeding 41 degrees Fahrenheit;
- (2) Under potable running water that is 70 degrees Fahrenheit or below;

(3) In a microwave oven if the food will be immediately transferred to conventional cooking facilities as part of a continuous cooking process;

(4) In a microwave oven if the entire, uninterrupted cooking process takes place in the microwave oven; or

(5) As a part of the conventional cooking process.

Food service areas must have light fixtures which contain shielded or shatterproof bulbs.

**Source:** 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987; 21 SDR 206, effective June 4, 1995; 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL [26-6-16](#).

**Law Implemented:** SDCL [26-6-16](#).

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**67:42:11:17. Food protection.** Repealed.

**Source:** 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987; 27 SDR 121, effective May 28, 2001; repealed, 39 SDR 220, effective June 27, 2013.

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**67:42:11:18. Food storage -- General requirements.** The following are general requirements for food storage:

(1) Food, whether raw or prepared, if removed from the container or package in which it was obtained, must be stored in a clean, covered container except during necessary periods of preparation or service. Container covers must be impervious and nonabsorbent except that linens or napkins may be used for lining or covering bread or roll containers;

(2) Containers of food must be stored a minimum of six inches above the floor in a manner that protects the food from splash and other contamination and that permits easy cleaning of the storage area;

(3) Metal pressurized beverage containers and cased food packaged in cans, glass, or other waterproof containers need not be elevated when the food container is not exposed to floor moisture;

(4) Food and containers of food may not be stored under exposed or unprotected sewer lines or water lines except for automatic fire protection sprinkler heads that may be required by law. The storage of food in toilet rooms or vestibules is prohibited; and

(5) Food not subject to further washing or cooking before serving must be stored in a way that protects it against cross contamination from food requiring washing or cooking.

**Source:** 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987; 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL [26-6-16](#).

**Law Implemented:** SDCL [26-6-16](#).

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**67:42:11:19. Refrigerated storage.** Repealed.

**Source:** 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987; repealed, 39 SDR 220, effective June 27, 2013.

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**67:42:11:20. Raw fruits and vegetables.** Raw fruits and raw vegetables must be thoroughly washed with potable water before being cooked or served.

**Source:** 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987.

**General Authority:** SDCL [26-6-16](#).

**Law Implemented:** SDCL [26-6-16](#).

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**67:42:11:21. Reheating.** Repealed.

**Source:** 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987; repealed, 39 SDR 220, effective June 27, 2013.

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**67:42:11:22. Thawing potentially hazardous foods.** Repealed.

**Source:** 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987; 31 SDR 40, effective September 29, 2004; repealed, 39 SDR 220, effective June 27, 2013.

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**67:42:11:23. Employee health.** No person may work in a food service establishment in any capacity which can result in the contamination of food or food contact surfaces or in the transmission of disease to another person under any of the following circumstances:

- (1) The person has an acute respiratory infection;
- (2) The person is infected with or is a carrier of any disease that can be transmitted by foods; or
- (3) The person has a boil or an infected wound.

**Source:** 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987.

**General Authority:** SDCL [26-6-16](#).

**Law Implemented:** SDCL [26-6-16](#).

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**67:42:11:24. Personal cleanliness.** Persons involved with food preparation shall thoroughly wash their hands and the exposed portions of their arms with soap and warm water before starting work and as often as necessary during work to keep them clean. They shall also wash after smoking, eating, drinking, or using the toilet. They shall keep their fingernails clean and trimmed and their outer clothing must be clean. Jewelry on hands and wrists may not be worn during food handling.

**Source:** 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987.

**General Authority:** SDCL [26-6-16](#).

**Law Implemented:** SDCL [26-6-16](#).

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**67:42:11:25. Food service practices.** Individuals involved with food preparation must conform to the following requirements:

(1) They may consume food only in designated dining areas where there will be no contamination of other food, equipment, or utensils;

(2) They may use tobacco only in designated areas where the use of tobacco will not result in the contamination of food, equipment, or utensils;

(3) They shall handle soiled tableware in a way that minimizes contamination of the hands; and

(4) They must wear hair restraints such as hats, hair coverings or nets, beard restraints, and clothing that covers body hair. The hair restraints must be designed and worn to effectively keep hair from contacting exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles.

**Source:** 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987; 31 SDR 40, effective September 29, 2004.

**General Authority:** SDCL [26-6-16](#).

**Law Implemented:** SDCL [26-6-16](#).

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**67:42:11:26. Multi-use equipment and utensils.** Repealed.

**Source:** 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987; repealed, 39 SDR 220, effective June 27, 2013.

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**67:42:11:27. Single-service articles.** Repealed.

**Source:** 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987; repealed, 39 SDR 220, effective June 27, 2013.

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**67:42:11:28. Equipment and utensil handling.** Repealed.

**Source:** 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987; repealed, 39 SDR 220, effective June 27, 2013.

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**67:42:11:29. Equipment and utensil storage.** Equipment and utensils must be stored as follows:

(1) Cleaning and sanitized utensils and equipment must be stored at least six inches above the floor in a clean, dry location in a way that protects them from contamination in any form. The food contact surfaces of fixed equipment must be protected from contamination. Equipment and utensils may not be placed under exposed sewer lines or water lines except for automatic fire protection sprinkler heads;

(2) Utensils not air dried before being stored must be stored in a self-draining position; and

(3) Cups and glasses must be stored inverted. Other stored utensils must be stored covered or inverted wherever practical. Knives, forks, and spoons must be stored in facilities that present the handle to the consumer or employee.

**Source:** 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987; 43 SDR 31, effective September 12, 2016.

**General Authority:** SDCL [26-6-16](#).

**Law Implemented:** SDCL [26-6-16](#).

**Cross-Reference:** Cleaning and sanitizing of equipment, § 67:42:11:07.

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**67:42:11:30. Storage and handling of single-service articles.** Repealed.

**Source:** 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987; repealed, 39 SDR 220, effective June 27, 2013.

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**67:42:11:31. Sewage.** Repealed.

**Source:** 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987; repealed, 39 SDR 220, effective June 27, 2013.

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**67:42:11:32. Plumbing.** Repealed.

**Source:** 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987; repealed, 39 SDR 220, effective June 27, 2013.

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**67:42:11:33. Handwashing.** Staff members shall wash their hands after using the restroom, after changing a diaper, after working with soiled clothing or bedding, and before handling food.

Day care programs shall ensure that a child's hands are washed before and after meals and after the child has used the bathroom.

Handwashing facilities must be located to permit convenient use by both employees and clients and must meet the following requirements:

- (1) At least one handwashing facility must be provided in the food preparation area or directly adjacent to the food preparation area;
- (2) Handwashing facilities must be located in all toilet rooms;
- (3) Handwashing facilities must be located near any diaper changing area;
- (4) A supply of hand cleansing soap or detergent must be available at each handwashing facility; and
- (5) A supply of single-use towels must be available at each handwashing facility.

**Source:** 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987; 15 SDR 94, effective January 1, 1989; 21 SDR 206, effective June 4, 1995; 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL [26-6-16](#).

**Law Implemented:** SDCL [26-6-16](#).

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**67:42:11:34. Garbage and refuse.** Garbage and refuse must be kept in durable, easily cleanable, insectproof, and rodentproof containers that do not leak and do not absorb liquids.

Garbage and refuse on the premises must be stored in a manner and disposed of often enough to make them inaccessible to animals and insects. Outside storage of unprotected plastic bags is prohibited.

**Source:** 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987; 15 SDR 94, effective January 1, 1989; 21 SDR 206, effective June 4, 1995; 27 SDR 63, effective December 31, 2000; 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL [26-6-16](#).

**Law Implemented:** SDCL [26-6-16](#).

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**67:42:11:35. Garbage and refuse disposal.** Repealed.

**Source:** 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987; repealed, 39 SDR 220, effective June 27, 2013.

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**67:42:11:36. Insect and rodent control.** Effective measures must be taken to minimize the presence of rodents, flies, cockroaches, and other insects on the premises. The premises must be maintained so as to prevent the harborage or feeding of insects or rodents. Openings to the outside must be effectively protected against the entrance of rodents. Outside openings must be protected against the entrance of insects by tight-fitting, self-closing doors, closed windows, screening, controlled air currents, or other means. Screen doors must be self-closing and screens for windows, doors, skylights, transoms, intake and exhaust air ducts, and other openings to the outside must be tight fitting and free of breaks. Screening material may not be less than 16 mesh to the inch.

**Source:** 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987.

**General Authority:** SDCL [26-6-16](#).

**Law Implemented:** SDCL [26-6-16](#).

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**67:42:11:37. Floor construction.** Floors in food preparation areas, wet areas, laundry areas, and storage areas must be constructed of smooth durable material such as sealed concrete, terrazzo, ceramic tile, durable grades of linoleum or plastic, or tight wood impregnated with plastic and must be maintained in good repair. Nothing

in this section prohibits the use of antislip floor covering in areas where necessary for safety purposes.

**Source:** 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987.

**General Authority:** SDCL [26-6-16](#).

**Law Implemented:** SDCL [26-6-16](#).

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**67:42:11:38. Floor carpeting.** Carpeting, if used as a floor covering, must be of closely woven construction, installed according to the manufacturer's recommendations, easily cleanable, and maintained in good repair. Carpeting may not be used in food preparation, equipment washing, and utensil washing areas where it would be exposed to large amounts of grease and water, in food storage rooms, or in restrooms.

**Source:** 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987; 21 SDR 206, effective June 4, 1995.

**General Authority:** SDCL [26-6-16](#).

**Law Implemented:** SDCL [26-6-16](#).

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**67:42:11:39. Walls and ceilings -- Maintenance and construction.** Walls and ceilings, including doors, windows, skylights, and similar closures, must be maintained in good repair. The walls, including nonsupporting partitions, wall coverings, and ceilings of walk-in refrigeration units, food preparation areas, equipment washing and utensil washing areas, and vestibules must be easily cleanable. Concrete or pumice blocks used for interior wall construction in these locations must be finished and sealed to provide an easily cleanable surface. Wall construction in living areas such as bedrooms, lounges, and living rooms need not be of nonabsorbent or smooth construction but must be amenable to easy cleaning and must be maintained in good repair.

**Source:** 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987; 39 SDR 220, effective June 27, 2013; 45 SDR 159, effective July 1, 2019.

**General Authority:** SDCL [26-6-16](#).

**Law Implemented:** SDCL [26-6-16](#).

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**67:42:11:40. Housekeeping.** All parts of the facility must be kept clean, neat, and free of litter and rubbish. Equipment and supplies must be provided for cleaning of all surfaces. Cleaning equipment must be maintained in a safe, sanitary condition. Cleaning must be performed in a manner that minimizes the spread of pathogenic microorganisms in the facility's atmosphere. Cleaning must include all environmental surfaces within the facility that are subject to contamination from dust, direct splash, or pathogenic organisms. Hazardous cleaning solutions, chemicals, poisons, and substances must be labeled, stored in a safe place, and kept in an enclosed cabinet that is not accessible to clients.

**Source:** 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987.

**General Authority:** SDCL [26-6-16](#).

**Law Implemented:** SDCL [26-6-16](#).

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**67:42:11:41. Laundry.** Each facility must provide for the cleaning of all linens and washable goods. Soiled linen must be placed in closed containers or hampers during storage or transportation. The handling, sorting, or washing of soiled linen may not take place in food preparation or serving areas. Areas designated for soiled linen handling and processing must be physically separated from kitchen areas by a permanent partition. If physical separation of laundry and kitchen areas is impractical, written procedures must be developed that prohibit the washing, sorting, or handling of laundry while meals are being prepared or served. Laundry detergents, bleaches, soap builders, brighteners, bluing agents, or other chemicals associated with the washing or finishing process must be safely stored to prevent injury to clients by spillage or ingestion. Laundry chemicals may not be placed or stored with or near food or on food contact surfaces.

If the facility provides laundry service for common-use linens or if different clients' clothing is laundered together and if the water temperature at the washing machine is less than 160 degrees Fahrenheit, bleach or a disinfectant must be used in the laundering process.

**Source:** 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987.

**General Authority:** SDCL [26-6-16](#).

**Law Implemented:** SDCL [26-6-16](#).

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**67:42:11:42. Handwashing.** Repealed.

**Source:** 15 SDR 94, effective January 1, 1989; 21 SDR 206, effective June 4, 1995; repealed, 39 SDR 220, effective June 27, 2013.

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**67:42:11:43. Smoking.** Repealed.

**Source:** 15 SDR 94, effective January 1, 1989; 15 SDR 162, effective May 4, 1989; repealed, 31 SDR 40, effective September 29, 2004.

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**67:42:11:44. Pets.** If a pet is present, indoors or outdoors, the provider must ensure that the following requirements are met:

- (1) The pet must be in good health, show no evidence of carrying any disease, and be a friendly companion to the children and parents;
- (2) Wild or dangerous animals such as ferrets, lizards, or other reptiles must be kept in a covered glass container or tank that is inaccessible to children;
- (3) Potentially aggressive animals such as pit bulls and rottweilers and parrots and other exotic birds must be confined and kept away from the children;
- (4) Dogs or cats must be immunized for any disease that can be transmitted to humans and must be maintained on a flea, tick, and worm control program;
- (5) The provider must have documentation, signed by a veterinarian, that the pet has had the required immunizations and that the immunizations are current;
- (6) The pet's living quarters must be kept clean;
- (7) Litter boxes must be covered and kept clean in order to eliminate odor; and

(8) The pet's food supply may not be accessible to the children.

**Source:** 21 SDR 206, effective June 4, 1995; 31 SDR 40, effective September 29, 2004.

**General Authority:** SDCL [26-6-16](#).

**Law Implemented:** SDCL [26-6-16](#).