

CODE OF VIRGINIA



Title 35.1

Hotels, Restaurants, Summer Camps,
and Campgrounds

Title 35.1 - HOTELS, RESTAURANTS, SUMMER CAMPS, AND CAMPGROUNDS

Chapter 1 - GENERAL PROVISIONS

§ 35.1-1. Definitions.

As used in this title, unless the context requires a different meaning:

"Bed-and-breakfast operation" means a residential-type establishment that provides (i) two or more rental accommodations for transient guests and food service to a maximum of 18 transient guests on any single day for five or more days in any calendar year or (ii) at least one rental accommodation for transient guests and food service to a maximum of 18 transient guests on any single day for 30 or more days in any calendar year.

"Board" or "State Board" means the State Board of Health.

"Campground" means any area, place, parcel, or tract of land, by whatever name called, on which three or more campsites are occupied or intended for occupancy, or facilities are established or maintained, wholly or in part, for the accommodation of camping units for periods of overnight or longer, whether the use of the campsites and facilities is granted gratuitously, or by rental fee, lease, or conditional sale, or by covenants, restrictions, and easements, including any travel trailer camp, recreation camp, family campground, camping resort, or camping community. "Campground" does not mean a summer camp, migrant labor camp, or park for manufactured homes as defined in this section and in §§ [32.1-203](#) and [36-85.3](#), or a construction camp, storage area for unoccupied camping units, or property upon which the individual owner may choose to camp and not be prohibited or encumbered by covenants, restrictions, and conditions from providing his sanitary facilities within his property lines.

"Camping unit" means any device or vehicular type structure for use as temporary living quarters or shelter during periods of recreation, vacation, leisure time, or travel, including any tent, tent trailer, travel trailer, camping trailer, pickup camper, or motor home.

"Campsite" means any plot of ground within a campground used or intended for occupation by the camping unit.

"Certified food protection manager" means a person who has demonstrated proficiency in food safety issues, regulations, and techniques in maintaining a safe-food environment by passing a test and receiving a certification as part of a program that is accredited by the Board.

"Commissioner" means the State Health Commissioner.

"Department" means the State Department of Health.

"Hotel" means any place offering to the public for compensation transitory lodging or sleeping accommodations, overnight or otherwise, including facilities known by varying nomenclatures or designations as hotels, motels, travel lodges, tourist homes, or hostels.

"Person" means an individual, corporation, partnership, association, or any other legal entity.

"Restaurant" means:

1. Any place where food is prepared for service to the public on or off the premises, or any place where food is served, including lunchrooms, short order places, cafeterias, coffee shops, cafes, taverns, delicatessens, dining accommodations of public or private clubs, kitchen facilities of hospitals and nursing homes, dining accommodations of public and private schools and institutions of higher education, and kitchen areas of local correctional facilities subject to standards adopted under § [53.1-68](#).
2. Any place or operation that prepares or stores food for distribution to persons of the same business operation or of a related business operation for service to the public, including operations preparing or storing food for catering services, push cart operations, hotdog stands, and other mobile points of service.
3. Mobile points of service to which food is distributed by a place or operation described in subdivision 2 unless the point of service and of consumption is in a private residence.
4. Any place or operation that prepares or stores food for distribution to child or adult day care centers or schools, regardless of whether the receiving day care center or school holds a restaurant license.

"Restaurant" does not include any place manufacturing packaged or canned foods that are distributed to grocery stores or other similar retailers for sale to the public.

"Summer camp" means any building, tent, or vehicle, or group of buildings, tents, or vehicles, if operated as one place or establishment, or any other place or establishment, public or private, together with the land and waters adjacent thereto, that is operated or used in this Commonwealth for the entertainment, education, recreation, religious instruction or activities, physical education, or health of persons under 18 years of age who are not related to the operator of such place or establishment by blood or marriage within the third degree of consanguinity or affinity, if 12 or more such persons at any one time are accommodated, gratuitously or for compensation, overnight and during any portion of more than two consecutive days.

Code 1950, §§ 35-1, 35-25, 35-43, 35-54; 1960, c. 186; 1964, c. 327; 1981, c. 468; 1995, c. [797](#); 2018, c. [450](#); 2019, c. [275](#); 2023, c. [342](#).

§ 35.1-1.1. Certified mail; subsequent mail or notices may be sent by regular mail.

Whenever in this title the Board, the Commissioner, or the Department is required to send any mail or notice by certified mail and such mail or notice is sent certified mail, return receipt requested, then any subsequent, identical mail or notice that is sent by the Board, the Commissioner, or the Department may be sent by regular mail.

2011, c. [566](#).

§ 35.1-2. Enforcement.

This title shall be enforced by the State Board of Health and the State Health Commissioner as executive officer of the Board, acting through duly designated officers.

Code 1950, §§ 35-5, 35-17, 35-28; 1981, c. 468.

§ 35.1-3. Commissioner vested with Board's authority.

The Commissioner shall be vested with all the authority of the Board pursuant to this title when it is not in session, subject to such rules and regulations as may be prescribed by the Board.

1981, c. 468.

§ 35.1-4. Applicability of Administrative Process Act.

The Administrative Process Act (§ [2.2-4000](#) et seq.) shall govern the procedures for rendering all case decisions, as defined in § [2.2-4001](#), and for issuing all orders and regulations promulgated pursuant to the authority of this title.

Code 1950, §§ 35-24, 35-42, 35-52; 1970, c. 273; 1981, c. 468.

§ 35.1-5. Right of entry to inspect, etc.; warrants.

Upon presentation of appropriate credentials and upon consent of the owner or custodian, the Commissioner or his designee shall have the right to enter at any reasonable time onto the premises of any hotel, restaurant, summer camp, or campground to inspect, investigate, evaluate, conduct tests, or take samples for testing as he reasonably deems necessary in order to determine whether any provision of this title, any regulation of the Board, any order of the Board or Commissioner, or any condition in a license issued by the Board or Commissioner pursuant to this title is being violated. If the Commissioner or his designee is denied entry, he may apply to an appropriate circuit court for an inspection warrant authorizing such investigation, evaluation, inspection, testing, or taking of samples for testing as provided in Chapter 24 (§ [19.2-393](#) et seq.) of Title 19.2.

Code 1950, §§ 35-4, 35-20, 35-27, 35-30; 1981, c. 468.

§ 35.1-6. Orders.

The Board is authorized to issue orders to require any person to comply with the provisions of this title or any regulations promulgated by the Board, or to comply with any case decision, as defined in § [2.2-4001](#), of the Board or Commissioner. Any such order shall be issued only after a hearing with at least thirty days notice to the affected person of the time, place, and purpose thereof. Such order shall become effective not less than fifteen days after mailing a copy thereof by certified mail to the last known address of such person. The provisions of this section shall not affect the authority of the Board to issue separate orders and regulations to meet any emergency as provided in § [35.1-12](#).

1981, c. 468.

§ 35.1-7. Penalties, injunctions, civil penalties and charges for violations.

A. Any person willfully violating, or refusing, failing, or neglecting to comply with any regulation or order of the Board or Commissioner, or any provision of this title, shall be guilty of a Class 3 misdemeanor unless a different penalty is specified. Each day of violation shall constitute a separate offense.

B. Any person violating, or failing, neglecting, or refusing to obey any lawful regulation or order of the Board or Commissioner, or any provision of this title, may be compelled in a proceeding instituted in an appropriate court by the Board or Commissioner to obey and comply with such regulation, order, or provision of this title. The proceeding may be by injunction, mandamus, or other appropriate remedy.

C. Without limiting the remedies which may be obtained pursuant to subsection B, any person violating or failing, neglecting, or refusing to obey any injunction, mandamus, or other remedy obtained pursuant to subsection B shall be subject, in the discretion of the court, to a civil penalty not to exceed \$10,000 for each violation. Each day of violation shall constitute a separate offense.

D. With the consent of any person who has violated or failed, neglected, or refused to obey any regulation or order of the Board or Commissioner or any provision of this title, the Board may provide, in an order issued by the Board against such person, for the payment of civil charges for past violations in specific sums not to exceed the limit set forth in subsection C. Such civil charges shall be in place of any appropriate civil penalty which could be imposed under subsection C.

Code 1950, §§ 35-7, 35-21, 35-41, 35-53; 1981, c. 468.

§ 35.1-8. Repealed.

Repealed by Acts 1989, c. 258.

§ 35.1-9. Local ordinance superseded; exceptions.

This title and the regulations of the Board shall supersede all local ordinances regulating hotels, restaurants, summer camps, and campgrounds other than those adopted pursuant to the provisions of § [35.1-26](#), except that any locality may adopt ordinances regarding (i) the sale, preparation, and handling of food; (ii) swimming pools, saunas and other similar facilities; (iii) the keeping of guest registers by hotels; and (iv) the display of signs alongside or in plain view of any public roadway to preclude false or misleading advertising thereon to the extent prohibited by § [18.2-217](#), provided such ordinances are equivalent to or more stringent than the provisions of this title or Title 18.2 in the case of the display of signs alongside or in plain view of any public roadway to preclude false or misleading advertising thereon to the extent prohibited by § [18.2-217](#), and the regulations of the Board. Nothing in this section shall be construed to limit or affect in any way the powers given to localities under Title 15.2, or under any city charter, or under any other general or special act.

1981, c. 468; 1983, c. 242.

§ 35.1-10. Measures to prevent transmission of disease.

Nothing in this title applicable to restaurants shall prevent the Commissioner from taking whatever action he deems necessary to control the spread of preventable diseases as set forth in Title 32.1, including but not limited to the exclusion of employees, the medical examination of any employee, the

immediate closing of a hotel, restaurant, summer camp, or campground, and the taking of samples for testing.

Code 1950, §§ 35-31, 35-40; 1971, Ex. Sess., c. 155; 1981, c. 468; 1993, c. 336.

Chapter 2 - Regulations

§ 35.1-11. Regulations generally.

The Board shall make, adopt, promulgate, and enforce regulations necessary to carry out the provisions of this title and to protect the public health and safety. In promulgating regulations, the Board shall consider the accepted standards of health including the use of precautions to prevent the transmission of communicable diseases, hygiene, sanitation, safety, and physical plant management.

1981, c. 468; 1993, c. 336.

§ 35.1-12. Emergency orders and regulations; Commissioner vested with authority of Board.

The Board may make separate orders and regulations to meet any emergency not provided for by general regulations for the purpose of suppressing conditions dangerous to the public health and communicable, contagious, and infectious diseases.

1981, c. 468.

§ 35.1-13. Regulations governing hotels.

Regulations of the Board governing hotels shall provide minimum standards for, but shall not be limited to: (i) food preparation and handling; (ii) physical plant sanitation; (iii) the provision, storage, and cleansing of linens and towels; (iv) general housekeeping and maintenance practices; (v) requirements for approved water supply and sewage disposal systems; (vi) vector and pest control; (vii) swimming pools, saunas, and other similar facilities, including personnel standards for the operation thereof; (viii) ice machines and dispensers of perishable food items; and (ix) a procedure for obtaining a license.

Code 1950, §§ 35-8, 35-9, 35-16, 35-16.1, 35-18; 1956, c. 394; 1964, c. 499; 1970, c. 435; 1981, c. 468.

§ 35.1-14. Regulations governing restaurants; advisory standards for exempt entities.

A. Regulations of the Board governing restaurants shall include but not be limited to the following subjects: (i) a procedure for obtaining a license; (ii) the safe and sanitary maintenance, storage, operation, and use of equipment; (iii) the sanitary maintenance and use of a restaurant's physical plant; (iv) the safe preparation, handling, protection, and preservation of food, including necessary refrigeration or heating methods; (v) procedures for vector and pest control; (vi) requirements for toilet and cleansing facilities for employees and customers; (vii) requirements for appropriate lighting and ventilation not otherwise provided for in the Uniform Statewide Building Code; (viii) requirements for an approved water supply and sewage disposal system; (ix) personal hygiene standards for employees, particularly those engaged in food handling; (x) the appropriate use of precautions to prevent the trans-

mission of communicable diseases; and (xi) training standards that address food safety and food allergy awareness and safety.

B. In its regulations, the Board may classify restaurants by type and specify different requirements for each classification.

C. The Board may adopt any edition of the Food and Drug Administration's Food Code, or supplement thereto, or any portion thereof, as regulations, with any amendments as it deems appropriate. In addition, the Board may repeal or amend any regulation adopted pursuant to this subsection. No regulations adopted or amended by the Board pursuant to this subsection, however, shall establish requirements for any license, permit, or inspection unless such license, permit, or inspection is otherwise provided for in this title. The provisions of the Food and Drug Administration's Food Code shall not apply to farmers selling their own farm-produced products directly to consumers for their personal use, whether such sales occur on such farmer's farm or at a farmers' market, unless such provisions are adopted in accordance with the Administrative Process Act (§ [2.2-4000](#) et seq.).

D. The Board may issue advisory standards for the safe preparation, handling, protection, and preservation of food by entities exempt from the provisions of this title pursuant to § [35.1-25](#) or [35.1-26](#).

E. The provisions of the Administrative Process Act (§ [2.2-4000](#) et seq.) shall not apply to the adoption of any regulation pursuant to subsection C if the Board of Agriculture and Consumer Services adopts the same edition of the Food Code, or the same portions thereof, pursuant to subsection B of § [3.2-5121](#) and the regulations adopted by the Board and the Board of Agriculture and Consumer Services have the same effective date. In the event that the Board of Agriculture and Consumer Services adopts regulations pursuant to § [2.2-4012.1](#), the effective date of the Board's regulations may be any date on or after the effective date of the regulations adopted by the Board of Agriculture and Consumer Services.

Notwithstanding any exemption to the contrary, a regulation promulgated pursuant to subsection C shall be subject to the requirements set out in §§ [2.2-4007.03](#), [2.2-4007.04](#), and [2.2-4007.05](#), and shall be published in the Virginia Register of Regulations. After the close of the 60-day comment period, the Board may adopt a final regulation, with or without changes. Such regulation shall become effective 15 days after publication in the Virginia Register, unless the Board has withdrawn or suspended the regulation, or a later date has been set by the Board. The Board shall also hold at least one public hearing on the proposed regulation during the 60-day comment period. The notice for such public hearing shall include the date, time and place of the hearing.

F. The Board shall adopt regulations pursuant to subsection C that allow the receipt for sale or service of rabbits that are slaughtered or processed in a facility that complies with regulations adopted by the Board of Agriculture and Consumer Services pursuant to the provisions of subsection H of § [3.2-5121](#).

G. Regulations adopted by the Board pursuant to this section shall not require an establishment that sells only prepared foods to have a certified food protection manager, as defined in § [35.1-1](#), on site during all hours of operation.

Code 1950, §§ 35-28, 35-32, 35-33, 35-34, 35-35, 35-36, 35-37; 1981, c. 468; 1993, c. 336; 2003, c. [695](#); 2004, c. [802](#); 2007, cc. [873](#), [916](#); 2015, cc. [356](#), [528](#); 2018, c. [674](#); 2022, c. [393](#).

§ 35.1-14.1. Certain uses of sulfiting agents prohibited.

The use of sulfiting agents as preservatives on raw fruits and vegetables is prohibited. No restaurant licensed under this title shall direct or allow its employees or agents to apply sulfiting agents on raw fruits and vegetables prepared for or served to the public.

1986, c. 200.

§ 35.1-14.2. Donations of food to charitable organizations.

A. Any restaurant, licensed by the Department of Health pursuant to this title and any processor, distributor, wholesaler or retailer of food, including, but not limited to, a grocery, convenience, or other store selling food or food products, may donate unserved excess foods to any charity organization that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code, and to political subdivisions for distribution to needy persons. Charitable organizations engaged in food distribution programs for needy persons shall notify the local political subdivision of their programs. Upon the notification of such food distribution programs by such charitable organizations, the local political subdivision shall provide a list of such charitable organizations within its jurisdiction to those restaurants and other food suppliers who request such information. Organizations engaged in such food distribution programs shall be exempt from civil liability as provided in § [3.2-5144](#) for the donors of the food.

B. Charitable organizations engaged in food distribution programs for needy persons shall be deemed exempt from state and local regulations and local ordinances that govern food service and preparation. In addition to accepting donations of food as provided in subsection A, such organizations may accept food prepared by their employees or volunteers in private homes or in facilities not otherwise licensed as provided in this chapter.

For the purposes of this subsection, "charitable organizations" shall include nonprofit homeless shelters and hunger prevention programs.

C. No food donor or food organization, as defined in § [3.2-5144](#), shall be criminally or civilly liable for donating or receiving (i) commercially processed food past the best-by or sell-by date as long as the food meets all labeling and date requirements or (ii) date-marked prepared foods not past the marked disposition date, when the marked date does not exceed seven calendar days from the date of preparation, and the day of preparation is counted as day one. The exemption of this section shall not apply if injury or death directly results from the gross negligence or intentional misconduct of the donor or donee.

D. The Board may issue advisory standards for the safe preparation, handling, protection, and preservation of food by the organizations exempted in subsection B.

1990, c. 755; 1998, c. [641](#); 2007, cc. [404](#), [545](#); 2022, c. [633](#).

§ 35.1-15. Training materials.

The Commissioner shall cause to be written materials designed to provide information on training for the prevention of disease transmission, symptoms of communicable disease, personal hygiene practices, hazards in food preparation, food safety and food allergy awareness and safety, and any other matter deemed appropriate by the Commissioner for the training of restaurant personnel. The Commissioner may, if he desires, provide personnel for the training of employees of restaurants in the handling of food.

1981, c. 468; 2015, cc. [356](#), [528](#).

§ 35.1-15.1. Required human trafficking training.

A. As used in this section:

"Employee" means any person employed by a hotel that (i) has frequent or regular interactions with guests, such as front desk staff, hotel porters, hotel concierge, restaurant waiting and bartending staff, or room service staff; (ii) is in a management position; or (iii) has access to the guest's room, including housekeeping staff.

"Hotel" does not include a short-term rental property as defined in § [58.1-3510.4](#).

B. Every hotel proprietor shall require its employees to complete a training course on recognizing and reporting instances of suspected human trafficking. Such training course shall be an online course provided by the Department of Criminal Justice Services at no cost to the hotel proprietor and its employees pursuant to § [9.1-102](#) or an alternative online or in-person training course approved by the Department of Criminal Justice Services. The Department of Criminal Justice Services shall approve or disapprove of the use of any alternative online or in-person training course within 60 days of the submission of such training course for approval.

C. Each hotel employee shall complete the required training course described in subsection B within six months of being employed by a hotel and thereafter at least once during each consecutive period of two calendar years commencing with the date on which he last completed the required training course, for as long as he is employed by a hotel.

2022, c. [751](#).

§ 35.1-16. Regulations governing summer camps.

The regulations of the Board governing summer camps shall include, but not be limited to: (i) an approved drinking water supply; (ii) an approved sewage disposal system; (iii) an approved solid waste disposal system; (iv) the adequate and sanitary preparation, handling, protection and preservation of food; (v) the proper maintenance of buildings, grounds, and equipment; (vi) vector and pest control; (vii) toilet, swimming, and bathing facilities, including shower facilities; (viii) a procedure for obtaining a license.

Code 1950, §§ 35-45, 35-46, 35-47, 35-48, 35-49; 1981, c. 468.

§ 35.1-17. Regulations governing campgrounds.

A. The regulations of the Board governing campgrounds shall include minimum standards for (i) an approved drinking water supply; (ii) an approved sewage disposal system; (iii) an approved solid waste disposal system; (iv) the proper maintenance of buildings, grounds, and equipment; (v) vector and pest control; (vi) toilet, swimming, and bathing facilities, including shower facilities; (vii) effective measures for the control of animals and pets; (viii) appropriate procedures and safeguards for hazardous situations, including specifically the maintenance and sale of propane gas or other explosives and combustibles; and (ix) a procedure for obtaining a license.

B. The Board may in its sole discretion prescribe regulations for classes of campgrounds and different requirements for each class.

Code 1950, § 35-55; 1981, c. 468.

Chapter 3 - LICENSES; INSPECTIONS

§ 35.1-18. License required; name in which issued; not assignable or transferable.

No person shall own, establish, conduct, maintain, manage, or operate any hotel, restaurant, summer camp, or campground in this Commonwealth unless the hotel, restaurant, summer camp, or campground is licensed as provided in this chapter. The license shall be in the name of the owner or lessee. No license issued hereunder shall be assignable or transferable. The Board shall not issue a license to the owner or lessee of any hotel, summer camp or campground in this Commonwealth that maintains, or conducts as any part of its activities, a nudist camp for juveniles. A "nudist camp for juveniles" is defined to be a hotel, summer camp or campground that is attended by openly nude juveniles whose parent, grandparent, or legal guardian is not also registered for and present with the juvenile at the same camp.

Code 1950, §§ 35-22, 35-26, 35-44; 1981, c. 468; 2004, c. [987](#).

§ 35.1-19. Person deemed responsible for campground.

In the event that the Commissioner or his designee cannot establish which person is responsible for a campground, the owner of the parcel of land upon which the campground lies shall be deemed to be the person responsible for obtaining a license and meeting the requirements of this title and the applicable rules and regulations for retaining a license.

1981, c. 468.

§ 35.1-20. Issuance and denial of licenses.

The Commissioner shall issue a license for each hotel, restaurant, summer camp, and campground which, after inspection, is found to be in compliance with all applicable regulations and provisions of this title. The Commissioner shall notify by certified mail any applicant denied a license of the reasons for such denial.

1981, c. 468.

§ 35.1-21. Display of hotel, restaurant, summer camp, and campground licenses.

A. As used in this section, "mobile food unit" means a restaurant that is mounted on wheels and readily moveable from place to place at all times during operation.

B. The license of each hotel, restaurant, summer camp, and campground issued pursuant to this chapter shall be prominently displayed.

C. The Department shall issue a license in the form of a sticker to a restaurant that is a mobile food unit that meets the requirements of this chapter, which license shall be prominently displayed on the mobile food unit.

Code 1950, § 35-26; 1981, c. 468; 2017, c. [281](#).

§ 35.1-22. Periodic inspections.

The Commissioner shall cause each restaurant, summer camp, and campground in the Commonwealth to be inspected at least annually, with no more than 12 months elapsing between each such inspection, in accordance with applicable provisions of this title and the regulations of the Board. However, no restaurant, summer camp, or campground shall receive additional inspections until all other restaurants, summer camps, or campgrounds in that locality, as defined in § [15.2-102](#), respectively, have also been inspected, unless the additional inspections are (i) necessary to follow up on a preoperational inspection or one or more violations; (ii) required by a uniformly applied risk-based schedule established by the Department; (iii) necessary to investigate a complaint regarding the restaurant, summer camp, or campground; or (iv) otherwise deemed necessary by the Commissioner or his designee to protect the health and safety of the public.

The Commissioner, as he deems appropriate, shall cause each hotel in the Commonwealth to be inspected in accordance with applicable provisions of this title and the regulations of the Board. However, no hotel shall receive additional inspections until all other hotels in that locality, as defined in § [15.2-102](#), have also been inspected, unless the additional inspections are (a) necessary to follow up on a preoperational inspection or one or more violations, (b) required by a uniformly applied risk-based schedule established by the Department, (c) necessary to investigate a complaint regarding the hotel, or (d) otherwise deemed necessary by the Commissioner or his designee to protect the health and safety of the public.

If at any time the Commissioner finds that a hotel, restaurant, summer camp, or campground is not in compliance with applicable provisions of this title or regulations of the Board, he may revoke or suspend the license of that hotel, restaurant, summer camp, or campground.

Code 1950, §§ 35-4, 35-6, 35-7, 35-15, 35-23, 35-46, 35-47, 35-51, 35-56; 1981, c. 468; 1996, cc. [200](#), [834](#); 2016, c. [581](#); 2017, c. [465](#).

§ 35.1-23. State institutions with dining accommodations to request inspections.

The head of every state institution with dining accommodations shall request the Commissioner to inspect such dining accommodations not less often than annually. Upon receipt of any such request, the Commissioner shall cause the dining accommodations to be so inspected and a report to be filed with the institution.

1981, c. 468.

§ 35.1-24. Advice and assistance to applicants for hotel and restaurant licenses.

The Commissioner may provide for consultative advice and assistance, within such limitations and restrictions as he deems proper, to any person who applies for a license provided for in this chapter.

1981, c. 468.

Chapter 4 - Exemptions

§ 35.1-25. Exemptions.

A. The provisions of this title applicable to restaurants shall not apply to:

1. Boardinghouses that do not accommodate transients;
2. Cafeterias operated by industrial plants for employees only;
3. Churches; fraternal or school organizations; organizations that are exempt from taxation under § 501(c)(3) of the Internal Revenue Code; and volunteer fire departments and volunteer emergency medical services agencies that hold occasional dinners, bazaars, and other fund-raisers of one or two days' duration, at which food (i) prepared in the homes of members; (ii) prepared in the kitchen of the church, school, or organization; or (iii) purchased or donated from a restaurant licensed pursuant to Chapter 3 (§ [35.1-18](#) et seq.) is offered for sale to the public. Restaurants licensed pursuant to Chapter 3 that donate or sell food to the entities identified in this subdivision shall not be required to apply for any additional permits from, or pay any additional permit application fees to, the Department for the proposed occasional dinner, bazaar, or other fundraiser;
4. Grocery stores, including the delicatessen portion that is a part of a grocery store selling exclusively for off-premises consumption, and places manufacturing or selling packaged or canned goods;
5. Churches that serve meals consisting of food prepared in the homes of members or in the kitchen of the church or purchased or donated from a restaurant licensed pursuant to Chapter 3 (§ [35.1-18](#) et seq.) for their members or their invited guests;
6. Convenience stores or gas stations that are subject to the Department of Agriculture and Consumer Services' Retail Food Establishment Regulations or any regulations subsequently adopted and that (i) have 15 or fewer seats at which food is served to the public on the premises of the convenience store or gas station and (ii) are not associated with a national or regional restaurant chain. Notwithstanding this exemption, such convenience stores or gas stations shall remain responsible for collecting any applicable local meals tax;
7. Concession stands at youth athletic activities, if such stands are promoted or sponsored by a youth athletic association or by any charitable nonprofit organization or group thereof that has been recognized as being a part of the recreational program of the political subdivision where the association or organization is located by an ordinance or resolution of such political subdivision; or

8. Any bed-and-breakfast operation that prepares food for and offers food to guests, regardless of the time the food is prepared and offered, if (i) the premises of the bed-and-breakfast operation is a home that is owner occupied or owner-agent occupied, (ii) the bed-and-breakfast operation prepares food for and offers food to transient guests of the bed and breakfast only, (iii) the number of guests served by the bed-and-breakfast operation does not exceed 18 on any single day, and (iv) guests for whom food is prepared and to whom food is offered are informed in a manner established by the Board in regulations that the food is prepared in a kitchen that is not licensed as a restaurant and is not subject to regulations governing restaurants.

B. No regulation issued by the Board shall require any restaurant that is operated by (i) a nonprofit civic service organization, (ii) a volunteer fire department, or (iii) a volunteer emergency medical services agency to employ a certified food protection manager.

Code 1950, § 35-38; 1962, c. 629; 1972, c. 493; 1981, c. 468; 1982, c. 51; 1993, c. 201; 2004, c. [227](#); 2010, cc. [86](#), [594](#); 2013, cc. [188](#), [317](#), [512](#); 2015, cc. [502](#), [503](#); 2018, c. [450](#); 2019, c. [275](#).

§ 35.1-26. Cities, counties, and towns may by ordinance exempt certain fairs.

The governing body of any county, city, or town may provide by ordinance that this title shall not apply to:

1. Food booths at fairs, if such booths are promoted or sponsored by any political subdivision of the Commonwealth or by any charitable nonprofit organization or group thereof.

The ordinance shall provide that the health officer of the county, city, or town in which the fair or activity is held, or a qualified person designated by him, shall exercise such supervision of the sale of food as the ordinance may prescribe.

Code 1950, § 35-38.1; 1964, c. 462; 1981, c. 468; 1983, c. 251; 2011, c. [465](#); 2013, cc. [188](#), [317](#), [512](#).

Chapter 5 - POSTING HOTEL RATES; HOTEL LIABILITY

§ 35.1-27. Posting of rates.

Every hotel shall post in a conspicuous place in its office a list of the ranges of the charges for its rooms and shall post in each guest's room the maximum charge for that room. If the hotel is operated on the American or modified American plan, the notice shall contain the maximum charge for the room and the number of meals provided.

Code 1950, § 35-2; 1981, c. 468.

§ 35.1-28. Liability.

A. It shall be the duty of any person owning or operating a hotel to exercise due care and diligence in providing honest and competent employees and to take reasonable precautions to protect the persons and property of the guests of the hotel. No hotel shall be held liable in a sum greater than \$300 for the loss of any wearing apparel, baggage, or other property not hereinafter mentioned belonging to a guest when such loss takes place from the room or rooms occupied by the guest. Unless the loss shall take place from the office of the hotel after the valuables are deposited there, no hotel shall be liable

for any loss by any guest of jewelry, money, or other valuables of like nature belonging to any guest if the hotel shall have posted in the room or rooms of the guest in a conspicuous place, and in the office of the hotel, a notice stating that jewelry, money, and other valuables of like nature must be deposited in the office of the hotel. The hotel shall not be obligated to receive from any one guest for deposit in such office any property hereinbefore described exceeding a total value of \$500.

B. Each guest's room shall have suitable locks on its doors and windows unless permanently secured. If a guest fails to lock the doors or windows of his room, the hotel shall not be liable for any property taken from the room in consequence of such failure on the part of the guest. The burden of proof shall be upon the operator of the hotel to show that he complied with the provisions of this section and that the guest failed to comply with these requirements.

C. In the case of loss by fire or overwhelming disaster, a hotel shall exercise ordinary and reasonable care in the custody of the baggage or other property of its guests, but in no case shall the hotel's liability exceed \$250 to any one guest unless the negligence of the hotel was the cause of the fire or overwhelming disaster.

D. No liability shall attach to any hotel for the baggage, hats, umbrellas, coats, or other wearing apparel of a guest until the same is placed by the guest in the actual custody of an employee of the hotel. The mere depositing of such baggage, hats, umbrellas, coats, or other wearing apparel inside the hotel shall not be construed as putting in actual custody until taken in charge by the hotel or its employee, or properly placed in a room or rooms assigned to the guest.

E. Nothing contained in this section shall be construed so as to change or alter the principles of law concerning a hotel's liability to a guest or other person for personal injury, nor to exempt in anywise the owner or operator of a hotel from being liable for the value of any property of guests taken or stolen from any room therein by any employee or agent of the hotel.

F. A notice of the provisions of this section shall be posted conspicuously in each guest's room.

Code 1950, §§ 35-10, 35-11, 35-12, 35-13; 1981, c. 468.