

New Jersey State Use Law for Rehabilitation Facilities

30:6-20. Necessity for identification; prerequisites

No goods or articles made in this or any other State may be displayed, advertised, offered for sale or sold in this State upon a representation that the same are made by blind persons unless the same are identified as such by label, imprint, stamp or symbol, and no such goods or articles may be so identified unless at least 75% of the total hours of direct labor of producing such goods or articles shall have been performed by a blind person or persons with other disabilities.

L.1964, c. 290, s. 4.

30:6-21. Labeling

Any blind workman, or any public or private institution or agency, corporation, firm or association, registered with the commission pursuant to this act, engaged in the manufacture or distribution of articles of merchandise, made or manufactured by a blind person or persons, shall imprint or stamp upon such articles of merchandise or affix thereto labels containing the words, "made by a blind workman or made by the blind, or blind-made," to which shall be added the name of the manufacturer, the place of manufacture and such other information as the commission may prescribe.

L.1964, c. 290, s. 5.

30:6-22. Violations; penalties

Any person, firm, corporation, institution or association, who (a) shall use or employ an imprint, stamp, symbol or label issued or approved by the Commission for the Blind or an imitation thereof without having registered with the commission, or (b) who shall directly or indirectly by any means indicate or tend to indicate or represent that the goods or articles were made by a blind person or persons when in fact such goods or articles were not so made, or (c) who shall directly or indirectly by any means indicate or tend to indicate or represent that the goods or articles were sold by or for the benefit of the blind when in fact such sale was not by or of substantial benefit to a blind person or persons is a disorderly person and punishable by a fine of not more than \$500.00 or imprisonment for not more than 1 year or both such fine or imprisonment.

L.1964, c. 290, s. 6. Amended by L.1975, c. 349, s. 2, eff. March 3, 1976.

30:6-23. Purpose

The purpose of this act is to further the policy of the State to encourage and assist blind and other severely handicapped persons to achieve maximum personal independence through productive employment by assuring a continuous market for their commodities and services, thereby enhancing their dignity and capacity for self-support and minimizing their dependence on welfare and the need for costly institutionalization.

L.1981, c. 488, s. 1, eff. Jan. 12, 1982.

30:6-24. Definitions

As used in this act:

- a. "Blind person" means a person whose vision in the better eye with proper correction does not exceed 20/200 or who has a field defect in the better eye with proper correction which contracts the peripheral field so that the diameter of the visual field subtends an angle no greater than 20 degrees.
- b. "Central Nonprofit Agency" means the agency designated by the commissioner pursuant to section 6 of this act.
- c. "Commissioner" means the Commissioner of Human Services.
- d. "Rehabilitation facility" means a rehabilitation facility located in this State which qualifies as a charitable organization or institution under the provisions of section 501(c)(3) of the Internal Revenue Code and is conducted on a nonprofit basis for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury and of providing these individuals with remunerative employment or other occupational rehabilitative activity of an educational or therapeutic nature as defined in section 525.1 et seq. of the regulations adopted pursuant to the federal "Fair Labor Standards Act of 1938," 29 U.S.C. s. 201 et seq. and related codes, and which is engaged in the production of commodities or the provision of services in connection with which not less than 75% of the total hours of direct labor is performed by blind or other severely handicapped persons excluding any hours of supervision, administration, inspection or shipping.
- e. "Severely handicapped person" means a person with a physical, mental or emotional disability, other than blindness but including a visual impairment, which is a substantial handicap to employment and prevents that person from currently engaging in normal competitive employment.
- f. "State agency" means an agency of State government.

L.1981,c.488,s.2; amended 1991,c.147,s.2.

30:6-25. Commodities and Services Council established

There is established in the Department of Human Services, the Commodities and Services Council for blind and other severely handicapped persons. The council shall consist of the Director of the Division of Vocational Rehabilitation Services; the Director of the Division of Purchase and Property; the Chief of the Bureau of State Use Industries; the Director of the Division of Development for Small Businesses and Women and Minority Businesses in the Department of Commerce, Energy and Economic Development; the Director of the Division of Developmental Disabilities in the Department of Human Services; the Executive Director of the Commission for the Blind and Visually Impaired; the President of the New Jersey Association of Rehabilitation Facilities; or their designees; three citizens as at-large members, at least one of whom shall be a blind person, and at least one of whom shall represent the private business sector. The at-large members shall be appointed by the Governor, with the advice and consent of the Senate, for terms of three years, except that of the first at-large members appointed, one shall be appointed for a term of three years, one for a term of two years, and one for a term of one year.

L.1981,c.488,s.3; amended 1991,c.147,s.3.

30:6-26. Annual organization; chairman; expenses

The members of the council shall organize annually by the selection of one of their members to serve as chairman. Members shall serve without compensation but shall be reimbursed for all necessary expenses incurred in the performance of their duties.

L.1981, c. 488, s. 4, eff. Jan. 12, 1982.

30:6-27. Duties of the council

The duties of the council shall include:

- a. Developing through the Central Nonprofit Agency a list of commodities and services which shall be set aside for purchase through approved rehabilitation facilities and establishing a fair market price for those commodities and services.
- b. Recommending to the commissioner an agency to be designated as the Central Nonprofit Agency.
- c. Encouraging the purchase of commodities and services of blind and other severely handicapped persons by political subdivisions of the State.

L.1981,c.488,s.5; amended 1991,c.147,s.4.

30:6-28. Designation of central nonprofit agency

The commissioner shall designate a nonprofit agency to facilitate the distribution of orders received from various State agencies for commodities and services on the set-aside list among approved rehabilitation facilities and to insure the effective and efficient administration of this act.

L.1981,c.488,s.6; amended 1991,c.147,s.5.

30:6-29. Functions, operations of central nonprofit agency

The functions and operations of the Central Nonprofit Agency shall include but not be limited to the following:

- a. Receiving and processing all applications from approved rehabilitation facilities for the setting aside of specific commodities and services to be provided by the applying facilities;
- b. Reviewing and certifying the capabilities of an applying facility to provide a specific commodity or service in keeping with quality standards, quantity and timely delivery requirements;
- c. Preparing a detailed annual report for submission to the council;
- d. Establishing and publishing a list of commodities and services provided by approved facilities, with timely revisions for distribution to all purchasing agents of the State and its political subdivisions.

L.1981,c.488,s.7; amended 1991,c.147,s.6.

30:6-30. Procurement of commodities, services through central nonprofit agency

State agencies shall procure through the Central Nonprofit Agency those commodities and services which have been set aside for purchase from approved rehabilitation facilities.

L.1981,c.488,s.8; amended 1991,c.147,s.7.

30:6-31. Inapplicability of act if commodities manufactured by institutional labor available

This act does not apply in any case where commodities are available for procurement by any State agency from any other State agency or political subdivision of the State as provided in R.S. 30:4-95.

L.1981, c. 488, s. 9, eff. Jan. 12, 1982.

30:6-32. Rules and regulations

The commissioner shall promulgate such rules and regulations as may be necessary to carry out the provisions of this act.

L.1981, c. 488, s. 10, eff. Jan. 12, 1982.

30:6-33. Short title

This act shall be known and may be cited as the "Rehabilitation Facilities Set-Aside Act."

L.1991,c.147,s.8.