

CHAPTER 96**SALE AND DISTRIBUTION OF GOODS AND ARTICLES MADE BY BLIND PERSONS****Authority**

Unless otherwise expressly noted, all provisions of this Chapter 96 were adopted by the Director, Division of Public Welfare, pursuant to authority delegated at N.J.S.A. 30:6-17.

Chapter Expiration Date

Chapter 96, Sale and Distribution of Goods and Articles Made by Blind Persons, expires on July 1, 2006.

Cross References

See N.J.A.C. 10:91-4.4, Blind and visually impaired home products program.

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SUBCHAPTER 1. NATURE OF PROGRAM**10:96-1.1 Purpose and policy**

(a) It is the policy of the State of New Jersey through the Commission for the Blind to assist blind persons, and organizations established to aid blind persons in the sale of goods and articles which are the product of a blind crafts-

man's labor by providing a means of authenticating the source of such goods and articles and by preventing misrepresentation as to the items offered for sale as being the product of blind persons.

(b) In implementing this policy, this Chapter shall govern and shall form the basis for enforcing the policy under N.J.S.A. 30:6-17 et seq. including any amendments or revisions thereto.

SUBCHAPTER 2. LABELING ARTICLES "BLIND MADE"**10:96-2.1 Definitions**

The following words and terms, when used in this Chapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Blind person" means a person whose vision in the better eye with correction does not exceed 20/200 or who has a field defect in the better eye in which the diameter of the field is no greater than 20 degrees.

"Direct labor" means all work required for the preparation, processing and assembling of goods or articles including the packaging and packing thereof but not including time spent in the supervision, administration, inspection and shipping of such goods or articles.

"Goods or articles made by the blind" means such goods or articles in the manufacture of which not less than 75 per cent of the total hours of direct labor is performed by one or more blind persons.

10:96-2.2 Labeling article "blind made"

No individual or organization shall authorize or shall be authorized to identify goods or articles as "blind made" when the direct labor performed by blind persons in connection therewith shall consist solely of the packaging and/or packing thereof as distinguished from the preparation, processing or assembling of such goods or articles.

10:96-2.3 Articles to meet standards; verification

The Commission for the Blind shall verify or require verification that every article sold by an individual or organization meets the standards and requirements set forth in this Chapter and shall require that said articles shall be listed with the Commission for the Blind by the vendor.

10:96-2.4 Submission of "blind made article" list and description

Each applicant shall submit at the time of initial application, and at least annually thereafter, or whenever required by the Commission for the Blind, a list and description itemizing each finished article including the sales price, and source of production, which they intend to sell as a "blind made article". The Commission retains the right, at its discretion, to request the vendor to submit individual items or the site of manufacture for examination.

10:96-2.5 Quality of merchandise permitted for sale

Only first line, good quality merchandise made by blind craftsmen may be sold. Poorly finished, shoddy or inferior merchandise may not be authorized for sale as "blind made" under this Chapter. The Commission may require a registered vendor to submit individual articles for inspection and reserves the right to require removal of inferior merchandise from sale by the vendor. Failure to comply with such a requirement will result in suspension of the permit.

10:96-2.6 Sale of blind made articles to be exclusive

It is specifically understood that sales groups and vendors organized to sell blind made articles may not also carry in stock or sell merchandise and articles which are not made or not identified as having been made by blind persons. Such sales groups or vendors will not be eligible for registration or license under this Chapter.

10:96-2.7 Application to use "blind made" labels

To facilitate ready and authoritative identification of articles made by blind persons, any individual or organization engaged in the manufacture, distribution or sale of "blind made" articles in the State of New Jersey shall be required to apply to the Commission for the Blind for a registration and for an authorization or permit, if found eligible, to use an official label or symbol designed or approved by the Commission to identify each article or item as made by a blind person.

10:96-2.8 Investigation of applicants

Each individual or organization making application under the Act and this Chapter will be investigated by the Commission for the Blind and will be required to provide such information, in such form as the Commission for the Blind may require or designate, in order that a determination may be made that such individual or organization is actually engaged in the manufacture or distribution of blind made goods or articles.

10:96-2.9 Label contents

Any blind craftsman or any public or private institution, corporation, firm or organization, registered with the Commission who is engaged in the manufacture or distribution of articles or merchandise, made or manufactured by a blind person or persons shall be required in a manner set forth by the Commission to imprint, otherwise designate such articles, or affix labels thereto, containing the words "made or manufactured by a blind workman", or similar words, to which shall be added the name of the manufacturer, the place of manufacture and such other information as the Commission may prescribe.

10:96-2.10 Labeling mandatory

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 goods or articles are identified as such by label or other symbol prescribed and approved by the Commission.

SUBCHAPTER 3. LICENSING AND IDENTIFICATION
10:96-3.1 Identification of salesmen; contents of permit

Every salesman or organization representative calling upon the public to sell or deliver blind made articles must carry an identification in a manner set forth and required by the Commission indicating the name and address of the organization, the name of the individual representative, a description of the individual and a photo as well as a statement giving the registration number issued under this Chapter and indicating that this is a sales permit for articles made by a blind craftsman under N.J.S.A. 30:6-17 et seq.

10:96-3.2 Nonresident individuals and out-of-State organizations licensed

(a) The Commission may register and license without investigation, nonresident individuals and out-of-State organizations purporting to manufacture "blind made" articles, provided it has received proof and has in its discretion determined that such individual or organization is recognized or approved by the state of their residence pursuant to a law in such state imposing requirements substantially similar to those prescribed under the Act and this Chapter.

(b) In the absence of a similar law in another state, the vendor or applicant shall be required to furnish written evidence from the public agency or other recognized agency for the blind in the state of origin, or when necessary from other sources acceptable to the Commission, a signed, notarized statement or affidavit that the article or articles to be sold are in fact "blind made" and otherwise meet the requirements set forth in this Chapter.

10:96-3.3 Fees

(a) No fees shall be charged for the registration and licensing of an individual blind person who manufactures and sells products of his own labor only.

(b) An annual fee of \$5.00 shall be charged and collected at the time of registration of any other person, firm or organization. All such registrations shall be valid for one year from the date of issue and request for renewal shall be submitted at least 60 days prior to its due date. Licenses not renewed as set forth in this Chapter may have their renewal date delayed at least 30 days.

10:96-3.4 Suspension of license

(a) Upon receipt of evidence indicating noncompliance with the requirements of the Act and the regulations thereto, the Commission may suspend or cause to be suspended the registration and license previously issued to a vendor.

(b) A hearing on the suspension shall be held within ten days after official notice and decision shall be rendered within 20 days after the hearing to the vendor.

(c) During the period of suspension the vendor or vendors shall desist from further sales of articles identified as "blind made" and shall be considered a disorderly person subject to the full penalties of the Act and this Chapter if they do not suspend sales and related activities during said period.

10:96-3.5 Causes for license suspension

Using the registration and license issued under the Act and the regulations thereto, as an opportunity or a means of soliciting or receiving money contributions by the salesmen or any representative of the organization selling blind made articles are expressly forbidden. Any such individual or organization found to be receiving or soliciting in any

manner, such funds or contributions, shall have his license to sell blind made articles under the Act revoked for 90 days for an initial offense and indefinitely for a repeated offense.

SUBCHAPTER 4. HEARINGS AND APPEALS**10:96-4.1 Procedure**

Decisions by the Commission for the Blind pursuant to this Chapter shall be binding upon the applicant. Any individual or organization aggrieved by the decision of the Commission may have an informal hearing to review his situation provided he requests such a hearing in writing to the Commission.

SUBCHAPTER 5. PENALTIES**10:96-5.1 Criminal offenses against Chapter provisions**

Any person, firm or organization who shall use or employ a label or imprint issued or approved by the Commission or an imitation thereof without having registered with the Commission or without an approved renewal of registration; or who shall directly or indirectly, by any means, indicate, imply, or tend to indicate or represent that the goods or articles being sold were made by a blind person or persons as defined in this Chapter, when in fact such goods or articles were not so made is a disorderly person and is punishable by a fine of not more than \$500.00 or imprisonment for not more than one year or both.