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MOST RECENT UPDATE TO NEW JERSEY ADMINISTRATIVE CODE: MARCH 21, 1994
See the Register Index for Subsequent Rulemaking Activity.

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On occasion, a proposing agency may extend the 30-day comment period to accommodate public hearings or to elicit greater public response to a proposed new rule or amendment. An extended comment deadline will be noted in the heading of a proposal or appear in a subsequent notice in the Register.

At the close of the period for comments, the proposing agency may thereafter adopt a proposal, without change, or with changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-4.3. The adoption becomes effective upon publication in the Register of a notice of adoption, unless otherwise indicated in the adoption notice. Promulgation in the New Jersey Register establishes a new or amended rule as an official part of the New Jersey Administrative Code.

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NEW JERSEY REGISTER

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EXECUTIVE ORDER

(a)

OFFICE OF THE GOVERNOR
Governor Christine Todd Whitman
Executive Order No. 17(1994)
New Jersey Advisory Commission on Privatization

Issued: April 18, 1994.
Effective: April 18, 1994.
Expiration: Indefinite.

WHEREAS, saving tax dollars without compromising the availability and quality of State services is a cornerstone of this Administration; and

WHEREAS, State government must identify and pursue innovative methods of achieving these goals; and

WHEREAS, privatization, through reliance on private enterprise, market forces and competition for providing public services, may be one alternative by which to save tax dollars and maintain, and possibly improve, State services; and

WHEREAS, a comprehensive study should be conducted to analyze the feasibility of prudent privatization of selected government services and evaluate the potential consequences of such privatization;

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby established the New Jersey Advisory Commission on Privatization, hereinafter referred to as the Commission.

2. The Commission shall consist of a chairperson and four (4) other members appointed by the Governor.

3. The Commission shall: (1) conduct a review of existing feasibility studies and actual experiences of governments that have initiated privatization efforts; (2) evaluate the advantages and disadvantages associated with privatization generally; (3) conduct a feasibility study of New Jersey State government, including a cost-benefit and implementation analysis, to identify those areas where privatization would result in cost savings and quality improvements; and (4) propose appropriate and beneficial methods of implementing privatization in this State.

4. The Commission shall periodically report to the Governor and shall issue its recommendations in writing by December 31, 1994.

5. The Commission is authorized to call upon any department, office, division, or agency of this State to supply it with data and other information, personnel or assistance it deems necessary to discharge its duties under this Order. Each department, officer, division or agency of this State is hereby required, to the extent not inconsistent with law, to cooperate with the Commission and to furnish it with such information, personnel and assistance as is necessary to accomplish the purpose of this Order. The Attorney General, or her designee, shall act as legal counsel to the Commission.

6. This Order shall take effect immediately.

RULE PROPOSALS

AGRICULTURE

(a)

DIVISION OF ANIMAL HEALTH
Disease Control Program
Livestock and Poultry Importation
Proposed Readoption: N.J.A.C. 2:3

Authorized By: Arthur R. Brown, Jr., Secretary; and State Board of Agriculture.
Authority: N.J.S.A. 4:5-54 through 75.
Proposal Number: PRN 1994-277.

Submit comments by June 15, 1994 to:
Ernest W. Zirkle, DVM
Director, Division of Animal Health
N.J. Department of Agriculture
CN 330
Trenton, New Jersey 08625
Telephone: (609) 292-3965

The agency proposal follows:

Summary

N.J.A.C. 2:3, Livestock and Poultry Importation, which expires on August 18, 1994, was internally reviewed in December of 1993 in compliance with Executive Order No. 66(1978) and found to be necessary, reasonable and adequate, efficient, understandable and responsive to the purpose for which it was originally promulgated. The readoption of subchapters 1, 2, 3, 5 and 7 is necessary because they describe various importation requirements for livestock entering New Jersey in order to meet the legislatively required mandate to provide adequate disease control for New Jersey's livestock. Subchapters 4 and 6 remain reserved.

Subchapter 1 enumerates the general requirements for importation of all livestock to enter New Jersey and the contents needed in the interstate health certificate for entry.

Subchapter 2 outlines the specific requirements for breeding livestock in addition to the general requirements.

Subchapter 3 outlines the specific requirements for feeder stock to enter New Jersey.

Subchapter 4 is reserved.

Subchapter 5 includes specific requirements for poultry and hatching eggs to enter New Jersey.

Subchapter 6 is reserved.

Subchapter 7 lists the requirements for nutria for importation into New Jersey.

Social Impact

The prevention and control of disease by the regulation of programs necessary to prevent the importation of diseased and/or disease carrying animals that may infect New Jersey's livestock population is a key element to the viability of animal agriculture. The rules set requirements for the socially beneficial programs that prevent the introduction of diseases which may be harmful to the health of the animal husbandry industry and to humans.

The maintenance of rules to protect New Jersey's livestock from infectious and contagious diseases not only affects livestock owners and producers, but also prevents the spread of these diseases to humans.

Since these rules are proposed for readoption, without amendments, there should be no negative impact or reaction.

Economic Impact

The burden of these rules falls upon the farmer, consumer and the intermediaries between the two. Compliance imposes minimal costs to farmers and dealers as a result of processing paperwork and treating any diseases found. However, even these costs are outweighed by the safety of the products produced, the protection of human health and a higher economic return from the product as a result of compliance with the rules. In general a larger and healthier supply of animals get to market, commands a better price; and the consumer benefits by receiving a safe and nutritious food product.

Regulatory Flexibility Analsyis

While most farmers are small businesses as that term is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., the rules proposed for readoption do not impose any new or increased recordkeeping and/or other compliance requirements beyond those already mandated by the authorizing statutes.

Without the promulgation of these rules, New Jersey livestock farmers would not be permitted to participate in interstate and international commerce. In addition, these rules are established to control the spread of disease and protect the public health, welfare and safety; therefore, no differing standards based on business size are required. The New Jersey Department of Agriculture has carefully attempted to balance the need for disease control with the impact on the citizen.

Full text of the proposed readoption appears in the New Jersey Administrative Code at N.J.A.C. 2:3.

(b)

DIVISION OF ANIMAL HEALTH
Disease Control Program
Quarantines and Embargoes on Animals
Proposed Readoption with Amendments: N.J.A.C. 2:5

Authorized By: Arthur R. Brown, Jr., Secretary; and State Board of Agriculture.
Authority: N.J.S.A. 4:5-1 through 3 and 4:5-94 through 106.
Proposal Number: PRN 1994-276.

Submit comments by June 15, 1994 to:
Ernest W. Zirkle, DVM
Director, Division of Animal Health
N.J. Department of Agriculture
CN 330
Trenton, New Jersey 08625
Telephone: (609) 292-3965

The agency proposal follows:

Summary

N.J.A.C. 2:5 Quarantines and Embargoes on Animals, which expires on August 21, 1994, was internally reviewed in January and February of 1994 in compliance with Executive Order No. 66(1978) and found to be necessary, reasonable and adequate, efficient, understandable and responsive to the purpose that it was originally promulgated. The readoption of subchapters 2 and 3 is necessary because they describe various embargoes and import requirements for equine infectious anemia and avian influenza, diseases that are a threat to the health and well being of New Jersey's livestock. Subchapters 1 and 4 are reserved.

Subchapter 1 is reserved.

Subchapter 2, Equine Infectious Anemia (EIA), contains requirements for the eradication and control of equine infectious anemia in equids. This viral disease is a major economic concern in the horse industry and is transmitted by biting insects.

The proposed amendments center around horses consigned to horse auction markets. Equine infectious anemia is not naturally found in New Jersey and positive animals over the past years have been mostly imported.

The Equine Advisory Board has requested that N.J.A.C. 2:5-2.3 be deleted, which would eliminate the provision for horses to enter New Jersey without being tested for EIA. The Department agrees with this request to better control the disease and is proposing to repeal N.J.A.C. 2:5-2.3. Technical changes to reflect the repeal are also being proposed to N.J.A.C. 2:5-2.

Subchapter 3 contains general requirements relative to the control and eradication of Avian Influenza. This exotic disease is a major economic threat to the poultry industry of New Jersey and the nation. There are no proposed amendments to this subchapter.

Subchapter 4 is reserved.

Social Impact

The prevention and control of disease by the regulation of programs necessary to prevent, and in the event it does occur, to eliminate such

disease from New Jersey's livestock population, is a key element to the viability of animal agriculture. The rules set requirements for the socially beneficial programs that prevent the introduction of diseases which may be harmful to the health of the animal husbandry industry and to humans.

The requirement to have Coggin's tests for horses consigned to auction markets will serve to reduce the importation of positive horses into the State. This is important since the disease is not endemic in the State of New Jersey and any importation of positive animals could expose resident animals to the disease unnecessarily.

The maintenance of rules and regulations to protect New Jersey's livestock from infectious and contagious diseases, not only positively affects livestock owners and producers, but also prevents the spread of these diseases to humans.

Economic Impact

The burden of these rules falls upon the farmer, consumer and the intermediaries between the two. Compliance imposes minimal costs to farmers and dealers as a result of processing paperwork and treating any diseases found. However, even these costs are outweighed by the safety of the products produced, the protection of human health and a higher economic return from the product as a result of compliance with the rules. In general a larger and healthier supply of animals get to market, command a better price, and the consumer benefits by receiving a safe and disease free animal.

There will be some inconvenience to dealers bringing horses to auctions in that they must have a negative Coggin's test prior to entry. This inconvenience is minimal in that most auctions in other states require negative tests and all but four states require negative tests for entry. This inconvenience is further compensated for by the fact that horses will not have to be tested at the auctions, thus eliminating an expense to the auction and/or dealer. Also, the State in 1989, went from annual to biannual testing requirements for resident horses. This has worked well but introduction of EIA could force annual testing, thus causing the owners additional expense.

Regulatory Flexibility Analysis

While most farmers are small businesses as that term is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., the rules proposed for readoption do not impose any new or increased recordkeeping and/or other compliance requirements beyond those already mandated by the authorizing statutes. Horse dealers will now provide negative Coggin's test for horses they take to auctions. Statutes already in place required proof of negative test for all horses sold privately so impact on dealers is minimal.

Without the promulgation of these rules, New Jersey livestock farmers would not be permitted to participate in interstate and international commerce. In addition, these rules are established to control the spread of disease and protect the public health, welfare and safety; therefore, no varying standards based on business size are provided. The New Jersey Department of Agriculture has carefully attempted to balance the need for disease control with the impact on the citizen.

Full text of the proposed readoption appears in the New Jersey Administrative Code at N.J.A.C. 2:5.

Full text of the proposed amendments follow (additions indicated in boldface **thus**; deletions by brackets [thus].

[2:5-2.3 Horses consigned to auction markets

(a) Horses consigned to horse auction markets will be permitted to enter these markets if they do not have a negative Coggin's test provided:

1. All horses sold for other than slaughter purposes will have blood taken from them for the purpose of testing for EIA before leaving the sale.

2. These horses are to be fully identified as to purchaser, breed, color, sex, and markings as well as being identified by sale identification number on charts to be supplied by the Department.

3. A list of all consignors and purchasers with complete address and phone number is to be mailed to the Department.

4. A veteriniarian is to be provided by the sales auction to draw the necessary blood samples.

5. The testing veterinarian will be responsible for the fee charge by the Department of Agriculture to run the AGID test (Coggins test).]

2:5-[2.4]**2.3** (No change in text.)

2:5-[2.5]**2.4** Test requirements for transport

(a) No horse or other equidae six months or more of age, unless exempted by the provisions of N.J.A.C. 2:5-[2.3,] **2.5 or** 2.6 [or 2.7] shall be transported on any public highway with the state unless the custodian of such animal has in his or her possession during the period of such movement a report of a negative agar gel immunodiffusion test for equine infectious anemia for such animal taken within the past 24 months except that horses without such test(s) may be transported directly from a farm of origin to an auction for immediate sale. Said horse may proceed to a second farm after if official blood sample has been taken for testing.

1.-4. (No change.)

2:5-[2.6]**2.5** Test requirements for sale or other change of ownership

(a) No horse or other equidae six months or more of age, unless exempted by provisions of this section or N.J.A.C. 2:5-[2.3 or 2.7] **2.6** shall be sold, exchanged, bartered or given away unless such animal has been subjected to an agar gel immunodiffusion test for equine infectious anemia and reacted negatively within 90 days prior to such transfer to ownership.

1.-3. (No change in text).

2:5-[2.7]**2.6** Other authorized movement or transfer

(a) The provisions of N.J.A.C. 2:5- **2.4 and** 2.5 [and 2.6] shall not apply to any horse or other equidae which is imported, sold, exchanged, bartered, given away or transported under permit from the Director of the Division of Animal Health, New Jersey Department of Agriculture for purposes of immediate slaughter, research, return to the state, country or farm of its origin, or other authorized purpose provided written authorization for such movement or transfer is obtained in advance thereof from the Director.

1.-3. (No change in text.)

(b) The provisions of N.J.A.C. 2:5-[2.6]**2.5** shall not apply to any horse claimed in any claiming race conducted by any race track licensed by the New Jersey State Racing Commission and such horse need not be retested for equine infectious anemia provided such horse and all other horses admitted to said track had been tested and found negative for the disease within 24 months prior to the date of the claim.

BANKING

(a)

DIVISION OF REGULATORY AFFAIRS

Investments

Proposed New Rules: N.J.A.C. 3:11

Authorized By: Elizabeth Randall, Commissioner, Department of Banking.

Authority: N.J.S.A. 17:2-10; 17:9A-24.13, 25(12), 25.3, 26(7), 60, 62H, and 182.1 through 182.2.

Proposal Number: PRN 1994-316.

Submit comments by June 15, 1994 to:

Stephen Szabatin
Deputy Commissioner
Department of Banking
CN 040
Trenton, NJ 08625

The agency proposal follows:

Summary

Pursuant to Executive Order No. 66(1978), N.J.A.C. 3:11, Investments, expired on May 1, 1994. The Department has reviewed these rules and has determined that they are appropriate for their intended purpose and should be readopted as new rules, with the exception of the lists contained in N.J.A.C. 3:11-1.1 and 2.1.

N.J.A.C. 3:11-1 provides a current list of persons which may become liable to a bank or obligations in which a bank may invest in an unlimited amount subject only to the excercise of prudent banking judgement. N.J.A.C. 3:11-1.1(a) and (b). All entities in this section remain unchanged

with the exception of the Port Authority of New York and New Jersey, N.J.A.C. 3:11-1.1(b)1i(8), which the Department proposes to have the phrase "secured by the general fund only" placed after its name. This limitation is added because the Port Authority engages in other financial transactions which would not qualify it for inclusion on the list of approved entities; only those bonds which are secured by the general reserve fund are appropriate.

N.J.A.C. 3:11-2 sets forth a list of subsidiaries which have capital, surplus and undivided profits aggregating $5,000,000 or more, and are approved as subsidiaries whose total liabilities to a bank shall be excluded from the total liabilities to the bank of the corporation which owns or controls a majority of the outstanding capital stock.

The list of approved subsidiaries under N.J.A.C. 3:11-2.1(b) has been amended pursuant to N.J.A.C. 3:11-2.1(a) to delete all named entities except General Motors Acceptance Corporation and Sears, Roebuck Acceptance Corporation. The deletions are appropriate for several reasons; either they are governmental bodies which are not shown in 1993 Moody's Municipal listing, their agency has been combined with another agency listed in Standard and Poor's, no informtion on the company is found in Moody's 5,000 or the company has merged with another under a different name.

N.J.A.C. 3:11-3 sets forth the organization and operation of small business investment companies.

N.J.A.C. 3:11-4 defines the qualifications and limitations on investment in international bank stock by banks.

N.J.A.C. 3:11-5 establishes the parameters by which banks may invest in capital stock of domestic operating subsidiaries.

N.J.A.C. 3:11-6 permits investment in the Minbanc Capital Corporation, subject to limitations.

N.J.A.C. 3:11-7 defines "capital funds" and "contingent reserves" and imposes general limitations on lending and borrowing by banks and bank officers.

N.J.A.C. 3:11-8 sets forth classes of investment securities permitted for savings banks.

N.J.A.C. 3:11-9 defines "standby letters of credit" and establishes limitations on liability and authority to issue standby letters of credit. This subchapter creates and maintains parity between banks and national banks pursuant to N.J.S.A. 17:9A-25.2 and 25.3.

N.J.A.C. 3:11-10 gives savings banks authority to issue credit cards in parity with Federally chartered savings and loan associations.

N.J.A.C. 3:11-11 imposes restrictions on leeway investments and sets forth a list of eligible companies and investments in which a bank may invest, subject to limitations and specified procedures. Subchapter 11 also contains recordkeeping requirements.

N.J.A.C. 3:11-12 defines "commercial loans" and prescribes the parameters under which savings banks may make commercial loans and the circumstances which may permit banks to exceed the specified limitations.

Social Impact

Readoption of these rules will provide consistency in regulation and will assure continued parity with Federally chartered banking institutions in matters pertaining to investment and loan practices.

Economic Impact

The economic impact intended by these rules, and which has resulted from implementation of these rules, is to promote and maintain stability and soundness in the State banking system. The proposed readoption will have no new economic impact because no changes are being made in the regulations governing banking institutions' investment or loan practices. These rules are directed at maintaining safety and soundness of banks and savings banks as well as maintaining parity with the Federal banking system. Limitations imposed on banks investments, and exclusions from limitations, are based on capital assets and other criteria related to safety and soundness, within discretionary authority of the Commissioner to determine.

Regulatory Flexibility Statement

The rules proposed for readoption impose minimal reporting, recordkeeping and compliance requirements on small businesses as defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. (see Summary above). Many of the institutions affected have more than 100 employees and do not, therefore, qualify as small businesses. Moreover, the limitations on investments are statutorily mandated and do not necessitate capital or professional costs to be incurred. To the extent that compliance requirements are imposed, the proposed readoption with amendments is necessary to provide for the safety and soundness of State-chartered institutions through prudent lending and investment decisions. For that reason, no exemptions or requirement differentiation may be made based upon business size.

Full text of the expired rules proposed herein as new may be found in the New Jersey Administrative Code at N.J.A.C. 3:11.

Full text of the proposed amendments follows (additions indicated in boldface **thus**; deletions indicated by brackets [thus]):

3:11-1.1 Approval to exceed 10 percent limitation

(a) (No change.)

(b) Persons which may become liable to a bank or obligations in which a bank may invest in excess of 10 percent, but not in excess of 25 percent of the capital funds of such bank subject to the exercise of prudent banking judgment.

1. A list of such obligations as the Commissioner may from time-to-time prescribe shall be kept on file in the office of the Commissioner of Banking.

i. The following is the current listing of obligations subject to the provisions of this paragraph:

(1)-(7) (No change.)

(8) Port Authority of New York and New Jersey **(secured by general reserve fund only)**.

(c)-(e) (No change.)

3:11-2.1 Exclusion from liabilities of controlling corporation

(a) (No change.)

(b) A list of subsidiaries approved under the above subsection follows:

[1. Bell-Telephone Company of Pennsylvania, The;
2. Chesapeake & Potomac Telephone Company of Maryland;
3. C.I.T. Financial Corporation;
4. Creole Petroleum Corporation;
5. Duluth, Missabe & Iron Range Railroad Company]
[6.]**1.** General Motors Acceptance Corporation; **and**
[7. ILC Industries. (Subsidiary of Rapid American Corp.);
8. Illinois Bell Telephone Company;
9. Motors Insurance Corporation;
10. New England Telephone & Telegraph Company;
11. New Jersey Bell Telephone Company;
12. New York Telephone Company;
13. Pennsylvania Company;
14. Remington Arms Company, Inc.]
[15.]**2.** Sears Roebuck Acceptance Corporation[;].
[16. Union Railroad Company;
17. Wagner Electric Corporation; and
18. Western Electric Company, Inc.]

COMMUNITY AFFAIRS

(a)

DIVISION OF HOUSING AND DEVELOPMENT

Uniform Construction Code

Increase in Size

Proposed Amendment: N.J.A.C. 5:23-2.5

Authorized By: Harriet Derman, Commissioner, Department of Community Affairs.

Authority: N.J.S.A. 52:27D-124.

Proposal Number: PRN 1994-297.

Submit written comments by June 15, 1994 to:

Michael L. Ticktin, Esq.
Chief, Legislative Analysis
Department of Community Affairs
CN 802
Trenton, New Jersey 08625-0802
Fax No. (609) 633-6729

The agency proposal follows:

Summary

N.J.A.C. 5:23-2.5 requires that the entire building be upgraded to current code when an owner-occupied detached single-family dwelling of Use Group R-3 or R-4 has an addition of 25 percent or more of the floor area. This section also requires similar upgrading in individual dwelling units in Use Group R-2 when additions are made of five percent or more of the floor area. Among other things, this upgrading may require that all interior egress doors be replaced and widened to 29¾ inches clear width to meet the 1993 BOCA National Building Code 1017.3.

As applied to an existing dwelling, this requirement creates undue hardship, since the 1993 Code specified a new minimum limiting dimension for almost all of the interior doors that was not specified in the preceding editions of the Code. The proposed amendment at N.J.A.C. 5:23-2.5(a)3 providing that the upgrading requirement shall not apply to existing doors within a dwelling unit would help to mitigate the hardship in a dwelling unit and would eliminate the need for the property owner to either file a variance request or provide additional supports to widen the door.

Social Impact

The proposed amendment will provide relief to residential property owners who undertake additions. To the extent that it encourages improvements to dwellings, it will have the beneficial social effect of helping to maintain community viability.

Economic Impact

The proposed amendment will remove a cause of undue financial hardship to the homeowners who would otherwise have to bear the cost of removing existing doors, widening the rough openings and installing new doors. Chances of any structural damage resulting from such changes will also be reduced.

To the extent that the amendment encourages homeowners to make additions, there will be a positive economic impact on remodeling contractors, their employees and their suppliers.

Regulatory Flexibility Analysis

Since the proposed amendment only applies to dwelling units and not to commercial or industrial facilities, the only "small businesses" directly affected would be certain residential landlords. The benefit will be the same for those landlords who qualify as "small businesses" as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., and those that do not, since there is no reason to apply different standards in this matter related to safety. As has been indicated, the indirect beneficiaries of this amendment would include remodeling contractors and their suppliers. There is no basis for any differentiation between those contractors and suppliers that are "small businesses" and those that are not, since the amendment provides a possible benefit regardless of size or form of organization and imposes no burdens.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

5:23-2.5 Concerning increase in size

(a) If the structure is increased in floor area or height, the entire structure shall be made to conform with the requirements of [the regulations] **this chapter** in respect to means of egress, fire safety, light and ventilation.

1.-2. (No change.)

3. This requirement shall not apply to existing doors within a dwelling unit.

(b) (No change).

(c) In any event, any new work undertaken in connection with an increase in size shall comply with the requirements of [the regulations] **this chapter**.

(a)

DIVISION OF HOUSING AND DEVELOPMENT

Uniform Construction Code

Backflow Preventers

Proposed Amendments: N.J.A.C. 5:23-2.23 and 4.20

Authorized By: Harriet Derman, Commissioner, Department of Community Affairs.

Authority: N.J.S.A. 52:27D-124.

Proposal Number: PRN 1994-298.

Submit written comments by June 15, 1994 to:

Michael L. Ticktin, Esq.
Chief, Legislative Analysis
Department of Community Affairs
CN 802
Trenton, New Jersey 08625-0802
Fax No. (609) 633-6729

The agency proposal follows:

Summary

The Department is proposing to amend N.J.A.C. 5:23-2.23 to change the periodic testing of backflow preventers from four times a year to once a year. This change is consistent with an upcoming change to the National Standard Plumbing Code. The National Standard Plumbing Code is adopted as New Jersey's plumbing subcode and the revision will ensure consistency between subcodes of the State Uniform Construction Code.

Amendments are also proposed at N.J.A.C. 5:23-4.20 that would alter the State fee schedule so that only testable devices are charged $65.00 as special devices. Non-testable backflow preventers, such as atmospheric vacuum breakers, are less complicated to install, have fewer installation limitations, and generally protect against less hazardous contaminants; therefore, a $65.00 fee is not justified for inspecting these devices. The $10.00 fee at N.J.A.C. 5:23-4.20(c)2ii(1) for general fixtures and appurtenances is commensurate with the inspection involved for these type of devices.

Social Impact

The proposed amendments will make the requirement for testing of devices more realistic, both for property owners and for local code officials, for whom testing of devices four times a year imposes an unreasonable inspection and recordkeeping burden.

Economic Impact

The proposed amendments will have a positive economic impact both on local enforcing agencies and property owners. Local enforcing agencies will benefit from a reduced workload as a consequence of having to test devices only once a year. Though a local enforcing agency may collect fewer fees because of a reduced number of periodic inspections, the reduced time and paperwork should offset this reduction in revenue.

Property owners who are subject to inspection either by the Department or by a private enforcing agency will benefit both from reduced fees for non-testable devices when subject to the State Fee Schedule and from only having to provide for periodic testing once a year.

Regulatory Flexibility Statement

The proposed amendments will apply equally to all property owners and users with backflow preventers subject to inspection, regardless of whether they are "small businesses." Since the purpose of these inspections is protection of public safety, no differential treatment of small businesses is either necessary or appropriate. Private enforcing agencies, whether or not they are small businesses, will perform fewer inspections of backflow preventers, and receive proportionately less revenue for such inspections. They will also receive less revenue for inspection of non-testable devices. This effect will be the same regardless of whether the private enforcing agencies are "small businesses" as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

5:23-2.23 Certificate of Occupancy requirements

(a)-(h) (No change.)

(i) Equipment listed below, which has been determined by the Department to create a significant potential hazard to public health

and safety, shall be granted a certificate of compliance by the construction official based upon the findings of the appropriate subcode official or approved agency for the time period specified. Such equipment shall periodically be reinspected or tested in accordance with the provisions of the regulations, prior to the expiration of a certificate of compliance, and any violations shall be corrected, before a new certificate may be issued. No device shall continue in operation unless a valid certificate of compliance has been reissued.

1.-3. (No change.)

4. Cross-connections and backflow preventers: [three] **12** months.

(j)-(l) (No change.)

5:23-4.20 Departmental fees

(a)-(b) (No change.)

(c) Departmental (enforcing agency) fees shall be as follows:

1. (No change.)

2. The basic construction fee shall be the sum of the parts computed on the basis of the volume or cost of construction, the number of plumbing fixtures and pieces of equipment, the number of electrical fixtures and devices and the number of sprinklers, standpipes, and detectors (smoke and heat) at the unit rates provided herein plus any special fees. The minimum fee for a basic construction permit covering any or all of building, plumbing, electrical, or fire protection work shall be $46.00.

i. (No change.)

ii. Plumbing fixtures and equipment: The fees shall be as follows:

(1) (No change.)

(2) The fee shall be $65.00 per special device for the following: grease traps, oil separators, water-cooled air conditioning units, refrigeration units, utility service connections, back flow preventers **equipped with test ports (double check valve assembly, reduced pressure zone and pressure vacuum breaker backflow preventers),** steam boilers, hot water boilers (excluding those for domestic water heating), gas piping, active solar systems, sewer pumps, interceptors and fuel oil piping. There shall be no inspection fee charged for gas service entrances.

iii.-iv. (No change.)

3. (No change.)

4. For cross connections and backflow preventers that are subject to testing, requiring reinspection [every three months] **annually,** the fee shall be $46.00 for each device when they are tested. [(thrice annually) and $120.00 for each device when they are broken down and tested (once annually).]

5.-9. (No change.)

(d) (No change.)

(a)

DIVISION OF HOUSING AND DEVELOPMENT

Uniform Construction Code
Elevator Inspector HHS Requirements
Proposed Amendment: N.J.A.C. 5:23-5.19

Authorized By: Harriet Derman, Commissioner, Department of Community Affairs.

Authority: N.J.S.A. 52:27D-124.

Proposal Number: PRN 1994-299.

Submit comments by June 15, 1994 to:

Michael L. Ticktin, Esq.
Chief, Legislative Analysis
Department of Community Affairs
CN 802
Trenton, New Jersey 08625-0802
Fax No. (609) 633-6729

The agency proposal follows:

Summary

On March 1, 1993 (see 25 N.J.R. 920(b)), rules became effective at N.J.A.C. 5:23-5.4(g) that allowed a person serving as an elevator subcode official or holding employment as an elevator inspector on June 30, 1992, to continue to do elevator inspections until June 30, 1996. This provision was established to be consistent with the four year phase-in period used for all other inspectors from 1977 to 1981, thereby complying with a court decision that found the previous rules to be unreasonable as applied to certain categories of persons then employed as elevator inspectors (see William Dombrowski, et al. v. Randy R. Primus, et al., Civil Action No. 92-2994 (JEI) (D.N.J. 1992)). The proposed amendments at N.J.A.C. 5:23-5.19 provide for either the certification or interim licensing of persons employed as elevator inspectors as of June 30, 1992 but not yet qualified for regular licensing by the Department.

The proposed amendments at N.J.A.C. 5:23-5.19(c) provide for two new types of credentials for elevator inspectors. The first is an Elevator Inspector Certification that documents that the individual was employed as an elevator inspector on June 30, 1992. No other documentation, test or course is required, so the certification is available to those who have not yet satisfied the experience, test and/or course requirements. This is a non-renewable certification with an expiration of June 30, 1996.

The second new credential is an Elevator Inspector HHS Interim license. This requires the individual to document employment as an elevator inspector on June 30, 1992 plus any other relevant experience. In addition, the applicant must document successful completion of the necessary course and test requirements for the Elevator Inspector HHS license. It is expected that holders of Interim licenses will qualify for regular licenses once they have satisfied the experience requirement.

These provisions are intended to allow for an orderly transition at such time as all elevator inspectors must be licensed and allows the Department to obtain the necessary documentation of elevator inspectors to ensure public safety.

Social Impact

The proposed amendments will have a positive social impact by ensuring that the public is protected during the four year transition period. All individuals who inspect elevators must hold either a regular license, an interim license or an elevator certification. Any of these credentials may be suspended or revoked if the inspector fails to comply with applicable code requirements.

Economic Impact

The proposed amendments will allow persons employed as elevator inspectors on June 30, 1992 to continue in their jobs during the four year transition period. It will also ensure that there are sufficient elevator inspectors so that inspections will continue on a timely and cost effective basis.

Regulatory Flexibility Statement

The proposed amendments clarify the provisions in N.J.A.C. 5:23-5.4(g) that allows for a four year transition for elevator inspectors. The majority of elevator inspections are performed by private on-site inspection agencies, most of which qualify as "small businesses," as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. Therefore, the proposed amendments will benefit both those private agencies that are "small businesses," and any that are not, in equal measure, and no differential treatment is therefore either necessary or appropriate.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

5:23-5.19 Elevator inspector H.H.S. requirements

(a)-(b) (No change.)

(c) On or after (the date three months after the effective date of this amendment), no person shall work either as an elevator inspector or as a subcode official under the provisions of N.J.A.C. 5:23-5.4(g) who does not hold an Elevator Inspector HHS License, an Elevator Inspector Certification or an Elevator Inspector Interim License.

1. An Elevator Inspector Certification shall be issued to those individuals who have documented they were employed as elevator inspectors on June 30, 1992 but have not satisfied the educational and/or examination requirements for the Elevator Inspector HHS license. This certification shall be non-renewable and shall be issued with an expiration date of June 30, 1996.

2. For an Elevator Inspector Interim License, an applicant shall document that he or she was employed as an elevator inspector on June 30, 1992, provide documentation of any additional relevant

experience, and satisfy the educational and examination requirements set forth in (b)1 and 2 above. This license shall be renewable, subject to the requirements of N.J.A.C. 5:23-5.21.

(a)

DIVISION OF HOUSING AND DEVELOPMENT

New Home Warranties and Builder Registration Denial of Registration

Proposed Amendment: N.J.A.C. 5:25-2.5

Authorized By: Harriet Derman, Commissioner, Department of Community Affairs.
Authority: N.J.S.A. 46:3B-10.
Proposal Number: PRN 1994-296.

Submit comments by June 15, 1994 to:
Michael L. Ticktin, Esq.
Chief, Legislative Analysis
Department of Community Affairs
CN 802
Trenton, NJ 08625
Fax # (609) 633-6729

The agency proposal follows:

Summary

As part of the Regulations Governing New Home Warranties and Builders' Registration, N.J.A.C 5:25-2.5 distinguishes between major violations of the act and rules, listed in subsection (a), for which denial of registration or revocation are deemed appropriate, and those violations, listed in subsection (b), that are considered to be easily correctable, for which suspension pending compliance is deemed to be sufficient. The situation may arise, however, in which a person who has committed a violation in the correctable category and whose registration has lapsed applies for registration. The rule does currently provide for denial of registration at N.J.A.C. 5:25-2.5(a) in such a case. This proposed amendment is intended to correct that oversight at N.J.A.C. 5:25-2.5(b).

Social Impact

It would be a waste of time and effort for the Department, as well as a source of confusion to all involved, to issue a registration only to immediately suspend it. An applicant who has been responsible for a violation at N.J.A.C. 5:25-2.5(b) will be eligible for registration as soon as he has corrected the violation.

Economic Impact

The proposed amendment will have no economic impact, other than some saving of paperwork in the Department, because a person who is denied registration pending compliance is no worse off than if he had been granted registration only to have it suspended pending compliance.

Regulatory Flexibility Statement

The New Home Warranty and Builders' Registration program is a consumer protection program intended to protect the safety and welfare of the home-buying public. Denial of registration and suspension are measures that must sometimes be taken in order to ensure builder compliance with program requirements. The violations listed at N.J.A.C. 5:25-2.5(b) are such that compliance does not impose any burden upon a builder, "small business" as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., or not, that maintains its participation in an approved new home warranty plan, enrolls and warrants all new homes, settles or corrects all claims for which its responsibility has been established, files amended registration forms when a material change occurs, does not have any principals who were principals of other new home builder entities that were revoked, suspended or denied registration, reimburses the State Fund for any payments it has made on claims against the builder and participates in the dispute settlement process. No dispensation with regard to any of these requirements is appropriate for any builder on the basis of size or form of organization, since all home buyers are entitled to the same level of protection.

Full text of the proposal follows (additions indicated in boldface **thus**):

5:25-2.5 Denial, suspension or revocation of registration

(a) (No change.)

(b) A certificate of registration may be **denied or** suspended, pending compliance with the Act, with this chapter and with the orders of the Commissioner, if the registrant **or applicant**, or an officer, partner, director, or stockholder of the registrant **or applicant**, has at any time:

1.-7. (No change.)

(c)-(e) (No change.)

ENVIRONMENTAL PROTECTION AND ENERGY

(b)

DIVISION OF FISH, GAME AND WILDLIFE

Fish and Game Council 1994-95 Game Code

Proposed Amendments: N.J.A.C. 7:25-5

Authorized By: Fish and Game Council, Cole Gibbs, Chairman.
Authority: N.J.S.A. 13:1B-29 et seq.
DEPE Docket Number: 23-94-04/449.
Proposal Number: PRN 1994-310.

A **public hearing** concerning these proposed amendments will be held on:

Tuesday, June 7, 1994 at 8:00 P.M.
Mercer County Community College
West Windsor Campus
1200 Old Trenton Road
Administration Building, Conference Room A
West Windsor, New Jersey

Submit written comments by June 15, 1994 to:
Robert McDowell, Director
Division of Fish, Game and Wildlife
Department of Environmental Protection and Energy
CN 400
Trenton, New Jersey 08625

The agency proposal follows:

Summary

The proposed 1994-95 Game Code, N.J.A.C. 7:25-5, states when, under what circumstances, in what location, by what means, and in what amounts and numbers, birds, game animals and fur-bearing animals may be pursued, taken, killed or possessed.

Since the turn of the century, the Game Code has provided a system for the protection, propagation, increase, control and conservation of game birds, game animals, and fur-bearing animals in this State and for their use and development for public recreation and food supply. Yearly revisions based on scientific investigation and research ensure the greatest likelihood of success in reaching these goals.

The proposed amendments include the following revisions:

1. Most hunting season dates are adjusted to correspond with the 1994-95 calendar which takes into account both anticipated differences in hunting activities according to the day of the week, and the effects of the regulatory activities of neighboring states. Small game seasons have been adjusted to correspond to changes in the deer hunting seasons, generally with a three to seven day increase in the overall length of the small game seasons (N.J.A.C. 7:25-5.2, 5.3, 5.4, 5.5, 5.7, 5.15, 5.17 and 5.18).

2. Lakehurst Naval Air Warfare Center is included in the extended/hen pheasant hunting area which will enable its users to stock and take hen pheasants. The facility is not within native pheasant range and the provision will enhance recreational hunting (N.J.A.C. 7:25-5.2).

3. The Director with approval of the Council may extend the pheasant, quail and chukar season on licensed semi-wild preserves for a period not to exceed 20 days. This change will allow for an extension of the season if weather or other factors negatively impact on the licensees ability to conduct their hunting program during the regular preserve season (N.J.A.C. 7:25-5.2 and 5.3).

4. Properly licensed and permitted persons between 10 and 15 years of age may be allowed to hunt pheasants on the Saturday before the regular opening of the pheasant season on selected wildlife management areas. This change will enable the Division to offer young hunters, some who may be hunting for the first time, the use of wildlife management areas for pheasant hunting prior to the regular season (N.J.A.C. 7:25-5.2).

5. Turkey Hunting Area 10 is expanded to incorporate all of northeastern New Jersey. The number of permits is increased from 60 to 70 per hunting segment to accommodate the increase in the total amount of suitable habitat available for hunting. This change will allow hunters more flexibility in locating birds and finding suitable places to hunt (N.J.A.C. 7:25-5.7).

6. Turkey Hunting Area 12 which includes Middlesex and Monmouth counties is created and opened for turkey hunting. The permit quota is 90 per segment. This change will increase recreational opportunity without adverse impact on the wild turkey population which has become well established in this area (N.J.A.C. 7:25-5.7).

7. The regular season beaver trapping permit quota is increased from 67 to 82. The number of site specific beaver trapping permits is decreased from 33 to 18. The changes are necessary to achieve harvest objectives and address nuisance and damage complaints (N.J.A.C. 7:25-5.9).

8. An identification number issued by the Division will be made available to licensed trappers upon request, for the identification of traps in lieu of a name and address. This change provides for identification of trap owners without compromising law enforcement efforts (N.J.A.C. 7:25-5.12).

9. A special late season Canada goose hunting permit is required to hunt Canada geese if the appropriate prescribed season is established by Federal regulations. The permit is valid only in the hunting areas designated by Federal regulations. This change may provide for an increased harvest of resident Canada geese in much of the state consistent with Federal regulations (N.J.A.C. 7:25-5.13).

10. Other than steel shot, other forms of non-toxic shot in sizes authorized by Federal regulations will be permitted for hunting waterfowl, bringing New Jersey's regulations into compliance with Federal standards (N.J.A.C. 7:25-5.13 and 5.14).

11. Steel shot or other forms of Federally approved non-toxic shot will be required at all times when hunting coot or any snipe, rail or gallinules. This change will further lessen the deposition of lead shot in wetland habitats and subsequent ingestion of lead by waterfowl and other species (N.J.A.C. 7:25-5.13, 5.14).

12. For hunting woodchuck, center-fire rifles of .25 caliber or smaller or rim-fire rifles may be used. Center-fire rifles larger than .25 caliber will be permitted provided that the bullets used do not exceed 100 grains in weight. All center-fire rifle ammunition used in hunting woodchucks must be hollow point, soft point or expanding lead core bullets. Rim-fire rifle ammunition used in hunting woodchuck must be hollow point or soft point type. This change will remove the heavier and slower bullets from use in woodchuck hunting allowing only the lighter bullets, which are considered safer for use in hunting woodchucks (N.J.A.C. 7:25-5.23).

13. The use of missiles other than shotgun slugs or No. 4 buckshot or No. 000 buckshot is prohibited for use on Monmouth Battlefield State Park. This change will alleviate concerns of possible archeological contamination (N.J.A.C. 7:25-5.23).

14. The use of 20 and 16 gauge buckshot is permitted. The use of copper slugs is also permitted for deer hunting. Shotgun shells containing single spherical projectiles are prohibited. This change will provide shotgun deer hunters additional choices in selecting deer hunting ammunition while eliminating any single round projectiles, the efficacy of which may be unknown (N.J.A.C. 7:25-5.23).

15. Hunters using or possessing shotgun slugs in the field during the deer seasons must have shotgun with adjustable open iron or peep sights or scope affixed. The required use of sights or a scope to achieve better accuracy when using shotgun slugs as ammunition provides a more effective and safer deer hunting firearm for most users (N.J.A.C. 7:25-5.23).

16. Persons required by law to wear corrective lenses to operate a motor vehicle must wear corrective lenses when hunting with a bow or firearm. Corrected vision is important for safe hunting N.J.A.C. 7:25-5.23).

17. The use of deer decoys is permitted in deer management zones 9, 13, 21, 23, 24, 36, 37, 39, 40, 42, 49 and 52 for bow hunting only. When carrying or moving deer decoys hunters must wear fluorescent orange as currently required for firearm deer hunting. This regulation change is supported by a survey of hunter education administrators from the United States and Canada which showed no significant safety problems associated with deer decoys in those states which already allow them (N.J.A.C. 7:25-5.23 and 5.24).

18. The bow and arrow, general provisions section is changed to clarify the rule. Bow and arrow is not permitted for hunting deer during the firearm deer permit seasons in those deer management zones on the prescribed dates the season is open, on any additional firearm season days if declared open or during the six-day Firearm Deer Season except when and where the bow deer season runs concurrent with the firearm deer season. Bow hunting is not permitted between ½ hour after sunset and ½ hour before sunrise during other seasons. It was not the intent of this regulation to prohibit bow hunting in all zones or at all times when a firearm season is open (N.J.A.C. 7:25-5.24).

19. The minimum length specification for broadheads used for taking turkey and deer is deleted. This change will bring New Jersey's broadhead requirements more in line with those in the rest of the country. Current broadhead specifications were developed based on the knowledge and equipment available in the 1950's. Since that time, there have been significant technological advances in archery equipment and materials. Eliminating the blade length restriction will permit the use of broadhead designs developed for today's technologically advanced hunting bows (N.J.A.C. 7:25-5.24).

20. The requirement that only antlerless deer may be taken during the first week of the fall bow season in Zones 7, 8, 10, 11, 12 and 41 is deleted. This provision was instituted on an experimental basis in 1992 and 1993 for the purposes of increasing the antlerless deer harvest and redistributing a portion of the antlered deer harvest to the six-day firearm season. The provision was discontinued because it failed to effectuate this purpose, as indicated by the hunter harvest, reports from enforcement officers, decreased hunter participation in these zones and hunter complaints (N.J.A.C. 7:25-5.25).

21. Deer management Zone 55 is deleted from the zones where only antlered deer may be taken during the first half of the fall bow season (October 1 to 21, 1994) due to the availability of an adequate number of antlerless deer to support a full fall bow season with a bag limit of two deer of either sex and any age, and the other either-sex deer seasons. Deer management Zones 1 and 24 will be added to the zones where only antlered deer may be taken during the first half of the fall bow season due to a shortfall in the availability of antlerless deer. This change will also provide for a more equitable distribution of the antlerless harvest among all either-sex deer seasons (N.J.A.C. 7:25-5.25).

22. Deer Management Zones 2, 5, 6, 14, 15, 17, 19, 20, 22, 25, 27 to 29, 33, 35, 36, 42, 47 to 51 and 63 are added to the zones where a "New Jersey Bonus Deer Permit and Transportation Tag" will be issued to properly licensed hunters who harvest an antlerless deer first during the fall bow season (October 1 to November 11, 1994). Said tags will allow hunters to take one additional deer of either-sex and any age in any zone open for the season, except in Zones 1, 4, 18, 21 and 24 where deer must be antlered during the first half of the season. Bonus tags will not be valid on the date of issuance. This change will provide for the increased harvest of antlerless deer in zones where the management strategy calls for deer population reduction, and increased recreational opportunity (N.J.A.C. 7:25-5.25).

23. The winter bow season (January 2 to 31, 1995) is increased by five days to compensate for loss of days due to the extension of the permit shotgun season in many zones during January. This change will provide additional recreational opportunity, but has little impact on the total deer harvest (N.J.A.C. 7:25-5.26).

24. The "Hunters Choice Area" is expanded to include redefined Zone 13 for the purpose of increasing the antlerless deer harvest in highly developed, northeastern New Jersey where the management strategy calls for deer population reduction. The provision allows hunters to harvest deer of either-sex and any age during the six-day firearm season (December 5 to 10, 1994) with a regular firearm license in Zones 13 and 36, exclusively. The definition of Zone 36 was deleted from this section, since all zones, including 13 and 36, are described in N.J.A.C. 7:25-5.29(p) (N.J.A.C. 7:25-5.27).

25. A "New Jersey Bonus Deer Permit And Transportation Tag" will be issued to properly licensed hunters who harvest an antlerless deer first in Zones 13 and 36, the Hunter's Choice Area, exclusively, during the six-day firearm season. Said tags will allow hunters to take one additional deer of either-sex and any age in the Hunter's Choice Area or an antlered deer in other zones open for the six-day firearm season, and will be valid on the date of issuance. The purpose of this change

is to increase the antlerless deer harvest in highly developed, northeastern New Jersey where the management strategy calls for deer population reduction (N.J.A.C. 7:25-5.27).

26. The overlap of the permit shotgun seasons with the opening and final days of the six-day firearm season in Zones 9 and 13 is deleted. Redefined Zones 9 and 13 will be opened for a net increase of two days of permit shotgun hunting, and Zone 13 will be included in the Hunter's Choice Area and will be open for either-sex any age deer hunting throughout all the deer seasons (N.J.A.C. 7:25-5.27).

27. Any "New Jersey Second Deer Permit and Transportation Tag" issued during the six-day firearm season shall be valid on the date of issuance. This rule change was requested on behalf of sportsmen in South and Central New Jersey for the purposes of enhancing recreational opportunity and compliance with bag limit regulations, particularly among organized club or group hunters. Previous bag limits allowed for the harvest of two antlered bucks per season, however, hunters were restricted to one deer per day. During the 1992 and 1993, six-day firearm seasons, 4.3 percent of the deer harvested were taken on "second tags." Hunters can already take more than one deer per day during the three permit deer season, if they have more than one permit and during the permit shotgun season in Zone 38 (Great Swamp National Wildlife Refuge). This change is expected to have no impact on the total harvest of antlered males for the six-day firearm season and very little impact on the overall distribution of the harvest during the six-day firearm season (N.J.A.C. 7:25-5.27).

28. Permit muzzleloader, permit shotgun and permit bow season quotas, bag limits and season lengths are adjusted according to harvest objectives to yield a Statewide net increase in the anticipated antlerless deer harvest for the purpose of maintaining the deer population at a level compatible with the available habitat, land use and human population (N.J.A.C. 7:25-5.28, 5.29, and 5.30).

29. Deer Management Zone 53 (Lakehurst Naval Warfare Center) has been deleted as an exception to the bag limit at the request of the facility managers. The previous bag limit allowed for the harvest of one antlered buck during the first season segment and one deer of the either-sex and any age during the second season segment. The 1994 bag limit will conform to the zone standard of two deer of either-sex and any age per permit and season. The change will enhance efforts to harvest additional antlerless deer and is consistent with the management objective of deer population reduction for Zone 53 (N.J.A.C. 7:25-5.28).

30. The notarization requirement for farmer deer permit applications (muzzleloader, shotgun and bow) has been deleted at the request of farmers. This change will make the permit application process easier for farmers and should have little or no impact on the review of applications or the issuance of permits (N.J.A.C. 7:25-5.28, 5.29, and 5.30).

31. The deer management zone map and the zone descriptions are modified to reflect boundary changes or clarification of boundaries for Zones 1, 4, 9, 13, 16, 17, 18, 26, 33, 34, 42, 46, 50 and 51.

Zones 1 and 4: 10 square miles of deer range were transferred from Zone 1 to 4 at the request of Delaware Water Gap National Recreation Area administrators for the purposes of including the area in one zone, improving law enforcement and standardizing regulations. The net impact of this change will be minimal, since season structure for the two zones will be the same in 1994 and a proportionate number of special season deer permits will be transferred from Zone 1 to Zone 4.

Zones 9 and 13: the eastern portions of these zones were combined into the redefined Zone 13, which contains 90 square miles of deer range. This change was made due to urbanization, existence of deer refuges, need to include the area under the Hunter's Choice Area provision, non-continuity of deer range and management strategy of deer population reduction. The western portions of these zones were combined into the redefined Zone 9, which contains 75 square miles of deer range. This change was made for the purposes of creating a zone with a large amount of contiguous deer range, including areas such as the Black River Wildlife Management Area which supports a significant level of recreational hunting. The management strategy calls for deer population reduction; however, the reduction will be at a lower rate for Zone 9 than for Zone 13.

Zones 16, 50 and 51: several minor changes in the boundary descriptions were made for clarification purposes. Specifically, the boundaries were changed from roads to the nearby Earle Naval Weapons Station (Zone 39) fence. Very little deer range was affected by the changes.

Zones 17 and 18: approximately seven square miles of deer range from Zone 18 was transferred to Zone 17 at the request of area farmers. The area transferred contains a significant amount of farmland with a history of deer damage to crops. The change will transfer a predominantly agricultural area from Zone 18 which is predominantly forested pinelands to Zone 17 which has a high percentage of agricultural land. Zone 18 has a one day permit shotgun season and a management strategy of allowing the population to increase. Zone 17 has a seven day permit shotgun season and a management strategy of deer population reduction. The change is consistent with the deer management strategy and will also provide additional recreational hunting opportunity in the seven square miles of range transferred.

Zones 26, 33, 34, 42, and 46: the primary purposes of these changes were to put the highly developed portions of eastern Atlantic County into Zone 42 and to transfer portions of Zone 33, isolated by the Great Egg Harbor River and Tuckahoe River, into adjacent Zones 34 and 46. Approximately two square miles of deer range from Zone 33, lying south of the Tuckahoe River, were transferred into Zone 34. Approximately nine square miles of deer range from Zone 33, lying west of the Great Egg Harbor River, were transferred to Zone 46. A small portion of Zone 42, which contains contiguous deer range was transferred into Zone 26. Developed, isolated and unhuntable portions of eastern Zones 26 and 33 were added to Zone 42 for the purpose of including the areas in a zone with a management strategy of deer population reduction and liberalized hunting season. The modified zones contain deer range as follows: Zone 26—145 square miles, Zone 33—25 square miles, Zone 34—112 square miles, Zone 42—21 square miles, and Zone 46—62 square miles. These changes will enhance deer management and will result in additional deer hunting in Zone 42 (N.J.A.C. 7:25-5.28, 5.29, and 5.30).

32. A one day permit shotgun season is authorized for Zone 31 for the purpose of achieving the antlerless deer harvest objective. This change will also provide increased recreational hunting opportunity for the shotgun deer hunter (N.J.A.C. 7:25-5.29).

33. The permit shotgun season bag limit is increased as follows for the purpose of achieving the antlerless deer harvest objective: 0 to one deer in Zone 31; one to two deer in Zones 20 and 64 (Monmouth Battlefield State Park); two to three deer in Zones 5, 7, 8, 14, 27, 35 and 42; three to six deer in Zone 56 (Forsythe National Wildlife Refuge—southern unit). The daily bag limit is increased from one to two in Zones 56 and 64 for the purpose of achieving the antlerless deer harvest objective. The permit shotgun season length is increased as follows for the purpose of achieving the antlerless deer harvest objective: 0 to one day in Zone 31; one to three days in Zone 20; three to four days in Zone 64; three to seven days in Zones 6, 22, 42 and 61; seven to 11 days in Zones 14, 27, 36, 41, 47, 49, 50 and 63; nine to 11 days in Zones 9 and 13. This change will also provide increased recreational hunting opportunity for the shotgun deer hunter (N.J.A.C. 7:25-5.29).

34. The permit shotgun season bag limit is decreased from one to 0 deer in Zones 24 and 32, and from two to one deer in Zones 30 and 52 (Fort Dix Military Reservation) for the purpose of decreasing the antlerless deer harvest. The permit shotgun season length is decreased from one to 0 days in Zones 24 and 32, from two to one day in Zone 52 (Fort Dix Military Reservation), and from three to one day in Zone 30 for the purpose of reducing the antlerless deer harvest. This small decrease in recreational hunting opportunity in four zones will be offset by increases in permit shotgun season bag limits and season lengths in other management zones (N.J.A.C. 7:25-5.29).

35. A "New Jersey Bonus Deer Permit and Transportation Tag" will be issued to properly licensed hunters who harvest an antlerless deer first in Zones 39 (Earle Naval Weapons Station), 40 (Earle Naval Weapons Station—Waterfront Section) and 59 (Supawna National Wildlife Refuge), exclusively, during the permit bow season. Said tag will allow hunters to take one additional deer of either-sex and any age in respective zones, only, and is not valid on the date of issuance. Bonus tags will only be available at designated check stations. The purpose of this change is to increase the antlerless deer harvest on these special areas which have restricted or limited access and to effectuate a deer management strategy of deer population reduction. The rule change will have a minimal positive impact on recreational hunting opportunity (N.J.A.C. 7:25-5.30).

36. The permit bow season is extended in Zones 13, 39 and 36 for the purpose of increasing the antlerless deer harvest, especially in areas not open for firearm deer hunting. The deer management strategy in these areas is population reduction. The rule change will also increase recreational hunting opportunity for bow hunters (N.J.A.C. 7:25-5.30).

37. The season format for Zone 38 (Great Swamp National Wildlife Refuge) has been changed from a split season to a continuous season

of five weekdays (November 28, 29, 30 and December 1, 2, 1994) at the request of the Refuge Manager based on financial constraints of the Refuge. This rule change will not reduce the recreational hunting opportunity available and should have a minimal impact on the antlerless deer harvest (N.J.A.C. 7:25-5.31).

The remaining changes have been made for clarification and correction of typographical errors.

Social Impact

The increase in the number of days available for deer hunting in some areas and the additional permits available for turkey hunting and the slight increases in the length of the small game seasons should have significant positive impact on increasing hunting opportunity. Adjustments that have been made to deer hunting quotas, season lengths, and bag limits, should benefit all segments of the public in providing for healthier deer populations, long-term enhanced recreational hunting opportunities, and deer population levels compatible with other land uses.

The positive social impact anticipated includes the conservation, management, and the enhancement of the wildlife resource for continued recreational opportunities.

Economic Impact

There may be small, short-term positive economic impact on local retailers serving the hunting population as a result of increases in hunting seasons, permit quotas, and special permit seasons. Also, these amendments to the Game Code should further the conservation and enhancement of the wildlife resource upon which a significant recreation and commercial industry is dependent and, therefore, occasion a long-term economic boon.

Environmental Impact

The proposed amendments should have a positive environmental impact in continuing the conservation, management and enhancement of the State's wildlife resources based on their current population, distribution and habitat status.

Regulatory Flexibility Analysis

The proposed 1994-95 Game Code imposes reporting and compliance requirements on sportsmen engaged in recreational hunting. These requirements are not, therefore, imposed upon small businesses, as the term is defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.

However, the Game Code also regulates the activity of trappers, who may engage in such activity for their economic benefit. Such trappers may be considered small businesses. The proposed amendments to trapping rules N.J.A.C. 7:25-5.9 and 5.12 impose no additional reporting, recordkeeping or compliance requirements. The 1993-94 season dates are revised for the 1994-95 season, the beaver permit quotas are adjusted and trappers may use an identification number on their traps in lieu of a name and address.

As there is no increased regulatory burden on trappers due to the proposed amendments, and given the Council's objective to both protect game resources and foster recreational opportunities related to game, no differentiation in requirements to exemption related to business size are provided.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 5. [1993-94] **1994-95** GAME CODE

7:25-5.1 General provisions

(a)-(b) (No change.)

(c) This Code, when adopted and when effective, shall supersede the provisions of [1992-93] **1993-94** Game Code.

(d)-(e) (No change.)

7:25-5.2 Pheasant—Chinese ringneck (Phasianus colchicus torquatus), English or blackneck (P. c. colchicus, Mongolian (P. mongolicus), Japanese green (Phasianus versicolor); including mutants and crosses of above

(a) The duration for the male pheasant season is November [13,] **12** to December [4, 1993] **4, 1994** inclusive, and December [13, 1993] **12, 1994** through January [8, 1994 excluding December 15, 16 and 17, 1993 in those deer management zones in which a shotgun permit deer season is authorized] **7, 1995 except closed during the permit shotgun deer season in those management zones on the prescribed dates that the season is open** and also excluding any extra permit deer season day(s) if declared open.

(b) The duration for the male pheasant season for properly licensed persons engaged in falconry is September 1 to December [4, 1993] **3, 1994** and December [13, 1993] **12, 1994** through March 31, [1994, excluding November 12, 1993 and December 15, 16 and 17, 1993 and January 14, 15, 21 and 22, 1994 in those management zones in which a shotgun deer permit season is authorized] **1995 except closed on November 11, 1994 and during the permit shotgun deer season in those management zones on the prescribed dates that the season is open** and also excluding any extra permit deer season day(s) if declared open.

(c) (No change.)

(d) The duration of the season for pheasants of either sex in the area described as Warren County north of Route 80, Morris County north of Route 80, Ocean County south of Route 70 and the counties of Sussex, Passaic, Bergen, Hudson, Essex, Camden, Atlantic and Cape May **and the Lakehurst Naval Air Warfare Center** and on all wildlife management areas is November [13] **12** to December [4, 1993] **3, 1994** inclusive, and December [13, 1993] **12, 1994** through February [14, 1994, excluding December 15, 16 and 17, 1993 and January 14, 15, 21 and 22, 1994 in those deer management zones in which a shotgun permit deer season is authorized] **20, 1995 except closed during the permit shotgun deer season in those management zones on the prescribed dates that the season is open** and also excluding any extra permit deer season day(s) if declared open.

(e) The hours for hunting pheasants on November [13, 1993] **12, 1994** are 8:00 A.M. to ½ hour after sunset. All other days on which the hunting for pheasants is legal, the hours are sunrise to ½ hour after sunset.

(f) Hen Pheasants: In the area described as Warren County north of Route 80, Morris County north of Route 80, Ocean County South of Rt. 70, and in the Counties of Sussex, Passaic, Bergen, Hudson, Essex, Camden, Atlantic, and Cape May, **and the Lakehurst Naval Air Warfare Center** and on all State Fish and Wildlife Management Areas, the daily bag limit shall be [2] **two** pheasants of either sex. Unlawful to take or attempt to take female pheasants elsewhere or to have female pheasants in possession afield other than in areas above described.

(g) Nothing contained in this section shall preclude properly licensed and permitted persons between 10 and 15 years of age from hunting pheasants on the Saturday before the opening of the pheasant season on selected wildlife management areas or portions thereof, if such activity is authorized by the Division. Hunting hours, application procedures, permit quotas and the form of the permit shall be determined by the Division.

[(g)](**h**) The season for properly licensed semi-wild preserves is November [13, 1993] **12, 1994** to March 15, [1994] **1995** inclusive. **The Director with approval of the Council may extend the pheasant season on licensed semi-wild preserves for a period not to exceed 20 days.**

[(h)](**i**) (No change in text.)

7:25-5.3 Cottontail rabbit (Sylvilagus floridanus), black-tailed jack rabbit (Lepus californicus), white-tailed jack rabbit (Lepus townsendii), European hare (Lepus europeus), chukar partridge (Alectoris graeca), and quail (Colinus virginianus)

(a) The duration of the season for the hunting of cottontail rabbit, black-tailed jack rabbit, white-tailed jack rabbit, European hare, chukar partridge and quail is November [13] **12** through December [4, 1993,] **3, 1994**, inclusive, and December [13, 1993] **12, 1994** to February [14, 1994, excluding December 15, 16 and 17, 1993 and January 14, 15, 21, and 22, 1994 in those deer management zones in which a shotgun permit deer season is authorized] **20, 1995 except closed during the permit shotgun deer season in those management zones on the prescribed dates that the season is open** and also excluding any extra permit deer season day(s) if declared open.

(b) The duration of the season for the hunting of the animals enumerated by (a) above for properly licensed persons engaged in falconry is September 1 to December [4, 1993] **3, 1994** inclusive,

and December [13, 1993] **12, 1994** through March 31, [1994, excluding November 12 and December 15, 16 and 17, 1993 and January 14, 15, 21 and 22, 1994 in those deer management zones in which a shotgun permit deer season is authorized] **1995 except closed on November 11, 1994 and during the permit shotgun deer season in those management zones on the prescribed dates that the season is open** and also excluding any extra permit deer season day(s) if declared open.

(c) (No change.)

(d) The hunting hours for the animals enumerated in this section are as follows: November [13, 1993] **12, 1994,** 8:00 A.M. to ½ hour after sunset. On all other days for which hunting for these animals is legal, the hours are sunrise to ½ hour after sunset.

(e) The quail and chukar partridge season for properly licensed semi-wild preserves is November [13, 1993] **12, 1994** to March 15, [1994] **1995** inclusive. **The Director with approval of the Council may extend the quail and chukar patridge season on licensed semi-wild preserves for a period not to exceed 20 days.**

(f) (No change.)

7:25-5.4 Ruffed grouse (Bonasa umbellus)

(a) The duration of the season for the hunting of grouse is October [9] **8** through December [4, 1993] **3, 1994,** inclusive, and December [13, 1993] **12, 1994** to February [14, 1994, excluding December 15, 16 and 17, 1993 and January 14, 15, 21 and 22, 1994 in those deer management zones in which a shotgun permit deer season is authorized] **20, 1995 except closed during the permit shotgun deer season in those management zones on the prescribed dates that the season is open** and excluding any extra deer permit season day(s) that is declared open.

(b) (No change.)

(c) The hunting hours for ruffed grouse are sunrise to ½ hour after sunset, with the exception of November [13, 1993] **12, 1994** when legal hunting hours are 8:00 A.M. to ½ hour after sunset.

(d) (No change.)

7:25-5.5 Eastern gray squirrel (Sciurus carolinensis)

(a) The duration of the season for the hunting of squirrels is October [9] **8** through December [4, 1993] **3, 1994,** inclusive, and December [13, 1993] **12, 1994** to February [14, 1994, excluding December 15, 16 and 17, 1993 and January 14, 15, 21 and 22, 1994 in those deer management zones in which a shotgun permit deer season is authorized] **20, 1995 except closed during the permit shotgun deer season in those management zones on the prescribed dates that the season is open** and also excluding any extra permit season day(s) if declared open.

(b) The duration of the season for the hunting of squirrels for properly licensed persons engaged in falconry is September 1 to December [14, 1993] **3, 1994,** inclusive, and December [13, 1993] **12, 1994** through March 31, [1994, excluding December 15, 16 and 17, 1993 and January 14, 15, 21 and 22, 1994 in those deer management zones in which a shotgun permit deer season is authorized] **1995, except closed during the permit shotgun deer season in those management zones on the prescribed dates that the season is open** and also excluding any extra permit deer season day(s) if declared open.

(c) (No change.)

(d) Hunting hours for squirrels are sunrise to ½ hour after sunset, with the exception of November [13, 1993] **12, 1994** when legal hunting hours are 8:00 A.M. to ½ hour after sunset.

(e) (No change.)

7:25-5.7 Wild turkey (Meleagris gallapavo)

(a) The duration of the Spring Wild Turkey Gobbler hunting season includes five separate hunting periods of four, five or 10 days each. The hunting periods for all hunting areas shall be:

1. Monday, April [25, 1994] **24, 1995**—Friday, April [29, 1994] **28, 1995**

2. Monday, May [2, 1994] **1, 1995**—Friday, May [6, 1994] **5, 1995**

3. Monday, May [9, 1994] **8, 1995**—Friday, May [13, 1994] **12, 1995**

4. Monday, May [16, 1994] **15, 1995**—Friday, May [20, 1994] **19, 1995**; Monday, May [23, 1994] **22, 1995**—Friday, May [27, 1994] **26, 1995**

5. Saturday, April [30, 1994] **29, 1995**; Saturday, May [7, 1994] **6, 1995**; Saturday, May [14, 1994] **13, 1995** and Saturday, May [21, 1994] **20, 1995.**

(b)-(g) (No change.)

(h) Wild Turkey Hunting Permits shall be applied for as follows:

1.-2. (No change.)

3. The application form shall be filled in to include: Name, address, [1994] **1995** firearm or archery hunting license number, turkey hunting areas applied for, hunting periods applied for, and any other information requested. Only those applications will be accepted for participation in random selection which are received in the Trenton office during the period of February [1-15, 1994] **1-22, 1995,** inclusive. Applications received after February [15] **22** will not be considered for the initial drawing. Selection of permits will be by random drawing.

i. If a fall turkey hunting season is authorized for [1994] **1995,** application shall be made in conjunction with the spring season application procedures in a form as prescribed by the Division.

4.-6. (No change.)

(i) Special Farmer Spring Turkey Permits shall be applied for as follows:

1.-2. (No change.)

3. The application form shall be filled in to include: Name, age, address and any other information requested thereon. [THIS APPLICATION MUST BE NOTARIZED.] Properly completed application forms will be accepted in the Trenton office only during the period of February [1-15, 1994] **1-22, 1995.** There is no fee required and all qualified applicants will receive a Special Farmer Spring Turkey Permit delivered by mail.

4. (No change.)

(j) (No change.)

(k) Turkey Hunting Area Map is on file at the Office of Administrative Law and is available from that agency or the Division. The [1994] **1995** Spring Turkey Hunting Season Permit Quotas are as follows:

[1994] **1995** SPRING TURKEY HUNTING SEASON PERMIT QUOTAS

Turkey Hunting Area Number	Weekly Permit Quota*		Season Total		Portions of Counties Involved
1	120		600		Sussex
2	140		700		Sussex, Warren
3	80		400		Sussex, Warren
4	120		600		Sussex, Warren, Morris
5	120		600		Sussex
6	200		1,000		Sussex, Passaic, Bergen
7	200		1,000		Sussex, Morris, Passaic
8	120		600		Warren, Hunterdon
9	80		400		Warren, Hunterdon, Morris
10	[60]	**70**	[300]	**350**	Essex, Middlesex, Morris, Somerset, Union
11	80		400		Middlesex, Mercer, Hunterdon, Somerset
12	**90**		**450**		**Mercer, Middlesex, Monmouth**
14	70		350		Burlington, Ocean, Mercer, Monmouth
15	55		275		Burlington, Camden, Atlantic
16	70		350		Burlington, Atlantic, Ocean, Cape May, Cumberland
20	130		650		Cumberland, Salem
21	50		250		Atlantic, Cumberland, Salem
22	0		0		Atlantic, Cape May, Cumberland
Total	[1,695]	**1,795**	[8,475]	**8,975**	

*Applied to each of the five hunting periods (A, B, C, D, E) in all areas:
A. Monday, April [25, 1994] **24, 1995**-Friday, April [29, 1994] **28, 1995**
B. Monday, May [2, 1994] **1, 1995**-Friday, May [6, 1994] **5, 1995**
C. Monday, May [9, 1994] **8, 1995**-Friday, May [13, 1994] **12, 1995**
D. Monday, May [16, 1994] **15, 1995**-Friday, May [20, 1994] **19, 1995**
Monday, May [23, 1994] **22, 1995**-Friday, May [27, 1994] **26, 1995**
E. Saturday, April [30, 1994] **29, 1995**; Saturday, May [7, 1994] **6, 1995**; Saturday, May [14, 1994] **13, 1995** and Saturday, May [21, 1994] **20, 1995**

(l) (No change.)

(m) Turkey Hunting Areas are located as follows:

1.-9. (No change.)

10. Turkey Hunting Area No. 10: That portion of **Bergen,** Essex, **Hudson,** Middlesex, Morris, **Passaic,** Somerset, and Union Counties lying within a continuous line beginning at the intersection of Routes 206 and 80; then east along Route 80 to its intersection with Route 287; then north along Route 287 to its intersection with Route 202; then north and east along Route 202 to [its intersection with Route 23; then south and east along Route 23 to its intersection with Route 46; then east along Route 46 to its intersection with the Garden State Parkway; then south along the Garden State Parkway to its intersection with Route 287]; **the New York State line; then east along the west shore of the Hudson River to Upper New York Bay; then south along the shore of Upper New York Bay to the Kill Van Kull; then west along the north shore of the Kill Van Kull to Newark Bay; then west across Newark Bay to its confluence with the Arthur Kill; then south along the west shore of the Arthur Kill to its intersection with Route 440; then west along Route 440 to its intersection with Route 287;** then north along Route 287 to its intersection with Route 206; then north along Route 206 to the point of beginning.

11. (No change.)

12. Turkey Hunting Area No. 12: That portion of Mercer, Middlesex and Monmouth Counties lying within a continuous line beginning at the intersection of Route 1 and Route 106, then north and east along Route 1 to its intersection with Route 287; then south and east along Routes 287 and 440 to its intersection with the Arthur Kill at Perth Amboy; then south along the west shore of the Arthur Kill to Raritan Bay, then south and east along the shore of Raritan Bay to Sandy Hook; then north along the east shore of Sandy Hook Bay to the tip of Sandy Hook; then south along the Atlantic Ocean to Belmar and Route 38; then west along Route 38 to its intersection with Route 195; then west along Route 195 to its intersection with Route 524; then north along Route 524 to its intersection with Route 206; then north along Route 206 to the point of beginning.

Recodify existing 12.-17. as **13.-18.** (No change in text.)

7:25-5.8 Mink (Mustela vison), muskrat (Ondatra zibethicus) and nutria (Myocaster coypus) trapping only

(a) (No change.)

(b) The duration of the mink, muskrat and nutria trapping season is as follows:

1. Northern Zone: 6:00 A.M. on November 15, [1993] **1994** through March 15, [1994] **1995**, inclusive, except on State Fish and Wildlife Management Areas.

2. Southern Zone: 6:00 A.M. on December 1, [1993] **1994** through March 15, [1994] **1995**, inclusive, except on State Fish and Wildlife Management Areas.

3. (No change.)

4. On State Fish and Wildlife Management Areas: 6:00 A.M. on January 1 through March 15, [1994] **1995**, inclusive.

(c)-(e) (No change.)

7:25-5.9 Beaver (Castor canadensis) trapping

(a) (No change.)

(b) The duration of the trapping season for beaver shall be January [16] **15** through February [12, 1994] **11, 1995**, inclusive.

(c) Special Permit: A special permit obtained from the Division of Fish, Game and Wildlife shall be required to trap beaver. (If the number of applications received in the Trenton office exceeds the quotas listed, a random drawing will be held to determine permit holders.) Applications shall be received in the Trenton office during the period November 15, [1993]—December 15, [1993] **1994.** Applicants may apply for only one beaver trapping permit and shall provide their [1993] **1994** trapping license number. Permits will be alloted on a zone basis as follows: Zone 1—[8] **9**, Zone 2—7, Zone 3—[2] **3**, Zone 4—[4] **6**, Zone 5—[3] **4**, Zone 6—[16] **18**, Zone 7—[3] **4**, Zone 8—[1] **2**, Zone 9—[3] **4**, Zone 10—[5] **6**, Zone 11—[3] **4**, Zone 12—[3] **4**, Zone 13—0, Zone 14—1, Zone 15—0, Zone 16—[3] **4**, Zone 17—[3] **4**, Zone 18—2. Total [67] **82**. Successful applicants must trap with a valid, current trapping license.

(d) Special Site Specific Permit: During the initial application period, applicants may also apply for one special site specific beaver permit. The total number of permits available shall not exceed [33] **18**. Site specific permits will be issued for specific locations or properties where the Division has determined that beaver damage or nuisance problems exist. A random drawing will be held to

determine permit holders; however, applicants unsuccessful in obtaining the special permit as set forth at (c) above will be given first opportunity. Permits will be valid only during the beaver trapping season.

(e) (No change.)

(f) A "beaver transportation tag" provided by the Division shall be affixed to each beaver taken immediately upon removal from trap, and all beaver shall be taken to a designated beaver checking station at the times and dates specified on the beaver permit and, in any case, no later than February [19, 1994] **18, 1995.**

(g)-(i) (No change.)

7:25-5.10 River otter (Lutra canandensis) trapping

(a) (No change.)

(b) The duration of the trapping season for otter shall be January [16] **15** through February [12, 1994] **11, 1995**, inclusive.

(c) Special Permit: A special permit obtained from the Division of Fish, Game and Wildlife shall be required to trap otter. (If the number of applications received in the Trenton office exceeds the quotas listed, a random drawing will be held to determine permit holders). Beaver permit holders will be given first opportunity for otter permits in their respective zones. Applications shall be received in the Trenton office during the period November 15[, 1993]—December 15, [1993] **1994**. Only one application per person may be submitted for trapping otter and applicants shall provide their [1993] **1994** trapping license number. Permits will be allotted on a zone basis as follows: Zone 1—7, Zone 2—7, Zone 3—2, Zone 4—3, Zone 5—2, Zone 6—9, Zone 7—3, Zone 8—6, Zone 9—3, Zone 10—4, Zone 11—5, Zone 12—2, Zone 13—14, Zone 14—7, Zone 15—12, Zone 16—4, Zone 17—2, Zone 18—5. Total 97. Successful applicants must trap with a valid, current trapping license.

(d) (No change.)

(e) The "otter transportation tag" provided by the Division must be affixed to each otter taken immediately upon removal from the trap. All otter pelts and carcasses shall be taken to a beaver-otter check station at dates specified on the otter permit and, in any case, no later than February [19, 1994] **18, 1995**, where a pelt tag will be affixed and the carcass surrendered.

(f)-(i) (No change.)

7:25-5.11 Raccoon (Procyon lotor), red fox (Vulpes vulpes), gray fox (Urocyon cinereoargenteus), Virginia opossum (Didelphis virginiana), striped skunk (Mephitis mephitis), long-tailed weasel (Mustela frenata), short-tailed weasel (Mustela erminea), and coyote (Canis latrans) trapping only

(a) (No change.)

(b) The duration of the regular raccoon, red fox, gray fox, Virginia opossum, striped skunk, long-tailed weasel, short-tailed weasel and coyote trapping season is 6:00 A.M. on November 15, [1993] **1994** to March 15, [1994] **1995**, inclusive, except on State Fish and Wildlife Management Areas.

(c) The duration for trapping on State Fish and Wildlife Management Areas is 6:00 A.M. on January 1, [1994] **1995** to March 15, [1994] **1995**, inclusive.

(d)-(h) (No change.)

7:25-5.12 General trapping

(a) All traps set or used in this [state] **State** must bear a durable and legible tag with the name and address of the person setting, using and maintaining the traps. **The Division may issue a trap identification number to licensed trappers which may be used in lieu of a name and address.**

(b)-(j) (No change.)

7:25-5.13 Migratory birds

(a) Should any open season on migratory game birds including waterfowl, be set by Federal regulation which would include the date of November [13, 1993] **12, 1994**, the starting time on such date will be 8:00 A.M. to coincide with the opening of the small game season on that date. However, this shall not preclude the hunting of migratory game birds, including waterfowl, on the tidal marshes of the State as regularly prescribed throughout the season by Federal regulations.

(b) (No change.)

(c) A person shall not take, attempt to take, hunt for or have in possession, any migratory game birds including waterfowl, except at the time and in the manner prescribed in the Code of Federal Regulations by the U.S. Department of the Interior, U.S. Fish and Wildlife Service, for the [1993-94] **1994-95** hunting season. The species of migratory game birds, including waterfowl, that may be taken or possessed and unless otherwise provided the daily bag limits shall be the same as those prescribed by the U.S. Department of the Interior, U.S. Fish and Wildlife Service for the [1993-94] **1994-95** hunting season.

(d)-(g) (No change.)

(h) Hunting hours for waterfowl shall be those hours that are prescribed by the Department of the Interior, United States Fish and Wildlife Service for the [1993-94] **1994-95** hunting season.

(i) A special canvasback permit shall be required to hunt canvasback ducks, and a special swan permit shall be required to hunt swans, if the appropriate prescribed special season is established by Federal regulations. If a special season for canvasback ducks is established by Federal regulations, the special canvasback hunting area shall be that portion of the State south of Routes 287 and 440 (Perth Amboy), east of the Garden State Parkway and north of Route 36 (Long Branch) and that portion of the State south of Route 88 (Bay Head), east of the Garden State Parkway and north of Route 72 (Ship Bottom). If a special season for swan is established by Federal regulations, the special swan hunting area shall be the counties of Burlington, Cumberland and Salem. A special September Canada goose hunting season permit shall be required to hunt Canada geese, if the appropriate prescribed special season is established by Federal regulations. If a special September Canada goose hunting season is established by Federal regulations, the special September Canada goose hunting area shall be that portion of the State within a continuous line that runs east along the New York State boundary line to the Hudson River; then south along the New York State boundary to its intersection with Route 440 at Perth Amboy; then west on Route 440 to its intersection with the Garden State Parkway; then south on the Parkway to its intersection with Route 70; then west on Route 70 to its intersection with Route 206; then south on Route 206 to its intersection with Route 54; then south on Route 54 to its intersection with Route 40; then west on Route 40 to its intersection with the New Jersey Turnpike; then south on the Turnpike to the Delaware State boundary line; then north on the Delaware State boundary to its intersection with the Pennsylvania State boundary; then north on the Pennsylvania boundary in the Delaware River to its intersection with the New York State boundary. **A special late season Canada goose hunting season permit shall be required to hunt Canada geese if the appropriate prescribed special season is established by Federal regulations. The special late season Canada goose hunting areas shall be that portion of the State established by Federal regulations.**

(j)-(l) (No change.)

(m) A person shall not take or attempt to take migratory game birds:

1.-10. (No change.)

11. Before 8:00 A.M. on November [13, 1993] **12, 1994**. However this shall not preclude the hunting of migratory game birds on tidal waters or tidal marshes of the State.

12.-13. (No change.)

14. Except at the time and manner prescribed by the State or Federal regulation, or by the [1993-94] **1994-95** Game Code.

15. With shotgun shells loaded with pellets larger than No. 4 fine shot except those persons engaged in hunting waterfowl may use nothing larger than T (.200 inch) steel shot **and nothing larger than the shot size authorized by Federal regulations for other forms of non-toxic shot**;

16.-19. (No change.)

(n) Seasons and bag limits are as follows:

1. Mourning dove (Zenaida macroura) are protected. There will be no open season on these birds during [1993-94] **1994-95**.

2. Rail and gallinule season and bag limits are as follows:

i. The duration of the season for hunting clapper rail (Rallus longirostris), Virginia rail (Rallus limicola), sora rail (Porzana carolina) and common gallinule or moorhen (Gallinula chloropus) is September 1 through November 9, [1993] **1994** inclusive.

ii. (No change.)

(o) Woodcock zones and hunting hours are as follows:

1.-2. (No change.)

3. Hunting hours for Woodcock are sunrise to sunset except on November [13] **12**, when the hunting hours are 8:00 A.M. to sunset.

(p)-(s) (No change.)

7:25-5.14 Special regulation limiting use of shotguns and shotgun shells containing lead pellets

(a) No person shall have in possession or use in hunting waterfowl and coot or any snipe, rail or gallinules [after the regular season for hunting waterfowl commences] any shotgun shell containing lead shot or lead pellets or have in possession or use any shotgun containing lead shot in New Jersey, including all territorial waters.

1. Only shotgun shells containing steel pellets **not larger than T (200 inch) or other non-toxic shot not larger than the shot authorized by Federal regulations** and only shotguns containing steel pellets **or other non-toxic shot authorized by federal regulations** shall be used for hunting waterfowl, **coot, snipe, rail or gallinules**.

(b) A person found in possession of any of the following items at (b)1 to 3 below, while hunting for, pursuing, taking, or attempting to take waterfowl, coot or any snipe, rail or gallinule [after the regular waterfowl season commences] is in violation of this section. Each violation shall constitute an additional, separate and distinct offense subjecting the person to a penalty of $20.00 for each offense.

1.-3. (No change.)

(c) (No change.)

7:25-5.15 Crow (Corvus spp.)

(a) Duration for the season for hunting the crow shall be Monday, Thursday, Friday and Saturday from August [9, 1993] **8, 1994** through March [19, 1994] **18, 1995** inclusive, [excluding December 6-11 and December 15, 16 and 17, 1993 and January 14, 15, 21 and 22, 1994 in those deer management zones in which a shotgun permit deer season is authorized] **except closed during the permit shotgun deer season in those management zones on the prescribed dates that the season is open.**

(b) (No change.)

(c) The hours for hunting crows shall be sunrise to ½ hour after sunset, except on November [13, 1993] **12, 1994** when the hours are 8:00 A.M. to ½ hour after sunset.

(d) (No change.)

7:25-5.17 Raccoon (Procyon lotor) and Virginia opossum (Didelphis virginiana) hunting

(a) The duration for the season of hunting raccoons and Virginia opossum is one hour after sunset on October 1, [1993] **1994** to one hour before sunrise on March 1, [1994] **1995**. The hours for hunting are one hour after sunset to one hour before sunrise.

(b) (No change.)

(c) A person shall not hunt for raccoon or opossum with dogs and firearms or weapons of any kind [on December 6-11 and on December 15, 16 and 17, 1993 and January 14, 15, 21, and 22, 1994 in those deer management zones for which a shotgun permit deer season is authorized] **during the six day firearm deer season and the permit shotgun deer season in those management zones on the prescribed dates that the season is open** and including any extra permit deer season day(s).

(d) A person shall not train a raccoon or opossum dog other than during the period of September 1 to October 1, [1993] **1994** and from March 1 to May 1, [1994] **1995**. The training hours are one hour after sunset to one hour before sunrise.

(e) (No change.)

7:25-5.18 Woodchuck (Marmota monax) hunting

(a) Duration for the hunting of woodchucks with a rifle in this State is March [12] **11** through September 30, [1994] **1995**. Licensed hunters may also take woodchuck with shotgun or long bow and arrow or by means of falconry during the regular woodchuck rifle season and during the upland game season established in N.J.A.C. 7:25-5.3.

(b)-(f) (No change.)

7:25-5.19 Red fox (Vulpes vulpes) and gray fox (Urocyon cinereoargenteus) hunting

(a) The duration of the red fox and gray fox hunting season is as follows:

1. Bow and Arrow Only—October [2] **1** through November [12, 1993] **11, 1994**.

2. Firearm or Bow and Arrow—November [13, 1993] **12, 1994** through February [19, 1994, excluding December 6-11, 15, 16 and 17, 1993 and January 14, 15, 21 and 22, 1994 in those deer management zones in which a shotgun permit deer season is authorized] **20, 1995 except closed during the six day firearm deer season and the permit shotgun deer season in those management zones on the prescribed dates that the season is open** and also excluding any extra permit deer season day(s) if declared open.

(b) The use of dogs shall not be allowed for fox hunting during the Statewide bow and arrow only season of October [2] **1**—November [12, 1993] **11, 1994**. There shall be no fox hunting during the firearm deer season, except that a person hunting deer during deer season may kill fox if the fox is encountered before said person kills a deer. However, after a person has killed a deer he must cease all hunting immediately.

(c) The hours for hunting fox are 8:00 A.M. to ½ hour after sunset on November [13, 1993] **12, 1994** and on other days from sunrise to ½ hour after sunset.

(d)-(e) (No change.)

7:25-5.20 Dogs

(a) A person shall not exercise or train dogs on State Fish and Wildlife Management Areas May 1 to August 31, inclusive, except on portions or various wildlife management areas designated as dog training areas, and there shall be no exercising or training of dogs on any Wildlife Management Area on November [12, 1993] **11, 1994**.

(b)-(c) (No change.)

7:25-5.23 Firearms and missiles, etc.

(a) Except when legally engaged in deer hunting during the prescribed firearm deer seasons no person shall have in his or her possession in the woods, fields, marshlands or on the water any shell or cartridge with missiles of any kind larger than No. 4 fine shot. This shall not preclude a properly licensed person from hunting woodchuck with a rifle during the woodchuck season. **For hunting woodchuck, center-fire rifles of .25 caliber or smaller or rim-fire rifles may be used. Center-fire rifles larger than .25 caliber may also be used provided that the bullets used do not exceed 100 grains in weight. All center-fire rifle ammunition used in hunting woodchucks must be hollow point soft point or expanding lead core bullets. All rim-fire rifle ammunition used in hunting woodchuck must be hollow point or soft point type.** Also excepted is the use of a muzzleloading rifle, .36 caliber or smaller, loaded with a single projectile during the prescribed portion of the squirrel season in designated areas. Waterfowl hunters may possess and use shotgun shells loaded with T (.200 inch) steel fine shot or smaller **or forms and sizes of other non-toxic shot authorized by Federal regulations** and properly licensed persons hunting for raccoon or opossum with hounds or engaged in trapping for furbearing animals may possess and use a .22 caliber rifle and raccoon, or opossum or legally trapped furbearing animals other than muskrat.

(b) (No change.)

(c) No person shall use in hunting fowl or animals of any kind, any shotgun capable of holding more than three shells at one time or that may be fired more than three times without reloading. No person shall use in hunting or trapping of any kind, a rifle loaded with more than three cartridges. **No person shall have in his or her**

possession while deer hunting on Monmouth Battlefield State Park any shell or cartridge with missiles of any kind other than shotgun slugs or No. 4 buckshot or No. 000 buckshot.

(d) (No change.)

(e) Within the areas described as portions of Passaic, Mercer, Hunterdon, Warren and Sussex Counties lying within a continuous line beginning at the intersection of Rt. 513 and the New York State line; then south along Rt. 513 to its intersection with the Morris-Passaic County line; then west along the Morris-Passiac County line to the Sussex County line; then south along the Morris-Sussex County line to the Warren County line; then southwest along the Morris-Warren County line to the Hunterdon County line; then southeast along the Morris-Hunterdon County line to the Somerset County line; then south along the Somerset-Hunterdon County line to its intersection with the Mercer County line; then west and south along the Hunterdon Mercer County line to its intersection with Rt. 31; then south along Rt. 31 to its intersection with Rt. 546; then west along Rt. 546 to the Delaware River; then north along the east bank of the Delaware River to the New York State line; then east along the New York State line to the point of beginning at Lakeside; and in that portion of Salem, Gloucester, Camden, Burlington, Mercer, Monmouth, Ocean, Atlantic, Cape May and Cumberland counties lying within a continuous line beginning at the intersection of Rt. 295 and the Delaware River; then east along Rt. 295 to its intersection with the New Jersey Turnpike; then east along the New Jersey Turnpike to its intersection with Rt. 40; then east along Rt. 40 to its intersection with Rt. 47; then north along Rt. 47 to its intersection with Rt. 536; then east along 536 to its intersection with Rt. 206; then north along Rt. 206 to it intersection with the New Jersey Turnpike; then northeast along the New Jersey Turnpike to its intersection with Rt. 571; then southeast along Rt. 571 to its intersection with the Garden State Parkway; then south along the Garden State Parkway to its intersection with Rt. 9 at Somers Point; then south along Rt. 9 to its intersection with Rt. 83; then west along Rt. 83 to its intersection with Rt. 47; then north along Rt. 47 to its intersection with Dennis Creek; then south along the west bank of Dennis Creek to its intersection with Delaware Bay; then northwest along the east shore of Delaware Bay and the Delaware River to the point of beginning; persons holding a valid and proper rifle permit in addition to their current firearm hunting license may hunt for squirrels between October [9] **8**-November [12, 1993] **11, 1994** and January [24] **23**-February [14, 1994] **20, 1995** using a .36 caliber or smaller muzzleloading rifle loaded with a single projectile.

(f) Except as specifically provided below for waterfowl hunters, semi-wild and commercial preserves, muzzleloader deer hunters and trappers, from December [6-11, 1993] **5-10, 1994** inclusive, it shall be illegal to use any firearm of any kind other than a shotgun. Nothing herein contained shall prohibit the use of a shotgun not smaller than 20 gauge nor larger than 10 gauge with a rifled bore for deer hunting only. Persons hunting deer shall use a shotgun not smaller than 20 gauge or larger than 10 gauge with the lead [or], lead alloy **or copper** [rifled] slug [or slug shotgun shell] only or a shotgun not smaller than [12] **20** gauge nor larger than 10 gauge with the buckshot shell. It shall be illegal to have in possession any firearm missile except the 20, 16, 12 or 10 gauge lead [or], lead alloy **or copper** [rifled] slug [or hollow base slug shotgun shell] or the 12, [or] 10, **16 or 20** gauge buckshot shell. **Shotgun shells containing a single spherical projectile may not be possessed or used in deer hunting.** (This does not preclude a person legally engaged in hunting on semi-wild or commercial preserves for the species under license or a person legally engaged in hunting woodcock from being possessed solely of shotgun(s) and nothing larger than No. 4 fine shot, nor a person engaged in hunting waterfowl only from being possessed solely of shotgun and nothing larger than T (.200 inch) steel shot **or other forms and sizes of non-toxic authorized by Federal regulations** during the shotgun deer seasons). A legally licensed trapper possessing a valid rifle permit may possess and use a .22 rifle and short rimfire cartridge only while tending his or her trap line.

1. Persons who are properly licensed may hunt for deer with a muzzleloader rifle during the [1993] **1994** six day firearm deer season and the permit muzzleloader rifle deer season.

2.-5. (No change.)

(g)-(n) (No change.)

(o) **No person shall hunt with the aid of a deer decoy, except during the fall bow, special permit bow and winter bow seasons in deer management Zones 9, 13, 21, 23, 24, 36, 37, 39, 40, 42, 49 and 52. Any person while carrying or moving deer decoys in the woods and fields for the purpose of hunting and property licensed shall wear a cap of fluorescent hunters orange or some other garment containing at least 200 square inches of fluorescent orange material which shall be visible from all sides.** No person shall hunt for deer with the aid of [a deer decoy,] an electronic calling device or any device which projects a beam of light upon the target.

(p) (No change.)

(q) No person shall carry or possess a shotgun and any shotgun slug in the woods and fields or on the water while hunting unless he or she has in possession a shotgun which has adjustable open iron or peep sights or a scope affixed. No person shall use any shotgun containing shotgun slugs for the purpose of hunting unless it has adjustable open iron or peep sights or a scope affixed.

(r) Persons required by law to wear corrective lenses to operate a motor vehicle shall wear corrective lenses when hunting with a bow or a firearm of any kind.

[(q)](s) (No change in text.)

7:25-5.24 Bow and arrow, general provisions

(a) (No change.)

(b) No person shall use a bow and arrow for hunting, [on December 15, 16 and 17, 1993 and January 14, 15, 21 and 22, 1994 in those deer management zones in which a permit shotgun deer season is authorized] **during the firearm deer permit seasons in those deer management zones on the prescribed dates the season is open,** on any additional Permit Deer Season Day(s) if declared open, **or** during the Six-Day Firearm Deer Season, **except when the bow deer season runs concurrent with the firearm deer seasons.** [or] **Bow and arrow hunting is not permitted** between ½ hour after sunset **and ½ hour before** sunrise during other seasons. Deer shall not be hunted for or taken on Sunday except on wholly enclosed preserves that are properly licensed for the propagation thereof.

(c) During the season for taking deer, or turkey with bow and arrow (as listed elsewhere in this subchapter), all arrows used for taking deer or turkey must be fitted with an edged head of the following specifications:

1. (No change.)

2. Minimum length [shall be 1⅜ inch on main cutting edge]—**None.**

3.-5. (No change.)

(d) **No person shall hunt deer with the aid of a deer decoy except during the fall bow, winter bow nd special permit bow seasons in deer management Zones 9, 13, 21, 23, 24, 36, 37, 39, 40, 42, 49 and 52.** No person shall hunt for deer with the aid of a deer decoy, an electronic calling device or any device which projects a beam of light upon the target.

(e)-(f) (No change.)

7:25-5.25 White-tailed deer (Odocoileus virginianus) fall bow season (either sex)

(a) Deer of either sex and any age may be taken by bow and arrow exclusively from October [2] **1**—November [12, 1993] **11, 1994,** inclusive; except in Zones **1,** 4, 18, 21 and [55] **24** only deer with antlers at least three inches long may be taken from October [2 to 22, 1993] **1-21, 1994.** [and in Zones 7, 8, 10, 11, 12 and 41 where only deer without antlers and deer with antlers which are less than three inches long may be taken from October 2 to 8, 1993.] Legal hunting hours shall be ½ hour before sunrise to ½ hour after sunset.

(b) Bag Limit: Two deer of either sex, except as noted in (a) above and (b)1 below. Only one deer may be taken in a given day. Deer shall be tagged immediately with completely filled in "transportation tag" and shall be transported to a deer checking station before 8:00

P.M. E.S.T. on the day killed. Upon completion of registration of first deer, one valid and proper "New Jersey Second Deer Permit and Transportation Tag" (second tag) will be issued which will allow this person to continue hunting and take one additional deer of either sex during the current fall bow deer season. The second tag shall not be valid on the day of issuance and all registration requirements apply.

1. In deer management Zones [7, 8, 9, 10, 11, 12, 13,] **2, 5-15, 17, 19, 20, 22, 25, 27-29, 33, 35, 36,** 39[, 40, and 41]**-42, 47-51 and 63,** one additional deer may be taken by any properly licensed hunter who harvests an antlerless deer first in these zones, exclusively. A "New Jersey Bonus Deer Permit and Transportation Tag" will only be issued for the purpose of this provision at deer check stations located in or within 15 miles of these zones. The New Jersey Bonus Deer Permit and Transportation Tag will be issued in addition to the New Jersey Second Deer Permit and Transportation Tag[, and may only be used for taking a deer within Zones 7, 8, 9, 10, 11, 12, 13, 39, 40 and 41]. The transportation portion of this tag is completed and affixed to the deer immediately upon killing by the hunter. All other deer registration requirements apply. A deer of either sex and any age may be taken with a bonus deer permit **in any zone where the fall bow season is open,** except [from October 2 through 8 in Zones 7, 8, 10, 11, 12 and 41, when only antlerless deer may be taken] **as noted in (a) above where only antlered deer may be taken.** This bonus deer tag shall not be valid on the day of issuance and is not transferable. Persons possessing both a bonus tag and second tag may not take more than one deer per day.

2. (No change.)

(c)-(d) (No change.)

7:25-5.26 White-tailed deer winter bow season (either-sex)

(a) Deer of either sex and any age may be taken by bow and arrow exclusively from January [3-26, 1994] **2-31, 1995** inclusive, [excluding January 14, 15, 21 and 22, 1994 in those management zones in which a shotgun permit season is] **except closed in zones open for shotgun permit season when** authorized. Legal hunting hours shall be ½ hour before sunrise to ½ hour after sunset.

(b)-(d) (No change.)

7:25-5.27 White-tailed deer six-day firearm season

(a) Duration for this season will be December [6-11, 1993] **5-10, 1994** inclusive with shotgun or muzzleloader rifle, exclusively.

(b) Bag Limit: Two deer, with antler at least three inches long; except in those [areas] **zones** designated as "hunters choice" indicated in (d) below, where the bag limit is two deer of either sex **and (b)1 below.** Only one deer may be taken in a given day per person on a regular firearm hunting license. [Persons awarded Zone 9 or Zone 13 shotgun permits may also take one deer of either sex and any age, per permit, on December 6 and 11, 1993 subject to the provisions of N.J.A.C. 7:25-5.29.] Deer shall be tagged immediately with the "transportation tag" appropriate for the season, completely filled in and shall be transported to a checking station before 7:00 P.M. E.S.T. on the day killed. Upon completion of the registration of the first deer, one valid and proper "New Jersey Second Deer Permit and Transportation Tag" (second tag) will be issued which will allow that person to continue hunting and take one additional deer with antler at least three inches long or one additional deer of either sex in the "hunters choice" [area] **zones,** exclusively, during the current, six-day firearm season. The second tag shall [not] be valid on the day of issuance and all registration requirements apply. Any legally killed deer which is recovered too late to be brought to a check station by closing time shall be immediately reported by telephone to the nearest Division of Fish, Game and Wildlife law enforcement regional headquarters. This deer must be brought to a checking station on the next open day to receive a legal "possession tag." If the season has concluded, this deer must be taken to a regular deer checking station on the following weekday to receive a legal "possession tag."

1. Hunters that take an antlerless deer on their first tag in the designated hunter's choice deer management zones listed in (d) below will be eligible for a bonus deer tag. The bonus tags shall be valid on the date of issuance and will be good for a deer of either sex and any age in Zones 13 and 36 or an antlered deer in other zones open for six day firearm season. The New Jersey bonus deer tag will be issued in addition to the New Jersey second deer tag at designated check stations located in or within 15 miles of the hunter's choice zones.

(c) This season shall be open only to holders of a valid and current firearm hunting license which contains an attached six-day firearm season transportation tag or a proper and valid second tag **or a proper and valid bonus tag.** If the anticipated harvest of deer has not been accomplished during this season, additional days of deer hunting may be authorized by the Director, with the approval of the Council. Such authorization and dates thereof shall be announced by press and radio.

(d) [Hunter's Choice Area: Hunter's choice area is described as follows:

That portion of Bergen, Hudson, Essex, Morris, Union, Somerset and Middlesex Counties lying within a continuous line beginning at the intersection of Rt. 202 and the New York State line near Suffern; then south on Rt. 202 to its intersection with Rt. 23 near Wayne; then south on Rt. 23 to its intersection with Rt. 80; then southwest on Rt. 80 to its intersection with Rt. 511; then south on Rt. 511 to its intersection with Rt. 510; then west on Rt. 510 to its intersection with Rt. 24 at Morristown; then southeast on Rt. 24 to its intersection with Rt. 82; then southeast along Rt. 82 to its intersection with Rt. 22; then southwest on Rt. 22 to its intersection with Rt. 287 near Somerville; then southeast on Rt. 287 to its intersection with Rt. 18 near South Bound Brook; then southeast on Rt. 18 to its intersection with the NJ Turnpike; then north on the Turnpike to its intersection with the Raritan River; then east along the north bank of the Raritan River to Raritan Bay and the New York State line; then north along the New York State line Arthur Kill and west bank of the Hudson River; then west along the NJ-NY border to the point of beginning near Suffern.] **Hunter's Choice zones include: Deer management Zones 13 and 36, as described in N.J.A.C. 7:25-5.29(p).**

(e) Hunting Hours: December [6-11, 1993] **5-10, 1994,** inclusive, 7:00 A.M. E.S.T. to 5:00 P.M. E.S.T. with shotgun or muzzleloader rifle.

(f)-(g) (No change.)

7:25-5.28 White-tailed deer muzzleloader rifle permit season (either sex)

(a)-(b) (No change.)

(c) Bag Limit: Two deer of either sex and any age per permit, except in Zones 37[,] **and** 52 [and 53] where the limit shall be one deer with antlers at least three inches long during the first season segment and one deer of either sex and any age during the second season segment. Only one deer may be taken in a given day per permit. Deer shall be tagged immediately with the muzzleloader rifle permit season permit "transportation tag" completely filled in, and shall be transported to a checking station before 7:00 P.M. E.S.T. on the day killed. Upon completion of the registration of the first deer, one valid and proper "New Jersey Second Deer Permit And Transportation Tag" (second tag) will be issued which will allow the person to continue hunting and take one additional deer of either sex during the current muzzleloader rifle permit season. The second tag shall not be valid on the day of issuance and all registration requirements apply. Any legally killed deer which is recovered too late to be brought to a check station by closing time shall be immediately reported by telephone to the nearest Division of Fish, Game and Wildlife law enforcement regional headquarters. Said deer shall be brought to a checking station on the next open day to receive a legal "possession tag". If the season has concluded, said deer shall be taken to a regular deer checking station on the following weekday to receive a legal "possession tag". It is unlawful to attempt to take or continue to hunt for more than the number of deer permitted.

(d) Duration of the muzzleloader rifle permit season is [December 13, 14, 18, 20, 21-24, 27-31, 1993 and January 1, 1994 in Zones 1-36, 41-51, 55, 57, 58, 61, 63 and 65; November 13-20, 1993 (first segment) and December 13-17, 20-24, 27-31, 1993 (second

segment) in Zones 37 and 52; December 13-18, 20-25, 27-31, 1993 and January 1, 1994 in Zone 39; November 27-December 4, 1993 (first segment) and December 13-18, 20-24, 27-31, 1993 and January 1, 1994 (second segment) in Zone 53; December 13-18, 20-24, 27-31, 1993 in Zone 54] **December 12, 13, 17, 19-31, 1994 in Zones 1-36, 41-51, 55, 57, 58, 61, 63 and 65; November 12-19, 1994 (first segment) and December 12-16, 19-31, 1994 (second segment) in Zones 37, 52 and 54; December 12-31, 1994 in Zone 39; November 26-December 3, 1994 (first segment) and December 12-31, 1994 (second segment) in Zone 53;** or any other time as determined by the Director. **There is no season in the following Zones 38, 40, 56, 59, 60, 62, and 64.** Legal hunting hours shall be sunrise to ½ hour after sunset E.S.T.

(e)-(g) (No change.)

(h) Muzzleloader Rifle Permit Season Permits shall be applied for as follows:

1. Only holders of valid and current firearm hunting licenses may apply by detaching from their hunting license the stub marked "Special Deer Season [1993] **1994**" signing as provided on the back, and sending the stub, together with the permit fee and an application form which has been properly completed in accordance with instructions. Application forms may be obtained from:

i.-iv. (No change.)

v. Other Division field offices.

2.-3. (No change.)

4. The application form shall be filled in to include: Name, address, current firearm hunting license number, deer management zone applied for, and any other information requested. Only those applications will be accepted for participation in random selection which are received in the Trenton office during the period of August 15—September 10, [1993] **1994** inclusive. Applications postmarked after the September 10 will not be considered for the initial drawing. Selection of permittees will be made by random selection.

5.-7. (No change.)

(i) Farmer Muzzleloader Rifle Permit Season Permits shall be applied for as follows:

1.-2. (No change.)

3. The application form shall be filled in to include: Name, age, size of farm, address, and any other information requested thereon. [THIS APPLICATION MUST BE NOTARIZED.] Properly completed application forms will be accepted in the Trenton office during the period of August 1 to 15. There is no fee required, and all qualified applicants will receive a farmer muzzleloader rifle permit season permit, delivered by mail.

4.-5. (No change.)

(j) (No change.)

(k) The Deer Management Zone Map is on file at the Office of Administrative Law and is available from that agency or the Division. The [1993] **1994** Muzzleloader Rifle Deer Season Permit Quotas (either sex) are as follows:

[1993] **1994** MUZZLELOADER RIFLE PERMIT SEASON PERMIT QUOTAS

Deer Mgt. Zone No.	Season Dates Code	Anticipated Deer Harvest [1993]	**1994**	Permit Quota [1993]	**1994**	Portions of Counties Involved
1	1	[242]	**208**	[535]	**510**	Sussex
2	1	[198]	**163**	[650]	**630**	Sussex
3	1	[171]	**138**	[840]	**870**	Sussex, Passaic, Bergen
4	1	[164]	**244**	[410]	**630**	Sussex, Warren
5	1	[411]	**394**	[1,515]	**1,650**	Sussex, Warren
6	1	[196]	**159**	[850]	**800**	Sussex, Morris, Passaic, Essex
7	1	[177]	**212**	[725]	**775**	Warren, Hunterdon
8	1	[398]	**303**	[1,950]	**1,620**	Warren, Hunterdon, Morris, Somerset
9	1	[104]	**48**	[450]	**280**	Morris, Somerset
10	1	[259]	**302**	[1,035]	**1,050**	Warren, Hunterdon
11	1	[122]	**118**	500		Hunterdon
12	1	[275]	**236**	[1,100]	**1,125**	Mercer, Hunterdon, Somerset
13	1	[37]	**47**	[245]	**275**	Morris, Somerset
14	1	[156]	**107**	[792]	**500**	Mercer, Somerset, Middlesex, Burlington
15	1	[124]	**173**	[461]	**500**	Mercer, Monmouth, Middlesex
16	1	[140]	**150**	[489]	**568**	Ocean, Monmouth
17	1	[74]	**81**	[286]	**290**	Ocean, Monmouth, Burlington
18	1	[50]	**59**	[275]	**280**	Ocean
19	1	[84]	**86**	[438]	**440**	Camden, Burlington
20	1	[72]	**75**	400		Burlington
21	1	[153]	**115**	[550]	**600**	Burlington, Ocean
22	1	[32]	**45**	[180]	**215**	Burlington, Ocean
23	1	[175]	**218**	[950]	**1,000**	Burlington, Camden, Atlantic
24	1	[152]	**118**	[480]	**465**	Burlington, Ocean
25	1	[139]	**186**	[600]	**700**	Gloucester, Camden, Atlantic, Salem
26	1	[255]	**258**	950		Atlantic
27	1	[161]	**134**	[650]	**625**	Salem, Cumberland
28	1	[139]	**133**	[550]	**500**	Salem, Cumberland, Gloucester
29	1	[116]	**139**	[450]	**490**	Salem, Cumberland
30	1	[41]	**58**	[182]	**155**	Cumberland
31	1	[13]	**14**	[80]	**65**	Cumberland
32	1	[10]	**15**	[68]	**46**	Cumberland
33	1	[65]	**44**	[198]	**130**	Cape May, Atlantic
34	1	[132]	**163**	[595]	**620**	Cape May, Cumberland
35	1	[175]	**190**	[716]	**765**	Gloucester, Salem
36	1	6		60		Bergen, Hudson, Essex, Morris, Union, Somerset, Middlesex
37	2	[121]	**96**	335		Burlington (Fort Dix Military Reservation)

38		0		0		Morris (Great Swamp National Wildlife Refuge)
39	3	[17]	**13**	25		Monmouth (Earle Naval Weapons Station)
40		0		0		Monmouth (Earle Naval Weapons Station—Waterfront)
41	1	[87]	**84**	[380]	**400**	Mercer, Hunterdon
42	1	[9]	**18**	[65]	**80**	Atlantic
43	1	[54]	**60**	[245]	**200**	Cumberland
44	1	[14]	**30**	[75]	**65**	Cumberland
45	1	[83]	**79**	[305]	**255**	Cumberland, Atlantic, Cape May
46	1	[71]	**91**	[250]	**325**	Atlantic
47	1	[50]	**33**	[150]	**175**	Atlantic, Cumberland, Gloucester
48	1	[41]	**47**	[288]	**250**	Burlington
49	1	[3]	**4**	[23]	**20**	Burlington, Camden, Gloucester
50	1	[36]	**33**	[214]	**220**	Middlesex, Monmouth
51	1	[40]	**47**	[224]	**225**	Monmouth, Ocean
52	2	[56]	**25**	[140]	**110**	Ocean (Fort Dix Military Reservation)
53	4	[13]	**11**	[40]	**45**	Ocean (Lakehurst Naval Engineering Center)
54	5	[4]	**1**	6		Morris (Picatinny Arsenal-ARRAD Com)
55	1	[18]	**16**	75		Gloucester
56		0		0		Atlantic (Forsythe National Wildlife Refuge)
57	1	[2]	**4**	40		Atlantic (Forsythe National Wildlife Refuge)
58	1	[8]	**5**	50		Burlington, Ocean (Forsythe National Wildlife Refuge)
59		0		0		Salem (Supawna National Wildlife Refuge)
60		0		0		Hunterdon (Round Valley Recreation Area)
61	1	[23]	**18**	[105]	**75**	Atlantic (Atlantic County Parks)
62		0		0		Monmouth (Fort Monmouth)
63	1	[50]	**41**	[225]	**200**	Salem
64		0		0		Monmouth (Monmouth Battleground State Park)
65	1	[19]	**32**	[120]	**125**	Gloucester
Total		[6,037]	**5,927**	[24,585]	**24,380**	

(l) The Season Dates Code referred in the table in (k) above is as follows:

1. Indicates the season dates will be December **12,** 13, [14, 18,] **17, 19,** 20, 21, 22, 23, 24, **26,** 27, 28, 29, 30, 31, [1993 and January 1,] 1994.

2. Indicates the season dates will be November [13-20, 1993] **12-19, 1994** (first segment); and, December [13-17, 20-24, 27] **12-16, 19**--31, [1993] **1994** (second segment).

3. Indicates the season dates will be December [13-18, 20-25, 27] **12**-31, [1993 and January 1,] 1994.

4. Indicates the season dates will be November [27] **26**—December [4, 1993] **3, 1994** (first segment) and December [13-18, 20-24, 27] **12**-31, [1993] **1994** [and January 1, 1994] (second segment).

5. Indicates the season dates will be December [13-18, 20-24, 27] **12-16, 19**-31, [1993] **1994.**

(m) Permit quotas in zones 37, 39, 52-54, 57, [-]58, 61 and 62 are contingent upon approval by appropriate land management agencies for those zones.

(n) Muzzleloader rifle permit season permits not applied for by September 10[, 1993] will be reallocated to shotgun and bow permit season applicants.

7:25-5.29 White-tailed deer shotgun permit season (either sex)

(a)-(b) (No change.)

(c) The season bag limit per permit shall be one deer of either sex and any age with a shotgun permit season permit in Zones 1, 3, 4, 18, [20,] 21, 23, [24,] **30,** 31, [32,] 37, 43, [45,] 52, 53, [54,] 55[, 64] and 65; two deer of either sex and any age with a shotgun permit season permit in Zones 2, [5-8, 14] **6, 15**-17, 19, **20,** 22, 25, **26, 28, 29** [30], 33, 34, [35, 42,] 44, 46, 48, [and] 51, **54, and 64**; three deer of either-sex and any age with a shotgun permit season permit in Zones [9-13,] **5, 7-14, 27, 35,** 36, 39, 41, **42,** 47, 49, 50, [56,] 59, 60, 61, and 63; six deer of either sex and any age in Zones **56,** 57 and 58; and 10 deer of either sex and any age in Zone 38. Only one deer may be taken in a given day per permit except in Zones 38 **and 64** where the limit is two deer in a given day per permit. [Persons awarded Zone 9 and 13 shotgun permits may also take a deer with antler at least three inches long on December 6-11, 1993 with a regular firearm license, subject to the provisions of N.J.A.C. 7:25-5.27. It is unlawful to attempt to take or hunt for more than the number of deer permitted.]

(d) Duration of the permit shotgun deer season is from sunrise to ½ hour after sunset E.S.T. on the following dates:

1. December [15, 1993] **14, 1994,** in Zones 1, 3, 4, 18, [20,] 21, 23, [24,] **30,** 31, [32,] 43, [45,] 55 and 65.

2. December **14,** 15[,] **and** 16, [and 17, 1993] **1994** and[,] January [14, 15, 21 and 22, 1994] **20, 21, 27 and 28, 1995** n Zones 2, 5, **6,** 7, 8, 10, 11, 12, [14,] 15, 17, 25, 27, 28, 29, 35, [36, 41, 47,] **42,** 48[, 49, 50 and 63] **and 61.**

3. December **14,** 15[,] **and** 16 [and 17, 1993] **1994** in Zones [6,] 16, 19, **20,** [22,] 26, [30,] 33, 34, [42,] **44,** 46, 51, 56[,] **and** 60 [and 61].

4. December [6-11, 15, 16 and 17, 1993, and January 14, 15, 21 and 22, 1994 in Zones 9 and 13.] **14, 15 and 16, 1994 and January 20-28, 1995 in zones: 9, 13, 14, 27, 36, 41, 47, 49, 50 and 63.**

5. December [18, 1993] **17, 1994** in Zones 37 and 52.

6. [December 2, 3, 4, 9 and 10, 1993] **November 28, 29, 30 and December 1, 2, 1994** in Zone 38.

7. December [18, 1993, and January 15 and 29] **17,** 1994 **and January 14 and 28, 1995** in Zone 39.

8. [December 18, 1993 and January 15, 1994 in Zone 52.] **January 7, 1995 in Zone 53.**

9. [January 8, 1994 in Zone 53] **December 17, 1994 and January 21, 1995 in Zone 54.**

10. December **5,** 6, 7, [8,] **14,** 15, **and** 16 [and 17, 1993], **1994** in Zones 57 and 58.

11. December **5,** 6[,] **and** 7 [and 8, 1993], **1994** (first segment), December **14,** 15, **and** 16 [and 17, 1993], **1994** (second segment), [and] January [14, 15 and 22, 1994] **19, 20, 21, 1995** (third segment) **and January 26, 27, 28, 1995 (fourth segment)** in Zone 59.

12. January [14, 1994] **20, 1995** (first segment), January [15, 1994] **21, 1995** (second segment), [and] January [22, 1994] **27, 1995** (third segment) **and January 28, 1995 (fourth segment)** in Zone 64.

13. (No change.)

(e)-(f) (No change.)

(g) Permits for shotgun permit season consist of back display which includes a "deer transportation tag" or proper and valid second tag. The back display portion of the permit will be conspicuously displayed on the outer clothing in addition to the valid firearm license in the case of a shotgun permit season permit, and without the license in the case of the farmer shotgun permit season permit. The "deer transportation tag" portion of the permit must be completely filled out, and affixed to the deer immediately upon killing. This completely filled in "deer transportation tag" allows legal transportation of the deer of either sex to an authorized checking station only. Personnel at the checking station will issue a "possession tag." Any permit holder killing a deer of either sex during this season must transport this deer to an authorized checking station by 7:00 P.M. E.S.T. on date killed to secure the legal "possession tag." The possession of a deer of either sex after 7:00 P.M. E.S.T. on the date killed without a legal "possession tag" shall be deemed illegal possession. Any legally killed deer which is recovered too late to be brought to the check station by closing time must be immediately reported by telephone to the nearest Division of Fish, Game and Wildlife law enforcement regional headquarters. Said deer must be brought to a checking station on the next open day to receive a legal "possesson tag." If the season has been concluded said deer must be taken to a regular deer checking station on the following weekday to receive a legal "possession." For deer management zones where the shotgun permit season is more than one day and the bag limit is two deer, a second valid and proper "New Jersey Second Deer Permit and Transportation Tag" (second tag) will be issued upon registration of the first deer. This permit will allow this person to continue hunting and take one additional legal deer during the shotgun permit season, provided the season is open the following day(s) or on any additional days that shotgun permit season hunting is authorized. For deer management zones where the shotgun permit season is three days or more and the bag limit is three deer, a third "New Jersey Permit and Transportation Tag" will be issued upon registration of the second deer. This permit will allow this hunter to continue hunting and take one additional legal deer during the shotgun permit season, provided the season is open or on any additional days that shotgun permit season hunting is authorized. For Deer Management Zone 38 (Great Swamp National Wildlife Refuge) where the shotgun permit season is five days and the bag limit is 10 deer, an additional valid and proper "New Jersey Permit and Transportation Tag" will be issued which will allow the permittee to take two deer per day per permit. [The additional valid and proper "New Jersey Permit and Transportation Tag" will only be available from the Great Swamp National Wildlife Refuge Check Station.] Permittees will be able to continue hunting on the [remaining] **following** designated season dates after registration of deer and issuance of appropriate tags. **For deer management Zones 57 and 58 (Forsythe National Wildlife Refuge) where the season is six days and the bag limit is one deer per day per permit, additional valid and proper "New Jersey Permit and Transportation Tags" will be issued at designated check stations upon registration of deer, which will allow the permittee to take up to a maximum of six deer. Permittees will be able to continue hunting on the following designated season dates after registration of deer and issuance of appropriate tags. For deer management Zone 64 (Monmouth Battlefield State Park) where the season is one day per segment and the bag limit is two deer per permit (and day), an additional valid and proper "New Jersey Permit and Transportation Tag" will be issued to the permittee, directly from the Division.**

(h) Shotgun Permit Season Permits shall be applied for as follows:

1. Only holders of valid and current firearm hunting licenses including juvenile firearm license holders may apply by detaching from their hunting license the stub marked "Special Deer Season [1993] **1994,**" signing as provided on the back, and sending the stub, together with the permit applied for and an application form properly completed in accordance with instructions. Application forms may be obtained from:

i.-iv. (No change.)

2.-6. (No change.)

(i) Farmer Shotgun Permit Season Permits shall be applied for as follows:

1.-2. (No change.)

3. The application form shall be filled in to include: Name, age, size of farm, address, and any other information requested thereon. [THIS APPLICATION MUST BE NOTARIZED.] Properly completed application forms will be accepted in the Trenton office during the period of August 1 to 15. There is no fee required, and all qualified applicants will receive a farmer shotgun permit season permit, delivered by mail.

4. (No change.)

(j) (No change.)

(k) The Deer Management Zone Map on file at the Office of Administrative Law and is available from that agency or the Division. The [1993] **1994** Shotgun Permit Season Permit Quotas (Either Sex) are as follows:

[1993] **1994** SHOTGUN PERMIT SEASON PERMIT QUOTAS (EITHER SEX)

Deer Mgt. Zone No.	Season Dates Code	Anticipated Deer Harvest [1993]	**1994**	Permit Quota [1993]	**1994**	Portions of Counties Involved
1	1	[178]	**103**	[746]	**616**	Sussex
2	2	[789]	**615**	[1,682]	**1,829**	Sussex
3	1	[68]	**67**	[582]	**604**	Sussex, Passaic, Bergen
4	1	[66]	**100**	[405]	**627**	Sussex, Warren
5	2	[2,498]	**2,522**	[4,842]	**4,319**	Sussex, Warren
6	[3] **2**	[335]	**397**	[1,310]	**934**	Sussex, Morris, Passaic, Essex
7	2	[988]	**1,085**	[1,964]	**1,842**	Warren, Hunterdon
8	2	[2,315]	**2,569**	[4,843]	**4,164**	Warren, Hunterdon, Morris, Somerset
9	4	[866]	**327**	[1,496]	**960**	Morris, Somerset
10	2	[1,436]	**1,203**	[2,377]	**2,363**	Warren, Hunterdon
11	2	[714]	**705**	[1,376]	**1,212**	Hunterdon
12	2	[1,547]	**1,277**	[2,373]	**2,580**	Mercer, Hunterdon, Somerset
13	4	[439]	**385**	[983]	**960**	Morris, Somerset
14	[2] **4**	[744]	**984**	[1,979]	**1,392**	Mercer, Somerset, Middlesex, Burlington
15	2	[428]	**513**	[1,014]	**1,090**	Mercer, Monmouth, Middlesex
16	3	[120]	**95**	[497]	**500**	Ocean, Monmouth
17	2	[375]	**371**	[719]	**712**	Ocean, Monmouth, Burlington
18	1	[13]	**5**	[138]	**120**	Ocean
19	3	[180]	**200**	[604]	**649**	Camden, Burlington

20	[1])**3**	[26]	**69**	[200]	**225**	Burlington
21	1	[22]	**24**	[225]	**238**	Burlington, Ocean
22	[3] **4**	[52]	**74**	[210]	**225**	Burlington, Ocean
23	1	[37]	**35**	[367]	**349**	Burlington, Camden, Atlantic
24	[1]	[19]	**0**	[131]	**0**	Burlington, Ocean
25	2	[374]	**344**	[1,031]	**974**	Gloucester, Camden, Atlantic, Salem
26	3	[79]	**73**	[255]	**345**	Atlantic
27	[2] **4**	[375]	**663**	[935]	**840**	Salem, Cumberland
28	2	[148]	**176**	[370]	**442**	Salem, Cumberland, Gloucester
29	2	[349]	**414**	[723]	**784**	Salem, Cumberland
30	[3] **1**	[46]	**30**	[149]	**147**	Cumberland
31	**1**	[0]	**7**	[0]	**74**	Cumberland
32	[1]	[2]	**0**	[38]	**0**	Cumberland
33	3	[87]	**42**	[281]	**1,355**	[Cape May,] Atlantic
34	3	[68]	**89**	[184]	**371**	Cape May, Cumberland
35	2	[454]	**431**	[1,085]	**1,105**	Gloucester, Salem
36	[2] **4**	[82]	**32**	[120]	**129**	Bergen, Hudson, Essex, Morris, Union, Somerset, Middlesex
37	5	[16]	**17**	[100]	**79**	Burlington (Fort Dix Military Reservation)
38	6	[242]	**241**	[600]	**500**	Morris (Great Swamp National Wildlife Refuge)
39	7	[76]	**81**	[93]	**97**	Monmouth (Earle Naval Weapons Station)
40		0		0		Monmouth (Earle Naval Weapons Stations—Waterfront)
41	[2] **4**	[504]	**483**	[818]	**741**	Mercer, Hunterdon
42	[3] **2**	[13]	**60**	[61]	**115**	Atlantic
43	1	[23]	**9**	[140]	**86**	Cumberland
44	3	[14]	**15**	[37]	**39**	Cumberland
45		0		0		Cumberland, Atlantic, Cape May
46	3	[32]	**41**	[102]	**177**	Atlantic
47	[2] **4**	[59]	**82**	[179]	**239**	Atlantic, Cumberland, Gloucester
48	2	[291]	**276**	[690]	**682**	Burlington
49	[2] **4**	[31]	**31**	[51]	**53**	Burlington, Camden, Gloucester
50	[2] **4**	[315]	**281**	[512]	**540**	Middlesex, Monmouth
51	[3]	[53]	**83**	[315]	**314**	Monmouth, Ocean
52	[8] **5**	[26]	**9**	[49]	**52**	Ocean (Fort Dix Military Reservation)
53	9	[13]	**14**	[42]	**47**	Ocean (Lakehurst Naval Engineering Center)
54	[5] **8**	[5]	**47**	[30]	**34**	Morris (Picatinny Arsenal—ARRAD Com)
55	1	[4]	**2**	[36]	**25**	Gloucester, Atlantic
56	3	[28]	**14**	20		(Forsythe National Wildlife Refuge)
57	10	[18]	**20**	40		Atlantic (Forsythe National Wildlife Refuge)
58	10	[23]	**16**	50		Burlington, Ocean (Forsythe National Wildlife Refuge)
59	11	[49]	**99**	[75]	**100**	Salem (Supawna National Wildlife Refuge)
60	3	[27]	**7**	120		Hunterdon (Round Valley Recreation Area)
61	[3] **2**	[42]	**21**	[108]	**85**	Atlantic (Atlantic County Parks)
62		0		0		Monmouth (Fort Monmouth)
63	[2] **4**	[210]	**346**	[349]	**458**	Salem
64	12	[78]	**88**	135		Monmouth (Monmouth Battleground State Park)
65	1	[10]	**11**	[60]	**50**	Gloucester, Camden
Total		[18,519]	**18,438**	[41,046]	**38,734**	

(l) Shotgun permit season permits not applied for by September 10, [1993] **1994** may be reallocated to muzzleloader rifle, permit season applicants.

(m) The Season Dates Code referred to in the table in (k) above is **as** follows:

1. Indicates one day shotgun permit season—December [15, 1993] **14, 1994.**

2. Indicates seven-day shotgun permit season—December [15, 16 and 17, 1993] **14, 15 and 16, 1994** and January [14, 15, 21 and 22, 1994] **20, 21, 27 and 28, 1995.**

3. Indicates three-day shotgun permit season December [15, 16 and 17, 1993] **14, 15 and 16, 1994.**

4. Indicates [a nine-day] **an 11-day** shotgun permit season December [6, 11, 15, 16 and 17, 1993] **14, 15 and 16, 1994** and January [14, 15, 21 and 22, 1994] **20-28, 1995.**

5. Indicates a one-day shotgun permit season December [18, 1993] **17, 1994.**

6. Indicates a five-day shotgun permit season [December 2, 3, 4, 9 and 10, 1993] **November 28, 29, 30 and December 1 and 2, 1994.**

7. Indicates a three-day shotgun permit season December [18, 1993] **17, 1994** and January [15] **14** and [29, 1994] **28, 1995.**

8. Indicates a two-day shotgun permit season December [18, 1993] **17, 1994** and January [15, 1994] **21, 1995.**

9. Indicates a one-day shotgun permit season January [8, 1994] **7, 1995.**

10. Indicates a six-day shotgun permit season December [6, 7, 8, 15, 16 and 17, 1993] **5, 6, 7, 14, 15 and 16, 1994.**

11. Indicates [three] **four**, three-day shotgun permit season segments—December [6, 7 and 8, 1993] **5, 6 and 7, 1994** (first segment);

December [15, 16 and 17, 1993] **14, 15 and 16, 1994** (second segment); [and,] January [14, 15 and 22, 1994] **19, 20 and 21, 1995** (third segment) **and, January 26, 27 and 28, 1995 (fourth segment).**

12. Indicates [three] **four** one-day shotgun permit season segments—January [14, 1994] **20, 1995** (first segment); January [15, 1994] **21, 1995** (second segment); [and,] January [22, 1994] **27, 1995** (third segment) **and January 28, 1995 (fourth segment).**

(n)-(o) (No change.)

(p) Deer Management zones are located as follows:

1. Zone No. 1: That portion of Sussex County lying within a continuous line beginning at the intersection of [Routes 206 and 519 at Branchville; then northwest along Route 206 to its intersection with Route 560; then west along Route 560 to its intersection with the Delaware River at Dingman's Ferry] **Rt. 521 (River Rd.) and Mashipacong Rd.; then west along the northern boundary of the Delaware Water Gap National Recreation Area to the east bank of the Delaware River**; then north along the east bank of the Delaware River to the New York State line; then east along the New York State line to Rt. 519[,]; then south along Rt. 519 to [the point of beginning at Branchville.] **its intersection with Rt. 206 at Branchville; then northwest along Rt. 206 to the intersection with Rt. 560; then west along Rt. 560 to the intersection with Ridge Rd.; then north on Ridge Rd. to the intersection with Rt. 646; then east on Rt. 646 to the intersection with Rt. 645 in Hainesville; then north on Rt. 645 to the intersection with Rts. 206 and 521; then north on Rts. 206 and 521 to Montague; then north on Rt. 521 (River Rd.) to the intersection with Mashipacong Rd., the point of beginning.** The island[s] of [Namanock, Minisink and] Mashipacong lying in the Delaware River [are] **is** included in this zone.

2.-3. (No change.)

4. Zone No. 4: That portion of Sussex and Warren Counties lying within a continuous line beginning at the [Route 560 (Tuttles Corner-Dingman's Road) and the Delaware River at Dingman's Ferry; then southeast along Route 560 to its intersection with Route 206; then southeast along Route 206 to its intersection with] **intersection of Rt. 521 (River Rd.) and Mashipacong Rd.; then running Rt. 206 in Montague; then south on Rt. 206 to the intersection with Rt. 645; then south on Rt. 645 to the intersection with Rt. 646 in Hainesville; then west on Rt. 646 to the intersection with Ridge Rd.; then south on Ridge Rd. to the intersection with Rt. 206; then south on Rt. 206 to the intersection with** the base of the Kittatinny Ridge at Culvers Inlet; then southwest along the base of the Kittatinny Ridge to the Delaware River at the Delaware Water Gap north and west of Quarry Road; then north along the east bank of the Delaware River to **the northern park boundary of the Delaware Water Gap National Recreation Area; then east along the northern park boundary of the Delaware Water Gap National Recreation Area to Rt. 521 (River Rd.),** the point of beginning [at Dingman's Ferry]. **Namonock, Minisink,** Depew, Tocks, Poxono and Labar Islands in the Delaware River are included in this zone.

5. (No change.)

6. Zone No. 6: That portion of Morris, Sussex, Passaic and Essex Counties lying within a continuous line beginning at the intersection of Rt. 80 and Rt. 517 at Allamuchy; then northeast along Rt. 517 to its intersection with Rt. 23 at Franklin; then southeast along Rt. 23 to its intersection with Rt. 80; then west along Rt. 80 to the point of beginning at Allamuchy. **Picatinny Arsenal (Zone 54) is excluded from Zone 6.**

7.-8. (No change.)

9. Zone No. 9: That portion of Morris **County** [and Somerset Counties] lying within a continuous line beginning at the intersection of [Rts. 202 and 206 at Bedminster; then north along Rt. 206 to its intersection with] **Rt. 206 and** Rt. 80 near Netcong; then east along Rt. 80 to its intersection with Rt. 46 at Denville; then east on Rt. 46 to its intersection with Rt. 511 near Boonton Reservoir; then south on Rt. 51 to its intersection with Rt. 202 at Morristown; then southwest along Rt. 202 to the point of beginning at Bedminster; **then east on Rt. 46 to the intersection with Rt. 10 in Ledgewood; then east on Rt. 10 to the intersection with Morris Tpk.; then east and south on Morris Tpk. to Calais Rd.; then west on Calais Rd. to Combs Hollow Rd.; then south Combs Hollow Rd. to Calas Rd.; then south on Calais Rd. to Mountain Ave. in Mendham; then south and east on Mountain Ave. to Hilltop Rd. (Rt. 525); then south on Rt. 525 to the intersection with Rt. 78; then west on Rt. 78 to the intersection with Rt. 206 near Pluckemin; then north on Rt. 206 to the intersection with Rt. 80 in Netcong, the point of beginning.**

10.-11. (No change.)

12. Zone No. 12: That portion of Somerset, Hunterdon and Mercer Counties lying within a continuous line beginning at the intersection of Rts. 31 and 22 at Clinton; then east on Rt. 22 to its intersection with Rt. 206 at Somerville; then south along Rt. 206 to its intersection with Rt. 546 at Lawrenceville; then west on Rt. 546 to its intersection with Rt. 31 at the Pennington traffic circle; then north along Rt. 31 to the point of beginning at Clinton. **That portion of Round Valley Recreation Area designated as open to deer hunting (Zone 60) is excluded from Zone 12.**

13. Zone No. 13: That portion of Morris, Somerset and Union Counties lying within a continuous line beginning at the intersection of Rts. 22 and 206 at Somerville; then north on Rt. 206 to [its intersection with Rt. 202 at Bedminster; then northeast along Rt. 202 to its intersection with Rt. 24 at Morristown;] **the intersection with Rt. 78 near Pluckemin; then east on Rt. 78 to the intersection with Rt. 525; then north on Rt. 525 to Mountain Ave. in Mendham; then north and west on Mountain Ave. to Calais Rd.; then north on Calais Rd. to Combs Hollow Rd., then north on Combs Hollow Rd. to Calais Rd.; then east on Calais Rd. to Morris Tpk.; then north and west on Morris Tpk. to Rt. 10; then west on Rt. 10 to Rt. 46 in Ledgewood; then west on Rt. 46 to the intersection with Rt. 80 near Netcong; then east on Rt. 80 to the intersection with Rt. 511; then south on Rt. 511 to the intersection with Rt. 24 in Morristown;** then southeast along Rt. 24 to its intersection with Rt. 82; then southwest along Rt. 82 to its intersection with Rt. 22; then southwest along Rt. 22 to the point of beginning at Somerville. **The Great Swamp National Wildlife Refuge (Zone 38) is excluded from Zone 13.**

14.-15. (No change.)

16. Zone No. 16: That portion of Monmouth and Ocean Counties lying within a continuous line beginning at the intersection of Rt. 537 and Rt. 571 near Holmeson; then southeast on Rt. 571 to [its] **the** intersection with Rt. 547; then northeast on Rt. 547 through [Lakewood] **Farmingdale** to [its] **the** intersection with **Tinton Falls Rd.; then north on Tinton Falls Rd. to the intersection with Rt. 33 and** Rt. 34; then north on Rt. 34 to [its] **the** intersection with the fenced boundary of the Earle Naval Weapons Depot property; then westward along the fenced border of the Earle Depot to [its] **the** intersection with Rt. 33; then west along Rt. 33 to [its] **the** intersection with Rt. 537 in Freehold; then southwest on Rt. 537 to [its] **the** intersection with Rt. 571 near Holmeson, the point of beginning.

17. Zone No. 17: That portion of Mercer, Monmouth, Burlington and Ocean Counties lying within a continuous line beginning at the intersection of the New Jersey Turnpike and the Mercer County line near Yardville; then north along the Turnpike to [its] **the** intersection with Interstate 195; then east along Interstate 195 to [its] **the** intersection with Rt. 537 near Holmeson; then southwest along Rt. 537 to [its] **the** intersection **Hawkin Road (Prospertown-Colliers Mills Road: Rt. 640); then southeast along Hawkin Road (Prospertown-Colliers Mills Road: Rt. 640) to the intersection with Colliers Mills Road; then west along Collier Mills Road to the intersection with Woodruff Rd.; then southwest along Woodruff Rd. to the intersectin with** Rt. 539; then southeast along Rt. 539 to the border of Fort Dix Military Reservation; then westward along the Fort Dix Military Reservation boundary to Rt. 545 near Wrightstown; then northwest along Rt. 545 to [its] **the** intersection with the New Jersey Turnpike[.]; then northeast along the New Jersey Turnpike to its intersection with the Mercer County line near Yardville, the point of beginning.

18. Zone No. 18: That portion of Ocean County lying within a continous line beginning at the intersection of Rt. 530 and the Garden State Parkway at South Toms River; then west along Rt. 530 to [its] **the** intersection with Rt. 70; then west along Rt. 70 to

the border of Fort Dix Military Reservation; then northward along the Fort Dix Military Reservation boundary to the northernmost intersection of the Fort Dix Military Reservation border and Rt. 539; then northwest along Rt. 539 to [its] **the** intersection with **Woodruff Rd.; then northeast along Woodruff Rd. to the intersection with Colliers Mills Road; then east along Colliers Mills Road to the intersection with Hawkin Road (Prospertown-Colliers Mills Road: Rt. 640); then northwest along Hawkin Road (Prospertown-Colliers Mills Road: Rt. 640) to the intersection with** Rt. 537 near [Hornerstown] **Prospertown**; then northeast along Rt. 537 to [its] **the** intersection with Rt. 571 near Holmeson; then southeast along Rt. 571 to the Garden State Parkway; then south along the Garden State Parkway to the point of beginning near South Toms River.

19.-25. (No change.)

26. Zone No. 26: That portion of Atlantic and Burlington Counties lying within a continuous line beginning at the intersection of Rts. 40 and 54 near Buena; then southeast on Rt. 40 (40-322) to its intersection with [the Garden State Parkway; then northeast on the Garden State Parkway] **Rt. 575; then northeast on Rt. 575 to its intersection with Moss Mill Road (Alt. Rt. 561); then east on Alt. Rt. 561 to its intersection with Oyster Creek; then east along the south bank of Oyster Creek to Great Bay; then north along the west shore of Great Bay** to its intersection with the Mullica River; then northwest along the south bank on the Mullica River to its intersection with Rt. 563 at Green Bank; then north on Rt. 563 to its intersection with Rt. 542, then west on Rt. 542; to its intersection with Nescochague Creek at Pleasant Mills; then south along the west bank of Nescochague Creek to Nescochague Lake; then southwest along the western bank of Nescochague Lake to its intersection with Hammonton Creek; then westward along Hammonton Creek to its intersection with Rt. 30 (White Horse Pike), near Hammonton; then south on Rt. 30 to its intersection with Rt. 559 (Weymouth Rd.); then south on Rt. 559 to its intersection with the Atlantic City Expressway; then northwest along the Atlantic City Expressway to its intersection with Eighth Street; then southwest along Eighth Street to its intersection with Rt. 322 (Black Horse Pike); then northwest along Rt. 30 to its intersection with Rt. 54; then southwest along Rt. 54 to its intersection with Rt. 40 at Buena, the point of beginning. The Atlantic County Park System (Zone 61) **and the Edwin B. Forsythe National Wildlife Refuge (Zone 57)** [is] **are** excluded from Zone 26.

33. Zone No. 33: That portion of Atlantic [and Cape May Counties] **County** lying within a continuous line beginning at the intersection of Rts. 40 and [50] **the Great Egg Harbor River at Mays Landing**; then south [on Rt. 50 to its intersection with Rt. 631, Tuckahoe Road; then east along Rt. 631 to its intersection with Rt. 9 at Marmora; then north along Rt. 9 to its intersection with Rt. 623; then east along Rt. 623 to the Atlantic Ocean at Ocean City; then northeast along the Atlantic Ocean to Atlantic City; **along the east bank of the Great Egg Harbor River to Rt. 651 (Jeffers Landing Road); then northeast along Rt. 651 to its intersection with Rt. 559 (Mays Landing-Somers Point Road); then north along Rt. 559 to its intersection with Schoolhouse Road; then north on Schoolhouse Road to its intersection with Rt. 575 (English Creek Avenue); then northeast along Rt. 575 to its intersection with Rt. 40;** [then northwest along Rt. 322 (40) to McKee City;] then west on Rt. 40 to its intersection with [Rt. 50] **the Great Egg Harbor River** at Mays Landing, the point of beginning. The Atlantic County Park System (Zone 61) is excluded from Zone 33.

34. Zone No. 34: That portion of Cumberland and Cape May Counties lying within a continuous line beginning at the [confluence of the Maurice River and Manumaskin Creek at Port Elizabeth; then east along the south bank of Manumaskin Creek to its intersection with Rt. 47; then south on Rt. 47 to its intersection with Rt. 548; then east on Rt. 548 to its intersection with Rt. 49; then continuing east on Rt. 49 to its intersection with Rt. 50 at Tuckahoe; then south on Rt. 50 to its intersection with Rt. 631, Tuckahoe Road; then east along Rt. 631 to its intersection with Rt. 9 at Marmora; then north along Rt. 9 to its intersection with Rt. 623; then east along Rt. 623 to the Atlantic Ocean at Ocean City] **intersection of Rt. 47 and Rt. 548 in Port Elizabeth; then east on Rt. 548 to its intersection with Rt. 49; then northwest on Rt. 49 to its intersection with the Tuckahoe River at Head of the River; then eastward along the Tuckahoe River and Atlantic-Cape May County line to Great Egg Harbor Bay; then continuing eastward along the Atlantic-Cape May County line to the Atlantic Ocean at the Great Egg Harbor Inlet**; then southeast along the Atlantic Ocean to Delaware Bay; then north and west along the east bank of Delaware Bay to the Maurice River; then north along the east bank of the Maurice River to Port Elizabeth and Rt. 548, the point of beginning.

35.-41. (No change.)

42. Zone No. 42: That portion of Atlantic County lying within a continuous line beginning at the intersection of [the Garden State Parkway and Mullica River at Chestnut Neck; then southwest along the Garden State Parkway to its intersection with Rt. 322 (40); then southeast along Rt. 322 to Atlantic City;] **Moss Mill Road (Alt. Rt. 561) and Rt. 575 in Galloway Township; then southwest along Rt. 575 to its intersection with Rt. 40; then southeast along Rt. 40 to its intersection with Rt. 575 (English Creek Avenue); then south along Rt. 575 to its intersection with Schoolhouse Road; then southeast along Schoolhouse Road to its intersection with Rt. 559 (Mays Landing-Somers Point Road); then continuing southeast along Rt. 559 to its intersection with Rt. 651 (Jeffers Landing Road); then south along Rt. 651 to its intersection with the Great Egg Harbor River and the Egg Harbor Township line; then south along the Egg Harbor Township line to the Atlantic-Cape May County line in Great Egg Harbor Bay; then eastward along the Atlantic-Cape May County line to its intersection with the Atlantic Ocean at the Great Egg Harbor Inlet; the northeast along the Atlantic Ocean to Great Bay; then west along the south shore of Great Bay to the confluence of Oyster Creek; then west along the south bank of Oyster Creek to Oyster Creek Road (Alt. Rt. 561); then west along Alt. Rt. 561 to its intersection with Rt. 575 in Galloway Township,** [then west along the Atlantic County line to the intersection of the Garden State Parkway and the Mullica River,] the point of beginning. The Edwin B. Forsythe National Wildlife Refuge (Zones 56 and 57) [are] **is** excluded from Zone 42.

43.-45. (No change.)

46. Zone No. 46: That portion of Atlantic [and Cape May Counties] **County** lying within a continuous line beginning at the intersection of [Rts. 49 and 50 at Tuckahoe; then north on Rt. 50] **Rt. 49 and the Tuckahoe River at Hunter's Mill; then southeast along Rt. 49 to its intersection with the Tuckahoe River at Head of River; then eastward along the Tuckahoe River (Atlantic-Cape May County line) to Great Egg Harbor Bay and the Egg Harbor Township line; then northwest along the Egg Harbor Township Line to the Great Egg Harbor River; then northwest and north along the west bank of the Great Egg Harbor River** to its intersection with Rt. 40 at Mays Landing; then west on Rt. 40 to its intersection with Rt. 552; then west on Rt. 552 to its intersection with the Tuckahoe River at Milmay; then south along the east bank of the Tuckahoe River to its intersection with Rt. 49 at Hunter's Mill[; then southeast and east on Rt. 49 to its intersection with Rt. 50], the point of beginning. **The Atlantic County Park System (Zone 61) is excluded from Zone 46.**

47.-49. (No change.)

50. Zone No. 50: That portion of Monmouth and Middlesex Counties lying within a continuous line beginning at the intersection of the New Jersey Turnpike and Rt. 522 near Jamesburg, then southeast on Rt. 522 to [its] **the** intersection with Rt. 537 at Freehold[,]; then southwest on Rt. 537 to [its] **the** intersection with **business** Rt. 33; then east on Rt. 33 to [its] **the** intersection with the western edge of the fenced boundary of the Earle Naval Weapons Depot; then north and east along the fenced boundary of the Earle Naval Depot to [its] **the** intersection [with] **of** County Route 38 (Wayside Road)[; then south on County Route 38 to its intersection with] **and** Rt. 547 **at the most eastern point of the fenced boundary of Naval Weapons Station—Earle**; then north on Rt. 547 and to [its] **the** intersection with the Garden State Parkway; then north on the Garden State Parkway to [its] **the** intersection with Rt. 36 near Eatontown; then east on Rt. 36 to the Atlantic Ocean; then north along the Atlantic coastline to the Raritan Bay; then south

and west along the shore of Raritan Bay to the Raritan River; then continuing west along the south bank of the Raritan River to [its] **the** intersection with the New Jersey Turnpike; then southwest along the New Jersey Turnpike to [its] **the** intersection with Rt. 522, the point of beginning. Monmouth Battlefield State Park, Zone 64, and Naval Weapons Station Earle, Zones 39 and 40, and Fort Monmouth, Zone 62, are excluded from this zone.

51. Zone No. 51: That portion of Monmouth and Ocean Counties lying in a continuous line beginning at the intersection of Rt. 547 and Rt. 571 near Lakehurst; then southeast along Rt. 571 to [its] **the** intersection with the Garden State Parkway; then south on the Garden State Parkway to Rt. 37 near Toms River; then east [on] Rt. 37 to the Atlantic Ocean; then north along the Atlantic [coast line] **coastline** to [its] **the** intersection with Rt. 36 in Long Branch; then west on Rt. 36 to [its] **the** intersection with the Garden State Parkway **near Eatontown**; then south on the Parkway to [its] **the** intersection with [County Route 16 (Asbury Ave.) near Tinton Falls; then west on County Route 16 to its intersection with the fenced boundary of the Earle Naval Weapons Depot; then west along the fenced boundary of Earle Naval Weapons Depot to its intersection with] **Rt. 547; then south on Rt. 547 to the intersection with county route 38 (Wayside Road) at the eastern fenced boundary of Naval Weapons Station—Earle; then south along the eastern fenced boundary of Naval Weapons Station—Earle to the intersection with** Rt. 34; then south on Rt. 34 to **the interesection with Tinton Falls Rd. and Rt. 33; then south on Tinton Falls Rd. to the intersection with** [the Collingwood Circle and] Rt. 547 (Asbury Rd.); then south on Rt. 547 through [Lakewood] **Farmingdale** to [its] **the** intersection with Rt. 571, the point of beginning.

52.-65. (No change.)

7:25-5.30 White-tailed deer bow permit season (either sex)

(a)-(b) (No change.)

(c) Bag Limit: Two deer of either-sex and any age per permit **except as indicated in (c)1 below**. Only one deer may be taken in a given day per permit. Deer shall be tagged immediately with the bow and arrow, permit "transportation tag" completely filled in, and shall be transported to a checking station before 7:00 P.M. E.S.T. on the day killed. Upon completion of the registration of the first deer, one valid and proper "New Jersey Second Deer Permit And Transportation Tag" (Second Tag) will be issued which will allow the person to continue hunting and take one additional deer of either sex during bow permit season, provided the season is open on the following day. The second tag shall not be valid on the day of issuance and all registration requirements apply.

1. In deer management Zones 39, 40 and 59, one additional deer of either sex and any age may be taken by any properly licensed hunters who harvests an antlerless deer first in these zones, exclusively. A "New Jersey Bonus Deer Permit and Transportation Tag" will be issued in addition to the New Jersey Second Deer Permit and Transportation Tag at designated check stations. The bonus deer tag is not valid on the day of issuance and shall only be valid in the applicable permit bow season zone. Bonus tags are not transferable. Only one deer may be taken per day. All deer tagging and registration requirements apply.

(d) Duration of the bow permit season is from November [13] **12**—December [4, 1993] **3, 1994** in Zones 1-[3, 5] 23, 25-37, 41-55, 58, 59, 61, 63, 65; and November [13, 1993] **12, 1994**—[January 1] **December 31**, 1994 in Zones **13, 36, 39,** 40 or any other time as determined by the Director. Legal hunting hours shall be ½ hour before sunrise to ½ hour after sunset.

(e)-(g) (No change.)

(h) Bow Permit Season Permits shall be applied for as follows:

1. Only holders of valid bow and arrow licenses including juvenile bow license holders may apply by detaching from their bow hunting license the stub marked special deer season [1993] **1994**, signing as provided on the back, and sending the stub together with the permit fee and an application form which has been properly completed in accordance with instructions. Application forms may be obtained from:

i.-iv. (No change.)

2.-8. (No change.)

(i) Farmer Bow Permit Season Permits shall be applied for as follows:

1.-2. (No change.)

3. The application form shall be filled in to include: Name, age, size of farm, address, and any other information requested thereon. [THIS APPLICATION MUST BE NOTARIZED.] Properly completed application forms will be accepted in the Trenton office during the period of August 1 to 15. There is no fee required, and all qualified applications will receive a farmer permit bow season permit, delivered by mail.

4. (No change.)

(j) (No change.)

(k) The Deer Management Zone Map is on file at the Office of Administrative Law and is available from that agency or the Division. The [1993] **1994** Bow Permit Season Quotas (Either Sex) are as follows:

[1993] BOW PERMIT SEASON PERMIT QUOTAS (EITHER SEX)

Deer Mgt. Zone No.	Season Dates Code	Anticipated Deer Harvest [1993]	**1994**	Permit Quota [1993]	**1994**	Portions of Counties Involved
1	1	[82]	**101**	[750]	**725**	Sussex
2	1	[38]	**128**	[1,265]	**1,350**	Sussex
3	1	[113]	**64**	[1,040]	**1,200**	Sussex, Passaic, Bergen
4		[0]	**51**	[0]	**625**	Sussex, Warren
5	1	[317]	**207**	[2,880]	**2,550**	Sussex, Warren
6	1	[131]	**70**	[1,200]		Sussex, Morris, Passaic, Essex
7	1	[158]	**112**	[1,450]	**1,365**	Warren, Hunterdon
8	1	[360]	**272**	[3,300]	**2,860**	Warren, Hunterdon, Morris, Somerset
9	1	[120]	**66**	[1,100]	**800**	Morris, Somerset
10	1	[196]	**136**	[1,800]	**1,700**	Warren, Hunterdon
11	1	[113]	**102**	[1,035]		Hunterdon
12	1	[218]	**190**	[2,000]	**2,260**	Mercer, Hunterdon, Somerset
13	[1] **2**	[87]	**78**	[800]	**950**	Morris, Somerset
14	1	[164]	**100**	[1,502]	**1,200**	Mercer, Somerset, Middlesex, Burlington
15	1	[115]	**105**	[1,059]	**1,100**	Mercer, Monmouth, Middlesex
16	1	[76]	**51**	[700]	**780**	Ocean, Monmouth
17	1	[62]	**39**	[569]	**460**	Ocean, Monmouth, Burlington
18	1	[43]	**36**	[390]	**400**	Ocean
19	1	[63]	**60**	[575]	**580**	Camden, Burlington

20	1	[44]	**34**	[400]		Burlington
21	1	[53]	**38**	[490]	**500**	Burlington, Ocean
22	1	[24]	**27**	[220]	**255**	Burlington, Ocean
23	1	[82]	**78**	[750]	**850**	Burlington, Camden, Atlantic
24	[1]	[37]	**0**	[340]	**0**	Burlington, Ocean
25	1	[98]	**60**	[900]	**575**	Gloucester, Camden, Atlantic, Salem
26	1	[65]	**71**	600		Atlantic
27	1	[87]	**60**	[800]	**735**	Salem, Cumberland
28	1	[65]	**38**	[600]	**500**	Salem, Cumberland, Gloucester
29	1	[63]	**61**	[576]	**630**	Salem, Cumberland
30	1	[18]	**21**	[161]	**150**	Cumberland
31	1	[8]	**3**	70		Cumberland
32	1	[5]	**4**	[45]	**30**	Cumberland
33	1	[25]	**11**	[232]	**125**	[Cape May,] Atlantic
34	1	[63]	**65**	[489]	**500**	Cape May, Cumberland
35	1	[106]	**108**	[969]	**1,000**	Gloucester, Salem
36	[1] **2**	25		230		Bergen, Hudson, Essex, Morris, Union, Somerset, Middlesex
37	1	[13]	**4**	120		Burlington (Fort Dix Military Reservation)
38		0		0		Morris (Great Swamp National Wildlife Refuge)
39	[1] **2**	[7]	**8**	60		Monmouth (Earle Naval Weapons Station)
40	2	[4]	**28**	[30]	**60**	Monmouth (Earle Naval Weapons Station—Waterfront)
41	1	[63]	**54**	[577]	**580**	Mercer, Hunterdon
42	1	[9]	**6**	80		Atlantic
43	1	[16]	**17**	[147]	**150**	Cumberland
44	1	[5]	**7**	[50]	**45**	Cumberland
45	1	[22]	**20**	[200]	**250**	Cumberland, Atlantic, Cape May
46	1	[22]	**32**	[200]	**250**	Atlantic
47	1	[16]	**14**	[150]	**160**	Atlantic, Cumberland, Gloucester
48	1	[63]	**39**	[582]	**475**	Burlington
49	1	[5]	**4**	[47]	**50**	Burlington, Camden, Gloucester
50	1	[57]	**45**	[519]	**675**	Middlesex, Monmouth
51	1	[50]	**29**	[459]	**475**	Monmouth, Ocean
52	1	[8]	**3**	[70]	**35**	Ocean (Fort Dix Military Reservation)
53	1	[4]	**3**	[40]	**35**	Ocean (Lakehurst Naval Engineering Center)
54	1	[7]	**6**	[35]	**32**	Morris (Picatinny Arsenal—ARRAD Com)
55	1	[9]	**3**	[80]	**90**	Gloucester
56		0		0		Atlantic (Forsythe National Wildlife Refuge)
57		0		0		Atlantic (Forsythe National Wildlife Refuge)
58	1	[5]	**4**	50		Burlington, Ocean (Forsythe National Wildlife Refuge)
59	1	[16]	**15**	35		Salem (Supawna National Wildlife Refuge)
60		0		0		Hunterdon (Round Valley Recreation Area)
61	1	[15]	**7**	[135]	**75**	Atlantic (Atlantic County Parks)
62		0		0		Monmouth (Fort Monmouth)
63	1	[33]	**37**	[300]	**315**	Salem
64		0		0		Monmouth (Monmouth Battleground State Park)
65	1	[16]	**12**	[150]	**160**	Gloucester, Camden
Total		[3,879]	**3,069**	[35,403]	**34,527**	

(l) The Season Dates Code referred in the table in (k) above is as follows:

1. Indicates the season dates will be November [13] **12**—December [4, 1993] **3, 1994.**

2. Indicates the season dates will be November [13, 1993] **12, 1994** to [January 1] **December 31**, 1994.

(m) Permit quotas for zones:37, 39, 40, 52-54, **57**, 58[, 59,] **and** 61 [and 62] are contingent upon approval by the appropriate land management agencies for these zones.

(n) (No change.)

7:25-5.31 White-tailed deer permit shotgun season permit (either sex), Great Swamp National Wildlife Refuge (Zone 38)

(a)-(b) (No change.)

(c) Duration of the Great Swamp Permit Shotgun Season permit shall be from sunrise to ½ hour after sunset on the following dates: [December 2, 3, 4, 9 and 10, 1993] **November 28, 29, 30 and December 1, 2, 1994** or as may otherwise be designated by the U.S. Fish and Wildlife Service.

(d)-(i) (No change.)

7:25-5.34 Controlled hunting—hunting restrictions on wildlife management areas

(a) No wildlife management areas have been selected for limited hunter density for the [1993-94] **1994-95** season. However, hunting with firearms shall be prohibited on November [12, 1993] **11, 1994** on those wildlife management areas designated as pheasant and quail stamp areas in N.J.A.C. 7:25-5.33.

(b) (No change.)

(a)

DIVISION OF FISH, GAME AND WILDLIFE

Marine Fisheries
General Net Regulations
Proposed Amendments: N.J.A.C. 7:25-18.1 and 18.5

Authorized By: Robert C. Shinn, Jr., Commissioner, Department of Environmental Protection and Energy.
Authority: N.J.S.A. 23:2B-6.
DEPE Docket Number: 24-94-04/320.
Proposal Number: PRN 1994-313.

Submit written comments by June 15, 1994 to:
Richard McManus, Esq.
Office of Legal Affairs
Department of Environmental Protection and Energy
CN 402
Trenton, NJ 08625

The agency proposal follows:

Summary

The proposed amendments to N.J.A.C. 7:25-18.1 and 18.5 will provide an opportunity for licensed individuals to engage in a directed fishery for conchs or whelks (*Busycotypus sp.*) within the State's intracoastal waters. The proposed amendment to N.J.A.C. 7:25-18.5 will prescribe the type of gear which will be permitted in a directed conch fishery. This amendment also restricts the time of day during which conch pots may be tended to between the hours of 4:00 A.M. and 9:00 PM. In addition, the amendment will permit the use of conch pots in the marine waters of the State with the exception of creeks, ditches and tributaries less than 50 feet wide and in any man-made lagoons. The proposed amendment to N.J.A.C. 7:25-18.1 will establish a minimum size limit for conch of five inches.

Currently, the use of a modified lobster or fish pot for the harvest of conchs in the Atlantic Ocean, Delaware, Raritan and Sandy Hook bays is permitted. Conch fishermen approached the New Jersey Marine Fisheries Council requesting the use of conch pots in the estuarine areas of the Atlantic Coast. The Council agreed with the suggestion as long as the gear utilized was constructed so it would not act as a fish pot. The use of fish pots in the waters of the smaller Atlantic Coast embayments is prohibited.

The amendment to N.J.A.C. 7:25-18.5 defines a conch pot as a device that is not larger than 30 inches on a side for a rectangular device or not larger than 34 inches in diameter and 30 inches in height for a cylindrical device. The pots must allow for an unobstructed opening on their top surface measuring not less than eight inches by eight inches square or nine inches in diameter. In addition to specified dimension criteria, conch pots cannot contain a parlor, funnel, or other entrapping mechanism in the interior of the pot. The Department has consulted with conch fishermen in the development of the conch pot design but will consider approval of alternate conch pot designs if a diagram is submitted providing the shape and dimensions of the requested conch pot configuration.

The proposed amendment to N.J.A.C. 7:25-18.5 specifies the time of day (4:00 A.M. to 9:00 P.M.) during which time conch pots may be tended and prohibits the placement of conch pots in any creek, ditch or tributary less than 50 feet wide at mean low water, in any marked or chartered channel or in any man-made lagoon. These provisions are incorporated to be consistent with the requirements for crab pots which are utilized in the same waters.

The proposed amendment also establishes a minimum size limit of five inches in length for conchs harvested for sale. This size is the smallest currently utilized commercially.

Social Impact

The establishment of a directed conch fishery in State intracoastal waters will provide the opportunity to current and potential commercial fishermen to engage in a new fishery. Presently, conchs are taken as a by-catch in the commercial crab pot fishery, crab and surf clam dredge fisheries, trawl fishery and by setting fish and lobster pots in the Atlantic Ocean, Raritan, Sandy Hook and Delaware bays. The proposed amendment provides a new avenue of opportunity to participate in a directed conch pot fishery within intracoastal waters of the State. Approximately 10 to 15 fishermen have expressed an interest in conch potting in the Atlantic coast estuaries.

To mitigate any potential user conflicts which could result from the placement of conch pots in intracoastal waters, restrictions on conch pot placement are provided. Conch pots are prohibited in a creek, ditch or tributary less than 50 feet wide at mean low water, in any marked or charted channel or in any man-made lagoon.

Economic Impact

A positive economic impact will be experienced by those fishermen who enter the conch fishery within the Atlantic coastal bay system, since it will provide new or expanded fishing opportunities. There will be no additional costs associated with the proposed amendments for the fishermen or the Department.

Environmental Impact

The proposed amendments should have no negative environmental impact as long as overfishing of conchs does not occur. The minimum size limit established for conchs of five inches is designed to minimize the harvesting of small immature conchs thus allowing some level of spawning before harvest. Since conchs are known to be predators on hard clams, surf clams and other shellfish, there may be limited benefits to these important and valuable shellfish resources by the development of an expanded conch fishery. Design of the conch pots will render them an ineffective device for the taking of other species; thus there will be no negative impact on other fisheries resources as a result of this proposal.

Regulatory Flexibility Analysis

The proposed amendments to N.J.A.C. 7:25-18.1 and 18.5(g)11 provide for a directed conch fishery in Atlantic Coast estuaries of the State and will affect those commercial fishermen engaged in this fishery. These commercial fishermen are small businesses as defined by the New Jersey Regulatory Act, N.J.S.A. 52:14B-16 et seq. These requirements as to conch size, conch pot dimensions and conch pot tending and placement are unlikely to impose additional capital costs upon small businesses nor require any professional services. In developing these amendments, the Department has balanced its environmental responsibilities against the expected impacts to small businesses and had determined that to minimize the impact of the amendments would adversely affect the environment. Therefore, no exemption from coverage is provided.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

7:25-18.1 Size and possession limits

(a) A person shall not purchase, sell, offer for sale, or expose for sale any species listed below less than the minimum length, measured in inches. Fish length shall be measured from the tip of the snout to the tip of the tail.

Species	Scientific Name	Minimum Size (inches)
Atlantic Mackerel	*Scomber scombrus*	7
Black Sea Bass	*Centropristis striata*	8
Bluefish	*Pomatomus saltatrix*	9
Conch	***Busycotypus carica***	5
	Busycotypus canaliculatum	
	Busycotypus contrarium	
Kingfish	*Menticirrhus saxatilis*	8
	Menticirrhus americanus	
Porgy (Scup)	*Stenotomus chrysops*	7
Goosefish (Monkfish)	*Lophius americanus*	17

In addition to the total minimum goosefish size, all goosefish tails possessed must be at least 11 inches in length from the anterior portion of the fourth cephalic dorsal spine to the end of the caudal fin. The total weight of all goosefish livers landed shall not be more than 30 percent of the total weight of all goosefish tails landed or 12 percent of the total weight of all goosefish landed.

(b)-(q) (No change.)

7:25-18.5 General net regulations

(a)-(f) (No change.)

(g) Individuals intending to take fish with a net in the marine waters of this State pursuant to N.J.S.A. 23:5-24.2 shall, as required,

apply to the Commissioner for a licensee and/or permit. To be eligible to purchase a 1992 license for a drifting, staked or anchored gill net the applicant shall have purchased a gill net license during 1990, 1991 or a 1992 license prior to May 1, 1992 or provide documented proof of active military service within one year of application. An applicant who does not meet the above requirements must file an application, in person, with the Department in each of two consecutive years. Such an applicant shall be eligible for gill net licenses in the following calendar year. Beginning in the license year (January 1-December 31) 1993, an applicant for a gill net license must have possessed a gill net license in one of the two previous years. Failure to purchase a gill net license in one of the two previous years shall subject the applicant to the two year waiting period described above. Availability of Delaware Bay Gill Net Permits shall be determined pursuant to N.J.A.C. 7:25-18.6 through 18.11. Upon receipt of the applications, and the prescribed license fee, the Commissioner may, in his or her discretion, issue single season licenses and/or permits as specified for each net type for the taking of fish with nets only as follows:

1.-10. (No change.)

11. Lobster or fish pots may be used for the taking of all species except those specifically protected and shall be used only in the Atlantic Ocean, Delaware Bay, Raritan Bay, and Sandy Hook Bay **except as provided in (g)11vii below.**

i.-vi. (No change.)

vii. A modified lobster or fish pot may be used for the taking of conchs or whelks in all marine waters of the State including the Atlantic Ocean with the exception of the Newark Bay Complex.

(1) Any such conch pot is defined as a rectangular shaped device not larger than 30 inches on any side; or a cylindrical shaped device not greater than 34 inches in diameter and 30 inches in height. Conch pots must allow for an unobstructed opening on their top surface measuring not less than eight by eight inches square or nine inches in diameter. Conch pots cannot contain a parlor, funnel, or other entrapping mechanism in the interior of the pot. Any similar configuration may be approved for use upon application to the Division and receipt of written approval. Such applications must contain a diagram detailing the shape and dimensions of the requested conch pot configuration.

(2) Conch pots may be tended only from 0400 hours (4:00 A.M.) to 2100 hours (9:00 P.M.).

(3) No conch pot shall be placed in a creek, ditch or tributary less than 50 feet wide at mean low water, in any marked or charted channel or in any man-made lagoon;

Recodify existing vii and viii as **viii and ix** (No change in text.)

12. (No change.)

(h) (No change.)

HIGHER EDUCATION
(a)

EDUCATIONAL OPPORTUNITY FUND

Graduate EOF Financial Eligibility; Martin Luther King Physician-Dentist Scholarship; C. Clyde Ferguson Law Scholarship

Proposed New Rules: N.J.A.C. 9:11-2, 3 and 4

Authorized By: Educational Opportunity Fund Board of Directors, Judith Cambria, Chairperson.

Authority: N.J.S.A. 18A:71-33 and P.L. 102-325 section 480(d).

Proposal Number: PRN 1994-278.

Submit comments by June 15, 1994 to:

Jeanne Oswald
Administrative Practice Officer
Department of Higher Education
20 West State Street
CN 542
Trenton, New Jersey 08625

The agency proposal follows:

Summary

The Educational Opportunity Fund (EOF) Board of Directors is responsible for the development and maintenance of a Statewide system to ensure meaningful access to higher education for students who are from families disadvantaged by low income and who have not had access to quality educational preparation necessary to attend college. The EOF Board is also interested in increasing the participation of New Jersey residents from backgrounds of historical poverty in graduate and professional study. In addition, the EOF Board of Directors was given responsibility for adopting rules and regulations necessary to effectuate the objectives of the Martin Luther King Physician-Dentist Scholarship program (King) and the C. Clyde Ferguson Law Scholarship program (Ferguson).

Pursuant to Executive Order No. 66(1978), the Department of Higher Education and the Educational Opportunity Fund (EOF) Board of Directors, in consultation with representatives of the higher education community, reviewed their rules, proposd amendments and voted to readopt their regulations on April 5, 1994. The readoption and amendments were published in the May 2, 1994, New Jersey Register with N.J.A.C. 9:11-2, 3, and 4 not readopted but to be reproposed. Therefore, N.J.A.C. 9:11-2, 3 and 4 expired on April 17, 1994 pursuant to Executive Order No. 66(1978) and are now being proposed as new rules. The reproposal is the result of the original readoption process coupled with the recent change in the Federal definition of an independent student, which now considers all graduate and professional school students as independent, several additional changes were recommended for the regulations governing graduate EOF financial eligibility. Since the graduate EOF financial eligibility regulations are used as references in the King and Ferguson scholarships, sections of these rules also require some amendments.

The creation of a subchapter to address the graduate EOF program is one that has been requested for a number of years by financial aid administrators responsible for the EOF graduate/professional school grant programs at their institutions. The graduate professional school regulations will only refer to rules that apply to the administration of an EOF graduate/professional school program.

The new N.J.A.C. 9:11-2, 3, and 4 draw a distinction between undergraduate and graduate/professional school programs by placing in these subchapters the financial eligibility and program administration requirements pertinent to the EOF graduate grants and Ferguson and King scholarships. In order to maintain a logical sequence,the proposal calls for N.J.A.C. 9:11-2 to contain the Graduate EOF Financial Eligibility regulations, and the creation of a new subchatper N.J.A.C. 9:11-4 to contain the Martin Luther King Physician Dentist Scholarship program regulations.

The proposed N.J.A.C. 9:11-2.1, Scope and purpose, outlines the intent of the regulations and provides a clearer description of the target population for the graduate EOF program.

The proposed N.J.A.C. 9:11-2.2, Student eligibility, defines the eligibility criteria.

The proposed N.J.A.C. 9:11-2.3, requires students to be legal residents of New Jersey for a minimum of 12 consecutive months.

The proposed N.J.A.C. 9:11-2.4, Foreign nationals, classifies which foreign nationals are eligible to participate in the EOF program.

The proposed N.J.A.C. 9:11-2.5, Financial eligibility for graduate grants, outlines the financial eligibility requirements for receipt of graduate EOF grant funding which is based on the independent student income protection allowance published annually in the Federal Register and clarifies what constitutes "historical poverty."

The proposed N.J.A.C. 9:11-2.6, Grant amounts, specifies the factors institutions must consider to arrive at the amount of the graduate EOF grant.

The proposed N.J.A.C. 9:11-2.7, Duration of graduate student eligibility, outlines length of eligibility for graduate EOF grant funding.

The proposed N.J.A.C. 9:11-2.8, Operational provisions for graduate grants, indicates the requirements for institutional participation in the EOF graduate program.

The proposed N.J.A.C. 9:11-2.9, Student notification and payment, explains what the institution must do to inform the student of the graduate grant award and how the institution can expect to receive payment of the student's grant from the Department of Higher Education.

The proposed N.J.A.C. 9:11-2.10, Discontinuation of EOF graduate grants, specifies instances where students may lose their EOF graduate grant.

The proposed N.J.A.C. 9:11-2.11, Liability, outlines who is responsible for repayment of the grant if it is determined that the grant was awarded based on fraudulent information.

The proposed N.J.A.C. 9:11-2.12, Grant usage, spells out exactly what educational costs the EOF graduate grant can be applied to.

The proposed N.J.A.C. 9:11-2.13, Appeals, outlines the appeal process for students who are denied EOF graduate grant funding.

The proposed N.J.A.C. 9:11-2.14, Refunds and repayments of disbursements made to students, explains when a refund of the grant is required and how to determine the amount of the refund.

The provisions of the newly proposed rules for N.J.A.C. 9:11-3, C. Clyde Ferguson Law Scholarship Program, and N.J.A.C. 9:11-4, Martin Luther King Physician-Dentist Scholarship program, for the most part, remain the same as they have been formerly in the Code, except for references which appropriately change. The Ferguson program provides awards based on financial need to eligible full-time students in the Minority Student Program at Rutgers School of Law-Newark, or enrolled in Rutgers School of Law-Camden or Seton Hall University School of Law. The King program provides awards based on financial need to eligible full-time M.D., D.O. or D.M.D. students at the University of Medicine and Dentistry of New Jersey.

Social Impact

The proposed new rules will provide a clearer definition of who is eligible for graduate EOF grant funding and the process by which institutions receive and utilize the funds. The amendments also recognize that advanced study beyond the baccalaureate degree is an expensive undertaking for individuals from a background of historical poverty but necessary to gain entrance to the types of careers that have traditionally eluded this population of students.

Failure to adopt rules would result in the elimination of the EOF graduate financial aid grant and the King and Ferguson scholarships currently used by over 300 students who are enrolled in 27 EOF graduate and professional programs Statewide.

Economic Impact

The EOF program is a collaborative effort between the New Jersey Department of Higher Education (which administers the program) and the state's colleges and universities (which directly recruit and serve the students). Funds for graduate student financial aid grants are derived from State appropriations. The FY 1994 State appropriation to support EOF Article III graduate student grants, King and Ferguson scholarships is $1,345,280.

During both semesters of the 1992/93 academic year, the EOF graduate and professional programs enrolled over 300 students participating at 15 New Jersey colleges and universities. Proposed new rules, N.J.A.C. 9:11-2, 3, and 4 are designed to insure that the EOF program will continue to serve this population of individuals. The rules do not have a direct impact on the total number of awards or total costs associated with the program because the maximum enrollment is limited by the level of annual State appropriation.

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required because the proposed new rules do not impose reporting, recordkeeping or other compliance requirements on small businesses as defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed new rules merely reinforce rules which were enacted to develop the criteria for the determination of eligibility for financial assistance from the Fund, and to establish procedures for the amount of each award and minimal requirements for institutional participation. These rules pertain to students participants and participating New Jersey colleges and universities.

Full text of the proposed new rules follows:

SUBCHAPTER 2. GRADUATE EOF FINANCIAL ELIGIBILITY

9:11-2.1 Scope and purpose

(a) The following provisions of this subchapter govern the determination of financial eligibility for graduate financial assistance from the New Jersey Educational Opportunity Fund (EOF) based on need and potential for success in college.

(b) The EOF Program was created by law in 1968 to ensure meaningful access to higher education for students who are from families disadvantaged by low income and who have not had access to the quality educational preparation necessary to attend college, which implies that either the family has endured long-term economic deprivation or that the student represents a segment of the population underrepresented in higher education, or both. Families in this status are generally characterized by little or no accumulation of assets, and the inability to provide for more than the basic needs of family members. Eligible students are, as a rule, the first generation to attend college in their families.

(c) The overall objective of the graduate EOF Program is to increase the participation of New Jersey residents from backgrounds of historical poverty in graduate and professional study.

(d) There shall be no discrimination in admission decisions based on race, age, creed, religion, marital status, national origin, color, gender, sexual orientation, or disability.

(e) Priority in granting of EOF graduate grants shall be given to those students who received EOF undergraduate grants.

9:11-2.2 Student eligibility

(a) The academic deficiencies that serve to identify the undergraduate student as educationally disadvantaged are not applicable at the graduate level. The graduate EOF Program is designed to provide the opportunity for New Jersey residents whose undergraduate record reflects the potential for advanced study beyond the baccalaureate degree and whose economic background reflects a history of poverty.

(b) To be initially eligible for an Educational Opportunity Fund graduate grant, a student must have demonstrated that he or she:

1. Is and has been a legal resident of the State of New Jersey for at least 12 consecutive months prior to receiving the grant;

2. Meets the financial criteria established in N.J.A.C. 9:11-2.5, Financial eligibility for graduate grants;

3. Is or will be a full-time graduate student as defined by the institution offering the graduate program of study; and

4. Is enrolled or intends to be enrolled full-time and matriculated in a curriculum leading to a graduate degree or certificate at an institution of collegiate grade in New Jersey approved or licensed by the State Board of Higher Education and participating in the EOF Program, provided that the student has not already received a graduate or professional degree at the same level of study for which he or she is applying. Graduate EOF degree or certificate programs must have a minimum requirement equivalent to 24 semester hours and be at least one academic year in duration.

(c) Students may not receive assistance under the programs administered by the EOF Board of Directors if they owe a refund on a grant or scholarship previously received from a State or Federal program through any institution or are in default on any loan made under any State or Federal student financial assistance program at any institution. Students owing a refund on a grant or scholarship or who are in default on a loan may receive State financial assistance if they make arrangements with the appropriate office to repay the debt.

(d) EOF graduate grant awards shall not be used by students attending out-of-State institutions.

9:11-2.3 Student residency

(a) Students must be legal residents of New Jersey for a period of not less than 12 consecutive months immediately prior to receiving a grant.

(b) The residence of a student is defined in terms of domicile. Domicile is defined as the place where a person has his or her true, fixed, permanent home and principal establishment and to which, whenever he or she is absent, he or she has the intention of returning.

(c) Residence established solely for the purpose of attending a particular college cannot be considered as fulfilling the definition of domicile.

(d) When in question, a student must demonstrate proof of residence by presenting one of the following documents:

1. A driver's license;

2. A voter registration form; or
3. Tax returns.

9:11-2.4 Foreign nationals

(a) A foreign national must present affirmative evidence that he or she is not in the United States for the temporary purpose of obtaining an education. Such evidence must include documentation from the United States Immigration and Naturalization Service that the student may remain permanently in this country and such evidence must be placed in the student's file. The student must:

1. Be the holder of an Alien Registration Receipt Card form I-151 or I-551;

2. Be the holder of an Approval Notice from the Immigration and Naturalization Service form I-181 stating that the non-citizen has met the requirements for Permanent Resident status;

3. Be the holder of a Temporary Resident Card form I-688 with a valid expiration date from the Immigration and Naturalization Service; or

4. Be the holder of an Arrival Departure Record form I-94 endorsed by the Immigration and Naturalization Service showing one of the following:

i. Parole Indefinite Humanitarian: Paroled pursuant to Sec. 212(d)(5) of the Immigration and Naturalization Act;

ii. Refugees: Admitted as a refugee pursuant to Sec. 207 of the Immigration and Naturalization Act;

iii. Granted Asylum: Asylum status granted pursuant to Sec. 208 of the Immigration and Naturalization Act;

iv. Cuban-Haitian Entrant: Status pending; or

v. Conditional Entrant: Admission into this status through March 31, 1980.

(b) The Arrival Departure Record form I-94 for persons in the categories in (a) above must be updated for each award year as required by the Immigration and Naturalization Service.

(c) Foreign Nationals with Student Visa Status, F1 or F2 Exchange Visitor Visa status of J1 or J2 Visa status even when stamped "employment authorized," or holders of form I-94 with one of the endorsements: "adjustment applicant," "245," "245 applicant," "applicant for permanent residence," "voluntary departure," and "deferred action," are considered to be in the United States for temporary reasons and are therefore not eligible for student assistance.

9:11-2.5 Financial eligibility for graduate grants

(a) A graduate student who demonstrates evidence of a background of historical poverty as defined in N.J.A.C. 9:11-2.1 or by meeting the criteria set forth in (d)1 through 5 below is financially eligible for an EOF graduate grant if the student and/or the student's spouse's gross income for the base year prior to the academic year for which aid is requested does not exceed the applicable amount set forth in the EOF graduate student income eligibility scale:

1. $10,600—family size (including student) 1;
2. $13,490—family size (including spouse) 2;
3. $16,670—family size (including spouse) 3;
4. $19,660—family size (including spouse) 4;
5. $23,000—family size (including spouse) 5;
6. Add $2,600 for each additional dependent. This amount should be adjusted annually to reflect changes in the Independent Student Income Protection Allowance as published in the Federal Register; and
7. A graduate student who received welfare as the primary means of family support is presumed to be eligible without regard to the amount of primary welfare support.

(b) In determining the financial eligibility of graduate students, separation, divorce, or death of a wage earner in the base year prior to the academic year for which eligibility is being determined, with an accompanying decrease in family income below the EOF income eligibility scales, does not automatically satisfy the family characteristic of historical poverty (as stated in N.J.A.C. 9:11-2.1 and (d)1 through 5 below) expected of EOF students.

(c) The campus EOF director must approve students in the cases established in (b) above, after review and recommendation by the financial aid office. The campus EOF director, in cooperation with the director of financial aid, shall have the discretion to use professional judgment to assess whether a family is historically and economically disadvantaged in determining an applicant's financial eligibility for admission to the EOF Program.

(d) Where there is evidence that strict adherence to the maximum income eligibility cut-offs will not serve the purpose of the EOF Program, the institution may submit a formal written request to the executive director for permission to admit students under a waiver pursuant to the provisions of this section. Students admitted under this provision must have incomes that do not exceed 175 percent of the official national poverty threshold as published annually by the Federal government adjusted to reflect New Jersey's cost of living and meet one of the following criteria:

1. The student attended high school in a district factor group a or b school district as certified by the New Jersey Department of Education;

2. The student has resided in a municipality defined as a "high distress" area. A high distress area, as defined by the New Jersey Office of Management and Budget, is one which, in comparison to the rest of the State, is characterized by old or sub-standard housing and/or low real estate value, low per capita income, high unemployment, population decline, and a high percentage of residents receiving welfare and other benefits targeted for low-income families;

3. The student has resided in an area of a municipality that is historically populated by low-income families; such an area is commonly known as a "pocket of poverty" as characterized by criteria outlined in (d)2 above;

4. The student has a sibling who was or is currently enrolled in an EOF Undergraduate Program; or

5. The student is or was eligible for government assistance and educational programs targeted toward low-income and disadvantaged populations (TRIO programs, free and reduced breakfast/lunch programs, food stamps) and was a first-generation college student.

(e) The student's record must contain sufficient documentation for verification of the criteria in (a) through (d) above. All efforts should be made to give priority to those students whose incomes are within the limits of N.J.A.C. 9:11-2.5.

(f) The annual gross income and assets of all graduate grant recipients who did not receive an undergraduate grant must be verified by the institution at the time of initial graduate enrollment through the use of Internal Revenue Service documents.

(g) In those instances where earnings are not the source of income, files must contain appropriate documentation and verification at the time of initial enrollment on which to base awards (for example, statements from the Welfare department, Social Security administration, Veteran's administration or any other approved administrative agency).

9:11-2.6 Grant amounts

(a) The dollar amount of each EOF graduate grant will be based on three factors:

1. Full-time approved enrollment as defined by the institution offering the graduate program of study;
2. The financial need of the student; and
3. The type of institution which the student will be attending.

(b) The exact amount of the EOF award shall be determined by the institution's EOF and financial aid directors. Priority for determining need and awarding EOF graduate grants shall be given first to students who meet the educational and income criteria in accordance with N.J.A.C. 9:11-2.1(b) through (e), 2.2(a) and (b) and 2.5(a) followed by those students admitted using N.J.A.C. 9:11-2.5(b) through (e).

(c) Once it is determined that a student is eligible, he or she shall not receive less than the minimum grant nor more than the maximum grant. Under no circumstances shall an EOF award be granted which, in combination with other aid, exceeds the cost of attendance as determined by the institution.

(d) The EOF Board of Directors shall annually review the State grant amounts for EOF students and make adjustments if necessary. The minimum and maximum award ranges for full-time graduate EOF grants for each type of institution follows:

Graduate	Minimum	Maximum
State Colleges	$200.00	$2,000
Four Year Independent	200.00	2,500
Rutgers, NJIT	200.00	2,500
UMDNJ	200.00	4,000

(e) The minimum award, as set forth in this section, shall be granted to all eligible EOF graduate students.

(f) The awarding of all grants within the above stated minimum and maximum range shall be based upon a careful analysis of the student's total financial situation and financial need. The neediest students shall be accorded priority.

9:11-2.7 Duration of graduate student eligibility

(a) Students deemed eligible at the time of initial graduate enrollment shall retain eligibility for program support services throughout the duration of the initial graduate degree of study as long as he or she maintains full-time enrollment.

(b) In addition, students shall retain eligibility for an EOF graduate grant as long as the student has demonstrated financial need as determined by the institution through submission of a financial aid form approved by the EOF Board of Directors, in accordance with annually established deadline dates.

(c) No student shall be eligible for a graduate EOF grant for more than 10 semesters; however:

1. Length of eligibility at four-year public colleges, four-year independent colleges, Rutgers and NJIT shall be restricted to one semester beyond the normal number of semesters usually required for a full-time student to complete the degree requirements. For example:

Degree Requirements	Full-Time Graduate Student	Length of Eligibility
36 credits	9 credits	(36/9) = 4 + 1 = 5 semesters
84 credits	12 credits	(84/12) = 7 + 1 = 8 semesters

2. Length of eligibility in the pursuit of a medical or dental degree shall be restricted to one year beyond the normal number of years usually required for a full-time student to complete the degree requirements. In no case shall the maximum graduate eligibility exceed the equivalent of 10 semesters.

(d) Graduate grant recipients may pursue more than one advanced degree; however:

1. Each degree must be a higher level than the previous one; and

2. In no case shall the combined eligibility exceed the equivalent of 10 semesters.

(e) No EOF graduate grant is to be awarded for summer program study excepting those programs that, by nature, require that specific courses be taken during the summer.

1. Exceptions are possible in cases where the program of study requires a mandatory sequence of courses for more than two terms in an academic year.

2. In order to qualify for an exception, the institution must submit a request in writing to the DHE/EOF Office.

9:11-2.8 Operational provisions for graduate grants

(a) The EOF Board of Directors must approve each institution's initial request to establish an EOF graduate program. This written request is to be submitted on forms provided by the Executive Director of EOF. Requests must include information outlining the expected objectives to be achieved through participation in the EOF graduate program, the number of students estimated to be eligible, and administrative responsibilities.

(b) Any New Jersey institution of higher education is eligible to participate in the EOF graduate program as long as it is certified as a licensed, accredited public or independent, non-proprietary, graduate or professional school.

(c) Participating institutions are to submit an annual academic year request for student slots to the Executive Director of EOF.

(d) Notification of action on institutional requests from the Executive Director of EOF will be given in writing to the President of each institution.

(e) To apply for Article III, graduate student grant funds, the financial aid and EOF directors must complete a payment request form to be established prior to the academic year for which funds are being requested for graduate students.

(f) The institutions shall annually submit to the DHE/EOF Office an EOF graduate payment request information form for each student.

(g) A timetable for submission of reports and payment request forms shall be made available to each participating institution.

(h) All files of students receiving EOF graduate grants will be subject to a fiscal audit conducted by the Department of Higher Education.

9:11-2.9 Student notification and payment

(a) A student shall be notified in writing by the institution's financial aid officer of the content of his or her financial aid package. The institution's written notification to the student shall contain a clause absolving the State of any responsibility for funding in the event that the grant is based upon fraudulent, inaccurate, or misleading information.

(b) The EOF Board of Directors may elect to provide payment directly to institutions on behalf of student recipients. Payments will be made to institutions for the eligible students in equal installments over the regular academic year, with the number of installments corresponding to the number of school terms. Listings of eligible students to be credited will be provided to institutions.

9:11-2.10 Discontinuation of EOF graduate grants

(a) The Article III graduate grant is to be discontinued immediately when the student ceases to be eligible under any criteria listed in this subchapter.

(b) The Article III graduate grant is to be discontinued for any student who has been academically dismissed unless reinstated in good standing by institutional officials.

(c) The Article III graduate grant is to be discontinued for any student who is not matriculated in a full-time program of study or any student who is not enrolled. The amount of any grant paid to the institution for that student must be repaid by the institution.

(d) The Article III graduate grant is to be discontinued for any student who refuses to abide by regulations established by the institution for participation in the EOF Program.

(e) The Article III graduate grant is to be discontinued for any student who intentionally falsifies or gives misleading information upon which eligibility was based. The amount of any grant previously paid to that student must be repaid by that student.

9:11-2.11 Liability

(a) The basic responsibility for submitting accurate information to institutional officials rests with the student.

(b) In the event that an institution has knowingly conveyed fraudulent and/or misleading information in order to obtain EOF grants for ineligible students, the institution will be held liable and will be required to make restitution.

(c) In cases where institutions have made awards in good faith based upon fraudulent and/or misleading information which has been conveyed by the student, the student is liable for the return of the EOF grant. A written statement to this effect shall accompany each student's award notification.

(d) The EOF Executive Director, with the cooperation of institutional officials, shall undertake appropriate steps to reclaim monies due the Educational Opportunity Fund from ineligible students.

9:11-2.12 Grant usage

(a) The EOF graduate grant must be applied to the student's educational costs only. Educational costs are inclusive of whatever constitutes each institutional educational budget and may include tuition, fees, room and board, transportation, books, educational supplies and child care.

(b) Use of EOF graduate grants for any other costs is strictly prohibited.

9:11-2.13 Appeals

(a) A student or his or her parent(s) may file a written appeal with the EOF Executive Director regarding institutional decisions of ineligibility.

1. The first step in appealing EOF grant eligibility begins within the institution. As a campus-based program, the verification of EOF grant eligibility is the responsibility of institutional officials.

2. A student must have already appealed through institutional channels before his or her appeal will be heard by the EOF Executive Director.

3. The letter of appeal must furnish detailed information as to the nature of the case and contain the names of institutional officials who have been contacted.

(b) If, after State payment deadline dates, new information or evidence has been presented regarding previous institutional eligibility decisions, the institution may request consideration by the EOF Executive Director for payment in the same fiscal year. Such requests must be submitted before fiscal year end reconciliation and should be submitted through payment rosters co-endorsed by the EOF campus director and financial aid officer. The fiscal year ends on June 30th of each year.

(c) In no case should institutional requests for opinions, clarification, or consideration based on new evidence constitute an appeal for a student or students who have not met the minimum standards set forth in State regulations. These standards are intended to be the "floor" above which institutional standards and appeals may operate, but no appeals, institutional or central, should result in an EOF student not meeting these State minimum standards for eligibility.

9:11-2.14 Refunds and repayments of disbursements made to students

(a) If a refund is due to a student under the institutions's refund policy and the student received State financial aid under any State student financial assistance program, the institution shall multiply the institutional refund by the following fraction to determine the amount to be refunded to the Treasurer, State of New Jersey through the Office of Student Assistance:

$$\frac{\text{Amount of State financial assistance (minus work earnings) awarded for the payment period}}{\text{Total amount of financial aid (minus work earnings) awarded for the payment period}}$$

(b) The payment period is the time between the first day of classes for an academic term and the end of that term according to the institutional calendar.

(c) The refund period is the time between the first day of classes for an academic term and the date the student officially or unofficially withdraws from an institution, is expelled by an institution, or reduces his/her academic course load such that he/she is no longer eligible for State assistance.

(d) The formula at (a) above should be applied if a full-time student reduces his/her academic course load to less than full-time, prior to the end of the institutional refund period. However, if the student reduces his/her academic course load to less than full-time or reduces the number of credits for which the student is enrolled on less than a full-time basis after the end of the institutional refund period, a refund to the State is not necessarily required.

(e) If a combination of State student funds has been packaged for the student and a refund is due the State, a prorated amount is applied to each of the State programs in the student's financial assistance package.

(f) If a cash disbursement has been made by an institution for non-institutional costs from a State assistance program, and it is determined by application of the institution's refund policy and the formula in (a) that a refund should be paid to the State, the institution shall endeavor to collect the overpayment from the student and return it to the State. If this effort is unsuccessful, the institution shall notify the Department of Higher Education of the amount owed for each State financial assistance program. Non-institutional costs may include, but are not limited to, room and board, books and supplies, transportation, child care, and miscellaneous expenses.

(g) If a student utilizes any portion of a full-time award, it will be treated the same as a full semester payment in calculating the number of semesters of eligibility. Thus, the institution shall afford the student the opportunity to decline and repay the State award for that payment period.

SUBCHAPTER 3. C. CLYDE FERGUSON LAW SCHOLARSHIP

9:11-3.1 Student eligibility

(a) To be eligible for a C. Clyde Ferguson Law Scholarship (Ferguson Scholarship), a student shall demonstrate that he or she:

1. Is or has been a legal resident of the State of New Jersey for at least one year immediately prior to receiving the scholarship;

2. Is a student who meets the requirements of N.J.A.C. 9:11-2.5 or falls within one of the following categories:

i. A minority or disadvantaged student who is traditionally underrepresented in the law profession and has demonstrated financial needs;

ii. A former or current recipient of the New Jersey EOF undergraduate and/or graduate grant; or

iii. A student who would have been eligible as an undergraduate for a New Jersey EOF; and

3. Is or will be a full-time student enrolled in the Minority Student Program at Rutgers, The State University School of Law-Newark, Rutgers, and enrolled in Rutgers, The State University School of Law-Camden, or Seton Hall University School of Law. Students shall be in a post-baccalaureate program of study leading toward an initial law degree.

9:11-3.2 Grant amounts

(a) The maximum and minimum award ranges for a Ferguson Scholarship shall be annually established by the Board of Directors of the New Jersey Educational Opportunity Fund but shall not exceed the maximum amount of tuition, fees, room and board charged at Rutgers University School of Law-Newark.

(b) The amount of each Ferguson Scholarship shall be based on the financial need of the student as determined pursuant to N.J.A.C. 9:11-2.6(a), (b) and (c).

9:11-3.3 Rules incorporated by reference

The following provisions of N.J.A.C. 9:11-2 governing the EOF graduate program shall also apply to grants made under the C. Clyde Ferguson Law Scholarship program unless they are inconsistent with, or otherwise excepted within, the provisions of this subchapter: N.J.A.C. 9:11-2.3, 2.4, 2.7, 2.8, 2.9, 2.11, 2.12, 2.13, and 2.14.

SUBCHAPTER 4. MARTIN LUTHER KING PHYSICIAN-DENTIST SCHOLARSHIP PROGRAM

9:11-4.1 Student eligibility

(a) To be eligible for a Martin Luther King Physician-Dentist Scholarship (King Scholarship), a student must have demonstrated that he or she:

1. Is or has been a legal resident of the State of New Jersey for at least two years immediately prior to receiving the scholarship, and;

2. Is a student who meets the requirements of N.J.A.C. 9:11-2.5 and falls within one of the following categories:

i. A minority student included in one of the ethnic groups recognized by the Association of American Medical Colleges or the American Association of Dental Schools as underrepresented in the medical or dental professions; or

ii. A former or current recipient of the New Jersey EOF undergraduate and/or graduate grant; or

iii. A student who would have been eligible as an undergraduate for a New Jersey EOF; and

3. Is or will be a full-time student enrolled in a post-baccalaureate program of study leading toward an initial M.D., D.O., or D.M.D. degree at the University of Medicine and Dentistry of New Jersey.

(b) Priority shall be given to those students who meet the criteria of (a)2i and ii, or (a)2 i and iii as set forth above.

9:11-4.2 Grant amounts

(a) The maximum and minimum award ranges for a King Scholarship shall be annually established by the Board of Directors of the New Jersey Educational Opportunity Fund but shall not

exceed the maximum amount of tuition charged at the University of Medicine and Dentistry of New Jersey.

(b) The amount of each King Scholarship shall be based on the financial need of the student as determined pursuant to N.J.A.C. 9:11-2.6(a), (b), and (c).

9:11-4.3 Rules incorporated by reference

The following provisions of N.J.A.C. 9:11-2 governing the EOF graduate program shall also apply to grants made under the Martin Luther King Physician-Dentist Scholarship program unless they are inconsistent with, or otherwise excepted within the provisions of this subchapter: N.J.A.C. 9:11-2.3, 2.4, 2.7, 2.8, 2.9, 2.11, 2.12, 2.13 and 2.14.

HUMAN SERVICES

(a)

DIVISION OF FAMILY DEVELOPMENT

Public Assistance Manual

$50.00 Disregarded Child Support Payment

Proposed Amendment: N.J.A.C. 10:81-11.9

Authorized By: William Waldman, Commissioner, Department of Human Services.

Authority: N.J.S.A. 44:10-3 and 45 C.F.R. 302.32(i).

Proposal Number: PRN 1994-303.

Submit comments by June 15, 1994 to:
Marion E. Reitz, Director
Division of Family Development
CN-716
Trenton, New Jersey 08625

The agency proposal follows:

Summary

The proposed amendment at N.J.A.C. 10:81-11.9 sets forth the time frame for distribution of the disregarded child support payment. In those child support cases in which the family is receiving Aid to Families with Dependent Children (AFDC), the first $50.00 of child support collected in a month, that is received in the month due, shall be sent to the AFDC family by the county welfare (CWA) agency on behalf of the IV-D agency. This $50.00 payment to the family is referred to as the $50.00 disregard payment. The IV-D agency is that agency responsible for carrying out the programs connected with the establishment and enforcement of child support orders and the collection of child support. Additionally, this first $50.00 of child support payment is disregarded when determining AFDC eligibility and the amount of the AFDC payment.

The Federal regulation at 45 C.F.R. 302.32(i), effective November 19, 1992, mandates that the $50.00 disregard payment must be sent to the family "... within 15 calendar days of the end of the month in which the support was initially received in the State." This final regulation revises the time frame for the distribution of the disregard payment. The prior Federal regulation required that the disregard payment be sent to the family within 15 calendar days of the date the first $50.00 of child support is collected for the month, in the month due.

Social Impact

It is anticipated that the proposed amendment will have some impact on the CWAs and probation departments. In order to comply with the time frames set forth in the proposed amendment, a procedure will have to be put in place to ensure that the collection is processed from the probation department (where the money is received) to the CWA and then sent to the family within the time allotted. However, it is expected to result in a positive social impact on the family. The client will know when to expect the disregard check, thereby, eliminating client telephone calls to the CWAs inquiring as to when the check would be sent. This will also have a positive impact on the CWA since the elimination of these calls will save staff time.

Economic Impact

The proposed amendment is expected to have a positive economic impact on the CWAs. This requirement calls for the distribution of the disregard check once a month as opposed to mailing disregard checks on a daily basis. The once a month distribution will cut down on computer processing time, thereby saving money as well as avoiding the need for multiple checks to be sent to a family during the month.

The once a month distribution will also save money in regard to the man hours spent taking client inquiries as to when the disregard check would be sent. Under the proposed amendment, the majority of these telephone calls will be eliminated as clients will know when to expected the disregard check. Knowing when to expect the disregard check will also have a positive impact on the family as it may assist the client in budgeting more efficiently.

Regulatory Flexibility Statement

The proposed amendment has been reviewed with regard to the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendment imposes no reporting, recordkeeping or other compliance requirements on small businesses, therefore, a regulatory flexibility analysis is not required. The rules govern a public assistance program designed to certify eligibility for the Aid to Families With Dependent Children program by a governmental agency rather than a private business establishment.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

10:81-11.9 Responsibilities of the CWA/CSP Unit

(a)-(k) (No change.)

(l) The first $50.00 of child support collected in a month, that is received in the month due, shall be sent to the AFDC family within 15 calendar days of the end of the month in which the support is received.

1. The first $50.00 of the child support payment, as described in paragraph (l) above, is disregarded when determining AFDC eligibility and the amount of the AFDC payment. This $50.00 payment to the family is referred to as the $50.00 disregard payment.

[(l)](m) (No change in text.)

CORRECTIONS

(b)

THE COMMISSIONER

Strip Search

Proposed Amendment: N.J.A.C. 10A:3-5.7

Authorized By: William H. Fauver, Commissioner, Department of Corrections.

Authority: N.J.S.A. 30:1B-6, 30:1B-10 and *Roberts v. Beyer, et al.*, Dkt. No. 92-4987, U.S. District Court, District of New Jersey, November 16, 1993.

Proposal Number: PRN 1994-304.

Submit comments by June 15, 1994 to:
William H. Fauver, Commissioner
Department of Corrections
CN 863
Trenton, New Jersey 08625

The agency proposal follows:

Summary

Strip searches may be conducted on inmates for the purpose of controlling and deterring the introduction and concealment of contraband. The proposed amendment will add two circumstances to the existing list of circumstances found at N.J.A.C. 10A:3-5.7(b) under which strip searches can be conducted on inmates. They are as follows:

1. Whenever an inmate enters or leaves any close custody unit; and
2. During housing unit/wing searches.

The proposed amendment is being made pursuant to a rule exemption granted by the Commissioner, New Jersey Department of Corrections, in accordance with N.J.A.C. 10A:1-2.4 through 2.7, which permitted strip searches of inmates during unit/wing searches and when inmates entered and left any close custody unit within a correctional facility. This procedure was upheld in the civil action case of *Roberts v. Beyer et al.*, Dkt No. 92-4987, U.S. District Court, District of New Jersey, November 16, 1993.

Social Impact

The proposed amendment of two additional circumstances under which a strip search can be conducted on an inmate is intended to control the concealment of contraband. In the day-to-day management of correctional facilities, the ability to control contraband and the concealment of contraband by way of conducting strip searches under specified circumstances helps to insure institutional stability, safety and order.

Economic Impact

The proposed amendment adds two circumstances to the existing list of circumstances under which strip searches may be conducted and will require no additional financial resources to implement; therefore, additional funding is not necessary.

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required because the proposed amendment does not impose reporting, recordkeeping or other compliance requirements on small businesses, as defined under the Regulatory Flexibility Act, N.J.S.A 52:14B-16 et seq. The proposed amendment impacts inmates and the New Jersey Department of Corrections and has no effect on small businesses.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

10A:3-5.7 Strip searches

(a) (No change.)

(b) Strip searches may be conducted in the following circumstances:

1. (No change.)

2. Before an inmate enters or leaves the facility's main building, whether to go to a destination in the outside community or to a minimum security camp or farm area; [or]

3. Prior to the departure of the inmate from any area where the inmate has had access to dangerous or valuable items[.];

4. Upon entering or leaving any close custody unit; or

5. During housing unit/wing searches.

(c)-(g) (No change.)

(a)

THE COMMISSIONER

Notice of Administrative Correction Community Release Programs Transportation of Inmate; Contract Agency Rules, Regulations and Discipline; Urine Monitoring; Disciplinary Transfer

Proposed Amendments: N.J.A.C. 10A:20-4.20, 4.21, 4.22 and 4.45

Take notice that the Department of Corrections has discovered that the above-referenced notice of proposal, published in the May 2, 1994 New Jersey Register at 26 N.J.R. 1757(a), was not placed under an appropriate "Corrections" heading in the Table of Contents for that issue of the Register, but instead appeared in the Proposal section of the Table under the "Human Services" heading. By this notice of administrative correction, published in accordance with N.J.A.C. 1:30-2.7, the Department provides further notice of the proposal's publication in the May 2, 1994 Register.

INSURANCE

(b)

DIVISION OF PROPERTY AND CASUALTY

Reporting Financial Disclosure and Excess Profits

Proposed Amendment: N.J.A.C. 11:3-20.6

Authorized By: Andrew J. Karpinski, Acting Commissioner, Department of Insurance.

Authority: N.J.S.A. 17:1C-6(e), 17:1-8.1 and 17:29A-5.6 et seq.

Proposal Number: PRN 1994-282.

Submit comments by June 15, 1994 to:

Donald Bryan
Acting Assistant Commissioner
Legislative and Regulatory Affairs
New Jersey Department of Insurance
20 West State Street
CN 325
Trenton, NJ 08625

The agency proposal follows:

Summary

N.J.S.A. 17:29A-5.6 et seq. (effective September 8, 1988) requires insurers authorized to transact private passenger automobile insurance in this State to file an Excess Profits Report on or before July 1 of each year. N.J.A.C. 11:3-20, originally adopted and effective on May 15, 1989, provides the procedures and forms for the filing of the Excess Profits Reports. These rules were subsequently amended effective September 17, 1990, January 7, 1991, February 4, 1991 and June 15, 1992.

N.J.S.A 17:29A-5.7 provides that the computation of excess profits for an insurance holding company system shall be performed on its combined Excess Profits Report, except that the Commissioner of Insurance (Commissioner), in his or her discretion, may order an adjustment in the combined report, if in his or her judgment, upon examining each insurer's report in the insurance holding company system, one or more insurers in that system are excessively subsidizing other insurers in that system. N.J.A.C. 11:3-20.6 sets forth the standards for determining whether excessive subsidization exists, and thus whether the Commissioner may order an adjustment in the combined profits report of an insurance holding company system.

Over the past several years, insurers authorized to transact private passenger automobile insurance in this State have been required to develop systems and otherwise modify business practices to implement the provisions of the Fair Automobile Insurance Reform Act of 1990, N.J.S.A. 17:33B-1 et seq. (FAIR Act). In particular, insurers have been required to accept assignments of exposures previously insured by the Market Transition Facility of New Jersey (MTF) in order to depopulate the MTF pursuant to N.J.S.A. 17:33B-11. The assignments were made during 1992 and included exposures insured by the MTF that would expire through September 30, 1993. Assignments of exposures from the MTF to members of an insurance holding company system are made to the insurance holding company system as a whole; the insurance holding company system then determines to which company those exposures will be assigned. As a result fo depopulation, insurance holding company systems may be required to reorganize and shift exposures among member insurers and from one member insurer to another. This may result in distortions in an individual member insurer's excess profits results during the period of depopulation.

Accordingly, the Department proposes to amend N.J.A.C. 11:3-20.6 to provide that for purposes of evaluating the Excess Profits Reports due July 1, 1994 and July 1, 1995, the excess profits computation shall be performed solely on the insurance holding company system's combined profits reports. The Department notes that the determination of whether excess profits exist is based on an insurer's results for the three years immediately preceding the date of the report. Thus, the Excess Profits Reports due in 1994 and 1995 cover the period during which the bulk of depopulation occurred. The proposed amendment therefore will help ensure that an insurance holding company's actual condition is considered for purposes of determining whether excess profits exist pursuant to N.J.S.A. 17:29A-5.8 and N.J.A.C. 11:3-20.7.

The Department notes that this proposed amendment does not affect the requirement that each member insurer of a holding company system

must file a separate profits report showing the results for that member. The requirement that member insurers of a holding company system file a separate profits report is statutorily required. See N.J.S.A. 17:29A-5.7. Moreover, even if the individual filing requirement were eliminated for the 1994 and 1995 reports, since some of the data in the profits report covers the seven years immediately preceding the date the report is due, member insurers would still be required to maintain and develop the data from 1994 and 1995 on an individual basis for the reports due in 1996 and thereafter. Finally, the Department believes that although the individual insurer's profits reports for 1994 and 1995 will not be used to determine whether excess profits exist for those years, requiring these reports will aid the Department in evaluating the reports due in 1996 and thereafter by providing another source of the data for the years covered in those profits reports.

Social Impact

The proposed amendment recognizes that there have been reorganizations or shifts in the books of business in different insurers that are members of a single insurance holding company system resulting from the depopulation of the MTF pursuant to N.J.S.A. 17:33B-11, and that such shifts may result in distortions in an individual insurer's excess profits results. The Department believes that the proposed amendment will ensure that the insurance holding company system's actual condition is considered for the period during which the bulk of depopulation occurred, and thus enable the Department to more accurately determine whether excess profits exist under N.J.S.A. 17:29A-5.8. This, in turn, will benefit insurers, the Department, and insureds generally.

Economic Impact

As noted in the Social Impact statement above, the proposed amendment recognizes that some member insurers of insurance holding company systems have reorganized and have shifted books of business among member insurers as a result of assignments of exposures to depopulate the MTF. This, in turn, may result in distortions in an individual member insurer's excess profits results during the period in which the bulk of depopulation occurred. Evaluation of only an insurance holding company system's combined profit report will help ensure that the system's actual condition is reflected for that period, and thus enable the Department to more accurately determine whether excess profits exist pursuant to N.J.S.A 17:29A-5.8. This, in turn, will benefit insurers and the public generally.

The Department should not experience any adverse economic impact in that the general filing format of the Excess Profits Report remains unchanged.

Regulatory Flexibility Analysis

The proposed amendment may apply to "small businesses" as that term is defined in the Regulatory Flexibility Act, N.J.S.A 52:14B-16 et seq. However, the proposed amendment will not impose any adverse economic impact on small businesses. The proposed amendment merely provides that for purposes of evaluating the Excess Profits Reports due in 1994 and 1995 from insurance holding company systems, the Commissioner shall consider only the combined profit reports of the holding company system. As noted above, to the extent that this proposed amendment applies to small businesses, such entities should benefit in that it will ensure that the insurer's financial condition is accurately reflected for the relevant period and thus enable the Department to more accurately determine whether excess profits exist. The proposed amendment imposes no additional reporting, recordkeeping, or other compliance requirements on any insurer, including small businesses.

Full text of the proposed amendment follows (additions indicated in boldface **thus**):

11:3-20.6 Reporting requirements for insurance holding companies

(a)-(c) (No change.)

(d) Notwithstanding any provision of this section to the contrary, for purposes of evaluating the Excess Profits Reports due July 1, 1994 and July 1, 1995, the excess profits computation shall be performed solely on the insurance holding company system's combined profits report.

(a)

DIVISION OF PROPERTY AND LIABILITY

Certification of Compliance: Mandatory Liability Coverages

Proposed New Rules: N.J.A.C. 11:3-32

Authorized By: Andrew J. Karpinski, Acting Commissioner, Department of Insurance.

Authority: N.J.S.A. 17:1c-6(e), and 17:28-1.4.

Proposal Number: PRN 1994-305.

Submit comments by June 15, 1994 to:

Donald Bryan
Acting Assistant Commissioner
Legislative and Regulatory Affairs
New Jersey Department of Insurance
20 West State Street
CN 325
Trenton, New Jersey 08625-0325

The agency proposal follows:

Summary

The Department of Insurance ("Department") proposes new rules in accordance with N.J.S.A. 17:28-1.4, which requires all insurers authorized to transact automobile or motor vehicle insurance in New Jersey to certify that all insurers under common management or control shall include in each automobile or motor vehicle liability insurance policy, coverages to satisfy New Jersey's mandatory insurance requirements. A certification must be provided by the insurer to the Department regarding such coverage applying whenever the automobile or motor vehicle insured under the policy is used or operated in this State.

Applicable to such circumstances, N.J.S.A 17:28-1.4 requires automobile insurance policies to at least satisfy the liability coverages of N.J.S.A. 39:6B-1 or 39:6A-3, the uninsured motorist coverages of 17:28-1.1 and the personal injury protection benefit coverages of N.J.S.A. 39:6A-4 or 17:28-1.3.

The proposed new rules are needed to ensure that insurers include in each automobile or motor vehicle insurance policy the mandatory insurance coverages for out-of-State vehicles that are used or operated in this State. The proposed new rules establish procedures which require insurers to provide the Department with written certification of compliance with the requirements of N.J.S.A. 17:28-1.4.

A summary of the various provisions of the proposed new rules follows:

N.J.A.C. 11:3-32.1 states the purpose and scope of the proposed new rules.

N.J.A.C. 11:3-32.2 provides the definitions for the terms that are used in the proposed new rules.

N.J.A.C. 11:3-32.3 provides the certification of compliance requirements. The rule states which insurers must file a certification of compliance and what information must be included in that filing.

N.J.A.C. 11:3-32.4 states how requests for certifications are to be filed and where these requests are to be sent.

Social Impact

The proposed new rules provide insurers with a standard method for filing a written certification of compliance with N.J.S.A. 17:28-1.4, which provides that the mandatory New Jersey insurance coverages be included in policies covering out-of-State automobiles and motor vehicles when operated in this State. The rules also provide a method for interested parties to discover if a certification has been filed. The statute provides out-of-State motorists with New Jersey liability coverage, uninsured motorist coverage and personal injury protection benefits, subject to the verbal threshold. The purpose of the proposed new rules is to ensure that out-of-State motorists with insurance purchased in another state, generally subject to different laws and rules, have appropriate coverage mandated by law when the vehicle is driven in New Jersey.

Economic Impact

Insurers which are not authorized in New Jersey to write automobile or motor vehicle insurance but are under common management with insurers who are authorized to write automobile or motor vehicle insurance in New Jersey, are required by N.J.S.A 17:28-1.4 to provide the minimum amount of New Jersey coverage for automobiles or motor vehicles used or operated in this State. N.J.S.A. 17:28-1.4 also requires

authorized insurers to file and maintain with the Department written certifications of compliance with the statutory provision. As a result of this statutory requirement the Department will have to maintain files and respond to requests for these certifications.

The requirement that insurers file with the Department a written certifications of compliance with N.J.S.A 17:28-1.4 is a minimal burden. By requiring such certification, the economic interest of New Jersey insureds are protected in relation to out-of-State motorists insured by insurers subject to these rules.

Regulatory Flexibility Analysis

Some insurers affected by the proposed new rules may be small businesses as that term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The Department has determined that in order to provide for uniform and consistent applicability of these rules in accordance with N.J.S.A. 17:28-1.4, no differential treatment is accorded small businesses by the proposed new rules. The Department anticipates minimal impact on insurers affected by the proposed new rules, in that these new rules will require insurers to initially submit the certification in order to comply with these rules and whenever there are changes in companies under common management or control. The proposed new rules will not require small businesses to use any other kinds of professional services to comply with the rules. The requirement to file a written certification of compliance with N.J.S.A. 17:28-1.4 is a minimal burden and is imposed by statute.

Full text of the proposed new rules follows:

SUBCHAPTER 32. CERTIFICATION OF COMPLIANCE: MANDATORY LIABILITY COVERAGES

11:3-32.1 Purpose and scope

(a) This subchapter establishes the procedures and requirements for automobile or motor vehicle insurers to certify that automobile or motor vehicle insurance liability policies issued outside of New Jersey provide coverage pursuant to N.J.S.A. 39:6A-3, 39:6A-4, 39:6B-1, 17:28-1.3 and 17:28-1.1, as required under N.J.S.A. 17:28-1.4, whenever the automobile or motor vehicle insured under such a policy is used or operated in this State.

(b) This subchapter applies to each insurer authorized to transact automobile or motor vehicle insurance business in the State pursuant to N.J.S.A. 17:28-1.4.

11:3-32.2 Definitions

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

"Certification" means a written statement certified or sworn to be true and signed by a duly authorized officer of the insurer.

"Commissioner" means the Commissioner of the New Jersey Department of Insurance.

"Control" (including the terms "controlling," "controlled by" and "under common control") means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or nonmanagement services, or otherwise, unless the power is the result of an official position with or corporate office held by the person. Control shall be presumed to exist if any person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing 10 percent or more of the voting securities of any other person, provided that no such presumption of control shall of itself relieve any person so presumed to have control from any requirement of this subchapter.

"NAIC" means the National Association of Insurance Commissioners.

11:3-32.3 Certification compliance requirements

(a) Each insurer authorized to transact automobile or motor vehicle insurance business in this State pursuant to N.J.S.A. 17:28-1.4 shall file a certification of compliance with the Department on its own behalf and on behalf of:

1. Any insurer that is controlled by the insurer authorized to transact insurance business in this State, which sells a policy providing automobile or motor vehicle liability insurance coverage;

2. Any insurer that controls the insurer authorized to transact automobile or motor vehicle liability insurance in this State, which sells a policy providing automobile or motor vehicle liability insurance coverage; and

3. Any insurer under common control by or with the insurer authorized to transact automobile or motor vehicle liability insurance in this State.

(b) The certification insurers are required to file in accordance with (a) above shall include the following information:

1. The name of the insurance company authorized to transact automobile or motor vehicle insurance in New Jersey;

2. The names of insurance companies that transact automobile or motor vehicle insurance in other states or provinces of Canada, that are controlling or controlled by, or are under common control by, or with, the insurer named in (b)1 above;

3. The NAIC group and company number for each insurer named in (b)1 and 2 above;

4. The name, signature, title and telephone number of the company officer authorized to complete the certification; and

5. A statement that the company will provide the coverages required in N.J.S.A. 39:6B-1, N.J.S.A. 39:6A-3, N.J.S.A. 39:6A-4, N.J.S.A. 17:28-1.3 and N.J.S.A. 17:28-1.1 whenever the automobile or motor vehicle insured under the policy is used or operated in this State.

(c) Any insurer that acquires control of, is acquired by or comes under common control of another insurer shall file the required certification of compliance within 30 days of this change in control and include the following information:

1. A certification that contains the information provided in (b)1 through 5 above; and

2. The effective date of the changes in control described in (c) above.

(d) Each insurer required to file a certification shall do so within 30 days of the effective date of this rule.

(e) All certifications shall be submitted to the Department at the following address:

New Jersey Department of Insurance
Property/Liability Division
20 West State Street
CN 325
Trenton, New Jersey 08625-0325

11:3-32.4 Requests for copies of certifications

(a) Any person requesting a copy of a certification on file with the Department shall make the request in writing and include the complete name of the company or companies for which the certification is requested.

(b) Requests for copies of certification on file with the Department shall be directed to:

New Jersey Department of Insurance
Property/Liability Division
20 West State Street
CN 325
Trenton, New Jersey 08625-0325

(a)

NEW JERSEY SMALL EMPLOYER HEALTH BENEFITS PROGRAM

Small Employer Health Benefits Program Board Plan of Operation

Board Structure and Meetings

Proposed Amendment: N.J.A.C. 11:21-2.5

Authorized By: Small Employer Health Benefits Program Board of Directors, Maureen E. Lopes, Chair.

Authority: N.J.S.A. 17B:27A-30, 31 and 51.

Proposal Number: PRN 1994-272.

Submit written comments by April 28, 1994 to:
Interim Administrator
New Jersey Small Employer Health Benefits Program
SEH Box 1
c/o The Prudential Insurance Company of America
P.O. Box 4080
Iselin, New Jersey 08830

The agency proposal follows:

Summary

These rules are being proposed pursuant to the Small Employer Health Benefits Program Act, N.J.S.A 17B:27A-17 et seq.

The Small Employer Health Benefits ("SEH") Program Board of Directors ("Board") is promulgating amended regulations in accordance wth N.J.S.A 17B:27-30, 31 and 51. N.J.S.A. 17B:27A-31 sets forth what must be written in the Plan of Operation ("Plan"). N.J.S.A. 17B:27-51 provides a special procedure by which the Board may take actions, such as promulgations of a Plan of Operation. Prior to the adoption of an action, the Board shall provide notice and a detailed description to the Office of Administrative Law ("OAL") for publication in the New Jersey Register. The Board is also required to provide all interested persons an opportunity to comment in writing on the intended action of at least 20 days. The Board may adopt an action immediately following the close of the public comment period, and the action shall be effective on the date the regulations are submitted to the OAL for publication in the New Jersey Register, or such later date as the Board may establish. Within a reasonable time after submission of the comments, the Board is also required to prepare a report for public distribution listing all parties who provided comments, summarizing the content of the comments, and providing the Board's response to the data, views and arguments contained in the comments. A copy of this report is also filed with the OAL for publication in the New Jersey Register.

With respect to the SEH Program Board's Plan of Operation, it should be noted that the Commissioner of Insurance ("Commissioner") must, in accordance with N.J.S.A. 17B:27A-30, hold a hearing prior to approving the Plan of Operation. The Commissioner's hearing will be noticed, and held on or about the same date as the close of the comment period established herein (see 26 N.J.R. 1591(a)). Following approval of the amendments to the Plan of Operation by the Commissioner, the Board will adopt the amendments in accordance with N.J.S.A. 17B:27A-51.

The proposed amendment to N.J.A.C. 11:21-2.5(a)2 adds a clarification such that public Directors sitting on the Program's Board shall continue to sit until such time as their successors are elected and qualified. The proposed amendment to N.J.A.C. 11:21-2.5(a)2v amends the regulation so that the successful candidate to the Board of Directors is required to obtain the highest number of votes properly cast in the Director election. (This proposed regulation changes the regulations which, as they exist, require the successful candidate to have a majority (50 percent plus one vote) of all the votes properly cast in the election.)

Social Impact

The amended Plan of Operation established by the amendments will implement the requirements of the Act, and is intended to assure the fair, reasonable and equitable administration of the SEH Program. The rules are intended to ensure that organizational structure for the SEH Program will be in place and to clarify the election procedure for the Program's public Board of Directors. The amendments are proposed to ensure the Board's continuity and administrative ability by confirming that Directors continue to sit on the Board until their successor is duly elected, and to amend the requirement for the number of votes necessary to become elected as a Director to correctly reflect the Board's intent, and to avoid repeated balloting by mailings. This, in turn, will implement the intent of the Legislature as set forth in the Act as amended, benefiting all members of the SEH Program and the public generally.

Economic Impact

The Board does not believe that any adverse economic impact is directly imposed by this Plan of Operation established by these proposed amendments. These proposed amendments merely establish operating procedures for the administration of the SEH Program to provide for clarification that Directors continue to serve until their successor is duly elected and to clarify the requirements necessary for election results.

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required because these proposed amendments do not impose reporting, recordkeeping, or other compliance requirements on small businesses as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. These rules establish amendments to the Plan of Operation for the fair, reasonable and equitable administration of the SEH Program. To the extent that small businesses may be impacted through the promulgation of these amendments to the Plan of Operation, any impact would be that directly imposed by the Act and implementing rules.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated by brackets [thus]:

11:21-2.5 Board structure and meetings

(a) The Program shall exercise its power through a Board.

1. (No change.)

2. Intially, three of the public members shall serve for a term of three years; three shall serve for a term of two years; and three shall serve for a term of one year. Thereafter, all public members shall serve for a term of three years. Vacancies shall be filled in the same manner as original appointments. **The public directors shall serve their terms of office until their replacements are duly elected.**

i.-iv. (No change.)

v. Elections shall be by [a simple majority of those ballots] **the highest number of votes** properly cast in person and absentee.

vi. (No change.)

3. (No change.)

(b)-(l) (No change.)

LABOR

(a)

BOARD OF REVIEW

Board of Review Rules

Proposed Readoption: N.J.A.C. 12:20

Authorized By: Peter J. Calderone, Acting Commissioner, Department of Labor.

Authority: N.J.S.A. 34:1A-3(e), 43:21-6(d) and (e), 43:21-10 and 43:21-17.

Proposal Number: PRN 1994-311.

A **public hearing** on the proposed readoption will be held on the following date at the following location:

Tuesday, June 7, 1994
10:00 A.M. to 12:00 P.M.
New Jersey Department of Labor
John Fitch Plaza
13th Floor Auditorium
Trenton, New Jersey 08625-0110

Please call the Office of External and Regulatory Affairs at (609) 292-7375 if you wish to be included on the list of speakers.

Submit written comments by June 15, 1994 to:
Deirdré L. Webster, Esq.
Regulatory Officer
Office of the Commissioner
External and Regulatory Affairs
Department of Labor
CN 110
Trenton, New Jersey 08625-0110

If you need this document in braille, large print or audio cassette, please contact the Office of Work and Disability at (609) 777-1727 or NJ Relay (TTY) 1-800-852-7899.

The agency proposal follows:

Summary

N.J.A.C. 12:20 provides rules governing the Board of Review and Appeal Tribunal. Pursuant to Executive Order No. 66(1978), these rules expire on August 14, 1994. The New Jersey Department of Labor (the Department) has reviewed the rules and has determined them to be necessary, reasonable and proper for the purposes for which they were originally promulgated and is, therefore, proposing them for readoption at this time.

The Board of Review and Appeal Tribunal were established as required by the Unemployment Compensation Law, N.J.S.A. 43:21-1 et seq. The Board of Review conducts reviews of employer and employee appeals, as well as Division appeals, of unemployment benefit determinations made by an Appeal Tribunal in accordance with N.J.S.A. 43:21-6(e). An Appeal Tribunal conducts hearings and renders determinations concerning employer and employee appeals about decisions for unemployment benefits made at the local office level pursuant to N.J.S.A. 43:21-6(d).

A summary of the subchapters of N.J.A.C. 12:20 follows:

N.J.A.C. 12:20-1 establishes the organization of the Board of Review. N.J.A.C. 12:20-2 establishes the organization of the Appeal Tribunals. N.J.A.C. 12:20-3 provides rules and procedures for appeals to an Appeal Tribunal. N.J.A.C. 12:20-4 concerns the procedures for appeals to the Board of Review. N.J.A.C. 12:20-5 provides general rules applicable for appeals to both the Board of Review and the Appeal Tribunals. Finally, N.J.A.C. 12:20-6 establishes and describes rules governing telephone hearings conducted by the Board of Review and the Appeal Tribunals.

It should be noted that the Department will be proposing amendments to these rules in the near future to correspond with special hearing rules for the Board of Review to be simultaneously proposed by the Office of Administrative Law.

Social Impact

The proposed readoption benefits employers and claimants in that they provide procedures and standards to follow for appeals before the Board of Review and the Appeal Tribunals. The appeal procedures specifically provide employers and claimants with an equitable, uniform and needed opportunity to pursue their cases as required under Federal and State unemployment laws.

Economic Impact

The proposed readoption will benefit the State of New Jersey, employers and claimants as they set forth standard procedures which have to be followed. These procedures will act to eliminate confusion concerning hearing and review criteria and will result in greater efficiency at all operational levels.

Regulatory Flexibility Analysis

The rules proposed for readoption impose no reporting or recordkeeping requirements on small businesses, as defined under the Regulatory Flexibility Act, N.J.S.A 52:14B-16 et seq. A small business appellant would be subject to the time limits for appealing to the Board of Review and requesting reconsideration of the Board's decision. Regarding telephone hearings, appellants are subject to time requirements for hearing requests and objections thereto, and providing copies of documentary or physical evidence to be introduced. No costs, other than those for copying, result from these requirements, and legal representation is not required. Given the minimal nature of these requirements and their role as part of a fair and uniform appeal system, no exceptions or differentiation in requirements based on busienss size is provided.

Full text of the proposed readoption may be found in the New Jersey Administrative Code at N.J.A.C. 12:20.

LAW AND PUBLIC SAFETY

(a)

DIVISION ON CIVIL RIGHTS

Housing Discrimination

Proposed Amendments: N.J.A.C. 13:4; 13:9-1.1; and 13:13

Proposed New Rules: N.J.A.C. 13:13-3.7 and 13:15

Authorized By: C. Gregory Stewart, Director, Division on Civil Rights.

Authority: N.J.S.A. 10:5-1 to 42.

Proposal Number: PRN 1994-306.

Submit comments by June 15, 1994 to:

Linda Wong Peres, Assistant Director
Division on Civil Rights
Bureau of Policy
383 West State Street—CN 089
Trenton, New Jersey 08625

The agency's proposal follows:

Summary

The purpose of these proposed regulatory amendments and new rules is to update the Division on Civil Rights' rules in order to incorporate several statutory amendments made, in the past several years since 1990, to the Law Against Discrimination (LAD), N.J.S.A. 10:5-1 to 42, and to provide clarification on certain housing discrimination proscriptions that were added to the LAD or which currently exist, to make them consistent with the Federal Fair Housing Act (FHA), 42 U.S.C. §3601 et seq. These proposed amendments also make technical changes to the rules to correct certain errors existing in the rules and to update, for example, the terminology for investigators and the location of the agency's regional offices.

In 1990, the LAD was amended to provide that when the Division on Civil Rights receives a complaint, it must notify the complainant of his or her rights under the LAD, including the right to file a complaint in the Superior Court of New Jersey, and to be heard before a jury, of the jurisdictional limitations of the agency and other applicable provisions. The LAD was amended in January 1992, to prohibit discrimination on the basis of affectional and sexual orientation, and to clarify that AIDs and HIV infection were handicaps.

On November 20, 1992, the LAD was again amended to attempt to meet Federal certification requirements under the FHA. Specifically, in order for the Division on Civil Rights to receive Federal funding by the United States Department of Housing and Urban Development (HUD), the State of New Jersey is required to amend the LAD so that it is substantially equivalent to the FHA for the purposes of investigating discriminatory housing practices. The FHA, among other things, prohibits housing discrimination based on handicap or familial status, and provides other rights and remedies. The FHA also changed the Federal requirements for continued certification of a state agency, such as the Division.

To obtain certification as substantially equivalent, a state agency must administer a law which (1) prohibits all discriminatory housing practices prohibited by the FHA and (2) makes available to the certified agency all remedies available under the FHA. The 1992 amendments to the LAD did not meet all of the FHA requirements, and consequently, the Division is no longer certified by HUD. However, to incorporate the amendments which were made and meet some of the FHA's requirements, the Division proposes amendments to its rules. Following are summaries of the proposed amendments:

A technical amendment to the definitional section of the Division's rules of practice and procedure N.J.A.C. 13:4-1.1, is to reflect a change in address of the Division's Camden and Paterson, New Jersey, regional offices and the elimination, due to budget cuts, of its Morristown office.

To update this section consistent with recent amendments to the law, the proposed amendments to N.J.A.C. 13:4-2.1 add familial status and affectional or sexual orientation as bases for the receipt and investigation of housing discrimination complaints by the Division. Additionally, this section is being proposed for amendment to add affectional or sexual orientation and atypical hereditary cellular or blood trait to the list of categories upon which the Division may seek information from an employer.

The amendment to N.J.A.C. 13:4-3.3 is intended to codify 1990 amendments to N.J.S.A. 10:5-13, which provide that upon receipt of a complaint the Division shall provide the complainant with information pertaining to his or her rights under the LAD.

The proposed amendment to N.J.A.C. 13:4-3.5 add the protected categories of affectional or sexual orientation, atypical hereditary cellular or blood trait and familial status, consistent with recent amendments to the LAD, and clarify that the complaint may also specify whether discrimination was based upon a protected category of a person residing with or otherwise associated with the complainant.

Proposed amendment to N.J.A.C. 13:4-4.3 provides that individuals on whose behalf a complaint has been filed shall be notified of any settlement of individual grievances and of the right to file a motion urging the Director to continue the proceeding.

Proposed amendments to N.J.A.C. 13:4-6.1 clarify, consistent with the LAD, that the Director shall cause an investigation to be made after the filing of a complaint.

Technical changes are being proposed to N.J.A.C. 13:4-10.1.

Proposed additions to N.J.A.C. 13:4-11.1, which governs the conduct of conciliation conferences by the Division, provide that the Director shall, to the extent feasible, schedule a conciliation conference; any agreement arising out of a conciliation conference shall be an agreement between the respondent and the complainant, subject to the approval of the Division; and each conciliation agreement shall be made public, unless the respondent and the complainant otherwise agree and the Division determines that disclosure is not required as otherwise provided by law and the Director in his or her discretion determines that disclosure is not appropriate.

Proposed amendments to N.J.A.C. 13:4-12.1 clarify that the Director shall order a hearing when he or she determines that conciliation would not be feasible.

A technical amendment is being proposed to N.J.A.C. 13:4-12.4.

The proposed amendment to the statement in Chapter 9, clarifies that it is a violation of the LAD for a newspaper to print, publish, circulate, issue, or display any advertisement relating to real property which discriminates on the basis of handicap, familial status, marital status, sex, nationality and affectional or sexual orientation. Also, this statement is being updated to eliminate references to specific racial designations, in consideration of the fact that individuals of various races are subject to housing discrimination. Technical amendments are also being proposed to N.J.A.C. 13:9-1.1.

Technical amendments are being proposed to N.J.A.C. 13:13-1.1. Amendments to N.J.A.C. 13:13-1.3, which generally pertains to handicap discrimination proscriptions under the LAD, are proposed for technical amendment and to clarify protections afforded to individuals with handicaps consistent with those provided for under the FHA. A proposed amendment to N.J.A.C. 13:13-1.3(a) provides that it is unlawful to discriminate against a person in connection with the sale or rental of real property because a person with a handicap will be residing or intends to reside in a dwelling, or because the buyer or renter is associated with a person with a handicap.

Proposed amendments to N.J.A.C. 13:13-2.4 are being made to ensure that requirements pertaining to preemployment inquiries of handicapped persons are consistent with the Americans With Disabilities Act.

Proposed amendments to N.J.A.C. 13:13-3.1 clarify that the application of this subchapter applies to other persons, as well as vendors and lessors of property and their agents, real estate brokers, agents and salespersons and lending institutions.

N.J.A.C. 13:13-3.2 is being amended to clarify that the advertising prohibitions under the LAD apply to real property which otherwise is exempt from the LAD's applicability.

Proposed amendments to N.J.A.C. 13:13-3.3 clarify that it is unlawful to make inquiries about the handicap of a person associated with a prospective purchaser, tenant or occupant.

Proposed amendments to N.J.A.C. 13:13-3.4 clarify that it is unlawful for any person to misrepresent the price of real property listed for sale, rent or lease or to fail to communicate to the seller or lessor any offer made by a prospective buyer or lessor because of the handicap of a person associated with the applicant or prospective occupant. These amendments also clarify that it is unlawful for a landlord to refuse to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by the handicapped person if such modifications are necessary to afford full enjoyment of the premises. These amendments also state that it is unlawful for a landord to refuse to make reasonable accommodations in rules, practices, policies or services when such accomodations may be necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling.

Proposed amendments to N.J.A.C. 13:13-3.5 clarify that it is unlawful for any person to evict a tenant because that person is associated with another person who possesses a handicap.

Proposed amendments to N.J.A.C. 13:13-3.6 clarify that it is unlawful for any lending institution or person to discriminate against an individual seeking a loan or other form of assistance because that individual or an intended occupant is associated with another person who possesses a handicap.

Proposed new rule N.J.A.C. 13:13-3.7 incorporates statutory amendments providing that it is an unlawful discrimination under the LAD to fail to design and construct covered multifamily dwellings which comply with the standards set forth in the Barrier Free Subcode of the State Uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq. and N.J.A.C. 5:23-7. This provision satisfies the FHA's accessibility requirements. See 24 CFR §115.3. This subsection, which includes a definition of "covered multifamily dwellings," does not list the scope of the LAD as it applies to real property not exempt under N.J.S.A 10:5-5n.

A new chapter, N.J.A.C. 13:15, is being added to define what constitutes "housing for older persons," consistent with HUD's regulations, appearing at 24 CFR §100.300-100.304. These regulations clarify that the provisions regarding familial status shall not apply to (1) any reasonable local, State or Federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling, (2) housing provided under any Federal or State program that the Secretary of HUD determines is specifically designed and operated to assist elderly persons, as defined in the State or Federal program, (3) certain housing intended for and safely occupied by persons 62 years of age or older and (4) certain housing intended and operated for occupancy by at least one person 55 years of age or older per unit.

Social Impact

The proposed amendments and new rules will have a beneficial social impact upon the residents of New Jersey because they update the Division on Civil Rights' regulations to incorporate several amendments made since 1990, to the LAD, provide clarification on these statutory amendments, and provide some consistency between Federal and State housing discrmination law. Most importantly, the public will be able to use these rules for guidance in ascertaining what rights are protected under the law.

Specifically, the proposed amendments and new rules clarify that the LAD prohibits discrimination on the basis of familial status, affectional or sexual orientation, atypical hereditary or cellular blood trait and provides guidance on existing protections afforded individuals with handicaps. In addition, the proposed rules will help stengthen the enforcement of the State's Barrier Free Subcode which, in part, requires that covered multifamily dwellings be designed and constructed so that they are accessible to individuals with handicaps. Furthermore, the amendments and new rules, in part, bring the LAD closer to Federal standards required for substantial equivalency. Certification of the Division by HUD as a substantially equivalent agency will afford victims of housing discrimination the opportunity to initially pursue a legal remedy before the Divsion, while preserving all rights under the FHA.

Economic Impact

The proposed amendments and new rules will have no economic impact on the real estate industry since all legal obligations arising under the rules have been mandated by existing Federal or state law. The LAD has prohibited discrimination on the basis of handicap since 1972, affectional or sexual orientation since Janaury 1992, and familial status since November 1992. Prohibitions of housing discrimination based on handicap and familial status are contained in the FHA. Similarly, provisions of the Barrier Free Subcode which are incorporated by reference by these rules are currently enforced by the Department of Community Affairs. Thus, the amendments and new rules represent no new legal obligations, and will therefore have no economic impact.

Regulatory Flexibility Statement

The proposed amendments and new rules will not impose any reporting, recordkeeping or other requirements on small businesses, as the term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. Because the amendments and new rules represent no new legal obligations or requirements, but clarify the current rules to reflect existing Federal or State law, there will be no impact on small businesses.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

13:4-1.4 Definitions

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

. . .

"Office of the Division" means the offices located at 31 Clinton Street, Newark, New Jersey[, and the offices located at 369 Broadway]; **100 Hamilton Plaza**, Paterson, New Jersey; 383 West State Street, Trenton, New Jersey; [130 Broadway] **101 Haddon Avenue**, Camden, New Jersey; 1548 Atlantic Avenue, Atlantic City, New Jersey; [24 Washington Street, Morristown, New Jersey;] 501 Landis

Avenue, Vineland, New Jersey; 601 Bangs Avenue, Asbury Park, New Jersey; and any additional offices which may from time to time be established.

...

13:4-2.1 Director's investigations

(a)-(b) (No change.)

(c) In connection with an investigation of the operation of any real property, as defined by N.J.S.A. 10:5-5n, the [director] **Director** may require the submission of information concerning the race, creed, color, national origin, ancestry, handicap, marital status, sex, [or] nationality, **affectional or sexual orientation or familial status** of the occupants of such real property, the terms and conditions on which the sale or lease of said real property is to be made to the general public, the vacancy rate of such real property subject to rent, the plans for advertising or notifying the public of the availability of said real property for rental or sale, the standard form documents used in the rental or sale of such real property, and such other information as may be reasonably necessary to carry out the provisions of the Law Against Discrimination.

(d) In connection with an investigation of any employer as defined by N.J.S.A. 10:5-5(e), the Director may require the submission of information concerning[;]**:**

1. The race, creed, color, national origin, handicap, ancestry, age, marital status, sex, nationality, **affectional or sexual orientation, atypical hereditary cellular or blood trait** or military status of employees[.]**;**

2.-6. (No change.)

(e) (No change.)

13:4-3.3 Filing complaints and other pleadings; **notices**

(a)-(d) (No change.)

(e) Upon receipt of the complaint, the Division shall provide the complainant with a form adopted by the Director, which notifies the complainant of his or her rights under the Law Against and the Discrimination, including the right to file a complaint in the Superior Court of New Jersey and be heard before a jury; the jurisdictional limitations of the Division; and any other provisions of the Law Against Discrimination that may apply to the complaint. The jurisdictional limitations of the Division include the limitation of the Division on Civil Rights to only administer claims under the Law Against Discrimination, and the inability of the Division on Civil Rights to afford parties the opportunity of a jury trial in discrimination claims heard before the Office of Administrative Law.

13:4-3.5 Contents of complaint

(a) The complaint shall set forth in separate numbered paragraphs the following:

1.-2. (No change.)

3. A statement of whether the race, creed, color, national origin, nationality, handicap, ancestry, marital status, sex, military status, **affectional or sexual orientation, atypical hereditary cellular or blood trait, familial status** or age of the complainant **or of any person residing with or otherwise associated with the complainant,** gave rise to the alleged discrimination;

4.-8. (No change.)

13:4-4.3 Rights of Parties; Notification of Settlement

(a)-(b) (No change.)

(c) All complainants **and individuals on whose behalf a complaint has been filed pursuant to (b) above and (d) below** shall be notified of any settlement of individual grievances and of the right to file a motion urging the Director to continue the proceeding.

(d) (No change.)

13:4-6.1 Findings of probable cause

(a) After the filing of the complaint, the Director [may] **shall** cause an investigation to be made by [a field] **an** investigator of the Division as to the allegations of the complaint. The investigation may include a fact-finding conference pursuant to N.J.A.C. 13:4-2.3, document and information requests, and any other investigative methods authorized by N.J.S.A. 10:5-8(i).

(b)-(d) (No change.)

13:4-10.1 Consolidation or severance of complaints

(a) (No change.)

(b) Following transmittal of a case to the Office of Administrative Law, all motions to sever or consolidate shall be initially presented to the OAL, pursuant to N.J.A.C. 1:1[-1.1 et seq]. Subject to the requirements of N.J.S.A. 10:5-13, requests for consolidation of cases pending before the Division with cases pending before OAL but involving the jurisdiction of other agencies shall be handled in accordance with N.J.A.C. 1:1[-1.1, et seq].

13:4-11.1 Conciliation conference; notice; failure to attend

(a) After a finding of probable cause, the Director or his or her representative shall, **to the extent feasible,** schedule a conciliation conference **and engage in conciliation with respect to the verified complaint,** in accordance with N.J.S.A. 10:5-4.

(b)-(e) (No change.)

(f) Any conciliation agreement arising out of conciliation efforts by the Division shall be an agreement between the respondent and the complainant, and shall be subject to the approval of the Division.

(g) Each conciliation agreement shall be made public unless the complainant and respondent otherwise agree and the Division determines that disclosure is not required as otherwise provided by law and the Director in his or her discretion determines that disclosure is not appropriate.

13:4-12.1 When hearings ordered

(a) The Director shall determine when a hearing shall be necessary in any matter[, either before or after conciliation].

(b) When conciliation has failed to eliminate the alleged practices of discrimination or when, in the judgment of the Director, conciliation would **not** be [fruitless] **feasible,** the Director [may] **shall** order a hearing.

(c)-(f) (No change.)

13:4-12.4 Conduct of hearings

The procedure for conducting hearings, issuing initial decisions and issuing final orders shall be governed by the Uniform Administrative Procedure Rules, N.J.A.C. 1:1[-1.1, et seq].

CHAPTER 9
NEWSPAPER ADVERTISEMENT RELATING TO REAL PROPERTY

STATEMENT

It is a violation of the Law Against Discrimination, N.J.S.A. 10:5-1 et seq., for a newspaper to print, publish, circulate, issue or display any advertisement relating to real property **and public housing** which is discriminatory on the basis of race, creed, color, national origin, [or] ancestry, **marital status, sex, nationality, handicap, affectional or sexual orientation or familial status.** N.J.S.A. 10:5-12e, f, g(3), h(3). The law is couched in very broad terms and includes the prohibition of any ad for the sale, lease, rental, assignment or sublease of any real property ["]which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, [or] ancestry, **marital status, sex, nationality, handicap, affectional or sexual orientation or familial status.**["] It is evident that newspapers may not publish in this State any advertisement which would aid such discrmination, when the content of the advertisement be overtly or subtly discriminatory.

In actual practice, such phrases as "integrated,"[,] "open to all,"[,] "everybody welcome,"[,] in newspaper ads of housing for sale or for rent, usually mean just the opposite of what they say. It is evident that these ads invariably are for homes or apartments in neighborhoods which are already segregated [for Negroes]. The publishing of such ads helps to continue and to extend the segregation. A landlord or property owner who truly intends to rent or sell his **or her** property [to either a white or Negro person], without distinction based on race, is merely obeying the law and serves no honest purpose in proclaiming his **or her** law-abiding character (at so much per line) in a newspaper ad.

The burden of interpretation placed upon newspapers publishing or circulating in this State would be onerous without some clarification of the law's broad interdiction. [In order to ease this burden

the following regulation was approved by the New Jersey Commission on Civil Rights on Tuesday, February 26, 1963 and filed with the Secretary of State of New Jersey on March 12, 1963.]

13:9-1.1 Discriminatory advertising regarding realty

(a) It shall be a violation of the Law Against Discrimination, N.J.S.A. 10:5-1 [et seq.] **to 42**, for any newspaper, published or circulated within this State, to print, publish, circulate, issue, display, utter or disseminate any advertisement regarding the sale, lease, sublease, rental assignment of any real property, which expresses, overtly or subtly, directly or indirectly, any limitation, or discrimination prohibited by the Law Against Discrimination, N.J.S.A. 10:5-1[,] et seq.

(b) (No change.)

13:13-1.1 Purpose

This chapter is designed to implement the [New Jersey] Law Against Discrimination[.], N.J.S.A. 10:5-1[, et seq.] **to 42** ("the act" or "the statute"), as it pertains specifically to discrimination on the basis of physical and mental handicap.

13:13-1.3 Definitions

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

"Covered multifamily dwellings" means multifamily dwellings as it is defined by the Barrier-Free Subcode of the State Uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq. and N.J.A.C. 5:23-7.

["Handicap"] **"Handicapped"** as used in this chapter will have the same meaning as that term is given by N.J.S.A. 10:5-5(q). It is also unlawful to take any action prohibited by [these regulations] this chapter:

1. Because of a perception or belief that an individual suffers from a handicap, whether or not that individual is actually handicapped; [or]

2. Because a person has been at any time handicapped[.]; **or**

3. Because a handicapped person will be residing or intends to reside in a dwelling or because of the handicap of any person associated with a buyer or renter.

13:13-2.4 Pre-employment inquiries

(a) It shall be an unlawful practice for an employer, employment agency or labor organization to elicit or attempt to elicit, either verbally or through the use of an application form **or request for documentation,** any information which would tend to divulge the existence of a handicap or health condition [not reasonably related to the individual's fitness to perform the duties of the particular job sought; provided, however, an inquiry may be made as to whether an applicant for employment has any handicaps or health problems which will impede work performance in the job being sought. An employer shall not, however, make any inquiry of an applicant regarding whether the individual has a handicap or health problem which will impede work performance, without providing the applicant with an accurate description of the duties of the job applied for and without also obtaining information from the applicant as to reasonable accommodations which could be made if the inquiry reveals that the applicant has a handicap]**, unless required or necessitated by Federal law or regulation. An employer, employment agency or labor organization may inquire whether an applicant is precluded from satisfactorily performing the job duties in question.**

(b) It is not unlawful for an employer to invite applicants for employment to [indicate whether and to what extent they are handicapped, if such an inquiry is made in conjunction with required or voluntary remedial action to correct past discrimination or in compliance with instructions or requirements of an agency or agencies of local, state or federal government. In such cases the employer must state clearly in writing that the information requested is intended for use solely in connection with its remedial obligations or its voluntary or affirmative action efforts or its compliance with governmental instructions, that the information is being requested on a voluntary basis, that it will be kept confidential, and that refusal to provide it will not subject the applicant to any adverse treatment] **identify themselves as handicapped:**

1. To satisfy the affirmative action requirements of Federal law;

2. To implement a court ordered or other bona fide affirmative action plan to promote the employment of handicapped persons; or

3. To implement a special program which is designed to benefit handicapped persons when a condition for a person's participation in the program is that he or she is handicapped.

(c) [It is not an unlawful employment practice to record any data required by law or the rules and regulations of any state or federal agency or acquired in connection with voluntary or affirmative action efforts conducted in accordance with these regulations, provided such records are maintained on separate forms that shall be accorded confidentiality, are kept in good faith for the purpose of complying with the law, and are not used for the purpose of discrimination in violation of the act.] **Employers who request such information must observe requirement under Section 503 of the Americans with Disabilities Act, 42 U.S.C. §12101 et seq., regarding the manner in which the information is requested and used, and the procedure for maintaining such information as a separate, confidential record, apart from regular personnel records.**

(d)-(e) (No change.)

13:13-3.1 Application

This subchapter on discrimination in real property applies to vendors and lessors of property and their agents, real estate brokers, agents and salespersons, [and] lending institutions **and other persons.** For the purpose of this subchapter lending institutions include banks, building and loan associations, insurance companies and any other enterprise whose business consists in whole or in part in the making of commercial loans or other forms of financial assistance for the acquisition, construction, rehabilitation, repair or maintenance of housing accommodations.

13:13-3.2 Advertising and solicitation

(a) This section applies to real property, public housing and the rental of:

1. A single apartment or flat in a two-family dwelling, the other occupancy unit of which is occupied by the owner as a residence or the household of the owner's family at the time of such rental; and

2. A room or rooms to another person or persons by the owner or occupant of a one-family dwelling occupied by the owner or occupant as a residence or the household of the owner's or occupant's family at the time of such rental.

Recodify existing (a)-(c) as **(b)-(d)** (No change in text.)

13:13-3.3 Inquiries

It is unlawful for any person to make or cause to be made any written or oral inquiry or record concerning the handicap of any prospective purchaser, tenant or prospective occupant of any real property, **or the handicap of any other person associated with a prospective purchaser, tenant or prospective occupant,** unless such information is required by an agency of local, state or [federal] **Federal** government and the person states clearly that the information requested is intended for use solely by the government agency.

13:13-3.4 Sale or rental

(a) (No change.)

(b) It is unlawful for any [broker, agent or salesperson] **person** to misrepresent the price of real property listed for sale, rent or lease or to fail to communicate to the seller or lessor any offer made by a prospective buyer or lessor because the applicant or prospective occupant possesses a handicap**, or because of the handicap of any other person associated with the applicant or prospective occupant.**

(c)-(d) (No change.)

(e) It is unlawful for any person to:

1. Refuse to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be

occupied by the handicapped person, if the modifications may be necessary to afford the handicapped person full enjoyment of the premises, except that, in the case of a rental, the landlord may:

i. Where it is reasonable to do so, condition permission for a modification on the renter's agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;

ii. Where it is necessary in order to ensure with reasonable certainty that funds will be available to pay for the restorations at the end of the tenancy, negotiate as part of such a restoration agreement a provision requiring that the tenant pay into an interest bearing escrow account, over a reasonable period, a reasonable amount of money not to exceed the cost of the restorations and, the interest in such account shall accrue to the benefit of the tenant; and

iii. Condition permission for a modification on the renter providing a reasonable description of the proposed modifications as well as reasonable assurances that the work will be done in a workmanlike manner and that any required building permits will be obtained; and

2. Refuse to make reasonable accommodations in rules, policies, practices or services, when such accommodations may be necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling.

[(e)](f) It is unlawful for any person to fail or refuse to rent to, or to impose different terms of tenancy upon, any handicapped individual because that individual is a recipient of [federal] **Federal**, state or local assistance, including medical assistance or housing subsidies.

13:13-3.5 Evication

It is an unlawful act of discrimination for any person to evict a tenant because the tenant possesses a handicap, **or because that person is associated with another person who possesses a handicap.**

13:13-3.6 Financing

It is unlawful for any lending institution or person to discriminate against an individual seeking a loan or other form of financial assistance whether in the initial extension of credit or in the terms and conditions of the obligation because that individual or an intended occupant of real property possesses a handicap, **or because that individual or intended occupant is associated with another person who possesses a handicap.** An application for loans or other forms of financial assistance means and extends to the purchase of an existing property, the construction of new buildings and the rehabilition, repair or maintenance of existing property.

13:13-3.7 Covered multifamily dwellings

In connection with the design and construction of covered multifamily dwellings for first occupancy after March 13, 1991, it shall be unlawful to fail to design and construct dwellings which comply with the standards set forth in the Barrier-Free subcode of the State Uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq., and N.J.A.C. 5:23-7.

CHAPTER 15
HOUSING FOR OLDER PERSONS

SUBCHAPTER 1. GENERAL PROVISIONS

13:15-1.1 Purpose

The purpose of this chapter is to effectuate the exemption in the Law Against Discrimination, N.J.S.A. 10:5-1 to 42, and the Fair Housing Act, 42 U.S.C. §3601 et seq., that relates to housing for older persons.

13:15-1.2 Exemption

(a) The provisions regarding familial status in this chapter do not apply to housing which satisfies the requirements of N.J.A.C. 13:15-1.3, 1.4 or 1.5.

(b) Nothing in this chapter limits the applicability of any reasonable local or State restrictions regarding the maximum number of occupants permitted to occupy a dwelling.

13:15-1.3 Elderly housing programs

The provisions regarding familial status in this chapter shall not apply to housing provided under any State program that the Secretary of the United States Department of Housing and Urban Development determines is specifically designed and operated to assist elderly persons, as defined in the State program.

13:15-1.4 62 or over housing

(a) The provisions regarding familial status in this chapter shall not apply to housing intended for, and solely occupied by, persons 62 years of age or older. Housing satisfies the requirements of this section even though:

1. There are persons residing in such housing on September 13, 1988 who are under 62 years of age, provided that all new occupants are persons 62 years of age or older;

2. There are unoccupied units, provided that such units are reserved for occupancy by persons 62 years of age or over; and

3. There are units occupied by employees of the housing (and family members residing in the same unit) who are under 62 years of age provided they perform substantial duties directly related to the management or maintenance of the housing.

(b) The following examples illustrate the application of (a) above:

Example 1: John and Mary apply for housing at the Vista Heights apartment complex which is an elderly housing complex operated for persons 62 years of a age or older. John is 62 years of age. Mary is 59 years of age. If Vista Heights wishes to retain its "62 or over" exemption it must refuse to rent to John and Mary because Mary is under 62 years of age. However, if Vista Heights does rent to John and Mary, it might qualify for the "55 or over" exemption in 24 C.F.R. §100.304, as set forth by the Secretary of Housing and Urban Development to administer and enforce Title VIII of the Federal Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988.

Example 2: The Blueberry Hill retirement community has 100 dwelling units. On September 13, 1988, 15 units were vacant and 35 units were occupied with at least one person who is under 62 years of age. The remaining 50 units were occupied by persons who were all 62 years of age or older. Blueberry Hill can qualify for the "62 or over" exemption as long as all units that were occupied after September 13, 1988 are occupied by persons who were 62 years of age or older. The people under 62 in the 35 units previously described need not be required to leave Blueberry Hill to qualify for the "62 or over" exemption.

13:15-1.5 55 or over housing

(a) The provisions regarding familial status shall not apply to housing intended and operated for occupancy by at least one person 55 years of age or older per unit, provided that the housing satisfies the requirements of (b)1 or (b)2 below, and the requirements of (c).

(b) If either of the following requirements, and the requirements of (c) below, are satisfied, the provisions regarding familial status shall not apply to housing intended for occupancy buy at least one person 55 years of age or older per unit:

1. The housing facility has significant facilities and services specifically designed to meet the physical or social needs of older persons. "Significant facilities and services specifically designed to meet the physical or social needs of older persons" include, but are not limited to, social and recreational programs, continuing education, information and counseling, recreational, homemaker, outside maintenance and referral services, an accessible physical environment, emergency and preventive health care of programs, congregate dining facilities, transportation to facilitate access to social services, and services designed to encourage and assist residents to use the services and facilities available to them (the housing facility need not have all of these features to qualify for the exemption under this subparagraph); or

2. It is not practicable to provide significant facilities and services designed to meet the physical or social needs of older persons and the housing facility is necessary to provide important housing opportunities for older persons. In order to satisfy this paragraph, the owner or manager of the housing facility must demonstrate

through credible and objective evidence that the provision of significant facilities and services designed to meet the physical or social needs of older persons would result in depriving older persons in the relevant geographic area of needed and desired housing. The following factors, among others, are relevant in meeting the requirements of this paragraph:

i. Whether the owner or manager of the housing facility has endeavored to provide significant facilities and services designed to meet the physical or social needs of older persons either by the owner or by some other entity. Demonstrating that such services and facilities are expensive to provide is not alone sufficient to demonstrate that the provision of such services is not practicable;

ii. The amount of rent charged, if the dwellings are rented, or the price of the dwellings, if they are offered for sale;

iii. The income range of the residents of the housing facility;

iv. The demand for housing for older persons in the relevant geographic area;

v. The range of housing choices for older persons within the relevant geographic area;

vi. The availability of other similarly priced housing for older persons in the relevant geographic area. If similarly priced housing for older persons with significant facilities and services is reasonably available in the relevant geographic area, then the housing facility does not meet the requirements of this paragraph; and

vii. The vacancy rate of the housing facility.

(c) If the following requirements of this subsection, and of either (b)1 or 2 above, are satisfied, the provisions regarding familial status shall not apply to housing intended for occupancy by at least one person 55 years of age or older per unit:

1. At least 80 percent of the units in the housing facility are occupied by at least one person 55 years of age or older per unit, except that a newly constructed housing facility for first occupancy after March 12, 1989 need not comply with this paragraph until 25 percent of the units in the facility are occupied; and

2. The owner or manager of a housing facility publishes and adheres to policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older. The following factors, among others, are relevant in determining whether the owner or manager of a housing facility has complied with the requirements of this paragraph:

i. The manner in which the housing facility is described to prospective residents;

ii. The nature of any advertising designed to attract prospective residents;

iii. Age verification procedures;

iv. Lease provisions;

v. Written rules and regulations; and

vi. Actual practices of the owner or manager in enforcing relevant lease provisions and relevant rules or regulations.

(d) Housing satisfies the requirements of this section even though:

1. On September 13, 1988, under 80 percent of the occupied units in the housing facility are occupied by at least one person 55 years of age or older per unit, provided that at least 80 percent of the units that are occupied by new occupants after September 13, 1988 are occupied by at least one person 55 years of age or older.

2. There are unoccupied units, provided that at least 80 percent of such units are reserved for occupancy by at least one person 55 years of age or over.

3. There are units occupied by employees of the housing facility (and family members residing in the same unit) who are under 55 years of age provided they perform substantial duties directly related to the management or maintenance of the housing.

(e) The application of this section may be illustrated by the following examples:

Example 1: A. John and Mary apply for housing at the Valley Heights apartment complex which is a 100 unit housing complex that is operated for persons 55 years of age or older in accordance with all the requirements of this section. John is 56 years of age. Mary is 50 years of age. Eighty units are occupied by at least one person who is 55 years of age or older. Eighteen units are occupied exclusively by persons who are under 55. Among the units occupied by new occupants after September 13, 1988 were 18 units occupied exclusively by persons who are under 55. Two units are vacant. At the time John and Mary apply for housing, Valley Heights qualifies for the "55 or over" exemption because 82 percent of the occupied units (80/98) at Valley Heights are occupied by at least one person 55 years or older. If John or Mary are accepted for occupancy, then 81 out of the 99 occupied units (82 percent) will be occupied by at least one person who is 55 years of age or older and Valley Heights will continue to qualify for the "55 or over" exemption.

B. If only 78 out of the 98 occupied units had been occupied by at least one person 55 years of age or older, Valley Heights would still qualify for the exemption, but could not rent to John or Mary if they were both under 55 without losing the exemption.

Example 2: Green Meadow is a 1,000 unit retirement community that provides significant facilities and services specifically designed to meet the physical or social needs of older persons. On September 13, 1988, Green Meadow published and thereafter adhered to policies and procedures demonstrating an intent to provide housing for persons 55 years of age or older. On September 13, 1988, 100 units were vacant and 300 units were occupied only by people who were under 55 years old. Consequently, on September 13, 1988, 67 percent of the Green Meadow's occupied units (600 out of 900) were occupied by at least one person 55 years of age or older. Under (d)1 above, Green Meadows qualifies for the "55 or over" exemption even though, on September 13, 1988, under 80 percent of the occupied units of the housing facility were occupied by at least one person 55 years of age or older per unit, provided that at least 80 percent of the units that were occupied after September 13, 1988 are occupied by at least one person 55 years of age or older. Under (d) above, Green Meadow qualifies for the "55 or over" exemption, even though it has unoccupied units, provided that at least 80 percent of its unoccupied units are reserved for occupancy by at least one person 55 years of age or over.

Example 3: Waterfront Gardens is a 200 unit housing facility to be constructed after March 12, 1989. The owner and manager of Waterfront Gardens intends to operate the new facility in accordance with the requirements of this section. Waterfront Gardens need not comply with the requirement in (c)1 above that at least 80 percent of the occupied units be occupied by at least one person 55 years of age or older per unit until 50 units (25 percent) are occupied. When the 50th unit is occupied, then 80 percent of the 50 occupied units (that is, 40 units) must be occupied by a least one person who is 55 years of age or older for Waterfront Gardens to qualify for the "55 or over" exemption.

(a)

DIVISION OF CONSUMER AFFAIRS STATE BOARD OF COSMETOLOGY AND HAIRSTYLING

Fee Schedule

Proposed Repeal and New Rule: N.J.A.C. 13:28-5.1

Authorized By: State Board of Cosmetology and Hairstyling, Richard Griswold, Executive Director.

Authority: N.J.S.A. 45:5B-6.

Proposal Number: PRN 1994-308.

Submit written comments by June 15, 1994 to:

Richard Griswold, Executive Director
State Board of Cosmetology and Hairstyling
Post Office Box 45003
Newark, N.J. 07101

The agency proposal follows:

Summary

In order to cover increased investigative, examination and program costs associated with the administration of the Board of Cosmetology and Hairstyling, the Board is proposing a general increase in its fee schedule, N.J.A.C. 13:28-5.1. Pursuant to N.J.S.A. 45:1-3.2, all

professional and occupational licensing boards must fund their operating costs through the assessment of licensing and other fees. The statute further requires the fees to be set at a level that will raise sufficient funds to meet, but not exceeed, the amount needed to cover costs. The proposed new fee schedule complies with these statutory requirements.

The fee schedule format has been changed for several reasons. First, since the licensing fees for individual licensees are and have been the same, separate categories for barbers, beauticians, cosmetologists, manicurists and teachers will no longer appear in the fee schedule; the fee entitled "Biennial license renewal (individual)" will cover all categories of individual licensure. Second, the proposed new format is consistent with that used for other professional and occupational licensing boards regulated by the Division of Consumer Affairs. Over the past several years the Division has sought to have board fees accurately and specifically reflect the actual elements for which expenses are incurred. In that regard, application fees will be identified for shops, schools and annex classrooms; the fee for individual applicants has been identified as being included within the examination fee. An "initial" license fee has been created and prorated so that those applying during the second year of a biennial renewal cycle will pay only for the one year remaining in the cycle. A late fee has been created and the existing restoration fee has been renamed "reinstatement fee."

Social Impact

The proposed new fee schedule, which will affect all permit applicants, licensure applicants and current licensees of the State Board of Cosmetology and Hairstyling, will enable the Board to continue to meet its operating expenses and to fulfill its statutory responsibilities with regard to licensure. The new fee schedule will benefit the public by ensuring professional competence and the maintenance of high professional standards.

Economic Impact

The proposed new fee schedule will have an economic impact on approximately 66,000 licensed individuals, 7,800 shops and 32 schools of cosmetology and hairstyling as well as applicants for licensure and student permits, who will be required to pay increased examination and licensing fees. Biennial fees for individual licensees have been raised from $30.00 to $36.00, a 20 percent increase; shop license fees have been increased 15 percent from $70.00 to $80.00, while fees for biennial school and annex classroom licensure reflect a 20 percent change—from $150.00 to $180.00 and from $200.00 to $240.00, respectively. Identification of separate application fees will ensure that the costs of funding inspections required upon initial licensure will now be a cost of initial licensure for shops and schools rather than being allocated among the entire licensee class. Student permit fees have been raised from $3.00 to $5.00, while the examination fee has been increased from $30.00 to $40.00.

The proposed fee increase will prevent a fiscal loss to the Board, which is required to be self-funding pursuant to N.J.S.A. 45:1-3.5. The Board does not believe the proposed increases—$3.00 per year for individual licensees; $5.00 for shops; $15.00 for schools and $20.00 for annex classrooms—will necessitate an increase in fees charged to the consumer, since as a business expense these fees are reasonable.

Regulatory Flexibility Analysis

The 31 schools of cosmetology and hairstyling currently licensed by the Board are all small businesses, as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.

Compliance requirements consist of paying increased licensing fees in a timely manner. There are no reporting or recordkeeping requirements, and no professional services are needed. The fee increases are necessary to enable the Board to avoid operating at a loss. Since the fees have been set at the lowest amount that will meet the Board's operating expenses, the intent of the Regulatory Flexibility Act to minimize adverse economic impact has been implemented.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

13:28-5.1 Fee schedule

[(a) The following fees will be charged by the Board:

1. Initial shop license (one year):	$ 50.00
2. Biennial shop license—renewal:	$ 70.00
3. Examination fee for practicing & teacher licenses:	$ 30.00
4. Biennial barber license—renewal:	$ 30.00
5. Biennial beautician license—renewal:	$ 30.00
6. Biennial cosmetologist hairstylist license—license renewal:	$ 30.00
7. Biennial manicurist license—renewal:	$ 30.00
8. Biennial teacher license—renewal:	$ 30.00
9. Restoration fee for lapsed practicing & teaching licenses:	$40.00 plus license fee
10. Duplicate license:	$ 10.00
11. Initial school license (one year):	$150.00
12. Biennial school license—renewal:	$150.00
13. Endorsement:	$50.00 plus license fee
14. Student registration card:	$ 3.00
15. Student permit:	$ 3.00
16. Temporary permit:	$ 20.00
17. Annex classroom (initial):	$150.00
18. Biennial school license with annex classroom—renewal:	$200.00]

(a) The following fees will be charged by the Board:	
1. Student permit	**$ 5.00**
2. Student registration card	**5.00**
3. Temporary permit	**20.00**
4. Examination fee (includes application fee)	**40.00**
5. Initial license fee (individual)	
i. If paid during the first year of a renewal cycle	**36.00**
ii. If paid during the second year of a renewal cycle	**18.00**
6. Biennial license renewal (individual)	**36.00**
7. Shop license application fee (includes shop inspection fee)	**75.00**
8. Initial license fee (shop)	
i. If paid during the first year of a renewal cycle	**80.00**
ii. If paid during the second year of a renewal cycle	**40.00**
9. Biennial license renewal (shop)	**80.00**
10. School License application fee (includes school inspection fee)	**125.00**
11. Initial license fee (school)	
i. If paid during the first year of a renewal cycle	**180.00**
ii. If paid during the second year of a renewal cycle	**90.00**
12. Biennial license renewal (school)	**180.00**
13. Annex classroom application fee (if not submitted with school application)	**125.00**
14. Initial license fee (annex classroom)	
i. If paid during the first year of a renewal cycle	**240.00**
ii. If paid during the second year of a renewal cycle	**120.00**
12. Biennial license renewal (annex classroom)	**240.00**
13. Endorsement (plus license fee)	**50.00**
14. Late fee (up to 180 days)	**15.00**
15. Restoration fee (plus license fee) (after six months to five years)	**40.00**
16. Duplicate license	**15.00**

(a)

DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY
Continuing Education
Proposed Amendment: N.J.A.C. 13:30-8.18

Authorized By: State Board of Dentistry, Agnes Clarke, Executive Director.

Authority: N.J.S.A. 45:6-10.1 to 10.9 and 45:6-19.4.

Proposal Number: PRN 1994-154.

Submit written comments by June 15, 1994 to:

Agnes Clarke, Executive Director
State Board of Dentistry
124 Halsey St., Sixth Floor
Newark, N.J. 07102

The agency proposal follows:

Summary

The Board of Dentistry proposes amendments to its rule relating to continuing dental education. When the Board adopted new rule N.J.A.C.

13:30-8.18 on May 6, 1993, it acknowledged that many of the comments received during the official comment period contained recommendations which the Board deemed worthy of consideration but which required further research and inquiry. These recommendations were referred to the Board's Committee on Continuing Education for review. The amendments contained in this proposal are the result of the Committee's review of the suggestions received from the public and its recommendations to the Board.

New subsection (b) provides that those licensees who hold an inactive or retired registration will automatically receive a waiver of the continuing education requirements thereby relieving these individuals from making written application to the Board for a waiver. In view of the fact that these licensees are not practicing dentistry in New Jersey, there was no purpose for these individuals to fulfill continuing education requirements. However, any such licensee who desires to resume the practice of dentistry in this State will be required to complete the continuing education courses that would have been required since the outset of the mandatory requirements in 1992. Corresponding changes are made to subsection (n).

Subsection (c) sets forth with specificity the number of dental education credits which will be required for applicants who are initially licensed subsequent to the commencement of any biennial registration period and who need only complete credits on a pro-rata basis prior to the next renewal period.

Subsection (d) sets forth explicitly that meetings of constituents and components of dental professional associations recognized by the Board may be approved by the Board for continuing education credit.

Subsection (e) reduces the retention period for continuing education records from seven years to four years. The change was made to reflect maintenance of records for two biennial periods.

Subsection (g) has been deleted because the Board has determined that it will not maintain a list of approved course sponsors but rather it will approve continuing education programs. The Board found that the approval of sponsors created confusion because not all courses and programs offered by an approved sponsor met the Board's criteria for credit. Likewise, the Board has proposed to delete that portion of subsection (i) referring to the application to the Board for approval as a sponsor. Applications for pre-approval of continuing education programs continue to be accepted by the Board.

New subparagraph (j)1iv which provides that a maximum of five hours of continuing education will be given for videotape, audiotape and/or correspondence courses. In order to be eligible for credit, the course must include a written post-test which must be retained by the licensee as an additional record of completion of the course.

Proposed new subparagraph (j)1v provides that a licensee may obtain a maximum of one credit hour per meeting for attendance at the program portion of dinner meetings of Board recognized professional associations as long as the program meets the Board's educational requirements.

Paragraph (j)3 has been amended in order to clarify the permissible continuing education credit hours permitted for teaching and research appointments. A licensee may obtain now a maximum of 20 credit hours in a biennial period for teaching assignments which involve at least one full day or the equivalent of one full day per week.

Subsection (l), containing the requirement that every licensee obtain three hours of credit in the area of basic infection control procedures, is proposed for deletion.

The Board also has amended subsection (m), recodified as (l), in order to permit a maximum of seven continuing education credits which are completed by a licensee in excess of the requirement to be credited to the subsequent registration period.

Subsection (n), recodified as (m), is amended to clarify that continuing education ordered by the Board in addition to the mandatory requirements is intended to be remedial only and not punitive.

Social Impact

The proposed amendments will apply to all dentist licensees registered by the Board of Dentistry. The public and licensees will benefit from these amendments since the professional competency of licensees will be enhanced. These provisions formally recognize the obligation of all dentists to keep current their knowledge, skill, and experience with which they serve their patients and society and clarify for the licensees acceptable areas for credit.

In particular, the amendment waives the requirements for inactive and retired licensees unless they determine to resume the practice of dentistry. It also reduces the recordkeeping requirements for continuing education from seven years to four years in order to coincide with the length of two biennial periods. The amendment also is intended to clarify areas of acceptable continuing education and the maximum hours available in these areas, that is, programs at dinner meetings of professional associations, home study and teaching appointments. The amendments also would permit seven credits to be carried over to the subsequent registration period.

Economic Impact

These amendments do not involve any additional costs to those already associated with the fees for fulfilling the mandatory continuing dental education requirements previously promulgated. The amendments contain several cost-saving aspects. For example, inactive and retired licensees are exempted automatically now from continuing education requirements and will save the cost of application for a waiver. Certain forms of acceptable credits may be cost-saving for licensees such as home study courses and credit for dinner meeting programs. Recordkeeping costs will be reduced in proportion to the reduction in the retention period from seven years to four years. Cost saving also will result from the increase in allowed credit for teaching and research appointments.

Regulatory Flexibility Analysis

If, for the purposes of the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., dentists are deemed "small businesses," within the meaning of the statute, the following statement is applicable:

The proposed amendments which govern and define mandatory continuing dental education will apply to all licensees of the Board of Dentistry. The Board currently licenses approximately 10,000 dentists.

The proposed amendments uniformly applicable to all licensees, without distinction as to the size of the professional practice. The imposition of record maintenance and compliance requirements are minimal, yet carry out the Board's intended purpose of protecting the public's best interest. The provisions require the retention of records related to continuing education but they do not require automatic reporting of continuing education credits except upon request by the Board of a sample of licensees and at the discretion of the Board.

Proposed subsection (b) will create reporting requirements only for those currently inactive or retired licensees who wish to apply for active registration and will need to certify that they have completed 20 hours of continuing education courses for each year of inactive or retired registration retroactive to July 16, 1992 prior to the issuance of an active registration. The amendments to recodified subsection (e) reduce the period of recordkeeping from seven to four years regarding the verification by licensees of their attendance in continuing education courses. Subparagraph (j)1iv requires licensees to retain for their records the post-test that they will have taken in order to receive credit for a maximum of five hours of continuing education given for videotape, audiotape and/or correspondence courses. The proposed amendments do not involve any additional reporting or recordkeeping requirements other than those outlined above, nor do they involve any initial capital costs, costs for professional service or other costs of compliance.

Therefore, there is no need to minimize any adverse economic impact on small business pursuant to the Regulatory Flexibility Act. The Board considers these requirements to be reasonable and to be the minimum necessary in order to handle a responsibility for mandatory continuing dental education delegated to the Board by the Legislature.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

13:30-8.18 Continuing Dental Education

(a) (No change.)

(b) Any licensee who has no authority to practice dentistry in New Jersey because the licensee holds an inactive registration issued to persons not practicing in this State or a retired registration issued to persons who, for at least 25 years, practiced dentistry in this State and then retired from practice shall be exempt from the continuing education requirements upon biennial renewal of the inactive or retired registration. Any such licensee who desires to resume the practice of dentistry in this State shall be required to certify, as part of the application for an active registration, that he or she has completed 20 hours of continuing education courses for each year of inactive or retired registration retroactive to July 16, 1992 prior to the issuance of an active registration.

[(b)](c) Each applicant for a biennial license renewal shall be required to complete, during the preceding biennial period, a minimum of 40 credits of continuing dental education [except for

the registration period commencing on November 1, 1993, for which 20 credits of continuing dental education shall be required for the period July 1, 1992 to October 31, 1993]. Any applicant who is initially licensed subsequent to the commencement of any biennial registration period shall be required to complete dental education credits on a pro rata basis prior to the next renewal period[.] **in accordance with the following schedule:**

1. Licensed October-January in the first year of period ..... 40 credits
2. Licensed February-April in first year of period ..... 35 credits
3. Licensed May-July in first year of period ..... 30 credits
4. Licensed August-October in the first year of period ..... 25 credits
5. Licensed November-January in second year of period ..... 20 credits
6. Licensed February-April in second year of period ..... 15 credits
7. Licensed May-July in second year of period ..... 10 credits
8. Licensed August-October in second year of period ..... Five credits

[(c)](**d**) One hour of continuing education credit shall be granted for each hour of instruction at lectures, seminars, clinical or laboratory participatory courses, **meetings of constituents and components of dental professional associations recognized by the Board,** or other educational methods as may be approved by the Board, excluding time spent at meals, breaks or business sessions. Credit shall be granted only for full instructional hours, but not for less than one instructional hour. Successful completion of an entire course or segment of course instruction is required in order to receive any continuing education credit. Unless otherwise provided, only in class participation, not student time devoted to preparation, will be counted.

[(d)](**e**) It shall be the responsibility of each licensee to maintain an authenticated record of all continuing education activity completed and to be prepared to submit evidence of completion of the credit requirements to the Board upon request. Each licensee must obtain from the continuing education course sponsor and retain for a period of [seven] **four** years an authenticated record of attendance which shall include, at a minimum, the following:

1.-7. (No change.)

[(e)](**f**) (No change in text.)

[(f)](**g**) All continuing education activities to be accepted for credit shall have significant intellectual or practical content which deals primarily with matters directly related to the practice of dentistry or with the professional responsibilities or ethical obligations of licensees. Subjects such as estate planning, financial or investment/tax planning, personal health or others so deemed by the Board from time to time shall not be acceptable for continuing education credit. [In addition, correspondence programs and other individual study programs, including taped or video study programs, shall not be acceptable for continuing education credit.]

[(g) The Board shall maintain a list of approved course sponsors and accredited education programs and shall make this list available to licensees upon request.]

(h) A continuing education sponsor may receive prior approval for a course of acceptable subject matter and be assigned a designated number of continuing education credits by the Board if the program sponsor provides, in writing and on a form provided by the Board, information required by the Board to document that the [sponsor offers] course[s which] meets the following requirements:

1.-3. (No change.)

(i) [Prior approval of a continuing education sponsor and/or program and the continuing education credit allowed for the program shall be renewed every two years and at such other times as the program is to be altered substantially.] Applications for pre-approval of continuing education programs must be submitted by the program sponsor on the form provided by the Board at least 45 days prior to the date the continuing education program is to be offered. Incomplete applications shall be returned to the sponsor and may result in a failure to grant prior approval of the program. Although failure to obtain prior approval shall not preclude acceptance of the program, there shall be no assurance that the Board will grant approval retroactively.

(j) A licensee may select from any of the areas of study listed below, except that for purposes of obtaining continuing education credits towards the mandatory requirement the licensee may not exceed the maximum number of hours permitted in each category **for each biennial period.**

1. Educational and scientific courses:

i. A licensee may obtain all of the required continuing education hours in this category. [Educational and scientific courses must be offered by approved sponsors or granted prior approval by the Board in accordance with the procedure provided herein.]

ii. (No change.)

iii. A maximum of five hours of continuing education shall be given **to a student or an instructor** for basic C.P.R. courses.

iv. A maximum of five hours of continuing education shall be given for videotape, audiotape and/or correspondence courses. The course must include a written post-test in order to be eligible for credit, and such test shall be retained by the licensee as an additional record of completion of the course.

v. The program portion of dinner meetings of constituents and components of professional dental associations recognized by the Board shall be granted a maximum of one credit per meeting as long as the program meets the educational requirements of (g) above.

2. (No change.)

3. Teaching and research appointments:

[i. A licensee may obtain a maximum of 10 continuing education credit hours in this category.]

[ii.]**i.** A licensee involved in teaching or research activities at least one full day **or the equivalent of one full day** per week per academic year and who holds at least a part time faculty or research appointment shall receive four hours of continuing education credit annually for each full day.

ii. A licensee may obtain a maximum of 20 continuing education credit hours in this category in a biennial period.

4. (No change.)

(k) (No change.)

[(l) Every licensee shall be required to obtain three hours of the mandatory continuing education credits during each biennial registration period in the area of basic infection control procedures.]

[(m)](**l**) [Any] **A maximum of seven** continuing education credits [which are] completed by a licensee in excess of the requirement as herein provided [shall not] may be credited to [any] the subsequent registration period.

[(n)](**m**) Any continuing education courses directed or ordered by the Board as a remedial [or punitive] measure shall not be eligible to fulfill the general mandatory continuing education requirement.

[(o)](**n**) The Board may, in its discretion, waive **all or a portion of the** requirements for continuing dental education on an individual basis for reasons of hardship such as illness or disability[, retirement of the licensee,] or other good cause including, but not limited to, a full time faculty appointment to an accredited dental school or dental hygiene school [or inactive licensees who are practicing outside of the state]. Any licensee seeking a waiver of the continuing education requirement must apply to the Board in writing and set forth with specificity the reasons for requesting the waiver. The licensee also shall provide the Board with such additional information as it may reasonably request in support of the application. [In cases of illness, disability, retirement, practice outside of the State, or other good reason, the licensee shall be placed on inactive or retirement status and shall be prohibited from engaging in the practice of dentistry in the State of New Jersey unless and until such licensee is reinstated with a current active registration. In addition, the Board may, in its discretion, require the completion of continuing education requirements as a condition for reinstatement of active licensure.]

(a)

DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF VETERINARY MEDICAL EXAMINERS

Rules of the State Board of Veterinary Medical Examiners

Proposed Readoption with Amendments: N.J.A.C. 13:44

Proposed Repeals: N.J.A.C. 13:44-1 and 5

Authorized By: State Board of Veterinary Medical Examiners, David A. Meirs, II, V.M.D., President.

Authority: N.J.S.A. 45:16-3.

Proposal Number: PRN 1994-307.

Submit written comments by June 15, 1994 to:
Marianne Kehoe, Executive Director
State Board of Veterinary Medical Examiners
Post Office Box 45020
Newark, New Jersey 07101

The agency proposal follows:

Summary

The State Board of Veterinary Medical Examiners is proposing to readopt N.J.A.C. 13:44, with amendments. These rules are scheduled to expire on August 7, 1994 pursuant to Executive Order No. 66(1978).

In compliance with the Executive Order, a Board subcommittee undertook a thorough review of the existing provisions of N.J.A.C. 13:44 in order to delete unnecessary or unreasonable rules. The Board believes the rules proposed for readoption, as amended, are necessary, reasonable, understandable and responsive to the purpose for which they were promulgated. These rules have had an advantageous impact on the regulation and conduct of the veterinary medicine profession by enabling the Board to have in place procedures which serve and protect the public's best interests.

In order to provide professional standards that reflect current veterinary practice, the Board is also proposing two new professions at this time: Licensees who service pet shops, and Patient records. Additional rules of professional conduct are being developed and will be proposed in a future issue of the New Jersey Register. Following is a summary of each subchapter of chapter 44 together with a summary of amendments, if applicable, and the rationale therefor.

Subchapter 1, which describes licensure procedures, has been rewritten in its entirety for clarification. The following substantive and technical changes have been made.

1. The current rules require, as prerequisites to taking the New Jersey Practical and Jurisprudence examinations, passing grades on the National Board Examination (NBE) and the Clinical Competency Test (CCT) within five years preceding application for the New Jersey examinations (N.J.A.C. 13:44-1.2). The Board does not believe that admission to the New Jersey Practical Examination should be limited to those who took the national examinations within the five years preceding examination; it views the national examinations as evidence of minimal qualifications but places greater weight upon its own State Examinations. Furthermore, applicants for licensure by waiver of the New Jersey Practical examination must qualify by showing licensed clinical experience in three of the five years preceding application. Under certain circumstances, individuals may have had clinical experience that did not require a license (for example, employment by a laboratory or a pharmaceutical company). Therefore, their NBE and CCT scores were older than five years, precluding the applicants from licensure in New Jersey. Accordingly, these individuals were required to take the national examinations again. The Board does not believe that reexamination of out-of-State applicants—who must also prove three years of active practice within the past five years—is necessary. The Board believes NBE and CCT scores taken within the 10 years preceding application are acceptable evidence of qualification to sit for the New Jersey examination. Accordingly, the proposed new rule extends the five-year period within which national exam scores must have been obtained to 10 years.

2. Existing provisions regarding licensure by waiver of examination require, among other things, the applicant to have engaged in active clinical practice for five years within the seven year period immediately preceding application. This provision is not consistent with current Board practice nor with N.J.S.A. 45:16-7.2. Therefore, proposed amendments to the waiver provisions clarify that applicants must demonstrate active clinical practice for three of the past five years.

3. The revised rule regarding examination review procedures refers to "answer sheet" rather than "practical examination papers" so that the test taker is advised of what is available for his or her review.

4. Existing N.J.A.C. 13:44-1.4(c) through (f) are not being proposed for readoption. These subsections provide for the issuance of the Board training certificate to individuals engaged in the one-year clinical experience training program administered by the Education Commission for Foreign Graduates (ECFVG) of the American Veterinary Medical Association. Veterinary practices no longer serve as extensions of academic programs and accordingly training certificates are no longer issued.

5. Two new sections on biennial license renewal and reinstatement are proposed in order to provide guidance to licensees in these areas.

6. Applicants for licensure by waiver will now be required to submit, in addition to licensure verification from each state in which the applicant is currently licensed, verification from states in which the applicant previously was licensed. The Board believes that this requirement will provide useful information to the Board upon application review.

Existing subchapter 2, General Rules of Practice, has been recodified to include only regulations dealing with temporary permits issued to licensees employing individuals waiting to take the next scheduled Practical or Jurisprudence examination (previously referred to as temporary permits no. 1.) References to "temporary permit no. 2" are proposed to be deleted as unnecessary. The Board has never had occasion to issue this type of permit, which permits a qualified out-of-State veterinarian to take charge temporarily of the practice of a licensee of the Board during his or her absence from practice. Should the opportunity arise in the future, the statute provides authority for the issuance of this type of permit.

All other provisions of existing subchapter 2 are proposed to be readopted and have been recodified at subchapter 4, except that N.J.A.C. 13:44-2.4 has been recodified in new subchapter 2 and N.J.A.C. 13:44-2.13, Temporary permit fees, is no longer relevant.

The Board notes that temporary permit eligibility requirements have been corrected. Existing N.J.A.C. 13:44-2.9 includes as eligible applicants individuals waiting to take the next scheduled national examinations. This provision is inconsistent, however, with both N.J.S.A. 45:16-9.7 and existing N.J.A.C. 13:44-1.2(b), which require passing scores on the national examinations as *prerequisites* to obtaining a temporary permit and/or sitting for the State examinations. Subchapter 3 has been reserved. The Board is in the process of drafting a proposal to regulate veterinary facilities, and those rules will be codified at subchapter 3.

Subchapter 4 contains general rules of practice previously codified at subchapter 2, inlcuding prescription requirements; poultry husbandry procedures; referral fee prohibition; rules for temporary continuance of a facility upon the licensee's death; branch office, advertising and patient record requirements; the licensee's requirement to provide emergency care; emergency service facility rules; and change of address notification requirements.

The following proposed new rules are included in subchapter 4 in order to update and clarify practice requirements. A new provision at N.J.A.C. 13:44-4.1 clarifies the licensee's obligation to provide a written prescription to an owner or caretaker who does not wish to purchase a prescription item directly from the licensee. This issue was the subject of consumer inquiries to the Board.

Proposed new N.J.A.C. 13:44-4.3 sets forth specific requirements for licensees who service pet shops. In conformity with existing N.J.A.C. 13:44-2.1(b), a veterinarian must personally examine all pets before prescribing or administering medication to them. Veterinarians will also be prohibited from supplying vaccine to pet shops to be administered by anyone other than the owner(s) of the pet shop or licensees of this Board and will be required to maintain accurate medical records listing quantities and details of all medications furnished to pet dealers. Finally, the printed and handwritten signature of the licensee must be placed by the licensee on a health certificate or "Fit for Purchase" form. The intent of this regulation is to provide more responsible health care of animals sold in pet shops by clarifying the responsibilities of licensees who service pet shops.

A new subsection has been added to the existing patient record rule in order to detail the minimum information that is to appear in the patient record.

Proposed subchapter 5 consists of one section that establishes the Board's fee schedule. References to national examination fees have been deleted because the applicant pays these fees directly to the national testing service. References to temporary permits I and II have been replaced by a reference to "temporary permit" because the fee is the same for any temporary permit the Board may issue. Finally, the $125.00 fee charged by the Board for the New Jersey Jurisprudence Examination has been included.

Existing subchapter 5, which describes the State Board and its methods of operation, is not being proposed for readoption because this information either appears in the Board's enabling statute or will be included within the published pamphlet of Board rules.

Social Impact

The rules proposed for readoption will continue to ensure proper health care of animals. The rules establish practice standards and ensure that veterinarians remain accountable to the public and to the Board. It is anticipated that the proposed amendments will enhance animal health care in that they update practice standards to ensure responsible health care of animals. The proposed rules, as amended, also benefit the Board and licensees by providing various procedures for the orderly administration of the Board and by establishing clear practice guidelines.

The proposed extension of the five-year period within which national examination scores must have been obtained to 10 years should permit more individuals to qualify for initial licensure or for licensure by waiver without having to retake the national examinations. The additional licensure certifications required to be submitted by waiver applicants will provide the Board with information that will be useful in its evaluation process. An owner or caretaker who does not wish to purchase a prescription item directly from the licensee will now be clearly advised of the licensee's obligation to provide a written prescription.

Prohibiting licensees from supplying vaccine to pet shops for unlicensed personnel other than the owner(s) of the pet shop to administer will protect the health, safety and welfare of animals sold through pet shops, consistent with the requirements imposed on licensees operating out of traditional veterinary establishments. The purchaser will be further protected by the requirement that the personal signature of the licensee who examines and vaccinates the animal must appear on a health certificate or "Fit for Purchase" form, as well as on any other documents given to the consumer at the time of purchase that relate to the medical record.

Economic Impact

The rules proposed for readoption will have an economic impact upon licensees, who must pay biennial licensing fees and who are expected to spend what is necessary to maintain their practices in the manner prescribed by the Board. The Board believes that the economic impact upon the licensee is outweighed by the benefits these rules provide in maintaining professional practice standards that serve to ensure responsible medical care for animals. The Board points out that the fee schedule is proposed for readoption without increase.

The following economic impact analysis applies to the proposed amendments:

National examination costs may be saved by those applicants whose NBE and CCT scores are more than five but less than 10 years old. Waiver applicants will incur the costs of obtaining and submitting certifications from all states of previous licensure.

Licensees who service pet shops will be required to spend slightly more time to personally sign forms attesting to medical care and to maintain records listing quanitites of medications provided to pet shops. The extra time required is not likely, in the opinion of the Board, to be reflected in increased licensee billing or in prices paid by purchasers of pets.

Because funding of the Board's operation is attained by the fee structure now in place, failure to readopt would place the Board's operations in jeopardy.

Regulatory Flexibility Analysis

The Board of Veterinary Medical Examiners currently licenses 1,449 individuals (296 inactive). The specific number of small businesses, as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., is impossible to determine since the Board licenses individuals and not entities.

There are several hundred pet shops in New Jersey, the majority of which undoubtedly fit within the definition of "small business" in the Regulatory Flexibility Act. However, no burden will be placed upon pet shops inasmuch as the responsibility for proper signature and maintenance of records regarding medications supplied to shops rests entirely with the veterinarian. The following analysis, therefore, applies only to veterinary facilities.

Unlicensed owners of a veterinary facility who wish to continue a facility upon the licensee's death must report the substitute licensee's name to the Board within three weeks of death. Specific information must be included on prescriptions and in patient records, and copies of patient records must be retained for five years from the date of the patient's last visit. Facilities must follow Board advertising guidelines and must retain copies of all advertisements for three years.

Employees of an emergency service facility must obtain a certificate of registration and keep a daily log listing personnel information.

The rules' costs are discussed in the Economic Impact above. It is not anticipated that professional services will need to be employed to ensure compliance.

Because these rules seek to promote and protect the public welfare through regulation of practitioners of veterinary medicine, no differentiation in compliance based upon business size is provided.

Full text of the proposed readoption may be found in the New Jersey Administrative Code at N.J.A.C. 13:44.

Full text of the proposed repeals may be found in the New Jersey Administrative Code at N.J.A.C. 13:44-1 and 5.

Full text of the proposed new rules and amendments follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 1. LICENSURE BY EXAMINATION; LICENSURE BY WAIVER OF EXAMINATION; BIENNIAL LICENSE RENEWAL; REINSTATEMENT

13:44-1.1 Eligibility for admission to New Jersey Practical Examination

(a) As a prerequisite to taking the New Jersey Practical Examination, an applicant shall be required to submit proof of:

1. Successful completion of any of the following educational criteria:

i. A doctoral degree in veterinary medicine from a veterinary college or university accredited by the American Veterinary Medical Association (AVMA);

ii. All but the last portion of the last semester of a veterinary college or university accredited by the American Veterinary Medical Association and is to be awarded a degree in veterinary medicine at the next graduation; or

iii. The training program administered by the Education Commission for Foreign Graduates (ECFVG) of the AVMA; and

2. A passing grade, as determined by the test sponsor, on the National Board Examination and the Clinical Competency Test within 10 years preceding application.

(b) An individual who meets the requirements of (a) above and who has made application to sit for the next scheduled practical examination shall be eligible for a temporary permit to be employed as an assistant in New Jersey under the responsible supervision of a qualified New Jersey licensed veterinarian acceptable to the Board at a practice located in the State of New Jersey, pursuant to the provisions of N.J.A.C. 13:44-2.

13:44-1.2 Required documentation; admission to New Jersey Practical Examination

(a) The applicant shall submit or arrange to have submitted, at least two months prior to the New Jersey Practical Examination, all of the following documents:

1. A completed application form which requests brief educational and experiential background;

2. The application fee set forth in N.J.A.C. 13:44-5.1;

3. Two passport size photographs;

4. National Board Examination and Clinical Competency Test scores through Interstate Reporting Service;

5. If the applicant is a graduate of an AVMA accredited program, an official transcript of veterinary school credits, to be forwarded directly to the Board by the college or university attended.

i. The transcript must contain signatures of college officials and be properly stamped.

ii. If the transcript is in a language other than English, the applicant must submit a verified English translation; and

6. If the applicant is a graduate of an ECFVG Program, notification that the applicant has satisfactorily completed the program, to be forwarded directly to the Board by the ECFVG office.

13:44-1.3 New Jersey Practical and Jurisprudence Examinations; passing score; examination review

(a) Applicants shall be required to obtain a grade of 70 on the New Jersey Practical Examination. Applicants applying for licensure by waiver of the Practical Examination shall be required to obtain a grade of 70 on the New Jersey Jurisprudence Examination.

(b) Within 14 days of the date of the letter of notification of examination results, an applicant who fails the examination may apply to the Board, in writing, for review of his or her answer sheet. The Executive Director will subsequently make the answer sheet available to the applicant at the Board office on a mutually convenient date.

(c) Within 14 days following review of the answer sheet, the applicant may file with the Executive Director a written notice of appeal of his or her examination grade. The notice must explain the basis of the appeal and be accompanied by any documentation, including reference material, which the applicant claims supports the appeal.

(d) The Board shall consider the appeal within 30 days of filing and may invite the candidate to appear for a hearing on the appeal.

(e) A candidate who has failed the New Jersey Practical Examination must wait five years from the date of the examination before applying for a license by waiver of examination.

13:44-1.4 Licensure by waiver of examination

(a) The Board shall waive the New Jersey Practical Examination for an applicant who:

1. Has held, for a minimum of five years immediately preceding application, a valid unsuspended and unrevoked license to practice veterinary medicine issued after examination by the District of Columbia or another state or territory which has education and examination requirements substantially equivalent to those required for licensure in New Jersey;

2. Has had active clinical experience of a type acceptable to the Board for three of the five years immediately preceding application;

3. Except as set forth in (b) below, has passed the National Board Examination and Clinical Competency Test; and

4. Presents no basis for concern as to competency or fitness for licensure and otherwise qualifies for licensure pursuant to N.J.S.A. 45:16-6.

(b) The National Board Examination requirement shall not apply to anyone who was licensed in another jurisdiction prior to June 1970 (the date the NBE first was administered). The CCT shall not apply to anyone who was licensed in another jurisdiction prior to 1982 (the date the test was first required by the Board.)

(c) An individual who qualifies under this section for licensure by waiver of the New Jersey Practical Examination shall be required to successfully complete the New Jersey Jurisprudence Examination.

13:44-1.5 Required documentation; application for licensure by waiver of examination

(a) An applicant for licensure by waiver of the New Jersey Practical Examination shall submit or arrange to have submitted all of the following documents:

1. All of the documents required pursuant to N.J.A.C. 13:44-1.2;

2. A certification from every state in which the applicant is or has been licensed verifying that the applicant holds or held a valid, unsuspended and unrevoked license to practice, and other pertinent information the Board may require;

i. An equine practitioner shall have the Racing Commisison of each state in which the applicant has practiced file a statement of good standing with the Board. The applicant shall also notify the Board if his or her privilege to practice veterinary medicine was ever suspended or revoked by an authority; and

3. Three notarized certifications of experience regarding the applicant, submitted directly by veterinarians actively licensed and practicing in the same jurisdiction(s) for which the experience is being certified. Each certification shall:

i. Be on professional letterhead stationery;

ii. State the exact dates of the period being certified;

iii. Indicate the type of experience acquired, for example, bovine, exotic, equine or small animal;

iv. Certify to the applicant's moral character; and

v. Provide a critical evaluation of the applicant's ability to practice with a professional recommendation for licensure.

13:44-1.6 Biennial license renewal

(a) Licensees shall renew their licenses by the date set forth on the application for biennial license renewal.

(b) The Board shall, upon notice to the licensee, suspend the license of any individual who fails to renew his or her license by the date set forth on the renewal application.

13:44-1.7 Reinstatement

(a) A licensee whose license has been suspended for failure to renew shall be reinstated at any time provided that the licensee:

1. Submits the following to the Board:

i. An application for license;

ii. The current and any past due biennial licensure fees; and

iii. The reinstatement fee as set forth in N.J.A.C. 13:44-5.1; and

2. Presents no basis for concern as to competency or fitness for licensure and otherwise qualifies for licensure pursuant to N.J.S.A. 45:16-6.

SUBCHAPTER 2. TEMPORARY PERMITS

13:44-2.1 Non-licensed veterinarians; permit required

A licensee shall not engage the services of a non-licensed veterinarian for the purpose of being trained or to practice veterinary medicine, dentistry or surgery unless the licensee first obtains a temporary permit issued by the Board.

13:44-2.2 Eligibility for temporary permit

(a) The Board shall issue a temporary permit to a licensed veterinarian seeking to employ an individual who is scheduled to take the next New Jersey Practical Examination or Veterinary Jurisprudence Examination provided that:

1. The candidate for licensure has received a passing grade, as determined by the test sponsor, on the National Board Examination and the Clinical Competency Test;

2. The candidate is employed at a practice located in New Jersey as an assistant under the responsible supervision of a New Jersey licensed veterinarian; and

3. Neither the potential employer nor the potential employee presents a basis for concern as to fitness or competency and both otherwise qualify for continuing licensure or initial licensure, respectively, pursuant to N.J.S.A. 45:16-6.

(b) A person practicing under a temporary permit who fails the New Jersey Practical Examination or Veterinary Jurisprudence Examination shall file an application for a new temporary permit within two weeks of the date the examination results were issued.

(c) An individual who fails the practical examination four times shall not continue to work under a temporary permit. Such individual may, however, continue to be reexamined until he or she successsfully completes the examination.

(d) A temporary permit shall not be transferable.

SUBCHAPTER 3. FACILITY REGISTRATION

13:44-3.1 (Reserved)

SUBCHAPTER [2.]4. GENERAL RULES OF PRACTICE

13:44-[2.1]4.1 Prescriptions

(a)-(d) (No change.)

(e) The licensee shall, upon request, provide a written prescription to an owner or caretaker who does not wish to purchase a prescription item directly from the licensee.

13:44-[2.2]**4.2** (No change in text.)

[13:44-2.3 (Reserved)]

13:44-4.3 Licensees who service pet shops

(a) A licensee who services pet shop(s) shall sign and print his or her name on each animal's health certificate or "Fit for Purchase" form, and on any other document which may be given to the consumer at the time of purchase that attests to findings made, care rendered or care prescribed for that animal by a licensed veterinarian.

(b) A licensee who signs an animal health certificate or "Fit for Purchase" form, or any other documents as set forth in (a) above shall:

1. Personally examine all pets before prescribing or administering medication;

2. Comply with N.J.A.C. 13:44-4.1 regarding prescriptions;

3. Not supply vaccine or other medications for which a prescription is necessary to pet shops to be administered by anyone other than the owner(s) of the pet shop or a licensee of the New Jersey Board of Veterinary Medical Examiners.

i. In the event a pet shop is owned and operated as a partnership or a corporation, the entity may designate an individual to receive and to administer the vaccine and medications; and

4. Maintain in his or her office accurate medical records listing all medications furnished to pet shops and the individual(s) to whom medications and vaccines, or prescriptions therefore, were delivered. Such records shall include, but not be limited to, the name and address of the recipient pet shop, date supplied, type of medication and strength per unit, number of units supplied, and directions given for use.

[13:44-2.4 Non-licensed veterinarians

No person shall engage the services of a non-licensed veterinarian for the purpose of being trained or to assist with the practice of veterinary medicine, dentistry or surgery unless, the non-licensed veterinarian first obtains a temporary permit or training certificate issued by the Board.]

Recodify existing 13:44-2.5 and 2.6 as **4.4 and 4.5** (No change in text.)

[13:44-2.7 (Reserved)]

13:44-[2.8]**4.6** (No change in text.)

[13:44-2.9 Temporary permits

(a) The following words and terms, when used in this section, have the following meanings unless the context clearly indicates otherwise:

1. "Temporary permit no. 1" means a temporary permit issued to an applicant for licensure pursuant to the first paragraph of N.J.S.A. 45:16-9.7.

2. "Temporary permit no. 2" means a temporary permit issued to a lawfully qualified veterinarian of another state to take charge temporarily of the practice of a lawfully qualified veterinarian of this State during his or her absence from such practice, pursuant to the second paragraph of N.J.S.A 45:16-9.7.

(b) A candidate who has filed an application for a review of credentials, and is waiting to take the next scheduled National Board Examination, Clinical Competency Test, the New Jersey Practical Examination, or Veterinary Jurisprudence Examination, may apply to the Board for a temporary permit number 1 to be employed as an assistant under the responsible supervision of a qualified New Jersey licensed veterinarian, except that a person with National Board Examination and/or Clinical Competency Test scores which do not meet New Jersey standards shall not be eligible to make application.

(c) Before a temporary permit number 1 is granted to an applicant waiting to take the next scheduled National Board Examination and/or the Clinical Competency Test, the candidate shall have the licensing agency of the jurisdiction in which the test(s) is being administered certify to the New Jersey Board the applicant has filed for examination. A temporary permit number 1 shall be issued in the name of the licensed veterinarian upon receipt of a properly executed application and fee and required document. The certificate shall expire when the candidate's examination results are released and shall not be extended. The holder of a temporary permit number 1 who fails to appear for a scheduled examination, without good cause, shall be disqualified from obtaining any additional permits.

(d) A candidate who fails an examination shall immediately cease and desist from the practice of veterinary medicine, dentistry and surgery until an application for another temporary permit is approved.

(e) The Board shall not issue more than four temporary permits to any applicant.

(f) A temporary permit shall not be transferable.

(g) The Board may issue a temporary permit number 2 for a period of up to 90 days when the New Jersey licensee shall be absent from his or her practice.

(h) To be eligible for a temporary permit number 2, an applicant shall:

1. Have five years of licensed active clinical experience to have been acquired within the seven year period immediately preceding the application;

2. Complete an application for a review of credentials and pay the required filing fee;

3. Submit three notarized certifications of experience regarding the applicant from veterinarians actively licensed and practicing in the same jurisdiction(s) for which the experience is being certified. Each certification shall be on professional letterhead stationery; state the exact dates of the period being certified; indicate the type of experience acquired, that is, bovine, exotic, equine or small animal; certify to the applicant's moral character; provide a critical evaluation of the applicant's ability to practice along with a professional recommendation for licensure. Certifications shall be sent to the Board by the certifying veterinarian.

4. Submit a certification from every state in which the applicant is licensed verifying that applicant holds a valid, unsuspended and revoked license to practice, and other pertinent information the Board may require.

5. An equine practitioner shall have the Racing Commission of each state in which the applicant has practiced during the five year experience period, file a statement of good standing with the Board. The practitioner shall also notify the Board if his or her privilege to practice veterinary medicine was ever suspended or revoked by any authority.

(i) Where a lawfully qualified veterinarian of another state has failed the New Jersey State Board examination, such failure may be grounds for denying of issuance of a temporary permit to such applicant to take charge temporarily of the practice of a lawfully qualified veterinarian of this State during his or her absence from such practice.]

Recodify existing 13:44-2.10 and 2.11 as **4.7 and 4.8** (No change in text.)

13:44-[2.12]**4.9** Patient records

(a) A licensee shall maintain a separate patient record for each animal, herd or flock. All patient records shall accurately reflect the treatment or services rendered. Such records shall include at least the following information:

1. The name of the facility and the name of the treating licensee. If the patient is treated by anyone other than the licensee, the licensee shall ensure that the identity of the individual providing the service is indicated in the patient record and that the provider initials and dates each entry he or she makes on the patient record;

2. The name, address and telephone number of the owner of the animal;

3. Sufficient information to clearly identify the animal, herd or flock (for example, animal name or tattoo, breed or predominent breed species);

4. A history of the presenting problem;

5. All pertinent symptoms and signs observed;

6. Tests ordered or performed and the results thereof;

7. Conclusions/diagnosis;

8. The treatment or treatment plan prescribed, including a specific notation of any medications or modalities prescribed;

9. Such other notes or information so as to provide a clear statement of the patient's condition and the veterinary evaluation and response;

10. The name, initials or other identifying information to indicate the identity of the licensee or agent making the entry in the patient record; and

11. Copies of any consent forms signed by the owner or the owner's representative.

Recodify existing (a) through (d) as **(b) through (e)** (No change in text.)

[13:44-2.13 Temporary permit fees

When a candidate for a State board examination submits an application for temporary permit, any temporary permit fee paid shall be applied to the examination fee only when the applicant sits for the full National Board examinations and New Jersey practical examination. A temporary permit fee shall apply only to the fee of the first full examination for which the applicant sits. A fee for the issuance of a temporary permit shall be required in all other circumstance.]

Recodify existing 13:44-2.14 and 2.15 as **4.10 and 4.11** (No change in text.)

SUBCHAPTER [4.]**5.** FEE SCHEDULE

13:44-[4.1]**5.1** General provisions

(a) The following fees shall be charged by the Board:

1.-3. (No change.)

4. [National Board Examination..... 150.00]
New Jersey Jurisprudence Examination..... 125.00

[5. Clinical Competency Examination..... 90.00]

[6.]**5.** Temporary Permit [I]..... 100.00

[7. Temporary Permit II..... 100.00]

Recodify existing 8.-13. as **6.-11.** (No change in text.)

(a)

NEW JERSEY RACING COMMISSION

Thoroughbred Rules

Intent of Medication Rules

Proposed Amendment: N.J.A.C. 13:70-14A.1

Authorized By: New Jersey Racing Commission,
Frank Zanzuccki, Executive Director.

Authority: N.J.S.A. 5:5-30.

Proposal Number: PRN 1994-322.

Submit written comments by June 15, 1994 to:
Michael Vukcevich, Deputy Director
New Jersey Racing Commission
CN 088
Trenton, New Jersey 08625

The agency proposal follows:

Summary

Effective March 7, 1994, the New Jersey Racing Commission ("Commission") adopted amendments to N.J.A.C. 13:70-14A.1. Among other things, the rule as amended may be read to allow for the intravenous or oral administration of phenylbutazone on the day of the race. This proposed amendment is being advanced to correct such and to, in accord with prior practice, by regulation prohibit the administration of phenylbutazone on the day of the race. In order to accomplish this, a related amendment is contemporaneously being proposed with respect to N.J.A.C. 13:70-14A.9, which was also the subject of amendment effective March 7, 1994. The latter amendment is intended to make clear that phenylbutazone may not be administered on the day of the race and that the penalties set forth therein are for administrations of the substance prior to race day. It should be noted that, in view of the current language of N.J.A.C. 13:70-14A.1 and 14A.9, and in accord with its regulatory authority, the Commission has issued a directive to the racing community which presently prohibits the administration of phenylbutazone on the day of the race.

Social Impact

The proposed amendment is not anticipated to have any measurable social impact. The amendment is consistent with the public interest in maintaining the integrity of racing. The amendment is being proposed to correct the language of N.J.A.C. 13:70-14A.1, in order to make such consistent with prior and existing practice as concerns phenylbutazone.

Economic Impact

It is not anticipated that the proposed amendment will result in any increase or decrease in costs to the horsemen or any other party. In the event of non-compliance with the amended rule, actions consistent with the rules and regulations of the Commission which could have a monetary impact, might result. Those horses determined not be in compliance prior to the start of the race might not be allowed to compete and a monetary loss in the form of lost entry fees, fees otherwise associated with the horses' entry in the race and loss of potential purse monies could result. Those same economic effects might result where the horse is determined to be out of compliance with the rule following the race. Additionally, the person or persons responsible for the violation would be subject to sanction in the form of a fine, suspension of license or such other penalty consistent with the rules and regulations of the Commission.

Regulatory Flexibility Analysis

The compliance requirement of the proposed amendment implicates owners, trainers, veterinarians and others affiliated with conditioning a horse for participation in a race, some of whom would be considered small businesses as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. Although the number of small businesses to which the rule would apply is not readily ascertainable, such entities would be required to comply with its requirements. As the amendment concerns limitations on what a horse may carry in its body and have administered to it on the day of the race, it would not result in identifiable expenses to such entities. Any expense to those entities and affiliated persons would result from the situation where a horse is determined not be in compliance with the rule, as described above. The Commission is of the view that the objectives of the amendment to maximize the safe conduct and integrity of racing, require a consistent application of its terms to small businesses without regard to type or size.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

13:70-14A.1 Intent of medication rules; general provisions

(a)-(c) (No change.)

(d) On the day of the race, except as otherwise provided for in these rules, no horse entered to start in or participating in any race shall have administered to it any such drug and/or substance foreign to the natural horse, including as a result of administration of an otherwise permissible external rub or what would otherwise constitute an innocuous compound. In no event, except for the intravenous administration of furosemide (Lasix) pursuant to N.J.A.C. 13:70-14A.9, [the intravenous or oral administration of phenylbutazone pursuant to N.J.A.C. 13:70-14A.9,] or as may otherwise specifically be authorized by or pursuant to these rules, shall the administration of said excepted items be accomplished intravenously, by injection, by jugging or drenching, or through the use of a syringe or sharp, dose syringe, or tube apparatus. A non-prohibited external rub or innocuous compound as defined in this section shall on the day of the race be administered only by application on the exterior of the horse, except that food constituting the normal and proper diet of a horse not containing prohibited drugs and/or substances may be ingested by means limited to the natural intake of a horse without aid or the assistance of any device or apparatus.

(e) (No change.)

(a)

NEW JERSEY RACING COMMISSION

Thoroughbred Rules

Administering Medication to Respiratory Bleeders; Standards for the Administration of Phenylbutazone

Proposed Amendment: N.J.A.C. 13:70-14A.9

Authorized By: New Jersey Racing Commission, Frank Zanzucki, Executive Director.

Authority: N.J.S.A. 5:5-30.

Proposal Number: PRN 1994-323.

Submit written comments by June 15, 1994 to:
Michael Vukcevich, Deputy Director
New Jersey Racing Commission
CN 088
Trenton, New Jersey 08625

The agency proposal follows:

Summary

Effective March 7, 1994, the New Jersey Racing Commission ("Commission") adopted amendments to N.J.A.C. 13:70-14A.9. The amendments may be read to allow for the intravenous or oral administration of phenylbutazone on the day of the race. This proposed amendment is being advanced to correct such and to, in accord with prior practice, by regulation prohibit the administration of phenylbutazone on the day of the race. The instant amendment makes clear that phenylbutazone may not be administered on the day of the race and that the penalties set forth in the instant regulation relate to prior administrations of the substance. In order to accomplish this, a related amendment is contemporaneously being proposed with respect to N.J.A.C. 13:70-14A.1, which was also the subject of amendment effective March 7, 1994. It should be noted that, in view of the current language of N.J.A.C. 13:70-14A.1 and 14A.9, and in accord with its regulatory authority, the Commission has issued a directive to the racing community which prohibits the administration of phenylbutazone on the day of the race.

The proposed amendment would not alter the penalties set forth in N.J.A.C. 13:70-14A.9, concerning post-race testing revealing the presence of phenylbutazone. It does, as noted, make clear that the penalty structure set forth therein is applicable where the administration occurred prior to the day of the race. In view of the instant amendment, and contemporaneous amendments to N.J.A.C. 13:70-14A.1, the adoption of the proposal would by regulation prohibit the administration of phenylbutazone on the day of the race. This prohibition is consistent with historical practice.

Social Impact

The proposed amendment is not anticipated to have any measurable social impact. The amendment is consistent with the public interest in maintaining the integrity of racing. The amendment is being proposed to correct the language of N.J.A.C. 13:70-14A.1, to make such consistent with prior and existing practice as concerns the time of administration of phenylbutazone.

Economic Impact

It is not anticipated that the proposed amendment will result in any increase or decrease in costs to the horsemen or any other party. In the event of non-compliance with the amended rule, actions consistent with the amendment could have a monetary impact on the responsible trainer, owner, veterinarian or such other person. These potential penalties include fines, license suspensions and, as to the owner and trainer, possible loss of purse.

Regulatory Flexibility Analysis

The compliance requirement of the proposed amendment implicates owners, trainers, veterinarians and others affiliated with the conditioning of a horse for participation in a race, some of whom would be considered small businesses as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. Although the number of small businesses affected by the amendment is not readily ascertainable, such entities would be required to comply with its requirements. As the amendment concerns limitations concerning phenylbutazone administration to race horses, it would not result in identifiable expenses to such entities. Any expense to those entities and responsible persons would result from the situation where a horse is determined not be in compliance with the rule, as described above. The Commission is of the view that the objectives of the amendment require a consistent application of its terms to small businesses without regard to type or size.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

13:70-14A.9 Administering medication to respiratory bleeders; standards for the administration of phenylbutazone

(a)-(e) (No change.)

(f) Notwithstanding anything to the contrary herein or in N.J.A.C. 13:70-14A.1, **no penalty shall be imposed where** on the day of the race a horse [may carry] **carries** in its body [and have administered to it, intravenously or orally,] phenylbutazone, **as a result of an administration prior to the day of the race,** in a quantity of 2.5 micrograms per milliliter or less as determined by post-race testing.

(g) Should the judges or stewards, as appropriate, determine that any trainer or persons have violated (f) above, **as a result of an administration prior to the day of the race,** they shall punish the offending party as follows:

1.-2. (No change.)

(b)

NEW JERSEY RACING COMMISSION

Harness Rules

Intent of Medication Rules

Proposed Amendment: N.J.A.C. 13:71-23.1

Authorized By: New Jersey Racing Commission, Frank Zanzucki, Executive Director.

Authority: N.J.S.A. 5:5-30.

Proposal Number: PRN 1994-324.

Submit written comments by June 15, 1994 to:
Michael Vukcevich, Deputy Director
New Jersey Racing Commission
CN 088
Trenton, New Jersey 08625

The agency proposal follows:

Summary

Effective March 7, 1994, the New Jersey Racing Commission ("Commission") adopted amendments to N.J.A.C. 13:71-23.1. Among other things, the rule as amended may be read to allow for the intravenous or oral administration of phenylbutazone on the day of the race. This proposed amendment is being advanced to correct such and to, in accord with prior practice, by regulation prohibit the administration of phenylbutazone on the day of the race. In order to accomplish this, a related amendment is contemporaneously being proposed with respect to N.J.A.C. 13:71-23.8, which was also the subject of amendment effective March 7, 1994. The latter amendment is intended to make clear that phenylbutazone may not be administered on the day of the race and that the penalties set forth therein are for administrations of the substance prior to race day. It should be noted that, in view of the current language of N.J.A.C. 13:71-23.1 and 13:71-23.8, and in accord with its regulatory authority, the Commission has issued a directive to the racing community which presently prohibits the administration of phenylbutazone on the day of the race.

Social Impact

The proposed amendment is not anticipated to have any measurable social impact. The amendment is consistent with the public interest in maintaining the integrity of racing. The amendment is being proposed to correct the language of N.J.A.C. 13:71-23.1, in order to make such consistent with prior and existing practice as concerns phenylbutazone.

Economic Impact

It is not anticipated that the proposed amendment will result in any increase or decrease in costs to the horsemen or any other party. In the event of non-compliance with the amended rule, actions consistent with the rules and regulations of the Commission which could have a monetary impact, might result. Those horses determined not to be in compliance prior to the start of the race might not be allowed to compete

and a monetary loss in the form of lost entry fees, fees otherwise associated with the horses' entry in the race and loss of potential purse monies could result. Those same economic effects might result where the horse is determined to be out of compliance with the rule following the race. Additionally, the person or persons responsible for the violation would be subject to sanction in the form of a fine, suspension of license or such other penalty consistent with the rules and regulations of the Commission.

Regulatory Flexibility Analysis

The compliance requirement of the proposed amendment implicates owners, trainers, veterinarians and others affiliated with conditioning a horse for participation in a race, some of whom would be considered small businesses as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. Although the number of small businesses to which the rule would apply is not readily ascertainable, such entities would be required to comply with its requirements. As the amendment concerns limitations on what a horse may carry in its body and have administered to it on the day of a race, it would not result in identifiable expenses to such entities. Any expense to those entities and affiliated persons would result from the situation where a horse is determined not be in compliance with the rule, as described above. The Commission is of the view that the objectives of the amendment, to maximize the safe conduct and integrity of racing, require a consistent application of its terms to small businesses without regard to type or size.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

13:71-23.1 Intent of medication rules; general provisions

(a)-(c) (No change.)

(d) On the day of the race, except as otherwise provided for in these rules, no horse entered to start in or participating in any race shall have administered to it any such drug and/or substance foreign to the natural horse, including as a result of administration of an otherwise permissible external rub or what would otherwise constitute an innocuous compound. In no event, except for the intravenous administration of furosemide (Lasix) pursuant to N.J.A.C. 13:71-23.8, [the intravenous or oral administration of phenylbutazone pursuant to N.J.A.C. 13:71-23.8,] or as may otherwise specifically be authorized by or pursuant to these rules, shall the administration of said excepted items be accomplished intravenously, by injection, by jugging or drenching, or through the use of a syringe or sharp, dose syringe, or tube apparatus. A non-prohibited external rub or innocuous compound as defined in this section shall on the day of the race be administered only by application on the exterior of the horse, except that food constituting the normal and proper diet of a horse not containing prohibited drugs and/or substances may be ingested by means limited to the natural intake of a horse without aid or the assistance of any device or apparatus.

(e) (No change.)

(a)

NEW JERSEY RACING COMMISSION

Harness Rules

Administering Medication to Respiratory Bleeders; Standards for the Administration of Phenylbutazone

Proposed Amendment: N.J.A.C. 13:71-23.8

Authorized By: New Jersey Racing Commission, Frank Zanzuccki, Executive Director.

Authority: N.J.S.A. 5:5-30.

Proposal Number: PRN 1994-325.

Submit written comments by June 15, 1994 to:

Michael Vukcevich, Deputy Director
New Jersey Racing Commission
CN 088
Trenton, New Jersey 08625

The agency proposal follows:

Summary

Effective March 7, 1994, the New Jersey Racing Commission ("Commission") adopted amendments to N.J.A.C. 13:71-23.8. The amendments may be read to allow for the intravenous or oral administration of phenylbutazone on the day of the race. This proposed amendment is being advanced to correct such and to, in accord with prior practice, by regulation prohibit the administration of phenylbutazone on the day of the race. The instant amendment makes clear that phenylbutazone may not be administered on the day of the race and that the penalties set forth in the instant regulation relate to prior administrations of the substance. In order to accomplish this, a related amendment is contemporaneously being proposed with respect to N.J.A.C. 13:71-23.1, which was also the subject of amendment effective March 7, 1994. It should be noted that, in view of the current language of N.J.A.C. 13:71-23.1 and 23.8, and in accord with its regulatory authority, the Commission has issued a directive to the racing community which prohibits the administration of phenylbutazone on the day of the race.

The proposed amendment would not alter the penalties set forth in N.J.A.C. 13:71-23.8, concerning post-race testing revealing the presence of phenylbutazone. It does, as noted, make clear that the penalty structure set forth therein is applicable where the administration occurred prior to the day of the race. In view of the instant amendment, and contemporaneous amendments to N.J.A.C. 13:71-23.1, the adoption of the amendment would by regulation prohibit the administration of phenylbutazone on the day of the race. This prohibition is consistent with historical practice.

Social Impact

The proposed amendment is not anticipated to have any measurable social impact. The amendment is consistent with the public interest in maintaining the integrity of racing. The amendment is being proposed to correct the language of N.J.A.C. 13:71-23.8, to make such consistent with prior and existing practice as concerns the time of administration of phenylbutazone.

Economic Impact

It is not anticipated that the proposed amendment will result in any increase or decrease in costs to the horsemen or any other party. In the event of non-compliance with the amended rule, actions consistent with the amendment could have a monetary impact on the responsible trainer, owner, veterinarian or such other person. These potential penalties include fines, license suspensions and, as to the owner and trainer, possible loss of purse.

Regulatory Flexibility Analysis

The compliance requirement of the proposed amendment implicates owners, trainers, veterinarians and others affiliated with the conditioning of a horse for participation in a race, some of whom would be considered small businesses as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. Although the number of small businesses affected by the amendment is not readily ascertainable, such entities would be required to comply with its requirements. As the amendment concerns limitations concerning phenylbutazone administration to race horses, it would not result in identifiable expenses to such entities. Any expense to those entities and responsible persons would result from the situation where a horse is determined not to be in compliance with the rule, as described above. The Commission is of the view that the objectives of the amendment require a consistent application of its terms to small businesses without regard to type or size.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

13:71-23.8 Administering medication to respiratory bleeders; standards for the administration of phenylbutazone

(a)-(e) (No change.)

(f) Notwithstanding anything to the contrary herein or in N.J.A.C. 13:71-23.1, no penalty shall be imposed where on the day of the race a horse [may carry] carries in its body [and have administered to it, intravenously or orally,] phenylbutazone, **as a result of an administration prior to the day of the race,** in a quantity of 2.5 micrograms per milliliter or less as determined by post-race testing.

(g) Should the judges or stewards, as appropriate, determine that any trainer or persons have violated (f) above, **as a result of an**

administration prior to the day of the race, they shall punish the offending party as follows:

1.-2. (No change.)

TRANSPORTATION

(a)

DIVISION OF RIGHT OF WAY
BUREAU OF RELOCATION SERVICES AND PROPERTY MANAGEMENT

Relocation Assistance

Proposed Readoption: N.J.A.C. 16:6

Authorized By: W. Dennis Keck, Acting Assistant Commissioner for Policy and Planning.

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 27:7-27, 27:7-72 through 27:7-88 and the Uniform Transportation Replacement Housing and Relocation Act (P.L. 1972, c.47 as amended by P.L. 1989, c.50, effective March 14, 1989).

Proposal Number: PRN 1994-291.

Submit comments by June 15, 1994 to:

Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
CN 600
Trenton, New Jersey 08625

The agency proposal follows:

Summary

In accordance with the "sunset" and other provisions of Executive Order No. 66(1978), the Department of Transportation proposes to readopt N.J.A.C. 16:6, which concerns relocation assistance involving the acquisition of real property or the displacement of persons, including displacements caused by rehabilitation and demolition activities. These rules are scheduled to expire on August 7, 1994.

The chapter has been reviewed by the Department's Bureau of Relocation Assistance in compliance with Executive Order No. 66(1978) and was found adequate, reasonable, understandable and necessary for the purpose for which it was promulgated.

The chapter continues a program within the Department to oversee and financially assist in the acquisition of real property or the displacement of persons, including displacements caused by rehabilitation and demolition activities in the acquisition of right-of-way.

The chapter complies with the provisions of the Uniform Transportation Replacement Housing and Relocation Act as amended and P.L. 1989, c.50, and the Federal Highway Administration requirements for implementing the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. The uniform regulations, policies and operating procedures governing relocation assistance are published in full in the Federal Register at 8912, Vol. 54, No. 40, March 2, 1989. These regulations can be found in the Code of Federal Regulations (CFR Part 24).

These rules have been very effective in problem solving associated with the displacement of individuals, families, businesses, farms and nonprofit organizations and have also been effective in developing solutions to minimize the adverse impact associated with the displacement or relocation.

The chapter is summarized as follows:

Subchapter 1 outlines the general provisions of the rule concerning relocation.

Subchapter 2 establishes guidelines for the payment of moving and related expenses.

Subchapter 3 describes the organization and procedures establishing the exercise and delegation of powers and appeal procedures to be followed.

Social Impact

The chapter proposed for readoption will not and has not affected the general public in that it primarily pertains to those who are displaced or relocated as a result of a transportation project by the Department of Transportation. The Department's continued need to provide relocation assistance involving the acquisition of real property or the displacement of persons, including displacements caused by rehabilitation and demolition activities which existed at the time of the Chapter's adoption still exist. Those primarily affected by these rules have reacted very favorably because of the beneficial impact experienced by those who have been displaced or relocated. If the chapter is not readopted the Department and those affected by the Uniform Relocation Act, would be adversely affected financially.

Economic Impact

The proposed readoption will continue the economic impacts mandated primarily by the provisions of changes in the Federal Laws of 1987. Since some of the changes are administrative and procedural, substantial savings to the State would result in the administration of the law, primarily in the reduction of paperwork and uniformity of procedures. Other changes, which increase benefit levels to displaced persons and provide additional benefits to small businesses, should result in a modest increase which will vary in amounts on a case-by-case basis.

The Department, State and individuals affected would incur direct and indirect costs involved in the arrangement and coordination of the formal appeal process before an Administrative Law Judge where there are contested cases. Additionally, the person so affected may elect to be represented by legal counsel or other representative at their expense. While the economic conditions of the past have changed, however, these changes have not necessitated changes in the rules. Failure to readopt these rules would have a detrimental effect to all concerned.

Regulatory Flexibility Analysis

The proposed readoption does not place any reporting or recordkeeping requirements on small businesses as the term is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. They do place compliance requirements on small businesses involved in the relocation process, by way of limiting what may or may not be reimbursable. The rules comply with the provisions of the Uniform Transportation Replacement Housing and Relocation Act for Federal and Federally Assisted Programs, (P.L. 1972, c.47 as amended by P.L. 1989, c.50).

Rules regarding payment for actual moving and related expenses at N.J.A.C. 16:6-2.3 and fixed payment for moving expenses at N.J.A.C. 16:6-2.4 are proposed for nonresidential moves. Ineligible moving and related expenses are set forth at N.J.A.C. 16:6-2.5. Small businesses, defined for the purposes of this chapter as businesses having one but not more than 500 employees, are eligible for a relocation and re-establishment payment of up to $10,000 in accordance with N.J.A.C. 16:6-2.6. There has been no differentiation made based upon the size of the business because there is a limit of what may or may not be reimbursable.

Full text of the proposed readoption may be found in the New Jersey Administrative Code at N.J.A.C. 16:6.

(b)

DIVISION OF TRAFFIC ENGINEERING AND LOCAL AID
BUREAU OF TRAFFIC ENGINEERING AND SAFETY PROGRAMS

Speed Limits
Route N.J. 37
Lakehurst Borough, Manchester Township, Dover Township, Island Heights Borough, Berkeley Township and Seaside Heights Borough in Ocean County

Proposed Amendment: N.J.A.C. 16:28-1.5

Authorized By: Richard C. Dube, Director, Division of Traffic Engineering and Local Aid.

Authority: N.J.S.A. 27:1A-5, 27:1A-6 and 39:4-98.

Proposal Number: PRN 1994-309.

Submit comments by June 15, 1994 to:
William E. Anderson
Manager
New Jersey Department of Transportation
Bureau of Traffic Engineering and Safety Programs
1035 Parkway Avenue
CN 613
Trenton, New Jersey 08625

The agency proposal follows:

Summary

The Department of Transportation proposes to amend N.J.A.C. 16:28-1.5 to establish revised "speed limit" zones along Route N.J. 37 for its entire length in Lakehurst Borough, Manchester Township, Dover Township, Island Heights Borough, Berkeley Township and Seaside Heights Borough in Ocean County, for the efficient flow of traffic, the enhancement of safety, and the well-being of the populace.

Upon completion of the reconstruction and dualization of Route N.J. 37, between the Garden State Parkway and Route N.J. 70, the Department's Bureau of Traffic Engineering and Safety Programs conducted a traffic investigation. The investigation concluded that the establishment of revised "speed limit" zones along Route N.J. 37 was warranted.

Appropriate signs shall be erected in areas where the speed limit zones have been changed.

Social Impact

The proposed amendment will establish a 50 miles per hour "speed limit" zone along Route N.J. 37 in Lakehurst Borough, Manchester Township, Dover Township, Island Heights Borough, Berkeley Township and Seaside Heights Borough in Ocean County, for the efficient flow of traffic, the enhancement of safety, and the well-being of the populace. Appropriate signs will be erected to advise the motoring public.

Economic Impact

The Department and local governments will incur direct and indirect costs for mileage, personnel and equipment requirements. The Department will bear the costs for the installation of "speed limit" zone signs. The costs involved in the installation and procurement of signs vary, depending upon the material used, size and method of procurement. Motorists who violate the rules will be assessed the appropriate fine in accordance with the "Statewide Violations Bureau Schedule," issued under New Jersey Court Rule 7:7-3.

Regulatory Flexibility Statement

The proposed amendment does not place any reporting, recordkeeping or compliance requirements on small businesses as the term is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendment primarily affects the motoring public and the governmental entities responsible for the enforcement of the rules.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

16:28-1.5 Route 37

(a) The rate of speed designated for the certain parts of State highway [route number] **Route** 37 described in this section shall be [and hereby is] established [and adopted] as the maximum legal rate of speed [thereat]:

1. For both directions of traffic:

[i. Zone 1: 50 miles per hour in Lakehurst Borough, Manchester Township and Dover Township from Lakehurst Traffic Circle to a point 200 feet west of Tuyahon Boulevard; thence

ii. Zone 2: 45 miles per hour in Dover Township to the Garden State Parkway; thence

iii. Zone 3: 50 miles per hour in Dover Township, Island Heights Borough, Berkeley Township and the Borough of Seaside Heights to Route 35.]

i. 50 mph within the corporate limits of Lakehurst Borough, Manchester Township, Dover Township, Island Heights Borough, Berkeley Township and Seaside Heights Borough in the County of Ocean (approximate mileposts 0.00 to 13.42).

(a)

DIVISION OF TRAFFIC ENGINEERING AND LOCAL AID

BUREAU OF TRAFFIC ENGINEERING AND SAFETY PROGRAMS

Speed Limits

Route U.S. 46, including Route U.S. 1, 9 and 46 Washington Township, Morris County

Proposed Amendment: N.J.A.C. 16:28-1.10

Authorized By: Richard C. Dube, Director, Division of Traffic Engineering and Local Aid.

Authority: N.J.S.A. 27:1A-5, 27:1A-6 and 39:4-98.

Proposal Number: PRN 1994-285.

Submit comments by June 15, 1994 to:
William E. Anderson
Manager
New Jersey Department of Transportation
Bureau of Traffic Engineering and Safety Programs
1035 Parkway Avenue
CN 613
Trenton, New Jersey 08625

The agency proposal follows:

Summary

The Department of Transportation proposes to amend N.J.A.C. 16:28-1.10 to establish revised "speed limit" zones along Route U.S. 46, including Route U.S. 1, 9 and 46 in Washington Township, Morris County, for the efficient flow of traffic, the enhancement of safety, and the well-being of the populace.

Based upon request of the local government and as part of a review of current conditions, the Department's Bureau of Traffic Engineering and Safety Programs conducted a traffic investigation. The investigation proved that the establishment of revised "speed limit" zones along Route U.S. 46, including Route U.S. 1, 9 and 46 was warranted.

Appropriate signs shall be erected in areas where the speed limit zones have been changed.

Social Impact

The proposed amendment will establish revised "speed limit" zones along Route U.S. 46, including Route U.S. 1, 9 and 46 in Washington Township, Morris County, for the efficient flow of traffic, the enhancement of safety, and the well-being of the populace. Appropriate signs will be erected to advise the motoring public.

Economic Impact

The Department and local governments will incur direct and indirect costs for mileage, personnel and equipment requirements. The Department will bear the costs for the installation of "speed limit" zone signs. The costs involved in the installation and procurement of signs vary, depending upon the material used, size and method of procurement. Motorists who violate the rules will be assessed the appropriate fine in accordance with the "Statewide Violations Bureau Schedule," issued under New Jersey Court Rule 7:7-3.

Regulatory Flexibility Statement

The proposed amendment does not place any reporting, recordkeeping or compliance requirements on small businesses as the term is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendment primarily affects the motoring public and the governmental entities responsible for the enforcement of the rules.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

16:28-1.10 Route U.S. 46 including Route U.S. 1, 9 and 46

(a) The rate of speed designated for the certain parts of State highway Route U.S. 46 described in this subsection shall be established and adopted as the maximum legal rate of speed:

1. For both directions of traffic:

i.-v. (No change.)

vi. Zone eight: [35 mph to Mine Brook Bridge, Washington Township (milepost 22.48)] **30 mph between the Musconetcong River (Warren County-Morris County line) and 180 feet west of Old Mine Road (approximate mileposts 21.82 to 21.93); thence**

vii. Zone nine: 35 mph between 180 feet west of Old Mine Road and Mine Brook Bridge (approximate mileposts 21.93 to 22.48)

2.-6. (No change.)

(b) (No change.)

(a)

DIVISION OF TRAFFIC ENGINEERING AND LOCAL AID

BUREAU OF TRAFFIC ENGINEERING AND SAFETY PROGRAMS

Speed Limits

Route U.S. 46, including Route U.S. 1, 9 and 46 Town of Dover, Morris County

Proposed Amendment: N.J.A.C. 16:28-1.10

Authorized By: Richard C. Dube, Director, Division of Traffic Engineering and Local Aid.

Authority: N.J.S.A. 27:1A-5, 27:1A-6 and 39:4-98.

Proposal Number: PRN 1994-275.

Submit comments by June 15, 1994 to:

William E. Anderson
Manager
New Jersey Department of Transportation
Bureau of Traffic Engineering and Safety Programs
1035 Parkway Avenue
CN 613
Trenton, New Jersey 08625

The agency proposal follows:

Summary

The Department of Transportation proposes to amend N.J.A.C. 16:28-1.10 to establish revised "speed limit" zones along Route U.S. 46, including Route U.S. 1, 9 and 46 in the Town of Dover, Morris County, for the efficient flow of traffic, the enhancement of safety, the well-being of the populace and for the safety of children attending the East Dover Elementary School.

Based upon a written request dated February 6, 1991 from the local government of the Town of Dover, and as part of a review of current conditions, the Department's Bureau of Traffic Engineering and Safety Programs conducted a traffic investigation. The investigation proved that the establishment of a flashing school "speed limit" sign along Route U.S. 46, including Route U.S. 1, 9 and 46 in the vicinity of the East Dover Elementary School (mileposts 38.18 to 39.14) was warranted.

Appropriate signs shall be erected in areas where the speed limit zones have been changed.

Social Impact

The proposed amendment will establish a school "speed limit" zone along Route U.S. 46, including Route U.S. 1, 9 and 46 in the Town of Dover, Morris County, for the efficient flow of traffic, the enhancement of safety, and the well-being of the populace. Appropriate signs will be erected to advise the motoring public.

Economic Impact

The Department and local government will incur direct and indirect costs for mileage, personnel and equipment requirements. The Department will bear the costs for the installation of "speed limit" zone signs. The costs involved in the installation and procurement of signs vary, depending upon the material used, size and method of procurement. Motorists who violate the rules will be assessed the appropriate fine in accordance with the "Statewide Violations Bureau Schedule," issued under New Jersey Court Rule 7:7-3.

Regulatory Flexibility Statement

The proposed amendment does not place any reporting, recordkeeping or compliance requirements on small businesses as the term is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendment primarily affects the motoring public and the government entities responsible for the enforcement of the rules.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

16:28-1.10 Route U.S. 46, including Route U.S. 1, 9 and 46

(a) The rate of speed designated for the certain parts of State highway Route U.S. 46 described in this subsection shall be established and adopted as the maximum legal rate of speed:

1.-3. (No change.)

4. For both directions of traffic:

i.-x. (No change.)

xi. In the Town of Dover, Morris County:

(1) (No change.)

(2) Zone 22: 35 mph between the bridge over Central Railroad and Perry Street, except for 25 mph when passing through the East Dover Middle School zone[, during recess when the presence of children is clearly visible from the roadway] **(Belmont Avenue to Trenton Street) while 25 mph "WHEN FLASHING" signs are operating during recess** or while children are going to or leaving school, during opening or closing hours (approximate mileposts 38.18 to 39.14); thence

(3) Zone 23: 40 mph between Perry Street and the Rockaway Township line (George Street), [except for 25 mph when passing through the East Dover elementary school zone, during recess when the presence of children is clearly visible from the roadway or while children are going to or leaving school, during opening or closing hours] (approximate mileposts 39.14 to 39.50); thence

(A)-(B) (No change.)

xiii.-xiv. (No change.)

5.-6. (No change.)

(b) (No change.)

(b)

DIVISION OF TRAFFIC ENGINEERING AND LOCAL AID

BUREAU OF TRAFFIC ENGINEERING AND SAFETY PROGRAMS

Speed Limits

Route U.S. 9

Berkeley Township and Pine Beach Borough in Ocean County

Proposed Amendment: N.J.A.C. 16:28-1.41

Authorized By: Richard C. Dube, Director, Division of Traffic Engineering and Local Aid.

Authority: N.J.S.A. 27:1A-5, 27:1A-6 and 39:4-98.

Proposal Number: PRN 1994-295.

Submit comments by June 15, 1994 to:

William E. Anderson
New Jersey Department of Transportation
Bureau of Traffic Engineering and Safety Programs
1035 Parkway Avenue
CN 613
Trenton, New Jersey 08625

The agency proposal follows:

Summary

The Department of Transportation proposes to amend N.J.A.C. 16:28-1.41 to establish revised "speed limit" zones along Route U.S. 9 in the Township of Berkeley and the Borough of Pine Beach, Ocean County, for the efficient flow of traffic, the enhancement of safety, and the well-being of the populace.

Based upon request by letter dated December 30, 1993 of the local government of the Township of Berkeley, Ocean County, for a reduction in the speed limit along Route U.S. 9 and as part of a review of current conditions, the Department's Bureau of Traffic Engineering and Safety Programs conducted a traffic investigation. The investigation proved that

the establishment of revised "speed limit" zones along Route U.S. 9 was warranted.

Appropriate signs shall be erected in areas where the speed limit zones have been revised.

Social Impact

The proposed amendment will establish revised "speed limit" zones along Route U.S. 9 in the Township of Berkeley and the Borough of Pine Beach, Ocean County, for the efficient flow of traffic, the enhancement of safety, and the well-being of the populace. Appropriate signs will be erected to advise the motoring public.

Economic Impact

The Department and local governments will incur direct and indirect costs for mileage, personnel and equipment requirements. The Department will bear the costs for the installation of "speed limit" zone signs. The costs involved in the installation and procurement of signs vary, depending upon the material used, size and method of procurement. Motorists who violate the rules will be assessed the appropriate fine in accordance with the "Statewide Violations Bureau Schedule," issued under New Jersey Court Rule 7:7-3.

Regulatory Flexibility Statement

The proposed amendment does not place any reporting, recordkeeping or compliance requirements on small businesses as the term is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendment primarily affects the motoring public and the governmental entities responsible for the enforcement of the rules.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

16:28-1.41 Route U.S. 9

(a) (No change.)

(b) The rate of speed designated for the certain parts of State highway Route U.S. 9 (and excluding Garden State Parkway Authority sections) described in this subsection shall be established [and adopted] as the maximum legal rate of speed for both directions of traffic:

1.-18. (No change.)

19. [45 miles per hour between Lacey Township-Berkeley Township line (Cedar Creek) and 350 feet south of John F. Kennedy Boulevard (approximate mileposts 83.94 to 88.63); thence] **45 mph in Berkeley Township between the Lacey Township-Berkeley Township corporate line (Cedar Creek) and Center Boulevard (approximate mileposts 83.94 to 85.65); thence**

20. [35 miles per hour between 350 feet south of John F. Kennedy Boulevard and the Berkeley Township-Pine Beach Borough, Beachwood Borough line (Mizzen Avenue) (approximate mileposts 88.63 to 89.45); thence] **40 mph between Center Boulevard and Lawrence Avenue (approximate mileposts 85.65 to 86.67); thence**

21. 35 mph in Berkeley Township and Pine Beach Borough between Lawrence Avenue and the Berkeley Township, Pine Beach Borough and Beachwood Borough corporate line (Mizzen Avenue) (approximate mileposts 86.67 to 89.45); thence

Recodify existing 21.-32. as **22.-33.** (No change in text.)

(a)

DIVISION OF TRAFFIC ENGINEERING AND LOCAL AID

BUREAU OF TRAFFIC ENGINEERING AND SAFETY PROGRAMS

Speed Limits

Route U.S. 206 including U.S. 206 and U.S. 130 Chester Borough, Chester Township, Mount Olive Township and Roxbury Township, Morris County

Proposed Amendment: N.J.A.C. 16:28-1.72

Authorized By: Richard C. Dube, Director, Division of Traffic Engineering and Local Aid.

Authority: N.J.S.A. 27:1A-5, 27:1A-6 and 39:4-98.

Proposal Number: PRN 1994-274.

Submit comments by June 15, 1994 to:

William E. Anderson
Manager
New Jersey Department of Transportation
Bureau of Traffic Engineering and Safety Programs
1035 Parkway Avenue
CN 613
Trenton, New Jersey 08625

The agency proposal follows:

Summary

The Department of Transportation proposes to amend N.J.A.C. 16:28-1.72 to establish revised "speed limit" zones along Route U.S. 206, including U.S. 206 and U.S. 130 in Chester Borough, Chester Township, Mount Olive Township and Roxbury Township, Morris County, for the efficient flow of traffic, the enhancement of safety, and the well-being of the populace.

Based upon request of the local government of Mount Olive Township by letter dated November 2, 1992, to reduce the existing speed limits because of the build-up of the areas between mileposts 90.6 and 92.6, and as part of a review of current conditions, the Department's Bureau of Traffic Engineering and Safety Programs conducted a traffic investigation. The investigation proved that the establishment of revised "speed limit" zones along Route U.S. 206, including U.S. 206 and U.S. 130 were warranted in Chester Borough, Chester Township, Mount Olive Township and Roxbury Township.

Appropriate signs shall be erected in areas where the speed limit zones have been changed.

Social Impact

The proposed amendment will establish "speed limit" zones along Route U.S. 206, including Route U.S. 206 and Route U.S. 130 for the efficient flow of traffic, the enhancement of safety, and the well-being of the populace. Appropriate signs will be erected to advise the motoring public.

Economic Impact

The Department and local governments will incur direct and indirect costs for mileage, personnel and equipment requirements. The Department will bear the costs for the installation of "speed limit" zone signs. The costs involved in the installation and procurement of signs vary, depending upon the material used, size and method of procurement. Motorists who violate the rules will be assessed the appropriate fine in accordance with the "Statewide Violations Bureau Schedule," issued under New Jersey Court Rule 7:7-3.

Regulatory Flexibility Statement

The proposed amendment does not place any reporting, recordkeeping or compliance requirements on small businesses as the term is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendment primarily affects the motoring public and the governmental entities responsible for the enforcement of the rules.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

16:28-1.72 Route U.S. 206, including U.S. 206 and U.S. 130

(a)-(c) (No change.)

(d) The rate of speed designated for the certain parts of State highway Route U.S. 206 described in this subsection shall be established and adopted as the maximum legal rate of speed:

1. For both directions of traffic:

i. (No change.)

ii. Morris County:

(1) (No change.)

(2) Chester Borough, Chester, Mount Olive and Roxbury Townships, Morris County:

(A) Zone 5: 50 mph in Chester Borough from 1,100 feet north of Route 24 (Main Street) [extending through Chester and Mount Olive Townships and into Roxbury Township to Route I-80, Route 183 and Route U.S. 206 Interchange.] **to the Chester Township-Mount Olive Township corporate line. (approximate milepost 87.10 to 89.50); thence**

(B) Zone 6: 45 mph between the Chester Township-Mount Olive Township corporate line and Netcong-Flanders Road (approximate milepost 89.50 to 92.17); thence

(c) Zone 7: 50 mph in Mount Olive Township, Roxbury Township between Netcong-Flanders Road to Route I-80, Route 183 and Route U.S. 206 Interchange (approximate mileposts 92.17 to 95.61); thence

(3) Roxbury Township, Netcong Borough and Mount Olive Township, Morris County; Stanhope Borough and Byram Township, Sussex County:

(A) Zone [6] **8**: 55 mph (also part Route I-80) in Roxbury Township from Route I-80, Route 183, and Route U.S. 206 Interchange extending through Netcong Borough, Mount Olive Township and into Stanhope Borough and Byram Township to Route 183.

(4) Stanhope Borough and Byram Township, Sussex County:

(A) Zone [7] **9**: 50 mph from Route 183 to Acorn Street.

(5) Byram Township:

(A) Zone [8] **10**: 40 mph from Acorn Street to Waterloo Road-Brookwood Road; thence

(B) Zone [9] **11**: 45 mph between Waterloo Road-Brookwood Road and Johnson Boulevard (approximate mileposts 98.71 to 100.61); thence

(6) Byram Township and Andover Borough, Sussex County:

(A) Zone [10] **12**: 50 mph between Johnson Boulevard and 1,260 feet south of the D.L. and W. Railroad Overpass (approximate mileposts 100.61 to 102.71).

(7) Andover Borough:

(A) Zone [11] **13**: 40 mph from 1,260 feet south of the D.L. and W. Railroad (main line) overpass to Maple Avenue; thence

(B) Zone [12] **14**: 30 mph from Maple Avenue to 100 feet north of Route 517; thence

(C) Zone [13] **15**: 40 mph from 100 feet north of Route 517 to the Andover Borough-Andover Township line; thence

(8)-(12) (No change.)

(a)

DIVISION OF TRAFFIC ENGINEERING AND LOCAL AID

BUREAU OF TRAFFIC ENGINEERING AND SAFETY PROGRAMS

Speed Limits

Route N.J. 45

West Deptford and Deptford Townships, Woodbury Heights Borough and the City of Woodbury, Gloucester County

Proposed Amendment: N.J.A.C. 16:28-1.96

Authorized By: Richard C. Dube, Director, Division of Traffic Engineering and Local Aid.

Authority: N.J.S.A. 27:1A-5, 27:1A-6 and 39:4-98.

Proposal Number: PRN 1994-286.

Submit comments by June 15, 1994 to:

William E. Anderson
Manager
New Jersey Department of Transportation
Bureau of Traffic Engineering and Safety Programs
1035 Parkway Avenue
CN 613
Trenton, New Jersey 08625

The agency proposal follows:

Summary

The Department of Transportation proposes to amend N.J.A.C. 16:28-1.96 to establish revised "speed limit" zones along Route N.J. 45 in West Deptford and Deptford Townships, Woodbury Heights Borough and the City of Woodbury in Gloucester County, for the efficient flow of traffic, the enhancement of safety and the well-being of the populace.

As part of a review of current conditions, the Department's Bureau of Traffic Engineering and Safety Programs conducted a traffic investigation. The investigation proved that the establishment of revised "speed limit" zones along Route N.J. 45 were warranted.

Appropriate signs shall be erected in areas where the speed limit zones have been changed.

Social Impact

The proposed amendment will establish revised "speed limit" zones along Route U.S. 45 in West Deptford and Deptford Townships, Woodbury Heights Borough and the City of Woodbury in Gloucester County, for the efficient flow of traffic, the enhancement of safety, and the well-being of the populace. Appropriate signs will be erected to advise the motoring public.

Economic Impact

The Department and local governments will incur direct and indirect costs for mileage, personnel and equipment requirements. The Department will bear the costs for the installation of "speed limit" zone signs. The costs involved in the installation and procurement of signs vary, depending upon the material used, size and method of procurement. Motorists who violate the rules will be assessed the appropriate fine in accordance with the "Statewide Violations Bureau Schedule," issued under New Jersey Court Rule 7:7-3.

Regulatory Flexibility Statement

The proposed amendment does not place any reporting, recordkeeping or compliance requirements on small businesses as the term is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendment primarily affects the motoring public and the governmental entities responsible for the enforcement of the rules.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

16:28-1.96 Route 45

(a) The rate of speed designated for the certain parts of State highway Route N.J. 45 described in this subsection shall be established and adopted as the maximum legal rate of speed:

1. For both directions of traffic:

i. (No change.)

ii. In Gloucester County:

(1)-(3) (No change.)

(4) West Deptford and Deptford Townships; Woodbury Heights Borough and the City of Woodbury:

(A)-(B) (No change.)

(C) Zone 3: 40 [miles per hour] **mph** between Evergreen Avenue (County Road 650) and [Carpenter] **Stuart** Street in [Woodbury City and] Woodbury Heights Borough **and the City of Woodbury** (approximate mileposts 24.82 to [25.40] **25.11**); thence

[(D) Zone 4: 25 miles per hour between Carpenter Street and Hunter Street in Woodbury City (approximate mileposts 25.40 to 25.95); thence]

(D) Zone 4: 30 mph between Stuart Street and Carpenter Street in the City of Woodbury (approximate mileposts 25.11 to 25.40); thence

[(E) Zone 5: 30 miles per hour between Hunter Street and Hessian Avenue in Woodbury City and West Deptford Township (approximate mileposts 25.95 to 26.94); thence]

E. Zone 5: 25 mph between Carpenter Street and Hunter Street in the City of Woodbury (approximate mileposts 25.40 to 25.95); thence

[(F) Zone 6: 45 miles per hour between Hessian Avenue and the West Deptford Township-Westville Borough line in West Deptford Township (approximate mileposts 26.94 to 27.78); thence]

F. Zone 6: 30 mph between Hunter Street and Hessian Avenue in the City of Woodbury and West Deptford Township (approximate mileposts 25.95 to 26.94); thence

G. Zone 7: 45 mph between Hessian Avenue and the West Deptford Township-Westville Borough corporate line (approximate mileposts 26.94 to 27.78); thence

(5) (No change.)

(a)

DIVISION OF TRAFFIC ENGINEERING AND LOCAL AID
BUREAU OF TRAFFIC ENGINEERING AND SAFETY PROGRAMS
Speed Limits
Route N.J. 31
Clinton Township, Hunterdon County
Proposed Amendment: N.J.A.C. 16:28-1.106

Authorized By: Richard C. Dube, Director, Division of Traffic Engineering and Local Aid.
Authority: N.J.S.A. 27:1A-5, 27:1A-6 and 39:4-98.
Proposal Number: PRN 1994-293.

Submit comments by June 15, 1994 to:
William E. Anderson
Manager
New Jersey Department of Transportation
Bureau of Traffic Engineering and Safety Programs
1035 Parkway Avenue
CN 613
Trenton, New Jersey 08625

The agency proposal follows:

Summary

The Department of Transportation proposes to amend N.J.A.C. 16:28-1.106 to establish revised "speed limit" zones along Route N.J. 31 in Clinton Township, Hunterdon County, for the efficient flow of traffic, the enhancement of safety, and the well-being of the populace.

As part of a review of current conditions, the Department's Bureau of Traffic Engineering and Safety Programs conducted a traffic investigation. The investigation proved that the establishment of revised "speed limit" zones along Route N.J. 31 was warranted. The school zone in subparagraph (a)2ix(2) was abolished years ago, and the school does not front on Route N.J. 31.

Appropriate signs shall be erected in areas where the speed limit zones have been revised.

Social Impact

The proposed amendment will establish a 55 miles per hour "speed limit" zone along Route N.J. 31 in Clinton Township, Hunterdon County, for the efficient flow of traffic, the enhancement of safety, and the well-being of the populace. Appropriate signs will be erected to advise the motoring public.

Economic Impact

The Department and local government will incur direct and indirect costs for mileage, personnel and equipment requirements. The Department will bear the costs for the installation of "speed limit" zone signs. The costs involved in the installation and procurement of signs vary, depending upon the material used, size and method of procurement. Motorists who violate the rules will be assessed the appropriate fine in accordance with the "Statewide Violations Bureau Schedule," issued under New Jersey Court Rule 7:7-3.

Regulatory Flexibility Statement

The proposed amendment does not place any reporting, recordkeeping or compliance requirements on small businesses as the term is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendment primarily affects the motoring public and the governmental entities responsible for the enforcement of the rules.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

16:28-1.106 Route 31

(a) The rate of speed designated for State highway Route 31 described in this subsection shall be established and adopted as the maximum legal rate of speed for both directions of traffic:

1. (No change.)
2. Hunterdon County:

i.-viii. (No change.)

ix. Clinton Township:

[(1) Fifty mph between the northerly Readington Township-Clinton Township line and the Clinton Township-southerly Town of Clinton line (mileposts 27.3 to 32.7);

(2) School zone: 25 mph in the North Hunterdon Regional high school zone, during recess or while children are going to or leaving school, during opening or closing hours.]

(1) Zone 1: 50 mph between the northerly Readington Township-Clinton Township corporate line and Payne Road (approximate mileposts 27.3 to 28.8); thence

(2) Zone 2: 55 mph between Payne Road and Country Club Road (approximate mileposts 28.8 to 31.65); thence

(3) Zone 3: 50 mph between Country Club Road and the Clinton Township-southerly Town of Clinton corporate line (approximate mileposts 31.65 to 32.7).

x.-xiv. (No change.)

3. (No change.)

(b)

DIVISION OF TRAFFIC ENGINEERING AND LOCAL AID
BUREAU OF TRAFFIC ENGINEERING AND SAFETY PROGRAMS
Restricted Parking and Stopping
Route N.J. 33
Manalapan Township, Monmouth County
Proposed Amendment: N.J.A.C. 16:28A-1.23

Authorized By: Richard C. Dube, Director, Division of Traffic Engineering and Local Aid.
Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-138.1, 39:4-198 and 39:4-199.
Proposal Number: PRN 1994-287.

Submit comments by June 15, 1994 to:
William E. Anderson
Manager
New Jersey Department of Transportation
Bureau of Traffic Engineering and Safety Programs
1035 Parkway Avenue
CN 613
Trenton, New Jersey 08625

The agency proposal follows:

Summary

The Department of Transportation proposes to amend N.J.A.C. 16:28A-1.23 to establish no stopping or standing zones on Route N.J. 33 in Manalapan Township, Monmouth County. The provisions of this amendment will improve the flow of traffic and enhance safety along the highway system.

This amendment is being proposed at the request of the local government of the Township of Manalapan, Monmouth County, and as part of the Department's ongoing review of current conditions. The traffic investigations conducted by the Department's Bureau of Traffic Engineering and Safety Programs proved that the establishment of no stopping or standing zones along Route N.J. 33 was warranted. Signs are required to notify motorists of the restrictions proposed herein.

Social Impact

The proposed amendment will establish no stopping or standing restrictions zones along Route N.J. 33 in Manalapan Township, Monmouth County, to improve traffic flow and enhance safety. Appropriate signs will be erected to advise the motoring public.

Economic Impact

The Department and local government will incur direct and indirect costs for mileage, personnel and equipment requirements. The local government will bear the costs for the installation of appropriate parking restriction zone signs. The costs involved in the installation and procurement of signs vary, depending upon the material used, size and method

of procurement. Motorists who violate the rules will be assessed the appropriate fine in accordance with the "Statewide Violations Bureau Schedule," issued under New Jersey Court Rule 7:7-3.

Regulatory Flexibility Statement

The proposed amendment does not place any reporting, recordkeeping or compliance requirements on small businesses as the term is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendment primarily affects the motoring public and the governmental entities responsible for the enforcement of the rules.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

16:28A-1.23 Route 33

(a) The certain parts of State Highway Route 33 described in this subsection shall be designated and established as "no stopping or standing" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139. In accordance with the provisions of N.J.S.A. 39:4-198, proper signs will be erected.

1.-8. (No change.)

9. No stopping or standing in Manalapan Township, Monmouth County:

i. Along both sides:

(1) From the Manalapan Township-Millstone Township corporate line to Route N.J. 33 (Business) (approximate mileposts 21.10 to 24.34).

(b) (No change.)

(a)

DIVISION OF TRAFFIC ENGINEERING AND LOCAL AID
BUREAU OF TRAFFIC ENGINEERING AND SAFETY PROGRAMS
Restricted Parking and Stopping
Route N.J. 33 (Business)
Manalapan Township, Monmouth County
Proposed New Rule: N.J.A.C. 16:28A-1.113

Authorized By: Richard C. Dube, Director, Division of Traffic Engineering and Local Aid.

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-138.1, 39:4-198 and 39:4-199.

Proposal Number: PRN 1994-294.

Submit comments by June 15, 1994 to:

William E. Anderson
Manager
New Jersey Department of Transportation
Bureau of Traffic Engineering and Safety Programs
1035 Parkway Avenue
CN 613
Trenton, New Jersey 08625

The agency proposal follows:

Summary

The Department of Transportation proposes a new rule at N.J.A.C. 16:28A-1.113 to establish no stopping or standing zones on Route N.J. 33 (Business) in Manalapan Township, Monmouth County. The provisions of the proposed new rule will improve the flow of traffic and enhance safety along the highway system.

This new rule is being proposed at the request of the local government of the Township of Manalapan, Monmouth County, and as part of the Department's ongoing review of current conditions. The traffic investigations conducted by the Department's Bureau of Traffic Engineering and Safety Programs proved that the establishment of no stopping or standing zones along Route N.J. 33 (Business) was warranted. Signs are required to notify motorists of the restrictions proposed herein.

Social Impact

The proposed new rule will establish no stopping or standing restrictions zones along Route N.J. 33 (Business) in Manalapan Township, Monmouth County, to improve traffic flow and enhance safety. Appropriate signs will be erected to advise the motoring public.

Economic Impact

The Department and local government will incur direct and indirect costs for mileage, personnel and equipment requirements. The local government will bear the costs for the installation of appropriate parking restriction zone signs. The costs involved in the installation and procurement of signs vary, depending upon the material used, size and method of procurement. Motorists who violate the rules will be assessed the appropriate fine in accordance with the "Statewide Violations Bureau Schedule," issued under New Jersey Court Rule 7:7-3.

Regulatory Flexibility Statement

The proposed new rule does not place any reporting, recordkeeping or compliance requirements on small businesses as the term is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed new rule primarily affects the motoring public and the governmental entities responsible for the enforcement of the rules.

Full text of the proposed new rule follows:

16:28A-1.113 Route 33 (Business)

(a) The certain parts of State highway Route 33 (Business) described in this subsection shall be designated and established as "no stopping or standing" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139. In accordance with the provisions of N.J.S.A. 39:4-198, proper signs shall be erected:

1. No stopping or standing in Manalapan Township, Monmouth County:

i. Along both sides:

(1) From the intersection of Route N.J. 33 and Route N.J. 33 (Business) to the Manalapan Township-Freehold Township corporate line (approximate milepost 24.34 on Route NJ 33 to milepost 1.11 on Route NJ 33 (Business).

(b)

DIVISION OF TRAFFIC ENGINEERING AND LOCAL AID
BUREAU OF TRAFFIC ENGINEERING AND SAFETY PROGRAMS
Limited Access Prohibition
Route N.J. 42 Freeway
Washington Township and Deptford Township in Gloucester County and Runnemede Borough, Gloucester Township and Bellmawr Borough in Camden County
Proposed New Rule: N.J.A.C. 16:30-7.7

Authorized By: Richard C. Dube, Director, Division of Traffic Engineering and Local Aid.

Authority: N.J.S.A. 27:1A-1, 27:1A-5, 27:1A-44, 39:4-197(b), 39:4-81 and 39:4-199.1.

Proposal Number: PRN 1994-292.

Submit comments by June 15, 1994 to:

William E. Anderson
Manager
New Jersey Department of Transportation
Bureau of Traffic Engineering and Safety Programs
1035 Parkway Avenue
CN 613
Trenton, New Jersey 08625

The agency proposal follows:

Summary

The Department of Transportation proposes to establish a new rule at N.J.A.C. 16:30-7.7 concerning limiting certain classes of traffic (pedestrians, animals and non-motorized vehicles) along Route N.J. 42 Freeway. N.J.A.C. 16:30-7.7 is being proposed to effect limiting certain

classes of traffic in Washington Township and Deptford Township in Gloucester County, and Bellmawr Borough, Runnemede Borough and Gloucester Township in Camden County. The provisions of the proposed new rule will enhance safety along the highway system and is being proposed as part of the Department's ongoing review of current conditions for the health, safety, and welfare of pedestrians, bicyclists and the motoring public. A traffic investigation conducted by the Department's Bureau of Traffic Engineering and Safety Programs concluded that the establishment of the limited access restrictions along Route N.J. 42 Freeway was warranted, since, without these restrictions, the safety of pedestrians, animals and non-motorized vehicles (such as bicycles) is at risk, due to the heavy vehicular traffic on the Route N.J. 42 Freeway. Signs are required to notify motorists of the restrictions proposed herein.

Social Impact

The proposed new rule will establish limited access prohibitions along Route N.J. 42 Freeway to improve traffic safety. Appropriate signs will be erected to advise the motoring public.

Economic Impact

The Department and local governments will incur direct and indirect costs for mileage, personnel and equipment requirements. The Department will bear the costs for the installation of the appropriate regulatory signs. The costs involved in the installation and procurement of signs vary, depending upon the material used, size and method of procurement. Violators of the rules will be assessed the appropriate fine in accordance with the "Statewide Violations Bureau Schedule," issued under New Jersey Court Rule 7:7-3.

Regulatory Flexibility Statement

The proposed new rule does not place any reporting, recordkeeping or compliance requirements on small businesses as the term is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed new rule primarily affects the motoring public and the governmental entities responsible for the enforcement of the rules.

Full text of the proposed new rule follows:

16:30-7.7 Route 42 Freeway

(a) The use of the following sections of the Route N.J. 42 Freeway in both directions shall be limited to certain classes of traffic:

1. For northbound traffic:

i. Beginning at milepost 6.22 in Washington Township to include the corporate limits of Deptford Township in Gloucester County, Runnemede Borough and Gloucester Township in Camden County and ending at milepost 14.28 in Bellmawr Borough in Camden County.

2. For southbound traffic:

i. Beginning at milepost 14.28 in Bellmawr Borough to include the corporate limits of Runnemede Borough and Gloucester Township in Camden County and Deptford Township in Gloucester County and ending at milepost 6.36 in Washington Township in Gloucester County.

(b) The use of the sections of the Route N.J. 42 Freeway in (a) above by the following classes of traffic is prohibited:

1. Pedestrians, except park area, rest areas, walks and crossings specifically designated by the Commissioner for that purpose;

2. Animals led, ridden or driven, except on leash where pedestrians are permitted; and

3. Non-motorized vehicles.

(a)

DIVISION OF TRAFFIC ENGINEERING AND LOCAL AID

BUREAU OF TRAFFIC ENGINEERING AND SAFETY PROGRAMS

Limited Access Prohibition
Route 18 Freeway
Wall Township, Neptune Township, Neptune City, Ocean Township, Tinton Falls Borough, Colts Neck Township, Freehold Township, Marlboro Township in Monmouth County; and Old Bridge Township in Middlesex County

Proposed New Rule: N.J.A.C. 16:30-7.6

Authorized By: Richard C. Dube, Director, Division of Traffic Engineering and Local Aid.

Authority: N.J.S.A. 27:1A-1, 27:1A-5, 27:1A-44, 39:4-197(b), 39:4-81 and 39:4-199.1.

Proposal Number: PRN 1994-273.

Submit comments by June 15, 1994 to:

William E. Anderson
Manager
New Jersey Department of Transportation
Bureau of Traffic Engineering and Safety Programs
1035 Parkway Avenue
CN 613
Trenton, New Jersey 08625

The agency proposal follows:

Summary

The Department of Transportation proposes a new rule at N.J.A.C. 16:30-7.6 concerning limiting certain classes of traffic along Route 18 Freeway in the following counties and municipalities.

N.J.A.C. 16:30-7.6 is being proposed to effect limiting certain classes of traffic in Wall Township, Neptune Township, Neptune City, Ocean Township, Tinton Falls Borough, Colts Neck Township, Freehold Township and Marlboro Township in Monmouth County and Old Bridge Township in Middlesex County (approximate mileposts 1.4 to 30.85).

The provisions of this new rule will improve the flow of traffic and enhance safety along the Route 18 Freeway.

This new rule is being proposed as part of the Department's on-going review of current conditions to incorporate the new portions of Route 18 Freeway and for the health, safety and welfare of pedestrians, bicyclists and the motoring public. The traffic investigations conducted by the Department's Bureau of Traffic Engineering and Safety Programs proved that the establishment of the limited access restrictions along Route 18 Freeway was warranted. Signs are required to notify motorists of the restrictions proposed herein.

Social Impact

The proposed new rule will establish limited access prohibitions along Route 18 Freeway to improve traffic safety. Appropriate signs will be erected to advise the motoring public.

Economic Impact

The Department and local governments will incur direct and indirect costs for mileage, personnel and equipment requirements. The Department will bear the costs for the installation of the appropriate regulatory signs. The costs involved in the installation and procurement of signs vary, depending upon the material used, size and method of procurement. Motorists who violate the rules will be assessed the appropriate fine in accordance with the "Statewide Violations Bureau Schedule," issued under New Jersey Court Rule 7:7-3.

Regulatory Flexibility Statement

The proposed new rule does not place any reporting, recordkeeping or compliance requirements on small businesses as the term is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed new rule primarily affects the motoring public and the governmental entities responsible for the enforcement of the rules.

Full text of the proposed new rule follows:

16:30-7.6 Route 18 Freeway

(a) The use of the completed parts of Route 18 Freeway in both directions shall be limited to certain classes of traffic, beginning at milepost 1.4 in Wall Township to include the corporate limits of Neptune Township, Neptune City, Ocean Township, Tinton Falls Borough, Colts Neck Township, Freehold Township, Marlboro Township in Monmouth County and ending in Old Bridge Township at Milepost 30.85 in Middlesex County. The use of the aforesaid Route 18 Freeway by the following classes of traffic is prohibited:

1. Pedestrians, except park areas, rest areas, walks and crossings specifically designated by the Commissioner for that purpose;
2. Animals led, ridden or driven except on leash where pedestrians are permitted;
3. Non-motorized vehicles.

OTHER AGENCIES

(a)

SOUTH JERSEY TRANSPORTATION AUTHORITY

Rules of Operation
Atlantic City Expressway
Proposed Readoption with Amendments: N.J.A.C. 19:2

Authorized By: South Jersey Transportation Authority, Walter A. DeAngelo, Executive Director.
Authority: N.J.S.A. 27:25A-7(q) and 27:25A-21(g).
Proposal Number: PRN 1994-290.

Public hearings for receipt of comments will be held on:

Friday, June 3, 1994 at 2:00 P.M. at the South Jersey Transportation Authority Administration Building, Farley Service Plaza, Hammonton, New Jersey;

Tuesday, June 7, 1994 at 2:00 P.M. at the Authority's office, 25 S. New York Avenue, Atlantic City, New Jersey; and

Friday, June 10, 1994 at 10:00 A.M. at Glassboro City Hall, 1 S. Main Street, Glassboro, New Jersey.

Submit written comments by June 15, 1994 to:

Walter A. DeAngelo, Executive Director
South Jersey Transportation Authority
Farley Service Plaza
P.O. Box 351
Hammonton, New Jersey 08037

The agency proposal follows:

Summary

The South Jersey Transportation Authority (the "Authority") was created in 1991 and operates pursuant to the South Jersey Transportation Authority Act, P.L. 1991, c.252 (N.J.S.A. 27:25A-1 et seq.), as amended and supplemented (the "Act"), as a public body corporate and politic and an instrumentality of the State of New Jersey. The Authority is the successor to the Atlantic County Transportation Authority ("ACTA") and the New Jersey Expressway Authority ("NJEA"), and this proposed readoption with amendments contains rules of the previous NJEA with amendments precipitated by the authority granted under the Act.

The jurisdiction of the Authority encompasses the counties of Atlantic, Camden, Cape May, Cumberland, Gloucester and Salem. The purpose of the Authority is to coordinate South Jersey's transportation system including addressing the highway network, aviation facilities and the transportation problems of Atlantic County. These goals are to be accomplished through the acquisition, construction, maintenance, operation and support of the Authority's projects including, without limitation, the Atlantic City Expressway (the "Expressway"), and the acquisition, construction and maintenance of transportation projects, such as the enlargement and improvement of the Atlantic City International Airport and the operation of facilities and economic development related to transportation projects.

The rules of the former ACTA, which address the Authority's bus management program, have been readopted with amendments by the Authority and are codified at N.J.A.C. 19:75. This readoption with amendments of the rules of the former NJEA pertain to the Authority's operation of the Expressway and purchasing regulations. The rules were originally adopted by the NJEA in December, 1973.

Subchapter 1 includes the penalties and definitions section. This section has been amended in accordance with N.J.S.A. 27:25A-21(l) to provide that any violation of the rules will be punishable by a fine not exceeding $500.00, or by imprisonment not exceeding 30 days, or by both such fine and imprisonment, and to set forth the procedure for the prosecution of such offenses. Several definitions in this section have been amended. New definitions have been added for "expressway project" and "motorbus regular route service" to correspond to the Authority's enabling legislation.

Subchapter 2 pertains to speed limits on the Expressway, and has been amended to provide for a maximum speed limit of 55.

Subchapter 3 sets forth the rules for the operation of vehicles on the Expressway. New sections have been added to this subchapter providing that parking of casino buses and trucks in the appropriate intercept lot shall be at the direction of the Authority, prohibiting the exiting of vehicles at unattended toll ramps, and addressing the procedure to be followed in the event a vehicle is involved in an accident on the Expressway.

Subchapter 4 pertains to restrictions on use of the Expressway. With regard to restricted vehicles, this section has been amended to prohibit use of the Expressway by vehicles whose length exceeds 62 feet, width exceeds eight feet, six inches, and maximum gross weight exceeds 80,000 pounds. N.J.A.C. 19:2-4.4 addresses transportation of dangerous articles on the Expressway and has been amended in accordance with the Authority's enabling legislation to prohibit transportation of certain hazardous substances in a manner as to likely endanger persons or property, and to provide that in the event a violation of this section results in injury or death to a person or damage to property in excess of $5,000, it shall constitute a crime of the third degree.

Subchapter 5 sets forth the general rules of the Authority concerning waste and rubbish; advertising; property damage; parades, etc.; use of firearms and fireworks; hunting, trapping and fishing; sales and distribution; alms soliciting; and hitchhiking and loitering. The section has not been amended to any extent, except to provide that picnics, games, and similar activities are prohibited, except in designated areas of the Service Area.

Subchapter 6 pertains to the payment of tolls on the Expressway. The section addressing toll free passage has been amended to provide that toll free passage would be permitted for motorbuses operating on motorbus regular route service for the benefit of the public by the State of New Jersey, or by any county, municipality, charitable or nonprofit corporation or organization, as well as ambulance, first aid or emergency aid vehicles, vehicular fire fighting apparatus, or other similar vehicle, operated for the benefit of the public by the State, or by any county or municipality or charitable or nonprofit corporation or organization, first aid squad, emergency squad or fire company of the State. Additionally, toll free passage has been eliminated for the Governor of the State of New Jersey, consultants of the Authority, and vehicles when engaged in the performance of construction, service or maintenance contracts with the Authority, unless specifically authorized by the Authority.

Subchapter 7 contains the Authority's purchasing regulations. This section also has been amended to incorporate the mandates of the Authority's enabling legislation, and to set forth the Authority's policy of advancing opportunities for small business enterprises, including minority and women-owned businesses.

Section 7.1 provides that all purchases, contracts and agreements of the Authority, except as provided in the rules, shall be made or awarded directly by the Authority after public advertisement for bids. Public bidding is not required when the aggregate amount of such purchase or contract does not exceed the threshold amount as determined by the Governor, to acquire subject matter described in N.J.S.A. 52:34-9, to award a contract under circumstances described in N.J.S.A. 52:34-10, when the contract is for the furnishing or performing services of a professional or technical nature or the supplying of any product or rendering of any service by a public utility, when the Authority deems it appropriate to have the work performed by its own employees, when the Authority has advertised for bids on two occasions and received no bids or no responsive bids on both occasions, when a piece of equipment requires diagnostic repairs, for the printing of bonds and related documents for the sale thereof, and to contract for liability or indemnification insurance.

Section 7.2(a) has been amended to include the new bid threshold amount of $11,100 and to provide that in cases where public advertising for bids is not required that the Authority shall follow the rules and regulations of the State Treasurer to ensure that said purchases or contracts promote full and free competition whenever competition is practicable. Section 7.2(a)(7) has been amended to provide that the Executive Director or his designee may reject any and all bids when such rejection is in the best interests of the Authority. In determining the Authority's best interests, the Authority may consider, but is not limited to, availability of funds, budgetary constraints, and the credibility and reliability of the bidder.

Section 7.2(d)(2) has been amended to provide that in furtherance of the Authority's policies of advancing opportunities for small business enterprises, including minority and women-owned businesses, the Executive Director, in his discretion, may modify the bid bond requirement on contracts with value of $50,000 or less to allow that bidders on such contracts to post a certified check in the amount of 5% of the bid amount or $1,000 whichever is less. This check would serve as both the bidder's bid and performance bond on such contract. Section 7.2(e)(3) has been similarly amended.

Section 7.7 concerning the waiver of requirements for bids and advertising has been repealed. The Act requires public advertising for bids in all cases except those specified in the Act which have been set forth in the rules.

Social Impact

The rules of the previous New Jersey Expressway Authority, as codified in this chapter, provide established procedures for the orderly flow of motorized traffic and the safe and efficient use of the roadway by the public. The readoption with amendments of these established rules is necessary to update the management and regulation of the use, maintenance and operation of the Atlantic City Expressway, and to incorporate certain provisions of the Authority's enabling legislation (N.J.S.A. 27:25A-1 et seq.), which established the Authority as the successor to the New Jersey Expressway Authority. Consequently, the powers and responsibilities of the South Jersey Transportation Authority as prescribed in its enabling legislation with regard to the Atlantic City Expressway are codified in these proposed rules of operation.

The key amendments that may have a social impact concern changes in the rules with regard to the type, weight and size of vehicles permitted on the roadway, as well as prohibited hazardous activities. Penalties for motor vehicle violations have been adjusted in accordance with the enabling legislation.

The purchasing regulations contained in subchapter 7 have been amended to further the Authority's policies of advancing opportunities for small business enterprises, including minority and women-owned businesses. Reduced levels for certain performance bonds and bid bonds for eligible bidders have been included in this submission to promote participation in the Authority's business. The effect of the revised purchasing rules should be positive in promoting small business participation. It is anticipated that small business opportunities will be increased for such entrepreneurs in South Jersey.

The effect of the proposed readoption with amendments will have little impact on the motoring public who uses the Atlantic City Expressway. Some 46,263,000 motorized vehicles traveled the roadway in 1993, and it is not anticipated that this readoption with amendments will alter current or projected traffic volume. The rules are necessary, however, for the Authority's continued enforcement program. The number of traffic summons issued in 1993 totaled 16,479. Over the last three calendar years, the number of drunk driver offenses and the number of roadway fatalities have decreased annually. For example, drunk drivers decreased 28.4 percent between 1992 and 1993, and the number of deaths decreased from 12 in 1991 to seven in 1992 to four in 1993, while overall traffic increased by 1,361,500 vehicles in 1993, as compared to 1992.

Economic Impact

The readoption of these rules with amendments will continue to provide a set of codified rules for roadway operations and will provide a modified set of rules for purchasing contracts that promote small business enterprises of minorities and women. No economic impact is anticipated for the traveling public who use the Atlantic City Expressway.

The purchasing amendments should have a positive economic impact, and should promote small business with the reduced levels of contract award requirements for bid and performance bonds for contracts with a value of $50,000 or less that allow bidders to post a certified check in the amount of 5 percent of the bid or $1,000, whichever is less.

No other economic effects on the public, other agencies, funding sources, administrative costs or monetary savings are associated with the readoption of rules. Incidental changes to these rules regarding speed limits, vehicles involved in accidents, restricted vehicle dimensions, and transport of hazardous materials are updated to conform with applicable existing State and Federal laws.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not required since the rules proposed for readoption with amendments do not impose reporting, recordkeeping or other compliance requirements on small business, as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The readoption of the rules reduces previously established bid bond requirements on contracts for small business enterprises including minority and women-owned businesses. This relaxation of the rules is included to further the Authority's policies of advancing opportunities for small business enterprises.

No other section of this proposed readoption with amendments for the operation of the Atlantic City Expressway impacts on small business.

Full text of the proposed readoption may be found in the New Jersey Administrative Code at N.J.A.C. 19:2.

Full text of the proposed amendments follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 1. PENALTIES AND DEFINITIONS

(a) Under the terms of [37 (L)] **paragraph 21(o)** of the Authority's [Act] enabling legislation, **N.J.S.A. 27:25A-1 et seq.,** any violation of any of the regulations established by the Authority **with regard to the payment of tolls or the operation of motor vehicles, including, but not limited to, all traffic and parking regulations, regulations concerning the type, weight and size of vehicles permitted to use the project, and regulations prohibiting hazardous activities** shall be punishable by a fine not exceeding [$200.00] **$500.00**, or by imprisonment not exceeding 30 days, or by both such fine and imprisonment.

(b) (No change.)

(c) A violation shall be tried in a summary way and shall be within the jurisdiction of and may be brought in the Special Civil Part of the Law Division of the Superior Court or any municipal court in the county where the offense was committed.

(d) In addition to any punishment or penalty provided in this section, every registration certificate and every license certificate to drive motor vehicles may be suspended or revoked and any person may be prohibited from obtaining a driver's license or a registration certificate and the reciprocity privileges of a nonresident may be suspended or revoked by the Director of the Division of Motor Vehicles for any such violation, after due notice in writing of the proposed suspension, revocation or prohibition and the grounds thereof, all otherwise in accordance with the powers, practices and procedure established by the provisions of Title 39 of the Revised Statutes applicable to the suspension, revocation or prohibition.

(e) Except as otherwise provided by this section or by any regulation contained in this chapter, the requirements of Title 39 of the Revised Statutes applicable to persons using, driving or operating vehicles on the public highways of this state and to vehicles so used, driven or operated shall be applicable to persons using, driving or operating vehicles on any expressway project and to vehicles so used, driven or operated.

19:2-1.2 Definitions

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

["Authority" means the New Jersey Expressway Authority, created by the Act constituting Chapter 10 of the Laws of 1962 of the State of New Jersey.]

"Atlantic City Expressway" or "Expressway" means the [highway] **expressway** project known as the Atlantic City Expressway, [as defined in the above-mentioned legislation and specifically described in Section 40 of that legislation] **constructed by the New Jersey Expressway Authority pursuant to Section 40 of P.L. 1962, c.10 (N.J.S.A. 27:12C-40, repealed).**

"Authority" means the South Jersey Transportation Authority created by Section 4 of the South Jersey Transportation Authority Act (N.J.S.A. 27:25A-1 et seq.).

...

"Expressway project" means the acquisition, construction and maintenance of the Atlantic City Expressway as transferred to the Authority pursuant to the enabling legislation and of any express highway, super highway or motor way at the locations and between the termini as may hereafter be established by law and acquired or to be acquired or constructed or to be constructed under the provisions of the enabling legislation by the Authority, over which abutters have no easements or rights of light, air or direct access by reason of the fact that their properties abut thereon, and shall include, but not be limited to, bridges, parking facilities, tunnels, overpasses, underpasses, interchanges, traffic circles, grade separations, entrance plazas, approaches, toll booths, service areas, stations and facilities, communications facilities, administration, storage and other buildings, and other structures related to the use of the express highway, super highway or motor way, intersecting highways and bridges and feeder roads which the Authority may deem necessary or desirable for the operation of the project, together with all property rights, easements and interests which may be acquired by the Authority for the construction or the operation of the project, and includes any planning necessary for the execution of any expressway projects.

...

"Motorbus regular route service" means the operation of any motorbus or motorbuses on streets, public highways or other facilities, over a fixed route and between fixed termini on a regular schedule for the purpose of carrying passengers, for hire or otherwise, within South Jersey or between points within South Jersey and points without South Jersey.

...

"Service areas" means those areas established by the Authority to provide services to the public. On the Expressway these areas include **an intercept parking lot, the New Jersey State Police Barracks, the South Jersey Transportation Authority Administration Building,** a restaurant, a gasoline service station, and a farmers market, along with their parking and related facilities.

19:2-1.3 Route maps

A route map showing the Expressway is available upon request at a manned toll booth, at the administrative offices of the Expressway, **and at the Tourist Information Center located at the service plaza inside the restaurant area.**

SUBCHAPTER 2. SPEED LIMITS

19:2-2.1 Maximum speed limits

(a) Except where otherwise posted, the maximum speed limits in force on the Expressway are [70] **55** miles per hour on the main roadways and 25 miles per hour on the entrance and exit ramps.

(b) Maximum speed of [70] **55** miles per hour is in effect except when such speeds are unsafe by reason of weather or highway conditions.

(c) (No change.)

SUBCHAPTER 3. OPERATION OF VEHICLES

19:2-3.6 Parking, standing or stopping of vehicles

(a)-(g) (No change.)

(h) Parking of casino buses and trucks in the appropriate intercept lot and marshalling of vehicles in designated areas shall be at the direction of the Authority.

(i) Exiting vehicles at unattended toll ramps shall be prohibited.

19:2-3.8 Vehicles involved in accidents

The operator of any vehicle upon the expressway project involved in an incident resulting in injury or death to any person or damage to any property shall immediately stop the vehicle at the scene of the incident, render assistance as may be needed, and give his or her name, address, and operator's license and motor vehicle registration number to the person injured and to any officer or witness of the injury and shall make a report of the incident in accordance with law.

19:2-[3.8]**3.9** Civil Defense regulations

Applicable Civil Defense regulations, as promulgated by the [Department of Defense] **Governor and the Department of Law and Public Safety** of the State of New Jersey, shall be complied with on the Expressway.

19:2-[3.9]**3.10** (No change in text.)

SUBCHAPTER 4. RESTRICTIONS ON USE OF THE EXPRESSWAY

19:2-4.3 Restricted vehicles

(a) The following vehicles are prohibited at all times from using the Expressway:

1.-4. (No change.)

5. Construction equipment other than trucks **and construction equipment belonging to the Authority**;

6.-8. (No change.)

9. Vehicles or combination of vehicles, including any load thereon, which exceed the following maximum dimensions:

i. Length: [55] **62** feet;

ii. Width: [8] **Eight** feet, [6] **six inches**;

iii. Height: 13 feet, [6] **six** inches;

iv. Maximum Gross Weight: 80,000 pounds.

10.-12. (No change.)

19:2-4.4 Transportation of dangerous articles

(a) (No change.)

(b) All vehicles transporting dangerous articles on the Expressway shall comply with all of the regulations of the State of New Jersey regarding the transportation of such articles as covered in [Chapter 5B of Title 39 of the Revised Statutes] **N.J.S.A. 39:5A-1 et seq.** [Dangerous articles are therein defined as flammable liquids, flammable solids, oxidizing materials, corrosive liquids, compressed gases, poisonous substances, and radioactive materials.]

(c) No person shall transport in or upon any expressway project, any dynamite, nitroglycerin, black powder, fireworks, blasting caps or other explosives, gasoline, alcohol, ether, liquid shellac, kerosene, turpentine, formaldehyde or other inflammable or combustible liquids, ammonium nitrate, sodium chlorate, wet hemp, powdered metallic magnesium, nitro-cellulose film, peroxides or other readily inflammable solids or oxidizing materials, hydrochloric acid, sulfuric acid, or other corrosive liquids, prussic acid, phosgene, arsenic, carbolic acid, potassium cyanide, tear gas, lewisite or any other poisonous substances, liquids or gases or any compressed gas, or any radioactive article, substance or material, at a time or place or in a manner or condition as to endanger unreasonably or as to be likely to endanger unreasonably persons or property.

(d) If a violation of (c) above shall result in injury or death to a person or persons or damage to property in excess of the value of $5,000, it shall constitute a crime of the third degree.

SUBCHAPTER 5. GENERAL REGULATIONS

19:2-5.4 Parades, demonstrations, picnics and the like

(a) (No change.)

(b) Picnics, games, entertainment, sports, or other gatherings are prohibited**, except in designated areas of the Service Area.**

SUBCHAPTER 6. TOLLS

19:2-6.2 Toll-free passage

(a) Unless specifically authorized by the Authority, no toll-free passage through toll collection points on the Expressway will be permitted, except for the following:

1. The [Governor of the State of New Jersey,] Commissioners and executive staff members of the Authority;

2. [Consultants, employees] **Employees** of the Authority, and its concessionaires, and members of the State Police assigned to the Authority in the actual course of performance of such duties, or while travelling to or from the place of performance of such duties;

3. (No change.)

4. [Members of the fire departments of any local municipality or political subdivision in the course of performance of duties on the Expressway;] **Any motorbus operated on motorbus regular route service for the benefit of the public by the State of New Jersey, in accordance with the New Jersey Public Transportation Act of 1979, N.J.S.A. 27:25-1 et seq., or by any county, municipality, charitable or nonprofit corporation or organization; and**

5. [The emergency passage of ambulances or rescue vehicles when driven by authorized members of any public or nonprofit ambulance or rescue squad service] **Ambulance, first aid or emergency aid vehicles, vehicular fire fighting apparatus, or other similar vehicle, operated for the benefit of the public by the State, or by any county or municipality or charitable or non-profit corporation or organization, first aid squad, emergency squad, or fire company of this State;**

[6. Authorized vehicles when engaged in the performance of construction, service or maintenance contracts when such vehicles are operated by personnel authorized by the Authority to perform duties under the terms of contracts with the Authority or with the licensed concessionaires.]

SUBCHAPTER 7. PURCHASING REGULATIONS

19:2-7.1 General provisions

(a) All **purchases,** contracts, **or agreements** of the Authority [entered into for the doing of any work, or any purchases, or hiring of personal property, services, supplies, equipment or goods], shall be [as] **made or awarded directly by the Authority, except as otherwise provided in this chapter, after public advertisement for bids, in the manner** prescribed in [these regulations and procedures] **this chapter, and notwithstanding the provisions of any other laws to the contrary**. The objective of these regulations is to enable the Authority to accomplish its procurement equitably and expeditiously at the least possible cost.

(b) [Contracts entered into for the furnishing or performing of services of a professional nature, or for the supplying of any product, or the rendering of any service by a public utility subject to the jurisdiction of the Board of Public Utility Commissions of the State of New Jersey, shall be subject to these regulations.] **Any purchase, contract or agreement may be made, negotiated or awarded by the Authority without public bid or advertising under the following circumstances:**

1. For the furnishing or performing services of a professional or technical nature;

2. When the aggregate amount of such purchase or contract does not exceed the threshold amount as determined by the Governor;

3. To acquire subject matter described in N.J.S.A. 52:34-9;

4. To award a contract under circumstances described in N.J.S.A. 52:34-10;

5. For the supplying of any product or rendering of any service by a public utility;

6. When the Authority deems it appropriate to have the work performed by its own employees;

7. When the Authority has advertised for bids on two occasions and received no bids or no responsive bids on both occasions;

8. When a piece of equipment requires diagnostic repairs;

9. For the printing of bonds and related documents for the sale thereof; or

10. To contract for liability or indemnification insurance to meet the needs of the Authority.

19:2-7.2 Purchases [involving $2,500] **in excess of $11,100** or [more] **the threshold as set by the Governor**

(a) Rules concerning advertising and awards of bids include the following:

1. All purchases of personal property or services where the aggregate cost is [$2,500] **$11,100** or more, **which threshold amount shall be adjusted by the Governor as provided in (a)2 below,** shall be made only after public advertisement for competitive bids, **except where exempted by law. In cases where public advertising is not required, the Authority shall follow the rules and regulations of the State Treasurer to ensure that said purchase, contract or agreement promotes full and free competition whenever competition is practicable.**

2. The Governor, in consultation with the Department of the Treasury, shall, no later than March 1 of each odd numbered year, adjust the threshold as set forth in paragraph 1 in direct proportion to the rise or fall of the Consumer Price Index for all urban consumers in the New York City and the Philadelphia area as reported by the United States Department of Labor. The adjustment shall become effective on July 1 of each odd numbered year, and such amount shall determine the threshold for competitive bidding.

[2.]**3.** Advertisements for competitive bids shall be placed in appropriate newspapers or journals, having a large circulation in the State. All advertisements [shall] **may** be approved by the Executive Director. Such advertisements shall be published not less than seven calendar days preceding the date upon which the proposals are to be received and opened. All advertisements must contain:

i.-iii. (No change.)

[3.]**4.** In addition to advertising, bids [shall] **may** be solicited from all known interested parties by mail. Such solicitations shall provide prospective bidders with at least the same information contained in the public advertisement.

[4.]**5.** (No change in text.)

[5.]**6.** When the requisitioning unit specifies either the source or the brand name of personal property or services with a value [of $2,500 or more] **exceeding the adjusted threshold,** the related Department head shall file with the [comptroller] **Director of Finance** a memorandum stating the basis or reasons for the particular selection; the memorandum shall be approved by the Executive Director prior to submission to the Commissioners.

[6.]**7.** Prior to the award of any contract [or order], the [comptroller] **Director of Finance** and Executive Director shall forward their recommendations to the Commissioners. All awards of contracts [or orders] shall be made by the Commissioners. **The Executive Director or his or her designee may reject any and all bids when such rejection is in the best interests of the Authority. In determining the Authority's best interest, the Authority may consider, but is not limited to, the following:**

i. Availability of funds;

ii. Budgetary constraints; and/or

iii. Credibility and reliability of bidder.

[7.]**8.** For valid reasons, the Commissioners may award the contract [or order] to a person other than the lowest bidder.

(b) (No change.)

1.-4. (No change.)

5. With respect to bids submitted, **the Executive Director or his or her designee may reject any and all bids when such rejection is in the best interests of the Authority in accordance with the criteria set forth in N.J.A.C. 19:2-7.2(a)(7).** [t]The Authority retains the right [to reject any or all of them,] to waive informalities and minor irregularities and to make awards at any time within [30] **60** calendar days of the public opening. If an award is not made within [30] **60** calendar days of public opening, written extensions of time should be obtained from bidders whose bids remain under consideration.

6.-7. (No change.)

(c) (No change.)

(d) Rules concerning bid guarantees include:

1. Except when specifically waived by the Authority, all bids submitted relative to acquisitions wherein the total bid price aggregate [$2,500 or more] **exceeds the adjusted threshold,** shall be accompanied by a bid guaranty in an amount not less than [$500.00 or] ten per cent of the bid [whichever is greater]. However, no bidder shall be required to make a deposit in excess of $20,000.

2. In furtherance of the Authority's policies of advancing opportunities for small business enterprises including minority and women-owned businesses, the Executive Director, in his discretion, may modify the bid bond requirement on contracts with a value of $50,000 or less to allow that bidders on such contracts to post

a certified check in the amount of five percent of the bid amount or $1,000, whichever is less, which check would serve as the bid and performance bond of such bidder on such contract.

[2.]**3.** In the event any bidder fails to accept an award in accordance with his bid, the security submitted shall be forfeited.

[3.]**4.** All bid guarantees shall be returned to bidders as soon as possible after the opening of bids.

(e) Rules concerning security for faithful performance include:

1. Where the aggregate cost of all purchases of personal property or services [is $2,500, or more] **exceeds the adjusted threshold**, the successful bidder, simultaneously with his delivery of the executed contract to the Authority in addition to all of the foregoing requirements, may be required to furnish a surety bond or bonds as security for faithful performance of the goods and services to be furnished in accordance with the bid quotations and for the payment of all persons performing labor on the project and furnishing materials in connection therewith as specified in the general conditions covering the submission of bids and furnishing of personal property and services.

2. (No change.)

3. In furtherance of the Authority's policies of advancing opportunities for small business enterprises including minority and women-owned businesses, the Executive Director, in his or her discretion, may modify this requirement on contracts with a value of $50,000 or less to allow that bidders on such contracts to post a certified check in the amount of five percent of the bid amount or $1,000, whichever is less, which check would serve as the bid and performance bond of such bidder on such contract.

(f) (No change.)

19:2-7.3 Purchases under [$2,500] **the adjusted threshold**

(a) In the case of purchases or personal property or services where the aggregate cost or amount involved is equal to or exceeds [$500.00] **$1,000**, but is less than [$2,500] **the bid threshold**, written bids shall be solicited by mail from qualified vendors.

(b) Where the acquisition is less than [$500] **$1,000**, informal bids should be solicited from qualified vendors.

(c) (No change.)

(d) When the requisitioning unit specifies either the source of supply or a name brand, the related Department head shall file with the [comptroller] **Director of Finance** a memorandum stating the basis and reasons for the selection; the memorandum shall be approved by the Executive Director should the acquisition be [$500.00] **$1,000** or more.

(e) The award of the contract or order shall be made by the [comptroller] **Director of Finance** with the approval of the Executive Director.

(f) (No change.)

19:2-7.4 Limited purchase orders

(a) Purchases of personal property and services of a value not exceeding $100.00 may be made on limited purchase orders directly by employees so authorized in writing by the Executive Director under procedures promulgated by the [comptroller] **Director of Finance**.

(b) (No change.)

19:2-7.5 Purchase orders and contracts

(a) All purchase orders shall be signed **by the Director of Finance** and approved by the Department head of the requisitioning unit.

(b)-(c) (No change.)

19:2-7.6 Purchases under New Jersey State contracts

[(a)] When it is deemed advisable and in the best of the Authority, the [supervisor] **manager** of purchasing may recommend that **services,** equipment, goods, materials and supplies be purchased directly, without advertising, from vendors who hold contracts with the State of New Jersey for the furnishing of such items to the State.

[(b) In such event, the supervisor of purchasing will submit a memorandum to the Chairman which shall set forth the details of the proposed acquisition and shall state the reasons for proceeding under such State contract.

(c) No such acquisition shall be accomplished without the prior written approval of the chairman or his designee.]

[19:2-7.7 Waiver of requirements for bids and advertising

(a) If the Commissioners deem it appropriate that the provisions of the N.J.A.C. 19:2-7.2(a)1 be waived insofar as said provision relate to the acquisition of personal property and such waiver of bids shall not be contrary to law, the Commissioners may waive the requirements of N.J.A.C. 19:2-7.2(a)1 by resolution passed by an affirmative vote of the majority of the members of the Commission.

(b) Such resolution shall set forth the reasons the Commissioners deem it appropriate that the requirements of bidding and advertising contained in N.J.A.C. 19:2-7.2(a)1 shall be waived.]

(a)

HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION

District Regulations

Proposed Amendments: N.J.A.C. 19:3, 19:3A, 19:4 and 19:5

Authorized By: Hackensack Meadowlands Development Commission, Anthony Scardino, Jr., Executive Director.

Authority: N.J.S.A. 13:17-1 et seq., specifically 13:17-6(i), and N.J.A.C. 19:4-6.27.

Proposal Number: PRN 1994-283.

A **public hearing** concerning the proposed amendments to the District's regulations will be held on Wednesday, June 1, 1994 at 2:00 P.M. and 7:30 P.M. at:

Hackensack Meadowlands Development Commission
One DeKorte Park Plaza
Lyndhurst, New Jersey 07071

Submit written comments by June 15, 1994 to:

Ileana Kafrouni
Acting Deputy Chief Engineer
Hackensack Meadowlands Development Commission
One DeKorte Park Plaza
Lyndhurst, New Jersey 07071

The agency proposal follows:

Summary

In accordance with the Sunset and other provisions of Executive Order No. 66(1978), the HMDC is required to periodically review its regulations to determine their continuing usefulness. The last substantive amendment to the regulations was done in 1987. Accordingly, the HMDC staff has undergone a review of all of the regulations contained in Title 19 of the New Jersey Administrative Code, specifically Chapters 3, 3A, 3B, 4, 4A, 5, 6, and 7. It was determined by staff that Chapters 3, 3A, 4 and 5 needed revisions. Many sections of the regulations contained in these chapters are proposed to be amended with substantive changes. In addition, many of the amendments are to correct typographical, grammatical or punctuation errors. Sections which are no longer needed to carry out the mandates of the Commission are being repealed. The purpose of these amendments is to clarify current regulations and streamline the permitting process.

Chapter 3 contains the fee schedule of the Commission. The proposed amendments to the fee schedule are the following. After analyzing the requests for fee reductions that were received by the Office of the Chief Engineer, it became apparent that these requests were being submitted for one type of application The requests were from businesses who required smaller tenant spaces and were in the process of applying for continued occupancy certification. The size of the tenant spaces were for the most part under 3,000 square feet. Therefore, the Continued Occupancy Certification fee is being reduced in half for smaller tenant spaces. Applications for the continued occupancy of spaces less than, or equal to 3,000 square feet will require a fee of $250.00. Applications for the occupancy of spaces larger than 3,000 square feet will remain at the current fee of $500.00. This change is being proposed to provide a more equitable fee structure.

The Department of Community Affairs (DCA) has added a subcode for the review of elevators. Therefore, the Commission is updating the

fee schedule as it pertains to elevators to include fee components for all of the required areas of review and/or inspections. The proposed elevator fees are the same as those contained in the DCA fee schedule.

Another amendment is to the zoning section of the fee schedule. Recycling areas have to be provided in accordance with N.J.A.C. 19:4-6.18(q). There will be a fee of $200.00 for zoning certificates for recycling areas. The last proposed amendment to the fee schedule is to N.J.A.C. 19:3-1.6. HMDC is proposing to eliminate the exemption from fees for Federal and State government, instrumentalities and agencies, and for county and municipal instrumentalities and agencies. County and municipal governments continue to be exempt.

The proposed changes to Chapter 3A include grammatical changes and updated factual data. Some of the items which are being revised include the annual meeting date and the address of the Commission. Additionally, the name of a former Executive Director is being deleted as the person responsible for the annual activity report for the Federal Flood Insurance Administrator. Alternately, the title of Executive Director would be inserted.

Chapter 4 contains the District's zoning regulations. At N.J.A.C. 19:4-2.2, the definition of alley is being repealed. In the same section, the following definitions are being amended: child care center, dwelling: multiple family, floor area, lot, minor truck repair, non-conforming lot, non-conforming structure, remodeling, yard; and the following definitions are being proposed as new: accessory entertainment, accessory trailer parking, adult care center, auto garage, auto maintenance facility, bus terminal, class A recyclable material, class A recycling facility, class B recyclable material, class B recycling facility, communications common carrier, community residence, freight forwarding, indoor recreation, intermodal facility, public park, recycling area, restaurant, satellite parking facilities, self storage facilities, service: business, service: personal, service: retail, service: social, special exception, variance and zoning certificate.

At N.J.A.C. 19:4-3.1, the designation of Island Residential 4 (IR-4) is being eliminated since that designation no longer exists and the area was rezoned as Planned Development Center 1 (PDC-1) several years ago. The designation for Special Use 3 (SU 3) is being inserted since the designation has always been part of the Official zoning map of the Commission, but was omitted from the regulations.

At N.J.A.C. 19:4-3.2 the exemption for residential development in the District is being amended. Within the District there are only four municipalities that contain land zoned for Low Density Residential development. HMDC is proposing that the site plan review and review for compliance with the Uniform Construction Code for all one, two and three family, individual and detached, homes be done by the municipalities whenever the municipality enacts zoning ordinances, codes and standards which are consistent with, or which will effectuate the purposes of the Commission's Master Plan.

At N.J.A.C. 19:4-3.3(c), an amendment is proposed to clarify that, although the waterways of the Hackensack River are deemed to be in the Marshland Preservation Zone, which does not allow marinas, those lots adjacent to the river which are zoned for development may incorporate marinas which utilize the river.

Throughout the rules the word district is being replaced with the word "zone" in order to eliminate confusion between the zones in the district and a reference to the Hackensack Meadowlands District. An example of this is found at N.J.A.C. 19:4-4.2. At N.J.A.C. 19:4-4.8, the title of the section is being amended, since the section applies to different types of yards, not only required yards. In addition, at (a)1, transformers are being added as permitted in all yards and (a)2 is made applicable to only required front yards, as defined at N.J.A.C. 19:4-2.2

At N.J.A.C. 19:4-4.9 a new section is being proposed. The current definition of "lot" allows some flexibility when developing lots that are under common ownership and have the same zoning designation. Under this new rule, the definition of lot is being amended and the provisions to create a zoning lot of record will now be found in this new section. The main difference between the definition and this section is the explanation of what happens to parcels developed as a zoning lot of record if the lots are no longer under single ownership.

Throughout the document, citations pertaining to the environmental performance standards are being amended for consistency. An example of this may be found in N.J.A.C. 19:4-4.16(a). This type of amendment is also being done with the sections on "design of structures and other improvements" and "type of development." An example of this may be found in N.J.A.C. 19:4-4.17 and 4.26, respectively.

In N.J.A.C. 19:4-4.19, the new defined term "public park" is being introduced as a new use in the park and recreation zone, replacing a more cumbersome description.

In N.J.A.C. 19:4-4.27, community residences for the developmentally disabled and community shelters for victims of domestic violence with less than six residents are new uses in the low density residential zone. Similarly in N.J.A.C. 19:4-4.28, the same type of facility, but with more than six residents, is being introduced as a special exception.

In N.J.A.C. 19:4-4.35, child care centers are being introduced as a new permitted use along with accessory outdoor play areas. In all of the zones that will now permit child care centers, the accessory play areas will also be permitted.

The permitted uses in most of the zones are being expanded as follows:

In N.J.A.C. 19:4-4.45, Highway commercial zone; permitted uses, the current designation of accessory services is being deleted and child care centers, personal services, retail services and social services are introduced;

In N.J.A.C. 19:4-4.46, Highway commercial zone; special exceptions, indoor recreation and auto maintenance facilities have been added and the requirement that automobile service stations not be located closer than 1,000 feet from each other has been deleted. At N.J.A.C. 19:4-4.47, outdoor display facilities secondary to automobile showrooms will be permitted. In N.J.A.C. 19:4-4.55, Service highway commercial zone; permitted uses, the current designation of retail and service uses and the requirement that automobile service stations not be located closer than 1,000 feet from each other are being deleted and child care centers, personal services, retail services and social services are added;

In N.J.A.C. 19:4-4.56, Service highway commercial zone; special exceptions, adding indoor recreation is added and the provision regarding satellite antennas more than 12 feet in diameter is deleted;

In N.J.A.C. 19:4-4.57, outdoor recycling areas and outdoor play areas associated with a day care center will be permitted. In N.J.A.C. 19:4-4.64 and 4.73, text regarding type of development has been amended to allow greater flexibility. In all zones developers have the option of developing in accordance with N.J.A.C. 19:4-133 to 4-139, or as a Planned Unit Development, in accordance with N.J.A.C. 19:4-4.144.

In N.J.A.C. 19:4-4.65, Research park zone; permitted uses, child care centers are added;

In N.J.A.C. 19:4-4.66, Research park zone; special exceptions, indoor recreation is added and the satellite antenna provision deleted;

In N.J.A.C. 19:4-4.67, Research park zone; use limitations, outdoor recycling areas and outdoor play areas associated with child care centers have been added. Warehouse sale requirements have been modified to allow greater flexibility, and will be permitted for up to four days, up to 12 days a year, in this rule and in all other rules related to warehouse sales.

In N.J.A.C. 19:4-4.74, Research distribution park zone; permitted uses, child care centers have been added;

In N.J.A.C. 19:4-4.75, Research distribution park zone; special exceptions, indoor recreation is added and satellite antenna requirements deleted;

In N.J.A.C. 19:4-4.76, Research distribution park zone; use limitations, outdoor recycling areas and outdoor recreation areas associated with child care centers have been added.

In N.J.A.C. 19:4-4.84, Light industrial and distribution A zone; permitted uses, the current designation of business and commercial uses is being deleted and child care centers, business services, class A recycling facilities and self storage facilities are added;

In N.J.A.C. 19:4-4.85, Light industrial and distribution A zone; special exceptions, indoor recreation, auto maintenance facilities and social services are added and satellite dishes exceeding 12 feet in diameter are deleted;

In N.J.A.C. 19:4-4.86, Light industrial and distribution zone A; use limitations, outdoor recycling areas and outdoor play areas associated with a licensed child care center will be permitted.

In N.J.A.C. 19:4-4.94, Light industrial and distribution B zone; permitted uses, the current designation of business and commercial uses is being deleted and child care centers, business services, class A recycling facilities, auto maintenance facilities, bus terminals, freight forwarding facilities, self storage facilities and communications common carrier are added;

In N.J.A.C. 19:4-4.95, Light industrial and distribution B zone; special exceptions, indoor recreation and class B recycling facilities are added and satellite antenna provisions deleted;

In N.J.A.C. 19:4-4.104, Heavy industrial zone; permitted uses, the current designations of garages, bus garages and retail uses are being deleted and auto garages, class A and B recycling facilities, intermodal facilities, bus terminals, freight forwarding facilities and communications common carrier facilities are added;

In N.J.A.C. 19:4-4.105, Heavy industrial zone; special exceptions, child care centers are added and satellite antenna provisions deleted;

In N.J.A.C. 19:4-4.114, Airport facilities zone; special exceptions, child care centers are added and satellite antenna provisions deleted;

In N.J.A.C. 19:4-4.126, Public utilities zone; permitted uses, the current designations are not being changed and intermodal facilities and communications common carrier are added;

In N.J.A.C. 19:4-4.127, Public utilities zone; special exceptions. child care centers are added and satellite antenna provisions deleted;

In N.J.A.C. 19:4-4.148, Commercial park zone; permitted uses, the uses currently allowed will not change, however, child care centers, business services, personal services, retail services and social services are added; and

In N.J.A.C. 19:4-4.149, Commercial park zone; special exceptions, indoor recreation is added and satellite antenna provisions deleted;

Throughout the proposal the provisions for warehouse sales in those zones that allow them, are being amended. The amendments are an attempt to better meet the needs of those property owners that conduct these types of sales. This type of amendment can be found in N.J.A.C. 19:4-4.67(e), 4.76(e), 4.86(e) and 4.96(e).

In the light industrial and distribution B zone, N.J.A.C. 19:4-4.96, the parking of empty, registered and operational vehicles will now be specifically permitted.

In N.J.A.C. 19:4-4.134(a), there is a new provision requiring property owner's authorization on all applications. This requirement has also been added to N.J.A.C. 19:4-4.141, Special exceptions, and to N.J.A.C. 19:4-4.142, Variances.

As part of zoning certificate applications, HMDC is also requiring that plans be signed and sealed by a licensed professional as required by the professional licensing boards. This amendment is proposed to be consistent with other boards. Requiring property owner's authorization and signed and sealed plans has always been a requirement of this Office. At this time, the policy is being codified.

A new section is proposed at N.J.A.C. 19:4-4.140A. The section is entitled "Property maintenance" and basically outlines the responsibilities of property owners in the District as it relates to the maintenance of their sites.

In N.J.A.C. 19:4-4.142, Variances, subsections (e) through (h) are being restructured and formatted differently. The procedures for a variance, including the applications that must be submitted, the public hearing process, fees and the amount of time allowed to render a decision are not being changed. The subsections that are being amended deal with the criteria that have to be met by applicants when seeking a variance or departure from the regulations. For the first time, the Commission will have two sets of criteria, one for bulk variances (lot coverage, open space, setbacks, etc.) and one for use variances. The criteria for bulk variances are the criteria currently used for all variances. HMDC is proposing that they be used only for bulk variances and a new set of criteria be established for use variances. The new subsections have been drafted specifically to address issues related to the uses on a site. The hearing provisions in subsection (g) and (h), as they may pertaon to an appeal of a variance decision, are replaced by a reference to N.J.A.C. 19:4-6.25.

In N.J.A.C. 19:4-4.145(b)2vi, transformers, underground vaults and tanks have been added as accessory uses permitted on open space.

Subchapter 5 deals with the Specially Planned Area (SPA) regulations. In N.J.A.C. 19:4-5.3 the heading for the section is being amended to delete the designation of Island Residential 4 (IR 4) SPA. The area that had this designation was rezoned by the Commission several years ago to Planned development center 1 (PDC-1). Another amendment to this section deals with the minimum amounts of residential development that has to be built in the Island residential developments. Currently the regulations state that there shall be no less than 20 dwelling units per acre in an IR, this is being deleted and replaced with a statement that there shall be no less than 2,000 dwelling units in the entire development. In N.J.A.C. 19:4-5.6 the designation for Special Use 3 (SU 3) Specially planned area is being added to the heading of the section. The SPA in question exists and the regulations in this section are applicable to it, however, the designation was not included in the title.

Subchapter 6 is entitled General Provisions and contains the design standards for development in the District. In N.J.A.C. 19:4-6.1 the noise level restrictions are being relaxed. The maximum sound levels are being increased by 10 decibels and the location were the levels are measured is being amended. In N.J.A.C. 19:4-6.3, the location were the vibration levels are measured is being amended to the subject property boundary line for category A and B, and the zone boundaries for category C.

In N.J.A.C. 19:4-6.7, the performance standards for hazardous materials are being amended. The major change to this section was to amend the Category A environmental performance standard. Category A currently does not allow any storage, manufacturing or utilization of hazardous materials. HMDC is proposing to allow, in limited quantities, the accessory storage of materials that are classified as health hazards by the New Jersey Uniform Construction Code (UCC). The requirements of the UCC are applicable to the entire State. This change has been undertaken to allow uses, such as swimming pools to store and use chlorine to treat the pool water. For Categories B and C, within the same section, the amendments proposed are being made to bring the language in line with UCC terminology. The following changes have been made within the actual text for the individual zones: in the Marshland preservation zone the requirement has been amended from Category B to A. The reason for this change is to reflect the uses that allowed in that zone. HMDC is making it stricter by going from Category B to A; however, the standards for A are also being amended and relaxed. In the planned park, highway commercial, dervice highway commercial, research park and research distribution park zones, the proposed amendment is to go from A to B. The purpose of this change is to address the fact that the permitted uses in these zones would customarily store the types of materials which are prohibited by Category A and permitted by category B. In N.J.A.C. 19:4-6.8, the definitions are being added for "deflagration," "determination," "health hazard" and "physical hazard." The proposed definitions are in line with the current UCC definitions.

N.J.A.C. 19:4-6.18 contains the bulk of the design standards and regulations used by the Office of the Chief Engineer in the review of permit applications. The first amendment to this section is at N.J.A.C. 19:4-6.18(e) which pertains to parking areas. The proposal includes amendments at (e)9 and 10 to use the term vehicular area instead of having to list all of the different types of areas (that is, parking area, loading area, driveways, etc.) that fall under the requirements pertaining to pavement and drainage. In addition, other amendments are being proposed for (e)10. The proposed requirement is that all drainage and grading plans for vehicular areas shall be designed for a 25 year storm, in accordance with accepted engineering standards.

N.J.A.C. 19:4-6.18(g) deals with the required number of parking spaces that have to be provided in connection with the specific uses allowed in the zones. Requirements have been added for marinas, self storage facilities and bus terminals. Another change to N.J.A.C. 19:4-6.18 is in paragraph (g)29. The proposed amendment includes a provision through which the minimum required number of parking spaces may be reduced through the implementation of a New Jersey Department of Transportation approved, employee trip reduction program.

In N.J.A.C. 19:4-6.18(g)30, the parking regulations are being updated to allow satellite parking areas, that is, parking on an adjoining lot with excess parking. Currently all required parking must be provided on the same lot as the use served.

In N.J.A.C. 19:4-6.18(h), loading standards, HMDC is requiring that, whenever possible, loading facilities be located in the rear yard. The purpose of this regulation is to screen this activity as much as possible. In addition, HMDC is requiring that the design of these facilities be state of the art in terms of size and maneuverability.

N.J.A.C. 19:4-6.18(j) deals with signs. Two of the major amendments in this subsection have been proposed to address the real needs of commercial establishments which require temporary sale banners for sales or Grand Openings and the need for real estate signs. These two types of signs would be exempt from applying for a zoning certificate if they comply with the requirements of this subsection. In subsection (j), paragraph 4, HMDC is prohibiting illuminated signs that are located on a lot adjacent to or across a right-of-way from any residence, residential zone or specially planned area from utilizing white illuminated backgrounds because of the glare that they produce. Paragraph 5 applies to signs in specially planned areas or multi-structure developments. HMDC is requiring that, when there are existing signs on a property, the sign plan shall include details for both existing and proposed signs. In addition, HMDC is changing the maximum areas allowed. Currently, an applicant is allowed five percent of the building's front facade for

any one sign. The amendment states that the total sign area for the entire development shall be five percent of the buildings' front facade. A new requirement is also being introduced, that the maximum sign area of any single sign shall not exceed 300 square feet.

In N.J.A.C. 19:4-6.18(k), the title of the section is being changed from Landscaping to Landscape improvements. Within this section there is a new requirement that accessory trailer parking areas shall be screened. In addition, vehicular areas must be screened from public right-of-ways and from specially planned areas, planned unit development or residential use or zone. In paragraph 6, there are new requirements pertaining to shade trees.

In N.J.A.C. 19:4-6.18(l), lighting, HMDC is proposing to re-format the requirement that already exist. In addition, we are proposing new requirements for covered parking facilities or decks. It has been our experience that there is a tendency to under-illuminate these uses. This can result in safety problems. Within this subsection, HMDC is also amending the paragraph that deals with pole heights. The heights are being increased to meet the needs of uses with extensive paved areas, and rail terminals.

N.J.A.C. 19:4-6.18(m), fences, is being amended. The basic change is that most of paragraph (m)1 is being deleted and the text contained therein is being recodified as subparagraphs (m)1i, ii and iii, with modifications.

N.J.A.C. 19:4-6.18(n), the subsection which pertains to satellite antennas, is being amended to reflect the needs of the new use introduced in some of the zones, the communications common carrier.

N.J.A.C. 19:4-6.18(p), a new subsection, is proposed that would be applicable to public parks as per the new definition for this term. It is the intent of this regulation to acknowledge that public parks are unique land uses for which the standard design criteria are not always appropriate or applicable. This amendment will allow more flexibility when reviewing this use in order to meet the inherent need of a park to be compatible with, and sensitive to the existing natural, and man-made features of the District.

N.J.A.C. 19:4-6.18(q) is a proposed, new subsection that would be applicable to recycling areas, a new term defined as part of this proposal. The intent of this subsection is to encourage the recycling of materials through the permitting and requirement of on site collection and storage areas for source separated materials as a means to advance the recycling goals of the State of New Jersey. While the principal goal is to provide site areas for the recycling to occur in an orderly and safe manner, it is not the purpose of this rule to allow the development of unregulated areas that evolve into outdoor storage areas if not maintained.

In N.J.A.C. 19:4-6.22(b)1, Public hearings, subdivisions are being added.

In N.J.A.C. 19:4-6.23, Nonconformities, is being amended. The changes will allow nonconforming structures to be repaired and maintained in order to eliminate dilapidated structures and enhance the aesthetics of the district.

In N.J.A.C. 19:4-6.24, Fees, penalties and enforcement, subdivision applicants are being added to the types of approvals and/or permits regulated by this section.

Chapter 5 of the District's rules contains the subdivision regulations. The proposed amendments to the subdivision regulations include revisions to some of the definitions, to some of the design standards, and to outdated citation numbers. The last time this chapter was amended was in 1972. Staff has reviewed the general contents of this chapter and has found that the regulations contained therein, with minor exceptions, adequately reflect the intent of the District regulations.

At N.J.A.C. 19:5-3.1 the definition of alley is being repealed. In the same section, the following definitions are being amended: design standards or design requirements, final plat, improvements, landfill, lot, preliminary plat and sketch plat; and the definition of sanitary landfill is being proposed as new.

The hearing specifics at N.J.A.C. 19:5-4.3 are replaced with a reference to N.J.A.C. 19:4-6.25.

N.J.A.C. 19:5-5.5 is not needed, not utilized and is therefore being repealed. Other systems are in place that accomplish the same goal of distribution and review of preliminary plat.

In N.J.A.C. 19:5-5.6, the citation which pertains to the mandatory hearing is being updated. In section (g) the time frame for the Office of the Chief Engineer to act upon a preliminary plat is being amended from 30 days to 45 days.

In N.J.A.C. 19:5-6.4, the requirement that a preliminary plat be prepared by a professional engineering or land surveyor is being amended to only licensed land surveyors in accordance with the requirements of the licensing boards having jurisdiction in this manner.

In N.J.A.C. 19:5-6.5, Contents of preliminary plat, paragraph (a)9 is being amended to require that wetland areas on a site be delineated and paragraph (a)20 is being amended to require that the location and extent of any detention basin be included.

In N.J.A.C. 19:5-6.7, Contents of final plat, paragraph (a)4 is being amended. The term, servants is no longer appropriate and is being deleted and the requirement that a certificate be signed by the engineer is being amended to land surveyor in accordance with licensing boards having jurisdiction.

In N.J.A.C. 19:5-7.5(k), the right of way widths for local residential, business, commercial and industrial streets are being reduced.

N.J.A.C. 19:5-7.5(s) is new and will require that pavement thicknesses and widths meet municipal standards since the roads, once completed are dedicated to the municipality.

N.J.A.C. 19:5-7.6 deals with alleys. This section has been in effect since 1972. HMDC has not approved alleys in the District and sees no need to keep this section, therefore, it is being repealed.

In N.J.A.C. 19:5-7.10 Drainage, subsection (d), is being amended. The existing requirements for pipe line and open channel systems are being deleted and a new requirement that these systems carry the maximum discharge commensurate with design is being introduced in paragraph (e)9, rip-rap is being added as a suitable pipe-end treatment. In subsection (g), the means through which the velocity is being controlled is being amended. The use of sod and paving are being deleted and the term vegetation is being introduced.

The section on landfills, N.J.A.C. 19:5-7.12, is no longer valid and is therefore being repealed. All standards for fill are contained in N.J.A.C. 19:4 and the reference citation is given in the new N.J.A.C. 19:5-7.12.

In N.J.A.C. 19:5-8.3, Capital agreement, bond and deposit guaranteeing installation of required improvements is being amended. In subsection (c), the time for submittal of the maintenance bond is being amended to when the improvements are conpleted and accepted by the municipality.

In N.J.A.C. 19:5-9.2, Contents of engineering drawings, paragraph (a)5 is requiring that the engineering drawings for the improvements contain lighting plans, information on street plantings, and monument locations.

In N.J.A.C. 19:5-9.3, Review by Office of the Chief Engineer, subsection (b) is being deleted. The terms used in this subsection were part of the original subdivision regulations drafted over 25 years ago and are no longer applicable or valid.

N.J.A.C. 19:5-11 is repealed and replaced by a reference to N.J.A.C. 19:4-6.24.

Social Impact

These amended rules will impact all property owners in the Hackensack Meadowlands District. One of the driving forces behind the proposed changes has been HMDC's desire to meet the changing needs of the residential and business components which make up the Meadowlands community. HMDC hopes that the residents of the four municipalities in the District that have land zoned low density residential will be better served by dealing directly with the municipal authorities. In order to better meet the needs of businesses in the District, HMDC Staff is proposing a series of uses that have never been addressed by the regulations. HMDC is defining these uses and locating them in the appropriate zones. For example, day care facilities will now be permitted in all of the development zones. Other examples of these uses include group care, freight forwarding, auto maintenance and class A and B recycling facilities.

Adding new uses to each of the development zones allows greater flexibility in developing them and/or in finding tenants for existing buildings. In addition, individuals which operate these newly defined uses will no longer be overlooked by the regulations. It is HMDC's intent by allowing a substantial number of uses in most of the zones to encourage mixes of uses which are complimentary and compatible to one another in the individual neighborhoods throughout the District. This type of mix will not only result in social and economic benefits, but more importantly, there are inherent benefits to the infrastructure that supports these types of developments. They can provide goods and services to one another from within the neighborhood and generate traffic at different peak times throughout the day.

The amendment that will require property owner's authorization on all applications has been a policy of the Commission which is now being codified. This ensures that no action will take place without the owner's authorization and knowledge.

The new section on property maintenance (N.J.A.C. 19:4-4.140A) will have a positive public and social benefit. Properties that are maintained result in a positive reflection on the neighborhood and have a positive impact on property values. The amendments to the variances section (N.J.A.C. 19:4-4.142) will have a positive impact in that they provide a more applicable and clearer set of criteria to be utilized by Staff in evaluating use variances.

The amendments to subchapter 6, the design standards for development in the District, will have the most direct impact on new development. The noise and vibration levels are being relaxed. The different categories which dictate the environmental performance standards for individual zones is being updated to reflect the most up-to-date regulations in this field. In addition, the amendments to the definitions in this subchapter will bring them in line with the definitions contained in the UCC and will therefore bring this aspect of the development in line with the standards utilized in the rest of the State.

The changes to the parking sections contain two important social impacts. The first is the ability to reduce the minimum number of parking spaces required on a site through the implementation of an employee reduction program, approved by NJDOT. The second is the possibility of using existing parking areas through the use of satellite or off-site parking facilities. This means that if parking exists on a nearby lot there will not be a need to pave existing open areas unnecessarily.

The amendments to N.J.A.C. 19:4-6.18(l) will result in an overall positive social benefit. One of the key elements of this subsection is the requirement to light covered parking facilities. This will result in added benefits to drivers with increased visibility and to pedestrians who will no longer be walking through dark, unsafe areas. It is not the intent to over-light these areas. Instead HMDC is hoping to achieve lighting levels which promote safety.

The new subsection N.J.A.C. 19:4-6.18 (p) pertains to public parks. The purpose is to eliminate the restrictions or limiting factors on this type of development in order to promote parks. The HMDC has taken a pro-active position in creating parks and educational facilities which offer recreational opportunities to the general public. The definition also encompasses public open space within the specially planned areas, therefore, private property owner's will also benefit from the proposed amendment. By eliminating unnecessary restrictions and design standards which are truly not applicable to public parks, HMDC hopes to promote development of these areas. Providing recreational open space and preserving natural resources is part of the HMDC's mandate.

N.J.A.C. 19:4-6.18(q) is the new subsection on recycling areas. As previously stated, the purpose of this regulation is to promote recycling in an orderly and safe manner. At this point in time, everyone understands the numerous, positive benefits of recycling. The social impact on property owners will be that they will now be able to have an area for this purpose that is economical, efficient and in conformance with these regulations.

The amendments to Chapter 5, Subdivision Regulations, will have minimal social impacts since the changes are meant to clarify existing regulations. The general contents of this chapter and the regulations contained therein, with minor exceptions, adequately reflect the intent of the District regulations and do not have to be amended.

Economic Impact

The proposed amendments have the potential to economically affect all property owners, residents and companies which do business in the District.

The changes to the fee schedule (N.J.A.C. 19:3) will have a direct economic impact on some businesses or individuals who are seeking permits. The first change is to the zoning section (N.J.A.C. 19:3-1.2). This change will impact all businesses that wish to receive a permit for a recycling area on their site; the fee will be $200.00.

The next amendment is to the construction permit fees (N.J.A.C. 19:3-1.3(a) and (c)3.). The change in subsection (a) is administrative in nature. The change in paragraph (c)3 pertains to the elevator subcode which is part of the UCC, and a corresponding fee schedule for elevators recently adopted by the Department of Community Affairs. Since the HMDC typically only performs the plan review for the subcodes, the fee collected by the HMDC is one line item (see N.J.A.C. 19:3-1.3(c)3ii or iii). The reason why the entire fee schedule has to be adopted is that there are provisions in the regulations for the Commission's Staff to perform functions other than plan review if warranted. The third change to the fee schedule deals with applications for continued occupancy certification; the fee for this type of application is $500.00. It became apparent over the last 12 to 18 months that requests for fee reductions, in accordance with the general provisions of the fee schedule, were being submitted by businesses occupying smaller tenant spaces. A total of 344 applications were submitted for continued occupancy certification. Sixty applicants requested that the fee be reduced. Out of the 60, 33 were for small tenant spaces in one specific development. The fees were reduced in half to $250.00. Approximately 90 percent of the requests involved spaces which were equal to or less than 3,000 square feet. Therefore, the regulation has been amended to address this concern. All applications for this size space will now pay a $250.00 fee.

The final amendment to the fee schedule is to N.J.A.C. 19:3-1.6, General provisions. At subsection (a), HMDC is eliminating the exemption from fees for Federal and State government, agencies and instrumentalities thereof. In addition, independent county and municipal agencies and instrumentalities are also no longer exempt. This amendment will result in an increase in costs to these entities when applying for permits in the District. The amount of Staff time that has to be allocated to these applications is increasing and HMDC can longer afford to waive these fees. It should be noted that the HMDC was one of the few agencies that had this provision. Most other State and Federal agencies do charge fees to other government entities.

There is no additional cost associated with the amendments to Chapter 4 or Chapter 5, with one exception. There will be a cost associated with the preparation and application for permits for recycling areas. However, the long-term effect of recycling in an efficient manner will off-set this cost. These areas will be functional as well as aesthetically pleasing, and will have a positive effect on property values.

The cost of these amendments to the implementing agency, which in this case is the HMDC, will be minimal. The review for recycling areas will be one by the same size staff we currently have. The plan review fee for the elevator subcode is paid to consulting firm, who currently performs the review. In the future, the review may be performed by HMDC personnel. The reduction in the continued occupancy certification fee will not represent a loss of income since many of those fees have been waived in the past.

All other amendments should not result in added expenses to applicants. Any additional elements that may now have to be reviewed are counter balanced with the regulations that are deleted and no longer reviewed.

None of the proposed amendments or new rules, to the best of HMDC's knowledge, affect funding sources.

Regulatory Flexibility Analysis

Presently, all property owners, including small businesses, as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., within the Hackensack Meadowlands District (HMD), must submit development plans, applications and fees whenever a new use or structure is proposed on a lot within the HMD. While occurring within the context of those requirements, the proposed amendments themselves do not place any additional reporting or recordkeeping requirements on small businesses.

Compliance requirements are changed in terms of what are allowable uses and bulk restrictions, as described in the Summary above. The capital cost of compliance and the need for professional services will vary greatly with the nature of the project and the staff resources of the applicant. Given the purpose of the District's regulations to provide for orderly development within the HMD and the absence of a constant, direct correlation between business size and project impact within the HMD, no differentiation in requirements or exemption for small businesses can be provided. However, any applicant, including small businesses, can have all or a portion of a Commission charged fee waived upon a showing of good cause pursuant to N.J.A.C. 19:3-1.6(a).

Full text of the proposed amendments follows (additions are indicated in boldface **thus**; deletions are indicated in brackets [thus]:

CHAPTER 3

SUBCHAPTER 1. REVISED FEE SCHEDULES

19:3-1.2 Zoning

(a) Zoning fees are as follows:

1.-12. (No change.)

13. A fee of $500.00 is charged for interior alterations involving a changing use and/or requiring a zoning certificate[.]; **and**

14. A fee of $200.00 is charged for review of recycling areas.

(b) (No change.)

19:3-1.3 Construction permits

(a) General construction permit fee requirements are as follows:

1.-3. (No change.)

[4. The Office of the Chief Engineer, pursuant to N.J.A.C. 19:6-3.2, is designated as the building subcode official with the HMD and has the responsibility for reviewing and approving or disapproving all construction engineering plans and all building, plumbing, electrical and fire protection plans, specifications and details. Therefore, pursuant to N.J.A.C. 19:6-3.4, the fees in this section shall pertain.]

4. The Office of the Chief Engineer of the HMDC, acting as agent for the Department of Community Affairs, shall have the responsibility, pursuant to N.J.S.A. 13:17-1 et seq. for the approval of all plans, for insuring compliance with the Uniform Construction Code (UCC) and for enforcement as contained in N.J.A.C. 19:6-1 et seq. Therefore, pursuant to N.J.A.C. 19:6-1.5 the fees in this section shall pertain.

5. (No change.)

(b) (No change.)

(c) Construction permit fees are as follows:

1.-2. (No change.)

[3. Elevators: The fee for a permit to install an elevator shall be $260.00.]

3. Elevators:

i. The fee for a permit to install an elevator device shall be a flat fee. The fee may vary for different types of inspections, tests and elevator devices.

ii. The fee for Plan Review for elevator devices in structures in Use Groups R-3, R-4 and for elevator devices wholly within dwelling units in R-2 structures shall be $50.00 for each device.

iii. The fee for Plan Review for elevator devices in structures in Use Groups other than R-3 and R-4 shall be $260.00 for each device.

iv. The fee for a certificate of approval or certificate of compliance certifying the work done under a construction permit has been satisfactorily completed shall be $28.00.

v. Acceptance tests. The HMDC fees for witnessing acceptance test and performing inspections in structures not in Use Group R-3, R-4, or exempted R-2 structure, shall be as follows:

(1) Traction and winding drum elevators;	
(A) One to 10 floors	**$243.00**
(B) Over 10 floors	**$405.00**
(C) Hydraulic elevators	**$216.00**
(D) Roped hydraulic elevators	**$243.00**
(E) Escalators, moving walks	**$216.00**
(F) Dumbwaiters	**$ 54.00**
(G) Stairway chairlifts, inclined and vertical wheelchair lifts and manlifts	**$ 54.00**
(2) Additional charges for devices equipped with the following features shall be as follows:	
(A) Oil buffers (per buffer)	**$ 43.00**
(B) Counterweight governor and safeties	**$108.00**
(C) Auxiliary power generator	**$ 81.00**

vi. The HMDC fee for elevator devices in structures in Use Group R-3 or R-4, or otherwise exempt devices in R-2 structures, shall be $162.00.

vii. The fee for witnessing acceptance tests of, and performing inspections of, alterations shall be $54.00.

viii. The HMDC fees for routine, six month, tests and inspections for elevator devices in structures not in Use Groups R-3 or R-4, or otherwise exempt devises in R-2 structures, shall be as follows:

(1) Traction and winding drum elevators:	
(A) One to 10 floors	**$151.00**
(B) Over 10 floors	**$194.00**
(C) Hydraulic elevators	**$108.00**
(D) Roped hydraulic elevators	**$151.00**
(E) Escalators, moving walks	**$151.00**

ix. The fee for one year periodic inspection and witnessing of tests of elevator devices, which shall include a six month routine inspection, shall be as follows:

(1) Traction and winding drum elevators:	
(A) One to 10 floors	**$216.00**
(B) Over 10 floors	**$259.00**
(C) Hydraulic elevators	**$162.00**
(D) Roped hydraulic elevators	**$216.00**
(E) Escalator, moving walks	**$346.00**
(F) Dumbwaiters	**$ 86.00**
(G) Manlifts, stairway chairlifts, inclined and vertical wheelchair lifts	**$130.00**
(2) Additional yearly periodic inspection charges for elevator devices equipped with the following features shall be as follows:	
(A) Oil buffers (charge per oil buffer)	**$ 43.00**
(B) Counterweight governor and safeties	**$ 86.00**
(C) Auxiliary power generator	**$ 54.00**

x. The fee for the three year or five year inspection of elevator devices shall be as follows:

(1) Traction and winding drum elevators:	
(A) One to 10 floors (five year inspection)	**$367.00**
(B) Over 10 floors (five year inspection)	**$410.00**
(2) Hydraulic and roped hydraulic elevators:	
(A) Three-year inspection	**$270.00**
(B) Five-year inspection	**$162.00**

4. (No change.)

5. Periodic inspections: The fees for periodic departmental reinspection of equipment and facilities granted a certificate of approval for a specified duration in accordance with N.J.A.C. 5:23-2.23 shall be as follows:

[i. For elevators, escalators and moving walks requiring reinspection every six months, the fee shall be $65.00, except for each five-year inspection and witnessing of tests on elevators, for which the fee shall be $208.00.

ii. For dumbwaiters requiring reinspection every 12 months the fee shall be $26.00.

iii.] **i.** For cross connections and backflow preventers that are subject to testing, requiring reinspection every three months, the fee shall be $33.00 for each device when they are tested (thrice annually) and $85.00 for each device when they are broken down and tested (once annually).

19:3-1.4 Occupancy

(a) (No change.)

(b) The fee for a Certificate of Occupancy or Occupancy Certification is [$500.00.] **as follows:**

1. For tenant spaces of up to and including 3,000 square feet, the fee is $250.00;

2. For tenant spaces in excess of 3,000 square feet, the fee is $500.00.

(c) (No change.)

19:3-1.6 General Provisions

(a) This fee schedule shall not be applicable to [the Federal, State,] county or municipal government.[, or any instrumentality or agency thereof.] Any fee, or portion thereof, provided for herein, may be waived by the Executive Director upon recommendation of the chief engineer upon good cause shown.

(b)-(g) (No change.)

CHAPTER 3A
ADMINISTRATION

SUBCHAPTER 1. GENERAL PROVISIONS

19:3A-1.2 Annual meeting

An annual meeting of the Hackensack Meadowlands Development Commission shall be held on the [last] **fourth** Wednesday in the month of June.

SUBCHAPTER 2. FLOOD INSURANCE

19:3A-2.1 Required land use and control measures

(a) [Now, therefore, be it resolved by the Hackensack Meadowlands Development Commission that the office of the chief engineer] **The Office of the Chief Engineer** [is hereby directed to]

shall review all permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement (including prefabricated and mobile homes) must:

1.-3. (No change.)

(b) [We further hereby direct the office of the chief engineer] **The Office of the Chief Engineer** [to] **shall** review all subdivision proposals and other proposed new developments to assure that[;]:

1. All such proposals are [consistant] **consistent** with the need to minimize flood damage;

2.-3. (No change.)

(c) [We hereby agree that from this time forth we will require new] **New** or replacement water supply systems and/or sanitary sewage systems [to] **shall** be designed to minimize [of] **or** eliminate infiltration of flood waters into the systems and discharges from the systems into flood water[, and require on-site] **on-site** waste disposal systems [to] **shall** be located so as to avoid impairment of them or contamination from them during flooding.

19:3A-2.2 Securing coverage under the National Flood Insurance Program

(a) (No change.)

(b) [The Hackensack Meadowlands Development Commission hereby appoints William D. McDowell,] **The** Executive Director of the Hackensack Meadowlands Development Commission[, as] **shall be** the person responsible for the implementation and coordination of the Federal Flood Insurance Program within the Hackensack Meadowlands District.

(c) [The Hackensack Meadowlands Development Commission hereby appoints William D. McDowell,] **The** Executive Director of the Hackensack Meadowlands Development Commission[, as] **shall be** the person responsible to furnish on request, by an appropriate Federal or State official or by a designated representative of the National Insurers Association, information for each structure constructed within the area of special flood hazards after flood insurance is made available in the community concerning its first floor elevation, and if there is a basement the distance from the first floor to the bottom of the lowest opening where water flowing over the ground would enter said basement.

(d) [The Hackensack Meadowlands Development Commission hereby appoints William D. McDowell,] **The** Executive Director of the Hackensack Meadowlands Development Commission[, as] **shall be** the person responsible for the preparation and submission to the Federal [Floor] **Flood** Insurance Administrator an annual report concerning the activities of the municipality related to the National Flood Insurance Program.

(e) The Hackensack Meadowlands Development Commission [hereby designates their] office located at [1099 Wall Street West,] **One DeKorte Park Plaza,** Lyndhurst, New Jersey, [as] **shall be** the local repository where flood insurance and flood hazard maps will be available for public inspection.

(f) (No change.)

(g) The Hackensack Meadowlands Development Commission will comply with the regulations of the National Flood Insurance Program to:

1.-4. (No change.)

5. Cooperate with [federal] **Federal,** State, and local agencies and private firms which undertake to study survey maps and identify flood-prone areas[; and].

(h) (No change.)

CHAPTER 4
DISTRICT ZONING REGULATIONS

SUBCHAPTER 2. CONSTRUCTION AND DEFINITIONS

19:4-2.2 Definitions

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

...

"Accessory entertainment" means a use that is provided to restaurant customers as incidental to the normal service of food and drink and is compatible with the restaurant use. Such use shall not occupy more than 25 percent of the restaurant's customer seating area.

"Accessory trailer parking" means an approved parking area, properly screened from the public right-of-way for the temporary parking of empty, operable trucks and/or trailers, owned or leased by the property owner or tenant.

"Adult care center" means an establishment which provides daytime supervision and activities for senior citizens and/or physically/mentally challenged adults. No residential facilities are permitted in an Adult Care Facility.

...

["Alley" means a public way, other than a street, along the side of or in the rear of lots, that provides a secondary means of access to and from streets and such lots.]

"Auto garage" means a facility that is principally used for the mechanical repair of motor vehicles. This facility would include major engine and transmission repair and replacement, chassis and suspension repair, body work, and vehicle painting. These facilities may include limited accessory outdoor storage areas for parts and vehicles.

"Auto maintenance facility" means a facility that is principally used for the routine maintenance of motor vehicles. Such routine maintenance would include activities such as fluid changes; filter, belt, tire and shock replacement; brake and muffler repair; and, vehicle detailing. These facilities would not involve the overnight storage of vehicles.

...

"Bus terminals" means any facility used for the storage and/or dispatching of buses where the maintenance, repair, or fueling of the buses is accessory to the principal use of storage. Buses may include charter, transit or school.

...

"Child care center" means [a commercial establishment where care is given to six or more children under the age of six, not related to the operator by close ties of blood, marriage, or legal adoption, outside their home during any part of the day.] **any facility licensed by the Department of Human Services which is maintained for the care, development or supervision of children.**

"Class A recyclable material" means any source separated nonputrescible recyclable material as defined by the New Jersey Department of Environmental Protection and Energy.

"Class A recycling facility" means a facility which handles Class A recyclable material.

"Class B recyclable material" means a source separated recyclable material as defined by the NJDEPE.

"Class B recycling facility" means a facility which handles Class B recyclable material.

"Communications common carrier" means any person (individual, partnership, association, joint-stock company, trust, corporation, or other entity) engaged as a common carrier for hire in interstate or foreign radio transmission of energy as defined by the Federal Communications Commission (FCC).

"Community residence" means a licensed community residential facility for the developmentally disabled providing food, shelter and personal guidance to not more than 15 developmentally disabled or mentally ill persons, who require assistance, temporarily or permanently, in order to live in the community, and shall include, but not be limited to: group homes, half-way houses, intermediate care facilities, supervised apartment living arrangements, and hostels.)

"Community shelter" means any community shelter for victims of domestic violence approved and certified by the Department of Human Services, providing food, shelter, medical care, legal assistance, personal guidance, and other services to not more than 15 persons who have been victims of domestic violence, including any children of such victims, who temporarily require shelter and assistance in order to protect their physical or psychological welfare.

...

"Dwelling: multiple-family" means a residential building containing three or more dwelling units **occupied or intended to be occupied by persons living independently of each other, or a group of such buildings.**

...

"Floor area" means the sum of the areas of all floors of a building or buildings, measured from the faces of the exterior walls not including porches, balconies, patios, terraces, breezeways and enclosed pedestrian walkways. **Outdoor seating areas associated with restaurants shall be included in floor area calculations.**

...

"Freight forwarding" means an establishment primarily engaged in the transhipment of goods from shippers to receivers for a charge, covering the entire transportation route and, in turn, making use of services of other transportation establishments as instrumentalities in effecting delivery. Freight forwarding facilities may include areas for the temporary storage, transfer, repacking, consolidation or distribution of such goods and accessory parking and servicing of trucks and trailers.

...

"Indoor recreation" means a commercial establishment which is designed and equipped for the conduct of sports, leisure activities and other customary recreational activities within a completely enclosed structure.

...

"Intermodal facility" means a facility principally used for the transfer of cargo from one mode of transportation to another. The cargo is primarily containerized and is not broken down or consolidated on site. Intermodal facilities may include trailer parking areas and interior areas for the repair and servicing of trailers, containers, and trucks utilized on site.

...

"Lot" means a designated parcel, tract, or area of land established by a plot or otherwise as permitted by law and to be used, developed, or built upon as a unit. [Such lot may consist of a single lot of record, a portion of a lot of record, or a combination of the above and must be under single ownership and within reasonable proximity to one another. A lot can only be created by a recorded agreement to which the HMDC must be included as a party. A lot cannot be created for the purpose of transferring bulk requirements unless the lots of record or portions of lots of record are contiguous and within the same zone. Whether or not lots or portions of lots which are separated by a manmade or natural barrier, such as a waterway or a right-of-way, will be considered to be contiguous will be determined by the Office of the Chief Engineer based upon the nature and extent of such barrier and the nature and extent of the area in which such barrier is located.]

...

"Minor truck repair" means the repair of trucks not normally involving overnight storage or long term repair. **Such repairs must occur inside an approved facility.** The following are not considered minor truck repairs: fender and body work, suspension and chassis repair, transmission and minor rebuilding or trailer repairs.

...

"Nonconforming lot" means a lot in which the area, dimension or location was lawful prior to the adoption, revision or amendment to the HMDC Zoning Regulations but fails to conform to the requirements of the [zoning district] **zone** in which it is located by reason of such adoption, revision or amendment.

"Nonconforming structure" means a structure in which the size, dimension or location was lawful prior to the adoption, revision or amendment to the HMDC Zoning Regulations but which fails to conform to the requirements of the [zoning district] **zone** in which it is located by reason of such adoption, revision or amendment.

...

"Public park" means an area set aside and designated for outdoor recreation including both active participation and passive experiences. Public parks include both recreation facilities or preservation areas, conveyed or otherwise dedicated to the state, county or municipality or any such agency for recreational or preservation purposes. Public park includes among other uses, county and municipal parks, athletic fields owned by a public entity, publicly owned marinas and public open space within a specially planned area, as defined at N.J.A.C. 19:4-2.2.

...

"Recycling area" means space allocated for collection and storage of source separated recyclable materials.

"Remodeling" means any change in a structure (other than incidental repairs and normal maintenance, **installation or relocation of non-bearing walls, non-bearing partitions, fixtures, wiring or plumbing**) which may prolong its useful life, or the useful life of its supporting members such as bearing walls or partitions, columns, beams, girders or foundations; or the removal of any portion of the structure.

...

"Restaurant" means an establishment where food is prepared, served, and consumed primarily within the principal structure. The serving of liquor at a restaurant is permitted provided it is accessory to the principal use in accordance with N.J.A.C. 19:4-4.145.

...

"Satellite parking facilities" means the use of excess parking facilities on property other than the property where a legal tenant is occupying a structure.

...

"Self storage facility" means a facility principally used for the storage of goods and materials within reasonably small tenant spaces by various tenants, none of which employ any on-site employees. Such a facility may have an accessory residential unit for a facility employee responsible for facility operations and security.

"Service: business" means an establishment primarily engaged in rendering service to business establishments on a fee or contract basis, such as advertising and mailing; business maintenance; employment service; management and consulting services; protective services; and/or equipment rental and leasing.

"Service: personal" means an establishment primarily engaged in providing services involving the care of a person or his or her apparel.

"Service: retail" means an establishment providing services or entertainment, as opposed to products, to the general public including finance, real estate and insurance, health, education, museums and galleries.

"Service: social" means an establishment providing assistance and aid to those persons requiring counseling for psychological problems, employment, learning disabilities, and physical disabilities.

"Special exception" means a use permitted in a particular zone only upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of such use as specified in N.J.A.C. 19:4-4.141.

...

"Variance" means a permission to depart from the literal requirements of a zoning regulations if the conditions and standards of such use are complied with as specified in N.J.A.C. 19:4-4.142.

...

"Yard" means [open space] **an area** on a lot which is unoccupied and unobstructed from its lowest level to the sky, except for the permitted obstructions listed in N.J.A.C. 19:4-4.9.

...

"Zoning certificate (ZC)" means a document signed by the Chief Engineer, as required in these rules, as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure, building, or site improvement, which acknowledges that such use, structure, or building complies with the provisions of the regulations or authorized variance therefrom.

...

SUBCHAPTER 3. APPLICATION OF REGULATIONS

19:4-3.1 Territorial application

(a) (No change.)

(b) The Hackensack Meadowlands District shall be divided into the following districts, the location of which shall be determined by reference to the Official Zoning Map, with all notations and attached boundary descriptions if any, kept in the Office of the Chief Engineer and hereby adopted as a part of these regulations.

1. (No change.)

2. Specially planned areas:

i.-vi. (No change.)

[vii. Island Residential 4 (IR 4);]

vii. Planned Development Center 1 (PDC 1)

viii.-xii. (No change.)

xiii. Special Use 2 (SU 2)[.];

xiv. Special Use 3 (SU 3).

19:4-3.2 Structures, uses, occupancies, and land

(a)(No change.)

(b) The following, except as otherwise provided, shall be exempt from the regulations listed in (a) above:

1. [One and two-family uses and occupancies, home occupations, and structures and uses accessory thereto in the Low Density Residential Zone, provided that the municipality has enacted zoning ordinances governing such uses, occupancies and structures which are consistent with, or which will effectuate the purposes of the Commission's Master Plan;] **Whenever the governing body of a constituent municipality has enacted zoning ordinances and any other codes or standards which are consistent with, or which will effectuate the purposes of, the Commission's Master Plan, that municipality may make final land use decisions within the municipality with respect to applications made concerning individual/detached one, two or three family residences. These decisions shall include, but not be limited to, variances, certificates of occupancy, plan review, building permits and site approvals. Whenever a municipality shall make a zoning and/or land use decision pursuant to this subsection, a copy of the decision, the application and any other pertinent information shall be forwarded to the Commission within 10 working days of the final action.**

2. (No change.)

19:4-3.3 Zoning of public ways, waterways, and railroad rights-of-way

(a) All streets, roads, highways, [alleys,] public ways, and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same [district] **zone** as the property immediately abutting upon the same.

(b) Where the center line of a street, road, highway, [alley,] public way, waterway or railroad right-of-way serves as a [district] **zone** boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line.

(c) All waterways comprising the Hackensack River and its tributaries shall be deemed to be in the Marshland Preservation Zone; **however, this designation shall not prevent the implementation of public marinas or public access facilities.**

SUBCHAPTER 4. ZONE REGULATIONS

19:4-4.2 Special exceptions

No use of a structure or land that is designated as a special exception in any [district] **zone** shall hereafter be established, and no existing special exception shall hereafter be changed to another special exception, in such [district] **zone** unless a special use permit has been secured in accordance with the provisions of this subchapter.

. . .

19:4-4.8 Obstructions in [required] yards

(a) The following shall not be considered to be obstructions and shall be permitted when located in a required yard:

1. In all yards: Open terraces not over four feet above the average level of the adjoining ground, terraces, porches or weather protection enclosures projecting six feet or less into the required yard and totalling less than 60 square feet in floor area; awnings or canopies; steps four feet or less above grade which are necessary for access to a permanent structure or for access to a lot from a street [or alley]; one-story bay windows and overhanging eaves and gutters, and fireplaces projecting 30 inches or less into the required yard; arbors; flag poles; signs, when permitted by N.J.A.C. 19:4-6.18; [and] fences when permitted by N.J.A.C. 19:4-6.18; **and transformers.**

2. In any yard except a **required** front yard: Accessory uses permitted by N.J.A.C. 19:4-4.145 and meeting the applicable side yard requirements: recreational [and laundry drying] equipment; parking [and loading] facilities, provided that a minimum distance of six feet of landscaping is maintained between parking facilities and buildings.

(b) (No change.)

19:4-4.9 [(Reserved)] **Zoning lot of record**

(a) A zoning lot of record may be established in order to utilize two or more lots as a united parcel. Zoning lots of record shall meet the following requirements:

1. The zoning lot of record shall be designed, developed, built and used as a single unit. Usage of open space, parking and other site related amenities are to be shared by the site users.

2. The individual lots within a zoning lot of record shall be under single ownership at the time of development. In the event that the subject lots become owned by two or more entities, a reciprocal easement agreement shall be established to insure that the zoning lot of record continues to act as a single unit. This agreement shall be approved by the Office of the Chief Engineer, and shall be recorded in the county registrar's office. In the event that no reciprocal easement agreement is recorded, the zoning lot of record will become null and void if two or more entities own the premises. Any nonconformities resulting from the elimination of the zoning lot of record shall be classified as existing legal nonconformities, and shall be bound by the restrictions of N.J.A.C. 19:4-6.23.

3. The zoning lot of record shall be comprised of lots which are contiguous and within the same zone. Whether or not lots or portions of lots which are separated by a manmade or natural barrier, such as a waterway or right-of-way, will be considered to be contiguous will be determined by the Office of the Chief Engineer based upon the nature and extent of such barrier and the nature and extent of the area in which such barrier is located.

4. Zoning lots of record shall be designed and utilized as a unit.

19:4-4.15 Marshland preservation zone; use limitations

[(a)] No use shall be operated, conducted or maintained that may impair the quality of the [district] **zone** as a marsh preservation area. Any use that significantly discourages or interferes with use of the zone as a natural habitat for waterfowl and other forms of marsh life shall be presumed to be a use that impairs the quality of the zone as a marsh preservation area.

[(b) No motor-driven vehicle or equipment shall be used in the zone that interferes with its use as a marshland preservation area.]

19:4-4.16 Marshland preservation zone; environmental performance standards

(a) All uses in the marshland preservation zone shall comply with the following environmental performance standard categories of N.J.A.C. 19:4-6:

1. (No change.)

2. Environmental performance standards category [B] **A**: fire and explosion hazards; radioactive materials.

3.-4. (No change.)

19:4-4.17 Marshland preservation zone; design of structures and other improvements

The design of all structures and other improvements shall comply with the requirements of [subchapter 6 of this chapter] **N.J.A.C. 19:4-6.18.**

19:4-4.19 Park and recreation zone; permitted uses

(a) Permitted uses in the park and recreation zone include:

1. [Any governmental property used for park or recreation purposes] **Public parks**;

2. (No change.)

19:4-4.20A Planned park zone 1; special exceptions

(a) The following special exceptions shall apply:

1.-2. (No change.)
3. Residential uses as provided in N.J.A.C. 19:4-[4.19]**4.19A** where the developer exceeds 900 dwelling units for the entire zone.

19:4-4.22 Park and recreation zone; environmental performance standards

(a) All uses in the park and recreation zone shall comply with the following environmental performance standard categories of N.J.A.C. [19:4-6.1 et seq.] **19:4-6**:
1.-3. (No change.)

19:4-4.24A Planned park zone 1; environmental performance standards

(a) All uses in the planned park zone shall comply with the following environmental performance standard categories of N.J.A.C. 19:4-6.
1. All Category [A] **B** environmental performance standards shall apply.
2. (No change.)

19:4-4.27 Low density residential zone; permitted uses

(a) Permitted uses in the low density residential zone include:
1.-6. (No change.)
7. Swimming clubs, swimming pools and recreational facilities incidental thereto[.]; **and**
8. Community residences for the developmentally disabled and community shelters for victims of domestic violence with less than six residents.

19:4-4.28 Low density residential zone; special exceptions

(a) Special exceptions in the low density residential zone include:
1.-5. (No change.)
6. Any satellite antenna exceeding six feet in diameter[.]; **and**
7. Community residences for the developmentally disabled and community shelters for victims of domestic violence with six or more residents provided that no such residence shall be located within 1,500 feet of another such residence and the number of persons, other than resident staff, residing at existing such residences within each municipality shall not exceed 50 persons, or 0.5 percent of the population of each municipality, whichever is greater.

19:4-4.29 Low density residential zone; lot [size] **area** and density requirements

(a) (No change.)

19:4-4.31 Low density residential zone; design of structures and other improvements

The design of all structures and other improvements shall comply with the requirements of N.J.A.C. 19:4-6.**18.** No land which is located in the low density residential zone shall be used for a driveway, walkway or access purpose to any land which is located in any zone created by N.J.A.C. 19:4-4.43 through 4.156.

19:4-4.34 Waterfront recreation zone; type of development

Developers of land located in this zone shall have the option of developing said land in accordance with [Sections 133 to 139 of this subchapter] **N.J.A.C. 19:4-4.133 to 4.139** or as a planned unit development in accordance with the provisions of [Section 144 of this subchapter] **N.J.A.C. 19:4-4.144.**

19:4-4.35 Waterfront recreation zone; required marina and other permitted uses

(a)-(c) (No change.)
(d) Child care centers are a permitted use. However, this use does not require the provision of a marina.

19:4-4.36 Waterfront recreation zone; special exceptions

(a) When included with a marina meeting the minimum requirements set forth in N.J.A.C. 19:4-4.35(a), the following uses shall be special exceptions:
1. (No change.)
2. Theater; **and**
3. Indoor recreational facilities[.]; **and**
[4. Any satellite antenna exceeding six feet in diameter.]

19:4-4.37 Waterfront recreation zone; use limitations

(a) All uses shall be buffered whenever possible by tidally-affected marsh or otherwise screened, where the same adjoin the low density residential zone at a side or rear lot line [or are separated from such zone by an alley].
(b)-(c) (No change.)
(d) Outdoor play areas are permitted in association with licensed child care centers.

19:4-4.45 Highway commercial zone; permitted uses

(a) Permitted uses in the highway commercial zone include:
1.-7. (No change.)
8. Accessory retail [and service] uses in connection with office, hotels and motels.
8. Child care centers;
9. Personal services;
10. Retail services; and
11. Social services.

19:4-4.46 Highway commercial zone; special exceptions

(a) Special exceptions in the highway commercial zone include:
1.-3. (No change.)
4. Automobile service stations[, no closer than 1,000 feet to each other] **or auto maintenance facilities;**
[5. Any satellite antenna exceeding 12 feet in diameter;]
5. Indoor recreation; and
6. Any satellite antenna that must be located on a tower.

19:4-4.47 Highway commercial zone; use limitations

(a) All business, service, storage and display of goods, except for **outdoor display facilities that are accessory to automobile showrooms and** off-street parking and loading, shall be conducted within completely enclosed buildings.
(b)-(d) (No change.)
(e) Outdoor play areas are permitted in association with licensed child care centers.

19:4-4.50 Highway commercial zone; buffer requirements

(a) There shall be a 25-foot wide strip of landscaped open space, with heavy vegetative screening, where any development borders a specially planned area, the park and recreation [district,] **zone,** and the low density residential [district.] **zone.**
(b) (No change.)

19:4-4.51 Highway commercial zone; environmental performance standards

(a) All uses in the highway commercial zone shall comply with the environmental performance standard categories of N.J.A.C. 19:4-6[.1 through 19:4-6.16]**:**
1. Environmental performance standard category [A] **B** for fire and explosion hazards and radioactive materials.
2.-3. (No change.)

19:4-4.54 Service-highway commercial zone; type of development

Developers of land located in this zone shall have the option of developing said land in accordance with N.J.A.C. 19:4-4.133 to 19:4-[4.137]**4.139** or as a planned unit development in accordance with the provisions of N.J.A.C. 19:4-4.144.

19:4-4.55 Service-highway commercial zone; permitted uses

(a) Permitted uses in the service-highway commercial zone include:
1.-2. (No change.)
3. Automobile service stations[, no closer than 1,000 feet to each other] **or auto maintenance facilities;**
4.-5. (No change.)
[6. Retail and service uses;]
6. Social services;
7. (No change.)
[8. Other drive-in establishments.]
8. Other drive-in establishments;
9. Child care centers;
10. Personal services; and
11. Retail services.

19:4-4.56 Service-highway commercial zone; special exceptions

(a) Special exceptions in the service highway commercial zone include:

1.-3. (No change.)

[4. Any satellite antenna exceeding 12 feet in diameter;]

4. Indoor recreation; and

5. (No chang.e)

19:4-4.57 Service-highway commercial zone; use limitations

(a) (No change.)

(b) Outdoor display and storage (except off-street parking and loading**, and recycling areas**) shall be permitted only in connection with an otherwise permitted or special exception use when such use is housed within an enclosed building, and the area of such storage or display shall not exceed 10 percent of the floor area of the enclosed building in which the permitted or special permit use is located.

(c) All uses shall be screened where the same adjoin the low density residential zone at a side or rear lot line [or are separated from such zone by an alley].

(d) Outdoor play areas are permitted in association with licensed child care centers.

19:4-4.58 Service-highway commercial zone; lot [size] **area** requirements

(a) Lot [size] **area** requirements in the service-highway commercial zone are:

1.-3. (No change.)

19:4-4.60 Service-highway commercial zone; buffer requirements

(a) There shall be a 25-foot wide strip of landscaped open space with heavy vegetative screening where any development borders a specially planned area, a residential planned unit development, or the park and recreation [district] **zone**, or low density residential [district] **zone**.

(b) (No change.)

19:4-4.61 Service-highway commercial zone; environmental performance standards

(a) All uses in the service-highway commercial zone shall comply with the following environmental performance standard categories of N.J.A.C. 19:4-6[.1 through 19:4-6.16]:

1. Environmental performance standard category [A] **B** for radioactive materials; fire and explosion hazards;

2.-3. (No change.)

19:4-4.64 Research park zone; type of development

Developers of land located in this zone shall [develop] **have the option of developing** said land [by following the procedure set forth in N.J.A.C. 19:4-4.144] **in accordance with N.J.A.C. 19:4-4.133 to 4.139** or [may develop such land] as a planned unit development in accordance with [the requirements of] N.J.A.C. 19:4-4.144.

19:4-4.65 Research park zone; permitted uses

(a) Permitted uses in the research park zone include:

1.-2. (No change.)

3. Warehouses[.]; **and**

4. Child care centers.

19:4-4.66 Research park zone; special exceptions

(a) Special exceptions in the research park zone include:

1.-4. (No change.)

[5. Any satellite antenna exceeding 12 feet in diameter;]

5. Indoor recreation; and

6. (No change.)

19:4-4.67 Research park zone; use limitations

(a) All operations, activities and storage (except landing areas for helistops [and], off-street parking **and recycling areas**) shall be conducted within completely enclosed buildings.

(b)-(d) (No change.)

(e) Temporary warehouse sales are permitted **for** a maximum of [four times a] **12 days per** year [for a period not exceeding three days per event]. **No warehouse sale shall exceed four consecutive days.** The Office of the Chief Engineer may limit the number of sales permitted **on any day**; thus, applications will be approved on a first come, first served basis.

(f) Outdoor play areas are permitted in association with licensed child care centers.

19:4-4.70 Research park zone; environmental performance standards

(a) All uses in research park zone shall comply with the following environmental performance categories of N.J.A.C. [19:4-6.1 to 19:4-6.16:] **19:4-6.**

1. All category [A] **B** environmental performance standards;

2. (No change.)

19:4-4.73 Research distribution park zone; type of development

Developers of land located in this zone shall [develop] **have the option of developing** said land [by following the procedure set forth] in accordance with [the requirements of] N.J.A.C. 19:4-[4.144]**4.133 to 4.139** or [may develop such land] as a planned unit development in accordance with [the requirements of] N.J.A.C. 19:4-4.144.

19:4-4.74 Research distribution park zone; permitted uses

(a) Permitted uses in the research distribution park zone include:

1.-3. (No change.)

4. Warehouse[.]; **and**

5. Child care centers.

19:4-4.75 Research distribution park zone; special exception

(a) Special exceptions in the research distribution park zone include:

1.-4. (No change.)

[5. Any satellite antenna exceeding 12 feet in diameter;]

5. Indoor recreation; and

6. (No change.)

19:4-4.76 Research distribution park zone; use limitations

(a) All operations, activities and storage (except for landing areas for helistops [and], off street parking and loading **and recycling areas**) shall be conducted in completely enclosed buildings.

(b)-(d) (No change.)

(e) [No retail] **Temporary warehouse** sales are permitted [except for temporary warehouse sales which are permitted] **for** a maximum of [four times a] **12 days per** year [for a period not exceeding three days per event]. **No warehouse sale shall exceed four consecutive days.** The Office of the Chief Engineer may limit the number of sales permitted **on any day**; thus, applications will be approved on a first come, first served basis.

(f) Outdoor play areas are permitted in association with licensed child care centers.

19:4-4.79 Research distribution park zone; environmental performance standards

(a) All uses in the research distribution zone shall comply with the following environmental performance categories of N.J.A.C. [19:4-6.1 through 19:4-6.16:] **19:4-6.**

1. All category [A] **B** environmental performance standards;

2. (No change.)

19:4-4.82 Light industrial **and distribution** zone A; purposes

This zone is designed to accommodate on large lots a wide range of industrial, distribution, commercial and business uses that generate a minimum of detrimental environmental effects.

19:4-4.83 Light industrial **and distribution** zone A; type of development

Developers of land located in the zone shall have the option of developing said land in accordance with [the provisions of] N.J.A.C. 19:4-4.133 to [19:4-]4.139 or as a [general] planned unit development in accordance with [the provisions of] N.J.A.C. 19:4-4.144.

19:4-4.84 Light industrial **and distribution** zone A; permitted uses

(a) Permitted uses in **the** light industrial **and distribution** zone A include:

1.-2. (No change.)

[3. Business or commercial establishments which provide supplies and/or services primarily to industrial and manufacturing customers, and business offices accessory thereto;]

[4.]**3.** Warehouses, wholesale establishments and other storage facilities;

[5.]**4.** Business offices, but not including professional office buildings principally for doctors, dentists, lawyers, real estate brokers and/or similar professional persons, except as an accessory use to an otherwise permitted use or as a special permit;

[6.]**5.** Light public utility uses[.];

6. Child care centers;

7. Class A recycling facilities;

8. Self-storage facilities; and

9. Business services.

19:4-4.85 Light industrial **and distribution** zone A; special exceptions

(a) Special exceptions in **the** light industrial **and distribution** zone A include:

1.-9. (No change.)

[10. Any satellite antenna exceeding 12 feet in diameter;]

10. Indoor recreation;

11. Any satellite antenna which must be located on a tower[.];

12. Auto maintenance facilities; and

13. Social services.

19:4-4.86 Light industrial and distribution zone A; use limitations

(a) All operations, activities, and storage (except landing areas for helistops [and], off-street parking and loading, **and recycling areas**) shall be conducted within completely enclosed buildings.

(b)-(d) (No change.)

(e) Temporary warehouse sales are permitted **for** a maximum of [four times a] **12 days per** year [for a period not exceeding three days per event]. **No warehouse sale shall exceed four consecutive days.** The Office of the Chief Engineer may limit the number of sales permitted **on any day**; thus, applications will be approved on a first come, first served basis.

(f) Outdoor play areas are permitted in association with licensed child care centers.

19:4-4.87 Light industrial **and distribution** zone A; lot area requirements

(a) The lot area requirements in the light industrial **and distribution** zone A are:

1.-2. (No change.)

19:4-4.88 Light industrial **and distribution** zone A; bulk regulations

(a) The bulk regulations in **the** light industrial **and distribution** zone A are:

1.-5. (No change.)

19:4-4.89 Light industrial **and distribution** zone A: buffer requirements

(a)-(b) (No change.)

19:4-4.90 Light industrial **and distribution** zone A; environmental performance standards

(a) All uses in the light industrial and distribution zone A shall comply with the environmental performance categories of N.J.A.C. [19:4-6.1 through 19:4-6.16] **19:4-6** as follows:

1.-2. (No change.)

19:4-4.91 Light industrial **and distribution** zone A; design of structures and other improvements

The design of all structures and other improvements shall comply with the requirements of N.J.A.C. 19:4-6.18.

19:4-4.92 Light industrial **and distribution** zone B; purposes

This zone is designed to accommodate a wide range of industrial, distribution, commercial and business uses that generate a minimum of detrimental environmental effects.

19:4-4.93 Light industrial **and distribution** zone B; type of development

Developers of land located in the zone shall have the option of developing said land in accordance with [the provisions of] N.J.A.C. 19:4- 4.133 to [19:4-]4.139 or as a planned unit development in accordance with [the provisions of] N.J.A.C. 19:4-4.144.

19:4-4.94 Light industrial **and distribution** zone B; permitted uses

(a) Permitted uses in **the** light industrial **and distribution** zone B include:

1.-2. (No change.)

[3. Business or commercial establishments which provide supplies and/or services primarily to industrial and manufacturing customers, and business offices accessory thereto;]

Recodify existing 4 through 8 as **3 through 7** (No change in text.)

[9.]**8.** Light public utility uses[.];

9. Auto maintenance facilities;

10. Bus terminals;

11. Child care centers;

12. Class A recycling facilities;

13. Freight forwarding facilities;

14. Self-storage facilities;

15. Business services; and

16. Communications common carrier.

19:4-4.95 Light industrial **and distribution** zone B; special exceptions

(a) Special exceptions in **the** light industrial **and distribution zone** B include:

1.-8. (No change.)

[9. Any satellite antenna exceeding 12 feet in diameter;]

9. Class B recycling facilities;

10. Any satellite antenna which must be located on a tower[.];

11. Indoor recreation.

19:4-4.96 Light industrial **and distribution** zone B; use limitations

(a) All operations, activities and storage (except landing areas for helistops, off street parking and loading, **parking of empty, registered and operational vehicles,** boat and auto sales/rental yards [and], accessory lumber yards and home improvement centers**, and recycling areas**) shall be conducted within completely enclosed buildings.

(b)-(d) (No change.)

(e) Temporary warehouse sales are permitted **for** a maximum of [four times a] **12 days per** year [for a period not exceeding three days per event]. **No warehouse sale shall exceed four consecutive days.** The Office of the Chief Engineer may limit the number of sales permitted **on any day;** thus, applications will be approved on a first come, first served basis.

(f) (No change.)

(g) Outdoor play areas are permitted in association with licensed child care centers.

19:4-4.97 Light industrial **and distribution** zone B; lot [size] **area** requirements

(a) The lot [size] **area** requirements in **the** light industrial **and distribution** zone B are:

1.-3. (No change.)

19:4-4.98 Light industrial **and distribution** zone B; bulk regulations

(a) The bulk regulations in **the** light industrial **and distribution** zone B are:

1.-5. (No change.)

19:4-4.99 Light industrial **and distribution** zone B; buffer requirements

(a)-(b) (No change.)

19:4-4.100 Light industrial **and distribution** zone B; environmental performance standard

(a) All uses in the light industrial and distribution zone B shall comply with the environmental performance categories of N.J.A.C. [19:4-6.1 to 19:4-6.16] **19:4-6** as follows:

1.-2. (No change.)

19:4-4.101 Light industrial **and distribution** zone B; design of structures and other improvements

The design of all structures and other improvements shall comply with the requirements of N.J.A.C. 19:4-6.18.

19:4-4.103 Heavy industrial zone; type of development

Developers of land located in this zone shall have the option of developing said land in accordance with N.J.A.C. 19:4-4.133 to [19:4-]4.139 or as a [planned] **unit** development in accordance with [the provisions of] N.J.A.C. 19:4-4.144.

19:4-4.104 Heavy industrial zone; permitted uses

(a) Permitted uses in the heavy industrial zone include:

1.-9. (No change.)

[10. Garages for the storage, repair, and servicing of motor vehicles]

10. Auto garage;

11.-15. (No change.)

[16. Retail uses;]

16. Class A and B recycling facilities;

[17. Bus garages.]

17. Bus terminals;

18. Freight forwarding;

19. Intermodal facilities; and

20. Communications common carrier.

19:4-4.105 Heavy industrial zone; special exception

(a) Special exceptions in the heavy industrial zone include:

1.-2. (No change.)

[3. Any satellite antenna exceeding 12 feet in diameter;]

3. Child care centers; and

4. (No change.)

19:4-4.106 Heavy industrial zone; lot [size] **area** requirements

(a) The lot size requirements in the heavy industrial zone are:

1.-3. (No change.)

19:4-4.109 Heavy industrial zone; environmental performance standards

(a) All uses in the heavy industrial zone shall comply with the environmental performance categories of N.J.A.C. [19:4-6.1 to 19:4-6.16] **19:4-6** as follows:

1.-2. (No change.)

19:4-4.114 Airport facilities zone; special exception

(a) Special exceptions in the airport facilities zone include:

1.-2. (No change.)

[3. Any satellite antenna exceeding 12 feet in diameter;]

3. Child Care Centers; and

4. (No change.)

19:4-4.115 Airport facilities zone; use limitation

(a) All operations, activities and storage (except landing and storage areas for airports, heliports, helistops, off-street parking and loading) shall be conducted within completely enclosed buildings.

(b) Outdoor play areas are permitted in association with licensed child care centers.

19:4-4.116 Airport facilities zone; lot [size] **area** requirements

There are no lot [size] **area** requirements in the airport facilities zone.

19:4-4.118 Airport facilities zone; environmental performance standards

(a) All uses in the airport facilities district shall comply with the environmental performance categories of N.J.A.C. [19:4-6.1 to 19:4-6.16] **19:4-6** as follows:

1. All category B environmental performance standards of N.J.A.C. [19:4-6.1 to 19:4-6.16] **19:4-6** shall apply.

2. All water quality standards of N.J.A.C. [19:4-6.1 to 19:4- 6.16] **19:4-6** shall apply.

19:4-4.123 Sports complex zone; land not exempt

(a) Land not exempt from the jurisdiction of the Commission [under N.J.A.C. 19:4-4.122 herein] shall be rezoned by the Commission from the sports complex zone classification within three months after the occurrence of any of the following:

1.-2. (No change.)

19:4-4.125 Public Utilities zone; type of development

Developers of land located in this zone shall have the option of developing said land in accordance with N.J.A.C. 19:4-4.133 to 19:4-4.139 or as a [planned] **unit** development in accordance with the provisions of N.J.A.C. 19:4-4.144.

19:4-4.126 Public utilities zone; permitted uses

(a) Permitted uses in the public utilities zone include:

1.-3. (No change.)

4. Automobile service stations[.];

5. Intermodal facilities; and

6. Communications common carrier.

19:4-4.127 Public utilities zone; special exception

(a) Special exceptions in the public utilities zone include:

1.-2. (No change.)

[3. Any satellite antenna exceeding 12 feet in diameter;]

3. Child care centers; and

4. (No change.)

19:4-4.128 Public utilities zone; lot [size] **area** requirements

(a) The lot size requirements in the public utilities zone are:

1.-3. (No change.)

19:4-4.131 Public utilities zone; environmental performance standards

(a) All uses in the public utilities zone shall comply with the environmental performance categories of N.J.A.C. [19:4-6.1 to 19:4-6.16] **19:4-6** as follows:

1.-2. (No change.)

19:4-4.133 Zoning certificates

(a) Unless a zoning certificate issued under these regulations shall first have been obtained from the [office] **Office** of the [chief engineer] **Chief Engineer**:

1.-2. (No change.)

[3. Building permits shall not be issued by any official of the Commission.]

(b) (No change.)

19:4-4.134 Application for zoning certificate

(a) All applications for zoning certificates shall be filed with the Office of the Chief Engineer. If the Office of the Chief Engineer determines that architectural review is necessary under the standards set forth in N.J.A.C. 19:4-6.19, he shall require that two copies of the application shall be filed and shall forward one copy to the Environmental Design Committee: otherwise, only one copy need be filed. **All applications for zoning certificates shall be signed by the property owner.**

(b) Every application for a zoning certificate shall include:

1.-4. (No change.)

5. For the construction or moving of any structure or addition thereto, a site plan, as follows:

i. A survey of the tract that is to be developed showing existing features of the property, including building setback lines, land uses, public right-of-ways, [alleys,] easements, utility lines, general topography and drainage, watercourse locations, and all natural features including plant material over four inch caliper;

ii.-iii. (No change.)

6.-7. (No change.)

8. Landscape plans and plant schedules showing the existing and proposed landscaping of the site and all areas to be devoted to open space. [All such plans are to be sealed by a New Jersey Certified Landscape Architect or other qualified professional if landscaped open space area is greater than 20,000 square feet.]

9.-10. (No change.)

11. All site plans, surveys, and landscape plans shall be signed and sealed by a licensed professional as required by law;

[11.]**12.** Other such information as may be reasonably required.

19:4-4.135 Review and approval of application for a zoning certificate

(a) Within two weeks after the receipt of the complete application, the Office of the Chief Engineer shall approve the application by letter to the applicant and to the municipality in which the

development is located which shall serve as a zoning certificate, if the application complies with the following standards:

1.-2. (No change.)

3. The traffic circulation system **both on site and off site,** and off-street parking and loading facilities are adequate for the proposed use [and], are designed to promote maximum safety, to provide ready and efficient access for emergency equipment such as fire and police vehicles, and to provide access to existing streets, roads and highways.

4.-5. (No change.)

(b)-(c) (No change.)

19:4-4.138 Application for occupancy certificate

(a) Every application for an occupancy certificate shall be filed with the Office of the Chief Engineer. **All applications for occupancy certification shall be signed by the property owner** and shall contain the following information:

1.-5. (No change.)

19:4-4.140A Property Maintenance

(a) Property owners are responsible for maintaining all properties free of debris and outdoor storage, except where otherwise permitted.

(b) Property owners are responsible for maintaining all drainage ditches free of debris and siltation and ensuring that all drainage facilities are in satisfactory operating condition.

(c) Property owners are responsible for maintaining parking and loading areas free of potholes or other hazardous conditions that might deter from the proper and safe use of the loading and parking areas.

19:4-4.141 Special exceptions

(a) (No change.)

(b) An application for a special exception permit, together with an application for a zoning certificate, shall be filed with the Office of the Chief Engineer. The application shall **be signed by the property owner and** contain the following information as well as such additional information as may be prescribed by rules of the Office of the Chief Engineer.

1.-3. (No change.)

(c) (No change.)

(d) A special exception permit shall not be granted unless specific written findings of fact are made based directly upon the particular evidence presented which support conclusions that:

1.-5. (No change.)

6. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets [and alleys].

7. (No change.)

(e)-(h) (No change.)

19:4-4.142 Variances

(a)-(b) (No change.)

(c) An application for a variance, together with an application for a zoning certificate, shall be filed with the Office of the Chief Engineer. The application shall **be signed by the property owner and** contain the following information as well as such additional information as may be prescribed by rule of the Office of the Chief Engineer.

1.-4. (No change.)

(d) (No change.)

(e) A variance shall not be granted unless specific written findings of fact directly based upon the particular evidence presented are made that support conclusions that:

1. As to bulk variances:

[1.]**i.** The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone, and is not created by an action or actions of the property owner or the applicant.

[2.]**ii.** The granting of the variance will not adversely affect the rights of adjacent property owners or residents.

[3.]**iii.** The strict application of the provisions of these regulations from which a variance is requested will result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the property owner represented in the application.

[4.]**iv.** The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

[5.]**v.** The variance desired will not have an adverse environmental impact.

[6.]**vi.** Granting the variance desired will not substantially impair the intent and purpose of these regulations and will not result in substantial detriment to the public good.

2. As to use variances:

i. The strict application of the provisions of these regulations from which a variance is requested will result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner represented in the application.

ii. The use variance requested shall be designed so as to be compatible with, and complimentary to, the surrounding area and the neighboring uses.

iii. Adequate infrastructure, including, but not limited to, storm and sanitary sewers, utilities, access roads, will be provided and shall be so designed to prevent and/or minimize negative impacts upon the existing infrastructure. In addition, the proposed use will not decrease the ability of said infrastructure to perform in a safe and efficient manner.

iv. Granting of the use variance will not substantially impair the intent and purpose of these regulations and will not result in substantial detriment to the public good.

v. The use variance desired at the specified location will contribute to and promote the welfare or convenience of the public.

vi. The use variance requested shall not have an adverse environmental impact.

(f) In determining whether the evidence supports the conclusions required by (e) above, the Executive Director shall consider the extent to which the evidence demonstrates that:

1. As to bulk variances:

[1.]**i.** The particular physical surroundings, shape or topographical condition of the specific property involved would result in a practical difficulty or undue hardship upon [or for] the owner, lessee, occupant, as distinguished from a mere inconvenience, if the provisions of these regulations were literally enforced.

[2.]**ii.** The request for a variance is not based exclusively upon desire of the owner, lessee, occupant or applicant to make more money out of the property.

[3.]**iii.** The granting of the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located.

[4.]**iv.** The proposed variance will not impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.

2. As to use variances:

i. Enforcement of the use provisions of these regulations would result in a practical difficulty or undue hardship upon the owner, lessee, occupant, as distinguished from a mere inconvenience.

ii. The request for a use variance is not based exclusively upon desire of the owner, lessee, occupant or applicant to make more money out of the property.

iii. The granting of the use variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located.

iv. The proposed use will not impair an adequate supply of light or air to adjacent property, decrease existing levels of service on those public rights of way which the project impacts, negatively impact on-site circulation, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.

v. The applicant has demonstrated that the proposed use will result in a compelling public benefit.

vi. The applicant has demonstrated that the site in question is particularly suited for the proposed use or the site is particularly unsuitable for any of the uses permitted in the subject zone.

(g) Within eight weeks of the close of the public informational hearing, the Chief Engineer shall submit a recommended form of decision to the Executive Director regarding the submitted variance application. The Executive Director shall review the findings, conclusions, and recommendations of the Chief Engineer and shall state his acceptance, rejection or modification of the Chief Engineer's recommendation. [In the event that the Executive Director's decision is a denial of the variance application or is a recommended approval with conditions, the]. **The** Executive Director, in forwarding a copy of the decision to the applicant, shall advise the applicant of its right to [a hearing before an administrative law judge pursuant to the regulations of the Office of Administrative Law.] **appeal the decision in accordance with the provisions of N.J.A.C. 19:4-6.25.**

[1. Approvals of variance applications not subject to conditions are not affected by (h) and (i) below and no hearing other than an informational hearing shall be required.]

[(h) A hearing before an administrative law judge shall be held on an application only if the decision is a disapproval or is an approval with conditions. No such hearing shall be held unless the applicant requests such a hearing in writing and the request is received by the Executive Director within 15 days of the applicant's receipt of the decision of the Executive Director. The decision of the Executive Director shall become final unless the applicant or other party adversely affected by the decision has requested a hearing before an administrative law judge.]

Recodify existing (i) through (k) as **(h) through (j)** (No change in text.)

19:4-4.145 Accessory uses

(a) (No change.)

(b) Accessory structures and uses include, but are not limited to, the following:

1. (No change.)
2. Accessory uses permitted on open space.

i.-iv. (No change.)

v. Signs when permitted by N.J.A.C. 19:4-6.18[.]; **and**

vi. Transformers, underground vaults, and tanks.

19:4-4.146 Commercial [Park Zone] **park zone**: [Purposes] **purposes**

The Commercial [Park Zone] **park zone** is designed to accommodate, on large lots, commercial mixed use developments, combined in such a way that these developments are aesthetically pleasing, and inter-related in such a way that there is a mitigating effect upon peak hour traffic which would normally be generated from single commercial uses of equivalent size.

19:4-4.147 Commercial [Park Zone] **park zone**: [Type] **type** of development

Developers of land located in the zone shall have the option of developing said land in accordance with [the provisions of] N.J.A.C. 19:4-4.133 to [19:4-]4.139, or as a [planned] unit development in accordance with [the provisions of] N.J.A.C. 19:4-4.144.

19:4-4.148 Commercial [Park Zone] **park zone**: [Permitted] **permitted** uses

(a) The following are permitted uses in the [Commercial Park Zone] **commercial park zone**:

1.-2. (No change.)

3. Restaurants, not including fast food, or drive-in facilities[.];
4. **Child care centers;**
5. **Business services;**
6. **Personal services;**
7. **Retail services; and**
8. **Social services.**

19:4-4.149 Commercial [Park Zone] **park zone**: [Special] **special** exceptions

(a) The following are special exceptions in the [Commercial Park Zone] **commercial park zone**:

1.-3. (No change.)

[4. Any satellite antenna exceeding 12 feet in diameter;]

4. Indoor Recreation; and

5. (No change.)

19:4-4.150 Commercial [Park Zone] **park zone**: [Use] **use** limitations

(a) The following are use limitations in the [Commercial Park Zone] **commercial park zone:**

1.-3. (No change.)

19:4-4.151 Commercial [Park Zone] **park zone**: [Lot] **lot** area requirements

The minimum lot area in the [Commercial Park Zone] **commercial park zone** one is three acres.

19:4-4.152 Commercial [Park Zone] **park zone**: [Bulk] **bulk** regulations

(a) The following are bulk regulations in the [Commercial Park Zone] **commercial park zone**:

1.-6. (No change.)

19:4-4.153 Commercial [Park Zone] **park zone**: [Buffer] **buffer** requirements

(a)-(b) (No change.)

19:4-4.154 Commercial [Park Zone] **park zone**: [Environmental] **environmental** performance standards

(a) All uses in the [Commercial Park Zone] **commercial park zone** shall comply with the environmental performance categories of N.J.A.C. [19:4-6.1 through 19:4-6.16] **19:4-6** as follows:

1.-3. (No change.)

19:4-4.155 Commercial [Park Zone] **park zone**: [Design] **design** of structures and other improvements

The design of all structures and other improvements shall comply with the requirements of N.J.A.C. 19:4-6.18.

19:4-4.156 Commercial [Park Zone] **park zone**: [Waterfront] **waterfront** development

(a)-(b) (No change.)

SUBCHAPTER 5. SPECIALLY PLANNED AREA REGULATIONS

19:4-5.3 The island residential specially planned areas: IR-1, IR-2[,] **and** IR-3[, and IR-4]

(a) These specially planned areas are designed to accommodate relatively dense residential uses that will be clustered on **one or more** man-made islands **or peninsulas**. The [islands will be located within] **design shall incorporate** man-made lagoons of the Hackensack River, **and/or water features, and shall,** [which will] be surrounded by substantial areas of marshland open space. The regulations are designed to require unified planning and development of large-scale projects that will occupy a minimum amount of land area and will disturb to the least extent possible existing marshland areas.

(b)-(c) (No change.)

(d) No general plan for any IR shall be approved under N.J.A.C. 19:4-5.8, no development plan shall be approved under N.J.A.C. 19:4-5.10, unless it contains the following types and amounts of development:

1. Residential development:

i. (No change.)

ii. Each IR shall have no [less than 20 nor] more than 25 dwelling units per acre **or a minimum of 2,000 dwelling units** for the total area of the IR, minus the acreage used for school sites, commercial areas (which shall be deemed only for the purpose of determining the total number of dwelling units required and permitted in each IR, to be 15 acres for each community shopping center and five acres for each neighborhood shopping center), open areas, state highways or turnpikes, railroad right-of-way and land used for non-conforming uses or structures.

[iii. If development of any IR is to be in stages, each section thereof must substantially comply with the requirements of this section.]

[iv.]**iii.** (No change in text.)

[v. If the development of any IR is staged, each section thereof must substantially comply with the requirements of this subsection.]

[vi.]**iv.** (No change in text.)

[vii.]**v.** Not more than 40 percent of the total dwelling units in any IR shall be in structures exceeding [fifteen] **15** stories in height.

[viii. If the development of any IR is staged, each section thereof must substantially comply with the requirements of this subsection.]

[ix.]**vi.** (No change in text.)

vii. If the development of any IR is staged, each section thereof must substantially comply with the requirements of this subsection.

2. Commercial development:

i. (No change.)

ii. Bulk and use standards include:

(1) (No change.)

[(2) In IR4, there shall be one community shopping center, designed to serve the frequent needs of, and readily accessible to, all the residents and users of IR3 and IR4. The gross commercial floor area in each community shopping center shall not exceed 1.5 percent of the estimated floor area of the dwelling units with IR3 and IR4.]

Recodify existing (3)-(5) as **(2)-(4)** (No change in text.)

iii. (No change.)

3. Common open space:

i. (No change.)

ii. Intra-neighborhood common open space shall be located in one or more clusters within each neighborhood or intermingled among the users of the IR. It shall contain recreation areas and facilities and playgrounds for children sufficient to meet the recreation needs of the residents of the neighborhood. Recreation facilities sufficient to serve the recreational needs of the residents of the entire IR may be interspersed among the neighborhoods and located in the intra-neighborhood open spaces. A fee may be charged for recreational uses which require a substantial expenditure for maintenance. Intra-neighborhood common open space not allocated for recreational purposes should, wherever possible, incorporate into its design configuration and maintenance, the ecological characteristics of the wetlands. [At the waterfront of each island, docking facilities for private boats, for which a fee may be charged, and walkways shall be provided.] **Marinas are a permitted use in the IR.** All intra-neighborhood common open space not used for recreational and waterfront purposes shall contain landscaped areas and may contain watercourses or other amenities. Every effort shall be made to preserve existing tidal watercourses and their natural meanders. Landscaped areas shall contain lawns, trees, and shrubbery, and pedestrian paths, ways and malls, and may contain flower and rock gardens, statues and sculpture, bicycle paths, and whatever other matter enhances the quality of the landscaped area. Landscaped areas contiguous to tidal watercourses shall promote wherever possible natural wetlands vegetation. Structures for community meetings and activities and for public cultural activities may be built upon intra-neighborhood common open space.

iii.-vi. (No change.)

4.-5. (No change.)

6. Transportation systems:

i. (No change.)

ii. The applicant shall arrange for the appropriate public or private body to provide or shall himself provide a mass-transit system [including marine transit] sufficient to meet the transportation needs of the residents of his IR, as to both internal movement and, where possible, access to widely-used areas in the Meadowlands District and in the Northeast New Jersey-New York metropolitan region. The mass-transit system shall be coordinated with the mass-transit systems of abutting specially planned areas, with any mass-transit system for all or part of the Meadowlands District in general, and with the commuter transfer systems [of both BCC and the TC's where appropriate] **established in the District.**

iii. (No change.)

7.-14. (No change.)

(e) (No change.)

(f) The environmental design standards include:

1. Structures and open spaces shall be laid out in a manner that best serves the residents and users of each IR. Site layout shall maximize aesthetic values and shall be in accordance with imaginative and farsighted concepts of site design. The layout shall comply with the following:

i. Each IR shall consist of one or more man-made islands **or peninsulas** located in a man-made lagoon of the Hackensack River.

ii.-xi. (No change.)

2.-3. (No change.)

(g) All uses in each IR shall comply with the following environmental performance standard categories of N.J.A.C. [19:4-6.1 to 19:4-6.16] **19:4-6**

1.-2. (No change.)

19:4-5.6 The special use specially planned areas: SU-1 , **SU-2** and [SU-2] **SU-3**

(a)-(g) (No change.)

SUBCHAPTER 6. GENERAL PROVISIONS

9:4-6.1 Performance standards; noise

(a)-(c) (No change.)

(d) Noises shall not exceed the maximum sound levels specified in Table 1, except as designated below. Where more than one specified sound level applies, the most restrictive shall govern. Measurements may be made at points of maximum noise intensity.

TABLE I
NOISE LEVEL RESTRICTIONS

Performance Standard Category	Maximum Permitted Sound Level	Where Measured
A	[55]**65** dBA	On or beyond [the boundaries of neighboring uses or adjacent lot lines, whichever is more restrictive] **subject property boundary line**
B	[60]**70** DBA	On or beyond [the boundaries of neighboring uses or adjacent lot lines, whichever is more restrictive] **subject property boundary line**
C	[66]**76** DBA	On or beyond the [district] **zone** boundaries

(e)-(i) (No change.)

19:4-6.3 Performance standards; vibrations

(a)-(b) (No change.)

(c) In any residential zone, residential specially planned area, or residential planned unit development, the peak particle velocity shall not exceed 0.02 inches per second during the hours of 7:00 A.M. to 9:00 P.M. and shall not exceed 0.01 inches per second during the hours of 9:00 P.M. to 7:00 A.M.

TABLE II
VIBRATION LEVEL RESTRICTIONS

Performance Standard Category	Maximum Peak Particle Velocity, inches per second	Where Measured
A	0.02	On or beyond [the boundaries of neighboring uses or adjacent lot lines, whichever is more restrictive] **subject property boundary line**
B	0.05	On or beyond [the boundaries of neighboring uses or adjacent lot lines, whichever is more restrictive] **subject property boundary line**
C	0.10	On or beyond the [district] **zone** boundaries

(d)-(e) (No change.)

19:4-6.7 Performance standards; hazardous materials, liquids and chemicals

(a) (No change.)

[(b) Activities involving the storage, utilization, or manufacture of materials or products which decompose by detonation are permitted only in accordance with the regulations of each performance standard category. Such materials shall include but are not limited to: All primary explosives such as lead azide, lead

styphnate, fulminates and tetracene; all high explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and components thereof such as nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate and potassium nitrate; blasting explosives such as dynamite and nitroglycerine, unstable organic compounds such as acetylides, tertrazoles and ozonides; strong unstable oxidizing agents such as perchloric acid, perchlorates, chlorates, and hydrogen peroxide in concentrations greater than 35 percent; and nuclear fuels, fissionable materials and products and reactor elements such as Uranium 235 and Plutonium 239.]

[(c)](b) Category A standards:

[1. All uses that are classified as high hazard under the New Jersey Uniform Construction Code shall not be permitted.]

1. The storage, utilization or manufacture of materials that pose a detonation, deflagration, physical or health hazard are not permitted as a principal use.

2. The storage and/or utilization (but not manufacture) of materials and products classified as health hazards by the New Jersey Uniform Construction Code shall only be permitted as an accessory use to the principal use provided the area devoted to such accessory use does not occupy more than 10 percent of the building's floor area.

3. The storage and/or utilization (but not manufacture) of materials and products classified as deflagration or physical hazards by the New Jersey Uniform Construction Code shall be permitted as an accessory use to the principal use only as a special exception.

[(d)](c) Category B standards are as follows:

1. The storage and/or utilization (but not manufacture) of materials and products [which decompose by detonation] **that pose a detonation hazard** may be allowed [in quantities] **as accessory to a principal use in a quantity** of five pounds or less [only as a special exception]. The storage, utilization and manufacture of materials and products [which decompose by detonation] **that pose a detonation hazard** in excess of five pounds is not permitted.

2. The storage, utilization [and] **or** manufacture of hazardous materials, liquids and chemicals [(other than materials or products which decompose by detonation)] **that pose a deflagration, physical or health hazard** shall be permitted as an accessory to the principal use provided the area devoted to such accessory use does not occupy more than 10 percent of the building's floor area.

3. The storage, utilization or manufacture of hazardous materials, liquids and chemicals [(other than materials or products which decompose by detonation)] **that pose a deflagration, physical or health hazard** may be allowed as a principal use only as a special exception.

[(e)](d) Category C standards are as follows:

1. The storage and/or utilization (but not manufacture) of materials and products [which decompose by detonation] **that pose a detonation hazard** may be allowed [in quantities] **as accessory to a principal use in a quantity** of five pounds or less [only as a special exception]. The storage, utilization and manufacture of materials and products [which decompose be detonation] **that pose a detonation hazard** in excess of five pounds is not permitted.

2. The storage, utilization or manufacture of hazardous materials, liquids and chemicals [(other than materials or products which decompose by detonation)] **that pose a deflagration, physical or health hazard** shall be permitted as an accessory to the principal use provided the area devoted to such accessory use does not occupy more than 10 percent of the lot area. Said materials or products may be stored outdoors provided such storage is set back at least 50 feet from all lot lines and is properly screened.

3. The storage, utilization or manufacture of hazardous materials, liquids and chemicals [(other than materials or products which decompose by detonation)] **that pose a deflagration, physical or health hazard** may be allowed as a principal use only as a special exception. Said materials or products may be stored outdoors provided such storage is set back at least 50 feet from a lot line and is properly screened.

[(f)](e) Whenever any facility or part thereof, including storage dike, which stores, utilizes or manufactures hazardous materials, liquids and chemicals is within 300 feet from another zone, the more restrictive of the environmental performance standards for the two districts shall apply.

19:4-6.8 Definitions regarding hazardous materials

(a) The words and terms which follow, regarding hazardous materials, shall have the following meanings:

"Deflagration" means an exothermic reaction, such as the extremely rapid oxidation of a flammable dust or vapor in air, in which the reaction progresses through the unburned material at a rate less than the velocity of sound. A deflagration can have an explosive effect.

"Detonation" means an exothermic reaction characterized by the presence of a shock wave in the material which establishes and maintains the reaction. The reaction zone progresses through the material at a rate greater than the velocity of sound. The principal heating mechanism is one of shock compression. Detonations have an explosive effect.

"Health hazard" means a classification of a chemical for which there is statistically significant evidence that acute or chronic health effects are capable of occurring in exposed persons. The term "health hazard" includes chemicals which are carcinogens, toxic or highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, hephrotoxins, neurotoxins, agents which are capable of acting on the hematopoietic system, and agents which damage the lungs, skin, eyes or mucous membranes.

"Physical hazards" means a chemical for which there is evidence that it is a combustible liquid, compressed gas, cryogenic, explosive, flammable gas, flammable liquid, flammable solid, organic peroxide, oxidizer, pyrophoric or unstable (reactive) or water-reactive material.

(b) All definitions **other than those in (a) above** regarding hazardous materials, liquids, and chemicals shall be in accordance with nationally recognized codes and standards.

19:4-6.18 Design of structures; provision and design of other improvements, including parking and loading facilities, [landscaping,] **landscape improvements**, lighting, fencing, signs [and], satellite antennas, **public parks and recycling areas**

(a)-(d) (No change.)

(e) Parking design standards include:

1.-8. (No change.)

9. [Parking areas, loading areas and driveways,] **All vehicular areas,** except for one and two- family detached residences shall be curbed with full depth concrete or granite block and paved or otherwise improved with an all-weather, dustless material [in accordance with HMDC Guidelines].

10. All [parking] **vehicular** areas shall be drained so as to direct surface water runoff to a stormwater rainage system for eventual subsurface or stream disposal. All drainage and grading plans shall be [approved by the Office of the Chief Engineer] **designed for a 10 year storm event using the rational method or approved alternative. Detention or retention shall be provided when required. All other drainage related details shall be in line with accepted engineering practices.**

11. (No change.)

(f) (No change.)

(g) Off-street parking spaces accessory to the uses hereinafter designated shall be provided as follows:

1.-23. (No change.)

24. For a marina, the following parking requirements shall apply: one space for each two docking berths, plus one space for each 100 feet of usable water frontage, plus one trailer parking space per berth.

25. Self storage facilities: one parking space for each 100 storage units, or one space per 10,000 square feet, whichever is less, with a minimum of six parking spaces provided, plus such spaces as required for accessory uses. Adequate drive aisle widths shall be provided to allow for safe vehicle passage adjacent to loading doors.

26. Bus terminals: one parking space for every two bus parking spaces.

Recodify existing 24 and 25 as **27 and 28** (No change in text.)

29. The minimum required number of parking spaces may be reduced in accordance with an employee trip reduction program, approved by the New Jersey Department of Transportation;

30. Satellite parking facilities: notwithstanding the provisions of (e) above, legal occupants on one property (Property A) may utilize excess parking spaces on adjacent properties (Property B) for employee parking provided the following conditions are satisfied:

i. All tenants on both properties have legal occupancy certifications from the HMDC, and all application information relative to parking and employees on site is valid;

ii. All parking areas on both properties are either designed and laid out in conformance with (e) above or have a legal pre-existing non-conforming status;

iii. A copy of a lease between the parties is submitted to the HMDC;

iv. The determination of the number of "excess" spaces that are available, and can be utilized, on Property B is to be made by the HMDC after a careful review of the number of spaces that are actually required by all tenants on both properties. This determination is to be made based upon occupancy certification applications, site inspections, and other relevant information;

v. The tenant is to provide a backup plan to be utilized in case these "excess" parking spaces become needed by a legal tenant on Property B. A request for a satellite parking facility must be accompanied by the applicant's submission of a Transportation Demand Management Plan (TDM) indicating other modes of transportation that will be implemented and/or the access by the applicant to other nearby property which can be utilized for this parking; and

vi. This satellite parking facility cannot be transferred from tenant to another without the written approval of the HMDC;

[26.]**31.** (No change in text.)

(h) Off street loading standards include the following:

1.-2. (No change.)

3. Each required off-street loading space or berth shall be designated with appropriate means of vehicular access to a street[,] **or** highway [or alley] in a manner which will least interfere with traffic movement.

4.-5. (No change.)

6. In the zones, all required loading spaces or berths shall be located on the same lot as the use served[; no loading space or berth shall be located in a front yard, and, where prohibited, in a side yard]. **All loading facilities, including accessory truck parking areas, shall be located in the rear yard. Where this is not possible due to technical reasons related to site layout, locating loading facilities within the side yard will be allowed if otherwise permitted by these regulations. No loading facilities will be permitted within the front yard.** There shall be no loading in a yard abutting a public street. Any loading space or berth located in a rear yard may be open to the sky, unless otherwise provided. No permitted or required loading space or berth shall be located within 40 feet of the nearest point of intersection of any two streets or highways. All loading facilities shall be located so as to minimize dangers of access thereto and in no event shall they be located near open ditches.

7. (No change.)

8. [On-site] **The design of on-site** loading facilities shall comply with **truck maneuvering templates, current industry practices or with** such other design standards as may be established from time to time **by either the Office of the Chief Engineer or** by the Development Board. On-site loading facilities may be open to the sky or enclosed within a building.

9. (No change.)

(i) On-site loading berth requirements include:

1. (No change.)

2. On the same lot with every building, or part thereof, erected hereafter in any zone or in close proximity to any use erected in a specially planned area for which loading spaces are required, there shall be provided adequate space for motor vehicles to load and unload in order to avoid interference with the public streets [or alleys]. Such space shall include the following minimum loading spaces:

i.-v. (No change.)

3. Uses for which on-site facilities are required by this Section but which are located in buildings that have a floor area that is less than the required minimum above which off-street loading facilities are required shall be provided with adequate receiving facilities, accessible by motor vehicle, [from any adjacent alley,] service drive, or open space on the same lot.

(j) No sign, unless exempt under (j)3 below, shall hereafter be constructed, erected, moved, remodeled, or expanded until a zoning certificate for such sign, indicating compliance with these regulations, has been obtained, or unless it is part of an approved implementation plan. No zoning certificate for any sign shall be issued unless the sign complies with the following:

1.-2. (No change.)

3. Exemptions:

i. The following signs shall be exempt from the requirements of this subsection:

(1)-(4) (No change.)

(5) Signs not exceeding five square feet in area displayed on private property for the convenience of the public, including signs to identify entrance and exit drives, parking areas, one-way drives, rest rooms, freight entrances **recycling areas,** and the like.

ii. The following signs are exempt from the zoning certificate requirement of this subsection, but shall comply with all other requirements of this subsection:

(1)-(3) (No change.)

(4) [Temporary] **One temporary** banner [sales signs not exceeding 20 square feet shall be permitted for a period not to exceed seven days] **or sale sign per lot, for the purposes of warehouse sales and grand opening sales. The maximum size of any one banner shall be in accordance with maximum size of any single sign from Table 1 of this section. Sales signs may be erected up to seven days before the scheduled event and must be removed immediately following the event. Grand opening signs may be erected up to seven days before the event and remain a total of 14 days;**

(5) Real [Estate] **estate** signs, **one per lot,** not exceeding [20] **five** square feet **per side or a total of 10 square feet in low density residential zone, and 20 square feet total in all other zones** [and displayed no longer than 30 days within a 60 day period].

4. General standards:

i.-ii. (No change.)

iii. Signs shall be shaded wherever it is deemed necessary by the HMDC to avoid casting bright light upon property located in any residence or residential district or upon any public right-of-way or park. Any illuminated sign located on a lot adjacent to or across a right-of-way from any residence or residential zone or specially planned area, which sign is visible from such residence or residential zone or specially planned area, shall not be illuminated between the hours of 11:00 P.M. and 7:00 A.M. **Such signs shall not be permitted to utilize white illuminated backgrounds.**

iv.-x.(No change.)

5. Specially planned areas, multi-tenanted structures, or multi-structure developments shall be governed by the following sign regulations:

i .(No change.)

ii. The sign plan shall be based on an integrated design theme to include all of the elements in (j)5i(1) through (8) above. All of the above elements shall be designed to be harmonious and consistent with each other, the architecture and materials of principal structures, and the landscape plan. **Where there is existing signage on the property, the sign plan shall include details as described in (j)5i above, for both existing and proposed signs, to be installed in accordance with the approved sign plan as changes/additions of each sign occur.**

iii. [Maximum area of any sign] **Total sign area permitted** is five percent of the building's front facade. The Office of the Chief Engineer may permit [additional signs and a total sign area of] up to 10 percent of the building(s) front facade, if in its opinion, such additional area shall assist in developing a harmonious and inte-

grated sign plan in accordance with the goals and objectives of this section. For the purposes of these calculations, no building should have more than one front facade.

iv.-v. (No change.)

vi. Maximum sign area of any single sign is 300 square feet.

6.-7 (No change.)

(k) [Landscaping] **Landscape improvements**:

1.-2. (No change.)

3. Screening:

i.-ii.(No change.)

iii. All off-street loading **and accessory trailer parking** areas shall be located or effectively screened with a decorative fence in accordance with (m) below supplemented by evergreen plant material capable of maturing to a height and width sufficient to screen such areas, and vehicles within the areas, from [adjacent properties and] public rights of ways **and any point within a specially planned area, planned unit development or residential use or zone.**

iv.-v. (No change.)

4.-5. (No change.)

6. Shade trees:

i. (No change.)

ii. Adjacent [parking] **paved** areas on separate properties [with 10 or more parking spaces]**, including parking, loading and driveway areas,** shall be delineated by a **minimum 10 foot wide** shade tree lined landscape strip. A five foot landscape strip is to be provided by each property owner [where such parking lots are adjacent to one another] **with shade trees to be planted on 25 to 40 foot centers within the strip. Where an adjacent developable property is vacant, or adjacent properties are being developed simultaneously, it is the intent of this provision that each property owner provide for one half of the required trees.**

7.-9. (No change.)

(l) Lighting:

[1. Illumination levels shall be as follows:]

1. Site illumination levels:

i. (No change.)

Recodify existing (1) to (5) as **ii. to vi.** (No change in text.)

vii. Light sources shall comply with the following:

[ii.]**(1)** A minimum of one lighting fixture, plus one for every 30 stalls, shall be installed throughout the parking lot.

[2. Sources shall be located as follows:]

[i.]**(2)** All light sources shall be arranged so as to reflect illumination levels greater than one footcandle away from adjacent properties.

[ii.]**(3)** All light sources shall be shielded or positioned so as to prevent glare from being a hazard or nuisance, or negatively impacting site users, adjacent properties or the traveling public.

[3. Site lighting poles shall meet the following requirements:]

[i.]**(4)** Poles shall be rustproof metal, cast iron, fiberglass, finished wood or similar decorative material.

[ii.]**(5)** Poles in pedestrian walkway areas shall not be greater than 15 feet **in height and shall utilize underground wiring.**

[iii. Poles in all other areas, except as deemed warranted due to technical reasons by the Office of the Chief Engineer, shall not be greater than 25 feet in height. Even in these areas, no poles shall be greater than 40 feet.]

(6) Poles in all other areas shall not exceed 25 feet in height, and shall utilize underground wiring. Poles of a greater height, but not exceeding 40 feet, and utilizing overhead wires, may be permitted under specific request of, and authorization by, the Office of the Chief Engineer due to specific site or use related, technical reasons. These reasons may include a need for excessive width or length of paved areas for rail terminals, or such other uses where the provision of standard spaced poles would create an undue safety hazard to site users.

[4.]**(7)** All site lighting poles shall utilize underground wiring unless the Office of the Chief Engineer determines that a pole height greater than 25 feet is warranted due to technical reasons.

(8) Light sources on structures shall not exceed 25 feet, or the height of the structure, whichever is less.

2. Illumination levels for covered parking facilities:

i. For purposes of these regulations, covered parking facilities consist of general parking and pedestrian areas; ramps and corners; entrance areas; and stairways.

ii. Illumination levels in these areas shall maintain an average-to-minimum uniformity ratio not exceeding 4:1.

iii. These areas must maintain the required illumination levels both day and night.

iv. An evenly distributed, average illumination level between 3.5 and 4.5 footcandles shall be maintained throughout general parking and pedestrian areas.

v. An evenly distributed, average illumination level between 3.5 and 4.5 footcandles shall be maintained throughout ramps and corners.

vi. An evenly distributed, average illumination level between 3.5 and 4.5 footcandles shall be maintained throughout entrance areas, extending 50 feet beyond the covered edge.

vii. An evenly distributed, average illumination level between 3.5 and 4.5 footcandles shall be maintained throughout stairways.

viii. Lighting requirements for the top parking level, if not covered, shall be in conformance with the requirements of (l)1 above.

(m) Fences or walls in excess of 18 inches in height shall be permitted in accordance with the following standards:

1. Fences or walls are not permitted in required front yards except [that in the low density residential zone fences or walls with a maximum height of four feet are permitted provided that they are not chain link fences. In all other zones, fences or walls are permitted to be erected at the front building line of a principal structure extending to the side or rear lot lines provided that they do not exceed a maximum height of eight feet] **for the following:**

i. Fences or walls in the low density residential zone with a maximum height of four feet are permitted provided that they are not chain link fences.

ii. Fences or walls, not exceeding four feet in height, on undeveloped properties that are subject to illegal dumping of debris and other materials. The determination that illegal dumping occurs must be confirmed by an inspection by the Office of the Chief Engineer prior to the erection of the fence. Before a Certificate of Completion can be issued, the property must be cleared of debris. The fence shall be removed once the site is developed.

iii. Fences or walls are permitted to be erected at the front building line of a principal structure extending to the side or rear lot lines provided that they do not exceed a maximum height of six feet in the low density residential zone and eight feet in all other zones.

2.-5. (No change.)

(n) Satellite antennas shall be permitted in accordance with the following standards:

1.-6. (No change.)

7. The diameter of the satellite antenna shall be as follows:

i. A maximum of six feet in the Low Density Residential Zone [and Waterfront Recreation Zone];

ii. A maximum of 12 feet in all the other zones **except where a larger diameter sender/receiver antenna is required as accessory to a communications common carrier;**

[iii. A special exception will be required for any satellite antenna exceeding the maximum permitted diameter.]

8. (No change.)

(o) (No change.)

(p) Public parks are exempt from the design standards in this section; however, the Commission strongly recommends that they meet the intent and purpose of the HMDC Park Design Guidelines, and to every extent possible, comply with the design criteria contained in those guidelines.

(q) Recycling areas:

1. All multifamily housing developments, any construction of 50 or more units of single family residential housing, and any commercial or industrial development of 1,000 square feet or more, shall include an on site indoor or outdoor recycling area for the collection and storage, but not processing, of site generated Class A recyclable materials.

2. The dimensions of the recycling area shall be sufficient to accommodate recycling bins or containers which are of adequate size and number, and which are consistent with anticipated usage and current methods of collection. Records indicating the amounts and types of material collected, and proof of the recycling of such material, shall be submitted by commercial and industrial operations in order to determine the maximum size of the recycling area. No recycling areas for commercial or industrial operations shall be greater than 600 square feet. No recyclable food products shall be stored in this area for more than one week, no other material may be stored for more than three months.

3. The recycling area shall be well lit, and shall be safely and easily accessible by recycling personnel and vehicles.

4. The recycling area or the bins or containers placed therein shall be designed so as to provide protection against adverse environmental conditions which might render the collected materials unmarketable. The covering of a recycling area with building materials, shall render the area a structure to be calculated within lot area calculations.

5. Signs clearly identifying the recycling area and the materials accepted therein shall be posted adjacent to all points of access to the recycling area.

6. No recycling areas shall be located in front yards, except where existing front yard loading is pre-existing non-conforming and other yards are not adequate. Recycling areas are encouraged to be located adjacent to truck loading areas.

7. All recycling areas shall be screened with fencing and/or landscaping material sufficient to screen the area from adjacent properties and public rights of way in accordance with (m) above. No containers or recyclable material shall be stored outside of the defined storage area at any time.

8. The ground surface of all recycling areas shall be a concrete pad. A minimum five foot buffer shall be provided between the edge of the concrete pad and the adjacent property line. The recycling area shall not be higher than the fence screening it.

9. The HMDC is to forward copies of zoning certificate approvals granted to recycling areas to the appropriate municipal recycling coordinator.

...

19:4-6.22 Public hearing

(a) (No change.)

(b) At least 10 days in advance of public hearing, the applicant, upon instruction of the Development Board or hearing officer, whichever is holding the hearing, shall publish notice of hearing in a newspaper of general circulation and shall give notice personally, or by certified mail, return receipt requested, to the following:

1. For variances, **subdivisions** or special exception applications, owners of property and appropriate officials of constituent municipalities within 200 feet of the subject property as shown on the most recent tax list of the municipality in which the subject property is situated and any adjacent municipalities;

2.-4. (No change.)

(c)-(j) (No change.)

19:4-6.23 Nonconformities

(a)-(d) (No change.)

(e) Limitations include the following:

1.-2. (No change.)

[3. Moving: No such structure shall be moved in whole or in part for any distance whatever, to any other location or the same or any other lot unless the entire structure and use shall thereafter conform to the regulations for the zone in which it is located after being moved, or would be consistent with the approved implementation plan covering the section in which it is located.

(f) Unlawful nonconforming use: No structure or use which was not lawfully existing at the time of the adoption of these regulations shall become or be made lawful solely by reason of the adoption of these regulations and to the extent that, and in any respect that said unlawful structure or use is in conflict with the requirements of these regulations, said structure or use remains unlawful hereunder and shall be discontinued.]

Recodify existing (g) and (h) as **(f) and (g)** (No change in text.)

19:4-6.24 Fees, penalties and enforcement

(a) Any application for a zoning certificate, occupancy certificate, variance, special exception permit, amendment, **subdivision** or accompanying a general, development, or implementation plan, or the filing of a notice of appeal shall be accompanied by such fee as shall be specified from time to time by resolution of the Commission.

(b)-(g) (No change.)

CHAPTER 5
SUBDIVISION REGULATIONS

SUBCHAPTER 3. DEFINITIONS

19:5-3.1 Words and phrases defined

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

["Alley" means a way along the side of or in the rear of lots intended to provide a secondary means of access to and from streets and such lots.]

...

"Design standards or design requirements" means all requirements and regulations relating to design and layout of subdivisions contained in [Subchapter 7 (Signs) of this Chapter] **N.J.A.C. 19:5-7, Design Standards.**

"Fill" means any material placed by controlled methods, which raises the elevation of the land surface from its natural state or condition. Such materials include, but are not limited to, earth, sand, gravel and rock.

"Final plat" means the final map of all or a portion of a subdivision which is presented to the Commission for final approval and meeting the requirements of [Subchapter 6 (Accessory Uses, Temporary Uses and Home Occupations) of this Chapter] **N.J.A.C. 19:5-6, Contents of Plats.**

...

"Improvements" means all facilities constructed or erected by a subdivider within a subdivision to permit or facilitate the use of lots or blocks for a principal residential, business or manufacturing purpose. Improvements shall include all facilities listed in [Subchapter 8 (Off-street Parking and Loading) of this Chapter] **N.J.A.C. 19:5-8, Installation of Required Improvements.**

["Landfill" means any material placed by controlled or uncontrolled methods, which raises the elevation of the land surface from its natural state or condition. Such materials include but are not limited to earth, sand, gravel, and rock, construction debris, demolition rubble, solid waste and any form of industrial waste.]

...

"Lot" means a **designated** parcel, **tract, or area** [or portion] of land **established by a plat or otherwise as permitted by law and to be used, developed, or built upon as a unit.** [separated from other parcels or portions by description as on a subdivision of record, or survey map or by metes and bounds for purposes of sale, lease or separate use.]

...

"Preliminary plat" means the preliminary map indicating the proposed layout of the subdivision which is submitted to the Commission for tentative approval and meeting the requirements of [Subchapter 6 (Accessory Uses, Temporary Uses and Home Occupations) of this Chapter] **N.J.A.C. 19:5-6, Contents of Plats.**

...

"Sanitary landfill" means an engineered method of controlled solid waste disposal which raises the land surface from its natural state or condition. Solid waste materials include, but are not limited to, garbage, rubbish, construction debris, demolition rubble and any form of industrial waste.

...

"Sketch plat" means the sketch map of a subdivision of sufficient accuracy to be used for the purpose of discussion and classification

and meeting the requirements of [Subchapter 6 (Accessory Uses, Temporary Uses and Home Occupations) of this Chapter] **N.J.A.C. 19:5-6, Contents of Plats.**

...

SUBCHAPTER 4. ADMINISTERING AGENCIES

19:5-4.2 Duties of Office of the Chief Engineer

(a) The Office of the Chief Engineer shall administer the provisions of this [Chapter] **chapter** in the manner set forth herein and in furtherance of such authority shall:

1.-2. (No change.)

3. Review sketch plats, all preliminary plats to determine whether such plats comply with this Chapter, all final plats to determine whether they comply with the preliminary plat and this Chapter. In conjunction with its review of preliminary plats, the Office of the Chief Engineer shall hold a hearing in those instances in which a hearing is not required before the appropriate authorities of the municipality in which the subdivision is located, or in such other instances as the Chief Engineer shall deem necessary. Notice and procedures of such hearing shall be governed by [P.L. 1953, C. 433, Sec. 7] **N.J.A.C. 19:4-6.22**; provided, however, that copies of the maps and other documents to be considered at the hearing and the minutes of the hearing shall be filed with the Office of the Chief Engineer;

4.-9. (No change.)

19:5-4.3 Appeals to Commission

(a) Whenever the Office of the Chief Engineer, pursuant to the authority set forth in this Chapter, disapproves, in whole or in part, an application, the applicant may appeal **such action in accordance with N.J.A.C. 19:4-6.25.** [in writing to the Commission within 30 days after receipt of a written statement of the action of the Office of the Chief Engineer.

(b) The Commission, upon receipt of such a request, shall set a date for a hearing before the Commission, or a committee thereof consisting of at least three members of the Commission, and shall give notice to all parties of interest.

(c) After such hearing, the Commission may affirm or reverse, in whole or in part, the action of the Office of the Chief Engineer.

(d) The findings and reasons for the disposition of the appeal shall be stated on the records of the Commission, and a copy thereof shall be forwarded to the applicant.

(e) A copy of any such decision shall be part of the permanent records maintained by the Office of the Chief Engineer.]

SUBCHAPTER 5. PROCEDURE FOR APPROVAL OF SUBDIVISION PLATS

19:5-5.1 Application for subdivision approval

[Within five days after submitting a proposed sketch plat and application to the appropriate municipal authority, the] **The** owner of the land to be subdivided shall file with the Office of the Chief Engineer ten copies of the proposed sketch plat filed with the municipal authority and an application that states the name and address of the person making the application, identifies the location of the land to be subdivided, and describes the proposed subdivision in general terms, including the approximate number of proposed lots and typical lot widths and depths.

19:5-5.3 Classification of minor subdivision

(a)-(d) (No change.)

(e) No further approval of the Office of the Chief Engineer shall be required respecting the subdivision, provided that a deed description or plat map drawn in compliance with P.L. 1953, [C.]c.358, as amended or supplemented hereafter, shall be filed or recorded by the [sibdivider] **subdivider** in the proper county recorder's office within 90 days from the date of return of the approved sketch plat.

(f) If the plat is classified as a major subdivision, a notation to that effect shall be made by the Secretary on the plat, which shall be returned to the subdivider for compliance with the procedures set forth in [Sections 5.4 through 5.10 of this Chapter] **N.J.A.C. 19:5-5.4 through 5.10.**

...

19:5-5.5 [Distribution and review of preliminary plat] **Reserved**

[(a) Within five days after the filing of the preliminary plat, the Office of the Chief Engineer may distribute one or more copies of the preliminary plat to such other agencies, departments or divisions of the District as it may deem proper.

(b) Said agencies, departments or divisions shall have 15 days within which to review the preliminary plat and to make their report and recommendations to the Office of the Chief Engineer.]

19:5-5.6 Action by Chief Engineer on preliminary plat

(a) The Office of the Chief Engineer shall review the preliminary plat and the reports and recommendations of the agencies, departments and divisions of the district to whom the preliminary plat has been submitted for review. It shall also conduct a public hearing where required by and in accordance with the procedures set forth in [Section 4.2(a)3 (Duties of Office of Chief Engineer) of this Chapter] **N.J.A.C. 19:4-6.22** at which time interested persons may attend and offer evidence in support of or against the preliminary plat.

(b)-(c) (No change.)

(d) If the Office of the Chief Engineer determines that the preliminary plat does not satisfy the conditions of [subsections] (a) and (b) [of this Section] **above**, it may suggest modifications so as to satisfy such conditions, and, in such event:

1. (No change.)

2. The subdivider may reject the suggested modifications, or, within the time allowed for action by the Office of the Chief Engineer, may refrain from taking any action thereon. In either event, the [preliminay] **preliminary** plat shall be deemed to have been disapproved, and the Office of the Chief Engineer shall thereupon furnish the subdivider with a written statement setting forth the reasons for disapproval of the preliminary plat.

(e)-(f) (No change.)

(g) If the preliminary plat is approved by the Office of the Chief Engineer, the Secretary shall affix a certification to this effect on the preliminary plat and transmit copies thereof to the subdivider and the appropriate municipal approval authority. If the [preliminay] **preliminary** plat is approved with modifications, the subdivider may resubmit a preliminary plat [incorporation] **incorporating** the modifications to the Office of the Chief Engineer within 90 days of its decision to approve the preliminary plat with modifications. If the preliminary plat is disapproved, the Office of the Chief Engineer shall issue a written statement setting forth its reasons for disapproval. If the Office of the Chief Engineer fails to act upon the preliminary plat within a [30] **45** day period from the date of receipt, then such preliminary plat shall be deemed to have been approved unless the subdivider shall have consented to extend or waive such time limitation.

SUBCHAPTER 6. CONTENTS OF PLATS

19:5-6.1 Form of sketch plat

(a) The sketch plat shall be prepared by a [professional engineer or] land surveyor licensed to practice in the State of New Jersey.

(b)-(c) (No change.)

19:5-6.2 Contents of sketch plat

(a) The sketch plat shall include or be accompanied by the following information:

1. (No change.)

2. A certificate signed and acknowledged by all parties having record title or interest in the land subdivided, and consenting to the preparation and recording of the said subdivision map. If the property is subject to the State's riparian interest as shown on a map issued by the [Department of Conservation and Economic Development] **New Jersey Department of Environmental Protection and Energy** pursuant to N.J.S.A. 13:17-1 et seq. then a copy of a riparian instrument issued pursuant to law shall also be submitted;

3.-5. (No change.)

6. A topographic survey including but not limited to the following data:

i.-vi. (No change.)

vii. Boundary lines of any areas containing [landfill] **fill** materials with data indicating type and vertical extent of such materials;
viii. (No change.)
7.-8. (No change.)

19:5-6.4 Form of preliminary plat
The preliminary plat shall be prepared, at a scale of one inch equal to 100 feet, by a [professional engineer or] land surveyor licensed to practice in New Jersey.

19:5-6.5 Contents of preliminary plat
(a) The following data and information shall be shown on or accompany the preliminary plat:
1.-8. (No change.)
9. The location of existing and proposed property lines, building setback lines, existing buildings and structures with an indication of whether they will be retained and the location and extent of wooded areas **and wetland areas**;
10.-14. (No change.)
15. All existing water courses shall be shown and accompanied by the following information:
i. When a water course is proposed for alteration, improvement or relocation or when a drainage structure is proposed on a stream with a drainage area of ½ square mile or greater, evidence of submission of such improvement to the New Jersey [Division of Water Policy and Supply] **Department of Environmental Protection and Energy** shall accompany the subdivision;
ii. Cross sections of water courses at an appropriate scale showing extent of flood [plain] **way** (if defined), top of bank, normal water level and bottom elevations at the following locations:
(1)-(4) (No change.)
iii.-iv. (No change.)
16.-19. (No change.)
20. Storm drainage systems including but not limited to the following:
i.-ii. (No change.)
iii. The location and extent of any proposed retention **or detention** basins;
iv. (No change.)
21. Existing and proposed sanitary sewerage facilities serving the subdivision, including, but not limited to, the following:
i.-ii. (No change.)
iii. All pertinent design data utilized in arriving at the configuration of the proposed facilities including any specialized construction which may be required in areas containing [landfill] **fill** materials;
iv. Proof of submittal of such plan to the appropriate state and local [health] agencies.
22. Existing and proposed water distribution systems serving the subdivision, including, but not limited to, the following:
i.-iv. (No change.)
v. All pertinent design data utilized in arriving at the configuration of the proposed facilities including demand assumptions and any specialized construction which may be necessary in areas containing [landfill] **fill** materials;
vi. (No change.)
23. (No change.)
24. Delineation of all areas containing [landfill] **fill** and detailed information concerning the material encountered. Such information shall include, but not be limited to, the following:
i. Depth and type of [amterial] **material** involved;
ii.-vi. (No change.)
vii. In all such areas where construction of roadways, paved areas, utilities and other facilities is proposed, additional data including, but not limited to, the following shall be submitted;
[vii.](**1**) Design precautions to be taken to assure that residual post construction settlements will not adversely affect the appearance or structural integrity of any proposed facilities;
[viii.](**2**) Method to be employed in eliminating the build-up of combustible gases where there exists such a potential.
25.-26. (No change.)

19:5-6.7 Contents of final plat
(a) In addition to the information contained on the preliminary plat the final plat shall show or be accompanied by the following:
1.-3. (No change.)
4. The following certificates, which may be combined where appropriate:
i. A certificate signed and acknowledged by all parties having any record title or interest in the land subdivided, dedicating all parcels of land shown on the final plat and intended for the exclusive use of the lot owners of the subdivision, their licensees, visitors[,] **and** tenants [and servants]. The parcels required to be dedicated shall be dedicated to the municipality in which the subdivision is located;
ii. A certificate signed by the [engineer] **land surveyor** responsible for the survey and final map certifying the accuracy of the details. Said [engineer] **land surveyor** shall be [registered] **licensed** to practice in the State of New Jersey and his **or her** signature shall be accompanied by his **or her** seal.

19:5-6.8 Other data to be submitted with final plat
(a) The following additional data shall be submitted with the final plat:
1. (No change.)
2. Sheets and drawings showing the following:
i.-ii. (No change.)
iii. Ties to existing [monumnets] **monuments**, proposed monuments, adjacent subdivisions and street corners.
3. (No change.)

SUBCHAPTER 7. DESIGN STANDARDS

19:5-7.2 Master Plan or applicable redevelopment plans[.]
No subdivision shall conflict with the Master Plan or any applicable redevelopment plan of the District.

19:5-7.3 Land subject to flooding
(a) No land subject to flooding or which lacks adequate drainage shall be subdivided for residential use or any other use which would be incompatible [which] **with** such flooding or drainage characteristics.
(b) (No change.)

19:5-7.4 Land containing sanitary landfill
(a)-(b) (No change.)
(c) It shall be further demonstrated that the effect of [constitutent] **constituent** materials and/or state of decomposition shall be such that corrosion producing properties, combustible gases and fire hazards have been adequately provided for.

19:5-7.5 Streets layout and design
(a)-(j) (No change.)
(k) Street right-of-way widths shall be as shown on the Master Plan and any applicable redevelopment plan of the District, and where not shown thereon, shall not be less than as follows:

Street Type	Right-of-Way in Feet
Arterial	100 feet, except that 150 feet of right-of-way shall be required within 350 feet from the intersection of the center lines of an arterial street with any other arterial or collector street.
Collector	80 feet.
Local, for residential areas	[60] **50** feet.
Local, for business, commercial and industrial areas	[80] **60** feet.
Marginal Access Streets (with two way traffic)	40 feet.

(l)-(p) (No change.)
(q) Street pavement at intersections shall be rounded by the following minimum radii:

i. Type of Street	Intersecting With	Minimum Curb Radii
Local Residential	Local Residential	20 feet
Local Residential	Collector	30 feet
Local Residential	Arterial	30 feet
Business, Commercial or Industrial Collector or Arterial	Business, Commercial or Industrial Collector or Arterial	50 feet

ii. Right-of-way lines may be required to be rounded by an arc having at least the same radius as the arc of the curb when normal right-of-way requirements are not sufficient to allow the construction of streets having their radii set out along.

(r) (No change.)

(s) The applicant shall conform with local standards as they pertain to the pavement's thickness and widths.

19:5-7.6 [Alleys] **(Reserved)**

[(a) Alleys shall be provided in commercial and industrial districts, except that the Office of the Chief Engineer may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading and parking spaces consistent and adequate for the uses proposed.

(b) When provided, the minimum width of an alley shall be 20 feet.

(c) Alley intersections and sharp changes in alignment shall be avoided, but where necessary, a turning radius shall be provided to permit safe vehicular movement.

(d) Dead-end alleys shall be avoided where possible, but if unavoidable, such alleys shall be provided with adequate turn-around facilities at the dead end.]

19:5-7.7 Blocks

(a)-(b) (No change.)

(c) All blocks shall be so designed as to provide two tiers of lots, unless a different arrangement is required in order to comply with [Section 7.5(d) (streets] **N.J.A.C. 19:5-7.5(d) (Streets** layout and design) [of this Chapter], or is permitted by [Section 7.8(f) (Lots) of this Chapter] **N.J.A.C. 19:5-7.8(f) (Lots)**.

(d)-(e) (No change.)

19:5-7.10 Drainage

(a)-(c) (No change.)

(d) All pipeline and open channel systems [shall serve two major functions:] **carry the maximum discharge commensurate with design.**

[1. To carry the maximum discharge commensurate with design.

2. To transport suspended solids in such a manner that deposits are kept to a minimum.]

(e) Pipelines shall be designed using the following basic design controls:

1.-2. (No change.)

3. Friction factor "n" shall be 0.015 (or equivalent) for circular cross section, [noporous] **nonporous** concrete pipe. Other cross sections or pipe materials shall have commensurate friction factors.

4.-7. (No change.)

8. Catch basins and manholes shall be constructed in accord with New Jersey State Standard Specifications for Road and Bridge Construction, 1961 Edition. Casting curb head height shall be two inches greater than curb height specified. Castings shall conform to New Jersey State Standards **and rip rap.**

9. Ends of pipe starting or terminating in an open ditch shall have suitable headwalls **and rip-rap.**

(f) Permissible design velocities (feet per second) in open channels shall be as follows:

Excavation Material	Velocity
Fine sand to firm loam	2.0 to 3.0
Stiff clay to hardpan	3.0 to 5.0
Concrete lined ditch	10

(g) Velocity shall be controlled by use of check drops and ditch banks shall be protected by use of [sod,] **vegetation and/or** rip rap[, or paving,] as design velocity dictates. Discharge flows shall be based upon the following Manning "n" values:

.015—	Best concrete lined ditch
.025—	Best unlined ditch
.03 to .15—	Fair to poor natural streams and water courses.

(h) If an alternative flow formula is used, discharge coefficients shall be equivalent to the Manning values specified in [this subsection] **(g) above.**

19:5-7.11 Water supply and sewerage disposal systems

(a)-(d) (No change.)

(e) An application for a permit for the construction and operation of a temporary sewerage facility shall include:

1. (No change.)

2. A written statement from the [State Department of Health] **New Jersey Department of Environmental Protection and Energy** that the applicant's plans and specifications for construction and operation of the proposed temporary facilities are in accordance with the Department's requirements;

3. (No change.)

[19:5-7.12 Landfill

(a) All controlled and uncontrolled landfill operations shall be performed in accordance with the requirements of the Office of the Chief Engineer.

(b) Material classified by the Unified Soil Classification System as PT, OH and OL will not be allowed in areas in which construction will take place in, upon or adjacent thereto.

(c) Final grades shall be such as to promote efficient removal of drainage water compatible with all requirements of adjacent properties.

(d) Special care must be given to assure that drainage evacuation of adjacent lands is not impaired.

(e) No materials shall be placed in such a manner as to obstruct the flow of any water course, endanger partly finished or existing structures or be detrimental to adjacent lands in any way.]

19:5-7.12 Fill

Filling, excavation, regrading or surcharging of land shall be in accordance with N.J.A.C. 19:4-6.18(o).

SUBCHAPTER 8. INSTALLATION OF REQUIRED IMPROVEMENTS

19:5-8.1 Required improvements

(a) The subdivider of a proposed subdivision shall install, or provide for the installation of, the following facilities and improvements:

1. All roadways, [alleys,] curbs, gutters and street drainage facilities in accordance with the standards set by the Office of the Chief Engineer;

2.-3. (No change.)

4. Fire hydrants [of the type and quality specified in standards set by the Office of the Chief Engineer. The placement and method of installing such fire hydrants shall be] **located and installed** in accordance with the standards of the [National Board of Fire Underwriters] **National Fire Protection Association**;

5.-9. (No change.)

10. [Landfill] **Fill** meeting the requirements set by the Office of the Chief Engineer;

11.-12. (No change.)

19:5-8.2 Exceptions for existing improvements

(a) Where the proposed subdivision is a resubdivision or concerns an area presently having any or all required improvements set out in [Section 8.1] **N.J.A.C. 19:5-8.1,** [(]Required improvements[of this Chapter] and where such improvements meet the requirements of said Section, no further provision need be made by the subdividers to duplicate such improvements. However, where such existing improvements do not meet the requirements of [Section 8.1] **N.J.A.C.**

19:5-8.1, [(]Required improvements[) of this Chapter], the subdivider shall repair, correct, or replace such improvements so that all improvements will then meet the aforesaid requirements of said [Section] **section.**

(b) (No change.)

19:5-8.3 Agreement, bond and deposit guaranteeing installation of required improvements

(a)-(b) (No change.)

(c) [Simultaneously with the execution of the agreement provided for in subsection (a) of this Section,] **Once the improvements are completed and accepted by the municipality,** the subdivider shall furnish a maintenance bond for the benefit of the municipality within which the improvement is located, with sufficient surety in an amount of 15 percent of the sum of the corporate completion bond to maintain the required improvements against defective workmanship and material and inherent defects due to faulty workmanship for a period of 24 months from the date of the completion and acceptance of the required improvements by the municipality.

(d)-(e) (No change.)

SUBCHAPTER 9. IMPROVEMENT PROCEDURES

19:5-9.1 Final improvement plans

(a) Upon the approval of a preliminary plat, the subdivider shall have prepared by a licensed professional engineer, engineering drawings for proposed required improvements containing the date and information specified in [Section 9.2] **N.J.A.C. 19:5-9.2,** [(]Content of engineering drawings[) of this Chapter].

(b) (No change.)

19:5-9.2 Content of engineering drawings

(a) Engineering drawings for required improvements shall contain the following data and information:

1.-4. (No change.)

5. Grading plans for all lots and other sites in the subdivision, **lighting plans, street plantings and monument locations;**

6. (No change.)

19:5-9.3 Review by office of Chief Engineer

(a) The Office of the Chief Engineer shall review all engineering drawings in order to determine whether such drawings are consistent with the approved preliminary plat and comply with the design standards of [Subchapter 7 (Signs) of this Chapter] **N.J.A.C. 19:5-7.**

[(b) Such drawing shall be distributed to such agencies, and divisions of the District as may be deemed appropriate.]

[(c)](**b**) In the event that the drawings do not conform or comply, the Office of the Chief Engineer shall notify the subdivider of the specific manner in which such drawings do not so conform or comply, and the subdivider may then correct such drawings.

19:5-9.5 Construction of improvements

No improvements shall be constructed nor shall any work preliminary thereto be done until such time as a final plat and the engineering drawings accompanying it shall have been approved and there shall have been compliance with all of the requirements relating to an agreement, bond and deposit specified in [Section 8.3] **N.J.A.C. 19:5-8.3,** [(]Agreement, bond and deposit guaranteeing installation of required improvements[) of this Chapter].

19:5-9.7 Inspection procedures

(a) Within the 48-hour notice period specified in [Section 9.6] **N.J.A.C. 19:5-9.6,** [(]Inspection[) of this Chapter], the Office of the Chief Engineer may conduct an on site inspection to determine that the proposed work complies with the engineering drawings.

(b) (No change.)

(c) Upon the correction of such defects or deficiencies, the subdivider shall again notify the Office of the Chief Engineer as provided in [Section 9.6] **N.J.A.C. 19:5-9.6,** [(]Inspection[) of this Chapter].

19:5-9.9 Certification of improvements

(a)-(c) (No change.)

(d) [The] **Upon** receipt of such notification [by], the applicant shall [constitute the date on which] **submit** the 24 month [period] **maintenance bond** specified in [Section 8.3] **N.J.A.C. 19:5-8.3,** [(]Agreement, bond and deposit guaranteeing installation of required improvements[) of this Chapter shall commence].

SUBCHAPTER 11. FEES, PENALTIES AND ENFORCEMENT

19:5-11.1 Fees, **penalties and enforcement**

[Any sketch plat, preliminary plat and final plat submitted to the Office of the Chief Engineer shall be accompanied by such fee as shall be specified from time to time by resolution of the Commission.]

Fees, penalties and enforcement shall be in conformance with N.J.A.C. 19:4-6.24.

19:5-11.2 [Penalties] **(Reserved)**

[If, before final plat approval, any person as owner or agent, transfers or sells or agrees to sell or lease any land which forms a part of a subdivision which is subject to the provisions of this Chapter, such person shall be subject to a fine not to exceed $200.00, or to imprisonment for not more than 30 days and each parcel, plot or lot so disposed of shall be deemed a separate violation.]

19:5-11.3 [Enforcement; civil actions] **(Reserved)**

[(a) In addition to the provisions of Section 11.1 (Fees) and Section 11.2 (Penalties) of this Chapter, the Commission may, in the case of any such violation or threat of such violation, institute civil action:

1. For injunctive relief;

2. To set aside and invalidate any conveyance or lease made pursuant to contract for sale or otherwise in violation of this Chapter;

3. To prevent such unlawful sale or lease;

4. To restrain, correct or abate such violation;

5. To prevent the occupancy of the land; and

6. To prevent any illegal act, conduct, business or use in or about such premises.]

(a)

CASINO CONTROL COMMISSION

Applications
Hearings
Reapplication by Natural Person After Denial or Revocation

Proposed Amendment: N.J.A.C. 19:41-8.8

Authorized By: Casino Control Commission, Joseph A. Papp, Executive Secretary.

Authority: N.J.S.A. 5:12-63c, 69a, 70a, 70d, 94 and 107d.

Proposal Number: PRN 1994-279.

Submit written comments by June 15, 1994 to:

Antonia Z. Cowan, Senior Counsel
Casino Control Commission
Tennessee Avenue and Boardwalk
Atlantic City, New Jersey 08401

The agency proposal follows:

Summary

N.J.A.C. 19:41-8.8(a) provides that specific periods of time may be required to lapse before reapplication is permitted after a denial or revocation of any license, registration, qualification or approval granted pursuant to the Casino Control Act ("the Act") N.J.S.A. 5:12-1 et seq. Whether a period of ineligibility for reapplication is imposed varies depending on the particular license, registration, qualification or approval at issue and the reason for the revocation or denial.

This proposed amendment establishes time limitations for reapplication after denial or revocation of any license, registration, qualification or approval based on a section 86b disqualification, that is, failure to provide information, documentation and assurances required by the Act as requested by the Casino Control Commission ("The Commission") or failure to reveal any fact material to qualification or supplying informa-

tion that is untrue or misleading as to a material fact pertaining to the qualification criteria. Because the Commission views disqualification pursuant to section 86b as a very serious offense against the regulatory scheme, reapplication would be permitted only after the lapse of 10 years from the date of the disqualifying conduct or five years from the date of the denial or revocation based upon a disqualification pursuant to section 86b, whichever is later. The proposal also amends the regulation regarding early reapplication, N.J.A.C. 19:41-8.8(d), to eliminate early reapplication after a section 86b disqualification. This provision would apply to a person who holds any license, registration, qualification or approval pursuant to the Act. The amendment adds the use of the word "any" before the listing of license, registration, qualification or approval to make this reference to all the types of credentials issued pursuant to N.J.S.A. 5:12-1 et seq. more explicit.

The proposal also amends N.J.A.C. 19:41-8.8(a)4 to allow the Commission to approve an agreement resolving an application or complaint which results in denial or revocation but permits reapplication after a stated period of less time than provided in the rule. The amendment affects only the reapplication provision for a section 86b disqualification and does not change the Commission's ability to waive a section 86b disqualification pursuant to N.J.S.A. 5:12-91e.

Social Impact

The proposed new standard at N.J.A.C. 19:41-8.8(a)4 impacts on the rights of an individual whose license, registration, qualification or approval pursuant to the Act has been revoked or denied pursuant to section 86b. Because of the nature of a section 86b disqualification, that is, an offense against the regulatory system, it is consistent with the public policy of the Act and in the public interest to only allow reapplication after the lapse of 10 years from the date of the disqualifying conduct or five years from the date of the denial or revocation, whichever is later. No significant social impact is anticipated. This amendment makes the prohibitory period longer for 86b disqualification than for other categories of disqualification provided in N.J.S.A 5:12-86.

Economic Impact

The longer period of prohibition will impose an economic impact on those individuals who are disqualified pursuant to 86b and therefore are prohibited from holding a license, registration, qualification or approval pursuant to the Act. Such prohibition will eliminate their participation in the gaming industry for that period of time.

The proposed amendment should avoid unnecessary expenditure of time and expense incurred in filing, reviewing and processing reapplications which are not timely filed. No significant economic impact is anticipated.

Regulatory Flexibility Statement

The proposed amendment to N.J.A.C. 19:41-8.8 affects reapplication by natural persons, none of which qualify as a small business under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. A Regulatory Flexibility analysis is therefore not required.

Full text of the proposed amendment follows (deletions indicated in brackets [thus]; additions indicated in boldface **thus**):

19:41-8.8 Reapplication by natural person after denial or revocation

(a) Any natural person whose licensure, registration, qualification or approval is denied or revoked by the Commission for failure to satisfy the affirmative qualification criteria of the Act or due to a Commission finding that such person is disqualified pursuant to section 86 of the Act, or both, may not, except as otherwise provided by this section, reapply for **any** licensure, registration, qualification or approval until five years have elapsed from the date of denial or revocation. Notwithstanding the foregoing:

1. (No change.)

2. If the denial or revocation was based on acts constituting a section 86c disqualifying offense pursuant to section 86g and reapplication is to be evaluated under the standards of section 89 of the Act, reapplication is permitted after the lapse of 10 years from the date of the conduct in question; [and]

3. If the denial or revocation was based upon disqualification pursuant to section 86b of the Act, reapplication for any license, registration, qualification or approval is permitted after the lapse of 10 years from the date of the disqualifying conduct or five years from the date of the denial or revocation, whichever is later; and

[3.]**4.** If the Commission approves an agreement resolving an application for or a complaint seeking the revocation of licensure, registration, qualification or approval which results in denial or revocation but permits reapplication after a state period of less than [five years] **the time period otherwise provided by this section,** eligibility for reapplication shall be determined as specified in the agreement and not by the provisions of this section.

(b)-(c) (No change.)

(d) Any natural person who is barred from reapplication for five years by (a) above, **except for disqualification pursuant to section 86b,** may request permission to reapply at an earlier date by filing a petition in accordance with this subsection.

1.-3. (No change.)

(a)

CASINO CONTROL COMMISSION

Taxes; Accounting and Internal Controls Annual Gross Revenue Tax Examinations; Penalties and Sanctions; Procedures for Exchange of Counter Checks

Proposed Amendments: N.J.A.C. 19:45-1.25; 19:54-1.8 and 1.10

Authorized By: Casino Control Commission, Joseph A. Papp, Executive Secretary.

Authority: N.J.S.A. 5:12-63c, 69a, 70e, 70g, 149 and 150.

Proposal Number: PRN 1994-281.

Submit written comments by June 15, 1994 to:

Michael Wozniak
Manager, Audit Unit
Casino Control Commission
Tennessee Avenue at the Boardwalk
Atlantic City, New Jersey 08401

The agency proposal follows:

Summary

The Audit Unit of the Casino Control Commission's Division of Financial Evaluation recently completed a comprehensive review of the Commission's gross revenue tax examination program. The primary purpose of this review was to identify those audit procedures which were considered critical to the annual certification of casino gross revenue and to eliminate any elements of the audit program which were not essential to the achievement of this objective.

A secondary purpose of this review was to identify regulatory amendments which were deemed necessary to strengthen the internal controls governing the revenue related transactions which are the primary focus of the annual tax examination. As a result, three changes are being proposed to N.J.A.C. 19:45-1.25, the rule which controls the exchange of Counter Checks for gaming chips at a gaming table.

At the present time, N.J.A.C. 19:45-1.25 does not require anyone involved in the exchange of chips for a Counter Check to attest to the accuracy of the transaction. In this respect, this revenue related transaction is less secure than a fill (see N.J.A.C. 19:45-1.22), a credit (see N.J.A.C. 19:45-1.23) or the preparation of a Table Inventory Slip ("Opener" or "Closer"; see N.J.A.C. 19:45-1.21, 1.30 and 1.31). Each of the documents prepared in these transactions, a Fill Slip, Credit Slip or Table Inventory Slip, is signed by the individual who counts the chips, the dealer or boxperson. Although the dealer or boxperson is responsible for counting and distributing the proper amount of chips to a patron in exchange for a Counter Check, the current rule does not require the dealer or boxperson to sign the Counter Check in attestation as to the accuracy of the transaction. The proposed amendment to N.J.A.C. 19:45-1.25(k)6 would require the dealer or boxperson to sign the issuance copy of the Counter Check after counting and distributing the gaming chips to the patron. Also, where necessary the gender specific language is being changed, boxman to boxperson.

The Commission does not believe this amendment will unduly interfere in the efficient operation of table games. Although not required to do so by regulation, six of the 12 operating casinos in Atlantic City currently require a dealer or boxperson to sign the issuance copy of a Counter Check. The proposed amendment would codify this procedure and would

raise the level of internal control over Counter Checks closer to that currently in effect for other critical table game revenue transactions.

A second amendment to N.J.A.C. 19:45-1.25 would require, similar to internal control procedures for other transactions affecting table game inventories, that Counter Check transactions be verified by a second individual. Under the Commission's current rules, a casino supervisor is required to ensure the proper counting of chips for Fills, Credits, Openers and Closers, but not Counter Checks. The proposed amendment to N.J.A.C. 19:45-1.25(k)6 would require a casino supervisor to sign the Counter Check both as an authorizer of the transaction and as an observer of the counting and distribution of the proper amount of gaming chips. Once again, this procedure, although not required, is frequently performed in Atlantic City casinos as a matter of practice. Therefore, the additional internal control benefits to be obtained under the proposed amendment concerning this critical revenue related transaction will far outweigh any inconvenience that may be caused by the procedure.

The final proposed amendment to N.J.A.C. 19:45-1.25 concerns the composition of Counter Checks. A Counter Check is a five part form consisting of an original, a redemption copy, an accounting copy, an issuance copy and an acknowledgement copy. The original Counter Check is ultimately returned to the patron, leaving the four copies available for review during the tax examination. There is generally a progressive deterioration in the legibility of each copy of the Counter Check which is further away from the original. The proposed amendment to N.J.A.C. 19:45-1.25(j)2i would require the issuance copy to be the first copy after the original since the issuance copy is the copy used by the Commission during its gross revenue tax examinations. It is anticipated that the proposed amendment would minimize the problem of illegibility and reduce the number of exceptions disclosed, without the casino having to produce additional documentation.

The proposed amendments to N.J.A.C. 19:54-1.8(a) are intended to make clear that there is a direct correlation between a casino licensee's compliance with the internal controls mandated by the Casino Control Act and the Commission's rules and the ability of the Commission to establish that there has been a proper reporting of gross revenue by that casino licensee. Accordingly, casino licensees bear the burden of demonstrating that all revenue related transactions were executed and recorded properly, and any uncertainty raised by the failure of a casino licensee to comply with the regulations or its approved internal controls shall be construed against the casino licensee when the Commission conducts its gross revenue tax examinations.

The proposed amendments to N.J.A.C. 19:54-1.8(c) simply recognize that the Director of the Commission's Division of Financial Evaluation shall have the authority to determine the standards and practices which will be followed by the Commission's Audit Unit when conducting its annual gross revenue tax examination. The amendments also state that a copy of these standards and practices shall be made available to any casino operator which wishes to review them. The proposed amendments also explicitly recognize the authority of the Director of Financial Evaluation to make use of generally accepted statistical sampling techniques and procedures when establishing the parameters of gross revenue examinations. Such sampling techniques are common to audit practices and may be used to draw conclusions concerning the total population of revenue transactions which are the subject of the tax examination.

Finally, the proposed amendments to N.J.A.C. 19:54-1.8(d) require the Commission to refer any deviations from regulatory or internal control requirements detected during the course of a gross revenue tax examination to the Division of Gaming Enforcement for investigation and such other action, if any, as the Division deems appropriate. As noted, compliance with the rules and internal controls which govern revenue related transactions are essential to the ability of the State to determine if a casino licensee is making an accurate report of its gross revenue. The failure to comply with these requirements creates uncertainty as to the accuracy of a casino licensee's stated gross revenue and establishes a basis for regulatory sanctions independent of any Commission determination that gross revenue was or was not in fact underreported.

The Casino Control Act states that any casino licensee that fails to pay a tax when due shall be subject to the penalty and interest provisions of the State Tax Uniform Procedure Law. N.J.S.A. 5:12-150. This law requires that interest be paid from the date a tax was originally due to the date of actual payment. Literal adherence to this requirement forces the Commission to assume a payment date in order to calculate the amount of interest which is due. If the casino makes the payment after the date assumed in the interest calculation, additional interest must be calculated and collected. Conversely, if the casino makes payment before the assumed date, a credit must be provided.

The proposed amendment to N.J.A.C. 19:54-1.10 would simplify this process and be more customer oriented. The Commission's staff would prepare an invoice for the amount of tax and interest, which would be calculated through the date of the invoice, and send it to the casino. The amendment would allow the casino 10 business days to pay this amount. A recalculation of the amount due would only have to be completed if the casino failed to pay the amount due within this 10 day period.

Social Impact

To the extent that the proposed amendments help to assure that there is an accurate reporting of all gross revenue tax owed by casino licensees under the provisions of the Casino Control Act, the amendments should contribute to one of the basic social purposes underlying the approval of casino gaming in New Jersey, namely, the provision of tax revenues used to fund social and economic programs for the benefit of senior and disabled citizens of this State. Beyond this broad social effect, the proposed amendments are not anticipated to have any significant social impact on any particular group of persons.

Economic Impact

The proposed amendments to N.J.A.C. 19:45-1.25 are intended to help ensure that Counter Check transactions and, consequently, casino gross revenues are reported accurately. The proposed amendments concerning the signature requirements for dealers or boxpersons and casino supervisors are not anticipated to result in any additional costs to casino licensees. The proposed amendment concerning the order in which Counter Check copies must be attached to the original may result in some additional expense for casino licensees if they are required to dispose of inventoried Counter Checks and to order a new supply. It is anticipated, however, that these expenses, if any, will not be significant.

The proposed amendments to N.J.A.C. 19:54-1.8 are not expected to have economic impact on the casino industry or the regulatory agencies. Any economic impact resulting from the failure of a casino licensee to comply with the internal controls required by the Commission's rules derives from the implementation of those substantive rules as opposed to the tax examination procedures contained in N.J.A.C. 19:54-1.8. The proposed amendments to N.J.A.C. 19:54-1.10 should have a minor positive effect for both casino licensees and the Commission since it should create more certainty in the calculation and collection of tax and interest payments and reduce the number of times such transactions must be repeated.

Regulatory Flexibility Analysis

A regulatory flexibility statement is not required since the proposed amendments will only affect the operation of New Jersey casino licensees, none of which qualifies as a small business protected under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

19:45-1.25 Procedure for exchange of checks submitted by gaming or simulcast wagering patrons

(a)-(i) (No change.)

(j) The following procedures and requirements over Counter Checks shall be observed:

1. (No change.)

2. For establishments in which Counter Checks are manually prepared:

i. Each series of Counter Checks shall be a five-part form, at a minimum, which consists of an original, a redemption copy, an accounting copy, an issuance copy and **an** acknowledgment copy [and]. **The issuance copy shall be the first copy after the original. Counter Checks** shall be attached in a book that will permit an individual slip in the series and its copies to be written upon simultaneously, while still contained in the book, and that will allow the removal of the original and all duplicate copies[.]; **and**

ii. (No change.)

3. (No change.)

(k) For each Counter Check exchanged at a gaming table, the casino clerk shall:

1.-5. (No change.)

6. Receive the signed Counter Check directly from the patron; the issuance copy[, which is the equivalent of a Check Credit Slip,] of the Counter Check shall be immediately and directly given to the dealer or [boxman] **boxperson**. In no instance shall the chips or plaques be given to the patron prior to the receipt of the issuance copy of the Counter Check by the dealer or [boxman] **boxperson. The chips or plaques shall be counted by the dealer or boxperson and distributed to the patron under the observation of the casino supervisor that signed the Counter Check.**

i.-ii. (No change.)

iii. The issuance copy of the Counter Check shall be [deposited] **signed** by the dealer or [boxman] **boxperson, in attestation as to its accuracy, and deposited** in the drop box immediately after the issuance of chips or plaques to the patron.

(l)-(p) (No change.)

19:54-1.8 Examination of accounts and records

(a) The casino operator shall be responsible for establishing and maintaining compliance with its system of internal procedures and administrative and accounting controls so as to enable the proper reporting of gross revenue and the deposit or payment of all gross revenue tax which is due. The Commission may perform audits of the books and records of a casino licensee, at such times and intervals as it deems appropriate, for the purpose of determining the sufficiency of gross revenue tax deposits and payments. The Commission shall also conduct an annual gross revenue tax examination for the purpose of determining whether the total amount of gross revenue tax paid by the casino operator for the relevant tax year was correct.

(b) The casino operator shall permit duly authorized representatives of the Commission to examine the operator's accounts and records for the purpose of certifying gross [revenues] **revenue**. In the event that any records or documents deemed pertinent by an examiner are in the possession of another licensee or entity, the casino operator shall be responsible for making those records or documents available to the examiner. Further, the casino operator shall be individually and severally liable for any relevant accounts, records or documents maintained or required to be maintained by any other licensee or entity with regard to the casino.

(c) The Commission's annual gross revenue tax examination shall be conducted in accordance with standards and practices established by the Director of the Commission's Division of Financial Evaluation and a copy of such standards and practices shall be made available to all casino operators.

1. When establishing the scope of the annual gross revenue tax examination, the Director of the Division of Financial Evaluation may make use of generally accepted statistical sampling techniques and procedures. If statistical sampling techniques are used, the total amount of gross revenue tax owed by a casino operator during any tax year shall be determined by extrapolating the results of the tax examination conducted on these statistical samples to the total population of revenue related transactions conducted by that casino operator during that tax year.

2. For the purposes of this examination, gross revenue shall mean the combined total of table game win, slot machine win and poker revenue as defined in N.J.A.C. 19:45-1.1, less only the Provision for Uncollectible Patron Checks as defined in N.J.A.C. 19:54-1.6.

(d) The Commission shall make a record of all deviations from regulatory or internal control requirements concerning revenue related transactions which are discovered during gross revenue tax examinations. The Commission shall refer any deviations which are discovered to the Division for investigation and any other action which the Division deems appropriate.

19:54-1.10 Penalties and sanctions

(a) A casino operator who shall fail to file its return when due or to pay the tax or deposit when the same becomes due shall be subject to such penalties and interest as provided in the "State Tax Uniform Procedure Law," Subtitle 9 of Title 54 of the Revised Statutes. **Interest shall be calculated from the date the tax was originally due through the date of the Commission's tax deficiency notice. The casino operator shall not be liable for any further interest if the deficiency is paid within 10 business days from the date of the notice.**

(b)-(c) (No change.)

(d) In addition to the foregoing, any casino operator or other casino licensee which violates any of the provisions of the Act, [or these] **the** regulations **of the Commission or its approved internal controls** regarding the gross revenue[s] tax shall be liable to any sanction, penalty or other consequence which the Commission may be authorized to impose, such as those delineated in sections 111, 129 and 130 of the Act.

(a)

CASINO CONTROL COMMISSION

Accounting and Internal Controls
Temporary Investment of Annuity Jackpot Trust Funds

Proposed Amendment: N.J.A.C. 19:45-1.40B

Authorized By: Casino Control Commission, Joseph A. Papp, Executive Secretary.

Authority: N.J.S.A. 5:12-63c, 69a, 70f, 701, 99 and 100.

Proposal Number: PRN 1994-280.

Submit written comments by June 15, 1994 to:

Seth H. Briliant, Senior Counsel
Casino Control Commission
Arcade Building
Tennessee Avenue and the Boardwalk
Atlantic City, NJ 08404

The agency proposal follows:

Summary

Pursuant to the provisions of N.J.A.C. 19:45-1.40B, any casino licensee or group of casino licensees which offers a slot machine annuity jackpot to the public must establish a trust which shall be used to fund all future jackpot payments when due. The rule also requires the trust to invest in annuity contracts or specified government securities to assure that sufficient monies will be available to the trust to make these jackpot payments in the future.

This proposed amendment would permit the trusts required by N.J.A.C. 19:45-1.40B to invest the proceeds of the annuity contracts or government securities which are purchased from the time the proceeds are received until the jackpot payments are actually made. Such investments would have to be limited to the purchase of United States Treasury notes, bonds or bills or shares in mutual funds which invest only in such Treasury securities and would be limited to a term not to exceed 90 days. Currently, such proceeds must be deposited in either the trust bank account or in an account with a non-bank broker dealer. This type of investment would give the trusts additional flexibility in investing trust funds and may provide additional income.

Social Impact

This proposed amendment would merely permit annuity jackpot trusts to make temporary investments of certain trust funds in United States Treasury securities or in mutual funds which invest only in such securities and is not expected to have a particular social impact.

Economic Impact

To the extent that the proposed amendment may permit annuity jackpot trusts to earn additional income, the trusts and the winners of the annuity jackpots which the trusts are established to protect may benefit slightly.

Regulatory Flexibility Statement

The proposed amendment will affect only casino licensees, none of which is a "small business" as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. Accordingly, a regulatory flexibility statement is not required.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

19:45-1.40B Jackpot payouts in the form of an annuity

(a) For purposes of this section, the phrase "annuity jackpot" refers to any slot machine jackpot offered by a casino licensee or group of casino licensees pursuant to which a patron wins the right to receive cash payments at specified intervals in the future. No annuity jackpot shall be permitted unless it provides for the payment of fixed amounts at fixed intervals. In addition, no annuity jackpot shall be permitted unless it expressly prohibits the winner from encumbering, assigning or otherwise transferring in any way his or her right to receive the future cash payments, except as permitted by [(j)2i](k)2i below, and except for a transfer to the estate of the winner upon his or her death. A casino licensee or group of casino licensees may, with the prior approval of the Commission, terminate all future payments to a winner who attempts to encumber, assign or otherwise transfer the right to receive future payments in violation of this prohibition.

(b)-(f) (No change.)

(g) Upon the deposit of the payments received in accordance with (f) above, the trustees may invest such proceeds in United States Treasury notes, bonds or bills or in shares of mutual funds which invest only in such Treasury securities. The term of any such investment shall not exceed 90 days and shall not interfere with the ability of the trust to make any annuity jackpot payout when due. If an investment authorized by this subsection is made by the trustees, the Annuity Deposit Log shall contain, at a minimum, the following information for each investment:

1. The date of purchase or sale;

2. The purchase or sale price;

3. A description of the investment; and

4. The signature of the person making the entry.

Recodify existing (g)-(j) as (h)-(k) (No change in text.)

EDUCATION

(a)

STATE BOARD OF EDUCATION

Pupil Transportation

Proposed Readoption with Amendments: N.J.A.C. 6:21

Authorized By: State Board of Education, Leo Klagholz, Secretary, State Board of Education and Commissioner, Department of Education.

Authority: N.J.S.A. 18A:1-1, 4-15 and 39-21 and 7D-18.

Proposal Number: PRN 1994-300.

Submit written comments by June 15, 1994 to:

Elease E. Greene-Smith, Administrative Practice Officer
New Jersey Department of Education
222 East State Street, CN 500
Trenton, New Jersey 08625-0500

The agency proposal follows:

Summary

Under the provisions of Executive Order No. 66(1978), the rules at N.J.A.C. 6:21, Pupil Transportation, will expire on November 22, 1994. As required by the Executive Order, the Department of Education has reviewed these rules and determined them to be necessary, reasonable and proper for the purpose for which they were originally promulgated. The proposed rules at N.J.A.C. 6:21 provide the rules for the conduct of pupil transportation and establish vehicle specifications for school buses used to transport students to and from school and school related activities.

A review of each section and proposed amendments are as follows:

Subchapter 1. General Provisions

N.J.A.C. 6:21-1.1, 1.3 and 1.4 set forth the general requirements, the definition of remote and the rule for the retirement of school buses. N.J.A.C. 6:21-1.2 sets forth the procedures for reporting school bus accidents. N.J.A.C. 6:21-1.2 has been amended to clarify when the Preliminary School Bus Accident Report is to be completed and requires that the school business administrator of the transporting district be notified in the event of an accident.

Subchapter 2. Requirements for Nonpublic School Transportation

N.J.A.C. 6:21-2.1 through 2.6 set forth the rules for nonpublic school transportation. N.J.A.C. 6:21-1.7 sets forth the procedure for certifying the attendance of nonpublic school students who are eligible for transportation. N.J.A.C. 6:21-2.7(e) has been amended to require district boards of education to submit the Private School Transportation Summary upon the request of the county superintendent of schools. A new subsection, N.J.A.C. 6:21-2.7(f), has been added to clarify that district boards of education are not required to pay aid in lieu of transportation when the voucher for such payment is received after the close of the fiscal year.

Subchapter 3. Requirements for Public School Transportation

N.J.A.C. 6:21-3 sets forth the rules for boards of education to adopt policies and procedures for pupil transportation. No changes are proposed at this time.

Subchapter 4. School Bus Capacity

N.J.A.C. 6:21-4 sets forth the rules which govern vehicle capacity limits and identifies who may be transported. N.J.A.C. 6:21-4(a)1 has been amended to remove reference to the effective date of N.J.A.C. 6:21. This reference is not necessary as the current language already specifies that school vehicles manufactured prior to December 18, 1989 may be utilized until retirement.

Subchapter 5. Standards for School Buses

The subchapter title has been amended to include the words "Manufactured July, 1985 through May, 1993." N.J.A.C. 6:21-5 sets forth the rules for school bus manufacturing standards for vehicles with a chassis manufacture date of July, 1985 through May, 1993. The current text of N.J.A.C. 6:21-5 is being repealed and replaced by language which has been rewritten for clarity. N.J.A.C. 6:21-5 adopts the 1985 National Minimum Standards by reference and specifies those additional supplements to the National Minimum Standards which districts must comply. Requirements which are in addition to the National Minimum Standards for bus chassis include: parking brake and lever specifications; painting requirements for the hood; wheels and grille; fuel tank and horn specifications; telltale light; gauges and instruments; transmission and emergency door specifications; requirements relative to the use of advertisement information on the interior or exterior of the school bus; aisle requirements for wheelchairs and special visual or audible signal equipment; lamps; wheelhousing and ramp device signals; mirrors; and windshields. Floor coverings, rails, seats, and seat belts are also included in this subchapter.

Subchapter 6. Standards for Buses Used for Pupil Transportation

N.J.A.C. 6:21-6 sets forth the rules for school bus standards for vehicles with a chassis manufacture date of June, 1993 or later. The subchapter title has been amended to include the words "Manufactured June, 1993 or thereafter." In N.J.A.C. 6:21-6.1(d) the current reference to a May 21, 1993 chassis manufacture date has been removed and replaced with an updated date of June, 1993.

Subchapter 6A. Chassis Standards

N.J.A.C. 6:21-6A sets forth the chassis standards to be used for district school buses. In N.J.A.C. 6:21-6A.9 the phrase "Gasoline powered buses" has been removed. The change to the use of "buses" clarifies that regardless of how a bus is powered, they may be equipped with a fire extinguisher system for their engine compartment.

Subchapter 6B. Body Standards

N.J.A.C. 6:21-6B sets forth the body standards to be applied to district school buses. The current N.J.A.C. 6:21-6B.30(c) and (d) have been amended to require that school buses equipped with seat belts contain a belt cutter, pursuant to P.L. 1992, c.92.

Subchapter 6C. Specially Equipped School Bus Standards

N.J.A.C. 6:21-6C sets forth the standards to be utilized by districts in the modification of school buses for transporting students with special transportation needs. The language contained in N.J.A.C. 6:21-6C.2 has been amended to more clearly state that aisles leading to emergency power lift doors must be positioned a minimum width of 30 inches from a wheelchair position.

Subchapter 7. State Aid

N.J.A.C. 6:21-7 identifies expenditures eligible for state transportation aid for public school and nonpublic school students. Included in this subchapter are also general provisions relative to State aid for transportation for special education students. No changes are proposed at this time.

Subchapter 8. Use of Vehicles as School Buses Under the Jurisdiction of the Department of Transportation

N.J.A.C. 6:21-8 identifies exemptions to school bus chassis and body specifications for vehicles under the jurisdiction of the Department of Transportation. No changes are proposed at this time.

Subchapter 9. Small Vehicles Standards

N.J.A.C. 6:21-9 defines "small vehicle" as it pertains to pupil transportation and establishes maximum capacity and safety equipment requirements. No changes are proposed at this time.

Subchapter 10. Small Vehicles Regulations

N.J.A.C. 6:21-10 establishes registration requirements for small vehicles under contract with a district board of education. Included in this subchapter are regulations for parents transporting their own child or children under contract with a district board of education. N.J.A.C. 6:21-10.3(a) has been amended to specify that a parent transporting his or her child is not required to possess a bus driver's license to use a vehicle registered as a school bus. The current requirement in N.J.A.C. 6:21-10.3(b), which requires the parent under contract with the district and who is utilizing a vehicle which has a capacity of greater than six to possess a bus driver's license is being repealed.

Subchapter 11. Drivers

N.J.A.C. 6:21-11 sets forth the minimum requirements for becoming a school bus driver. A new N.J.A.C. 6:21-11.1(c) has been added to require school bus drivers to hold a valid Commercial Driver License with appropriate endorsement(s) issued by the Division of Motor Vehicles. N.J.A.C. 6:21-11.3(a) has been amended to include all students who ride buses to and from school in emergency exit drills at least twice within the school year. A new N.J.A.C. 6:21-11.3(a)1 has been added to require that all other district students receive bus evacuation instruction at least once a year. N.J.A.C. 6:21-11.3(b) has been amended to require that bus attendant(s) and/or aide(s) be included in district conducted emergency exit drills.

Subchapter 12. Use of School Buses Other Than To and From School and School Related Activities

N.J.A.C. 6:21-12 sets forth the rules for the use of school buses other than to and from school or school related activities. N.J.A.C. 6:21-12.2(d) has been amended to require the drivers of these vehicles to hold a valid Commercial Driver's License with appropriate endorsements. For consistency N.J.A.C. 6:21-12(b), (c) and (g), have been amended to change the phrase "board of education" to "district board of education."

Subchapter 13. Bid Specifications

N.J.A.C. 6:21-13 sets forth requirements for bid specifications. N.J.A.C. 6:21-13.1(d) has been amended to reflect updates in affirmative action law. N.J.A.C. 6:21-13.2(a), (e) and (f) have been amended to incorporate N.J.A.C. 6:21-13.2(g) through (k). These amendments clarify the district board of education's responsibility to prepare transportation bid specifications and list the items to be included in that document.

Subchapter 14. Bond

N.J.A.C. 6:21-14 sets forth requirements for bonding transportation contracts. N.J.A.C. 6:21-14.1(d) has been amended to require a minimum of five percent of the bid as a deposit. N.J.A.C. 6:21-14.1(d) has also been amended to increase to $50,000 the amount a bid deposit check can not exceed. Currently a bid deposit check may not exceed $20,000. N.J.A.C. 6:21-14.1(d) and (f) have been amended to clarify procedures for obtaining and processing bid bonds. N.J.A.C. 6:21-14.1(f) has been amended to require that except for the three lowest bidders, the bidder guarantee must be returned within ten days after the opening of bids. N.J.A.C. 6:21-14.3(b) and 6:21-14.4(b) have both been amended to clarify bonding requirements for implementation of multi-year contracts. Bonding for multi-year contracts may now be submitted each year in the annual amount of the contract or for the amount in excess of the proportionate annual amount as determined by the district board of education. Both N.J.A.C. 6:21-14.3(b) and N.J.A.C. 6:21-14.4(a) have further been amended to require that contracts awarded on a per diem basis be bonded in the per annum amount based on the actual number of days transportation is required by the school calendar, or at the discretion of the district board of education, the per annum amount may be based on 180 days. The language in N.J.A.C. 6:21-14.4(b) has been amended to be gender neutral.

Subchapter 15. Bidding

N.J.A.C. 6:21-15.1 and 6:21-15.2 set forth the individual responsibilities of district boards of education and contractors in bidding of transportation contracts. N.J.A.C. 6:21-15.1(a) has been amended to require the board or designated official, to unseal bids in the presence of the parties bidding and that such contents be publicly announced. N.J.A.C. 6:21-15.1(c) has been amended to require that district regulations relative to pupil transportation be included in bidding specifications. The subsection title heading for N.J.A.C. 6:21-15.2 has been changed to "Responsibility of the bidder." N.J.A.C. 6:21-15.2(a) has been amended to require the bidder to submit the bid on the bid sheet contained in the bid specifications. N.J.A.C. 6:21-15.3 which required a questionnaire form to be part of the bid has been repealed from this section and incorporated into N.J.A.C. 6:21-15.2. N.J.A.C. 6:21-15.4 through 15.6 set forth the rules governing bulk bids and the receiving and opening of bids. N.J.A.C. 6:21-15.6 has been amended to include language regarding "district boards of education." No additional changes are being proposed at this time.

Subchapter 16. Contracts

N.J.A.C. 6:21-16 sets forth the rules regarding contracts between school bus contractors or parents providing transportation under contract with a district board of education. N.J.A.C. 6:21-16.1(b) and (c) have been amended to identify documents necessary for the submission of completed contracts to the county superintendent of schools. The language in N.J.A.C. 6:21-16.3 and N.J.A.C. 6:21-16.5 have been amended to include gender neutral references. N.J.A.C. 6:21-16.4 defines the term of transportation contracts. This section has been amended to clarify that the maximum permitted yearly increase is 7½ percent, in multi-year contracts. N.J.A.C. 6:21-16.7 sets forth the regulations for quoted transportation contracts. This section has been amended to require that the quotations sought must also be documented. N.J.A.C. 6:21-16.8 sets forth regulations for renewing contracts and has been amended to reflect updates in the law. N.J.A.C. 6:21-16.8(a)3 has been amended to add language that states clearly that an extension, regardless of the fact that it is based on a route description change or that an aide has been added or removed, does not result in an "effective increase" of more than 30 percent in the annual amount of the contract to the district board of education or an increase in the original contractual base amount. A new N.J.A.C. 6:21-16.8(a)4 has been added to define the word destination as the physical location of the original school and to clarify that the school destination remain the same as the original contract. A new N.J.A.C. 6:21-16.8(b) is being added to allow parents who transport only their own children or children under contract with a district board of education to utilize a vehicle registered as a school bus. N.J.A.C. 6:21-16.9 sets forth the rules for adjusting a contract. Minor changes have been proposed to clarify procedure. N.J.A.C. 6:21-16.10 sets forth regulations for transfer of transportation contracts and contract renewals. N.J.A.C. 6:21-16.10(d) and (f) have been amended to require new contractors to submit a noncollusion affidavit before the transfer is effective and require a copy of certified board minutes to be submitted to the county superintendent of schools. N.J.A.C. 6:21-16.11 sets forth regulations for joint transportation agreements. N.J.A.C. 6:21-16.11(b) has been amended to remove the language relative to the prorated cost being on a per pupil basis. N.J.A.C. 6:21-16.11(d) has been amended to include language to clarify the responsibilities of "host" districts. Host districts are responsible for initiating the joint agreement and insuring that when transportation is provided by contracted services, contracts meet the requirements for approval by the County Superintendent of Schools. Two new sections have been added, N.J.A.C. 6:21-16.11(g) and N.J.A.C. 6:21-16.11(h) to outline the time frame for processing joint agreements.

Subchapter 17. Insurance

N.J.A.C. 6:21-17 sets forth the rules for the limits of liability insurance coverage required for pupil transportation operations and is amended to require the district board of education to be named as an additional insured.

Subchapter 18. Inspection

N.J.A.C. 6:21-18 sets forth general provisions for the inspection of vehicles used to transport students. This subchapter specifies the responsibility of the district board of education, county superintendent of schools, the Bureau of Pupil Transportation, the State Board of Education and the Commissioner with regard to pupil transportation.

Subchapter 19. Pupil Transportation Governance and Administration

N.J.A.C. 6:21-19 sets forth the general requirements for the administration and governance of pupil transportation. This subchapter also provides an exemption from authorizaton for school use on the certificate of inspection for vehicles under the jurisdiction of the Department of Transportation when they are being used on a franchised route or chartered for extracurricular activities. No other changes are proposed to this section.

Social Impact

The proposed readoption with amendments to N.J.A.C. 6:21 in conjunction with N.J.S.A. 18A:39-1 et seq., the statutes governing pupil transportation, will continue to ensure the safe and efficient transportation of students to and from school.

More than 600,000 children ride school buses to and from school every day. Approximately 14,000 vehicles are used to provide this transportation. The vehicle specifications contained in N.J.A.C. 6:21 ensure that these vehicles meet stringent standards and that each student's ride to school is the safest possible.

N.J.A.C. 6:21 also regulates the operation of pupil transportation in the school district, and defines the contractual relationship between district boards of education and school bus contractors. These rules promote efficiency and savings, and provide safeguards for district boards of education in their business dealings for transportation.

Economic Impact

The proposed readoption and amendments to N.J.A.C. 6:21 have a positive economic impact for local boards of education. The rules provide safeguards which promote economy and efficiency by outlining good business practices in school district transportation operations. Efficiency will be further enhanced by the clarification of responsibilities of the local board of education, contractors, and parents in the transportation of pupils to and from school. The proposed readoption and amendments will not create any additional economic impact for the State, since they do not change any rules regarding State aid for transportation.

Regulatory Flexibility Analysis

As defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., the only types of small businesses that these rules affect are bus contractors in New Jersey with less than one hundred employees. This includes most, if not all, of the contractors in the State. The proposed readoption with amendments requires some reporting, recordkeeping and compliance requirements. However, all requirements affect only a small percentage of small businesses and their impact is minimal. Those rules which impose standards on contractors for submission of contracts, accident reports and related documents are not considered to be burdensome to small businesses in that the recordkeeping required falls within the scope of what is necessary to run a bus service company. The Department has not provided lesser requirements for small businesses in the proposed readoption with amendments because the requirements are not extraordinary and contractors have easy access to the information sought by the Department.

Full text of the proposed readoption may be found in the New Jersey Administrative Code at N.J.A.C. 6:21.

Full text of the proposed repeal may be found in the New Jersey Administrative Code at N.J.A.C. 6:21-5.

Full text of the proposed amendments follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]).

6:21-1.1 General requirements

(a)-(b) (No change.)

(c) All forms prescribed by the Commissioner of Education referred to in this chapter are available in the office of the county superintendent of schools, and at the Bureau of Pupil Transportation, Department of Education, [225] **240** West State Street, CN 500, Trenton, New Jersey 08625.

(d) It is recommended that district boards of education and school bus contractors acquaint themselves with the procedures described in the Department of Education Policies and Procedures Manual for Pupil Transportation to ensure efficiency in the implementation of a pupil transportation program. This manual is available for review at the transportation office of the district board of education, the office of the county superintendent **of schools** and the Bureau of Pupil Transportation.

6:21-1.2 Accident reporting

(a) Every school bus driver shall immediately inform the principal of the receiving school **and the school business administrator of the district board of education providing for the transportation** following an accident which involves an injury, death or property damage. The driver shall also complete and file the Preliminary School Bus Accident Report prescribed by the Commissioner of Education.

(b) **In addition to the Preliminary School Bus Accident Report,** [The] **the** driver of a school bus involved in an accident resulting in injury or death of any person, or damage to property of any one person in excess of $500.00 shall within 10 days after such accident complete and file a Motor Vehicle Accident Report in accordance with N.J.S.A. 39:4-130.

(c) (No change.)

6:21-2.7 Certification of attendance

(a)-(d) (No change.)

(e) **Upon request,** [The] **the** district board of education shall send to the county superintendent of schools the Private School transportation Summary [form no later than August 1, following the close of the school year].

(f) A district board of education shall not be required to pay aid in lieu of transportation when the Request for Payment of Transportation Aid voucher is received after the close of the fiscal year.

6:21-4.1 Capacity

(a) The number of pupils assigned to a seat may not exceed the gross seating length in inches divided by 15. Application of the foregoing formula shall not result in the approval of a school vehicle with a seating capacity in excess of 54.

1. Vehicles manufactured as 58 passenger elementary school vehicles owned by a district board of education or contractor prior to December 18, 1989[, the effective date of this rule,] may be utilized until retirement.

(b)-(c) (No change.)

SUBCHAPTER 5. STANDARDS FOR SCHOOL BUSES MANUFACTURED JULY 1985 THROUGH MAY 1993

6:21-5.1 School bus standards; incorporated by reference

(a) The State Board of Education authorizes the use of Standards for School Buses and Operations, National Minimum Standards for School Buses, 1985 Revised Edition, which are issued as recommendations of the Tenth National Conference on School Transportation. These standards are divided into sections covering definitions, chassis standards and body standards. The purpose is to define school buses, minimum chassis and body standards and assign responsibility for providing the defined equipment. The 1985 revised edition of Standards for School Buses and Operations covering definitions and school bus chassis and body standards, are incorporated by reference and hereby adopted as a rule and supplemented by standards established by N.J.A.C. 6:21-5.2, 5.3 and 5.4. These standards apply to vehicles with a chassis manufacture date of July, 1985 through May, 1993.

1. This document is available for review at the Bureau of Pupil Transportation, Division of Administration and Finance, New Jersey Department of Education, 240 West State Street, Trenton, New Jersey 08625, or at the Office of Administrative Law, CN 301, Trenton, New Jersey 08625.

2. This document may be purchased from the National Safety Council, 444 North Michigan Avenue, Chicago, Illinois 60611.

6:21-5.2 Chassis standards supplement to the 1985 National Minimum Standards

(a) The parking brake shall hold the vehicle stationary, or to a limit of traction of the braked wheels, on a 20 percent grade under any condition of legal loading and on a surface free from snow, ice and loose material.

(b) When applied, the parking brake shall remain in an applied position with the capability set forth in 1 above, despite exhaustion of the source of energy used for the application or leakage of any kind.

(c) A parking brake lever shall be mounted to the right of the driver on Types C and D buses and in a position that is easily accessible. On Types A and B buses, the parking brake lever may be mounted to the left of the driver.

(d) The parking brake shall be equipped with an on or off warning device.

(e) The hood may be painted National School Bus Yellow low luster yellow or flat black. The wheels may be black, gray, silver or white. The grille shall be chrome or National School Bus Yellow.

(f) An exhaust system shall not exit under any operating window of a bus.

(g) Type A school bus fuel tank(s) shall be according to the manufacturers' standard.

(h) Buses shall be equipped with dual horns of standard make. Each horn shall be capable of producing a complex sound in a band of audio frequencies between approximately 250 and 2,000 cycles per second and each having a total sound level of 110 decibles within these frequency limits. Sound shall be measured at a point on the axis of the horn, three feet from the exit of the horn.

(i) All gauges and instruments must be appropriately identified.

(j) A telltale light, plainly visible to the driver, shall be installed to give a positive indication of the operation of the stop lights.

(k) A transmission shifting control pattern shall be affixed to a point convenient to the driver.

(l) There shall be a detent on the automatic transmission shift level to insure that the transmission cannot accidentally move from neutral to a drive gear without driver effort.

(m) School buses not equipped with a park position on the shift control selector for automatic or semi-automatic transmissions shall be equipped with a heavy duty parking brake.

6:21-5.3 Bus body standards supplement to the 1985 National Minimum Standards

(a) Except for Type A vehicles, the minimum clearance of all aisles shall be 12 inches.

(b) When a bus is equipped with air doors or other air operated assemblies, excluding windshield wipers, an additional air tank is needed for the operation of those assemblies.

(c) The emergency door shall be designed to be opened from the inside and outside of the bus and shall be equipped with a fastening device which may be quickly released, but is designed to offer protection against accidental release. Control of the fastening device from the driver's seat shall not be permitted.

(d) The emergency door fastening device shall be equipped with a suitable electric plunger-type switch connected with a buzzer located in the driver's compartment. The switch shall be enclosed in a metal case, and wires leading from the switch shall be concealed in the bus body. The switch shall be installed so that the plunger contacts the farthest edge of the slide bar in such a manner so that any movement of the slide bar will immediately close the circuit on the switch and activate the buzzer.

(e) The emergency door may be equipped with a locking system which incorporates an interlocking electrical circuit that prevents the bus from being started while the emergency door is locked.

(f) The words "Emergency Door" shall be applied to the emergency door, both inside and outside, and shall be in red letters at least two inches high.

(g) The hot water heater system in a Type A vehicle shall be according to the manufacturers' standard.

(h) The owning or operating organization name shall be conspicuously identified in letters at least three inches high, located on each longitudinal side of the exterior of the bus. Such identification shall be completely horizontal and below the window line.

(i) No advertisement of any kind shall be exhibited either on the interior or exterior of the school bus, with the exception that the manufacturer's and vendor's trade name(s) shall be permitted to be exhibited on the bus.

(j) Types A and B buses shall install incandescent signal lamps.

(k) Types C and D buses shall use either the incandescent or strobe lamps.

(l) Interior lamps shall be provided which adequately illuminate the aisle and step-well.

(m) All lamps and their installation shall be of a type approved by the Director of the Division of Motor Vehicles.

(n) If strobe lamps are utilized, the front and rear signal lamps on each school bus shall be equipped with eight electronic strobe lamps, four red and four amber, working in an automatic integrated system. The warning lamps shall be of a type approved by the Director of the Division of Motor Vehicles.

1. Eight Par 46 sealed beam type strobe lamps shall be utilized.

2. The solid-state strobe power supply shall provide the electrical power to energize the sealed beam flash tubes. The power supply shall energize the lamps at a combined alternating flash rate of 120-128 flashes per minute. The power supply shall be fully enclosed in a metal environment container with a minimum metal wall thickness of 0.060 inch.

3. The power supply shall be fully enclosed within the bulkhead.

(o) Types B, C and D school buses shall have two exterior convex type mirrors mounted forward, one to the left side and one to the right of the driver. Each mirror shall be a minimum of six by six inches overall, rectangular in shape and shall have a minimum 21 inch to a maximum 30 inch radius of curvature on the convex. Each mirror shall be firmly supported and adjustable to give the driver a clear view of the left rear wheels and the immediate adjacent area, and the right rear wheels and the immediate adjacent area.

1. Type A school buses shall have two exterior clear view rearview mirrors mounted forward, below eye level, one to the left and one to the right of the driver and each mirror shall be firmly supported and adjustable to give the driver a clear view past the left rear and right rear of the vehicle. Outside rearview mirrors, as a minimum, shall be four inches wide by six inches high.

(p) Mirror mounting brackets shall be affixed to the bus so as to be securely fastened to the structural frame members of the bus body, or shall be affixed to the existing exterior rearview mirror mounting brackets.

(q) The convex type mirrors shall not be a part of or attached to the exterior rearview mirrors.

(r) The convex type mirror head and the rearview mirror head shall be mounted so as to have a minimum of two inches distance between the two mirrors.

(s) Cross over mirrors shall have a minimum measurement of six and one-half inches at the base.

(t) The size of the interior mirror on Type A school buses shall be according to manufacturers' standard.

(u) The floor covering in Type A school buses shall be either one-half exterior plywood securely fastened to the floor of the school bus in the passenger compartment, tapered to the forward level, or 14 gauge smooth steel floor.

(v) Rub rails shall be attached at each body post, sedan doors and all other upright structural members.

(w) All seats shall be forward facing.

(x) The tailpipe shall terminate up to a maximum of two inches beyond the rear bumper.

(y) Glass in all side and rear windows shall be of AS-2 or better grade. Equivalent plastic AS-4 or better, may only be used in side windows of the bus.

(z) The windshield shall have a horizontal gradient band starting slightly above the line of a driver's vision and gradually decreasing in light transmission to 20 percent or less at the top of the windshield. Glass in the windshield shall be of AS-1 grade.

(aa) The wheelhousing shall be attached to floor sheets in such a manner to prevent any dust, water, or fumes from entering the body. The wheelhousing shall be constructed of 16-gauge steel.

6:21-5.4 Standards supplement to the 1985 National Minimum Standards for buses used to transport special needs students

(a) If a ramp device is installed, it shall have a non-skid surface and be securely stored and protected from the elements when not in use.

1. The ramp must have at least three feet of length for each foot of incline.

(b) Seat belts or other suitable restraints shall be installed for each passenger including those seated in wheelchairs.

(c) Each door shall be equipped with a device that will actuate a visual or audible signal located in the driver's compartment when the door is not securely closed and the ignition is in the "on" position.

(d) Any aisle leading from a wheelchair position to the emergency or exit door shall be a minimum width of 30 inches.

SUBCHAPTER 6. STANDARDS FOR BUSES USED FOR PUPIL TRANSPORTATION **MANUFACTURED JUNE, 1993 OR THEREAFTER**

6:21-6.1 Scope and purpose

(a)-(c) (No change.)

(d) The rules established in N.J.A.C. 6:21-6, 6A, 6B and 6C shall apply to buses [manufactured after May 21, 1993] **with a June, 1993 or later chassis manufacture date** unless otherwise noted. Buses manufactured prior to this date shall comply with the rules in effect when the bus was manufactured or converted.

6:21-6A.9 Engine fire extinguishers

[Gasoline powered buses] **Buses** may be equipped with a fire extinguisher system for the engine compartment.

6:21-6B.30 Seat belt for driver and students

(a)-(b) (No change.)

(c) Buses **with a chassis manufacturer date of October, 1992 or thereafter** shall be equipped **with seat belts and 28 inch high back seats** in accordance with P.L. 1992, c.92.

(d) Buses equipped with seat belts shall also contain a belt cutter for use in an emergency. The belt cutter shall be designed to prevent injury during use and secured in a safe location.

6:21-6C.2 Aisle

The aisle leading to [an] emergency [or] **and** power lift [door] **doors** from a wheelchair position shall be a minimum width of 30 inches.

6:21-10.3 Parent transporting his or her own child or children

(a) A parent [transporting only his or her own child or children] under contract with a district board of education **to transport only his or her own child or children** will not be required to possess a bus driver's license, **to use a vehicle registered as a school bus,** or to comply with the health examination prescribed for employees of the district board of education.

[(b) Parents under contract with the district board of education utilizing a vehicle which has a capacity of greater than six shall be required to possess a bus driver's license in accordance with the Division of Motor Vehicles statute N.J.S.A. 39:3-10.1.]

6:21-11.1 Requirements for drivers of school buses

(a) (No change.)

(b) Drivers of school vehicles equipped with [lap] **seat** belts shall be required to wear them whenever the vehicle is in motion.

(c) Drivers shall hold a valid Commercial Driver License with appropriate endorsement(s) issued by the Division of Motor Vehicles.

6:21-11.3 Emergency exit drills from school buses

(a) Schools shall organize and conduct emergency exit drills at least twice within the school year for all pupils [who ride school buses] **who are transported to and from school.**

1. All other students shall receive school bus evacuation instruction at least once within the school year.

(b) The school bus driver **and bus attendant/aide** shall participate.

(c) (No change.)

6:21-12.2 General provisions

(a) (No change.)

(b) The **district** board of education shall adopt a policy addressing the transportation of these groups. The policy shall require groups seeking the use of school buses to pay all or part of any costs incurred by the district **board of education** in permitting such use. The costs shall include, but not be limited to, the costs of fuel, driver salaries, insurance, and depreciation.

(c) The use of school buses by these groups requires the approval of the **district** board of education and shall not interfere with the transportation of school pupils.

(d) Buses shall be operated only by a person having a valid [school bus driver's] **commercial driver** license **with appropriate endorsement(s)** [approved] **issued** by the New Jersey Division of Motor Vehicles.

(e)-(f) (No change.)

(g) **District** [Boards] boards of education using buses for the transportation of these groups shall file proof of insurance coverage for such transportation with their county superintendents of schools. Insurance coverage shall include liability for bodily injury and property damage in the amount of $1,000,000 combined single limit per occurrence.

6:21-13.1 General requirements

(a) The district board of education shall designate a committee, official or employee to prepare the specifications for each route or contract for which proposals are sought. A copy of the specifications shall be submitted to the county superintendent **of schools** prior to advertisement for bids. The specifications and advertisement for bids shall be approved and authorized by formal action of the **district** board **of education.**

(b)-(c) (No change.)

(d) Specifications shall [not discriminate on the basis of race, religion, sex or national origin. Bidders shall have an approved affirmative action plan as required by] **protect against discrimination in accordance with** P.L. 1975, c.127 (N.J.S.A. 10:5-31 et seq.).

6:21-13.2 Prescribed transportation **bid** specifications

(a) **The district board of education shall prepare** [Transportation] **transportation bid** specifications [shall be prepared] to include, but not be limited to the requirements of this chapter.

(b) (No change.)

(c) A route is a selected or an established course of travel by a vehicle with definite stops for the purpose of loading and unloading students. Transportation routes should be arranged so that the buses will transverse the highways which serve the largest number of pupils within a reasonable time limit and at a minimum cost. Subject to exceptions, such as educationally handicapped pupils, buses are not required to leave the main route to pick up elementary pupils residing within 1½ miles of the route and high school pupils residing within two miles of the route. The **district** board of education shall reserve the right, with the approval of the county superintendent **of schools,** to change the route. If any change of route results, adjustment in the contract price shall be made in accordance with the bid. The basis for any adjustment will be the separate and distinct per mile, per vehicle or per pupil increase/decrease cost included in the bid.

(d) (No change.)

(e) A route for the transportation of special education pupils shall be described listing each bus stop, the schedule for arriving and departing and the vehicle capacity. The statement "the direction of the vehicle from the last stop shall be along the safest most direct route to the destination" shall be included. **In addition, language shall be included which will require the successful bidder to submit to the district board of education within 10 days of the start of the contract, a description of the actual streets traveled.**

(f) The bid specifications shall include:

1. A copy of the school calendar;

2. A copy of the prescribed questionnaire form;

3. A provision for emergency closings;

4. Conditions for cancellation of contracts;

5. The limits of liability insurance;

6. The type(s) of bonding required;

7. Except for per pupil bids, a statement which clearly prohibits the commingling of students unless authorized to do so by the district board of education through the joint transportation agreement process;

8. The need for specialized equipment if applicable;

9. Restrictions due to student classification, if applicable;

10. A statement that all equipment shall meet current specifications in accordance with Federal and State law, the rules of the State Board of Education, and any additional specifications of the district board of education;

11. A statement that all contractors shall comply with current applicable New Jersey Statutes, regulations, and policies and procedures of the district board of education governing pupil transportation;

12. A bid sheet which will be required to be submitted by bidders to the district board of education. The bid sheet shall include a provision to request bids on a per route basis for regular, nonpublic and in-district handicapped students and on a per route, per vehicle, per pupil, per mileage basis for the transportation of out-of-district handicapped students;

13. The bid sheet shall include a separate provision to request adjustments to the contract on a per mile basis for public and nonpublic regular and in-district handicapped routes and on a per mile, per pupil, per vehicle basis for out-of-district special education transportation contracts;

14. The bid sheet shall include a separate provision to request bulk/combination bids, if applicable;

15. A requirement for submission of an affidavit of noncollusion;

16. A requirement for submission of a stockholder's disclosure statement;

17. A provision for the acceptance of bulk/combination bids, if applicable;

18. A statement that bids are to be placed in a sealed envelope and plainly marked "TRANSPORTATION BID FOR ROUTE OR CONTRACT NO. ____, SCHOOL DISTRICT OF _____" and presented to the board in session, authorized committee, designated official or employee of the board.

[(f) The need for specialized equipment, restrictions due to student classification or the need for an attendant shall be described.

(g) The specifications shall include a copy of the school calendar, provisions for emergency closings and conditions for cancellation of contracts.

(h) All equipment shall meet the current specifications for transportation as set forth in the rules of the State Board of Education and any additional specifications of the district board of education.

(i) All contractors shall comply with current applicable New Jersey statutes, regulations and with the policies and procedures of the district board of education governing pupil transportation.

(j) Specifications shall include the limits of liability insurance and the type(s) of bonding required by the district board of education.

(k) The bid specifications shall include a statement which clearly prohibits the commingling of students unless authorized to do so by the district board of education through the joint transportation agreement process.]

6:21-14.1 Bidder guarantee

(a)-(c) (No change.)

(d) The amount to be deposited shall be **a minimum of** five percent of the bid, but in no case may the the certified check, cashier's check or bid bond exceed [20,000] **$50,000**.

(e) (No change.)

(f) [An successful] **Except for the three lowest bidders, the** bidder guarantee shall be returned within 10 days after the opening of the bids (Saturdays, Sundays and holidays excepted).

6:21-14.3 Corporate surety bond

(a) (No change.)

(b) Contracts and renewals shall be accompanied by a corporate surety bond for the total annual amount of the contracts. Bonding for multi-year contracts **shall be submitted each year in the annual amount of the contract or** may be for such amount in excess of the proportionate annual amount as the district board of education shall determine. Contracts awarded on a per diem basis shall be bonded **in the per annum amount based on the actual number of days transportation is required by the school calendar or, at the discretion of the district board of education, may be** in the per annum amount based on 180 days.

(c) (No change.)

6:21-14.4 Personal surety bond

(a) (No change.)

(b) Contracts and renewals shall be accompanied by a personal surety bond for the total annual amount of the contracts. Bonding for multi-year contracts **shall be submitted each year in the annual amount of the contract or** may be for such amount in excess of the proportionate annual amount as the district board of education shall determine. Contracts awarded on a per diem basis shall be bonded in **the per annum amount based on the actual number of days transportation is required by the school calendar or, at the discretion of the district board of education, may be in** the per annum amount based on 180 days.

(c) (No change.)

(d) If it shall be necessary to substitute a [bondsman] **bondsperson,** the contractor shall promptly furnish the same information for the new [bondsman] **bondsperson** as required for the original [bondsman] **bondsperson** on the prescribed questionnaire form accompanying the bid.

(e)-(f) (No change.)

6:21-15.1 Responsibility of district board of education

(a) District boards of education shall have the option of annually bidding all transportation contracts or awarding annual extensions of an original contract. However, no contract for the transportation of pupils to and from school shall be made, when the amount to be paid during the school year for such transportation shall exceed the bid threshold limit and have the approval of the county superintendent of schools, unless the district board of education making such contract shall have first publicly advertised for bids. Such advertisement shall be published once in a newspaper circulating in the district at least 10 days prior to the date fixed for receiving proposals for such transportation. All bids shall be advertised with the time and place fixed to each advertisement for submission of proposals to the district board of education. No proposal shall be opened previous to the hour designated in the advertisement and none shall be received thereafter. **The board or designated official shall unseal bids in the presence of the parties bidding and publicly announce the contents.**

(b) (No change.)

(c) [All district boards of education local regulations regarding pupil transportation shall be included in the specifications. Each prospective bidder should be given a copy of the contract which the successful bidder will be required to execute.] It is recommended that the district boards of education keep a list of the names of all persons who take copies of the specifications.

(d) (No change.)

(e) The **bid** specifications must be definite, precise and impose common standards.

(f) [These] **The bid** specifications and any revisions to [these] **the bid** specifications shall be furnished to all prospective bidders and shall not restrict competitive bidding.

(g) Variations from the **bid** specifications **as** prescribed by the State Board must be reasonable and are subject to review by the Commissioner and the State Board **of Education**.

(h) When **bid** specifications are purposely formed to deter rather than to invite genuine competition, an award to the intentionally favored bidder [will] **shall** be set aside.

6:21-15.2 [Bidding requirements] **Responsibility of the bidder**

(a) [District boards of education shall request bids] **The bidder shall submit the bid on the bid sheet contained in the bid specifications. Bids shall be made** on a per route basis for regular, nonpublic and in-district handicapped pupils or on a per route, per vehicle, per pupil, per mileage basis for the transportation of out-of-district handicapped pupils.

(b) The bids shall include a separate [provision] **cost** for adjusting the contract as follows:

1. (No change.)

2. On a per mile, per pupil, per vehicle basis **in accordance with the bid specifications** for out-of-district special education routes.

(c) [If applicable, the] **The** bids shall include a separate **cost** [provision] for an attendant/aide on a per diem basis **as required by the bid specifications.**

(d) The bid **submitted to the district board of education** shall also include the following:

1. [The cost] **A certificate** of liability insurance;

2. [An affirmative] **Affirmative** action [statement and questionnaire] **documents in accordance with P.L. 1975 c. 127;**

3. (No change.)

4. The **completed** questionnaire form as prescribed by the Commissioner of Education; and

5. [A statement] **An affidavit** of noncollusion.

(e) A bid bond, cashier's or certified check [for five percent of the annual cost of the transportation contract] **as required by the bid specifications** shall accompany the bid.

(f) A surety (performance) bond shall be required equal at least to the amount of one year of the contract. In the case of contracts for more than one year, the bond may be for such amount in excess of the proportionate annual amount as the board shall determine. [District boards of education may specify one type of surety bond or allow for either a corporate surety bond or personnel surety bond.]

(g) Bids are to be placed in a sealed envelope and plainly marked "TRANSPORTATION BID FOR ROUTE OR CONTRACT NO. _____ SCHOOL DISTRICT OF _____" and presented to the board in session, authorized committee, designated official or employee of the **district** board of **education.** [The board or designated official shall unseal the bids in the presence of the parties bidding and publicly announce the contents.]

6:21-15.3 [Questionnaire] **(Reserved)**

[The questionnaire form as prescribed by the Commissioner of Education shall be made part of the bid.]

6:21-15.6 Receiving and opening bids

(a) Unless the proposals are to be received in a meeting of the district board of education, a committee, officer, or employee of the **district** board **of education** must be designated to receive the proposals at a time and place designated by the **district** board of education and included in the advertisement for bids. At the time and place so designated and advertised, the **district** board **of education** or any committee, officer, or employee designated by the **district** board **of education** to do so, shall receive the proposals and proceed to unseal them and publicly announce their contents in the presence of the bidders or their agents. No proposals shall be opened previous to the hour designated in the advertisement and none shall be received thereafter.

(b)-(c) (No change.)

6:21-16.1 Rules

(a) (No change.)

(b) Each contract or renewal submitted to the county superintendent **of schools** shall be accompanied by:

1.-5. (No change.)

6. Affirmative action documentation; [and]

7. A stockholders' disclosure statement with original contracts[.]; **and**

8. A completed noncollusion affidavit with original contracts.

(c) Non-bid contracts between a district board of education and a parent or guardian, transporting only his or her own child or children shall be accompanied by:

1. A certified copy of the minutes of the district board of education authorizing the contract; [and]

2. A certificate of Insurance; **and**

3. A copy of a valid driver's license and vehicle registration.

(d)-(f) (No change.)

6:21-16.3 Rules constitute part of contract

(a) (No change.)

(b) If any person operating a school bus under contract with a district board of education shall fail to comply with any of the rules governing pupil transportation, the **district** board of education shall immediately notify such person in writing of his or her failure to comply.

(c) (No change.)

(d) If, after due notice and hearing, the district board of education shall determine that a breach of contract exists, it may call upon the [bondsman] **bondsperson** or surety company, as the case may be, to perform the contract or to reimburse the **district** board **of education** for any financial loss resulting from the breach of the contract, and may annul the contract.

(e) (No change.)

6:21-16.4 Term of contract

The district board of education shall indicate the term of the contract not exceeding four years.

1. Beginning in the second year, a multi-year contract may be increased annually by a maximum of 7½ percent of the original yearly contract amount.

(b) (No change.)

6:21-16.5 Awarding contracts

(a) (No change.)

(b) The contract shall be awarded to the lowest responsible bidder by formal action of the district board of education in a public meeting. The **district** board **of education** is not authorized to delegate its power to enter into a transportation contract.

(c)-(g) (No change.)

6:21-16.7 Quoted contracts

(a) (No change.)

(b) Quoted contracts may be issued for unanticipated to and from school transportation services provided the following requirements are met.

1. At least three quotations shall be sought **and documented;**

2.-5. (No change.)

6:21-16.8 Renewing contract

(a) Annual extensions of an original contract, approved by the county superintendent of schools, are permitted provided:

1.-2. (No change.)

3. There is no increase in the annual amount of the contract to the district board of education or the increase in the original contractual base amount as a result of such extension does not result in an "effective increase" of more than 30 percent **regardless of the fact that the route description has changed or an aide has been added or removed,** except in cases where a student rider is newly assigned to a route during the school year and extra mileage is necessary. Any such arrangement shall be approved by the county superintendent of schools and shall be bid for the next school year. The original contract base amount is the original contract amount plus any adjustments in accordance with the terms of the contract made by addenda during the original year.

4. The school destination shall remain the same as the original contract. Destination is defined as the physical location of the original school(s).

(b) When it is necessary to change the bus type, an immediate rebid of a contract renewal is not required. Any such change shall be approved by the district board of education and shall be bid for the next school year.

6:21-16.9 Addendum

(a) (No change.)

(b) An addendum to contract/contract renewal shall be submitted on the prescribed Contract Addendum form to the county superintendent of schools for approval within 30 days of [the adjustment] **board approval.**

(c) (No change.)

(d) A certified copy of the minutes of the district board of education authorizing the adjustment shall accompany the Contract Addendum form **when submitted to the County Superintendent of Schools.**

6:21-16.10 Transferring contracts and contract renewals

(a)-(c) (No change.)

(d) The assignment between the district board of education and the purchaser shall not become effective until the purchaser provides:

1.-2. (No change.)

3. A stockholders' disclosure statement; [and]

4. Affirmative action documentation[.]; **and**

5. An affidavit of noncollusion.

(e) The prescribed "Pupil Transportation Contract Transfer Agreement" shall be completed for each contract**/multi-contract**.

(f) Certified board minutes approving the transfer of the contract must accompany the "Pupil Transportation Contract Tranfer Agreement[.]" **when it is submitted to the County Superintendent for approval.**

6:21-16.11 Joint transportation agreements

(a) (No change.)

(b) Whenever in the judgment of the county superintendent of schools transportation of pupils could be more economically accomplished by joint transportation, he or she may order such joint transportation, assign the administration to one district board of education as host and prorate the cost [on a per pupil mileage basis] to the joining district boards of education.

(c) (No change.)

(d) The "host" district board of education will be responsible for initiating the joint agreement **and insure that when transportation is provided by contracted services, contracts meet the requirements for approval by the County Superintendent of Schools.**

(e)-(f) (No change.)

(g) Joint agreements issued between district boards of education in the same county shall be sent to the county superintendent for approval within 60 days of the agreement.

(h) Joint agreements issued between district boards of education in different counties shall be sent to the county superintendents for approval within 90 days of the agreement.

6:21-17.1 General provisions

(a) (No change.)

(b) Insurance shall be obtained through a company authorized to insure in New Jersey **and shall cover the district board of education as an additional named insured.**

(c)-(f) (No change.)

6:21-18.2 Division of Motor Vehicles inspection

(a)-(c) (No change.)

(d) Parents who transport only their own child or children under contract with a district board of education are not required to utilize a vehicle registered as a school bus.

(a)

STATE BOARD OF EDUCATION

Pupil Assistance Committee; Intervention and Referral Services for General Education Pupils

Proposed Repeal and New Rules: N.J.A.C. 6:26

Authorized By: State Board of Education, Leo Klagholz, Secretary, State Board of Education and Commissioner, Department of Education.

Authority: N.J.S.A. 18A:1-1 and 18A:4-15.

Proposal Number: PRN 1994-301.

Submit written comments by June 15, 1994 to:

Elease E. Green-Smith,
Administrative Practice Officer
New Jersey Department of Education
225 East State Street, CN 500
Trenton, New Jersey 08625-0500

The agency proposal follows:

Summary

In July 1992, the State Board of Education adopted regulations requiring the establishment of Pupil Assistance Committees (PACs) in all New Jersey public schools by the beginning of the 1994-95 school year. The rationale for this action was based on the documented need to increase the capacity of regular education to serve pupils with learning and behavior problems without having to unnecessarily label them as handicapped. A two-year pilot project using building-based decision-making teams demonstrated that this general education structure to identify and provide intervention and referral services to pupils experiencing difficulties in their classes successfully reduced the number of inappropriate referrals to the child study team and facilitated the provision of appropriate assistance to identified pupils.

While the need for schools to provide assistance to pupils experiencing problems in their classes has not lessened, comments from educators since the rules were adopted have indicated that the existing regulations are too prescriptive in their details. The Ad Hoc Code Review Committee appointed by former Commissioner of Education Mary Lee Fitzgerald issued a report on October 26, 1993 which cited the PAC regulations as an example of code that was too detailed in its requirements. The proposed new rules retain the basic intent of the original rules, but make them more flexible to individual district needs. They provide direction to school districts regarding the value of school-based intervention and referral services, but allow schools to determine the best way to structure the services given their staffing and other related policies and procedures.

The existing regulations have been significantly reduced in scope. The changes are so substantial, that the rules are being repealed in its entirety and new rules are being proposed in its place.

A review of the new N.J.A.C. 6:26 follows:

Subchapter 1. General Provisions

N.J.A.C. 6:26-1.1 describes the purpose for requiring the adoption and implementation of procedures by district boards of education for intervention and referral services for general education pupils.

Subchapter 2. District Procedures

N.J.A.C. 6:26-2.1 outlines the standards district boards of education shall use to establish their own procedures for the implementation of school-based intervention and referral services for pupils who are experiencing difficulties in their classes.

The principal function of district procedures is to serve identified pupils by providing coordination of and access to support for the delivery of school and community services. Parents and guardians are to be actively involved in the development and implementation of intervention and referral plans.

Social Impact

The proposed repeal and new rules will not alter the intended positive effect of the original rules on the general population of public school students, but will allow greater flexibility for individual schools to structure the delivery of the required services in a way which is consistent with their character, staffing patterns, and other school reform efforts.

Economic Impact

Based on the pilot project experience, the cost to district boards of education associated with establishing Pupil Assistance Committees was estimated at $540.00 per building each year. Because of the less prescriptive nature of the new rules and the greater flexibility allowed for in the administration of the required services, the cost would be likely to vary considerably from district to district, but would be lower for most districts, and lower in total Statewide.

Regulatory Flexibility Statement

These new rules do not impose reporting, recordkeeping, or other compliance requirements on small businesses as defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The rules impact solely upon New Jersey school districts and on schools operated by the New Jersey State Department of Education.

Full text of the proposed repeal can be found in New Jersey Administrative Code at N.J.A.C. 6:26.

Full text of the proposed new rules follows:

CHAPTER 26
INTERVENTION AND REFERRAL SERVICES FOR GENERAL EDUCATION PUPILS

SUBCHAPTER 1. GENERAL PROVISIONS

6:26-1.1 Purpose

The purpose of these rules is to provide standards for the district boards of education for the delivery of intervention and referral services for pupils in the general education program.

SUBCHAPTER 2. DISTRICT PROCEDURES

6:26-2.1 District procedures

(a) District boards of education shall establish and implement procedures in each school building for the delivery of intervention and referral services for pupils who are experiencing difficulties in their classes and who have not been determined to be in need of special education programs and services pursuant to N.J.S.A. 18A:46-18.1 et seq. and N.J.A.C. 6:28 by September 1994. The district shall:

1. Identify pupils in need, and plan and provide for appropriate intervention or referral services and/or referral to school and community resources, based on desired outcomes;

2. Identify the roles and responsibilities of the building staff who participate in planning and providing intervention and referral services;

3. Provide support, guidance, and professional development to school staff who identify and refer pupils and to school staff who participate in planning and providing intervention and referral services;

4. Actively involve parents or guardians in the development and implementation of intervention and referral plans;

5. Coordinate the access to and delivery of school services for identified pupils;

6. Coordinate the services of community-based social and health provider agencies; and

7. Review and assess the effectiveness of the services provided in achieving the outcomes identified in the intervention and referral plan.

HEALTH

(a)

ADMINISTRATION

Disability Discrimination Grievance Procedure

Proposed New Rules: N.J.A.C. 8:1-1

Authorized By: Leonard Fishman, Acting Commissioner, Department of Health.

Authority: N.J.S.A. 52:17B-4d, 42 U.S.C. 12101 et seq. and 28 C.F.R. 35.107.

Proposal Number: PRN 1994-314.

Submit written comments by June 15, 1994 to:

Janet E. Dick
Department of Health
Health and Agriculture Building
8th Floor
CN 360
Trenton, New Jersey 08625

The agency proposal follows:

Summary

The proposed rules establish a procedure for the Department of Health to follow when someone wishes to complain that the agency has done something that violates the Americans with Disabilities Act, also known as the ADA (42 U.S.C.A. §§ 12101 et seq.). The ADA prohibits a public entity, including the State agency proposing to adopt these rules, from discriminating against a qualified individual with a disability, or from excluding that person from participation in, or denying the person the benefits of, the services, programs or activities of the agency. Regulations of the United States Justice Department (found at 28 C.F.R. Part 35) require that such governmental agencies maintain and publish a procedure to be followed when someone wishes to complain of a violation of the law. Under this procedure anyone, including an employee or applicant for employment, who believes he or she has been discriminated against in any program, service or activity of the State agency, may require the agency to review and, if appropriate, to investigate the grievance. These rules set a 45 day objective for the completion of the inquiry by the agency and the designee; they also set a 30 day limit following the incident grieved of in which the individual may file the grievance. The rules also identify by title, with address and telephone number, the ADA coordinator of the agency who will be the person to receive the grievances in the first instance. These rules will also contain a form for filing a grievance and a Notice of ADA Procedure, a copy of which will be made available to interested persons.

Social Impact

Because the injustice of discrimination continues to be visited upon the members of our society solely on account of their disabilities, Congress passed the ADA, which attacks that injustice on many fronts and with many methods. One of these fronts is public entities and one of the methods is the requirement that such public entities undertake an examination of grievances that they have violated the substantive provisions of the ADA. Persons with disabilities are sometimes excluded from the programs, services or activities of government agencies out of ignorance on the part of able-bodied individuals and sometimes out of the lack of an available established mechanism whereby those barriers to participation or enjoyment of benefits can be removed. This proposed grievance procedure will provide persons with disabilities one means to correct such lingering discrimination and to eliminate persisting barriers. The procedure will also assist the Department of Health to eliminate such discrimination by bringing to the agency's attention instances where such discrimination continues to exist and providing the agency the necessary insight and opportunity to correct them. Both the society at large, the government in particular, and individuals with disabilities will benefit from the enactment of these rules, as barriers to access are removed and the programs, services and activities of the New Jersey State government are made available in a nondiscriminatory manner, thereby enabling persons with disabilities fuller and more equal participation in all aspects of life. It is in the nature of the proposed procedure that it be informal and expeditious but still effective; thus, the remediation of discriminatory conditions will be facilitated quickly and without the cumbersome and sometimes counterproductive formalities of other methods of complaint resolution.

Economic Impact

Although the proposed grievance procedure will result in some minor additional expense to the agency, the result of the inquiries and investigations precipitated by the use of the procedure may have significant economic impacts, both as additional expenses are incurred by the agency in remediating instances of discrimination or eliminating barriers, and as the resulting nondiscriminatory access to the agency's programs, services and activities results in additional gains for the disabled that have economic value to them.

Regulatory Flexibility Statement

The proposed new rules impose no requirements on small businesses as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. Requirements are imposed on State agencies, and persons complaining that an agency has failed to comply with the ADA must provide certain information in their grievance. A regulatory flexibility analysis is not, therefore, required.

Full text of the proposed new rules follows:

CHAPTER 1
DISABILITY DISCRIMINATION GRIEVANCE PROCEDURE

SUBCHAPTER 1. GENERAL PROVISIONS

8:1-1.1 Definitions

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

"ADA" means the Americans with Disabilities Act, 42 U.S.C.A. §§12101 et seq.

"Agency" means the Department of Health.

"Designated decision maker" means the Commissioner of Health or a designee of the Commissioner of Health.

8:1-1.2 Purpose

(a) These rules are adopted by the agency in satisfaction of the requirements of the ADA and regulations promulgated pursuant thereto, 28 C.F.R. 35.107.

(b) The purpose of these rules is to establish a designated coordinator whose duties shall include assuring that the agency complies

with and carries out its responsibilities under the ADA. Those duties shall also include the investigation of any complaint files with the agency pursuant to N.J.A.C. 8:1-1.5 through 1.8.

8:1-1.3 Required ADA Notice

In addition to any other advice, assistance or accommodation provided, a copy of the following notice shall be given to anyone who inquires regarding the agency's compliance with the ADA or the availability of accommodation which would allow a qualified individual with a disability to receive services or participate in a program or activity provided by the agency.

AGENCY NOTICE OF ADA PROCEDURE

The agency has adopted an internal grievance procedure providing for prompt and equitable resolution of grievances alleging any action prohibited by the U.S. Department of Justice regulations implementing Title II of the Americans with Disabilities Act. Title II states, in part, that "no otherwise qualified disabled individuals shall, solely by reason of such disability, be excluded from participation in, be denied the benefits of or be subjected to discrimination" in programs or activities sponsored by a public entity.

Rules describing and governing the internal grievance procedure can be found in the New Jersey Administrative Code, N.J.A.C. 8:1-1. As those rules indicate, grievances should be addressed to the agency's designated ADA Coordinator who has been designated to coordinate ADA compliance efforts, at the following address:

ADA Coordinator
Department of Health
Health and Agriculture Building
8th Floor
CN 360
Trenton, New Jersey 08625

1. A grievance may be filed in writing, orally, or on audio tape, but should contain the name and address of the person filing it, and briefly describe the alleged violation. A form for this purpose is available from the designated ADA coordinator. If the grievance is filed orally, the ADA coordinator or designate shall complete the form, read back to the grievant the form as written, and note and sign a statement to the effect that the grievant is in agreement with the statement of the grievance. In cases of employment related complaints, the procedures established by the Department of Personnel, N.J.A.C. 4A:7-1.1 et seq. will be followed where applicable.

2. A grievance should be filed promptly within 30 days after the grievant becomes aware of the alleged violation. (Processing of allegations of discrimination which occurred before this grievance procedure was in place will be considered on a case-by-case basis).

3. An investigation, as may be appropriate, will follow the filing of a grievance. The investigation will be conducted by the agency's designated ADA Coordinator. The rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a grievance.

4. In most cases a written determination as to the validity of the grievance and a description of the resolution, if any, will be issued by the designated decision maker and a copy forwarded to the grievant no later than 45 days after its filing.

5. The ADA Coordinator will maintain the files and records of the grievance filed.

6. The right of a person to a prompt and equitable resolution of the grievance filed hereunder will not be impaired by the person's pursuit of other remedies such as the filing of an ADA complaint with the responsible Federal department or agency or the New Jersey Division on Civil Rights. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.

7. The rules will be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and to assure that the agency complies with the ADA and implementing Federal rules.

8:1-1.4 Designated ADA coordinator

(a) The designated coordinator of ADA compliance and grievance investigation for the agency is:

ADA Coordinator
New Jersey Department of Health
Health and Agriculture Building
8th Floor
CN 360
Trenton, New Jersey 08625

(b) All inquiries regarding the agency's compliance with the ADA and the availability of accommodation which would allow a qualified individual with a disability to receive services or participate in a program or activity provided by the agency should be directed to the designated coordinator identified in (a) above.

(c) All grievances alleging that the agency has failed to comply with or has acted in a way that is prohibited by the ADA should be directed to the designated ADA coordinator identified in this section, in accordance with the procedures set forth in this subchapter.

8:1-1.5 Grievance procedure

A grievance alleging that the agency has failed to comply with the ADA or has acted in a way that is prohibited by the ADA shall be submitted either in writing or orally to the designated ADA coordinator identified in N.J.A.C. 8:1-1.4 within 30 days of the grievant becoming aware of the alleged violation. A grievance alleging employment discrimination will be processed pursuant to the rules of the Department of Personnel, N.J.A.C. 4A:7-1.1 through 3.4, if those rules are applicable.

8:1-1.6 Grievance contents

(a) A grievance submitted pursuant to the subchapter may be submitted in or on the form set forth at N.J.A.C. 8:1-1.7.

(b) A grievance submitted pursuant to this subchapter shall include the following information:

1. The name of the grievant and/or any alternate contact person designated by the grievant to receive communication or provide information for the grievant;

2. The address and telephone number of the grievant or alternate contact person; and

3. A description of manner in which the ADA has not been complied with or has been violated, including times and locations of events and names of witnesses, if appropriate.

8:1-1.7 Grievance form

The following form may be utilized for the submission of a grievance pursuant to this subchapter:

Americans with Disabilities Act Grievance Form

Date:_____

Name of Grievant:_____

Address of Grievant:_____

_____

_____

Telephone Number of Grievant:_____

Alternate Contact Person:_____

Address of Alternate Contact Person:_____

_____

Telephone Number of Alternate Contact Person:_____

Division Alleged to have Denied Access:_____

Office/Unit:_____

Location:_____

INCIDENT OR BARRIER: Please describe the particular way in which you believe you have been denied the benefits of any service, program, or activity or have otherwise been subject to discrimination. Specify dates, times, and places of incidents, and names and/or

positions of agency employees involved, if any, as well as names, addresses and telephone numbers of any witnesses to any such incidents. Attach additional pages if necessary.

PROPOSED ACCESS OR ACCOMMODATION: If you wish, describe the way in which you feel access may be had to the benefits described above, or that accommodation could be provided to allow access.

A copy of the above form may be obtained by contacting the designated ADA Coordinator identified at N.J.A.C. 8:1-1.4.

8:1-1.8 Investigation

(a) Upon receipt of a grievance submitted pursuant to this subchapter, the designated ADA coordinator will notify the grievant of the receipt of the grievance and the initiation of an investigation into the matter. The designated ADA coordinator will also indicate a date by which it is expected that the investigation will be completed, which date shall not be later than 45 days from the date of receipt of the grievance, if practicable or unless a later date is agreed to by the grievant.

(b) Upon completion of the investigation, the designated ADA coordinator shall prepare a report for review by the designated decision maker for the agency. The designated decision maker shall render a written decision within 45 days of receipt of the grievance, if practicable or unless a later date is agreed to by the grievant, which decision shall be transmitted to the grievant and/or the alternate contact person if so designated by the grievant.

(a)

ESSENTIAL HEALTH SERVICES COMMISSION
Health Access New Jersey (The Access Program)
Proposed New Rules: N.J.A.C. 8:91

Authorized By: Essential Health Services Commission, Victoria Wicks, Chair.
Authority: N.J.S.A. 26:2H-18.55d, 18.56g and 18.65.
Proposal Number: PRN 1994-302.

Submit written comments by June 15, 1994 to:
Anne Weiss
Executive Director
Essential Health Services Commission
CN 360, 50 East State Street
Trenton, New Jersey 08625

The agency proposal follows:

Summary

These new rules are proposed pursuant to the Health Care Reform Act, P.L. 1992, c.160 ("Act"). The Act requires that the Essential Health Services Commission ("Commission"), established pursuant to the Act, implement a subsidized insurance program that will provide subsidies for health benefits coverage to working people and those temporarily unemployed (N.J.S.A. 26:2H-18.65). The Act specifies that the susidies should be based on a sliding income scale. The Act requires that the program include provision of preventive and primary care. The Commission shall contract with health maintenance organizations, health insurance carriers and/or other appropriate entities in the State to provide health benefits coverage under the Access Program in accordance with the Act.

These proposed rules are intended to effectuate the Act's requirements by establishing Health Access New Jersey ("Access Program"). The establishment of the Access Program contributes to the State's effort to ensure that all people living in New Jersey have access to quality and cost-effective health care by providing subsidies for health insurance for those individuals and families currently uninsured, and by providing for the continuation of coverage for those temporarily unemployed. Individuals and families that meet the eligibility requirements of the Access Program will be enrolled on a first-come, first-serve basis.

The proposed rules set forth the administrative functions of the Commission with respect to the Access Program, the eligibility requirements of the applicants, the enrollment and disenrollment process, and the participation requirements of the carriers and the enrollees. The administrative duties of the Commission, for which the Commission may contract services, shall include, but not be limited to: determination of eligibility and subsidy amounts; collection of enrollees' premium contributors; payment of premiums (including subsidies) to carriers; marketing and providing education about the program; and collecting and maintaining data which will be utilized to evaluate the program.

Under the proposed new rules, individuals and families that meet the income eligibility limits established by the Commission, which shall not exceed 300 percent of the Federal poverty level, and who are uninsured, will be eligible to receive some subsidy if they apply to enroll in the Access Program, subject to some restrictions. If employed, or the dependent of an employee who has been with the same employer for a year or more, the employer must not have discontinued coverage for the applicant (or the class of employee or dependent to which the applicant belongs) in the 12 month period prior to the date of application for the Access Program. Additionally, the applicant cannot be receiving health benefits under any other government program.

The restrictions regarding those people who are employed but uninsured are included so that the Access Program does not provide an incentive for employers to drop their health plans. It is also necessary to avoid having large numbers of employees leaving their employer's health plans and jeopardizing the ability of many employers to meet the participation requirements which may be necessary to maintain the health plan for all employees.

Individuals and families that meet the income eligibility limits established by the Commission, which shall not exceed 300 percent of the Federal poverty level, and who are no longer eligible members of an employer/employee health plan, but who are eligible for coverage pursuant to Title X of the Consolidated Omnibus Budget Reconciliation Act of 1985, and amendments thereto (COBRA), and any State continuation provisions (for instance, N.J.S.A. 17B:26A-27), are eligible for Access Program subsidy. Individuals and families that meet the income eligibility limits established by the Commission, which shall not exceed 300 percent of the Federal poverty level, and who currently are insured under a nongroup health plan, or who are currently Medicaid recipients, may also obtain subsidy from the Access Program, but they may apply for enrollment in the Access Program only once a year, during the month of October.

The Access Program will subsidize the purchase (from participating carriers) of Plan D, Plan E or the HMO Plan promulgated by the Individual Health Coverage ("IHC") Program Board of Directors ("Board") under the authority of N.J.S.A. 17B:27A-2 et seq. The subsidy will be restricted to the purchase of those specific plans with the lowest deductible and copayment options authorized by the IHC Program Board. (That is, for Plan D, $250.00 per person/$500.00 per family; for Plan E, $150.00 per person/$300.00 per family; and, for the HMO Plan, $10.00 for most service visits and $100.00 inpatient hospital admission per day for the first five days.) Access Program enrollees at or above 150 percent of the poverty level may purchase any of the three standard health benefits plans, while Access Program enrollees below 150 percent of poverty will be subsidized only for the purchase of Plan E or the HMO Plan. These plans were chosen due to their low point of service payment which is believed essential for this low and moderate income population. These plans are substantially similar to the health benefits plans developed for the small employer market by the Small Employer Health Benefits Program Board of Directors. It is expected that a substantial number of Access Program enrollees may be people moving in and out of coverage eligibility under small employer health plans. The similarity makes the transition relatively seamless.

The Commission will consider all carriers participating in the individual health insurance market as eligible for participation in the Access Program. Carriers will be required to meet certain standards on an ongoing basis in order to become and remain a participating carrier in the Access Program. Participating carriers will be responsible for paying the costs of certain administrative functions performed through the Access Program. Such administrative functions include those which the carriers would otherwise need to perform on their own (for example, collection of premium), those that are necessary to provide the subsidy (for example, eligibility determinations), and those that are performed on behalf of the carrier, in whole or in part, including, for instance, distribution on each carrier's marketing material.

Participating carriers will have to demonstrate to the Commission that, if they offer the HMO Plan or Plans D and E through a network, they have a network adequate to meet the needs of Access Program enrollees in the various counties. Not only must participating carriers have a sufficient number of health care providers in their networks, but the location and accessibility of those providers to the Access Program enrollee population will be important.

Additionally, participating carriers will have to agree that where the loss ratio for the Access Program population falls below 85 percent, the carrier will return to the Access Program a portion of the premiums. Pursuant to N.J.S.A. 17B:27A-9, when a carrier produces less than a 75 percent loss ratio, the carrier must refund or credit the full account of the "excess" premium collected. In addition to N.J.S.A. 17B:27A-9, these proposed new rules establish a refund or credit formula for amounts between 75 percent and 85 percent, which returns a majority of the "excess" premium collected to the Access Program, but allows the carrier to retain a small portion, presuming a level of efficiency on the part of the carrier is to be rewarded.

Subchapter 1 sets forth the general provisions of the Access Program, including definitions used throughout the chapter.

Subchapter 2 sets forth the general administrative features of the Access Program, including the division of functions between the Commission and participating carriers.

Subchapter 3 sets forth the eligibility criteria for Access Program enrollees.

Subchapter 4 sets forth the enrollment and disenrollment process for the Access Program.

Subchapter 5 sets forth the participation requirements for carriers.

Subchapter 6 sets forth the participation requirements for enrollees.

Social Impact

The proposed new rules provide the procedures by which New Jersey's subsidized insurance program, Health Access New Jersey, will be administered. The Access Program will provide sliding scale subsidies to individuals and families that meet the income eligibility limits established by the Commission, which shall not exceed 300 percent of the Federal poverty level, thereby making health insurance more affordable for many uninsureds. The comprehensive health benefits packages provided under the Access Program will increase accessibility to health care, including preventive and primary care, for the enrollees of the program. It is expected that this will help to reduce waste in the use of New Jersey's health care resources, including health care dollars, and promote a more rational utilization of the health care system by both insureds and all health care providers.

Economic Impact

The Act requires that the subsidy amount of the Health Care Subsidy Fund be $50 million in 1994, $100 million in 1995, $150 million in 1996 and $200 million in 1997 and each year thereafter. As the dollars in the subsidy account of the Health Care Subsidy Fund increase, the charity care account will decrease by the same amount. The Access Program has been designed such that the total amount of subsidy dollars allocated will provide for direct subsidies of health benefits coverage for qualifying individuals and families.

The Commission expects that the design of the Access Program will help to relieve hospital charity care burdens in two ways: first, by encouraging and enabling many uninsureds to obtain health coverage with relatively low out-of-pocket cost-sharing requirements (thereby reducing the total number and total dollar amount of hospital bills likely to be uncovered by insurance and unpaid by the patient), and secondly by encouraging the use of preventive and primary care benefits rather than emergency room or inpatient hospital services. Additionally, those nonhospital health care providers that have provided services to the uninsured population without the ability to obtain some reimbursement for any charity care provided should find a positive economic impact from Access Program enrollment, too.

Much of the administrative costs of the program will be borne by the participating carriers, including the costs of administrative services provided or performed by the Commission that the carrier would otherwise perform. Participation by carriers is voluntary; thus, any direct economic impact upon carriers due to participation in the Access Program is incurred voluntarily.

Regulatory Flexibility Statement

These proposed new rules establish a regulatory framework for a program in which participation by any individual or business is entirely voluntary. These proposed new rules establish recordkeeping, reporting and other requirements, but do not affect "small businesses" as that term is defined at N.J.S.A. 52:14B-16 et seq. The program governs the subsidy of individuals insured by carriers selected by the Commission. None of the carriers expected to participate are small businesses, as defined by the Regulatory Flexibility Act.

Full text of the proposed new rules follows:

CHAPTER 91
HEALTH ACCESS NEW JERSEY

SUBCHAPTER 1. GENERAL PROVISIONS

8:91-1.1 Contents of chapter; application

(a) This subchapter sets forth the general provisions of this chapter, including definitions of words and terms used throughout this chapter.

(b) This subchapter applies to all enrollees and participants and other parties interested in, or affected by, the Health Access New Jersey program.

8:91-1.2 Definitions

Words and terms used in this chapter and subchapter shall have the meanings as set forth below, unless specifically defined otherwise in another subchapter of this chapter, or the context clearly indicates otherwise.

"Access Program" means the Health Access New Jersey Program.

"Board" means the Individual Health Coverage Program Board of Directors established pursuant to N.J.S.A. 17B:27A-10.

"Carrier" means an insurance company, a health service corporation or health maintenance organization admitted to transact the business of insurance in New Jersey, authorized to do the business of health insurance or provide coverage of health services, and which is issuing standard health benefits plans in accordance with the Individual Health Coverage Program, pursuant to N.J.S.A. 17B:27A-2 et seq.

"Commission" means the Essential Health Services Commission established pursuant to N.J.S.A. 26:2H-18.54.

"Contribution" means the amount of money which Access Program enrollees must submit to the Access Program towards the cost of purchasing health coverage.

"Credit or dividend" means the sum total of amounts returned to the Access Program and amounts retained by the participating carrier, pursuant to a formula established by the Commission, which are necessary to assure minimum loss ratio standards are met.

"Enrollee" means a person who has been determined by the Access Program as eligible to receive a subsidy towards the purchase of health coverage, and who has agreed to abide by the rules of the Access Program in obtaining and maintaining such health coverage.

"Health Access New Jersey" means the subsidized insurance program of the Essential Health Services Commission authorized pursuant to N.J.S.A. 26:2H-18.65.

"Health care provider" means a person or facility providing health care within the scope of their licensure and includes Federally Qualified Health Centers, approved provider-sites participating in the New Jersey Primary Care Physician and Loan Redemption Program and Community and School-based Clinics.

"Participant" or "participate" means that a carrier has entered into a contract with the Commission to provide benefits or covered

services to Access Program enrollees subject to the rules of the Access Program.

"Premium" means the total amount billed by a participating carrier for the purchase of a standard health benefits plan by an individual, husband and wife, parent and child(ren) or family.

"Standard health benefits plan" means those plans of health coverage promulgated by the Board in accordance with N.J.S.A. 17:27A-7.

"Subsidy" means the amount of money which the Access Program submits towards the cost of purchasing health coverage for an enrollee.

8:91-1.3 General provisions

(a) The Commission shall provide a subsidy for the cost of health coverage for persons who become enrollees of the Access Program.

1. The Access Program subsidy shall not cover the full amount of the cost of the enrollee's health coverage.

2. The amount of subsidy for each enrollee shall be determined by the Commission, based upon a consideration of family income, premiums to be charged by participating carriers, the number of current enrollees, and the current level of funding for the Access Program.

3. Subsidy amounts shall decrease as an enrollee's income increases.

(b) No person shall become an enrollee of the Access Program until a completed application form, including all required documentation, has been submitted to the Access Program, and the person has been determined eligible to be an enrollee in accordance with N.J.A.C. 8:91-3. Submission of a completed application shall be deemed by the Commission as an agreement by the applicant to abide by the rules of the Access Program, if the applicant becomes an enrollee.

(c) The Commission shall provide a subsidy for the purchase of an individual standard health benefits plan promulgated by the Board and offered by a participating carrier.

(d) No carrier shall become a participating carrier of the Access Program until a completed application form has been submitted to the Commission, and the carrier has been determined eligible to be a participant, in accordance with the provisions of this chapter. Submission of a completed application to be a participating carrier shall be deemed by the Commission as an agreement by the applicant to abide by the rules of the Access Program if the applicant becomes a participating carrier.

8:91-1.4 Enforcement and severability

(a) Any person or entity that violates the provisions of this chapter and subchapter shall be subject to all penalties and remedies available under law.

(b) The provisions of this chapter and subchapter shall be enforced by the Commission, and by the Departments of Health, Human Services and Insurance and the Individual Health Coverage Program Board, as appropriate.

(c) If any provisions of this chapter or subchapter are determined to be inapplicable to any person or circumstances, its applicability to other persons or circumstances shall remain unaffected thereby.

SUBCHAPTER 2. ADMINISTRATION OF THE ACCESS PROGRAM

8:91-2.1 Purpose and scope

This subchapter sets forth the general functions and administration of the Access Program as authorized by the Commission, including the coverage which shall be subsidized through the Access Program. The Commission may enter into or authorize contracts as necessary to effectuate the administration of the Access Program.

8:91-2.2 Definitions

Words and terms used in this subchapter shall have the definitions as set forth at N.J.A.C. 8:91-1.2, or as defined below, unless the context clearly indicates otherwise.

"Base Plan" means that benefits plan determined by the Commission to have the lowest premium used to calculate the subsidy and the minimum contribution.

"Minimum contribution" means the lowest amount of contribution an enrollee is expected to pay given the base plan available to the enrollee.

"Minimum contribution scales" are the scales established by the Commission setting forth, on a county by county basis if necessary, the minimum contribution required for each designated income increment, developed in consideration of the designated base plan(s).

"Rating tier" means rating by single, parent and child(ren), husband and wife, and family.

"Rolling premium" means premium of a participating carrier which increases incrementally over the period for which the premium rates are filed.

8:91-2.3 Benefits packages available to enrollees under the Access Program

(a) The Essential Health Services Commission shall provide a subsidy to enrollees that purchase from a participating carrier standard health benefits Plans D, E and HMO, promulgated by the Individual Health Coverage Program Board in accordance with N.J.A.C. 11:20, subject to the following restrictions:

1. The Commission shall subsidize enrollees with income levels at or above 150 percent of the poverty level as defined at N.J.A.C. 8:91-3.3(a) for the purchase of Plan D, Plan E and the HMO Plan of the standard individual health benefits plans established by the Board.

2. The Commission shall subsidize enrollees with income levels below 150 percent of the poverty level for the purchase of Plan E and the HMO Plan.

3. The only cash deductible option which shall be subsidized by the Access Program for Plan D is the $250.00/covered person and $500.00/family deductible.

4. The only cash deductible option which shall be subsidized by the Access Program for Plan E is the $150.00/covered person and $300.00/family deductible.

5. The only copayment option which shall be subsidized by the Access Program for the HMO Plan is the $100.00 hospital inpatient copayment and $10.00 copayment for other services option.

(b) The Commission also shall subsidize the purchase by enrollees of Plans D and E, when offered subject to a network-based arrangement by a participating carrier, if the in-network benefits meet the specifications of (a)3, 4 and 5 above, and the out-of-network benefits meet the specifications established by the Board, but only if the standard health benefits plan meets the criteria of N.J.A.C. 8:91-5.4.

(c) The Essential Health Services Commission shall review the appropriateness of the benefits packages on an annual basis, and shall consider, in its review, whether the benefits packages are meeting the health care needs of the population and the administrative requirements of the program.

8:91-2.4 Functions of participating carriers

(a) Participating carriers' functions with respect to the Access Program shall include, but not be limited to, the following:

1. Provision of benefits or covered services to Access Program enrollees;

2. Collection and submission of data on a periodic basis as required by N.J.A.C. 8:91-5 and other provisions of this chapter;

3. Collection and submission of data from time to time;

4. Serving as the first level of review of enrollee complaints regarding benefits, covered services, claims payments and general contract administration;

5. Maintenance of claims files, complaint and resolution files, and general correspondence records relating to Access Program enrollees;

6. Provision of notice to the Commission of all legal action taken by a carrier against an Access Program enrollee, or action taken by an Access Program enrollee against a participating carrier;

7. Provision of notice to the Commission of any actions taken by a governmental agency, independently or upon the request of the carrier, relevant to the carrier's financial soundness, including, but not limited to, relief requested and relief granted pursuant to N.J.A.C. 11:20-11, Conservation, Rehabilitation or Liquidation;

8. Provision of notice to the Commission of any substantial restructuring of the carrier or of a new financial arrangement, including, but not limited to, acquisition of or by another carrier, merger with another carrier, or movement of large blocks of business into assumption reinsurance contracts, whether as a ceding or assuming carrier;

9. Timely provision of notice to the Commission of an intent to terminate the participation contract as set forth at N.J.A.C. 8:91-5.5(f);

10. Provision of notice of the Commission of changes in the carrier's network, such as changes in hospitals and major health care provider groups, if standard health benefits plans are offered under an HMO or other network-based arrangement, including, but not limited to, the changes in health care providers, particularly in areas that are medically underserved;

11. Provision of notice to the Commission of any discrepancies between the Access Program's basis for premium payments and the carrier's basis for premium collection, including for instance, any misunderstanding regarding the number of enrollees covered by a participating carrier; and

12. Submitting periodically to an audit by an independent auditor selected by the Commission, at the cost of the carrier, which may include, but not necessarily be limited to: sales, advertising, claims handling and payment; complaint handling; and procedures and accounting practices related to premium income, commissions, claim payment and expense allocation.

8:91-2.5 Administrative functions of the Commission with respect to the Access Program

(a) The administrative duties of the Access Program, for which the Commission may contract services, shall include, but not be limited to, the following:

1. Enrollment and disenrollment of persons in the Access Program, in accordance with N.J.A.C. 8:91-1.3.

2. Performance of eligibility determinations, which may include assets attestation for continued eligibility of enrollees subsequent to each 12 months of enrollment;

3. Maintenance of enrollment files and waiting lists;

4. Performing determinations of subsidy amounts based upon a subsidy formula approved by the Commission, in accordance with N.J.A.C. 8:91-1.3;

5. Collection of enrollee contributions, and matching of contributions with subsidy dollars and, when applicable, credits or dividends and administrative expense allowances;

6. Informing applicants of the availability of other publicly funded health programs for which they might be eligible;

7. Notifying carriers in a timely manner of an enrollee's disenrollment;

8. Marketing of the Access Program generally, and target marketing to specific eligible categories of persons;

9. Serving as the conduit for distribution of educational materials about the Access Program, and a resource for enrollees to obtain information about participating carriers on a county by county basis;

10. Collection and maintenance of data from participating carriers set forth at N.J.A.C. 8:91-5, or as otherwise specified by the Commission;

11. Preparation of periodic status reports on enrollment, disenrollment and financial status of the Access Program;

12. Preparation of periodic reports based, in whole or in part, upon data collected from the participating carriers;

13. Accounting of the finances of the Access Program using Generally Accepted Accounting Principles;

14. Contracting with the participating carriers, independent auditors, independent actuaries, independent accountants and for other services and supplies as necessary for the proper functioning of the Access Program;

15. Collecting, evaluating and maintaining certain data from participating carriers to monitor the continued well-being and accomplishment of objectives of the Access Program;

16. Monitoring of the Access Program for fraud and abuse by all parties;

17. Establishing of a procedure for handling grievances and appeals by enrollees and carriers, and administration of that process, which shall include maintenance of records of all facets of the grievances and appeals;

18. Preparation of all materials (educational, marketing and objective information) specifically regarding the Access Program to be distributed to the public;

19. Approval of participating carriers on an annual basis, in accordance with the provisions of N.J.A.C. 8:91-5;

20. Determination of when to discontinue enrolling new applicants in any calendar year based on subsidy funds available and activating a waiting list based upon the factors described by N.J.A.C. 8:91-1.3;

21. Amending provisions of the Access Program as necessary, in accordance with the Administrative Procedure Act;

22. Handling of inquiries about the Access Program;

23. Liaison with the Executive Director(s) of the Individual Health Coverage Program and Small Employer Health Benefits Program Boards of Directors and other State departments and government agencies as appropriate; and

24. Establishment of a subsidy and minimum contribution scale.

(b) The Commission may establish penalties or other sanctions for carriers and contractors who fail to meet contracted objectives.

8:91-2.6 Contributions and premiums

(a) Contributions from enrollees shall be collectible by the Access Program 15 days prior to the beginning of each month during which an enrollee will be covered under a subsidized individual standard health benefits plan, except that the first month's contribution shall be collected at the time that the application is submitted.

(b) The Commission shall submit premiums to participating carriers through the Access Program on a monthly basis, at the beginning of each month.

(c) If it is determined that an enrollee is no longer eligible for the Access Program subsequent to receipt of the billed contribution by the Access Program, coverage shall remain in effect for that enrollee through the end of the month for which the contribution was submitted, with correspondingly appropriate premium remitted by the Access Program to the carrier for that enrollee.

(d) The Access Program shall return any and all contributions submitted by an enrollee more than 30 days following the issuance by the Access Program of a notice of disenrollment to that enrollee.

8:91-2.7 Contribution and subsidy

(a) The minimum contribution an enrollee shall be required to pay to the Access Program shall be based upon a minimum contribution scale.

1. The minimum contributions shall increase as income levels increase.

2. The minimum contribution to income ratios may not necessarily be proportional.

3. Each enrollee shall be required to pay a minimum contribution, as determined by the Commission.

(b) An enrollee's minimum contribution may be recalculated whenever the minimum contribution scale is recalculated, or more frequently if a change in the enrollee's circumstances results in a change in the enrollee's income level relative to the incremental income levels contained in the minimum contribution scale.

(c) The total subsidy the Access Program shall submit on behalf of an enrollee shall be based upon the difference between the enrollee's minimum contribution and the premium of the base plan. The subsidy shall be recalculated at least annually.

1. If not all standard health benefits plans to be subsidized by the Access Program are available Statewide, then the base plan may vary on a county by county basis.

2. The base plan shall be based upon either the mean of the lowest priced rolling premium plan (wherein the mean premium of the rolling premium plan is determined using a 12 month period of premium beginning the month following the month in which the subsidy is to be determined), or the plan with the lowest fixed premium, whichever is less.

3. The base plan may vary for each rating tier.

(d) An enrollee may elect to purchase a standard health benefits plan with a higher premium than the premium of the base plan, but in doing so, the enrollee shall be responsible for submitting contributions equal to the difference of the premium not covered by the subsidy and the minimum contribution requirement of that enrollee.

(e) An enrollee may change benefits plans, subject to the limitations imposed at N.J.A.C. 8:91-2.3, consistent with the rules promulgated by the Board at N.J.A.C. 11:20.

(f) The Access Program shall provide enrollees with 30 days prior notice of any changes in contribution requirements due to premium changes for the plan purchased by the enrollee.

8:91-2.8 Processing of applications and enrollee information

(a) An applicant's application shall not be processed unless it is complete and documentation is submitted as required pursuant to N.J.A.C. 8:91-3.

1. If determined incomplete, notice shall be provided to the applicant, with the reasons for the determination of incompleteness specified in writing.

2. An incomplete application shall be retained on record and may be cured within 45 days following the date of notice of incompleteness.

3. If not cured within 45 days, an incomplete application shall be classified as rejected, and the applicant shall be required to submit a new, complete application to be considered for enrollment in the Access Program.

(b) A written determination of eligibility or ineligibility shall be provided to the applicant.

1. A determination of ineligibility shall specify the reasons for ineligibility.

2. A determination of eligibility shall specify the reasons for eligibility and shall be accompanied by at least the following:

i. A notification of the initial subsidy amount (monthly) which the Access Program shall pay on behalf of the enrollee;

ii. A specification of the participating carriers in the county in which the enrollee resides, and instructions for contacting each carrier;

iii. Each of the participating carriers' marketing material;

iv. A Buyers' Guide for Health Access New Jersey;

v. An Enrollee Change of Status Form; and

vi. Instructions for enrollees to follow in providing notice to the Access Program of application for coverage, including requirements regarding payment of contributions and effective dates of coverage.

(c) A determination of eligibility shall remain valid for no more than 15 days pending receipt of notice of application for coverage from an enrollee. If 15 days elapse following a notice of eligibility without an enrollee submitting an application for coverage and the required contribution, the enrollee's eligibility for the Access Program shall be terminated, and the enrollee shall be required to submit a new, completed application to be considered for the Access Program.

(d) A determination of ineligibility shall remain valid for no more than 60 days, after which the applicant may submit a new, completed application for consideration.

(e) A determination of ineligibility may be appealed to the Access Program within 30 days of receipt of the notice. Submission of an appeal to the Access Program shall specify the reasons for which the appeal should be considered.

8:91-2.9 Notices

All notices shall be deemed properly sent if sent by regular United States Postal Service to the most recent address on record with the Access Program.

8:91-2.10 Administrative expenses

(a) The Commission shall calculate the projected administrative expenses of the Access Program for the ensuing year of the Access Program prior to the beginning of each year, except that in the first year of operation of the Access Program, the projected administrative expenses for that year shall be calculated within a reasonable time period following the date that applicants for enrollment first become enrolled in the Access Program.

(b) The Commission shall segregate and allocate the projected administrative expenses according to whether the expense shall be chargeable as a service to participating carriers, or shall be an expense of the Commission.

1. Administrative expenses not chargeable to participating carriers shall be an expense of the Commission, unless otherwise specified in contract.

2. Administrative expenses, as contracted between participating carriers and the Commission, for services performed by the Access Program on behalf of the participating carriers, shall include:

i. Expenses related to marketing of the Access Program;

ii. Expenses related to development and dissemination of information about the Access Program not otherwise categorized as marketing;

iii. Expenses related to dissemination of information about participating carriers;

iv. Expenses related to the enrollment and disenrollment process, including processing of applications, determining eligibility, determining subsidy and minimum contribution levels, redeterminations of eligibility and subsidy, notification and processing of terminations and disenrollment;

v. Expenses related to billing, collection, and general fund maintenance;

vi. Expenses related to contracted independent professional services provided to the Access Program, including actuarial, accounting and auditing services; and

vii. Expenses related to audits, specified by the Commission, of the various aspects of the Access Program, except that the expenses of an independent audit of a specific participating carrier shall be the sole responsibility of the specific participating carrier.

(c) The Commission shall charge the projected administrative expense to participating carriers as interim calendar year administrative expenses and may do so on a monthly basis.

(d) The Commission may remit monthly premiums offset by administrative expense receivables from a participating carrier.

(e) Following the close of each fiscal year, the Commission shall determine the actual incurred calendar year administrative expense, segregating and allocating the actual incurred calendar year administrative expense as specified in (b)2 above.

8:91-2.11 Billing of enrollees and declarations of status

(a) The Commission shall bill enrollees on a monthly basis, as follows:

1. Enrollees shall be billed 30 days prior to the due date of the contribution payment; and

2. Contributions shall be due and payable 15 days prior to the first day of each month, except as N.J.A.C. 8:91-2.6 applies.

(b) The Commission shall not remit a premium payment on behalf of an enrollee until the full amount of the enrollee's billed contribution then due and payable is received.

1. The Commission shall notify an enrollee within 10 days following the date any unpaid contribution was due and payable that failure to remit the full amount of the contribution within 30 days following the date the contribution was due and payable shall result in disenrollment of the enrollee from the Access Program. The notice shall contain the following information:

i. A statement that failure to submit the contribution shall result in the Access Program not remitting a premium on behalf of the enrollee to the participating carrier;

ii. A statement of the final date upon which the Access Program will accept a late payment of the full contribution and agree to remit the premium payment to the participating carrier on behalf of an enrollee;

iii. A statement that if the enrollee fails to submit the full contribution within 30 days following the date the contribution was due and payable, the enrollee may remit the full amount of the premium owed directly to the participating carrier during an additional 16 day grace period and maintain the coverage in force, even though no longer an Access Program enrollee;

iv. A statement setting forth the full premium that will be owed by the enrollee to maintain the coverage in force if the enrollee is disenrolled from the Access Program;

v. A statement that if the enrollee is disenrolled from the Access Program for nonpayment of the required contribution, the former enrollee may reapply for the Access Program immediately; and

vi. A statement that the enrollee has the right to appeal the disenrollment decision pursuant to N.J.A.C. 8:91-2.12.

2. The Commission shall, within 20 days following the date that any unpaid contribution was due and payable, provide a second notice to the enrollee setting forth all of the information of (b)1 above.

3. The Commission shall provide notice to an enrollee that disenrollment for nonpayment of contribution is effective, and shall include in the notice the information specified in (b)1iii through vi above.

(c) Monthly billings shall include a requirement that enrollees indicate any change in status pursuant to N.J.A.C. 8:91-3.5(c). Receipt of the monthly contribution shall be deemed an affirmation that status remains unchanged. Failure to report a change in status pursuant to N.J.A.C. 8:91-3.5(c) may result in disenrollment from the Access Program.

(d) The Commission shall, if necessary, request additional explanation and appropriate documentation from an enrollee upon receipt of a declaration of a change in status, as change in status is specified at N.J.A.C. 8:91-3.5(c), to determine whether a redetermination of the enrollee's eligibility or subsidy is required. If a redetermination is necessary, the Commission shall continue to bill enrollees on the appropriate then-current contribution basis, until the redetermination is completed.

(e) The Commission may perform exit surveys of enrollees whether the enrollee is disenrolled involuntarily or initiates disenrollment through an affirmative statement of intent to terminate enrollment in the Access Program.

8:91-2.12 Grievances and appeals

(a) If an applicant or enrollee has a grievance pertaining to the subsidy level calculated, denial of enrollment, or involuntary disenrollment in the Access Program, the applicant or enrollee shall submit a description of the grievance to the Access Program in writing within 10 days of the adverse notification. The Access Program shall notify the applicant or enrollee of its decision on the matter in writing, specifying the reasons for the decision, within 30 days of receipt of the complete documentation of the grievance. The Access Program shall retain all correspondence and documentation relating to the grievance in the applicant's or enrollee's file. The Access Program's decision shall be considered the final agency determination.

(b) Grievances relating to the provision of benefits or services under the standard health benefits plans are appealable to the carrier, the Board or the Commissioner of Insurance, as appropriate.

SUBCHAPTER 3. ELIGIBILITY CRITERIA

8:91-3.1 Purpose and scope

This subchapter establishes the eligibility criteria that all individuals and families shall meet in order to enroll in Health Access New Jersey.

8:91-3.2 Definitions

Words and terms as used in this subchapter shall have the definitions as set forth at N.J.A.C. 8:91-1.2, or as defined below, unless the context clearly indicates otherwise.

"Gross income" means total wages earned before taxes and deductions, and includes tips, royalties, supplemental security income, veteran's administration benefits, unemployment benefits, worker's compensation benefits, income from public assistance programs, child support, spousal maintenance or support payments, dividend and interest income, pensions, social security, net gambling and lottery winnings, and income from other sources.

8:91-3.3 Eligibility criteria for Health Access New Jersey

(a) An applicant shall be eligible for the Access Program if:

1. The applicant's family gross income meets the eligibility limits established by the Commission at (a)2 through 6, below and which shall not exceed 300 percent of the poverty income guidelines revised annually by the United States Department of Health and Human Services, pursuant to the provisions of 42 U.S.C. 9902(2), hereby incorporated by reference. (For further information on the poverty income guidelines, contact the Office of the Assistant Secretary for Planning and Evaluation, Department of Health and Human Services, Washington, D.C. 20201; telephone: 202-690-6141.);

2. The applicant resides in New Jersey, with the intent to remain for the majority of the year;

i. All applicants shall be required to submit a signed affidavit stating their intent to remain in New Jersey for the majority of the year; and

ii. Documentation of residency may be required, if determined necessary by program audit staff.

3. The applicant or a family member with a legal dependency obligation is employed and uninsured and is not eligible for employer-based insurance, or is the uninsured spouse or dependent of someone employed and is not eligible for employer-based insurance, and the employer has not discontinued health insurance coverage for employees or dependents for the class of employee or dependent to which the applicant's family belongs, during the previous 12 months;

4. The applicant is not currently enrolled in any other government program providing health care benefits;

5. The applicant is eligible for benefits pursuant to Title X of the Consolidated Omnibus Budget Reconcilation Act of 1985 (COBRA) and any amendments thereto, or continued group coverage pursuant to N.J.S.A. 17B:27A-17 et seq.; and

6. The applicant is not currently covered, and has not been covered in the preceding 12 months, under an individual standard health benefits plan or other individual health coverage (other than limited benefit policies), except as N.J.A.C. 8:91-3.6 applies.

(b) An enrollee's eligiblity shall be redetermined on at least an annual basis, and in each subsequent 12 month period an enrollee shall submit an attestation of assets in addition to submitting to a redetermination of eligibility based on gross income.

8:91-3.4 Determination of income

(a) Gross income for the person to be insured shall include the gross income of all legally responsible adults in a family, unearned income of minor children, and with respect to dependents of persons residing in a household separate from the dependent, that portion of the legally responsible adult's income required to be available for the care and support of that dependent.

1. A family includes legally married spouses and their dependent child(ren), and a single person and his or her dependent child(ren), as child and dependent are defined by the Board in standard health benefits plan policy forms D, E, and HMO in Exhibits D, E and F of the Appendix to N.J.A.C. 11:20.

2. A family shall not include persons residing within the same residence who do not have a legal relationship or legal dependency obligation for support.

(b) Income for purposes of determining eligibility for the Access Program shall be determined as follows:

1. For farm and nonfarm self-employed persons, income shall be calculated using adjusted gross income reported on the family's Federal income tax form(s) from the prior year as the baseline and adding back in reported depreciation, carryover loss, and net operating loss amounts that apply to the business in which the family is currently engaged. Applicants shall report the most recent financial situation of the family if it has changed from the period of time covered by the Federal income tax form. The report may be in the form of a percentage increase or decrease.

2. For wage earners, income shall be calculated based on gross income reported in the four months immediately preceding application for the Access Program, multiplied by three to reflect a 12 month period.

3. For unemployed persons eligible for a governmental income program, income shall be determined by the amount of expected payments from the government agency plus any other gross income.

4. For other individual circumstances, income shall be calculated based on a combination and/or variation of (b)1, 2, and/or 3 above, as appropriate.

8:91-3.5 Proof of income and other eligibility requirements

(a) The applicant shall provide acceptable proof of income that may include any of the following: pay check stub, W-2 form, a letter from an employer on company letterhead stating an individual's income, or a statement of the gross benefit amount from any governmental agency providing benefit to the individual. These should be submitted in the combination appropriate for the individual or family. Applicants shall submit a signed copy of their most recent Federal income tax form filed, if any.

(b) Additional documentation may be requested for verifying eligibility in the Access Program.

(c) Changes that could impact an individual's or family's eligibility for the Access Program shall be reported immediately. As soon as identified, enrollees shall report, at a minimum, changes in the following:

1. Income;
2. Employment status;
3. Family composition (birth, death, marriage, divorce);
4. Address; and
5. Availability of other health coverage.

(d) Failure to provide factual information may result in immediate disenrollment from the Access Program and may result in the imposition of payback provisions available under the law.

8:91-3.6 Eligibility of persons covered under nongroup health benefits plans

Persons who have been covered under an individual standard health benefits plan or other individual health coverage (other than limited benefits policies) shall be eligible to apply for enrollment in the Access Program annually during the open enrollment period determined by the Commission and shall be considered as eligible, on a first-come first-serve basis, for the Access Program, notwithstanding their coverage under a nongroup health benefits plan, if all other eligibility criteria are met, and a completed application is submitted.

SUBCHAPTER 4. ENROLLMENT

8:91-4.1 Purpose and scope

This subchapter establishes the enrollment process for the Health Access New Jersey subsidized insurance program.

8:91-4.2 Definitions

Words and terms used in this subchapter shall have the definitions as set forth at N.J.A.C. 8:91-1.2, unless the context clearly indicates otherwise.

8:91-4.3 Enrollment process for Health Access New Jersey

(a) Any individual applying for enrollment in the Access Program shall submit a completed application, listing family members to be enrolled, and shall submit such other information and documentation as may be required by this chapter.

1. An applicant shall include an address.

2. An applicant shall include, to the extent possible, a telephone number where the applicant may be contacted during the normal business hours of the Access Program.

(b) Applicants shall submit documentation as required pursuant to N.J.A.C. 8:91-3.

(c) Submission of incomplete or inaccurate information may delay or prevent an applicant's enrollment in the Access Program. Intentional submission of false information may result in disenrollment of the applicant and all enrolled family members in accordance with N.J.A.C. 8:91-4.5 retroactive to the date of enrollment. The applicant may be subject to payback provisions available under the law.

(d) An individual otherwise eligible for enrollment in the Access Program, as determined on a first-come first-serve basis, may be denied enrollment if the Commission has determined that acceptance of additional enrollment may result in an overexpenditure of subsidy funds. In the event that the Commission closes enrollment, the Access Program shall continue to accept applications for enrollment, and shall screen for, but shall not process, those applications for determination of eligiblity. The Access Program shall place the names of applicants on a waiting list in the order in which complete applications are received, and shall so notify the applicants. When enrollment is reopened, applicants whose names appear on the waiting list shall be notified by the Access Program based on the order in which their applications were received of the opportunity to enroll; provided that the Access Program may require new application forms and documentation from applicants on the waiting list, and may contact applicants to verify continued interest in applying, prior to determining their eligibility.

(e) Except as provided for at (d) above, applications shall be reviewed by the Access Program and those applicants satisfying the eligibility criteria as established by the Commission at N.J.A.C. 8:91-3.3, who have provided all required information and documentation shall be so notified of their eligibility.

(f) Eligible applicants shall be enrolled in the Access Program in the order in which their completed applications for health benefits coverage, including premium contributions, are received.

(g) Following the determination of eligibility for subsidy, the Access Program shall submit the name of the enrollee, the enrollee's choice of standard health benefits plan and an appropriate premium payment to the participating carrier selected by the enrollee in order to make the enrollee's selected health coverage effective, as required by N.J.A.C. 8:91-5.4(k).

8:91-4.4 Redetermination and audit

(a) The Access Program may request information more frequently than annually from an enrollee for the purpose of verifying eligibility if there is good cause to believe that the enrollee's income, residency, family size or other eligibility criteria may have changed since the date on which information was last received by the Access Program. Enrollees shall be given at least 20 days from the date of any such information request to respond to the request. Each enrollee shall be responsible for notifying the Access Program within 30 days of any changes which could affect the enrollee's eligibility or income level.

(b) The Commission may authorize random audits to verify reported income and eligibility and may execute data sharing arrangements with other governmental agencies in order to perform income verification.

8:91-4.5 Disenrollment from the Access Program

(a) An enrollee may disenroll effective the first day of any month by giving the Access Program at least 15 days prior written notice of the intention to disenroll. Reenrollment in the plan shall be subject to the provisions of N.J.A.C. 8:91-3. The Commission shall establish procedures for notice by an enrollee of a disenrollment decision, including the date upon which disenrollment shall become effective.

1. Nonpayment of premium contribution by an enrollee shall be considered an indication of the enrollee's intention to disenroll from the plan. The enrollee's Access Program eligibility shall remain effective through the grace period specified at N.J.A.C. 8:91-2.11(b).

2. An enrollee's coverage by a participating carrier shall be subject to the terms of the grace provision contained in the standard health benefits plan contract, and the enrollee shall have the opportunity to maintain coverage under the standard health benefits plan following disenrollment from the Access Program if the enrollee submits the full amount of the premium owed directly to the carrier.

(b) The Access Program may disenroll any enrollee from the Access Program for good cause, which shall include: failure to meet the eligibility requirements set forth in N.J.A.C. 8:91-3.3; loss of eligibility; nonpayment of premium contribution; and fraud or abuse. The Access Program shall provide the enrollee with advance written notice of its intent to disenroll the enrollee specifying the reasons for the disenrollment action. Such notice shall specify an effective date of the notice, and shall describe the procedures for disenrollment, including the enrollee's right to appeal the disenrollment decision pursuant to N.J.A.C. 8:91-2.12.

SUBCHAPTER 5. PARTICIPATION REQUIREMENTS FOR CARRIERS

8:91-5.1 Purpose and scope

(a) The purpose of this subchapter is to set forth the terms under which carriers may participate in the Health Access New Jersey program.

(b) This subchapter sets forth the standards required for a carrier's initial participation and continued participation in the Access Program.

(c) This subchapter sets forth the process of orderly withdrawal of a carrier from participation in the Access Program.

8:91-5.2 Definitions

Words and terms used in this subchapter shall have the definitions set forth at N.J.A.C. 8:91-1.2 and as further defined below, unless the context clearly indicates otherwise.

"Actual claims incurred loss ratio" means the ratio of actual claims incurred under the Access Program divided by the earned premium under the Access Program (before administrative expenses are paid to the Commission).

"Clean claim" means a claim that has no defect (including any lack of required substantiating documentation) or particular circumstance requiring special treatment that prevents timely payment from being made on the claim.

"Relief" means a waiver from acceptance of applications as required by the Individual Health Coverage Program or a deferment of payment of assessment obligations under the Individual Health Coverage Program as permitted by N.J.S.A. 17B:27A-8 and 17B:27A-12, respectively, which relief must be applied for and approved by the Commissioner of Insurance.

"Selective contracting arrangement" means an arrangement for the payment of benefits for covered services by the carrier to preferred providers or preferred provider organizations, which establishes predetermined fee or reimbursement levels.

8:91-5.3 General provisions

(a) Any carrier that submits a completed application in accordance with N.J.A.C. 8:91-5.5 shall be deemed to have agreed to the standards for initial participation set forth at N.J.A.C. 8:91-5.4 and the standards for continued participation set forth at N.J.A.C. 8:91-5.7, if determined by the Commission eligible to be a participating carrier.

(b) Eligibility to participate shall be subject to annual review by the Commission.

(c) The Commission may limit the number of carriers participating in the Access Program, based upon the needs of the Access Program, regarding enrollment and administrative requirements.

8:91-5.4 Standards for participation

(a) Carriers currently shall offer standard health benefits plans in accordance with N.J.S.A. 17B:27A-2 et seq. and rules promulgated thereunder.

1. No carrier seeking to participate shall have sought relief in the 12 consecutive calendar months preceding the date of its application to participate.

2. A carrier which has obtained relief at any time shall have been offering standard health benefits plans without any relief for no less than 12 consecutive calendar months preceding the date of its application to participate.

(b) A carrier shall offer to Access Program enrollees the same standard health benefits plan(s) D, E and HMO, subject to the limitations imposed at N.J.A.C. 8:91-2.3, that it offers to all eligible persons (as defined at N.J.A.C. 11:20-1.2), who are not Access Program enrollees.

(c) Carriers shall accept all premium payments from the Access Program as payment in full for those standard health benefits plan contracts delivered to Access Program enrollees.

(d) Carriers shall agree to provide coverage to Access Program enrollees until such time as the Access Program provides notice to the carrier of the effective date of the enrollee's disenrollment (subject to any grace provisions contained in the enrollee's standard health benefits plan contract with the carrier) and in accordance with N.J.A.C. 8:91-5.9.

(e) Carriers shall agree to accept payment of the premium net of amounts owed by the carriers to the Access Program with respect to at least the following:

1. The administrative costs of the Access Program chargeable to the carriers as set forth at N.J.A.C. 8:91-5.11;

2. Credits for premium collected from the Access Program, as a result of a loss ratio less than 75 percent as required by N.J.S.A. 17B:27A-9, if any; and

3. Credits for premium collected from the Access Program which resulted in a loss ratio exceeding 75 percent but which is less than 85 percent, pursuant to a formula set forth at N.J.A.C. 8:91-5.10, if any.

(f) Carriers shall provide data to the Access Program from time to time as specified by the Commission, or as otherwise may be specifically requested by the Access Program.

(g) Carriers offering standard health benefits plans not through an HMO and not subject to any selective contracting arrangement shall not discriminate in payment among health care providers, as defined at N.J.A.C. 8:91-1.2.

(h) Carriers offering standard health benefits plans through an HMO or subject to a selective contracting arrangement are encouraged to build networks in under-served areas including consideration of contracting with Federally Qualified Health Centers and/or approved provider sites participating in the New Jersey Primary Care Physician and Dentist Loan Redemption Program and/or Community and School-based Clinics.

(i) Carriers offering standard health benefits plans through an HMO or subject to a selective contracting arrangement shall include as part of the network agreement a prohibition on all balance billing for covered services, exclusive of deductibles, coinsurance and/or copayment requirements by network providers, including hospitals.

(j) Carriers shall agree to accept the date of the enrollee's application for eligibility in the Access Program as the date of application for coverage with the carrier for purposes of determining when a gap in coverage exists as that determination relates to the application of preexisting condition exclusions and the crediting of preexisting condition exclusion provisions previously satisfied. Coverage under Medicaid shall be considered coverage under a health benefits plan.

(k) Carriers shall agree that the effective date of coverage for an enrollee shall be the date specified by the Commission, subject to remittance of the full amount of the appropriate premium by the Access Program to the carrier necessary to effect the coverage on the date specified.

(l) Carriers shall agree that administrative expenses, dividends or credits payable to the Access Program shall not be considered either as claims paid or as a reduction in premium for purposes of reporting pursuant to N.J.S.A. 17B:27A-9 and 17B:27A-12b, and rules promulgated thereunder.

(m) Carriers shall provide the Access Program with 45 days prior notice of a change in premium rates.

(n) Carriers shall provide that the premium for an enrollee shall not be amended for a 12 month period following the date of issue of a policy or contract to that enrollee, so long as there is no material change in the provisions of the policy or contract required under law prior to the date of its renewal, or a change in the number of persons covered under the enrollee's contract causing the enrollee's rating tier category to change.

8:91-5.5 Application to participate

(a) Carriers shall submit a completed application in accordance with N.J.A.C. 8:91-5.4(a) through (n) to participate to the Commission.

(b) The application to participate shall be supported by a copy of the letter from the Board accepting the carrier's certification of use of the Board's standard health benefits plans, or certification of substantial compliance with the Board's standard health benefits plans, as specified at N.J.A.C. 11:20-3.2.

(c) If the carrier is an HMO, or is offering the standard health benefits plans in conjunction with a selective contracting arrangement, the carrier shall specify the geographic areas in which it is authorized to conduct such business, and shall include its list of providers by medical specialty and office zip codes.

(d) The application to participate shall be accompanied by premium rates for the carrier's standard health benefits plans which it offers currently, as are appropriate to the Access Program (that is, Plan D and Plan E with the lowest deductible option, and HMO Plan with the $10.00 copayment option).

(e) The Commission may request such additional information as it determines is necessary to fully consider the application to participate, including marketing material, policy forms, and other filings made by the carrier in accordance with N.J.A.C. 11:20-6, 7, 8 and 9.

(f) An application to participate shall not be considered complete until all required information, including information requested by the Commission pursuant to (e) above, has been received.

8:91-5.6 Review of the application to participate

(a) Within 30 days of receipt of the application to participate, the Commission shall determine if the application is complete.

(b) If the Commission determines that the application to participate is incomplete, the Commission shall notify the applicant in writing, specifying the deficiency(ies) or additional information requested pursuant to N.J.A.C. 8:91-5.5(e) above. The applicant shall be permitted to cure the deficiency or submit the additional information within 30 days of the date of the notice. If the applicant fails to cure the deficiency within 30 days, the Commission shall disapprove the application to participate.

(c) If the Commission determines that an application to participate is complete, and that the carrier meets the standards of N.J.A.C. 8:91-5.4 above, the application to participate shall be approved.

(d) An applicant that has been disapproved to become a participant may, within 30 days of the date of notice of the disapproval, file an appeal.

8:91-5.7 Standards for continued participation

(a) A participating carrier's contract with the Commission shall be reviewed annually, and shall be subject to an annual audit, but shall be renewed by the Access Program unless one or more of the following occur:

1. The Commission determines that the needs of the Access Program in the areas of enrollment and administration require discontinuance of the carrier's participation;

2. The relationship between the carrier and Access Program results in a conflict of interest or the appearance of an impropriety;

3. The carrier has failed to comply with all of the requirements of N.J.A.C. 8:91-5.4;

4. The carrier has an annual enrollee complaint ratio exceeding five percent;

5. The carrier has failed to pay on an annual basis 95 percent of all incurred and reported clean claims within 30 days of submission;

6. The carrier fails to submit a completed annual participant survey as required by (b) below;

7. The carrier seeks relief pursuant to N.J.A.C. 11:20-11;

8. The carrier is placed under an order of conservation, rehabilitation or liquidation pursuant to N.J.S.A. 17B:32-1 et seq.;

9. The carrier's authority to transact the business of providing health insurance, services or benefits in the State of New Jersey is suspended or revoked by the Commissioner of Insurance;

10. The carrier cedes more than 10 percent of its business under its standard health benefits plans whether through a reinsurance agreement or assumption agreement; or

11. The Commission has evidence of fraudulent activity by the carrier against the Access Program.

(b) Within 90 days prior to a participating carrier's anniversary date in the Access Program, the carrier shall submit to the Commission an annual participant survey, which shall include, but not necessarily be limited to: information about handling of claims and complaints, the status of health care provider networks, if any, utilized by the carrier, and the participating carrier's financial condition.

(c) Within 60 days prior to a participating carrier's anniversary date in the Access Program, the Commission shall determine whether the participating carrier's continued participation is appropriate. If the Commission disapproves the carrier's continued participation, the Commission shall so notify the carrier in writing, explaining the reasons for the disapproval. The reasons for the disapproval shall be as set forth in (a) above.

(d) The Commission shall cancel a carrier's contract to participate subject to written notice of no less than 90 days, specifying the reasons for the cancellation of the contract, as set forth in (a) above.

(e) If the Commission disapproves the continued participation of a carrier at any time, the carrier shall have the right to request a hearing from the Commission within 30 days of the date of notice that the carrier's contract will be cancelled or nonrenewed.

1. From the date the carrier's contract is cancelled or nonrenewed until the final determination of the hearing, the carrier shall not accept new enrollees (other than family members of a current enrollee) upon the basis of being a participating carrier through which the enrollee will be able to obtain a subsidized standard health benefits plan.

2. The carrier shall continue to renew Access Program enrollees' standard health benefits plan contracts pursuant to N.J.A.C. 8:91-5.9.

(f) A participating carrier may elect to terminate its contract with the Access Program by providing no less than 180 days notice of its intent to terminate the contract, subject to the following restrictions:

1. Until the date that the carrier's contract will terminate, the carrier shall continue to accept new Access Program enrollees on the basis of the carrier being a participating carrier through which the enrollee will be able to obtain a subsidized standard health benefits plan;

2. Notwithstanding (f)1 above, if a carrier is the only participating carrier in a county, it shall continue to accept new Access Program enrollees as a participating carrier in that county until the Access Program contracts with another carrier in that county; and

3. The carrier shall continue to renew Access Program enrollees' standard health benefits plan contracts pursuant to N.J.A.C. 8:91-5.9.

8:91-5.8 Relief

(a) A carrier shall notify the Commission that it is seeking relief from the Commissioner of Insurance pursuant to N.J.A.C. 11:20-11. Notice of the carrier's decision to seek relief shall be provided concurrent with its notice to the Commissioner of Insurance.

(b) Notice of the carrier's intent to seek relief shall constitute notice by the carrier of its intent to terminate its contract with the Access Program, and the carrier shall comply with N.J.A.C. 8:91-5.7(f), notwithstanding a grant of its relief, in the case of a waiver of obligations, by the Commissioner of Insurance.

8:91-5.9 Renewal of enrollees

(a) Carriers shall renew Access Program enrollee standard health benefits plan contracts upon their anniversary dates, subject to the provisions of N.J.S.A. 17B:27A-6.

(b) If the Access Program indicates that an enrollee is no longer eligible for subsidy, the enrollee's standard health benefits plan contract shall be continued or renewed without the Access Program subsidy at the option of the enrollee.

(c) If a carrier's contract with the Access Program is being terminated, at least 60 days prior to each enrollee's anniversary date, the carrier shall provide notice to the enrollee that the carrier is no longer participating in the Access Program, and that in order for the enrollee to continue to receive subsidization of his or her standard health benefits plan contract, the enrollee will have to obtain coverage from another carrier that is participating in the Access Program. Such notice shall direct the enrollee to contact the Access Program to obtain information about other participating carriers.

(d) If a carrier's contract with the Access Program is being terminated, standard health benefits plan contracts of Access Program enrollees shall remain in force until the enrollee's first anniversary date following the date of termination of the participating carrier's contract, the date of the enrollee terminates coverage, or the enrollee is disenrolled by the Access Program, whichever date is earlier.

1. The carrier shall offer to continue or renew the enrollee's contract without the subsidy at the option of the enrollee.

2. The Access Program shall continue to provide subsidy for the purchase of enrollees' standard health benefits plan contracts with the terminating carrier until the enrollee is disenrolled or until its anniversary date, whichever date is earlier, notwithstanding termination of the carrier's contract.

3. Carriers shall continue to accept payment of premiums from the Access Program net of amounts owed by carriers to the Access Program as set forth in N.J.A.C. 8:91-5.4(d), so long as Access Program enrollees continue to obtain subsidized coverage with a carrier.

8:91-5.10 Loss ratio reports and credit formula

(a) Within 60 days following the close of each calendar year, each carrier shall submit to the Commission a loss ratio report.

1. Within 30 days following receipt of a participating carriers' report, the Commission shall notify the carrier in writing if the report is incomplete.

2. Within 30 days following the receipt of a notice that the report is incomplete, the carrier shall cure the deficiency.

3. If a carrier fails to cure a deficiency within 30 days, the Commission may treat such a failure as effective notice of the carrier's intent to terminate its contract with the Access Program pursuant to N.J.A.C. 8:91-5.7(f).

4. If a carrier fails to cure a deficiency within 30 days, the Commission shall calculate the missing information based upon information submitted by other participating carriers, and shall interpret such information in a manner most favorable to the Access Program.

(b) No later than 30 days following receipt of a completed loss ratio report from a participating carrier which evidences a loss ratio of less than 85 percent, the Access Program shall submit premium payments to the carrier net of a credit to the Access Program of the amount of premium collected by the carrier which resulted in a loss ratio less than 85 percent, subject to the credit formula set forth at (e) below.

(c) If a carrier ceases to be a participating carrier, and the credit it owes to the Access Program exceeds the amount of premium the Access Program will continue to pay to the carrier until all Access Program enrollees covered by that carrier are disenrolled or obtain coverage with another participating carrier, the carrier shall refund the difference to the Access Program no later than the final date of coverage of the last Access Program enrollee covered by the carrier.

(d) Carriers shall specify in the loss ratio report, a dividend or credit against future premiums for policy forms under which Access Program enrollees are covered as is necessary to assure that the aggregate claims incurred in the previous calendar year plus the amount of the dividend or credit equals 85 percent of the aggregate premiums collected for those policy forms in the previous calendar year.

(e) Carriers shall pay to the Access Program a portion of the dividend or credit amount specified in (d) above, as follows:

1. 0.75 (.85—actual claims incurred loss ratio) × premium collected from the Access Program, plus

2. 0.15 (.80—actual claims incurred loss ratio) × premium collected from the Access Program, plus

3. Such amounts as required for the carrier to be in compliance with N.J.S.A. 17B:27A-9 and rules promulgated thereunder;

4. In no event shall the actual claims incurred loss ratio for (e)1 and 2 above be less than 75 percent; and

5. In no event shall the product calculated in (e)1 or 2 above be less than zero.

8:91-5.11 Administrative expenses of the Access Program

(a) Certain administrative expenses of the Access Program, as specified at N.J.A.C. 8:91-2.9, shall be charged to participating carriers. Administrative expenses charged to participating carriers shall be paid by the participating carrier within 30 days of the date of the invoice for the charge.

(b) If the determination of the actual incurred calendar year administrative expenses is less than the determination of interim administrative expenses, the excess administrative expenses charged shall be returned to carriers as follows:

1. If the carrier continues to be a participating carrier, the amount of excess administrative expenses charged to the carrier shall be credited to the immediate subsequent years' administrative expense charge allocable to the carrier.

2. If the carrier's participating carrier contract is terminated, the amount of excess administrative expenses charged to the carrier will be credited against the immediate subsequent year's administrative expense charge as long as Access Program enrollees continue to be covered under subsidized contracts with the carrier, with the remainder of the excess administrative expenses, if any, to be refunded in a lump sum to the carrier thereafter.

(c) If the determination of actual incurred calendar year administrative expenses is greater than the determination of interim administrative expenses for that calendar year, an additional administrative expense charge shall be allocated and charged to that calendar year's participating carriers.

SUBCHAPTER 6. PARTICIPATION REQUIREMENTS FOR ENROLLEES

8:91-6.1 Purpose and scope

This subchapter sets forth the requirements for initial and continued participation by persons eligible for the Access Program.

8:91-6.2 Definitions

Words and terms used in this subchapter shall have the definitions as set forth at N.J.A.C. 8:91-1.2, unless the context clearly indicates otherwise.

8:91-6.3 General provisions

(a) Applicants determined eligible for the Access Program shall agree to the conditions set forth in (b) through (i) as a condition of enrollment in the Access Program. Failure to do so may result in disenrollment from the Access Program, cancellation of coverage by the participating carrier, liability of premiums paid on behalf of the enrollee, and/or full responsibility of the costs of health care services provided to the enrollee.

(b) Eligible enrollees shall submit contributions, as billed, in full to the Access Program by the date specified on the bill received.

(c) Eligible enrollees shall submit to periodic random audits of their family income and assets, except that no enrollee shall be subject to more than two such audits in any calendar year.

(d) Eligible enrollees shall abide by the requirements of the standard health benefit plan form purchased by the enrollee and subsidized by the Access Program.

(e) Eligible enrollees shall notify the Access Program within 30 days of any change in the enrollee's status, as change in status is specified at N.J.A.C. 8:91-3.5(c).

(f) Eligible enrollees shall notify the Access program within 30 days of any change in the enrollees' eligibility for coverage under an employer's group health benefits plan or as soon as reasonably possible following the date the enrollees become aware of the change in eligibility.

(g) Eligible enrollees shall agree that the Access Program has a right of subrogation to any dividend or credit against future premium required by carriers to be issued to assure that the aggregate benefits paid plus the dividend or credit equals at least 75 percent of the premium collected in a calendar year for each policy form pursuant to N.J.S.A. 17B:27A-9, up to the full amount of subsidy paid by the Access Program for the separate enrollees in the calendar year for which the dividend or credit is issued.

(h) Eligible enrollees shall agree that the enrollee's right is subordinate to that of the Access Program with respect to receipt of dividends or credits against future premiums required to be issued by carriers pursuant to N.J.A.C. 8:91-5.11, up to the full amount of subsidy paid by the Access Program for the separate enrollees in the calendar year for which the dividend or credit is issued.

(i) Enrollees who are subsidized for 12 calendar months shall submit to a new eligibility test evaluating income and assets 60 days prior to the end of the 12 calendar month period, if the enrollee continues to claim eligibility for the Access Program.

8:91-6.4 Continued participation

(a) No enrollee shall be subsidized by the Access Program for more than a 12 month period without reconsideration. All such enrollees shall reapply to the Access Program 60 days prior to the end of the 12 calendar month period if the enrollee is to be considered for further Access Program eligibility. Such enrollees shall have priority of eligibility for continued subsidy over new Access program applicants also eligible for subsidy.

(b) No enrollee shall be subsidized by the Access Program for more than 30 days following the date an enrollee becomes eligible for an employment-based group health benefits plan. For purposes of this provision, the date from which an enrollee shall be determined eligible for the group health benefits plan shall be the date that the enrollee's coverage under the group health benefits plan becomes effective.

(c) No enrollee shall be subsidized by the Access Program for more than 30 days following the date an enrollee's health benefits under another government program becomes effective.

RULE ADOPTIONS

EDUCATION

(a)

STATE BOARD OF EDUCATION

Eye Protection in Public Schools

Adopted Amendment: N.J.A.C. 6:29-1.7

Proposed: February 7, 1994 at 26 N.J.R. 537(a).
Adopted: April 13, 1994 by State Board of Education, Leo Klagholz, Secretary, State Board of Education and Commissioner, Department of Education.
Filed: April 25, 1994 as R.1994 d.238, **with substantive and technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-4.3).

Authority: N.J.S.A. 18A:49-12.1 and 12.2

Effective Date: May 16, 1994.
Expiration Date: February 8, 1995.

Summary of Public Comments and Agency Responses:

The Department of Education received written comments from Edward J. Sullivan, Superintendent, Franklin Lakes Public Schools. The New Jersey State Board of Education held a public testimony session on February 16, 1994 at which time the above-captioned rule was on the agenda; however, no individuals reserved time to speak.

COMMENT: Commenter felt that there is merit in the concept of annual training of employees; however, in small districts with little turnover in staff, yearly inservice on eye protection is unnecessary. An alternative would be inservice upon employment by the district.

RESPONSE: The Department disagrees. Eye injuries continue to affect students in a broad range of vocational programs in both large and small districts. Two hundred and six (206) of the approximately 1,425 reported vocational accidents between 1990 and 1993 involved an eye injury requiring the attention of a doctor or hospital. The number of reported incidents is consistent from year to year. These numbers do not even include eye injuries in science, art or physical education nor those vocational accidents requiring first aid only. In addition, school inspections by Public Employees Occupational Safety and Health (PEOSH) Office staff continue to identify eye safety standards violations in school classrooms. In a six month period between July and December 1989, there were 51 of these instances cited in school districts.

Without eye safety inservice, district employees continue to be unaware of or forgetful about the State's and district's eye safety requirements and their importance in preventing eye injuries to staff and students. Based on the data, the need for on-going reinforcement is strongly indicated.

Summary of Agency-Initiated Changes:

1. At N.J.A.C. 6:29-1.7(a), the word "teacher" has been removed upon adoption. The teacher is already included under these provisions as a staff member.
2. At N.J.A.C. 6:29-1.7(f)1, the word "teacher" has been removed upon adoption. The teacher is already included under these provisions as a staff member.
3. N.J.A.C. 6:29-1.7(f)8, has been corrected to properly pluralize the word "device" or "devices."
4. At N.J.A.C. 6:29-1.7(f)9, the phrase "teachers, administrators" has been removed and replaced with the phrase "staff members" upon adoption. This change provides consistency and removes redundancy in language. "Teachers, administrators" are already included under these provisions as staff members.
5. At N.J.A.C. 6:29-1.7(g), the word "each" has been added to provide clarity and the second use of the phrase "district's or the approved private school's for the handicapped" is deleted because its use is redundant in the sentence.

Full text of adoption follows (additions to proposal indicated in boldface with asterisks ***thus***; deletions from proposal indicated in brackets with asterisks *[thus]*):

6:29-1.7 Eye protection in schools

(a) Each district board of education and approved private school for the handicapped as defined in N.J.A.C. 6:28-1.3 shall require each pupil, *[teacher,]* staff member and visitor in its schools, including evening adult school programs, to wear appropriate eye protective devices while participating in any educational activities and programs as defined in N.J.A.C. 6:4-1.2 in which caustic or explosive chemicals or materials, hot liquids or solids, molten materials, welding operations of any type, repairing or servicing of vehicles, heat treatment or tempering of metals, the shaping of solid materials and laser device operation and experimentation or any similar process or activity is engaged in, exposure to which might have a tendency to cause damage to the eyes.

(b) The term "appropriate eye protective device" shall include plain or prescription lenses provided the lenses and other portions of the device meet or exceed the prescribed specifications for the device. Specifications for appropriate eye protection for various activities shall meet or exceed standards described in (b)1 and 2 below. The standards, with all subsequent amendments and supplements, are hereby adopted as rules and incorporated herein by reference.

1. American National Standard Practice for Occupational and Educational Eye and Face Protection, ANSI Z87.1-1989.
2. (No change.)

(c) The documents in (b)1 and 2 above are available for review at the Administrative Code Office, Department of Education, 225 East State Street, CN 500, Trenton, New Jersey 08625-0500. These documents may be purchased from the American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018.

(d)-(e) (No change.)

(f) Each district board of education and approved private school for the handicapped shall establish and implement a specific eye protective policy and program to assure that:

1. No staff member *[(teacher),]* pupil or visitor shall be subjected to any hazardous environmental condition without appropriate eye protection;
2.-7. (No change.)
8. All spectacle type eye protective *[device]* ***devices*** shall have side shields of the eye cup, semi or flat-fold type;
9. Pupils, *[teachers, administrators]* ***staff members*** or visitors wearing personal corrective eyewear shall be required to wear cover goggles or similar devices unless it can be certified, by competent authority, that the personal eyewear meets or exceeds standards identified in (b) above.

(g) Each district and ***each*** approved private school for the handicapped shall provide annual training and appropriate supplies and equipment to all school personnel responsible for implementing the *[district's or the approved private school's for the handicapped]* eye safety policies and program. The training shall cover all aspects of eye protection in schools as described in (a) through (f) above.

(b)

STATE BOARD OF EDUCATION

The Reporting of Allegations of Child Abuse and Neglect

Adopted Amendments: N.J.A.C. 6:29-9.1 and 9.2

Proposed: February 7, 1994 at 26 N.J.R. 538(a).
Adopted: April 13, 1994 by State Board of Education, Leo Klagholz, Secretary, State Board of Education and Commissioner, Department of Education.
Filed: April 25, 1994 as R.1994 d.237, **with substantive and technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-4.3).

Authority: N.J.S.A. 18A:1-1, 18A:4-15, 18A:6-10, et seq., 18A:25-1, 18A:25-6, 18A:36-19 and N.J.S.A. 9:6-3.1, 9:6-8.9, 9:6-8.10, 9:6-8.13, 9:6-8.14, 9:6-8.21, 9:6-8.40, 9:6-8.72a and N.J.A.C. 10:129-2.1.

Effective Date: May 16, 1994.
Expiration Date: February 8, 1995.

Summary of Public Comments and Agency Responses:

The Department of Education received written comments from three commenters during the proposal comment period ending March 9, 1994. Written comments were received from Ms. Jean Paashaus, from Summit, New Jersey; and Mr. Nicholas R. Scalero and Mr. Edward Tetelman from the New Jersey State Department of Human Services.

The New Jersey State Board of Education held a public testimony session on February 16, 1994 at which time the above-captioned rule was on the agenda; however, no individuals reserved time to speak.

The following are the comments received and the Department's responses:

COMMENT: One commenter recommended that the chief school administrator specifically name the school principal (unless involved in the case) as his or her designee with access to the special child abuse file, because the school principal has direct responsibility for evaluating staff and would thus reduce overzealous reporting.

RESPONSE: The Department disagrees with the commenter's recommendation that the school principal be specifically named as the chief school administrator's designee having access to files relative to child abuse or neglect reports. School employees are obligated to report all suspected incidents of child abuse to DYFS. School administrators have no role in screening reports, and it is imprudent policy to use evaluation procedures to interfere with reporting by employees.

COMMENT: One commenter suggested that the language in N.J.A.C. 6:29-9.2(a)7viii is misleading because it "leaves the impression that it is DYFS which establishes child abuse," when, according to the commenter, "it is the court in our system of justice" which determines whether abuse exists.

RESPONSE: The Department disagrees. The language contained throughout N.J.A.C. 6:29-9.1 appropriately reflects that DYFS has the duty to investigate allegations and make determinations about whether abuse has occurred.

COMMENT: One commenter suggested that the confidential school file include a record of the number of allegations an employee makes.

RESPONSE: The Department disagrees. There is no purpose served by commenters suggestion to keep a record of how many reports of child abuse or neglect an employee makes. The employee is obligated to report all suspected incidents of child abuse to DYFS, but need not inform school officials of the report.

COMMENT: One commenter recommended that the regulations specifically require that the sections of the statutes regarding the definitions of child abuse and neglect referred to in the code be available in school settings for reference by a potential school referrer.

RESPONSE: The Department disagrees and maintains that mere reiteration of the statutory requirements in regulations would not enhance the force of the requirement. The current definition of child abuse or neglect is still required by law and school district employees are responsible for complying under the supervision of the responsible agency. Pursuant to N.J.A.C. 6:29-2(a)6, school districts must provide in-service training programs to school personnel pursuant to N.J.S.A. 9:6-8.10. Statutory definitions are already included in materials disseminated to school districts for use in these required training programs.

COMMENT: One commenter recommended strengthening and expanding the requirement for in-service training for school personnel for the purpose of informing staff about child abuse issues and reporting procedures.

RESPONSE: The Department does not believe that additional training requirements for school personnel is necessary at this time. When the Department amended N.J.A.C. 6:29-9 in May 1993, the training requirement was considerably strengthened by requiring **annual** in-service training and adding a provision for training new school district employees. The Department of Education and DYFS collaborated in the development of joint training activities to support district implementation of the requirements for district training. Desk reference cards on child abuse reporting were also disseminated to all teachers in the state in 1993. A new videotape to be used to support local district training will be disseminated in the Spring of 1994.

COMMENT: One commenter recommended the promulgation of specific regulations regarding the use of the results and recommendations emanating from a DYFS investigation of child abuse or neglect in tenure proceedings.

RESPONSE: The Department has determined that the promulgation of regulations to regulate the use of DYFS investigation findings and recommendations is inappropriate. The Department has obtained a legal opinion from the Attorney General's Office, specifically, on whether the enactment of N.J.S.A. 9:6-3.1 and 9:6-8.21 render inapplicable the Appellate Division's decision in the *Matter of the Tenure Hearing of Tyler,* 236 *N.J. Super.* 478 (App. Div. 1989) *certif. den.* 121 *N.J.* 1965 (1990), which held that confidential Division of Youth and Family Services (DYFS) investigative reports were inadmissible at tenure hearings. The Department has been advised that the holding in *Tyler* has not been affected by those statutory enactments and therefore DYFS reports are still not admissible in tenure proceedings.

Summary of Agency-Initiated Changes:

1. At the subchapter heading, the words "and neglect" have been added to clarify that neglect as well as abuse fall within the scope of the reporting requirements of N.J.S.A. 9:6-8.1. This change was discussed in the "Notice of Proposal" summary which may be found at 26 N.J.R. 538(a). The actual change was inadvertently omitted from the text of the proposal.

2. At N.J.A.C. 6:29-9.2(a)1i, the citation reference to N.J.S.A. 9:6-3.10 has been corrected to remove the "3" and replace it with an "8." The correct reference is to N.J.S.A. 9:6-8.10.

3. At N.J.A.C. 6:29-9.2(a)6i, as paragraphs (a)1 through 7 are in series, "and" has been added at the end of the subparagraph.

4. At N.J.A.C. 6:29-9.2(a)7iv, the words "or neglect" have been added to clarify that records involving both child abuse and neglect issues are to be maintained, secured, and released in accordance with N.J.S.A. 18A:36-19, N.J.S.A. 9:6-8.10a, and N.J.A.C. 6:3-6.

5. At N.J.A.C. 6:29-9.2(a)7(1), the citation reference to N.J.A.C. 6:29-2(a)4 has been corrected. The correct reference is to N.J.A.C. 6:29-9.2(a)4.

Full text of adopted amendments follows (additions to proposal indicated in boldface with asterisks ***thus***; deletions from proposal indicated in brackets with asterisks *[thus]*):

SUBCHAPTER 9. THE REPORTING OF ALLEGATIONS OF CHILD ABUSE ***AND NEGLECT***

6:29-9.1 Purpose

The purpose of this subchapter is to establish uniform Statewide policies and procedures for public school personnel to report allegations of child abuse and neglect to the Division of Youth and Family Services (DYFS) and to cooperate with the investigation of such allegations.

6:29-9.2 Adoption of policies and procedures

(a) District boards of education shall adopt and implement policies and procedures for the reporting and the cooperation with the Division of Youth and Family Services (DYFS) in investigations of child abuse and neglect. District policies and procedures developed pursuant to this subchapter shall be reviewed and approved by the county superintendent. These policies and procedures shall not be limited to the following, but shall:

1. Include provisions requiring school personnel, compensated and uncompensated (volunteer), to immediately report to the DYFS incidents of child abuse and neglect. The person reporting the alleged child abuse and neglect shall inform the school principal or his or her designee of the report after the DYFS referral has been made. However, notice to the principal or his or her designee need not be given when the person believes that such notice would be likely to endanger the referrer or child(ren) involved or when the person believes that such disclosure would be likely to result in retaliation against the child or in discrimination against the referrer with respect to his or her employment.

i. School personnel having reasonable cause to believe that a child has been subjected to child abuse or neglect or acts of child abuse or neglect as defined under N.J.S.A. 9:6-8.9 shall immediately report

to the DYFS (see N.J.S.A. 9:6-*[3.10]***8.10***). When referring cases to the DYFS, the school referrer shall provide, when possible, the following information:

(1)-(6) (No change.)

2. Include a statement indicating the importance of early identification of child abuse or neglect;

3. Provide assurances that no school personnel will be discharged from employment or in any manner discriminated against with respect to compensation, hire, tenure or terms, conditions or privileges of employment as a result of making in good faith a report or causing to be reported an allegation of child abuse (N.J.S.A. 9:6-8.13);

4. Require procedures for the following:

i. District cooperation with the DYFS in investigations of child abuse or neglect that has occurred at any time outside or within the confines of the school or during a school-related function;

ii.-iv. (No change.)

5. (No change.)

6. Include provisions for the annual delivery of information and in-service training programs to school personnel concerning child abuse or neglect, instructional methods and techniques relative to issues of child abuse or neglect in the local curriculum, and personnel responsibilities pursuant to N.J.S.A. 9:6-8.10 et seq.;

i. All new school district employees, both paid and voluntary, shall receive the required information and training as part of their orientation; ***and***

7. Detail the responsibilities of the district board of education as follows:

i.-iii. (No change.)

iv. Maintain, secure, and release all confidential information about child abuse ***or neglect*** cases in accordance with N.J.S.A. 18A:36-19, N.J.S.A. 9:6-8.10a, and N.J.A.C. 6:3-6;

(1) Information regarding allegations of child abuse or neglect reported to, investigated and reported upon by DYFS about a school employee shall be considered confidential and may be disclosed only as required in order to cooperate with DYFS investigations pursuant to N.J.A.C. 6:29-***9.***2(a)4 or by virtue of a court order. Records pertaining to such information shall be maintained in a secure location separate from other employee personnel records and accessible only to the district chief school administrator or his or her designee.

v. (No change.)

vi. Cooperate with the DYFS when it is necessary to remove the child(ren) from his or her home for proper care and protection and when such removal results in the transfer of the child to a school other than the one in which he or she is enrolled;

vii. Provide due process rights to school personnel who have been reassigned or suspended in accordance with N.J.S.A. 18A:6-10 et seq., 18A:25-1, 18A:25-6, and N.J.S.A. 9:6-3.1. Temporary reassignment or suspension of school personnel alleged to have committed an act of child abuse shall occur if there is reasonable cause to believe that the life or health of the alleged victim or other children is in imminent danger due to continued contact between the school personnel and a child (see N.J.S.A. 18A:6-10 et seq. and N.J.S.A. 9:6-3.1); and

viii. Remove from the employee's personnel records all references to a report to the DYFS and/or the official notice from the DYFS of child abuse or neglect regarding a school district employee, immediately following the receipt of an official notice from the DYFS that the allegation was unfounded. Such DYFS report regarding a school employee shall not be used against the employee for any purpose relating to employment, including but not limited to, discipline, salary, promotion, transfer, demotion, retention or continuance of employment, termination of employment or any right or privilege related thereto.

ENVIRONMENTAL PROTECTION AND ENERGY

(a)

DIVISION OF FISH, GAME AND WILDLIFE
FISH AND GAME COUNCIL
1994-95 Fish Code
Snapping Turtles, Bull Frogs and Green Frogs
Adopted Amendment: N.J.A.C. 7:25-6.22

Proposed: February 22, 1994 at 26 N.J.R. 1047(a).
Adopted: March 25, 1994 by the Fish and Game Council, Cole Gibbs, Chairman.
Filed: April 20, 1994 as R.1994 d.234, **without change.**

Authority: N.J.S.A. 13:1B-29 et seq. and 23:1-1 et seq.
DEPE Docket Number: 02-94-01/395.

Effective Date: May 16, 1994.
Operative Date: June 1, 1994.
Expiration Date: February 15, 1996.

Summary of Public Comments and Agency Responses:

Secondary notice was achieved by mailing news releases to 72 newspapers of general circulation and approximately 50 outdoor writers and specialty publications.

A public hearing concerning the proposal was held on March 3, 1994 at the Assunpink Wildlife Conservation Center of the Division of Fish, Game and Wildlife located on Eldridge Road within the Assunpink Wildlife Management Area. Hearing Officer Robert Soldwedel recommended readoption without change. The public hearing record may be reviewed by contacting Janis E. Hoagland, Esq., Department of Environmental Protection and Energy, Office of Legal Affairs, CN 402, Trenton, NJ 08625.

No comment was received either at the hearing (no attendance) or through the mail.

Full text of the adoption follows:

7:25-6.22 Snapping turtles, bull frogs and green frogs

(a)-(b) (No change.)

(c) The open season for the taking of snapping turtles shall extend from June 16, 1994 through April 30, 1995. The open season for the taking of bull frogs and green frogs shall be from July 1, 1994 through March 31, 1995.

(d) Snapping turtles, bull frogs and green frogs may be taken in numbers greater than the daily limit under special permit issued by the Division at its discretion.

1.-4. (No change.)

(e) (No change.)

(b)

DIVISION OF FISH, GAME AND WILDLIFE
Marine Fisheries
Size and Possession Limits; Pounds Nets
Adopted Amendments: N.J.A.C. 7:25-18.1 and 18.2

Proposed: January 18, 1994 at 26 N.J.R. 291(a).
Adopted: April 21, 1994 by Robert C. Shinn, Jr., Commissioner, Department of Environmental Protection and Energy.
Filed: April 25, 1994 as R.1994 d.248 **with substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-4.3).

Authority: N.J.S.A. 23:2B-6, 23:2B-14 and 23:5-45.
DEPE Docket Number: 66-93-12/319.

Effective Date: May 16, 1994.
Expiration Date: February 15, 1996.

The New Jersey Department of Environmental Protection and Energy (Department) is adopting the amendments of N.J.A.C. 7:25-18.1 and 7:25-18.2 proposed on January 18, 1994 at 26 N.J.R. 291(a). Public hearings were held on February 7, 1994 at Rutgers Cooperative Extension of Cape May County in Cape May Court House, New Jersey and on February 10, 1994 at the Ocean County Administration Building in Toms River, New Jersey and the comment period closed on February 17, 1994. Oral comments were presented by 14 individuals at the public hearings. A total of 30 individuals provided written comments, including two individuals that also provided oral comments at the public hearing. Commenters consisted of recreational fishermen, recreational fishing clubs, party and charter boat captains, commercial fishermen, aquaculturists, the Mid-Atlantic Fishery Management Council, and interested citizens.

The following is a list of those persons and organizations that made either written or oral comments directly related to the proposal.

Individual—Organization

1. Raymond D. Bogan—United Boatmen of New Jersey and New York
2. Richard N. Herb—Cape May County Party & Charter Boat Assn.
3. James F. Lummis
4. John P. Schuler
5. Joe McTommoney
6. Ronald Vansant
7. Neil D. Robbins
8. Kenneth Nutt
9. Fred Ascoli
10. Jeffrey W. Lidle
11. Charles J. Kraly, III
12. Saxton Kendrick
13. Joseph C. Rott
14. Jerry Kopitsky
15. Lou Miller
16. Edwin Peterson
17. John T. Schuler
18. Harvey B. Safeer
19. Robert J. LoSasso
20. Robert H. McCall
21. Steven S. Palmer
22. Jim Sykes—Absecon Saltwater Sportsmen
23. Michael Berry
24. Mark Dixon—National Undersea Research Center
25. Greg Frank—Cape May County Party & Charter Boat Assn.
26. Paul Thompson—Cape May County Party & Charter Boat Assn.
27. Charles Labar—New Jersey Beach Buggy Assn.
28. David Clark
29. Tom Fote—Jersey Coast Anglers Assn.
30. Bill Hammerstrom
31. George Beckert
32. Patrick Donnelly
33. George Backert
34. Emanuel R. Luftglass
35. John N. Kraeuter—Rutgers University
36. Walter J. Canzonier—New Jersey Aquaculture Assn.
37. George Trotman—Long Beach Island Fishing Club
38. David R. Keifer—Mid-Atlantic Fishery Management Council
39. Robert Munson—Delaware Bay Watermen's Assn.
40. Al Ogden—Delaware Bay Watermen's Assn.
41. Bill Hartrum—Ocean County Federation
42. Lance Naylor

Summary of Public Comments and Agency Responses:

The following is a summary of comments received on the Department's proposal and the Department's responses to the comments.

N.J.A.C. 7:25-18.1(a)

1. COMMENT: New Jersey should be commended for initiating goosefish management. The liver to tail ratio proposed is different from that proposed by the Mid-Atlantic Fishery Management Council (MAFMC). The Council understands the basis for the ratio and does not object (38).

RESPONSE: The Department acknowledges and appreciates the support of the Mid-Atlantic Fishery Management Council. The Department utilized information from the commercial goosefish fishery to derive the requirement that goosefish livers landed shall not be more than 30 percent, by weight, of goosefish tails landed.

N.J.A.C. 7:25-18.1(b)

2. COMMENT: The tautog resource is already in decline due to the harvesting of fish below 13 inches. Accelerate the timetable for the increase in tautog minimum sizes or establish a 13-inch minimum size limit for tautog immediately (1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30).

RESPONSE: The Department acknowledges and appreciates the concerns of the many commenters over the declining tautog resource and the need for effective minimum sizes on this fish. Based on these favorable comments, the Department will modify the proposal to implement an 11-inch minimum size limit for tautog effective in 1994, with adoption of this amendment, and a 12-inch minimum size limit beginning January 1, 1995. To increase the tautog minimum size limit to 13 inches immediately upon adoption is beyond the scope of the amendment and would constitute a substantive change from the proposal requiring additional public notice.

3. COMMENT: Establishing and raising the minimum size limit for tautog is good for that resource but the impact will be largely felt by recreational fishermen and the historical commercial/recreational allocation will change in favor of the commercial fishermen (1, 10, 28, 30, 32).

RESPONSE: The new minimum size limit for tautog applies to both recreational and commercial fishermen. At present, there is no recreational minimum size limit for tautog and the current commercial minimum size limit for tautog is seven inches. The Department is aware of the resource's historical harvest by gear type and will address the allocation issue under a separate amendment. The Atlantic States Marine Fisheries Commission (ASMFC) is presently developing an inter-state fisheries management plan (FMP) for tautog along the Atlantic coast. The FMP for tautog is expected to address historical landings by gear type and develop management measures to control or reduce exploitation by gear type in order to maintain historical harvest percentages by the respective gear.

4. COMMENT: Otter trawl roller rigs and pot fishermen are heavily exploiting the tautog resource. These fisheries should be controlled or eliminated (1, 10, 14, 21, 28, 30, 31, 32, 33).

RESPONSE: These fisheries have some historical basis for resource allocation and cannot be eliminated. As mentioned in response to Comment Number 3, allocation by gear type will be addressed with the development of the ASMFC fisheries management plan for tautog. In addition, the Department is currently working with commercial fishermen to evaluate the impact of certain gear types on the tautog resource and will address this issue in a future amendment if warranted.

5. COMMENT: Establish a bag limit for tautog (18, 21).

RESPONSE: The Department believes establishing or increasing the minimum size limit for tautog is a sufficient starting measure to protect the tautog resource. If the ASMFC FMP for tautog demonstrates more restrictive management measures are necessary to protect the tautog resource, then a bag limit may be necessary and would be developed through another amendment.

6. COMMENT: Prohibit the use of a fish traps on artificial reefs (28).

RESPONSE: Establishing a fish trap closure on all artificial reefs off New Jersey is beyond the scope of this regulation. Most of the artificial reef sites are beyond the State's territorial sea (three miles offshore) and would have to be addressed through Special Management Zones (SMZ) in cooperation with the Mid-Atlantic Fishery Management Council which has jurisdiction over fishery resources from three to two hundred miles offshore. Artificial reef sites within the State's territorial waters should be managed uniformly with artificial reef sites beyond three miles offshore. Management measures regarding SMZ's may be developed through cooperation of the ASMFC, Mid-Atlantic Fishery Management Council and the New Jersey Marine Fisheries Council.

7. COMMENT: Establish separate minimum sizes on tautog for the northern and southern parts of the State (5, 7).

RESPONSE: Such a management strategy would create confusion for the fishing public since two separate minimum sizes would be increasing at the same time. This action would also increase the difficulty of enforcing the minimum size limit(s). By modifying the proposal to accelerate the minimum size limit for tautog as described in response

to Comment Number 2, the target minimum size limit will be reached earlier. This alternative represents a compromise between comments by fishermen from the northern and southern regions of the State.

8. COMMENT: There should be a limit on the number of commercial, and party and charter boats fishing for tautog (21).

RESPONSE: The Department believes that the modified minimum size limits for tautog represent an effective management tool in protecting the tautog resource. Once the ASMFC FMP for tautog is developed, additional management measures will be implemented if it is determined to be necessary. During this process the issue of allocating a percentage of the tautog resource to historical user groups will surely be addressed.

9. COMMENT: Recreationally, there should be two categories for codfish, pollock and hake (deep water—60 feet and deeper, and shallow water—under 60 feet), with different size and bag limits since most fish die on the way up from deep water. There should also be a ban on pair trawling and roller netting (21).

RESPONSE: Most of the State's marine waters (within three miles from shore) are less than 60 feet deep so the commenters concern that fish taken from waters in excess of 60 feet in depth will die if released, is not applicable to the fish caught within most of the State's jurisdiction. Beyond three miles, size and possession limits are established by the National Marine Fisheries Service (NMFS) with the recommendation of the appropriate Federal Council. If in fact mortality of fish taken from waters in excess of 60 feet is significant this issue needs to be addressed by the Federal Council and NMFS. The NMFS previously implemented the size limits on cod, haddock and pollock currently being adopted by New Jersey. New Jersey is adopting these limits to be consistent with the Federal limits and to eliminate enforcement loopholes. Pair trawling and roller netting are specialized forms of otter trawling. The only otter trawling currently permitted in New Jersey waters is in the Atlantic Ocean between the second and third mile from shore. Completely closing the State's waters to otter trawling is beyond the scope of this amendment and would require a change in the statute. However, the Department is currently working with commercial fishermen to evaluate the potential impact of roller nets on fisheries resources and fisheries habitat and will address the issue in a future amendment if warranted.

10. COMMENT: There should be an 18-inch, five fish per day bag limit for Spanish mackerel; a 30-inch, three fish per day bag limit for king mackerel; and a 32-inch, two fish per day bag limit for cobia and no commercial fishery on this species out to two miles (21).

RESPONSE: The Department developed its size and possession limits for these three species through the recommendations of existing fishery management plans developed for marine waters outside New Jersey's territorial sea. The Department does not want to be overly restrictive on the harvest of these species especially since the bulk of the harvest on these three species occurs in waters south of New Jersey. The Department desires to maintain uniformity with the Federal management plans developed for these species along the coast since some of these three species are caught or landed in New Jersey. The intent of the regulation was to limit the possession of cobia to two fish per day for both the commercial and recreational fishery as exists in the Federal management plan for this species. The proposal inadvertently excluded the possession limit from the commercial fishery. The Department believes that the possession limit of two cobia should also apply to the commercial fishery so as to be consistent with the Federal plan. However, it cannot be incorporated into the adoption without giving the public the opportunity to provide additional comment. Therefore, the Department will incorporate this element as part of a future amendment.

11. COMMENT: There has never been an improvement in fishing by the advent of size limits and the few small cod, pollock or goosefish which are caught and eaten would have a negligible effect on the breeding stocks or the species bio-mass (31).

RESPONSE: The Department disagrees with the commenter since size limits have been shown to be an effective management tool in protecting and restoring marine fisheries resources. Minimum size requirements are a common and effective strategy employed by fishery managers to protect immature fish until they reach sexual maturity, replenishing spawning stock biomass to enhance future recruitment into the fishery. The minimum size limit for goosefish is established on fish for sale purposes only, not recreationally caught fish. There is a growing concern over the development of a commercial fishery on small goosefish, primarily harvested for their livers. The size limit should, therefore, protect young goosefish.

12. COMMENT: Rules and regulations on species which are rarely caught here, such as haddock, cod and king mackerel, are not necessary (21).

RESPONSE: Some of these fish are frequently caught or landed in New Jersey and uniform management measures are needed along the coast for effective resource protection. In addition, the recently passed Atlantic Coastal Fisheries Cooperative Management Act (Federal legislation) requires all states to comply with management plans adopted by the Altantic States Marine Fisheries Commission or face a moratorium on the states respective fishery.

N.J.A.C. 7:25-18.1(h)

13. COMMENT: The proposed size and possession limits on striped bass hybrids represent an incredible overkill, one that will destroy an entire fishery. Instead, the Department should institute a warning ticket system for anglers making the simple error of species identification with penalties for repeat offenders (34).

RESPONSE: The size and possession limits on striped bass hybrids in marine waters is proposed to protect the striped bass resource. The incidence of striped bass hybrid catches in marine waters is very low and the Department does not concur with the commenters assertion that an entire fishery is being closed. The proposed size and possession limits are not applicable to striped bass hybrids in the fresh waters of the state where some significant fisheries for hybrids do exist. Enforcement officers currently have the ability to issue warnings if a summons for a particular violation is not warranted. Developing a new "warning system", specifically for hybrid striped bass, as recommended by the commenter is not justified.

N.J.A.C. 7:25-18.1(i)

14. COMMENT: Aquaculturists would like some form of statement incorporated into the rule indicating that individuals who are raising fish are exempt from the size and possession limits specified in the proposal (35, 36).

RESPONSE: Striped bass hybrids used for commercial aquaculture have been and will continue to be exempt from the size and possession limits. This exemption is specified at N.J.A.C. 7:25-18.1(i).

15. COMMENT: Aquaculturists also request a provision that allows the limited collection of mature fish during the spawning season to be used as brood stock (35, 36).

RESPONSE: The Department acknowledges the commenters suggestion but believes that it is beyond the scope of this proposal at this time, to permit the taking of brood stock from the wild for use in commercial aquaculture operations. Under an Executive Order signed in October of 1993 the New Jersey Aquaculture Development Task Force was created to develop a State Aquaculture Plan. Once a State plan is developed the Department may reconsider this issue and develop an amendment to the rule if it is warranted.

N.J.A.C. 7:25-18.1(n)6

16. COMMENT: The end-of-season reporting requirements of the trophy fish program were designed to ensure quota compliance, not monitor the striped bass sportfishery (29).

RESPONSE: Quota compliance for the trophy fish program is ensured by regularly contacting trophy fish check stations throughout the year. The end-of-the-season forms developed for participants in the trophy fish program requested information on many facets of striped bass sportfishing not just the trophy fish program. These data have become extremely valuable in monitoring the striped bass sportfishery in accordance with the ASMFC FMP for striped bass.

N.J.A.C. 7:25-18.1(o)

17. COMMENT: Penalties should not be imposed for non-compliance with the program's (trophy fish) reporting requirements (29, 37, 41).

RESPONSE: Data on striped bass sportfishing obtained from the end-of-season reporting forms are necessary for the management of the striped bass resources. The Department would be unable to obtain comparable data if penalties for non-compliance were non-existent. The cost to anglers to participate in the trophy fish program is minimal and the information is essential to the Department for management and monitoring of the striped bass resource. The information collected through this report is used to ensure compliance with the ASMFC plan. Failure to comply with the ASMFC plan could result in a moratorium being placed on the New Jersey striped bass fishery.

N.J.A.C. 7:25-18.2

18. COMMENT: Extend the pound net season in Delaware Bay until September or December of each year (39, 40, 42).

RESPONSE: The current pound net season in Dealware Bay extends from February 15 through May 15. Extending the pound net season in Delaware Bay to that suggested by the commenter could have significant ramifications and is beyond the scope of the proposal. The Department and the Marine Fisheries Council will review the request and address the feasibility of extending the pound net season in Delaware Bay. If it is determined the season could be increased without any negative impact it could be done through another amendment.

Summary of Hearing Officer's Recommendations and Department Responses

Steve Herb, Assistant Director, Division of Fish, Game and Wildlife, served as hearing officer at the February 7 and February 10, 1994 public hearings regarding the Department's proposal on size and possession limits and pound nets. After reviewing testimony presented at the public hearings, and written comments received during the comment period, he recommended that the Department adopt the amendments of N.J.A.C. 7:25-18.1 and 7:25-18.2 with the following change:

1. At N.J.A.C. 7:25-18.1(b) the minimum sizes for tautog should be changed to 11 inches through December 31, 1994 and to 12 inches beginning January 1, 1995 and thereafter.

As set forth above, these recommendations were adopted by the Department.

Full text of the adoption follows (additions to proposal indicated in boldface with asterisks ***thus***; deletions from proposal indicated in brackets with asterisks *[thus]*):

7:25-18.1 Size and possession limits

(a) A person shall not purchase, sell, offer for sale, or expose for sale any species listed below less than the minimum length, measured in inches. Full length shall be measured from the tip of the snout to the tip of the tail.

Species	Scientific Name	Minimum Size (inches)
Atlantic Mackerel	*Scomber scombrus*	7
Black Sea Bass	*Centropristis striata*	8
Bluefish	*Pomatomus saltatrix*	9
Kingfish	*Menticirrhus saxatilis* *Menticirrhus americanus*	8
Porgy (Scup)	*Stenotomus chrysops*	7
Goosefish (Monkfish)	*Lophius americanus*	17

In addition to the total minimum goosefish size, all goosefish tails possessed must be at least 11 inches in length from the anterior portion of the fourth cephalic dorsal spine to the end of the caudal fin. The total weight of all goosefish livers landed shall not be more than 30 percent of the total weight of all goosefish tails landed or 12 percent of the total weight of all goosefish landed.

(b) A person shall not take from the marine waters in the State or have in his possession any species listed below less than the minimum length, measured in inches, except as provided in N.J.A.C. 7:25-18.14. Fish length shall be measured from the tip of the snout to the tip of the tail.

Species	Scientific Name	Minimum Size (inches)
Atlantic Cod	*Gadus morhua*	19
Atlantic Sturgeon	*Acipenser oxyrhynchus*	60
Cobia	*Rachycentron canadum*	37
Haddock	*Melanogrammus aeglefinus*	19
King Mackerel	*Scomberomorus cavalla*	23
Pollock	*Pollachius virens*	19
Red Drum	*Sciaenops ocellatus*	18
Spanish Mackerel	*Scomberomorus maculatus*	14
Summer Flounder (Fluke)	*Paralichthys dentatus*	14
Tautog (Blackfish), through December 31, 1994	*Tautoga onitis*	*[10]* ***11***
*[Tautog (Blackfish), through December 31, 1995	*Tautoga onitis*	11]*
Tautog (Blackfish), beginning January 1, *[1996]* ***1995*** and thereafter	*Tautoga onitis*	12
Weakfish	*Cynoscion regalis* *Cynoscion nebulosus*	13
Winter Flounder	*Pleuronectes americanus*	10

(c) (No change.)

(d) A person shall not possess at any one time more than five red drum only one of which may be in excess of 27 inches in length, nor shall any person angling with a hand line or with rod and line or spearfishing possess more than five king mackerel, more than 10 Spanish mackerel, or more than two cobia.

(e)-(g) (No change.)

(h) A person shall not take, attempt to take or have in his or her possession any striped bass or striped bass hybrids, as defined in (i) below, while on or angling in the waters of the State of New Jersey within the Delaware River or its tributaries from the Trenton Falls to and including the Salem River and its tributaries from April 1 through May 31 of each year, or from any waters of the State, except the Atlantic Ocean, from January 1 through February 28 of each year as set forth in N.J.S.A. 23:5-45.2.

(i) Except for products of commercial aquaculture, no person shall take from the marine waters in this State or have in his or her possession while on or angling in the marine waters of this State any striped bass hybrids, being hybrids of the Morone genus, less than the striped bass minimum size limits established pursuant to N.J.S.A. 23:5-45.1.

1.-2. (No change.)

(j) Except for striped bass hybrids that are the products of commercial aquaculture, a person shall not have more than a total of one fish that is either a striped bass or striped bass hybrid in his or her possession while on or angling in the marine waters of this State.

(k)-(m) (No change.)

(n) Pursuant to the provisions of N.J.S.A. 23:5-45.1c the possession of one "trophy sized" striped bass, measuring not less than 38 inches in length, will be allowed in addition to the one fish allowed under the provision of N.J.S.A. 23:5-45.1(a) in accordance with the following provisions:

1.-5. (No change.)

6. Successful applicants shall keep and submit annual records of their striped bass fishing activity as requested on forms furnished by the Division. Such records shall include, but not be limited to, the days and hours fished, number of striped bass caught and location of fishing activity. Extra forms can be obtained from fish checking stations.

7.-13. (No change.)

(o) Any person violating the striped bass size or possession limits as provided for in N.J.S.A. 23:5-45.1, or (h) and (n) above shall be liable to a penalty of $100.00 per fish for the first offense and a penalty of $200.00 per fish for each subsquent offense. In addition, any person violating any of (n) above shall be liable to revocation from the Striped Bass Trophy Fish Program. Any tag in such person's possession at that time shall be invalid and shall be returned to the Division upon notification of such revocation. Failure to return tag upon Division request shall subject the violator to penalties prescribed pursuant to N.J.S.A. 23:2B-14.

(p)-(q) (No change.)

7:25-18.2 Pound Nets

(a) (No change.)

(b) General requirements for all pound net users are as follows:

1.-4. (No change.)

5. Any person operating any fish pound net in the marine waters of New Jersey, must, at the time of emptying the net, return to the waters wherein the net is located all species less than the minimum size limits specified pursuant to N.J.A.C. 7:25-18.1.

6.-8. (No change.)

(c) Specific requirements for pound net users in Raritan, Sandy Hook and Delaware Bays are as follows:

1.-11. (No change.)

(d) (No change.)

HEALTH

(a)

PUBLIC HEALTH COUNCIL

State Sanitary Code

Collection, Processing, Storage and Distribution of Blood

Readoption: N.J.A.C. 8:8

Proposed: February 22, 1994 at 26 N.J.R. 1057(a).

Adopted: April 11, 1994 by the Public Health Council, William Frascella, Jr., O.D., Chairman.

Filed: April 12, 1994 as R.1994 d.229, **with the proposed amendments not adopted but still pending.**

Authority: N.J.S.A. 26:1A-7 and 26:2A-7.

Effective Date: April 12, 1994.

Expiration Date: April 12, 1999.

Summary of Hearing Officer Recommendations and Agency Responses:

The public hearing was held on March 14, 1994. Two members of the public offered comment. The hearing officer was Samuel D. Thompson, Ph.D., Director, Clinical Laboratory Improvement Service. No recommendations were made concerning the readoption. Comments were accepted at the meeting without response by the Department so that the comments could be reviewed and responses formulated. The oral testimonies offered at the public hearing have been combined with the written comments. The hearing record may be reviewed by contacting Susan Eates, Department of Health, CN 360, Trenton, New Jersey 08625.

Summary of Public Comments and Agency Responses:

The Department of Health heard two verbal presentations at the public hearing and received nine written responses some with several comments for a total of 17 comments to the proposed readoption with amendments. Sixteen of the comments were received from or on behalf of licensed blood banks, or their associations. One comment was from a practitioner of hematology/oncology at a licensed blood bank. While most of the comments were related to the amendments to the readoption, three comments were in response to unchanged rules, proposed for readoption.

The following persons submitted either written comments or presented oral testimony at the public meeting during the comment period.

1. Blood Banking Committee of the New Jersey Pathology Society Members:
   Leonard I. Boral, M.D., Newark Beth Israel Medical Center, Newark
   Marvin Lessig, D.O., Christ Hospital, Jersey City
   Elliot A. Krauss, M.D., Medical Center at Princeton, Princeton
2. Bernard Grossman, M.D., Trenton
3. Ali Daneshvar, M.D., Atlantic City Medical Center, Atlantic City
4. Ranie Koshy, M.D., North Jersey Blood Center, East Orange
5. Lillian de Paredes, M.D., Hackensack Medical Center
6. James F. Crispen, M.D., Sera-Tec Biologicals, North Brunswick
7. Hany Kamel, M.D., American Red Cross, Philadelphia
8. Lyda Sue Cunningham, M.A., R.N., Dover General Hospital, Dover
9. Mercy Kuriyan, M.D., New Jersey Blood Services, New Brunswick
10. Oral testimony at the public meeting was given by Elliot A. Krauss, M.D., Medical Center at Princeton, Princeton and John P. Sheehan, M.D., Bayshore Community Hospital

A number of the commenters brought up issues regarding the amendments which require further evaluation and review before adoption. Additionally, upon Department review, it was determined that portions of N.J.A.C. 8:8-8 had inadvertently not been published. Since these amendments must be published for notice and comment, the Department plans to adopt both these amendments and previously published amendments at some point in the near future.

Summary of Public Comments and Agency Responses:

COMMENT: Two commenters requested that the Department consider changing the requirement for donor emergency care personnel listed in N.J.A.C. 8:8-2.2(c)1 that specifically states that this person be a physician licensed in the State to practice medicine or a registered nurse holding a current certificate of registration. One commenter addressed this issue as it relates to plasmapheresis centers and stated that a viable alternate would be to include the utilization of adequately trained individuals who are approved under the August 5, 1988, FDA guidelines, "Physician Substitutes." The other commenter addressed this issue for all donor situations, stating that the rule should be changed to include any suitably trained personnel who have fulfilled the requirements in N.J.A.C. 8:8-2.2(c)1i and ii.

RESPONSE: The Department believes that a change of this nature would require more extensive study, and, therefore, the Department has not made the requested change. The Department will be contacting members of the regulated community in regard to this issue, prior to proposing any amendments, which would be required under the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

COMMENT: One commenter was opposed to N.J.A.C. 8:8-8.13 which requires facilities performing therapeutic phlebotomies to be licensed as blood banks that collect blood and blood components. This commenter stated that a patient of his was unable to receive a therapeutic phlebotomy at her bedside, because the rules would not allow this.

RESPONSE: The Department notes that the situation described by the commenter was not due to the rule itself, but was rather a result of an administrative decision by the hospital not to be licensed to perform therapeutic phlebotomies. If the facility had elected to seek licensure, the therapeutic phlebotomy could have been performed at the patient's bedside. Therefore, the Department has made no change in the rule.

Full text of the readoption can be found in the New Jersey Administrative Code at N.J.A.C. 8:8.

(b)

DRUG UTILIZATION REVIEW COUNCIL

List of Interchangeable Drug Products

Adopted Amendments: N.J.A.C. 8:71

Proposed: March 7, 1994 at 25 N.J.R. 1190(b).

Adopted: April 12, 1994 by the Drug Utilization Review Council, Henry Kozek, Secretary.

Filed: April 25, 1994 as R.1994 d.242, **with portions of the proposal not adopted but still pending.**

Authority: N.J.S.A. 24:6E-6(b).

Effective Date: May 16, 1994.

Expiration Date: May 16, 1999.

Summary of Public Comments and Agency Responses:

The Drug Utilization Review Council received the following comments pertaining to the products affected by this adoption.

COMMENT: From Boots Pharmaceuticals in opposition to the Rhone Poulenc/Forest levothyroxine sodium tablets.

Boots pointed out that Forest has submitted revisions to information that was presented with a prior application for its levothyroxine tablets. That application was rejected by the Council at the December 14, 1993, meeting.

Boots contends that the revised information fails to establish that the subjects in the Forest study reached steady state.

Boots requests that the Council again reject Forest's application for inclusion of its levothyroxine tablets.

RESPONSE: The Council was satisfied that recalculation of the steady state submitted by Forest and the testimony of experts sufficiently addressed their concerns. Based on the biodata, steady state calculations and expert testimony, the Council approved the Rhone Poulenc/Forest levothyroxine sodium tablets as a substitute for the brand, Synthroid.

Summary of Hearing Officer's Recommendations and Agency Responses:

A public hearing on the proposed additions to the List of Interchangeable Drug Products was held on March 28, 1994. Mark A.

Strollo, R.Ph., M.S., served as the hearing officer. Seven persons attended the hearing. One comment was offered as summarized above. The hearing officer recommended that the decisions be made based upon the available biodata. For the Rhone Poulenc product, the hearing officer recommended that a decision be made based on the Council's determination that the information provided was new evidence that addresses the deficiencies that lead to the prior rejection of this product, as well as, bioequivalency data and support clinical information. The Council adopted the products specified as "adopted," declined to adopt the products specified "not adopted," and referred the products identified as "pending" for further study.

The following products and their manufacturers were **adopted** in accordance to the reformatting of N.J.A.C. 8:71, the adoption of which is published elsewhere in this issue of the New Jersey Register, which follows a standardized format for each drug product listed:
The name of the substituted brand name drug:
The generic name of the drug product:
The strength of the drug product:
The dosage delivery system of the drug product (for example, cream, capsule, tablet):
The name of the generic drug's manufacturer:

ACHROMYCIN V
Tetracycline HCl
250 mg
Capsule
Halsey

ALDOMET
Methyldopa
125 mg
Tablet
Geneva

ALDOMET
Methyldopa
125 mg
Tablet
Mylan

ALDORIL
Methyldopa 500 mg with hydrochlorothiazide 50 mg
D-50
Tablet
W-C

ALDORIL
Methyldopa 500 mg with hydrochlorothiazide 50 mg
D-50
Tablet
Watson

ANAPROX
Naproxen sodium
275 mg
Tablet
Novopharm

ANAPROX
Naproxen sodium
550 mg
Tablet
Novopharm

ANSAID
Flurbiprofen
50 mg
Tablet
Greenstone

ANSAID
Flurbiprofen
100 mg
Tablet
Greenstone

ANUSOL HC
Hydrocortisone acetate
25 mg
Suppository
Bio-Pharm

COMPAZINE
Prochlorperazine
25 mg
Suppository
G&W

CORTISPORIIN OTIC
Polymyxin B sulfate 10,000U, neomycin sulfate (base) 3.5 mg, hydrocrotisone 1%
Per ml
Solution
Steris

CORTISPORIIN OTIC
Polymyxin B sulfate 10,000U, neomycin sulfate (base) 3.5 mg, hydrocrotisone 1%
Per ml
Suspension
Steris

DDAVP
Desmopressin acetate
0.01%
Nasal solution
Ferring

ENTEX
Phenylpropanolamine HCl 20 mg, phenylephrine HCl 5 mg, guaifenesin 100 mg
Per Capsule
Capsule
Amide

FELDENE
Piroxicam
10 mg
Capsule
Mepha

FELDENE
Piroxicam
20 mg
Capsule
Mepha

GOLYTELY
PEG 3350 236 g, sodium so4 22.74 g, sodium bicarbonate 6.74 g, sodium Cl 5.86 g, pot. Cl 2.97 g
In 4000 ml
Electro gavage
Block

HYCOTUSS
Hydrocodone bitartrate 5 mg, guaifenesin 100 mg
Per 5 ml
Syrup
Pharm. Assoc.

INDERAL
Porpranolol HCl
80 mg
Tablet
Danbury

K-LYTE CL
Potassium chloride, potassium bicarbonate and l-lysine monohydrochloride
25 mEq
Tablet, efferves
Tower

LOPRESSOR
Metroprolol tartrate
50 mg
Tablet
Mutual

LOPRESSOR
Metoprolol tartrate
100 mg
Tablet
Mutual

MACRODANTIN
Nitrofurantoin
25 mg
Capsule
Procter & Gamble

MACRODANTIN
Nitrofurantoin
50 mg
Capsule
Procter & Gamble

MACORDANTIN
Nitrofurantoin
100 mg
Capsule
Procter & Gamble

MANDELAMINE
Methenamine mandelate
0.5 g
Tablet
Amide

MANDELAMINE
Methenamine mandelate
1.0 g
Tablet
Amide

MARAX
Theophylline 130 mg, ephedrine sulfate 25 mg, hydroxyzine HCl 10 mg
Per tablet
Tablet
Amide

MOTRIN
Ibuprofen
400 mg
Tablet
Mylan

NAPROSYN
Naproxen
250 mg
Tablet
Novopharm

NAPROSYN
Naproxen
375 mg
Tablet
Novopharm

NAPROSYN
Naproxen
500 mg
Tablet
Novopharm

NATALINS RX
Prenatal vitamins
Per tablet
Tablet
Amide

NEPTAZANE
Methazolamide
50 mg
Tablet
Geneva

NORPRAMIN
Desipramine HCl
150 mg
Tablet
Geneva

OGEN
Estropipate
0.75 mg
Tablets
Noramco

OGEN
Estropipate
1.5 mg
Tablets
Noramco

OGEN
Estropipate
0.75 mg
Tablets
Ortho

OGEN
Estropipate
1.5 mg
Tablets
Ortho

PROLIXIN
Fluphenazine HCl
10 mg
Tablet
Geneva

PROSTAPHLIN
Oxacillin sodium
250 mg
Capsule
Biocraft

PROSTAPHLIN
Oxacillin sodium
500 mg
Capsule
Biocraft

PROSTAPHLIN
Oxacillin sodium
250 mg
Capsule
Bristol

PROSTAPHLIN
Oxacillin sodium
500 mg
Capsule
Bristol

PROSTAPHLIN
Oxacillin sodium
500 mg
Capsule
Beecham

PROSTAPHLIN
Oxacillin sodium
250 mg/5 ml
For solution
Biocraft

PROVENTIL
Albuterol sulfate
0.83%
Solution
Dey

RESTORIL
Temazepam
30 mg
Capsule
Geneva

RESTORIL
Temazepam
30 mg
Capsule
Barr

RESTORIL
Temazepam
30 mg
Capsule
Mylan

RESTORIL
Temazepam
30 mg
Capsule
Purepac

STUARTNATAL 1 + 1
Prenatal vitamins
Per tablet
Tablet
Amide

SYNTHROID
Levothyroxine sodium
25 mcg
Tablet
Rhone Poulenc

SYNTHROID
Levothyroxine sodium
50 mcg
Tablet
Rhone Poulenc

SYNTHROID
Levothyroxine sodium
75 mcg
Tablet
Rhone Poulenc

SYNTHROID
Levothyroxine sodium
100 mcg
Tablet
Rhone Poulenc

SYNTHROID
Levothyroxine sodium
88 mcg
Tablet
Rhone Poulenc

SYNTHROID
Levothyroxine sodium
112 mcg
Tablet
Rhone Poulenc

SYNTHROID
Levothyroxine sodium
125 mcg
Tablet
Rhone Poulenc

SYNTHROID
Levothyroxine sodium
150 mcg
Tablet
Rhone Poulenc

SYNTHROID
Levothyroxine sodium
175 mcg
Tablet
Rhone Poulenc

SYNTHROID
Levothyroxine sodium
200 mcg
Tablet
Rhone Poulenc

SYNTHROID
Levothyroxine sodium
300 mcg
Tablet
Rhone Poulenc

TAGAMET
Cimetidine
200 mg
Tablet
Mylan

TAGAMET
Cimetidine
300 mg
Tablet
Mylan

TAGAMET
Cimetidine
400 mg
Tablet
Mylan

TAGAMET
Cimetidine
800 mg
Tablet
Mylan

TENORMIN
Atenolol
25 mg
Tablet
Invamed

TENORMIN
Atenolol
50 mg
Tablet
Invamed

TENORMIN
Atenolol
100 mg
Tablet
Invamed

THEO-DUR
Theophylline
200 mg
Tablet
Inwood

TOBREX
Tobramycin
0.3%
Ophth solution
Bausch & Lomb

VALISONE
Betamethasone valerate
0.1%
Cream
Lemmon

VICON FORTE
Vicon Forte substitute
Capsule
Amide

XANAX
Alprazolam
0.25 mg
Tablet
Novopharm

XANAX
Alprazolam
0.5 mg
Tablet
Novopharm

XANAX
Alprazolam
1 mg
Tablet
Novopharm

YOCON
YOhimbine HCl
5.4 mg
Tablet
Amide

ZENATE
Prenatal vitamin
Per tablet
Tablet
Amide

The following products and their manufacturers were **not adopted and still pending**:

Albuterol sulfate syrup 2 mg/5 ml	Mova
Atenolol tabs 50 mg, 100 mg	Teva
Carbidopa/levodopa tabs 10/100, 25/100, 25/250	Geneva
Clotrimazole 1% top soln.	Lemmon
Dexchlorpheneramine maleate repetabs 4 mg, 6 mg	Amide
Diflunisal tabs 250 mg, 500 mg	Purepac
Diltiazem tabs 30 mg, 60 mg	Novopharm
Diltiazem tabs 30 mg, 60 mg, 90 mg, 120 mg	Teva
Endal HC substitute	Pharm. Assoc.
Gemfibrozil tabs 600 mg	Danbury
Glipizide tabs 5 mg, 10 mg	Danbury
Glipizide tabs 5 mg, 10 mg	Mylan
Levothyroxine sodium tabs 137 mcg	Phone Poulenc
Methotrexate tabs 2.5 mg	Roxane
Metoclopramide tabs 5 mg	Biocraft
Metoprolol tartrate tabs 50 mg, 100 mg	Novopharm
Metoprolol tartrate tabs 50 mg, 100 mg	Teva
Naproxen oral susp. 125 mg/5 ml	Roxane
Naproxen sodium tabs 275 mg, 550 mg	Novopharm
Naproxen tabs 250 mg, 375 mg, 500 mg	Roxane
Nortriptyline HCl caps 10 mg, 25 mg, 50 mg, 75 mg	Lemmon
Oxazepam caps 10 mg, 15 mg, 30 mg	Geneva
Phenytoin 125 mg/5 ml oral suspension	Barre-National
Pindolol tabs 5 mg, 10 mg	Lemmon
Piroxicam caps 10 mg, 20 mg	Danbury
Terfenadine tabs 60 mg	Mutual
Trazodone tablets 150 mg	Mutual
Verapamil tabs 80 mg, 120 mg	Mylan

(a)

DRUG UTILIZATION REVIEW COUNCIL
List of Interchangeable Drug Products
Adopted Amendments: N.J.A.C. 8:71

Proposed: January 3, 1994 at 26 N.J.R. 69(a).
Adopted: February 25, 1994 by the Drug Utilization Review Council, Robert Kowalski, Chairman.
Filed: April 25, 1994 as R.1994 d.243, **with portions not adopted.**

Authority: N.J.S.A. 24:6E-6(b).

Effective Date: May 16, 1994.
Expiration Date: May 16, 1999.

Summary of Public Comments and Agency Responses:

The Drug Utilization Review Council received the following comments pertaining to the products affected by this adoption.

COMMENT: In opposition to the proposal (26 N.J.R. 69) to delete products from the New Jersey Generic Formulary, Schein Pharmaceuticals objected to the purported inadequate notification for the proposed deletion of products. Schein pointed out that a notice, dated December 10, 1993, referred the reader to the New Jersey Register for a complete listing of the proposed products for deletion. Schein contends that this notice was inadequate based on N.J.S.A. 24:6E-1 et seq. and a former precedent of listing each product. Schei requests that the proposal be considered void based on inadequate notice and that all future notices list each proposed product for deletion.

RESPONSE: The Council confirmed that a notice, dated December 10, 1993, was sent to all manufacturers which announced that a proposal to delete products which are no longer manufactured or distributed would be printed in the January 3, 1994, New Jersey Register. The notice stated that the large number of proposed products for deletion precluded listing them in this notice. More importantly, the notice stated a public bearing on this proposal would be held on Monday, January 24, 1994, at 2:00 PM in Room 804, Department of Health, Trenton, New Jersey, with a comment period ending on February 2, 1994.

The Council pointed out that its enabling legislation, N.J.S.A. 24:6E-6(b), states: "No drug product shall be included in such list until after a public hearing has been held thereon after at least 20 days notice. Such notice shall be mailed to every drug company that is authorized to do business in the State of New Jersey and to all persons who have made timely request of the council for advance notice of its public hearings and shall be published in the New Jersey Register."

The Council determined that adequate notice of the public hearing was given to all drug manufacturers as well as published in the New Jersey Register as specified by N.J.S.A. 24:6E-6(b). In addition, legal counsel for the Department of Health supported that the notice was adequate pursuant to N.J.S.A. 24:6E-6(b) and the New Jersey rulemaking procedure (N.J.S.A. 52:14B-1 et seq.). The Council thereby proceeded with the review and action on this proposal.

COMMENT: In opposition to the proposed deletion of R.P. Scherer's nifedipine 10 mg and 20 mg capsules, Schein Pharmaceuticals maintains that R.P. Scherer's nifedipine 10 mg and 20 mg capsules are currently being manufactured and, therefore, should not be deleted from the Formulary.

RESPONSE: Based on availability, the Council did not approve the deletion of R.P. Scherer's nifedipine 10 mg and 20 mg capsules and they are thereby retained in the Formulary.

COMMENT: R.P. Scherer opposed the deletion of its nifedipine 10 mg and 20 mg capsules, amantadine 100 mg capsule, chloral hydrate 500 mg capsule, valproic acid 250 mg capsule from the Formulary. R.P. Scherer stated that the above listed products that were proposed for deletion are currently manufactured and marketed and requested that they be retained in the Formulary.

RESPONSE: Based on availability, the Council did not approve the deletion of R.P. Scherer's amantadine 100 mg capsules, chloral hydrate 500 mg, nifedipine 10 mg and 20 mg capsules and they are thereby retained in the Formulary. Scherer's request to have its valproic acid 250 mg capsules retained was not granted since they were not proposed for deletion and have never been included in the Formulary.

Summary of Hearing Officer's Recommendations and Agency Responses:

A public hearing on the proposed additions to the list of interchangeable drug products was held on January 24, 1994. Mark A. Strollo, R.Ph., M.S., served as hearing officer. No one attended the hearing. Three comments were offered. The hearing officer recommended that the decisions made be based upon available information. The Council deleted the products specified as "deleted."

The following products and their manufacturers were **not adopted** and, therefore, remain listed in the list of interchangeable drug products. They are listed here in accordance with the reformatting of N.J.A.C. 8:71, the adoption of which is published elsewhere in this issue of the New Jersey Register, which follows a standardized format for each drug product listed:

The name of the substituted brand name drug:
The generic name of the drug product:
The strength of the drug product:
The dosage delivery system of the drug product (for example, cream, capsule, tablet):
The name of the generic drug's manufacturer:

SYMMETREL
Amantadine HCl
100 mg
Capsule
Scherer

NOCTEC
Chloral hydrate
500 mg
Capsule
Scherer

SYNALAR
Fluocinolone acetonide
0.01%
Solution
Syntex

TUSSI-ORGANDIN
Iodinated glycerol 30 mg, codeine phosphate 10 mg
Per 5 ml
Liquid
Naska/Barre-Nat

TUSSI-ORGANDIN TM
Iodinated glycerol 30 mg, dextromethorphan 10 mg
Per 5 ml
Liquid
Naska/Barre-Nat

TUSSI-ORGANDIN
Dextromethorphan HBr 10 mg, iodinated glycerol 30 mg
Per 5 ml
Liquid
Mova

PROCARDIA
Nifedipine
20 mg
Capsule
Scherer

PROCARDIA
Nifedipine
10 mg
Capsule
Scherer

DEPEKENE
Valproic acid
250 mg
Capsule
Par

The deletion of following products and their manufacturers were **adopted**:

Acetaminophen with codeine (#2)
300/15 mg
Tablet
Superpharm

Acetaminophen with codeine (#3)
300/30 mg
Tablet
Chelsea

Acetaminophen with codeine (#2)
300/15 mg
Tablet
Roxane

Acetaminophen with codeine (#3)
300/30 mg
Tablet
Charlotte

Acetaminophen with codeine (#2)
300/15 mg
Tablet
Chelsea

Acetaminophen with codeine (#3)
300/30 mg
Tablet
B-W

Acetaminophen with codeine (#2)
300/15 mg
Tablet
Charlotte

Acetaminophen with codeine (#3)
300/30 mg
Tablet
Superpharm

Acetaminophen with codeine (#3)
300/30 mg
Tablet
T-P.

Acetaminophen with codeine (#4)
300/60 mg
Tablet
Superpharm

Acetaminophen with codeine (#4)
300/60 mg
Tablet
T-P.

Acetaminophen with codeine (#4)
300/60 mg
Tablet
Charlotte

Acetaminophen with codeine (#4)
300/60 mg
Tablet
B-W

Acetaminophen with codeine (#4)
300/60 mg
Tablet
Chelsea

Acetaminophen with codeine (#4)
300/60 mg
Tablet
Roxane

Acetaminophen, dichloralphenazone, isometheptene mucate
325/100/65 mg
Capsule
Bio-Pharm

Allopurinol
300 mg
Tablet
Superpharm

Amantadine HCl
100 mg
Capsule
Pharmacaps

Amitriptyline
50 mg
Tablet
Squibb

Amitriptyline
25 mg
Tablet
Squibb

Amitriptyline
75 mg
Tablet
Squibb

Amitriptyline
100 mg
Tablet
Squibb

Amitriptyline
10 mg
Tablet
Squibb

Amitriptyline
10 mg
Tablet
Superpharm

Amitriptyline
100 mg
Tablet
Superpharm

Amitriptyline
25 mg
Tablet
Superpharm

Amitriptyline
75 mg
Tablet
Superpharm

Amitriptyline
50 mg
Tablet
Superpharm

Amoxicillin as the trihydrate
500 mg
Capsule
Roche

Amoxicillin as the trihydrate
125 mg/5 ml
Suspension
Roche

Amoxicillin as the trihydrate
250 mg
Capsule
Roche

Amoxicillin as the trihydrate
250 mg/5 ml
Suspension
Roche

Aspirin with codeine (#4) 60 mg
Tablet
Lee

Aspirin with codeine (#3) 30 mg
Tablet
Lee

Aspirin with codeine (#2) 15 mg
Tablet
Geneva

Aspirin with codeine (#3) 30 mg
Tablet
Chelsea

Aspirin with codeine (#2) 15 mg
Tablet
Chelsea

Aspirin with codeine (#4) 60 mg
Tablet
Chelsea

Aspirin with codeine (#2) 15 mg
Tablet
B-W

Aspirin with codeine (#2) 15 mg
Tablet
Zenith

Aspirin with codeine (#3) 30 mg
Tablet
T.P.

Aspirin with codeine (#4) 60 mg
Tablet
T.P.

Aspirin with meprobamate
325 mg/200 mg
Tablet
Eon

Aspirin, butalbital and caffeine
325/50/40 mg
Capsule
Chelsea

Aspirin, butalbital and caffeine
325/50/40 mg
Tablet
Boots Labs

Aspirin, butalbital and caffeine
325/50/40 mg
Tablet
Halsey

Aspirin, butalbital and caffeine
325/50/40 mg
Tablet
Superpharm

Aspirin, butalbital and caffeine
325/50/40 mg
Tablet
Zenith

Aspirin, butalbital and caffeine
325/50/40 mg
Capsule
Superpharm

Belladonna alkaloids with phenobarbital
Tablet
Purepac

Belladonna alkaloids with phenobarbital
Elixir
Pharm. Assocs.

Belladonna alkaloids with phenobarbital
Tablet
Robins

Belladonna alkaloids with phenobarbital
Elixir
Robins

Belladonna alkaloids with phenobarbital
Tablet
Chelsea

Belladonna alkaloids with phenobarbital
Elixir
Barre-National

Betamethasone diproprionate
0.05%
Ointment
Pharmaderm/Alta

Betamethasone diproprionate
0.05%
Cream
Pharmaderm/Alta

Betamethasone diproprionate
0.05%
Lotion
Pharmaderm/Alta

Betamethasone valerate
0.1%
Cream
Pharmaderm/Alta

Betamethasone valerate
0.1%
Lotion
Pharmaderm/Alta

Betamethasone valerate
0.1%
Ointment
Pharmaderm/Alta

Bethanechol Cl
25 mg
Tablet
Norwich

Bethanechol Cl
10 mg
Tablet
Norwich

Butabarbital sodium
30 mg/5 ml
Elixir
Pennex

Butabarbital sodium
30 mg
Tablet
T.P.

Carbinoxamine maleate 2 mg with pseudoephedrine HCl 25 mg
Per ml
Drops
Tri-Med

Carbinoxamine maleate 2 mg, dextromethorphan HBr 4 mg, pseudoephedrine HCl 25 mg
Per ml
Oral drops
Esquire

Carisoprodol
350 mg
Tablet
Eon

Carisoprodol
350 mg
Tablet
Pioneer

Cephradine
500 mg
Capsule
Barr

Cephradine
250 mg
Capsule
Barr

Chloral hydrate
250 mg
Capsule
Chase

Chloral hydrate
500 mg/5 ml
Syrup
Barre-National

Chloral hydrate
500 mg/5 ml
Syrup
Cenci

Chloral hydrate
250 mg
Capsule
Banner

Chloral hydrate
500 mg
Capsule
Banner

Chloral hydrate
500 mg
Capsule
Chase

Chloral hydrate
500 mg
Capsule
Pharm. Assocs.

Chloral hydrate
500 mg/5 ml
Syrup
LuChem/H.N. Norton

Chloral hydrate
500 mg/5 ml
Syrup
Purepac

Chloral hydrate
250 mg
Capsule
Scherer

Chloramphenicol
0.5%
Ophth soln
Americal

Chlordiazepoxide HCl
25 mg
Capsule
Boots Labs

Chlordiazepoxide HCl
5 mg
Capsule
Boots Labs

Chlordiazepoxide HCl
10 mg
Capsule
Abbott

Chlordiazepoxide HCl
10 mg
Capsule
Boots Labs

Chlordiazepoxide HCl
5 mg
Capsule
Abbott

Chlordiazepoxide HCl
25 mg
Capsule
Abbott

Chlordiazepoxide HCl
25 mg
Capsule
Rochelle

Chlordiazepoxide HCl
10 mg
Capsule
Rochelle

Chlordiazepoxide HCl
5 mg
Capsule
Rachelle

Chlordiazepoxide HCl
5 mg
Capsule
Roxane

Chlordiazepoxide HCl
25 mg
Capsule
Roxane

Chlordiazepoxide HCl
5 mg
Capsule
Superpharm

Chlordiazepoxide HCl
25 mg
Capsule
Superpharm

Chlordiazepoxide HCl
10 mg
Capsule
Superpharm

Chlorothiazide
250 mg
Tablet
Camall

Chlorpheniramine 2 mg, phenylephrine 5 mg, pyrilamine 12.5 mg (each as the tannate)
Per 5 ml
Suspension
LuChem/H.N. Norton

Chlorpheniramine 8 mg, phenylephrine 25 mg, pyrilamine 25 mg (each as the tannate)
Per tablet
Tablet
Sidmak

Chlorpheniramine 8 mg, phenylephrine 25 mg, pyrilamine 25 mg (each as the tannate)
Per tablet
Tablet
Bio-Pharm

Chlorpropamide
100 mg
Tablet
Duramed

Chlorpropamide
250 mg
Tablet
Duramed

Chlorpropamide
250 mg
Tablet
Chelsea

Chlorpropamide
250 mg
Tablet
Zenith

Chlorpropamide
100 mg
Tablet
Zenith

Chlorpropamide
100 mg
Tablet
Superpharm

Chlorpropamide
250 mg
Tablet
Superpharm

Chlorthalidone
50 mg
Tablet
Purepac

Chlorthalidone
50 mg
Tablet
Pioneer

Chlorzoxazone
500 mg
Tablet
Pioneer

Chlorzoxazone
250 mg
Tablet
Pioneer

Choline magnesium salicylate
500 mg
Tablet
Eon

Choline magnesium salicylate
1 g
Tablet
Eon

Choline magnesium salicylate
750 mg
Tablet
Eon

Choline magnesium salicylate
750 mg
Tablet
Trinity

Choline magnesium salicylate
1000 mg
Tablet
Trinity

Choline magnesium salicylate
500 mg
Tablet
Trinity

Clonidine HCl
0.1 mg
Tablet
Biocraft

Clonidine HCl
0.3 mg
Tablet
Biocraft

Clonidine HCl
0.2 mg
Tablet
Biocraft

Cyclandelate
200 mg
Capsule
Inwood

Cyclandelate
400 mg
Capsule
Inwood

Cyproheptadine HCl
4 mg
Tablet
Superpharm

Dexamethasone
0.5 mg/5 ml
Elixir
Organon

Dextromethorphan HBr 10 mg, iodinated glycerol 30 mg
Per 5 ml
Liquid
Bio-Pharm

Diazepam
10 mg
Tablet
Superpharm

Diazepam
2 mg
Tablet
Superpharm

Diazepam
5 mg
Tablet
Superpharm

Diazepam
10 mg
Tablet
Pioneer

Diazepam
5 mg
Tablet
Pioneer

Diazepam
2 mg
Tablet
Pioneer

Diazepam
10 mg
Tablet
Halsey

Diazepam
5 mg
Tablet
Halsey

Diazepam
2 mg
Tablet
Ferndale

Diazepam
5 mg
Tablet
Ferndale

Diazepam
2 mg
Tablet
Halsey

Diazepam
10 mg
Tablet
Ferndale

Dicyclomine
10 mg/5 ml
Syrup
Barre-National

Diphenhydramine HCl
25 mg
Capsule
Boots Labs

Diphenhydramine HCl
25 mg
Capsule
Barr

Diphenhydramine HCl
50 mg
Capsule
Boots Labs

Diphenhydramine HCl
25 mg
Capsule
Zenith

Diphenhydramine HCl
25 mg
Capsule
T.P.

Diphenhydramine HCl
25 mg
Capsule
Superpharm

Diphenhydramine HCl
50 mg
Capsule
Zenith

Diphenhydramine HCl
50 mg
Capsule
Superpharm

Diphenhydramine HCl
50 mg
Capsule
T.P.

Diphenhydramine HCl
50 mg
Capsule
Newtron

Diphenhydramine HCl
25 mg
Capsule
Newtron

Diphenoxylate HCl 2.5 mg with atropine sulfate 0.025 mg
Per 5 ml
Liquid
Geneva

Diphenoxylate HCl with atropine sulfate
2.5/0.025 mg
Tablet
Inwood

Diphenoxylate HCl with atropine sulfate
2.5/0.025 mg
Tablet
Barr

Diphenoxylate HCl with atropine sulfate
2.5/0.025 mg
Tablet
KV

Diphenoxylate HCl with atropine sulfate
2.5/0.025 mg
Tablet
Chelsea

Diphenoxylate HCl with atropine sulfate
2.5/0.025 mg
Tablet
Boots Labs

Diphenoxylate HCl with atropine sulfate
2.5/0.025 mg
Tablet
Superpharm

Dipyridamole
25 mg
Tablet
Superpharm

Dipyridamole
50 mg
Tablet
Superpharm

Dipyridamole
75 mg
Tablet
Superpharm

Dipyridamole
25 mg
Tablet
Chelsea

Disopyramide phosphate
100 mg
Capsule
Interpharm

Disopyramide phosphate
150 mg
Capsule
Interpharm

Disopyramide phosphate
100 mg
Capsule
Mylan

Disopyramide phosphate
150 mg
Capsule
Mylan

Disopyramide phosphate
100 mg
Capsule
Superpharm

Disopyramide phosphate
150 mg
Capsule
Superpharm

Doxepin HCl
25 mg
Capsule
SKF

Doxepin HCl
10 mg
Capsule
Lederle

Doxepin HCl
100 mg
Capsule
Lederle

Doxepin HCl
100 mg
Capsule
SKF

Doxepin HCl
150 mg
Capsule
Lederle

Doxepin HCl
25 mg
Capsule
Lederle

Doxepin HCl
10 mg
Capsule
SKF

Doxepin HCl
75 mg
Capsule
Lederle

Doxepin HCl
50 mg
Capsule
Lederle

Doxepin HCl
50 mg
Capsule
SKF

Doxycycline hyclate
100 mg
Capsule
PFI

Doxycycline hyclate
100 mg
Capsule
Pharbita

Doxycycline hyclate
50 mg
Capsule
PFI

Doxycycline hyclate
100 mg
Capsule
Superpharm

Doxycycline hyclate
50 mg
Capsule
Superpharm

Ergoloid mesylates
0.5 mg
Tablet, subling
Zenith

Ergoloid mesylates
1.0 mg
Tablet, subling
KV

Ergoloid mesylates
0.5 mg
Tablet, subling
KV

Ergoloid mesylates
0.5 mg
Tablet, subling
Riker

Ergoloid mesylates
1.0 mg
Tablet, subling
Riker

Ergoloid mesylates
1.0 mg
Tablet, subling
M-J

Erythromycin base
500 mg
Tablet
Barr

Erythromycin base
333 mg
Tablet
Barr

Erythromycin base 1.5%
1.5%
Topical
Barre-National

Erythromycin base enteric coated pellets
250 mg
Capsule
Barr

Erythromycin estolate
125 mg/5 ml
Suspension
Barr

Erythromycin estolate
250 mg/5 ml
Suspension
Barr

Erythromycin ethylsuccinate
200 mg/5 ml
Suspension
KV

Erythromycin ethylsuccinate
400 mg/5 ml
Suspension
KV

Erythromycin ethylsuccinate
400 mg/5 ml
Suspension
Upjohn

Erythromycin ethylsuccinate
200 mg/5 ml
Suspension
Upjohn

Erythromycin stearate
250 mg
Tablet
W-C

Erythromycin stearate
500 mg
Tablet
W-C

Erythromycin stearate
250 mg
Tablet
Bristol-Myers

Erythromycin stearate
500 mg
Tablet
Squibb

Erythromycin stearate
500 mg
Tablet
Pfizer

Erythromycin stearate
250 mg
Tablet
Squibb

Erythromycin stearate
250 mg
Tablet
Pfizer

Fenoprofen calcium
200 mg
Capsule
Halsey

Fenoprofen calcium
300 mg
Capsule
Halsey

Fenoprofen calcium
600 mg
Capsule
Halsey

Fluocinolone acetonide
0.01%
Solution
Marion

Fluocinolone acetonide
0.01%
Cream
NMC

Fluocinolone acetonide
0.025%
Cream
NMC

Fluocinolone acetonide
0.01%
Solution
Pennex

Fluocinolone acetonide
0.025%
Ointment
Pharmaderm/Alta

Fluocinolone acetonide
0.025%
Ointment
Marion

Fluocinolone acetonide
0.01%
Solution
Pharmaderm/Alta

Fluocinolone acetonide
0.01%
Cream
Pharmaderm/Alta

Fluocinolone acetonide
0.01%
Cream
Marion

Fluocinolone acetonide
0.025%
Cream
Marion

Fluocinolone acetonide
0.025%
Cream
Pharmaderm/Alta

Flurazepam
15 mg
Capsule
Halsey

Flurazepam
30 mg
Capsule
Halsey

Flurazepam
30 mg
Capsule
Superpharm

Flurazepam
15 mg
Capsule
Superpharm

Furosemide
20 mg
Tablet
Superpharm

Furosemide
40 mg
Tablet
Superpharm

Gentamicin
3 mg/ml
Ophth solution
Akorn

Gramicidin 0.025 mg, neomycin as sulfate 1.75 mg, polymyxin B sulfate, 10,000 U
Per ml
Solution
Solopak

Guaifenesin 200 mg, hydrocodone bitartrate 5 mg, pseudoephedrine HCl 60 mg
Per 5 ml
Syrup
Pennex

Guaifenesin 200 mg, hydrocodone bitartrate 5 mg, pseudoephedrine HCl 60 mg
Per 5 ml
Syrup
Cenci

Haloperidol
20 mg
Tablet
Par

Haloperidol
10 mg
Tablet
Royce

Haloperidol
0.5 mg
Tablet
Royce

Haloperidol
20 mg
Tablet
Searle

Haloperidol
1 mg
Tablet
Searle

Haloperidol
2 mg
Tablet
Searle

Haloperidol
5 mg
Tablet
Royce

Haloperidol
2 mg/ml
Solution
Pennex

Haloperidol
10 mg
Tablet
Searle

Haloperidol
1 mg
Tablet
Royce

Haloperidol
20 mg
Tablet
Royce

Haloperidol
5 mg
Tablet
Searle

Haloperidol
0.5 mg
Tablet
Searle

Haloperidol
2 mg
Tablet
Royce

Hydralazine HCl
50 mg Tablet
Geneva

Hydralazine HCl
100 mg
Tablet
Barr

Hydralazine HCl
50 mg
Tablet
CIBA

Hydralazine HCl
25 mg
Tablet
Halsey

Hydralazine HCl
25 mg
Tablet
Geneva

Hydralazine HCl
10 mg
Tablet
Halsey

Hydralazine HCl
25 mg
Tablet
CIBA

Hydralazine HCl
50 mg
Tablet
Halsey

Hydralazine HCl
10 mg
Tablet
CIBA

Hydralazine HCl
100 mg
Tablet
Halsey

Hydralazine HCl
25 mg
Tablet
Camall

Hydralazine HCl
100 mg
Tablet
Camall

Hydralazine HCl
50 mg
Tablet
Camall

Hydralazine HCl
10 mg
Tablet
Geneva

Hydralazine HCl
10 mg
Tablet
Camall

Hydralazine with hydrochlorothiazide
25 mg/25 mg
Capsule
Solvay

Hydralazine with hydrochlorothiazide
50 mg/50 mg
Capsule
Solvay

Hydrochlorothiazide
25 mg
Tablet
PFI

Hydrochlorothiazide
50 mg
Tablet
PFI

Hydrochlorothiazide
100 mg
Tablet
CIBA

Hydrochlorothiazide
25 mg
Tablet
CIBA

Hydrochlorothiazide
50 mg
Tablet
CIBA

Hydrochlorothiazide
25 mg
Tablet
Boots Labs

Hydrochlorothiazide
25 mg
Tablet
Eon

Hydrochlorothiazide
50 mg
Tablet
Inwood

Hydrochlorothiazide
50 mg
Tablet
Boots Labs

Hydrochlorothiazide
25 mg
Tablet
Inwood

Hydrochlorothiazide
25 mg
Tablet
Superpharm

Hydrochlorothiazide
50 mg
Tablet
Superpharm

Hydrochlorothiazide
100 mg
Tablet
Superpharm

Hydrocodone bitartrate 2.5 mg with phenylpropanolamine HCl 12.5 mg
Per 5 ml
Syrup
LuChem/H.N. Norton

Hydrocodone bitartrate 2.5 mg with phenylpropanolamine HCl 12.5 mg
Per 5 ml
Syrup
Cenci

Hydrocodone bitartrate 5 mg with phenylpropanolamine HCl 25 mg
Per 5 ml
Syrup
Cenci

Hydrocodone bitartrate 5 mg with phenylpropanolamine HCl 25 mg
Per 5 ml
Syrup
LuChem/H.N. Norton

Hydrocodone bitartrate 5 mg with acetaminophen 500 mg
Per tablet
Tablet
Charlotte

Hydrocodone bitartrate 5 mg with acetaminophen 500 mg
Per tablet
Tablet
Barr

Hydrocodone bitartrate 5 mg, pseudoephedrine HCl 60 mg
Per 5 ml
Syrup
Cenci

Hydrocortisone
1%
Cream
Cenci

Hydrocortisone
1%
Cream
T.P.

Hydrocortisone
2.5%
Cream
Pharmaderm/Alta

Hydrocortisone acetate
25 mg
Suppository
Bio-Pharm

Hydroxyzine HCl
10 mg
Tablet
Halsey

Hydroxyzine HCl
25 mg
Tablet
Halsey

Hydroxyzine HCl
10 mg
Tablet
Eon

Hydroxyzine HCl
50 mg
Tablet
KV

Hydroxyzine HCl
100 mg
Tablet
KV

Hydroxyzine HCl
50 mg
Tablet
Halsey

Hydroxyzine HCl
25 mg
Tablet
Eon

Hydroxyzine HCl
50 mg
Tablet
Eon

Hydroxyzine HCl
10 mg
Tablet
Superpharm

Hydroxyzine HCl
50 mg
Tablet
Zenith

Hydroxyzine HCl
10 mg
Tablet
Zenith

Hydroxyzine HCl
25 mg
Tablet
Superpharm

Hydroxyzine HCl
25 mg
Tablet
Zenith

Hydroxyzine HCl
50 mg
Tablet
Superpharm

Hydroxyzine pamoate
100 mg
Capsule
Superpharm

Hydroxyzine pamoate
50 mg
Capsule
Superpharm

Hydroxyzine pamoate
25 mg
Capsule
Superpharm

Ibuprofen
600 mg
Tablet
Superpharm

Ibuprofen
300 mg
Tablet
PFI

Ibuprofen
400 mg
Tablet
PFI

Ibuprofen
600 mg
Tablet
PFI

Ibuprofen
800 mg
Tablet
PFI

Ibuprofen
600 mg
Tablet
Halsey

Ibuprofen
300 mg
Tablet
Geneva

Ibuprofen
400 mg
Tablet
Halsey

Ibuprofen
300 mg
Tablet
Halsey

Ibuprofen
800 mg
Tablet
Halsey

Imipramine HCl
10 mg
Tablet
Abbott

Imipramine HCl
25 mg
Tablet
Abbott

Imipramine HCl
50 mg
Tablet
Abbott

Imipramine HCl
25 mg
Tablet
Geigy

Imipramine HCl
10 mg
Tablet
Geigy

Imipramine HCl
50 mg
Tablet
Geigy

Indomethacin
50 mg
Capsule
Superpharm

Indomethacin
25 mg
Capsule
Superpharm

Indomethacin
25 mg
Capsule
Pioneer

Inodmethacin
50 mg
Capsule
Pioneer

Iodinated glycerol
60 mg/5 ml
Elixir
Silarx

Iodinated glycerol
60 mg/5 ml
Elixir
Roxane

Iodinated glycerol
30 mg
Tablet
LuChem/H.N. Norton

Iodinated glycerol
60 mg/5 ml
Elixir
LuChem/H.N. Norton

Iodinated glycerol
60 mg/5 ml
Elixir
Naska/Barre-Nat

Iodinated glycerol
50 mg/ml
Solution
LuChem/H.N. Norton

Iodinated glycerol
50 mg/ml
Solution
Hi-Tech

Iodinated glycerol
30 mg
Tablet
Copley

Iodinated glycerol
60 mg/5 ml
Elixir
Hi-Tech

Iodinated glycerol
60 mg/5 ml
Elixir
Barre-National

Iodinated glycerol
60 mg/5 ml
Elixir
Halsey

Iodinated glycerol
30 mg
Tablet
Able

Iodinated glycerol
60 mg/5 ml
Elixir
Duramed

Iodinated glycerol
60 mg/5 ml
Elixir
Cenci

Iodinated glycerol
30 mg
Tablet
Anabolic

Iodinated glycerol
30 mg
Tablet
Trinity

Iodinated glycerol 30 mg, codeine
phosphate 10 mg
Per 5 ml
Liquid
Roxane

Iodinated glycerol 30 mg, dextromethorphan 10 mg
Per 5 ml
Liquid
Roxane

Iodinated glycerol 30 mg, codeine
phosphate 10 mg
Per 5 ml
Liquid
Pennex

Iodinated glycerol 30 mg, codeine
phosphate 10 mg
Per 5 ml
Liquid
LuChem/H.N. Norton

Iodinated glycerol 30 mg, codeine
phosphate 10 mg
Per 5 ml
Liquid
Barre-National

Iodinated glycerol 30 mg, codeine
phosphate 10 mg
Per 5 ml
Liquid
Cenci

Iodinated glycerol 30 mg, codeine
phosphate 10 mg
Per 5 ml
Liquid
Halsey

Iodinated glycerol 30 mg, codeine
phosphate 10 mg
Per 5 ml
Liquid
Duramed

Iodinated glycerol 30 mg, dextromethorphan 10 mg
Per 5 ml
Liquid
Cenci

Iodinated glycerol 30 mg, dextromethorphan 10 mg
Per 5 ml
Liquid
Hi-Tech

Iodinated glycerol 30 mg, dextromethorphan 10 mg
Per 5 ml
Liquid
Halsey

Iodinated glycerol 30 mg, dextromethorphan 10 mg
Per 5 ml
Liquid
Duramed

Iodinated glycerol 30 mg, dextromethorphan 10 mg
Per 5 ml
Liquid
Barre-National

Iodinated glycerol 30 mg, dextromethorphan 10 mg
Per 5 ml
Liquid
LuChem/H.N. Norton

Iodinated glycerol 30 mg, dextromethorphan 10 mg
Per 5 ml
Liquid
Pennex

Iodinated glycerol 30 mg, dextromethorphan 10 mg
Per 5 ml
Liquid
Silarx

Isoproterenol HCl
0.5%
Inhalation
Dey

Isosorbide dinitrate
10 mg
Tablet, oral
Zenith

Isosorbide dinitrate
2.5 mg
Tablet, subling
Par

Isosorbide dinitrate
5 mg
Tablet, subling
Par

Isoxsuprine HCl
20 mg
Tablet
Sidmak

Isoxsuprine HCl
10 mg
Tablet
Sidmak

Isoxsuprine HCl
10 mg
Tablet
Roxane

Isoxsuprine HCl
10 mg
Tablet
Roxane

Isoxsuprine HCl
20 mg
Tablet
Roxane

Isoxsuprine HCl
10 mg
Tablet
Boots Labs

Isoxsuprine HCl
20 mg
Tablet
Boots Labs

Isoxsuprine HCl
10 mg
Tablet
Halsey

Isoxsuprine HCl
20 mg
Tablet
Halsey

Isoxsuprine HCl
10 mg
Tablet
Superpharm

Isoxsuprine HCl
20 mg
Tablet
Superpharm

Lindane
1%
Shampoo
Stiefel

Lindane
1%
Lotion
Stiefel

Lorazepam
2.0 mg
Tablet
Superpharm

Lorazepam
0.5 mg
Tablet
Superpharm

Lorazepam
1.0 mg
Tablet
Superpharm

Meclizine HCl
25 mg
Tablet
Zenith

Meclizine HCl
25 mg
Tablet
KV

Meclizine HCl
25 mg
Tablet
Boots Labs

Meclizine HCl
12.5 mg
Tablet
KV

Meprobamate
400 mg
Tablet
Bell

Meprobamate
400 mg
Tablet
Barr

Meprobamate
200 mg
Tablet
Bell

Meprobamate
400 mg
Tablet
Boots Labs

Meprobamate
200 mg
Tablet
Barr

Meprobamate
400 mg
Tablet
SKF

Meprobamate
400 mg
Tablet
Lee

Meprobamate
200 mg
Tablet
Roxane

Meprobamate
200 mg
Tablet
Lederle

Meprobamate
400 mg
Tablet
Lederle

Meprobamate
200 mg
Tablet
Purepac

Meprobamate
400 mg
Tablet
Roxane

Meprobamate
400 mg
Tablet
Purepac

Meprobamate
200 mg
Tablet
T-P.

Meprobamate
400 mg
Tablet
T-P.

Methocarbamol
500 mg
Tablet
Superpharm

Methocarbamol
750 mg
Tablet
Superpharm

Methocarbamol
750 mg
Tablet
KV

Methocarbamol
500 mg
Tablet
KV

Methocarbamol
500 mg
Tablet
Inwood

Methocarbamol
750 mg
Tablet
Inwood

Methocarbamol
500 mg
Tablet
Boots Labs

Methocarbamol
750 mg
Tablet
Boots Labs

Methocarbamol
500 mg
Tablet
Robins

Methocarbamol
750 mg
Tablet
Robins

Methyldopa
125 mg
Tablet
Lederle

Methyldopa
500 mg
Tablet
Roxane

Methyldopa
125 mg
Tablet
Roxane

Methyldopa
250 mg
Tablet
Roxane

Methyldopa
250 mg
Tablet
W-C

Methyldopa
500 mg
Tablet
W-C

Methyldopa 250 mg with Chlorothiazide 150 mg
150 mg
Tablet
Par

Methyldopa 250 mg with Chlorothiazide 250 mg
250 mg
Tablet
Par

Metoclopramide
10 mg
Tablet
Schering

Metoclopramide
10 mg
Tablet
Superpharm

Metoclopramide
10 mg
Tablet
Interpharm

Metronidazole
250 mg
Tablet
Halsey

Metronidazole
500 mg
Tablet
Halsey

Metronidazole
500 mg
Tablet
Superpharm

Metronidazole
250 mg
Tablet
Superpharm

Minoxidil
2.5 mg
Tablet
Royce

Minoxidil
10 mg
Tablet
Royce

Multiple vitamins with fluoride
0.25 mg F/ml
Drops
Esquire

Multiple vitamins with fluoride
0.5 mg F/ml
Drops
Esquire

Naphazoline HCl, pheniramine maleate
0.025/0.3%
Opth solution
Optopics

Nitroglycerin
20 mg/g
Ointment
Adria

Nitroglycerin
20 mg/g
Ointment
Biocraft

Norethindrone with ethinyl estradiol
1 mg/35 mcg
Tablet, 21s
Schering

Norethindrone with ethinyl estradiol
1 mg/35 mcg
Tablet, 21s
Searle

Norethindrone with mestranol
1 mg/50 mcg
Tablet, 28s
Searle

Nystatin
100,000 U
Tablet, vaginal
Pharmaderm/Alta

Nystatin
100,000 U/g
Cream
Lederle

Nystatin
500,000 U
Tablet
Lederle

Nystatin
100,000 U/g
Ointment
Lederle

Nystatin
100,000 U
Tablet, vaginal
Lederle

Nystatin
50,000 U
Tablet
Chelsea

Nystatin
100,000 U
Tablet, vaginal
Fougera/Altana

Nystatin 100,000 U, triamcinolone acetonide 0.1%
Per g
Ointment
Pharmaderm/Alta

Nystatin 100,000 U, triamcinolone acetonide 0.1%
Per g
Cream
Pharmaderm/Alta

Oxazepam
10 mg
Capsule
Barr

Oxazepam
30 mg
Capsule
Barr

Oxazepam
15 mg
Capsule
Barr

Oxycodone HCl, oxycodone terephthalate, aspirin
4.50/0.38/325 mg
Tablet
Halsey

Penicillin G potassium
200,000 U/5 ml
For solution
Biocraft

Penicillin G potassium
400,000 U/5 ml
For solution
Biocraft

Penicillin G potassium
400,000 U
Tablet
Pfizer

Penicillin G potassium
800,000 U
Tablet
Pfizer

Penicillin G potassium
400,000 U/5 ml
For solution
Lilly

Penicillin G potassium
200,000 U
Tablet
Pfizer

Penicillin VK
500 mg
Tablet
Pfizer

Penicillin VK
250 mg/5 ml
For solution
Pfizer

Penicillin VK
250 mg
Tablet
Pfizer

Penicillin VK
125 mg/5 ml
For solution
Pfizer

Penicillin VK
500 mg
Tablet
Pfizer

Penicillin VK
250 mg/5 ml
For solution
Lilly

Penicillin VK
125 mg/5 ml
For solution
Lilly

Penicillin VK
250 mg
Tablet
Lilly

Penicillin VK
500 mg
Tablet
Upjohn

Penicillin VK
250 mg
Tablet
Upjohn

Penicillin VK
250 mg/5 ml
For solution
Upjohn

Penicillin VK
125 mg/5 ml
For solution
Upjohn

Phenazopyridine HCl
100 mg
Tablet
Copley

Phenazopyridine HCl
200 mg
Tablet
Copley

Phenylbutazone
100 mg
Capsule
USV

Phenylbutazone
100 mg
Tablet
USV

Phenylbutazone
100 mg
Capsule
Zenith

Pilocarpine HCl
5%
Ophth solution
Solopak

Pilocarpine HCl
6%
Ophth solution
Solopak

Pilocarpine HCl
0.5%
Ophth solution
Solopak

Pilocarpine HCl
4%
Ophth solution
Solopak

Pilocarpine HCl
1%
Ophth solution
Solopak

Pilocarpine HCl
2%
Ophth solution
Solopak

Pilocarpine HCl
3%
Ophth solution
Steris

Pilocarpine HCl
5%
Ophth solution
Steris

Pilocarpine HCl
3%
Ophth solution
Solopak

Pilocarpine HCl
6%
Ophth solution
Steris

Pilocarpine HCl
0.5%
Ophth solution
Steris

POLY-VI-FLOR Substitute
1.0 mg F
Tablet, chewable
Par

POLY-VI-FLOR Substitute
1.0 mg F
Tablet, chewable
Sidmak

Potassium bicarbonate
2.5 g (25mEq K+)
Tablet, efferves
Cima

Potassium bicarbonate
2.5 g (25mEq K+)
Tablet, efferves
Hudson

Potassium chloride
10 mEq (750 mg)
Capsule, ER
Adria

Potassium chloride
20 mEq/packet
Powder
Berlex

Potassium chloride
10% (20mEq/15ml)
Liquid
Dorsey

Potassium chloride
10% (20mEq/15ml)
Liquid
Berlex

Potassium chloride
10% (20mEq/15ml)
Liquid
Clay-Park

Potassium chloride
20% (40mEq/15ml)
Liquid
Adria

Potassium chloride
10% (20mEq/15ml)
Liquid
Adria

Potassium chloride
20m Eq/packet
Powder
KV

Potassium chloride
10% (20mEq/15ml)
Liquid
T.P.

Potassium chloride
20% (40mEq/15ml)
Liquid
T.P.

Potassium chloride
20% (40mEq/15ml)
Liquid
Pharmavite

Potassium chloride
10% (20mEq/15ml)
Liquid
Newtron

Potassium chloride
20% (40mEq/15ml)
Liquid
Newtron

Potassium chloride
20mEq/packet
Powder
Roxane

Potassium chloride
10% (20mEq/15ml)
Liquid
Pharmavite

Potassium gluconate
10% (20mEq/15ml)
Elixir
Newtron

Potassium gluconate
10% (20mEq/15ml)
Elixir
Pharm.Assocs.

Potassium gluconate
10% (20mEq/15ml)
Elixir
Pennex

Potassium gluconate
10% (20mEq/15ml)
Elixir
Adria

Prednisolone acetate 0.2% with sodium
sulfacetamide 10%
Ophth susp.
Americal

Procainamide HCl
375 mg
Capsule
Geneva

Procainamide modified release
750 mg
Tablet
Central

Procainamide modified release
250 mg
Tablet
Central

Procainamide modified release
500 mg
Tablet
Central

Promethazine HCl
25 gm/5 ml
Syrup
Barre-National

Promethazine HCl
6.25 gm/5 ml
Syrup
Pennex

Promethazine HCl 6.25 mg, codeine
phosphate 10 mg
Per 5 ml
Syrup
Pennex

Promethazine HCl 6.25 mg, dextromethorphan HBr 15 mg
Per 5 ml
Syrup
Pennex

Promethazine HCl 6.25 mg, dextromethorphan HBr 15 mg
Per 5 ml
Syrup
Cenci

Promethazine HCl 6.25 mg, phenylephrine HCl 5 mg
Per 5 ml
Syrup
Pennex

Promethazine HCl 6.25 mg, phenylephrine HCl 5 mg, codeine phosphate 10 mg
Per 5 ml
Syrup
Pennex

Propantheline bromide
15 mg
Tablet
Geneva

Proposyphene napsylate/ acetaminophen
100 mg/650 mg
Tablet
Halsey

Proposyphene napsylate/ acetaminophen
50 mg/325 mg
Tablet
Halsey

Proposyphene napsylate/ acetaminophen
100 mg/650 mg
Tablet
Superpharm

Propoxyphene HCl
65 mg
Capsule
Lederle

Propoxyphene HCl
65 mg
Capsule
SKF

Propoxyphene HCl
65 mg
Capsule
Halsey

Propoxyphene HCl/Aspirin/ Caffeine
65/389/32.4 mg
Capsule
Zenith

Propranolol HCl
80 mg
Tablet
Superpharm

Propranolol HCl
40 mg
Tablet
Superpharm

Propranolol HCl
10 mg
Tablet
Superpharm

Propranolol HCl
20 mg
Tablet
Superpharm

Propranolol HCl
10 mg
Tablet
Duramed

Propranolol HCl
60 mg
Tablet
Duramed

Propranolol HCl
40 mg
Tablet
Duramed

Propranolol HCl
90 mg
Tablet
Duramed

Propranolol HCl
20 mg
Tablet
Duramed

Propranolol HCl
80 mg
Tablet
Duramed

Propranolol HCl
90 mg
Tablet
Roxane

Propranolol HCl
20 mg
Tablet
Schering

Propranolol HCl
40 mg
Tablet
Schering

Propranolol HCl
80 mg
Tablet
Schering

Propranolol HCl
60 mg
Tablet
Schering

Propranolol HCl
10 mg
Tablet
Schering

Quinidine gluconate
324 mg
Tablet, ER
Halsey

Quinine sulfate
260 mg
Tablet
Geneva

Salsalate
500 mg
Tablet
Lee

Salsalate
750 mg
Tablet
Lee

Sodium fluoride (0.5 mg F)
1.1 mg
Tablet
Lee

Sodium fluoride (0.5 mg F)
1.1 mg
Tablet
Able

Sodium fluoride (1 mg F)
2.2 mg
Tablet
Able

Sodium fluoride (1 mg F)
2.2 mg
Tablet
T.P.

Sodium fluoride (1 mg F)
2.2 mg
Tablet
Lee

Spironolactone
25 mg
Tablet
Superpharm

Spironolactone/ Hydrochlorothiazide
25 mg/25 mg
Tablet
Superpharm

Sulfacetamide sodium
30%
Ophth solution
Akorn

Sulfacetamide sodium
30%
Ophth solution
Americal

Sulfacetamide sodium
10%
Ophth solution
Americal

Sulfacetamide sodium
30%
Ophth solution
Allergan

Sulfacetamide sodium
30%
Ophth solution
Schering

Sulfacetamide sodium
10%
Ophth solution
Schering

Sulfacetamide sodium
10%
Ophth solution
Schering

Sulfacetamide sodium
10%
Ophth solution
Maurry

Sulfacetamide sodium
30%
Ophth solution
Optopics

Sulfamethoxazole/trimethoprim
800 mg/160 mg
Tablet
Pharbita

Sulfamethoxazole/trimethoprim
400 mg/80 mg
Tablet
Pharbita

Sulfamethoxazole/trimethoprim
400 mg/80 mg
Tablet
Superpharm

Sulfamethoxazole/trimethoprim
800 mg/160 mg
Tablet
Superpharm

Sulfamethoxazole/trimethoprim
800 mg/160 mg
Tablet
Barr

Sulfamethoxazole/trimethoprim
800 mg/160 mg
Tablet
B-W

Sulfamethoxazole/trimethoprim
400 mg/80 mg
Tablet
Barr

Sulfamethoxazole/trimethoprim
400 mg/80 mg
Tablet
B-W

Sulfasalazine
0.5 g
Tablet
Superpharm

Sulfasalazine
0.5 g
Tablet
VIP

Sulfinpyrazone
100 mg
Tablet
Zenith

Temazepam
15 mg
Capsule
Barr

Tetracycline HCl
125 mg/5 ml
Suspension
Barre-National

Tetracycline HCl
500 mg
Capsule
Rachelle

Tetracycline HCl
250 mg
Capsule
Robins

Tetracycline HCl
125 mg/5 ml
Suspension
Purepac

Tetracycline HCl
250 mg
Capsule
Rachelle

Tetracycline HCl
125 mg/5 ml
Suspension
Lederle

Tetracycline HCl
500 mg
Capsule
Pfizer

Tetracycline HCl
125 mg/5 ml
Suspension
Pfizer

Tetracycline HCl
125 mg/5 ml
Suspension
Robins

Tetracycline HCl
500 mg
Capsule
Robins

Tetracycline HCl
500 mg
Capsule
PFI

Tetracycline HCl
250 mg
Capsule
PFI

Tetracycline HCl
250 mg
Capsule
Pfizer

Tetracycline HCl
125 mg/5 ml
Suspension
Upjohn

Theophylline
80 mg/15 ml
Elixir
Bell

Theophylline
80 mg/15 ml
Elixir
Berlex

Theophylline 150 mg,
guaifenesin 90 mg
Per 15 ml
Liquid
M-J

Theophylline 8 mg/15 ml with
potassium
iodide 130 mg/15 ml
Elixir
Barre-National

Theophylline 8 mg/15 ml with
potassium
iodide 130 mg/15 ml
Elixir
Berlex

Thioridazine HCl
150 mg
Tablet
Barr

Thioridazine HCl
100 mg/ml
Concentrate
Geneva

Thioridazine HCl
100 mg/ml
Concentrate
Copley

Thioridazine HCl
200 mg
Tablet
Barr

Thioridazine HCl
10 mg
Tablet
Superpharm

Thioridazine HCl
25 mg
Tablet
Superpharm

Thioridazine HCl
50 mg
Tablet
Zenith

Thioridazine HCl
25 mg
Tablet
Zenith

Thioridazine HCl
50 mg
Tablet
Superpharm

Thioridazine HCl
10 mg
Tablet
Zenith

Thioridazine HCl
15 mg
Tablet
Zenith

Thioridazine HCl
100 mg
Tablet
Zenith

Tolazamide HCl
100 mg
Tablet
Mylan

Tolbutamide
0.5 g
Tablet
Lederle

Tolbutamide
0.5 g
Tablet
Geneva

Tolbutamide
0.5 g
Tablet
Superpharm

Triamcinolone acetonide
0.025%
Cream
Lederle

Triamcinolone acetonide
0.1%
Ointment
Lederle

Triamcinolone acetonide
0.1%
Cream
Lederle

Triamcinolone acetonide
0.025%
Ointment
Pennex

Triamcinolone acetonide
0.1%
Cream
Pennex

Triamcinolone acetonide
0.1%
Ointment
Pennex

Triamcinolone acetonide
0.5%
Cream
Lederle

Triamcinolone acetonide
0.025%
Cream
Pennex

Triamcinolone acetonide
0.5%
Ointment
Lederle

Triamcinolone acetonide
0.5%
Ointment
Pennex

Trifluoperazine HCl
10 mg/ml
Concentrate
My-K/Pharmbasic

Trifluoperazine HCl
1 mg
Tablet
Geneva

Trihexyphenidyl HCl
2 mg
Tablet
Schering

Trihexyphenidyl HCl
5 mg
Tablet
Schering

Trimethoprim
100 mg
Tablet
Barr

Vitamins ADC with fluoride.
Per tablet:
F, 1 mg
A, 2500 U
D, 400 U
C, 60 mg
0.5 mg F/ml
Drops
Pennex

Vitamins ADC with fluoride.
Per tablet:
F, 1 mg
A, 2500 U
D, 400 U
C, 60 mg
0.25 mg F/ml
Drops
M-J

Vitamins ADC with fluoride.
Per tablet:
F, 1 mg
A, 2500 U
D, 400 U
C, 60 mg
0.25 mg F/ml
Drops
Esquire

Vitamins ADC with fluoride.
Per tablet:
F, 1 mg
A, 2500 U
D, 400 U
C, 60 mg
0.5 mg/F ml
Drops
Esquire

(a)

DRUG UTILIZATION REVIEW COUNCIL

List of Interchangeable Drug Products

Proposed Repeal and New Rules: N.J.A.C. 8:71

Proposed: January 3, 1994 at 25 N.J.R. 14(a).
Adopted: April 12, 1994 by the Drug Utilization Review Council, Henry Kozek, Secretary.
Filed: April 25, 1994 as R.1994 d.244, **with the inclusion of properly proposed items that were adopted in the January 18, 1994 or March 21, 1994, New Jersey Registers (see 26 N.J.R. 362(b), 363(a), 364(a), 364(b) and 26 N.J.R. 1347(a), 1347(b), 1348(a)) by the Drug Utilization Review Council that are listed here in the new format.**

Authority: N.J.S.A. 24:6E-6(g).

Effective Date: May 16, 1994.
Expiration Date: May 16, 1999.

Summary of Public Comments and Agency Responses:

The Drug Utilization Review Council received one comment pertaining to this readoption.

COMMENT: Geneva Pharmaceuticals noted that its generic substitutes for the following products were not included in the newly formatted list: Aldomet 125 mg tablets, Tavist 1.34 mg and 2.68 mg tablets, Neptazane 50 mg tablets, Norpramin 150 mg tablets, Prolixin 10 mg tablets, Restoril 30 mg capsules, and Tolmetin 600 tablets.

RESPONSE: The Council verified that Geneva's products were adopted subsequent to the proposal and prior to the adoption of this new rule. The new rule will include those products; therefore, Geneva's products will be incorporated.

Summary of Hearing Officer's Recommendations and Agency Responses:

A public hearing on the proposed additions to the List of Interchangeable Drug Products was held on January 24, 1994. Mark A. Strollo, R.Ph., M.S., served as the hearing officer. No one attended the hearing. One comment was received as summarized above. The hearing officer recommended that the decisions be made based upon the available information. The Council adopted the products proposed for inclusion in the new formulary, adding in the new format those products adopted and published thus far in 1994.

Shown as additions upon adoption to the formulary are those products which were properly proposed and adopted in the January 18, 1994 or March 21, 1994, New Jersey Registers (see 26 N.J.R. 362(b), 363(a), 364(a), 364(b) and 26 N.J.R. 1347(a), 1347(b), 1348(a)) by the Drug Utilization Review Council prior to the adoption of this new format.

These products and their manufacturers are included in the adoption which follows in a standardized format for each drug product listed:
The name of the substituted brand name drug:
The generic name of the drug product:
The strength of the drug product:
The dosage delivery system of the drug product (for example, cream, capsule, tablet):
The name of the generic drug's manufacturer:

Full text of the adoption follows (additions indicated in boldface with asterisks ***thus***):

CHAPTER 71
INTERCHANGEABLE DRUG PRODUCTS

The following drugs are listed alphabetically, in a format which represents the name of the substituted brand, the name of the generic drug, the strength of the drug, the type of drug, and the name of the manufacturer of the generic drug, as in the following example:

SUBSTITUTED BRAND ..... A/T/S
GENERIC ..... Erythromycin
STRENGTH 2%
TYPE ..... Solution
GENERIC MANUFACTURER ..... Naska/Barre-Nat

A/T/S	ACHROMYCIN V
Erythromycin	Tetracycline HCl
2%	125 mg/5 ml
Solution	Suspension
Naska/Barre-Nat	Squibb
A/T/S	ACHROMYCIN V
Erythromycin	Tetracycline HCl
2%	250 mg
Solution	Capsule
Paddock	Steri-Med
A/T/S	ACHROMYCIN V
Erythromycin	Tetracycline HCl
2%	125 mg/5 ml
Solution	Suspension
Syosset	MK
A/T/S	ACHROMYCIN V
Erythromycin	Tetracycline HCl
2%	250 mg
Solution	Capsule
Pennex	MK
A/T/S	ACHROMYCIN V
Erythromycin	Tetracycline HCl
2%	250 mg
Solution	Capsule
Barre-National	P-D
A/T/S	ACHROMYCIN V
Erythromycin	Tetracycline HCl
2%	250 mg
Solution	Capsule
Bausch & Lomb	Mylan
A/T/S	ACHROMYCIN V
Erythromycin	Tetracycline HCl
2%	500 mg
Solution	Capsule
Clay Park	P-D
ACHROMYCIN V	ACHROMYCIN V
Tetracycline HCl	Tetracycline HCl
250 mg	500 mg
Capsule	Capsule
Danbury	Mylan
ACHROMYCIN V	ACHROMYCIN V
Tetracycline HCl	Tetracycline HCl
500 mg	250 mg
Capsule	Capsule
Danbury	Upjohn
ACHROMYCIN V	ACHROMYCIN V
Tetracycline HCl	Tetracycline HCl
500 mg	250 mg
Capsule	Capsule
Purepac	Zenith
ACHROMYCIN V	ACHROMYCIN V
Tetracycline HCl	Tetracycline HCl
250 mg	500 mg
Capsule	Capsule
Squibb	Zenith
ACHROMYCIN V	ACHROMYCIN V
Tetracycline HCl	Tetracycline HCl
250 mg	250 mg
Capsule	Capsule
Purepac	Wyeth
ACHROMYCIN V	ACHROMYCIN V
Tetracycline HCl	Tetracycline HCl
500 mg	500 mg
Capsule	Capsule
Squibb	Atral

ACHROMYCIN V
Tetracycline HCl
500 mg
Capsule
Wyeth

ACHROMYCIN V
Tetracycline HCl
250 mg
Capsule
Atral

ACHROMYCIN V
Tetracycline HCl
500 mg
Capsule
Barr

ACHROMYCIN V
Tetracycline HCl
250 mg
Capsule
Barr

ACHROMYCIN V
Tetracycline HCl
250 mg
Capsule
Bristol-Myers

ACHROMYCIN V
Tetracycline HCl
250 mg
Capsule
ICN

ACHROMYCIN V
Tetracycline HCl
500 mg
Capsule
Halsey

ACHROMYCIN V
Tetracycline HCl
500 mg
Capsule
Lederle

ACHROMYCIN V
Tetracycline HCl
250 mg
Capsule
Lederle

ACTIFED WITH CODEINE
Tripolidine HCl 1.25 mg/
Codeine Phosphate 10 mg/
Pseudoephedrine
HCl 30 mg
Per 5 ml
Syrup
Pennex

ACTIFED WITH CODEINE
Tripolidine HCl 1.25 mg/
Codeine Phosphate 10 mg/
Pseudoephedrine
HCl 30 mg
Per 5 ml
Syrup
Barre-National

ACTIFED WITH CODEINE
Tripolidine HCl 1.25 mg/
Codeine Phosphate 10 mg/
Pseudoephedrine
HCl 30 mg
Per 5 ml
Syrup
Cenci

ALDACTAZIDE
Spironolactone/
Hydrochlorothiazide
25 mg/25 mg
Tablet
Barr

ALDACTAZIDE
Spironolactone/
Hydrochlorothiazide
25 mg/25 mg
Tablet
Danbury

ALDACTAZIDE
Spironolactone/
Hydrochlorothiazide
25 mg/25 mg
Tablet
Mylan

ALDACTAZIDE
Spironolactone/
Hydrochlorothiazide
25 mg/25 mg
Tablet
Mutual

ALDACTONE
Spironolactone
25 mg
Tablet
Mylan

ALDACTONE
Spironolactone
25 mg
Tablet
Mutual

ALDACTONE
Spironolactone
25 mg
Tablet
Chelsea

ALDACTONE
Spironolactone
25 mg
Tablet
Purepac

ALDOMET
Methyldopa
500 mg
Tablet
Purepac

ALDOMET
Methyldopa
250 mg
Tablet
Purepac

ALDOMET
Methyldopa
125 mg
Tablet
Sidmak

ALDOMET
Methyldopa
500 mg
Tablet
Sidmak

ALDOMET
Methyldopa
250 mg
Tablet
Sidmak

ALDOMET
Methyldopa
125 mg
Tablet
Sidmak

ALDOMET
Methyldopa
500 mg
Tablet
Par

ALDOMET
Methyldopa
500 mg
Tablet
Mylan

ALDOMET
Methyldopa
250 mg
Tablet
Par

ALDOMET
Methyldopa
500 mg
Tablet
Par

ALDOMET
Methyldopa
250 mg
Tablet
Novopharm

ALDOMET
Methyldopa
500 mg
Tablet
Novopharm

ALDOMET
Methyldopa
250 mg
Tablet
Mylan

ALDOMET
Methyldopa
125 mg
Tablet
Novopharm

ALDOMET
Methyldopa
500 mg
Tablet
Lederle

ALDOMET
Methyldopa
500 mg
Tablet
Halsey

ALDOMET
Methyldopa
250 mg
Tablet
Lederle

ALDOMET
Methyldopa
250 mg
Tablet
Halsey

ALDOMET
Methyldopa
125 mg
Tablet
Halsey

ALDOMET
Methyldopa
500 mg
Tablet
Geneva

ALDOMET
Methyldopa
250 mg
Tablet
Geneva

ALDOMET
Methyldopa
500 mg
Tablet
Danbury

ALDOMET
Methyldopa
125 mg
Tablet
Danbury

ALDOMET
Methyldopa
250 mg
Tablet
Danbury

ALDOMET
Methyldopa
250 mg
Tablet
Zenith

ALDOMET
Methyldopa
500 mg
Tablet
Zenith

ALDOMET
Methyldopa
500 mg
Tablet
West Point

ALDOMET
Methyldopa
250 mg
Tablet
West Point

ALDOMET
Methyldopa
125 mg
Tablet
West Point

ALDORIL
Methyldopa 500 mg with
Hydrochlorothiazide 30 mg
D-50
Tablet
Watson

ALDORIL
Methyldopa 500 mg with
Hydrochlorothiazide 30 mg
D-50
Tablet
Watson

ALDORIL
Methyldopa 500 mg with
Hydrochlorothiazide 30 mg
D-30
Tablet
W-C

ALDORIL
Methyldopa 500 mg with
Hydrochlorothiazide 30 mg
D-30
Tablet
Watson

ALDORIL
Methyldopa with
Hydrochlorothiazide
250 mg/25 mg
Tablet
Watson

ALDORIL
Methyldopa with
Hydrochlorothiazide
250 mg/15 mg
Tablet
Watson

ALDORIL
Methyldopa with
Hydrochlorothiazide
250 mg/15 mg
Tablet
Purepac

ALDORIL
Methyldopa with
Hydrochlorothiazide
250 mg/25 mg
Tablet
Purepac

ALDORIL
Methyldopa with
Hydrochlorothiazide
250 mg/25 mg
Tablet
Novopharm

ALDORIL
Methyldopa 500 mg with
Hydrochlorothiazide 50 mg
D-50
Tablet
Par

ALDORIL
Methyldopa with
Hydrochlorothiazide
250 mg/15 mg
Tablet
Mylan

ALDORIL
Methyldopa 500 mg with
Hydrochlorothiazide 50 mg
D-50
Tablet
Novopharm

ALDORIL
Methyldopa with
Hydrochlorothiazide
250 mg/15 mg
Tablet
Par

ALDORIL
Methyldopa with
Hydrochlorothiazide
250 mg/25 mg
Tablet
Novopharm

ALDORIL
Methyldopa 500 mg with
Hydrochlorothiazide 30 mg
D-30
Tablet
Par

ALDORIL
Methyldopa 500 mg with
Hydrochlorothiazide 30 mg
D-30
Tablet
Novopharm

ALDORIL
Methyldopa with
Hydrochlorothiazide
250 mg/15 mg
Tablet
Novopharm

ALDORIL
Methyldopa with
Hydrochlorothiazide
250 mg/25 mg
Tablet
Mylan

ALDORIL
Methyldopa with
Hydrochlorothiazide
250 mg/15 mg
Tablet
Geneva

ALDORIL
Methyldopa 500 mg with
Hydrochlorothiazide 30 mg
D-30
Tablet
Geneva

ALDORIL
Methyldopa with
Hydrochlorothiazide
250 mg/25 mg
Tablet
Danbury

ALDORIL
Methyldopa 500 mg with
Hydrochlorothiazide 30 mg
D-50
Tablet
Danbury

ALDORIL
Methyldopa with
Hydrochlorothiazide
250 mg/15 mg
Tablet
Danbury

ALDORIL
Methyldopa 500 mg with
Hydrochlorothiazide 30 mg
D-50
Tablet
Geneva

ALDORIL
Methyldopa 500 mg with
Hydrochlorothiazide 30 mg
D-30
Tablet
Danbury

ALDORIL
Methyldopa with
Hydrochlorothiazide
250 mg/25 mg
Tablet
Geneva

ALDORIL-15
Methyldopa with
Hydrochlorothiazide
250 mg/15 mg
Tablet
West Point

ALDORIL-25
Methyldopa with
Hydrochlorothiazide
250 mg/25 mg
Tablet
Par

ALDORIL-25
Methyldopa with
Hydrochlorothiazide
250 mg/25 mg
Tablet
West Point

ALUPENT
Metaproterenol
0.4%
Inhalation Soln
Dey

ALUPENT
Metaproterenol
20 mg
Tablet
Danbury

ALUPENT
Metaproterenol
10 mg
Tablet
Danbury

ALUPENT
Metaproterenol
0.6%
Inhalation Soln
Dey

ALUPENT
Metaproterenol
10 mg/5 ml
Syrup
Copley

ALUPENT
Metaproterenol
10 mg/5 ml
Syrup
Silarx

ALUPENT
Metaproterenol
10 mg/5 ml
Syrup
Pennex

ALUPENT
Metaproterenol
10 mg
Tablet
Par

ALUPENT
Metaproterenol
0.4%
Inhalation Soln
Paco

ALUPENT
Metaproterenol
0.6%
Inhalation Soln
Paco

ALUPENT
Metaproterenol
20 mg
Tablet
Par

ALUPENT
Metaproterenol
20 mg
Tablet
Biocraft

ALUPENT
Metaproterenol
10 mg/5 ml
Syrup
Biocraft

ALUPENT
Metaproterenol
10 mg
Tablet
Biocraft

AMBENYL
Bromodiphenhydramine HCl
12.5 mg with
Codeine Phosphate 10 mg
Per 5 ml
Syrup
Barre-National

AMBENYL
Bromodiphenhydramine HCl
12.5 mg with
Codeine Phosphate 10 mg
Per 5 ml
Syrup
Pennex

AMOXIL
Amoxicillin as the trihydrate
250 mg
Capsule
Squibb

AMOXIL
Amoxicillin as the trihydrate
250 mg
Capsule
TEVA

AMOXIL
Amoxicillin as the trihydrate
250 mg/5 ml
Suspension
Squibb

AMOXIL
Amoxicillin as the trihydrate
500 mg
Capsule
TEVA

AMOXIL
Amoxicillin as the trihydrate
125 mg/5 ml
Suspension
Squibb

AMOXIL
Amoxicillin as the trihydrate
500 mg
Capsule
Squibb

AMOXIL
Amoxicillin as the trihydrate
125 mg/5 ml
Suspension
Clonmel

AMOXIL
Amoxicillin as the trihydrate
250 mg/5 ml
Suspension
Copanos

AMOXIL
Amoxicillin as the trihydrate
250 mg/5 ml
Suspension
Clonmel

AMOXIL
Amoxicillin as the trihydrate
250 mg
Capsule
Copanos

AMOXIL
Amoxicillin as the trihydrate
500 mg
Capsule
Copanos

AMOXIL
Amoxicillin as the trihydrate
125 mg/5 ml
Suspension
Copanos

AMOXIL
Amoxicillin as the trihydrate
500 mg
Capsule
Clonmel

AMOXIL
Amoxicillin as the trihydrate
250 mg
Capsule
Clonmel

AMOXIL
Amoxicillin as the trihydrate
500 mg
Capsule
Wyeth

AMOXIL
Amoxicillin as the trihydrate
250 mg
Capsule
Wyeth

AMOXIL
Amoxicillin as the trihydrate
125 mg/5 ml
Suspension
Wyeth

AMOXIL
Amoxicillin as the trihydrate
250 mg/5 ml
Suspension
Wyeth

AMOXIL
Amoxicillin as the trihydrate
250 mg/5 ml
Suspension
Biocraft

AMOXIL
Amoxicillin as the trihydrate
500 mg
Capsule
Beecham

AMOXIL
Amoxicillin as the trihydrate
250 mg
Capsule
Beechem

AMOXIL
Amoxicillin as the trihydrate
125 mg/5 ml
Suspension
Beecham

AMOXIL
Amoxicillin as the trihydrate
125 mg/5 ml
Suspension
Biocraft

AMOXIL
Amoxicillin as the trihydrate
250 mg
Tablet, chewable
Biocraft

AMOXIL
Amoxicillin as the trihydrate
250 mg/5 ml
Suspension
Bristol-Myers

AMOXIL
Amoxicillin as the trihydrate
500 mg
Capsule
Bristol-Myers

AMOXIL
Amoxicillin as the trihydrate
250 mg
Capsule
Bristol-Myers

AMOXIL
Amoxicillin as the trihydrate
500 mg
Capsule
Biocraft

AMOXIL
Amoxicillin as the trihydrate
250 mg/5 ml
Suspension
Beecham

AMOXIL
Amoxicillin as the trihydrate
125 mg/5 ml
Suspension
Bristol-Myers

AMOXIL
Amoxicillin as the trihydrate
125 mg/5 ml
Suspension
Novopharm

AMOXIL
Amoxicillin as the trihydrate
250 mg
Capsule
P-D

AMOXIL
Amoxicillin as the trihydrate
125 mg/5 ml
Suspension
P-D

AMOXIL
Amoxicillin as the trihydrate
250 mg/5 ml
Suspension
P-D

AMOXIL
Amoxicillin as the trihydrate
250 mg
Capsule
Mylan

AMOXIL
Amoxicillin as the trihydrate
500 mg
Capsule
P-D

AMOXIL
Amoxicillin as the trihydrate
250 mg/5 ml
Suspension
Novopharm

AMOXIL
Amoxicillin as the trihydrate
250 mg
Capsule
Mylan

AMOXIL
Amoxicillin as the trihydrate
250 mg/5 ml
Suspension
Mylan

AMOXIL
Amoxicillin as the trihydrate
500 mg
Capsule
Mylan

ANAPROX
Naproxen sodium
275 mg
Tablet
Hamilton

ANAPROX
Naproxen sodium
275 mg
Tablet
TEVA

ANAPROX
Naproxen sodium
275 mg
Tablet
Geneva

ANAPROX
Naproxen sodium
275 mg
Tablet
Danbury

ANAPROX DS
Naproxen sodium
550 mg
Tablet
Geneva

ANAPROX DS
Naproxen sodium
550 mg
Tablet
Danbury

ANAPROX DS
Naproxen sodium
550 mg
Tablet
TEVA

ANAPROX DS
Naproxen sodium
550 mg
Tablet
Hamilton

ANCEF
Cefazolin
250 mg
Injection
TEVA

ANCEF
Cefazolin
5 g
Injection
TEVA

ANCEF
Cefazolin
1 g
Injection
TEVA

ANCEF
Cefazolin
500 mg
Injection
TEVA

ANCEF
Cefazolin
10 g
Injection
TEVA

ANTIVERT
Meclizine HCl
12.5 mg
Tablet
Sidmark

ANTIVERT
Meclizine HCl
12.5 mg
Tablet
Geneva

ANTIVERT
Meclizine HCl
12.5 mg
Tablet
Par

ANTIVERT
Meclizine HCl
12.5 mg
Tablet
Chelsea

ANTIVERT
Meclizine HCl
12.5 mg
Tablet
Camall

ANTIVERT/25
Meclizine HCl
25 mg
Tablet
Camall

ANTIVERT/25
Meclizine HCl
25 mg
Tablet
Chelsea

ANTIVERT/25
Meclizine HCl
25 mg
Tablet
Sidmak

ANTIVERT/25
Meclizine HCl
25 mg
Tablet
Sidmak

ANTIVERT/25
Meclizine HCl
25 mg
Tablet
Par

ANTIVERT/25
Meclizine HCl
25 mg
Tablet
Geneva

ANTIVERT/50
Meclizine HCl
50 mg
Tablet
Par

ANTURANE
Sulfinpyrazone
200 mg
Tablet
Barr

ANTURANE
Sulfinpyrazone
100 mg
Tablet
Barr

ANTURANE
Sulfinpyrazone
100 mg
Tablet
Danbury

ANTURANE
Sulfinpyrazone
200 mg
Tablet
Zenith

ANUSOL HC
Hydrocortisone acetate
25 mg
Suppository
Upsher-Smith

ANUSOL HC
Hydrocortisone acetate
25 mg
Suppository
G&W

ANUSOL HC
Hydrocortisone acetate
25 mg
Suppository
Able

ANUSOL HC
Hydrocortisone acetate
25 mg
Suppository
Paddock

APRESAZIDE
Hydralazine with
hydrochlorothiazide
25 mg/25 mg
Capsule
Par

APRESAZIDE
Hydralazine with
hydrochlorothiazide
50 mg/50 mg
Capsule
Par

APRESAZIDE
Hydralazine with
hydrochlorothiazide
100 mg/50 mg
Capsule
Par

APRESOLINE
Hydralazine HCl
100 mg
Tablet
Par

APRESOLINE
Hydralazine HCl
50 mg
Tablet
Mutual

APRESOLINE
Hydralazine HCl
25 mg
Tablet
Par

APRESOLINE
Hydralazine HCl
50 mg
Tablet
Par

APRESOLINE
Hydralazine HCl
10 mg
Tablet
Mutual

APRESOLINE
Hydralazine HCl
25 mg
Tablet
Mutual

APRESOLINE
Hydralazine HCl
10 mg
Tablet
Par

APRESOLINE
Hydralazine HCl
50 mg
Tablet
Lederle

APRESOLINE
Hydralazine HCl
25 mg
Tablet
Lederle

APRESOLINE
Hydralazine HCl
25 mg
Tablet
Sidmak

APRESOLINE
Hydralazine HCl
10 mg
Tablet
Richlyn

APRESOLINE
Hydralazine HCl
100 mg
Tablet
Sidmak

APRESOLINE
Hydralazine HCl
50 mg
Tablet
Sidmak

APRESOLINE
Hydralazine HCl
10 mg
Tablet
Sidmak

APRESOLINE
Hydralazine HCl
25 mg
Tablet
Danbury

APRESOLINE
Hydralazine HCl
50 mg
Tablet
Danbury

ARTANE
Trihexyphenidyl HCl
2 mg
Tablet
Danbury

ARTANE
Trihexyphenidyl HCl
5 mg
Tablet
Danbury

ARTANE
Trihexyphenidyl HCl
5 mg
Tablet
Lederle

ARTANE
Trihexyphenidyl HCl
2 mg
Tablet
Lederle

ASCENDIN
Amoxapine
25 mg
Tablet
Danbury

ASCENDIN
Amoxapine
50 mg
Tablet
Geneva

ASCENDIN
Amoxapine
25 mg
Tablet
Geneva

ASCENDIN
Amoxapine
150 mg
Tablet
Geneva

ASCENDIN
Amoxapine
100 mg
Tablet
Geneva

ASCENDIN
Amoxapine
100 mg
Tablet
Danbury

ASCENDIN Amoxapine 150 mg Tablet Danbury	ATARAX Hydroxyzine HCl 50 mg Tablet Mutual	ATARAX Hydroxyzine HCl 10 mg/5 ml Syrup Pennex	ATIVAN Lorazepam 0.5 mg Tablet Halsey
ASCENDIN Amoxapine 50 mg Tablet Geneva	ATARAX Hydroxyzine HCl 10 mg Tablet Mutual	ATIVAN Lorazepam 0.5 mg Tablet Purepac	ATIVAN Lorazepam 2.0 mg Tablet Halsey
ASCENDIN Amoxapine 50 mg Tablet Danbury	ATARAX Hydroxyzine HCl 10 mg/5 ml Syrup Naska/Barre-Nat	ATIVAN Lorazepam 1.0 mg Tablet Royce	ATIVAN Lorazepam 1.0 mg Tablet Halsey
ASCENDIN Amoxapine 100 mg Tablet Watson	ATARAX Hydroxyzine HCl 25 mg Tablet Mutual	ATIVAN Lorazepam 2.0 mg Tablet Royce	ATIVAN Lorazepam 1.0 mg Tablet Danbury
ASCENDIN Amoxapine 25 mg Tablet Watson	ATARAX Hydroxyzine HCl 50 mg Tablet Danbury	ATIVAN Lorazepam 0.5 mg Tablet Royce	ATIVAN Lorazepam 1.0 mg Tablet Geneva
ASCENDIN Amoxapine 150 mg Tablet Watson	ATARAX Hydroxyzine HCl 25 mg Tablet Geneva	ATIVAN Lorazepam 2.0 mg Tablet Purepac	ATIVAN Lorazepam 2.0 mg Tablet Danbury
ASCENDIN Amoxapine 50 mg Tablet Watson	ATARAX Hydroxyzine HCl 50 mg Tablet Geneva	ATIVAN Lorazepam 1.0 mg Tablet Purepac	ATIVAN Lorazepam 2.0 mg Tablet Geneva
ATARAX Hydroxyzine HCl 25 mg Tablet KV	ATARAX Hydroxyzine HCl 10 mg Tablet Danbury	ATIVAN Lorazepam 0.5 mg Tablet W-C	ATIVAN Lorazepam 0.5 mg Tablet Geneva
ATARAX Hydroxyzine HCl 10 mg Tablet KV	ATARAX Hydroxyzine HCl 25 mg Tablet Danbury	ATIVAN Lorazepam 1.0 mg Tablet Watson	ATIVAN Lorazepam 0.5 mg Tablet Danbury
ATARAX Hydroxyzine HCl 10 mg Tablet Chelsea	ATARAX Hydroxyzine HCl 10 mg Tablet Geneva	ATIVAN Lorazepam 1.0 mg Tablet W-C	ATIVAN Lorazepam 1.0 mg Tablet Mylan
ATARAX Hydroxyzine HCl 25 mg Tablet Chelsea	ATARAX Hydroxyzine HCl 10 mg Tablet Sidmak	ATIVAN Lorazepam 2.0 mg Tablet W-C	ATIVAN Lorazepam 1.0 mg Tablet Mutual
ATARAX Hydroxyzine HCl 10 mg/5 ml Syrup Barre-National	ATARAX Hydroxyzine HCl 50 mg Tablet Sidmak	ATIVAN Lorazepam 0.5 mg Tablet Watson	ATIVAN Lorazepam 2.0 mg Tablet Mylan
ATARAX Hydroxyzine HCl 50 mg Tablet Chelsea	ATARAX Hydroxyzine HCl 25 mg Tablet Sidmak	ATIVAN Lorazepam 2.0 mg Tablet Watson	ATIVAN Lorazepam 2.0 mg Tablet Mutual

ATIVAN
Lorazepam
0.5 mg
Tablet
Mylan

ATIVAN
Lorazepam
0.5 mg
Tablet
Mutual

ATROMID-S
Clofibrate
500 mg
Capsule
Novopharm

ATROMID-S
Clofibrate
500 mg
Capsule
Chase

ATROMID-S
Clofibrate
500 mg
Capsule
Pharmacaps

AURALGAN
Antipyrine 54 mg with
benzocaine 14 mg
Per ml
Solution, otic
Ambix

AURALGAN
Antipyrine 54 mg with
benzocaine 14 mg
Per ml
Solution
Bausch & Lomb

AURALGAN
Antipyrine 54 mg with
benzocaine 14 mg
Per ml
Solution
Barre-National

AURALGAN
Antipyrine 54 mg with
benzocaine 14 mg
Per ml
Solution
Thames

AURALGAN
Antipyrine 54 mg with
benzocaine 14 mg
Per ml
Solution
Clay-Park

***AURALGAN**
Antipyrine 54 mg, benzocaine 14 mg
Per ml
Solution
Hi-Tech*

AVC
Sulfanilamide
15%
Cream
Clay-Park

AVC
Sulfanilamide
15%
Cream
Lemmon

AZO GANTRISIN
Sulfisoxazole and
phenazopyridine HCl
500 mg/50 mg
Tablet
Trinity

AZULFIDINE
Sulfasalazine
500 mg
Tablet
Danbury

AZULFIDINE
Sulfasalazine
0.5 g
Tablet
Chelsea

AZULFIDINE
Sulfasalazine
0.5 g
Tablet
Pharmacia

AZULFIDINE
Sulfasalazine
0.5 g
Tablet
Mutual

AZULFIDINE
Sulfasalazine
0.5 g
Tablet
Lederle

BACTRIM
Sulfamethoxazole/trimethoprim
800 mg/160 mg
Tablet
Interpharm

BACTRIM
Sulfamethoxazole/trimethoprim
800 mg/160 mg
Tablet
Lemmon

BACTRIM
Sulfamethoxazole/trimethoprim
400 mg/80 mg
Tablet
Lemmon

BACTRIM
Sulfamethoxazole/trimethoprim
400 mg/80 mg
Tablet
Interpharm

BACTRIM
Sulfamethoxazole/trimethoprim
800 mg/160 mg
Tablet
Roche

BACTRIM
Sulfamethoxazole/trimethoprim
400 mg/80 mg
Tablet
Roche

BACTRIM
Sulfamethoxazole/trimethoprim
200 mg/40 mg per 5 ml
Suspension
Roche

BACTRIM
Sulfamethoxazole/trimethoprim
800 mg/160 mg
Tablet
Sidmak

BACTRIM
Sulfamethoxazole/trimethoprim
400 mg/80 mg
Tablet
Sidmak

BACTRIM
Sulfamethoxazole/trimethoprim
200 mg/40 mg per 5 ml
Suspension
TEVA

BACTRIM
Sulfamethoxazole/trimethoprim
800 mg/160 mg
Tablet
TEVA

BACTRIM
Sulfamethoxazole/trimethoprim
400 mg/80 mg
Tablet
Sidmak

BACTRIM
Sulfamethoxazole/trimethoprim
400 mg/80 mg
Tablet
Roxane

BACTRIM
Sulfamethoxazole/trimethoprim
200 mg/40 mg per 5 ml
Suspension
Barre-National

BACTRIM
Sulfamethoxazole/trimethoprim
400 mg/80 mg
Tablet
Chelsea

BACTRIM
Sulfamethoxazole/trimethoprim
200 mg/40 mg per 5 ml
Suspension
B-W

BACTRIM
Sulfamethoxazole/trimethoprim
400 mg/80 mg
Tablet
Biocraft

BACTRIM
Sulfamethoxazole/trimethoprim
800 mg/160 mg
Tablet
Chelsea

BACTRIM
Sulfamethoxazole/trimethoprim
800 mg/160 mg
Tablet
Biocraft

BACTRIM
Sulfamethoxazole/trimethoprim
200 mg/40 mg per 5 ml
Suspension
Biocraft

BACTRIM
Sulfamethoxazole/trimethoprim
800 mg/160 mg
Tablet
Mutual

BACTRIM
Sulfamethoxazole/trimethoprim
200 mg/40 mg per 5 ml
Suspension
Naska/Barre-Nat

BACTRIM
Sulfamethoxazole/trimethoprim
400 mg/80 mg
Tablet
Mutual

BACTRIM
Sulfamethoxazole/trimethoprim
800 mg/160 mg
Tablet
Eon

BACTRIM
Sulfamethoxazole/trimethoprim
400 mg/80 mg
Tablet
Danbury

BACTRIM
Sulfamethoxazole/trimethoprim
800 mg/160 mg
Tablet
Danbury

BACTRIM
Sulfamethoxazole/trimethoprim
400 mg/80 mg
Tablet
Eon

BACTRIM
Sulfamethoxazole/trimethoprim
800 mg/160 mg
Tablet
Geneva

BACTRIM
Sulfamethoxazole/trimethoprim
400 mg/80 mg
Tablet
Geneva

BACTRIM DS
Sulfamethoxazole/trimethoprim
800 mg/160 mg
Tablet
Roxane

BELLERGAL-S
Belladonna alkaloids/
ergotamine
tartrate/phenobarbital
0.2/0.6/40 mg
Tablet
Ferndale

BENADRYL
Diphenhydramine HCl
12.5 mg/5 ml
Elixir
Geneva

BENADRYL
Diphenhydramine HCl
50 mg
Capsule
Geneva

BENADRYL
Diphenhydramine HCl
50 mg
Capsule
Eon

BENADRYL
Diphenhydramine HCl
50 mg
Capsule
Danbury

BENADRYL
Diphenhydramine HCl
25 mg
Capsule
Danbury

BENADRYL
Diphenhydramine HCl
25 mg
Capsule
Eon

BENADRYL
Diphenhydramine HCl
25 mg
Capsule
Geneva

BENADRYL
Diphenhydramine HCl
50 mg
Capsule
Purepac

BENADRYL
Diphenhydramine HCl
25 mg
Capsule
Steri-Med

BENADRYL
Diphenhydramine HCl
12.5 mg/5 ml
Elixir
Roxane

BENADRYL
Diphenhydramine HCl
12.5 mg/5 ml
ELizir
Pennex

BENADRYL
Diphenhydramine HCl
50 mg
Capsule
Roxane

BENADRYL
Diphenhydramine HCl
12.5 mg/5 ml
Elixir
Purepac

BENADRYL
Diphenhydramine HCl
25 mg
Capsule
Purepac

BENADRYL
Diphenhydramine HCl
50 mg
Capsule
Steri-Med

BENADRYL
Diphenhydramine HCl
50 mg
Capsule
West-Ward

BENADRYL
Diphenhydramine HCl
25 mg
Capsule
LNK

BENADRYL
Diphenhydramine HCl
50 mg
Capsule
Halsey

BENADRYL
Diphenhydramine HCl
50 mg
Capsule
LNK

BENADRYL
Diphenhydramine HCl
12.5 mg/5 ml
Elixir
Halsey

BENADRYL
Diphenhydramine HCl
50 mg
Capsule
Mutual

BENADRYL
Diphenhydramine HCl
25 mg
Capsule
P-D

BENADRYL
Diphenhydramine HCl
12.5 mg/5 ml
Elixir
Naska/Barre-Nat

BENADRYL
Diphenhydramine HCl
25 mg
Capsule
MK

BENADRYL
Diphenhydramine HCl
12.5 mg/5 ml
Elixir
P-D

BENADRYL
Diphenhydramine HCl
50 mg
Capsule
MK

BENADRYL
Diphenhydramine HCl
50 mg
Capsule
P-D

BENADRYL
Diphenhydramine HCl
12.5 mg/5 ml
Elixir
MK

BENADRYL
Diphenhydramine HCl
25 mg
Capsule
Mutual

BENADRYL
Diphenhydramine HCl
50 mg
Capsule
Chelsea

BENADRYL
Diphenhydramine HCl
12.5 mg/5 ml
Elixir
Cenci

BENADRYL
Diphenhydramine HCl
12.5 mg/5 ml
Elixir
Barre-National

BENADRYL
Diphenhydramine HCl
50 mg
Capsule
Barr

BENEMID
Probenecid
500 mg
Tablet
Chelsea

BENEMID
Probenecid
500 mg
Tablet
Zenith

BENEMID
Probenecid
500 mg
Tablet
Danbury

BENEMID
Probenecid
500 mg
Tablet
Mylan

BENTYL
Dicyclomine
10 mg
Capsule
Chelsea

BENTYL
Dicyclomine
20 mg
Tablet
Chelsea

BEROCCA
Berocca substitute
Per tablet
Tablet
Amide

BEROCCA
Berocca substitute
Per tablet
Tablet
Copley

BEROCCA PLUS
Berocca plus substitute
Per tablet
Tablet
Copley

BEROCCA PLUS
Berocca substitute
Per tablet
Tablet
West-Ward

BEROCCA PLUS
Generic substitute
Per tablet
Tablet
Lini

BEROCCA PLUS
Berocca substitue
Per tablet
Tablet
Amide

BLOCADREN
Timolol maleate
5 mg
Tablet
Geneva

BLOCADREN
Timolol maleate
20 mg
Tablet
Danbury

BLOCADREN
Timolol maleate
10 mg
Tablet
Geneva

BLOCADREN
Timolol maleate
10 mg
Tablet
Danbury

BLOCADREN
Timolol maleate
20 mg
Tablet
Geneva

BLOCADREN
Timolol maleate
5 mg
Tablet
Danbury

BLOCADREN
Timolol maleate
20 mg
Tablet
Mylan

BLOCADREN
Timolol maleate
5 mg
Tablet
Mylan

BLOCADREN
Timolol maleate
10 mg
Tablet
Mylan

BLOCADREN
Timolol maleate
10 mg
Tablet
West Point

BLOCADREN
Timolol maleate
5 mg
Tablet
Novopharm

BLOCADREN
Timolol maleate
5 mg
Tablet
West Point

BLOCADREN
Timolol maleate
20 mg
Tablet
Novopharm

BLOCADREN
Timolol maleate
10 mg
Tablet
Novopharm

BRONKOSOL
Isoetharine HCl
0.25%
Solution
Dey

BUTAZOLIDIN
Phenylbutazone
100 mg
Tablet
Chelsea

BUTAZOLIDIN
Phenylbutazone
100 mg
Capsule
Chelsea

BUTISOL
Butabarbital sodium
30 mg/5 ml
Elixir
Barre-National

BUTISOL
Butabarbital sodium
30 mg
Tablet
Geneva

BUTISOL
Butabarbital sodium
15 mg
Tablet
Geneva

BUTISOL
Butabarbital sodium
15 mg
Tablet
Halsey

BUTISOL
Butabarbital sodium
30 mg
Tablet
Halsey

***CAFERGOT**
Ergotamine tartrate, caffeine
1 mg/100 mg
Tablet
Geneva*

CALAN
Verapamil HCl
120 mg
Tablet
Geneva

CALAN
Verapamil HCl
80 mg
Tablet
Geneva

CALAN
Verapamil HCl
80 mg
Tablet
Watson

CALAN
Verapamil HCl
120 mg
Tablet
Watson

CALAN
Verapamil HCl
120 mg
Tablet
W-C

CALAN
Verapamil HCl
80 mg
Tablet
W-C

CALAN
Verapamil HCl
120 mg
Tablet
Sidmak

CALAN
Verapamil HCl
120 mg
Tablet
Purepac

CALAN
Verapamil HCl
80 mg
Tablet
Purepac

CALAN
Verapamil HCl
120 mg
Tablet
Sidmak

CALAN
Verapamil HCl
80 mg
Tablet
Danbury

CALAN
Verapamil HCl
120 mg
Tablet
Danbury

CALAN
Verapamil HCl
40 mg
Tablet
Geneva

***CALAN**
Verapamil HCl
40 mg
Tablet
Watson*

CALAN SR
Verapamil HCl
240 mg
Tablet
Baker

CAPATRES
Clonidine HCl
0.3 mg
Tablet
Danbury

CAPATRES
Clonidine HCl
0.1 mg
Tablet
Geneva

CAPATRES
Clonidine HCl
0.3 mg
Tablet
Geneva

CAPATRES
Clonidine HCl
0.2 mg
Tablet
Geneva

CAPATRES
Clonidine HCl
0.2 mg
Tablet
Danbury

CAPATRES
Clonidine HCl
0.1 mg
Tablet
Danbury

CAPATRES
Clonidine HCl
0.3 mg
Tablet
W-C

CAPATRES
Clonidine HCl
0.1 mg
Tablet
W-C

CAPATRES
Clonidine HCl
0.2 mg
Tablet
W-C

CAPATRES
Clonidine HCl
0.3 mg
Tablet
Lederle

CAPATRES
Clonidine HCl
0.2 mg
Tablet
Lederle

CAPATRES
Clonidine HCl
0.1 mg
Tablet
Lederle

CAPATRES
Clonidine HCl
0.3 mg
Tablet
Purepac

CAPATRES
Clonidine HCl
0.2 mg
Tablet
Purepac

CAPATRES
Clonidine HCl
0.1 mg
Tablet
Purepac

CAPATRES
Clonidine HCl
0.2 mg
Tablet
Mylan

CAPATRES
Clonidine HCl
0.3 mg
Tablet
Mylan

CAPATRES
Clonidine HCl
0.2 mg
Tablet
Par

CAPATRES
Clonidine HCl
0.1 mg
Tablet
Mylan

CAPATRES
Clonidine HCl
0.3 mg
Tablet
Par

CAPATRES
Clonidine HCl
0.1 mg
Tablet
Par

CARDIZEM
Diltiazem
60 mg
Tablet
Mylan

CARDIZEM
Diltiazem
90 mg
Tablet
Mylan

CARDIZEM
Diltiazem
120 mg
Tablet
Lederle

CARDIZEM
Diltiazem
30 mg
Tablet
Mylan

CARDIZEM
Diltiazem
30 mg
Tablet
Lederle

CARDIZEM
Diltiazem
120 mg
Tablet
Mylan

***CARDIZEM**
Diltiazem HCl
120 mg
Tablet
Bristol-Meyers

CARDIZEM
Diltiazem
30 mg
Tablet
Blue Ridge

CARDIZEM
Diltiazem HCl
60 mg
Tablet
Bristol-Meyers

CARDIZEM
Diltiazem
120 mg
Tablet
Blue Ridge

CARDIZEM
Diltiazem HCl
90 mg
Tablet
Bristol-Meyers

CARDIZEM
Diltiazem
60 mg
Tablet
Blue Ridge

CARDIZEM
Diltiazem HCl
30 mg
Tablet
Bristol-Meyers

CARDIZEM
Diltiazem
90 mg
Tablet
Blue Ridge

CARDIZEM SR
Diltiazem HCl
60 mg
Capsule
Prographarm

CARDIZEM
Diltiazem
120 mg
Tablet
Copley

CARDIZEM SR
Diltiazem HCl
120 mg
Capsule
Prographarm

CARDIZEM
Diltiazem
90 mg
Tablet
Copley

CARDIZEM SR
Diltiazem HCl
90 mg
Capsule
Prographarm*

CARDIZEM
Diltiazem
60 mg
Tablet
Copley

CEPHULAC
Lactulose
10 g/15 ml
Syrup
Inalco

CARDIZEM
Diltiazem
30 mg
Tablet
Copley

CEPHULAC
Lactulose
10 g/15 ml
Syrup
Alra

CARDIZEM
Diltiazem
60 mg
Tablet
Lederle

CEPHULAC
Lactulose
10 g/15 ml
Syrup
UDL Labs

CARDIZEM
Diltiazem
90 mg
Tablet
Lederle

CEPHULAC
Lactulose
10 g/15 ml
Solution
Technilab

CEPHULAC
Lactulose
10 g/15 ml
Solution
Copley

CEPHULAC
Lactulose
10 g/15 ml
Syrup
DuPhar

CEPHULAC
Lactulose
10 g/15 ml
Syrup
Roxane

CHLOROMYCETIN
Chloramphenicol
1%
Ophth ointment
Bausch & Lomb

CHLOROPTIC
Chloramphenicol
0.5%
Ophth soln
Bausch & Lomb

CHLOROPTIC
Chloramphenicol
0.5%
Ophth soln
Akorn

CHLOROPTIC
Chloramphenicol
0.5%
Ophth soln
Steris

CIBALITH-S
Lithium citrate
8 mEq/5 ml
Syrup
Pennex

CINOBAC
Cinoxacin
500 mg
Capsule
Biocraft

CINOBAC
Cinoxacin
250 mg
Capsule
Biocraft

CLEOCIN
Clindamycin phosphate
1%
Solution
Paddock

CLEOCIN T
Clindamycin phosphate
1%
Solution
Copley

CLEOCIN T
Clindamycin
1%
Solution, topcal
Lemmon

CLEOCIN T
Clindamycin
1%
Solution, topcal
Greenstone

***CLEOCIN T**
Clindamycin phosphate
1%
Solution
Barre-National*

CLINORIL
Sulindac
150 mg
Tablet
Lederle

CLINORIL
Sulindac
200 mg
Tablet
Lederle

CLINORIL
Sulindac
200 mg
Tablet
Lemmon

CLINORIL
Sulindac
150 mg
Tablet
Lemmon

CLINORIL
Sulindac
150 mg
Tablet
Mylan

CLINORIL
Sulindac
150 mg
Tablet
West Point

CLINORIL
Sulindac
200 mg
Tablet
Mylan

CLINORIL
Sulindac
150 mg
Tablet
W-C

CLINORIL
Sulindac
200 mg
Tablet
W-C

CLINORIL
Sulindac
200 mg
Tablet
West Point

CLINORIL
Sulindac
200 mg
Tablet
Mutual

CLINORIL
Sulindac
150 mg
Tablet
Mutual

CLINORIL
Sulindac
200 mg
Tablet
Danbury

CLINORIL
Sulindac
150 mg
Tablet
Geneva

CLINORIL
Sulindac
150 mg
Tablet
Danbury

CLINORIL
Sulindac
200 mg
Tablet
Geneva

CLOMID
Clomiphene citrate
50 mg
Tablet
TEVA

COGENTIN
Benztropine mesylate
2 mg
Tablet
Sidmak

COGENTIN
Benztropine mesylate
1 mg
Tablet
Sidmak

COGENTIN
Benztropine mesylate
0.5 mg
Tablet
Sidmak

COGENTIN
Benztropine mesylate
1 mg
Tablet
Invamed

COGENTIN
Benztropine mesylate
2 mg
Tablet
Invamed

COGENTIN
Benztropine mesylate
0.5 mg
Tablet
Invamed

COGENTIN
Benztropine mesylate
1 mg
Tablet
Mutual

COGENTIN
Benztropine mesylate
1 mg
Tablet
Par

COGENTIN
Benztropine mesylate
2 mg
Tablet
Par

COGENTIN
Benztropine mesylate
0.5 mg
Tablet
Par

COGENTIN
Benztropine mesylate
2 mg
Tablet
Mutual

COMBIPRES 0.1
Clonidine with chlorthalidone
0.1/15 mg.
Tablet
Mylan

COMBIPRES 0.1
Clonidine with chlorthalidone
0.1/15 mg.
Tablet
Par

COMBIPRES 0.2
Clonidine with chlorthalidone
0.1/15 mg.
Tablet
Mylan

COMBIPRES 0.2
Clonidine with chlorthalidone
0.1/15 mg.
Tablet
Par

COMBIPRES 0.3
Clonidine with chlorthalidone
0.1/15 mg.
Tablet
Par

COMBIPRES 0.3
Clonidine with chlorthalidone
0.1/15 mg.
Tablet
Mylan

CORGARD
Nadolol
120 mg
Tablet
Bristol-Myers

CORGARD
Nadolol
40 mg
Tablet
Bristol-Myers

CORGARD
Nadolol
80 mg
Tablet
Bristol-Myers

CORGARD
Nadolol
20 mg
Tablet
Bristol-Myers

***CORGARD**
Nadolol
40 mg
Tablet
Mylan

CORGARD
Nadolol
160 mg
Tablet
Bristol-Meyers

CORGARD
Nadolol
80 mg
Tablet
Mylan

CORGARD
Nadolol
20 mg
Tablet
Mylan*

CORTISPORIN OPHTHALMIC
Polymyxin B sulfate 10,000U with hydrocortisone 1%, neomycin sulfate
0.5%
Per ml
Ophth Susp
Bausch & Lomb

CORTISPORIN OPHTHALMIC
Bacitracin zinc 400U & Polymyxin B sulfate 10,000U with hydrocortisone 1%, neomycin sulfate
0.5%
Per g
Ophth ointment
Bausch & Lomb

CYCLOSPASMOL
Cyclandelate
400 mg
Capsule
Amide

CYCLOSPASMOL
Cyclandelate
200 mg
Capsule
Amide

CYCLOSPASMOL
Cyclandelate
200 mg
Capsule
MD

DALMANE
Flurazepam
30 mg
Capsule
Mylan

DALMANE
Flurazepam
15 mg
Capsule
Par

DALMANE
Flurazepam
30 mg
Capsule
Par

DALMANE
Flurazepam
15 mg
Capsule
Mylan

DALMANE
Flurazepam
30 mg
Capsule
Purepac

DALMANE
Flurazepam
15 mg
Capsule
Purepac

DALMANE
Flurazepam
30 mg
Capsule
Danbury

DALMANE
Flurazepam
15 mg
Capsule
Geneva

DALMANE
Flurazepam
15 mg
Capsule
Danbury

DALMANE
Flurazepam
30 mg
Capsule
Geneva

DALMANE
Flurazepam
30 mg
Capsule
Chelsea

DALMANE
Flurazepam
15 mg
Capsule
Chelsea

DALMANE
Flurazepam
15 mg
Capsule
W-C

DALMANE
Flurazepam
30 mg
Capsule
W-C

DALMANE
Flurazepam
15 mg
Capsule
West-Ward

DALMANE
Flurazepam
30 mg
Capsule
West-Ward

DARVOCET N
Proposyphene napsylate/ acetaminophen
100 mg/650 mg
Tablet
Zenith

DARVOCET N
Propoxyphene napsylate/ acetaminophen
100 mg/650 mg
Tablet
Purepac

DARVOCET N
Proposyphene napsylate/ acetaminophen
100 mg/650 mg
Tablet
Lemmon

DARVOCET N
Proposyphene napsylate/ acetaminophen
100 mg/650 mg
Tablet
Mylan

DARVOCET N
Proposyphene napsylate/ acetaminophen
100 mg/650 mg
Tablet
Geneva

DARVON
Propoxyphene HCl
65 mg
Capsule
Geneva

DARVON
Propoxyphene HCl
65 mg
Capsule
Lemmon

DARVON
Propoxyphene HCl
65 mg
Capsule
ICN

DARVON
Propoxyphene HCl
65 mg
Capsule
Zenith

DARVON
Propoxyphene HCl
65 mg
Capsule
West-Ward

DARVON
Propoxyphene HCl
65 mg
Capsule
Roxane

DARVON
Propoxyphene HCl
65 mg
Capsule
Purepac

DARVON
Propoxyphene HCl
65 mg
Capsule
P-D

DARVON
Propoxyphene HCl
65 mg
Capsule
Alra

DARVON COMPOUND-65
Propoxyphene HCl/Aspirin/ Caffeine
65/389/32.4 mg
Capsule
Alra

DARVON COMPOUND-65
Propoxyphene HCl/Aspirin/ Caffeine
65/389/32.4 mg
Capsule
Geneva

DARVON COMPOUND-65
Propoxyphene HCl/Aspirin/ Caffeine
65/389/32.4 mg
Capsule
Lemmon

DECADRON
Dexamethasone
0.5 mg
Tablet
Roxane

DECADRON
Dexamethasone
1.5 mg
Tablet
Roxane

DECADRON
Dexamethasone
0.75 mg
Tablet
Roxane

DECADRON
Dexamethasone
4 mg
Tablet
Roxane

DECADRON
Dexamethasone
0.5 mg/5 ml
Elixir
Barre-National

DECADRON
Dexamethasone
0.5 mg/5 ml
Elixir
MSD

DECADRON
Dexamethasone
0.5 mg/5 ml
Elixir
Naska/Barre-Nat

DECADRON
Dexamethasone
0.5 mg/5 ml
Elixir
Pennex

DECADRON
Dexamethasone
0.5 mg/5 ml
Elixir
Roxane

DECADRON OPHTHALMIC
Dexamethasone sodium phosphate
0.1%
Ophth solution
Steris

DECADRON OPHTHALMIC
Dexamethasone sodium phosphate
0.05%
Ophth ointment
Bausch & Lomb

DECADRON OPHTHALMIC
Dexamethasone sodium phosphate
0.1%
Ophth solution
Bausch & Lomb

DECADRON OPHTHALMIC
Dexamethasone sodium phosphate
0.1%
Ophth solution
Akorn

DEMEROL
Meperidine
50 mg
Tablet
Halsey

DEMEROL
Meperidine
100 mg
Tablet
Halsey

DEPAKENE
Valproic acid
250 mg
Capsule
Chase

DEPAKENE
as Sod. valproate
250 mg/5 ml
Syrup
Copley

DEPAKENE
as Sod. valproate
250 mg/5 ml
Syrup
Pennex

DEPAKENE
Valproic acid
250 mg
Capsule
Pharmacaps

DESQUAM-X
Benzyl Peroxide
5%
Gel
Syosset

DESQUAM-X
Benzyl Peroxide
10%
Gel
Syosset

DESQUAM-X
Benzyl Peroxide
5%
Gel
Glades

DESQUAM-X
Benzyl Peroxide
10%
Wash
Glades

DESQUAM-X
Benzyl Peroxide
5%
Wash
Glades

DESQUAM-X
Benzyl Peroxide
10%
Gel
Glades

DESQUAM-X
Benzyl Peroxide
5%
Gel
Thames

DESQUAM-X
Benzyl Peroxide
10%
Gel
Thames

DESQUAM-X
Benzyl Peroxide
5%
Gel
Derm Prod/Owen

DESQUAM-X
Benzyl Peroxide
10%
Gel
Derm Prod/Owen

DESYREL
Trazodone HCl
50 mg
Tablet
Geneva

DESYREL
Trazadone HCl
100 mg
Tablet
Danbury

DESYREL
Trazodone HCl
100 mg
Tablet
Geneva

DESYREL
Trazodone HCl
50 mg
Tablet
Danbury

DESYREL
Trazodone HCl
100 mg
Tablet
Barr

DESYREL
Trazodone HCl
50 mg
Tablet
Barr

DESYREL
Trazodone HCl
50 mg
Tablet
TEVA

DESYREL
Trazadone HCl
150 mg
Tablet
Sidmak

DESYREL
Trazodone HCl
100 mg
Tablet
Purepac

DESYREL
Trazodone HCl
50 mg
Tablet
Sidmak

DESYREL
Trazodone HCl
100 mg
Tablet
TEVA

DESYREL
Trazodone HCl
100 mg
Tablet
Sidmak

DESYREL
Trazodone HCl
50 mg
Tablet
Purepac

DESYREL
Trazodone HCl
100 mg
Tablet
Mutual

DESYREL
Trazodone HCl
50 mg
Tablet
Mutual

DESYREL
Trazadone HCl
50 mg
Tablet
Mylan

DESYREL
Trazadone HCl
100 mg
Tablet
Mylan

DIABINESE
Chlorpropamide
250 mg
Tablet
Mylan

DIABINESE
Chlorpropamide
100 mg
Tablet
Mylan

DIABINESE
Chlorpropamide
100 mg
Tablet
Par

DIABINESE
Chlorpropamide
250 mg
Tablet
Par

DIABINESE
Chlorpropamide
100 mg
Tablet
Chelsea

DIABINESE
Chlorpropamide
250 mg
Tablet
Halsey

DIABINESE
Chlorpropamide
100 mg
Tablet
Halsey

DIABINESE
Chlorpropamide
250 mg
Tablet
Geneva

DIABINESE
Chlorpropamide
250 mg
Tablet
Danbury

DIABINESE
Chlorpropamide
100 mg
Tablet
Danbury

DIABINESE
Chlorpropamide
100 mg
Tablet
Geneva

DIABINESE
Chlorpropamide
250 mg
Tablet
Sidmak

DIABINESE
Chlorpropamide
100 mg
Tablet
Sidmak

DIAMOX
Acetazolamide
125 mg
Tablet
Mutual

DIAMOX
Acetazolamide
250 mg
Tablet
Mutual

DIAMOX
Acetazolamide
250 mg
Tablet
Danbury

DILAUDID
Hydromorphone HCl
4 mg
Tablet
Roxane

DILAUDID
Hydromorphone HCl
2 mg
Tablet
Roxane

DILAUDID
Hydromorphone HCl
4 mg
Tablet
Halsey

DILAUDID
Hydromorphone HCl
2 mg
Tablet
Halsey

DILAUDID
Hydromorphone HCl
3 mg
Tablet
Halsey

DILAUDID
Hydromorphone HCl
1 mg
Tablet
Halsey

DIMETANE DC
Brompheniramine maleate 2 mg,
phenylpropanolamine HCl 12.5 mg,
codeinephosphate 10 mg
Per 5 ml
Syrup
Pennex

DIMETANE DC
Brompheniramine maleate 2 mg,
phenylpropanolamine HCl 12.5 mg,
codeinephosphate 10 mg
Per 5 ml
Syrup
Barre-National

DIMETANE DX
Brompheniramine maleate 2 mg,
pseudoephedrine HCl 30 mg,
dextromethorphan HBr 10 mg
Per 5 ml
Syrup
Pennex

***DIMETANE-DX**
Pseudophedrine HCl 30 mg, brompheniramine maleate 2 mg, dextromethorphan HBr 10 mg
Per 5 ml
Syrup
Hi-Tech*

DIPROSONE
Betamethasone diproprionate 0.05%
Lotion
Savage/Altana

DIPROSONE
Betamethasone diproprionate 0.05%
Ointment
Savage/Altana

DIPROSONE
Betamethasone diproprionate 0.05%
Cream
Savage/Altana

DIPROSONE
Betamethasone diproprionate 0.05%
Lotion
Barre-National

DIPROSONE
Betamethasone diproprionate 0.05%
Lotion
Fougera/Altana

DIPROSONE
Betamethasone diproprionate 0.05%
Lotion
Clay-Park

DIPROSONE
Betamethasone diproprionate 0.05%
Ointment
Clay-Park

DIPROSONE
Betamethasone diproprionate 0.05%
Ointment
Fougera/Altana

DIPROSONE
Betamethasone diproprionate
0.05%
Cream
Clay-Park

DIPROSONE
Betamethasone diproprionate
0.05%
Cream
Fougera/Altana

DIPROSONE
Betamethasone diproprionate
0.05%
Lotion
Copley

DIPROSONE
Betamethasone diproprionate
0.05%
Lotion
Lemmon

DIPROSONE
Betamethasone diproprionate
0.05%
Lotion
NMC

DIPROSONE
Betamethasone diproprionate
0.05%
Ointment
NMC

DIPROSONE
Betamethasone diproprionate
0.05%
Cream
NMC

DIPROSONE
Betamethasone diproprionate
0.05%
Cream
Thames

DIPROSONE
Betamethasone diproprionate
0.05%
Lotion
Thames

DIPROSONE
Betamethasone diproprionate
0.05%
Cream
Taro

DISALCID
Salsalate
500 mg
Tablet
Upsher-Smith

DISALCID
Salsalate
500 mg
Tablet
Trinity

DISALCID
Salsalate
750 mg
Tablet
Upsher-Smith

DISALCID
Salsalate
750 mg
Tablet
Trinity

DISALCID
Salsalate
500 mg
Tablet
Geneva

DISALCID
Salsalate
750 mg
Tablet
Eon

DISALCID
Salsalate
750 mg
Tablet
Geneva

DISALCID
Salsalate
500 mg
Tablet
Eon

DISALCID
Salsalate
500 mg
Tablet
Sidmak

DISALCID
Salsalate
750 mg
Tablet
Tablet

DISALCID
Salsalate
750 mg
Tablet
PBI

DISALCID
Salsalate
750 mg
Tablet
PBI

DISALCID
Salsalate
750 mg
Tablet
Able

DISALCID
Salsalate
500 mg
Tablet
Able

DISALCID
Salsalate
500 mg
Tablet
Mutual

DISALCID
Salsalate
750 mg
Tablet
Mutual

DISALCID
Salsalate
750 mg
Tablet
Invamed

DISALCID
Salsalate
500 mg
Tablet
Invamed

DITROPAN
Oxybutynin Cl
5 mg
Tablet
Sidmak

DIURIL
Chlorothiazide
500 mg
Tablet
West Point

DIURIL
Chlorothiazide
500 mg
Tablet
West-Ward

DIURIL
Chlorothiazide
250 mg
Tablet
West Point

DIURIL
Chlorothiazide
250 mg
Tablet
Danbury

DIURIL
Chlorothiazide
250 mg
Tablet
MSD

DIURIL
Chlorothiazide
250 mg
Tablet
Mylan

DIURIL
Chlorothiazide
250 mg
Tablet
Chelsea

DOLOBID
Difunisal
250 mg
Tablet
West Point

DOLOBID
Difunisal
500 mg
Tablet
West Point

DOLOBID
Diflunisal
250 mg
Tablet
Roxane

DOLOBID
Difunisal
500 mg
Tablet
TEVA

DOLOBID
Difunisal
250 mg
Tablet
TEVA

DOLOBID
Diflunisal
500 mg
Tablet
Roxane

DOLOPHINE
Methadone HCl
10 mg
Tablet
Roxane

DOLOPHINE
Methadone HCl
5 mg
Tablet
Roxane

DOMEBORO
Acetic acid 2% in aluminum acetate
Otic solution
Bausch & Lomb

DONNATAL
Belladonna alkaloids with phenobarbital
Elixir
Cenci

DONNATAL
Belladonna alkaloids with phenobarbital
Tablet
Rexar

DONNATAL
Belladonna alkaloids with phenobarbital
Elixir
Pennex

DONNATAL
Belladonna alkaloids with phenobarbital
Tablet
Halsey

DONNATAL
Belladonna alkaloids with phenobarbital
Elixir
Halsey

DONNATAL
Belladonna alkaloids with phenobarbital
Tablet
West-Ward

DONNATAL
Belladonna alkaloids with phenobarbital
Elixir
Naska/Barre-Nat

DONNATAL
Belladonna alkaloids with phenobarbital
Tablet
Geneva

DONNATAL
Belladonna alkaloids with phenobarbital
Tablet
Danbury

DORYX
Doxycycline hyclate
100 mg
Capsule
Sidmak

DORYX
Doxycycline hyclate
100 mg
Capsule
W-C

DYAZIDE
Triamterene/ hydrochlorothiazide
50 mg/25 mg
Capsule
Geneva

DYAZIDE
Triamterene/ hydrochlorothiazide
50 mg/25 mg
Capsule
Penn Labs

DYMELOR
Acetohexamide
500 mg
Tablet
Danbury

DYMELOR
Acetohexamide
250 mg
Tablet
Danbury

DYNAPEN
Dicloxacillin sodium monohydrate
250 mg
Capsule
Wyeth

DYNAPEN
Dicloxacillin sodium monohydrate
500 mg
Capsule
Biocraft

DYNAPEN
Dicloxacillin sodium monohydrate
250 mg
Capsule
Beecham

DYNAPEN
Dicloxacillin sodium monohydrate
250 mg
Capsule
Biocraft

DYNAPEN
Dicloxacillin sodium monohydrate
250 mg
Capsule
Bristol-Myers

E-MYCIN 250
Erythromycin base
250 mg
Tablet
Abbott

E-MYCIN 333
Erythromycin base
333 mg
Tablet
Abbott

E.E.S.
Erythromycin ethylsuccinate
200 mg/5 ml
Suspension
Abbott

E.E.S.
Erythromycin ethylsuccinate
400 mg/5 ml
Suspension
Barre-National

E.E.S.
Erythromycin ethylsuccinate
200 mg/5 ml
Suspension
Barre-National

E.E.S.
Erythromycin ethylsuccinate
400 mg/5 ml
Suspension
Bausch & Lomb

E.E.S.
Erythromycin ethylsuccinate
400 mg/5 ml
Suspension
Abbott

E.E.S.
Erythromycin ethylsuccinate
200 mg/5 ml
For Suspension
Barr

E.E.S.
Erythromycin ethylsuccinate
200 mg/5 ml
Suspension
Bausch & Lomb

E.E.S.
Erythromycin ethylsuccinate
200 mg/5 ml
For Suspension
Abbott

E.E.S.
Erythromycin ethylsuccinate
400 mg/5 ml
Suspension
Wyeth

E.E.S.
Erythromycin ethylsuccinate
200 mg/5 ml
Suspension
Wyeth

E.E.S.
Erythromycin ethylsuccinate
400 mg
Tablet
Mylan

E.E.S.
Erythromycin ethylsuccinate
400 mg/5 ml
Suspension
Naska/Barre-Nat

ELAVIL
Amitriptyline
75 mg
Tablet
MSD

ELAVIL
Amitriptyline
50 mg
Tablet
MSD

ELAVIL
Amitriptyline
75 mg
Tablet
Mylan

ELAVIL
Amitriptyline
25 mg
Tablet
Mylan

ELAVIL
Amitriptyline
10 mg
Tablet
Mutual

ELAVIL
Amitriptyline
10 mg
Tablet
MSD

ELAVIL
Amitriptyline
25 mg
Tablet
Mutual

ELAVIL
Amitriptyline
150 mg
Tablet
MSD

ELAVIL
Amitriptyline
50 mg
Tablet
Mutual

ELAVIL
Amitriptyline
100 mg
Tablet
Mutual

ELAVIL
Amitriptyline
25 mg
Tablet
MSD

ELAVIL
Amitriptyline
75 mg
Tablet
Mutual

ELAVIL
Amitriptyline
100 mg
Tablet
MSD

ELAVIL
Amitriptyline
150 mg
Tablet
Mutual

ELAVIL
Amitriptyline
100 mg
Tablet
Mylan

ELAVIL
Amitriptyline
50 mg
Tablet
Mylan

ELAVIL
Amitriptyline
10 mg
Tablet
Mylan

ELAVIL
Amitriptyline
150 mg
Tablet
Mylan

ELAVIL
Amitriptyline
50 mg
Tablet
Biocraft

ELAVIL
Amitriptyline
25 mg
Tablet
Biocraft

ELAVIL
Amitriptyline
10 mg
Tablet
Chelsea

ELAVIL
Amitriptyline
10 mg
Tablet
Biocraft

ELAVIL
Amitriptyline
75 mg
Tablet
Biocraft

ELAVIL
Amitriptyline
25 mg
Tablet
Chelsea

ELAVIL
Amitriptyline
100 mg
Tablet
Chelsea

ELAVIL
Amitriptyline
75 mg
Tablet
Chelsea

ELAVIL
Amitriptyline
50 mg
Tablet
Chelsea

ELAVIL
Amitriptyline
100 mg
Tablet
Biocraft

ELAVIL
Amitriptyline
150 mg
Tablet
Geneva

ELAVIL
Amitriptyline
50 mg
Tablet
Geneva

ELAVIL
Amitriptyline
10 mg
Tablet
Geneva

ELAVIL
Amitriptyline
75 mg
Tablet
Geneva

ELAVIL
Amitriptyline
25 mg
Tablet
Geneva

ELAVIL
Amitriptyline
100 mg
Tablet
Geneva

ELAVIL
Amitriptyline
100 mg
Tablet
MD

ELAVIL
Amitriptyline
150 mg
Tablet
MD

ELAVIL
Amitriptyline
10 mg
Tablet
MD

ELAVIL
Amitriptyline
25 mg
Tablet
MD

ELAVIL
Amitriptyline
50 mg
Tablet
MD

ELAVIL
Amitriptyline
75 mg
Tablet
MD

ELAVIL
Amitriptyline
25 mg
Tablet
Purepac

ELAVIL
Amitriptyline
75 mg
Tablet
Purepac

ELAVIL
Amitriptyline
75 mg
Tablet
Sidmak

ELAVIL
Amitriptyline
100 mg
Tablet
Sidmak

ELAVIL
Amitriptyline
50 mg
Tablet
Purepac

ELAVIL
Amitriptyline
75 mg
Tablet
TEVA

ELAVIL
Amitriptyline
25 mg
Tablet
Sidmak

ELAVIL
Amitriptyline
50 mg
Tablet
Sidmak

ELAVIL
Amitriptyline
10 mg
Tablet
Sidmak

ELAVIL
Amitriptyline
100 mg
Tablet
TEVA

ELAVIL
Amitriptyline
150 mg
Tablet
Sidmak

ELAVIL
Amitriptyline
150 mg
Tablet
TEVA

ELAVIL
Amitriptyline
25 mg
Tablet
TEVA

ELAVIL
Amitriptyline
50 mg
Tablet
TEVA

ELAVIL
Amitriptyline
10 mg
Tablet
Purepac

ELAVIL
Amitriptyline
10 mg
Tablet
TEVA

ELAVIL
Amitriptyline
100 mg
Tablet
Purepac

ELAVIL
Amitriptyline
50 mg
Tablet
Roxane

ELAVIL
Amitriptyline
25 mg
Tablet
Roxane

ELAVIL
Amitriptyline
50 mg
Tablet
Roche

ELAVIL
Amitriptyline
150 mg
Tablet
Roche

ELAVIL
Amitriptyline
25 mg
Tablet
Roche

ELAVIL
Amitriptyline
150 mg
Tablet
Roxane

ELAVIL
Amitriptyline
100 mg
Tablet
Roxane

ELAVIL
Amitriptyline
10 mg
Tablet
Roxane

ELAVIL
Amitriptyline
10 mg
Tablet
Roche

ELAVIL
Amitriptyline
75 mg
Tablet
Roxane

ELAVIL
Amitriptyline
100 mg
Tablet
Roche

ELAVIL
Amitriptyline
75 mg
Tablet
Roche

ELIXOPHYLLIN
Theophylline
80 mg/15 ml
Elixir
Steri-Med

ELIXOPHYLLIN
Theophylline
80 mg/15 ml
Elixir
Pennex

ELIXOPHYLLIN
Theophylline
80 mg/15 ml
Elixir
Pharm. Assocs.

ELIXOPHYLLIN
Theophylline
80 mg/15 ml
Elixir
Roxane

ELIXOPHYLLIN
Theophylline
80 mg/15 ml
Elixir
Forest

ELIXOPHYLLIN
Theophylline
80 mg/15 ml
Elixir
Panray

ELIXOPHYLLIN
Theophylline
80 mg/15 ml
Elixir
Naska/Barre-Nat

ELIXOPHYLLIN
Theophylline
80 mg/15 ml
Elixir
Barre-National

ELIXOPHYLLIN
Theophylline
80 mg/15 ml
Elixir
Cenci

ELIXOPHYLLIN
Theophylline
80 mg/15 ml
Elixir
Life

ELIXOPHYLLIN
Theophylline
80 mg/15 ml
Elixir
Halsey

ELIXOPHYLLIN
Theophylline
80 mg/15 ml
Elixir
Thames

ELIXOPHYLLIN KI
Theophylline 80 mg/15 ml with potassium
iodide 130 mg/15 ml
Elixir
Naska/Barre-Nat

ELIXOPHYLLIN KI
Theophylline 80 mg/15 ml with potassium
iodide 130 mg/15 ml
Elixir
Forest

EMPIRIN WITH CODEINE
Aspirin with codeine
(#3) 30 mg
Tablet
Geneva

EMPIRIN WITH CODEINE
Aspirin with codeine
(#4) 60 mg
Tablet
Geneva

EMPIRIN WITH CODEINE
Aspirin with codeine
(#3) 30 mg
Tablet
P-D

EMPIRIN WITH CODEINE
Aspirin with codeine
(#4) 60 mg
Tablet
P-D

EMPIRIN WITH CODEINE
Aspirin with codeine
(#2) 15 mg
Tablet
P-D

EMPIRIN WITH CODEINE
Aspirin with codeine
(#4) 60 mg
Tablet
Zenith

EMPIRIN WITH CODEINE
Aspirin with codeine
(#3) 30 mg
Tablet
Zenith

EMPIRIN WITH CODEINE
Aspirin with codeine
(#3) 30 mg
Tablet
Halsey

EMPIRIN WITH CODEINE
Aspirin with codeine
(#4) 60 mg
Tablet
Halsey

EMPIRIN WITH CODEINE
Aspirin with codeine
(#2) 15 mg
Tablet
Halsey

EMPIRIN WITH CODEINE
Aspirin with codeine
(#3) 30 mg
Tablet
B-W

EMPIRIN WITH CODEINE
Aspirin with codeine
(#4) 60 mg
Tablet
B-W

EMPIRIN WITH CODEINE
Aspirin with codeine
(#4) 60 mg
Tablet
Barr

EMPIRIN WITH CODEINE
Aspirin with codeine
(#2) 15 mg
Tablet
Barr

EMPIRIN WITH CODEINE
Aspirin with codeine
(#3) 30 mg
Tablet
Barr

ENDURON
Methyclothiazide
5 mg
Tablet
Chelsea

ENDURON
Methyclothiazide
5 mg
Tablet
Mylan

ENDURON
Methyclothiazide
2.5 mg
Tablet
Geneva

ENDURON
Methyclothiazide
5 mg
Tablet
Geneva

ENDURON
Methyclothiazide
2.5 mg
Tablet
Zenith

ENTEX
Phenylpropanolamine HCl 20 mg, phenylephrine HCl 5 mg, guaifenesin 100 mg
Per 5 ml
Liquid
Silarx

ENTEX
Phenylpropanolamine HCl 45 mg, phenylephrine HCl 5 mg, guaifenesin 200 mg
Per capsule
Capsule
Trinity

ENTEX
Phenylpropanolamine HCl 45 mg, phenylephrine HCl 5 mg, guaifenesin 200 mg
Per capsule
Capsule
H.N. Norton

ENTEX
Phenylpropanolamine HCl 20 mg, phenylephrine HCl 5 mg, guaifenesin 100 mg
Per 5 ml
Liquid
Tri-Med

ENTEX
Phenylpropanolamine HCl 20 mg, phenylephrine HCl 5 mg, guaifenesin 100 mg
Per 5 ml
Liquid
Pegasus

ENTEX
Phenylpropanolamine HCl 20 mg, phenylephrine HCl 5 mg, guaifenesin 100 mg
Per 5 ml
Liquid
Barre-National

ENTEX
Phenylpropanolamine HCl 20 mg, phenylephrine HCl 5 mg, guaifenesin 100 mg
Per 5 ml
Liquid
Halsey

ENTEX
Phenylpropanolamine HCl 20 mg, phenylephrine HCl 5 mg, guaifenesin 100 mg
Per 5 ml
Liquid
LuChem/H.N. Norton

ENTEX
Phenylpropanolamine HCl 20 mg, phenylephrine HCl 5 mg, guaifenesin 100 mg
Per 5 ml
Liquid
Hi-Tech

EQUAGESIC
Aspirin with meprobamate
325 mg/200 mg
Tablet
Par

EQUANIL
Meprobamate
400 mg
Tablet
P-D

EQUANIL
Meprobamate
400 mg
Tablet
MK

EQUANIL
Meprobamate
200 mg
Tablet
P-D

EQUANIL
Meprobamate
200 mg
Tablet
MK

EQUANIL
Meprobamate
400 mg
Tablet
Halsey

EQUANIL
Meprobamate
200 mg
Tablet
Richlyn

EQUANIL
Meprobamate
400 mg
Tablet
Richlyn

EQUANIL
Meprobamate
200 mg
Tablet
Steri-Med

EQUANIL
Meprobamate
400 mg
Tablet
Steri-Med

EQUANIL
Meprobamate
200 mg
Tablet
Eon

EQUANIL
Meprobamate
200 mg
Tablet
Chelsea

EQUANIL
Meprobamate
400 mg
Tablet
Alra

EQUANIL
Meprobamate
200 mg
Tablet
Alra

EQUANIL
Meprobamate
400 mg
Tablet
Eon

EQUANIL
Meprobamate
400 mg
Tablet
Geneva

EQUANIL
Meprobamate
400 mg
Tablet
Danbury

EQUANIL
Meprobamate
200 mg
Tablet
Danbury

EQUANIL
Meprobamate
400 mg
Tablet
Chelsea

ERYC
Erythromycin base enteric coated pellets
250 mg
Capsule
Faulding

ERYC
Erythromycin base enteric coated pellets
250 mg
Capsule
Abbott

***ERYCETTE**
Erythromycin
2%
Pledgette
Syosset*

ERYGEL
Erythromycin
2%
Gel
Blades

ERYTHROCIN
Erythromycin stearate
250 mg
Tablet
Abbott

ERYTHROCIN
Erythromycin stearate
250 mg
Tablet
Barr

ERYTHROCIN
Erythromycin stearate
500 mg
Tablet
Barr

ERYTHROCIN
Erythromycin stearate
500 mg
Tablet
Abbott

ERYTHROCIN
Erythromycin stearate
250 mg
Tablet
Mylan

ERYTHROCIN
Erythromycin stearate
500 mg
Tablet
Mylan

ERYTHROCIN
Erythromycin stearate
500 mg
Tablet
Zenith

ERYTHROCIN
Erythromycin stearate
250 mg
Tablet
Zenith

FELDENE
Piroxicam
10 mg
Capsule
Roxane

FELDENE
Piroxicam
20 mg
Capsule
Roxane

FELDENE
Piroxicam
20 mg
Capsule
TEVA

FELDENE
Piroxicam
10 mg
Capsule
TEVA

FELDENE
Piroxicam
20 mg
Capsule
Genpharm

FELDENE
Piroxicam
10 mg
Capsule
Genpharm

FELDENE
Piroxicam
10 mg
Capsule
Searle

FELDENE
Piroxicam
20 mg
Capsule
Searle

FELDENE
Piroxicam
10 mg
Capsule
Mylan

FELDENE
Piroxicam
10 mg
Capsule
Mutual

FELDENE
Piroxicam
20 mg
Capsule
Mylan

FELDENE
Piroxicam
20 mg
Capsule
Mutual

FELDENE
Piroxicam
20 mg
Capsule
Copley

FELDENE
Piroxicam
10 mg
Capsule
Copley

FIORCET
Acetaminophen, butalbital and caffeine
325/50/40 mg
Tablet
Halsey

FIORCET
Acetaminophen, butalbital and caffeine
325/50/40 mg
Tablet
Mikart

FIORINAL
Aspirin, butalbital and caffeine
325/50/40 mg
Tablet
Geneva

FIORINAL
Aspirin, butalbital and caffeine
325/50/40 mg
Capsule
Geneva

FIORINAL
Aspirin, butalbital and caffeine
325/50/40 mg
Tablet
Chelsea

FIORINAL
Aspirin, butalbital and caffeine
325/50/40 mg
Tablet
West-Ward

FIORINAL
Aspirin, butalbital and caffeine
325/50/40 mg
Capsule
Lannett

FIORINAL
Aspirin, butalbital and caffeine
325/50/40 mg
Tablet
Purepac

FLAGYL
Metronidazole
250 mg
Tablet
Sidmak

FLAGYL
Metronidazole
500 mg
Tablet
Sidmak

FLAGYL
Metronidazole
500 mg
Tablet
Ortho

FLAGYL
Metronidazole
250 mg
Tablet
Mutual

FLAGYL
Metronidazole
250 mg
Tablet
Ortho

FLAGYL
Metronidazole
500 mg
Tablet
Mutual

FLAGYL
Metronidazole
250 mg
Tablet
Danbury

FLAGYL
Metronidazole
500 mg
Tablet
Eon

FLAGYL
Metronidazole
500 mg
Tablet
Danbury

FLAGYL
Metronidazole
500 mg
Tablet
Geneva

FLAGYL
Metronidazole
250 mg
Tablet
Geneva

FLAGYL
Metronidazole
250 mg
Tablet
Eon

FLAGYL
Metronidazole
250 mg
Tablet
Lemmon

FLAGYL
Metronidazole
500 mg
Tablet
Lemmon

FLAGYL
Metronidazole
500 mg
Tablet
Zenith

FLAGYL
Metronidazole
250 mg
Tablet
Zenith

***FLAGYL**
Metronidazole
250 mg
Tablet
Par

FLAGYL
Metronidazole
500 mg
Tablet
Par*

FLEXERIL
Cyclobenzaprine
10 mg
Tablet
Watson

FLEXERIL
Cyclobenzaprine
10 mg
Tablet
West Point

FLEXERIL
Cyclobenzaprine
10 mg
Tablet
Mylan

FLEXERIL
Cyclobenzaprine
10 mg
Tablet
Invamed

FLEXERIL
Cyclobenzaprine
10 mg
Tablet
Geneva

FLEXERIL
Cyclobenzaprine
10 mg
Tablet
Danbury

FML
Fluorometholone
0.1%
Ophth susp
Iolab

FULVICIN P/G
Griseofulvin ultramicrosize
165 mg
Tablet
Sidmak

FULVICIN P/G
Griseofulvin ultramicrosize
330 mg
Tablet
Sidmak

GANTANOL
Sulfamethoxazole
0.5 g
Tablet
Roche

GANTRISIN
Sulfisoxazole
500 mg
Tablet
Roche

GANTRISIN
Sulfisoxazole
500 mg
Tablet
Alra

GANTRISIN
Sulfisoxazole
500 mg
Tablet
Zenith

GANTRISIN
Sulfisoxazole
500 mg
Tablet
Geneva

GANTRISIN
Sulfisoxazole
500 mg
Tablet
MK

GARAMYCIN
Gentamicin
0.1%
Ointment
NMC

GARAMYCIN
Gentamicin
0.1%
Cream
NMC

GARAMYCIN
Gentamicin
3 mg/ml
Ophth solution
Allergan

GARAMYCIN
Gentamicin
0.1%
Cream
Altana/Pharmadr

GARAMYCIN
Gentamicin
0.1%
Ointment
Altana/Pharmadr

GARAMYCIN
Gentamicin
3 mg/ml
Ophth solution
Bausch & Lomb

GARAMYCIN
Gentamicin
0.1%
Cream
Altana/Fougera

GARAMYCIN
Gentamicin
0.1%
Ointment
Altana/Fougera

GARAMYCIN
Gentamicin
3 mg/ml
Ophth solution
Iolab

GARAMYCIN
Gentamicin
3 mg/ml
Ophth solution
Steris

GARAMYCIN
Gentamicin
0.1%
Ointment
Clay-Park

GARAMYCIN
Gentamicin
0.1%
Cream
Clay-Park

GARAMYCIN
Gentamicin
0.1%
Cream
Thames

GARAMYCIN
Gentamicin
0.1%
Ointment
Thames

GOLYTELY
PEG 3350 236 g, sodium so4 22.74 g, sodium bicarbonate 6.74 g, sodium Cl 5.86 g, pot Cl 2.97 g
In 4000 ml
Electro gavage
Copley

GOLYTELY
PEG 3350 236 g, sodium so4 22.74 g, sodium bicarbonate 6.74 g, sodium Cl 5.86 g, pot Cl 2.97 g
In 4000 ml
Electro gavage
Reed-Carnrick

GRANULEX
0.1 mg trypsin, 72.5 mg balsam Peru and 650 mg castor oil
Per 0.82 ml
Spray
PEL

GRANULEX
0.1 mg trypsin, 72.5 mg balsam Peru and 650 mg castor oil
Per 0.82 ml
Spray
ARI

GRANULEX
0.1 mg trypsin, 72.5 mg balsam Peru and 650 mg castor oil
Per 0.82 ml
Spray
Copley

HALCION
Triazolam
0.25 mg
Tablet
Greenstone

HALCION
Triazolam
0.125 mg
Tablet
Greenstone

HALDOL
Haloperidol
0.5 mg
Tablet
Par

HALDOL
Haloperidol
10 mg
Tablet
Par

HALDOL
Haloperidol
5 mg
Tablet
Mylan

HALDOL
Haloperidol
0.5 mg
Tablet
Mylan

HALDOL
Haloperidol
1 mg
Tablet
Par

HALDOL
Haloperidol
2 mg
Tablet
Par

HALDOL
Haloperidol
1 mg
Tablet
Mylan

HALDOL
Haloperidol
2 mg
Tablet
Mylan

HALDOL
Haloperidol
5 mg
Tablet
Par

HALDOL
Haloperidol
2 mg/ml
Solution
Lemmon

HALDOL
Haloperidol
5 mg
Tablet
Geneva

HALDOL
Haloperidol
0.5 mg
Tablet
Geneva

HALDOL
Haloperidol
10 mg
Tablet
Geneva

HALDOL
Haloperidol
1 mg
Tablet
Geneva

HALDOL
Haloperidol
5 mg
Tablet
Purepac

HALDOL
Haloperidol
0.5 mg
Tablet
Purepac

HALDOL
Haloperidol
5 mg
Tablet
Roxane

HALDOL
Haloperidol
0.5 mg
Tablet
Roxane

HALDOL
Haloperidol
10 mg
Tablet
Roxane

HALDOL
Haloperidol
2 mg
Tablet
Purepac

HALDOL
Haloperidol
20 mg
Tablet
Purepac

HALDOL
Haloperidol
20 mg
Tablet
Roxane

HALDOL
Haloperidol
1 mg
Tablet
Roxane

HALDOL
Haloperidol
2 mg
Tablet
Roxane

HALDOL
Haloperidol
1 mg
Tablet
Purepac

HALDOL
Haloperidol
10 mg
Tablet
Purepac

HALDOL
Haloperidol
2 mg/ml
Solution
Roxane

HALDOL
Haloperidol
2 mg/ml
Solution
Searle

HALDOL
Haloperidol
0.5 mg
Tablet
Danbury

HALDOL
Haloperidol
10 mg
Tablet
Danbury

HALDOL
Haloperidol
2 mg/ml
Solution
Copley

HALDOL
Haloperidol
5 mg
Tablet
Danbury

HALDOL
Haloperidol
2 mg
Tablet
Geneva

HALDOL
Haloperidol
20 mg
Tablet
Danbury

HALDOL
Haloperidol
2 mg
Tablet
Danbury

HALDOL
Haloperidol
20 mg
Tablet
Geneva

HALDOL
Haloperidol
1 mg
Tablet
Danbury

HALDOL
Haloperidol
2 mg/ml
Solution
Barre-National

HYCODAN
Homatropine MBr 1.5 mg with hydrocodone bitartrate 5 mg
Per 5 ml
Syrup
Barre-National

HYCODAN
Homatropine MBr 1.5 mg with hydrocodone bitartrate 5 mg
Per 5 ml
Syrup
Halsey

HYCODAN
Homatropine MBr 1.5 mg with hydrocodone bitartrate 5 mg
Per tablet
Tablet
Daniels

HYCODAN
Homatropine MBr 1.5 mg with hydrocodone bitartrate 5 mg
Per 5 ml
Syrup
Pennex

HYCOMINE
Hydrocodone bitartrate 5 mg with phenylpropanolamine HCl 25 mg
Per 5 ml
Syrup
Barre-National

HYCOMINE
Hydrocodone bitartrate 5 mg with phenylpropanolamine HCl 25 mg
Per 5 ml
Syrup
Halsey

HYCOMINE PEDIATRIC
Hydrocodone bitartrate 2.5 mg with phenylpropanolamine HCl 12.5 mg
Per 5 ml
Syrup
Halsey

HYCOMINE PEDIATRIC
Hydrocodone bitartrate 2.5 mg with phenylpropanolamine HCl 12.5 mg
Per 5 ml
Syrup
Barre-National

HYCOTUSS
Hydrocodone bitartrate 5 mg, guaifenesin 100 mg
Per 5 ml
Syrup
Barre-National

HYDERGINE
Ergoloid mesylates
1.0 mg
Tablet, subling
Sandoz

HYDERGINE
Ergoloid mesylates
1.0 mg
Tablet, subling
Zenith

HYDERGINE
Ergoloid mesylates
1 mg
Tablet, oral
Mutual

HYDERGINE
Ergoloid mesylates
1.0 mg
Tablet, subling
Chelsea

HYDERGINE
Ergoloid mesylates
0.5 mg
Tablet, subling
Danbury

HYDERGINE
Ergoloid mesylates
1 mg
Tablet, oral
Danbury

HYDERGINE
Ergoloid mesylates
0.5 mg
Tablet, subling
Chelsea

HYDERGINE
Ergoloid mesylates
1.0 mg
Tablet, subling
Danbury

HYDRODIURIL
Hydrochlorothiazide
50 mg
Tablet
Danbury

HYDRODIURIL
Hydrochlorothiazide
50 mg
Tablet
Geneva

HYDRODIURIL
Hydrochlorothiazide
50 mg
Tablet
Eon

HYDRODIURIL
Hydrochlorothiazide
25 mg
Tablet
Zenith

HYDRODIURIL
Hydrochlorothiazide
25 mg
Tablet
West-Ward

HYDRODIURIL
Hydrochlorothiazide
100 mg
Tablet
Zenith

HYDRODIURIL
Hydrochlorothiazide
50 mg
Tablet
Zenith

HYDRODIURIL
Hydrochlorothiazide
25 mg
Tablet
West Point

HYDRODIURIL
Hydrochlorothiazide
50 mg
Tablet
West Point

HYDRODIURIL
Hydrochlorothiazide
50 mg
Tablet
West-Ward

HYDRODIURIL
Hydrochlorothiazide
50 mg
Tablet
Abbott

HYDRODIURIL
Hydrochlorothiazide
50 mg
Tablet
Camall

HYDRODIURIL
Hydrochlorothiazide
25 mg
Tablet
Abbott

HYDRODIURIL
Hydrochlorothiazide
25 mg
Tablet
Camall

HYDRODIURIL
Hydrochlorothiazide
25 mg
Tablet
Purepac

HYDRODIURIL
Hydrochlorothiazide
50 mg
Tablet
Purepac

HYDRODIURIL
Hydrochlorothiazide
100 mg
Tablet
Richlyn

HYDRODIURIL
Hydrochlorothiazide
25 mg
Tablet
Roxane

HYDRODIURIL
Hydrochlorothiazide
50 mg
Tablet
Roxane

HYDRODIURIL
Hydrochlorothiazide
100 mg
Tablet
MSD

HYDRODIURIL
Hydrochlorothiazide
25 mg
Tablet
MSD

HYDRODIURIL
Hydrochlorothiazide
50 mg
Tablet
MSD

HYDRODIURIL
Hydrochlorothiazide
25 mg
Tablet
Halsey

HYDRODIURIL
Hydrochlorothiazide
50 mg
Tablet
Halsey

HYDRODIURIL
Hydrochlorothiazide
50 mg
Tablet
Lederle

HYDRODIURIL
Hydrochlorothiazide
25 mg
Tablet
Lederle

HYDRODIURIL
Hydrochlorothiazide
25 mg
Tablet
Geneva

HYGROTON
Chlorthalidone
50 mg
Tablet
Danbury

HYGROTON
Chlorthalidone
25 mg
Tablet
Danbury

HYGROTON
Chlorthalidone
50 mg
Tablet
Chelsea

HYGROTON
Chlorthalidone
25 mg
Tablet
Chelsea

HYGROTON
Chlorthalidone
25 mg
Tablet
Mylan

HYGROTON
Chlorthalidone
50 mg
Tablet
Mutual

HYGROTON
Chlorthalidone
25 mg
Tablet
P-D

HYGROTON
Chlorthalidone
50 mg
Tablet
P-D

HYGROTON
Chlorthalidone
25 mg
Tablet
Mutual

HYGROTON
Chlorthalidone
50 mg
Tablet
Mylan

HYTONE
Hydrocortisone
1%
Cream
Naska/Barre-Nat

HYTONE
Hydrocortisone
2.5%
Cream
Naska/Barre-Nat

HYTONE
Hydrocortisone
1%
Cream
NMC

HYTONE
Hydrocortisone
2.5%
Cream
NMC

HYTONE
Hydrocortisone
1%
Lotion
Naska/Barre-Nat

HYTONE
Hydrocortisone
1%
Ointment
NMC

HYTONE
Hydrocortisone
1%
Ointment
Naska/Barre-Nat

HYTONE
Hydrocortisone
1%
Lotion
Glades

HYTONE
Hydrocortisone
2.5%
Lotion
Glades

HYTONE
Hydrocortisone
1%
Cream
Lemmon

HYTONE
Hydrocortisone
2.5%
Cream
C&M

HYTONE
Hydrocortisone
1%
Cream
Altana

HYTONE
Hydrocortisone
1%
Ointment
Altana

HYTONE
Hydrocortisone
1%
Cream
C&M

HYTONE
Hydrocortisone
1%
Cream
Biocraft

HYTONE
Hydrocortisone
1%
Ointment
Ambix

HYTONE
Hydrocortisone
1%
Cream
Ambix

HYTONE
Hydrocortisone
1%
Cream
Bausch & Lomb

HYTONE
Hydrocortisone
1%
Ointment
C&M

HYTONE
Hydrocortisone
2.5%
Cream
Ambix

HYTONE
Hydrocortisone
1%
Lotion
Thames

HYTONE
Hydrocortisone
1%
Ointment
Thames

HYTONE
Hydrocortisone
2.5%
Cream
Thames

HYTONE
Hydrocortisone
1%
Cream
Thames

HYTONE
Hydrocortisone
1%
Ointment
Clay-Park

HYTONE
Hydrocortisone
2.5%
Cream
Clay-Park

HYTONE
Hydrocortisone
1%
Ointment
Dermik

HYTONE
Hydrocortisone
2.5%
Cream
Dermik

HYTONE
Hydrocortisone
2.5%
Ointment
Clay-Park

HYTONE
Hydrocortisone
1%
Cream
Dermik

HYTONE
Hydrocortisone
1%
Cream
Derm Prod/Owen

HYTONE
Hydrocortisone
1%
Lotion
Clay-Park

HYTONE
Hydrocortisone
1%
Cream
Clay-Park

HYTONE
Hydrocortisone
2.5%
Cream
Fougera/Altana

HYTONE
Hydrocortisone
1%
Lotion
Solvay

HYTONE
Hydrocortisone
1%
Cream
Syosset

HYTONE
Hydrocortisone
1%
Cream
Solvay

IBERET FOLIC 500
Iberet Folic 500 substitute
Per tablet
Tablet
Amide

IBERET FOLIC 500
Iberet Folic 500 substitute
Per tablet
Tablet
Copley

ILOSONE
Erythromycin estolate
125 mg/5 ml
Suspension
Barre-National

ILOSONE
Erythromycin estolate
250 mg/5 ml
Suspension
Barre-National

ILOSONE
Erythromycin estolate
250 mg
Capsule
Barr

IMODIUM
Loperamide HCl
2 mg
Capsule
Roxane

IMODIUM
Loperamide HCl
2 mg
Capsule
Novopharm

IMODIUM
Loperamide HCl
2 mg
Capsule
Mylan

IMODIUM
Loperamide HCl
2 mg
Capsule
Geneva

IMODIUM
Loperamide HCl
2 mg
Capsule
Lemmon

INDERAL
Propranolol HCl
60 mg
Tablet
Lederle

INDERAL
Propranolol HCl
40 mg
Tablet
Lederle

INDERAL
Propranolol HCl
20 mg
Tablet
Lederle

INDERAL
Propranolol HCl
80 mg
Tablet
Lederle

INDERAL
Propranolol HCl
10 mg
Tablet
Lederle

INDERAL
Propranolol HCl
20 mg
Tablet
Geneva

INDERAL
Propranolol HCl
80 mg
Tablet
Geneva

INDERAL
Propranolol HCl
10 mg
Tablet
Interpharm

INDERAL
Propranolol HCl
20 mg
Tablet
Tablet

INDERAL
Propranolol HCl
60 mg
Tablet
Geneva

INDERAL
Propranolol HCl
40 mg
Tablet
Geneva

INDERAL
Propranolol HCl
80 mg
Tablet
Interpharm

INDERAL
Propranolol HCl
40 mg
Tablet
Interpharm

INDERAL
Propranolol HCl
90 mg
Tablet
Par

INDERAL
Propranolol HCl
40 mg
Tablet
Mylan

INDERAL
Propranolol HCl
40 mg
Tablet
P-D

INDERAL
Propranolol HCl
20 mg
Tablet
Mylan

INDERAL
Propranolol HCl
10 mg
Tablet
Mylan

INDERAL
Propranolol HCl
60 mg
Tablet
P-D

INDERAL
Propranolol HCl
80 mg
Tablet
P-D

INDERAL
Propranolol HCl
20 mg
Tablet
P-D

INDERAL
Propranolol HCl
10 mg
Tablet
P-D

INDERAL
Propranolol HCl
80 mg
Tablet
Mylan

INDERAL
Propranolol HCl
20 mg
Tablet
Purepac

INDERAL
Propranolol HCl
60 mg
Tablet
Roxane

INDERAL
Propranolol HCl
40 mg
Tablet
Purepac

INDERAL
Propranolol HCl
40 mg
Tablet
Roxane

INDERAL
Propranolol HCl
10 mg
Tablet
Purepac

INDERAL
Propranolol HCl
60 mg
Tablet
Purepac

INDERAL
Propranolol HCl
20 mg
Tablet
Roxane

INDERAL
Propranolol HCl
80 mg
Tablet
Purepac

INDERAL
Propranolol HCl
80 mg
Tablet
Roxane

INDERAL
Propranolol HCl
10 mg
Tablet
Roxane

INDERAL
Propranolol HCl
80 mg
Tablet
Sidmak

INDERAL
Propranolol HCl
20 mg
Tablet
Sidmak

INDERAL
Propranolol HCl
40 mg
Tablet
Sidmak

INDERAL
Propranolol HCl
10 mg
Tablet
Sidmak

INDERAL
Propranolol HCl
90 mg
Tablet
Sidmak

INDERAL
Propranolol HCl
60 mg
Tablet
Sidmak

INDERAL
Propranolol HCl
40 mg
Tablet
Danbury

INDERAL
Propranolol HCl
10 mg
Tablet
Geneva

INDERAL
Propranolol HCl
20 mg
Tablet
Danbury

INDERAL
Propranolol HCl
10 mg
Tablet
Danbury

INDERAL
Propranolol HCl
80 mg
Tablet
Watson

INDERAL
Propranolol HCl
90 mg
Tablet
Watson

INDERAL
Propranolol HCl
40 mg
Tablet
Watson

INDERAL
Propranolol HCl
60 mg
Tablet
Watson

INDERAL
Propranolol HCl
20 mg
Tablet
Watson

INDERAL
Propranolol HCl
10 mg
Tablet
Watson

INDERAL
Propranolol HCl
10 mg
Tablet
W-C

INDERAL
Propranolol HCl
60 mg
Tablet
W-C

INDERAL
Propranolol HCl
80 mg
Tablet
W-C

INDERAL
Propranolol HCl
40 mg
Tablet
W-C

INDERAL
Propranolol HCl
20 mg
Tablet
W-C

INDERAL LA
Propranolol HCl
80 mg
Capsule, ER
Inwood

INDERAL LA
Propranolol HCl
120 mg
Capsule, ER
Inwood

INDERAL LA
Propranolol HCl
160 mg
Capsule, ER
Inwood

INDERAL LA
Propranolol HCl
60 mg
Capsule, ER
Inwood

INDERIDE
Propranolol HCl with
hydrochlorothiazide
40/25 mg
Tablet
W-C

INDERIDE
Propranolol HCl with
hydrochlorothiazide
80/25 mg
Tablet
W-C

INDERIDE
Propranolol HCl with
hydrochlorothiazide
80/25 mg
Tablet
Barr

INDERIDE
Propranolol HCl with
hydrochlorothiazide
40/25 mg
Tablet
Barr

INDERIDE
Propranolol HCl with
hydrochlorothiazide
80/25 mg
Tablet
Mylan

INDERIDE
Propranolol HCl with
hydrochlorothiazide
40/25 mg
Tablet
Mylan

INDERIDE
Propranolol HCl with
hydrochlorothiazide
80/25 mg
Tablet
Chelsea

INDERIDE
Propranolol HCl with
hydrochlorothiazide
40/25 mg
Tablet
Chelsea

INDERIDE
Propranolol HCl with
hydrochlorothiazide
80/25 mg
Tablet
Danbury

INDERIDE
Propranolol HCl with
hydrochlorothiazide
40/25 mg
Tablet
Danbury

INDERIDE
Propranolol HCl with
hydrochlorothiazide
80/25 mg
Tablet
Sidmak

INDERIDE
Propranolol HCl with
hydrochlorothiazide
40/25 mg
Tablet
Sidmak

INDERIDE
Propranolol HCl with
hydrochlorothiazide
80/25 mg
Tablet
Purepac

INDERIDE
Propranolol HCl with
hydrochlorothiazide
40/25 mg
Tablet
Purepac

INDOCIN
Indomethacin
50 mg
Capsule
Sidmak

INDOCIN
Indomethacin
25 mg
Capsule
Sidmak

INDOCIN
Indomethacin
25 mg
Capsule
W-C

INDOCIN
Indomethacin
25 mg
Capsule
Barr

INDOCIN
Indomethacin
25 mg
Capsule
Watson

INDOCIN
Indomethacin
50 mg
Capsule
Barr

INDOCIN
Indomethacin
50 mg
Capsule
Watson

INDOCIN
Indomethacin
25 mg
Capsule
Lederle

INDOCIN
Indomethacin
50 mg
Capsule
Zenith

INDOCIN
Indomethacin
50 mg
Capsule
Lederle

INDOCIN
Indomethacin
50 mg
Capsule
W-C

INDOCIN
Indomethacin
50 mg
Capsule
Halsey

INDOCIN
Indomethacin
25 mg
Capsule
Chelsea

INDOCIN
Indomethacin
25 mg
Capsule
Halsey

INDOCIN
Indomethacin
50 mg
Capsule
Chelsea

INDOCIN
Indomethacin
50 mg
Capsule
Geneva

INDOCIN
Indomethacin
25 mg
Capsule
Novopharm

INDOCIN
Indomethacin
25 mg
Capsule
Geneva

INDOCIN
Indomethacin
50 mg
Capsule
Mylan

INDOCIN
Indomethacin
25 mg
Capsule
Zenith

INDOCIN
Indomethacin
25 mg
Capsule
Mylan

INDOCIN
Indomethacin
25 mg
Capsule
West Point

INDOCIN
Indomethacin
50 mg
Capsule
Mutual

INDOCIN
Indomethacin
50 mg
Capsule
West Point

INDOCIN
Indomethacin
50 mg
Capsule
Novopharm

INDOCIN
Indomethacin
50 mg
Suppository
G&W

INDOCIN
Indomethacin
25 mg
Capsule
Mutual

***INDOCIN**
Indomethacin
50 mg
Capsule
Par

INDOCIN
Indomethacin
25 mg
Capsule
Par*

INDOCIN SR
Indomethacin
75 mg
Capsule
Inwood

INDOCIN SR
Indomethacin
75 mg
Capsule
West Point

INFLAMASE FORTE
Prednisolone sodium phosphate
1%
Ophth solution
Steris

INFLAMASE FORTE
Prednisolone sodium phosphate
1%
Ophth solution
Bausch & Lomb

INFLAMASE FORTE
Prednisolone sodium phosphate
1%
Ophth solution
Akorn

INFLAMASE MILD
Prednisolone sodium phosphate
0.125%
Ophth solution
Akorn

INFLAMASE MILD
Prednisolone sodium phosphate
0.125%
Ophth solution
Steris

ISOPTO-ATROPINE
Atropine sulfate
1%
Ophth solution
Steris

ISOPTO-ATROPINE
Atropine sulfate
1%
Ophth solution
Adv. Remedies

ISOPTO-ATROPINE
Atropine sulfate
1%
Ophth solution
Bausch & Lomb

ISOPTO-ATROPINE
Atropine sulfate
1%
Ophth solution
Akorn

ISOPTO-ATROPINE
Atropine sulfate
1%
Ophth solution
Optopics

ISOPTO-CARPINE
Pilocarpine HCl
3%
Ophth solution
Optopics

ISOPTO-CARPINE
Pilocarpine HCl
2%
Ophth solution
Ocumed

ISOPTO-CARPINE
Pilocarpine HCl
4%
Ophth solution
Ocumed

ISOPTO-CARPINE
Pilocarpine HCl
0.5%
Ophth solution
Optopics

ISOPTO-CARPINE
Pilocarpine HCl
2%
Ophth solution
Optopics

ISOPTO-CARPINE
Pilocarpine HCl
1%
Ophth solution
Optopics

ISOPTO-CARPINE
Pilocarpine HCl
6%
Ophth solution
Optopics

ISOPTO-CARPINE
Pilocarpine HCl
4%
Ophth solution
Optopics

ISOPTO-CARPINE
Pilocarpine HCl
1%
Ophth solution
Ocumed

ISOPTO-CARPINE
Pilocarpine HCl
6%
Ophth solution
Ocumed

ISOPTO-CARPINE
Pilocarpine HCl
2%
Ophth solution
Bausch & Lomb

ISOPTO-CARPINE
Pilocarpine HCl
6%
Ophth solution
Bausch & Lomb

ISOPTO-CARPINE
Pilocarpine HCl
4%
Ophth solution
Akorn

ISOPTO-CARPINE
Pilocarpine HCl
3%
Ophth solution
Bausch & Lomb

ISOPTO-CARPINE
Pilocarpine HCl
2%
Ophth solution
Akorn

ISOPTO-CARPINE
Pilocarpine HCl
2%
Ophth solution
Adv. Remedies

ISOPTO-CARPINE
Pilocarpine HCl
4%
Ophth solution
Adv. Remedies

ISOPTO-CARPINE
Pilocarpine HCl
0.5%
Ophth solution
Bausch & Lomb

ISOPTO-CARPINE
Pilocarpine HCl
4%
Ophth solution
Bausch & Lomb

ISOPTO-CARPINE
Pilocarpine HCl
1%
Ophth solution
Akorn

ISOPTO-CARPINE
Pilocarpine HCl
1%
Ophth solution
Adv. Remedies

ISOPTO-CARPINE
Pilocarpine HCl
1%
Ophth solution
Bausch & Lomb

ISOPTO-CARPINE
Pilocarpine HCl
4%
Ophth solution
Steris

ISOPTO-CARPINE
Pilocarpine HCl
2%
Ophth solution
Steris

ISOPTO-CARPINE
Pilocarpine HCl
1%
Ophth solution
Steris

ISOPTO-CARPINE
Pilocarpine HCl
6%
Ophth solution
Iolab

ISOPTO-CARPINE
Pilocarpine HCl
1%
Ophth solution
Iolab

ISOPTO-CARPINE
Pilocarpine HCl
4%
Ophth solution
Iolab

ISOPTO-CARPINE
Pilocarpine HCl
3%
Ophth solution
Iolab

ISOPTO-CARPINE
Pilocarpine HCl
0.5%
Ophth solution
Iolab

ISOPTO-CARPINE
Pilocarpine HCl
2%
Ophth solution
Iolab

ISORDIL
Isosorbide dinitrate
2.5 mg
Tablet, subling
Geneva

ISORDIL
Isosorbide dinitrate
5 mg
Tablet, oral
Geneva

ISORDIL
Isosorbide dinitrate
20 mg
Tablet, oral
Geneva

ISORDIL
Isosorbide dinitrate
5 mg
Tablet, subling
Geneva

ISORDIL
Isosorbide dinitrate
10 mg
Tablet, oral
Geneva

ISORDIL
Isosorbide dinitrate
20 mg
Tablet, oral
Par

ISORDIL
Isosorbide dinitrate
10 mg
Tablet, oral
Par

ISORDIL
Isosorbide dinitrate
5 mg
Tablet, oral
West-Ward

ISORDIL
Isosorbide dinitrate
5 mg
Tablet, subling
West-Ward

ISORDIL
Isosorbide dinitrate
20 mg
Tablet, oral
West-Ward

ISORDIL
Isosorbide dinitrate
2.5 mg
Tablet, subling
West-Ward

ISORDIL
Isosorbide dinitrate
10 mg
Tablet, oral
West-Ward

ISORDIL
Isosorbide dinitrate
5 mg
Tablet, oral
Danbury

ISORDIL
Isosorbide dinitrate
10 mg
Tablet, oral
Danbury

ISORDIL
Isosorbide dinitrate
5 mg
Tablet, subling
Danbury

ISORDIL
Isosorbide dinitrate
2.5 mg
Tablet, subling
Danbury

***ISORDIL**
Isosorbide dinitrate
30 mg
Tablet, oral
Par*

K-LOR
Potassium chloride
15 mEq
Powder
Alra

K-LYTE
Potassium bicarbonate
2.5 g (25 mEq K+)
Tablet, efferves
Alra

K-LYTE
Potassium bicarbonate
2.5 g (25 mEq K+)
Tablet, efferves
CFH

K-LYTE
Potassium bicarbonate
2.5 g (25 mEq K+)
Tablet, efferves
Copley

K-LYTE
Potassium bicarbonate
2.5 g (25 mEq K+)
Tablet, efferves
Nomax

K-LYTE
Potassium bicarbonate
2.5 g (25 mEq K+)
Tablet, efferves
Tower

K-LYTE CL
Potassium chloride, potassium bicarbonate and l-lysine monodydrochloride
25 mEq/packet
Powder
Upsher-Smith

K-LYTE CL
Potassium chloride, potassium bicarbonate and l-lysine monodydrochloride
25 mEq/packet
Tablet, efferves
Copley

KAON
Potassium gluconate
10% (20 mEq/15 ml)
Elixir
Barre-National

KAON
Potassium gluconate
10% (20 mEq/15 ml)
Elixir
Cenci

KAON
Potassium gluconate
10% (20 mEq/15 ml)
Elixir
LuChem/H.N. Norton

KAON
Potassium gluconate
10% (20 mEq/15 ml)
Elixir
Naska/Barre-Nat

KAON
Potassium gluconate
10% (20 mEq/15 ml)
Elixir
Steri-Med

KAY-CIEL
Potassium chloride
20% (40 mEq/15 ml)
Liquid
Roxane

KAY-CIEL
Potassium chloride
10% (20 mEq/15 ml)
Liquid
Roxane

KAY-CIEL
Potassium chloride
10% (20 mEq/15 ml)
Liquid
Purepac

KAY-CIEL
Potassium chloride
10% (20 mEq/15 ml)
Liquid
Pennex

KAY-CIEL
Potassium chloride
20% (40 mEq/15 ml)
Liquid
Purepac

KAY-CIEL
Potassium chloride
10% (20 mEq/15 ml)
Liquid
Steri-Med

KAY-CIEL
Potassium chloride
20% (40 mEq/15 ml)
Liquid
Pennex

KAY-CIEL
Potassium chloride
20% (40 mEq/15 ml)
Liquid
Pharm. Assocs.

KAY-CIEL
Potassium chloride
10% (20 mEq/15 ml)
Liquid
Pharm. Assocs.

KAY-CIEL
Potassium chloride
20% (40 mEq/15 ml)
Liquid
Steri-Med

KAY-CIEL
Potassium chloride
20 mEq/packet
Powder
Alra

KAY-CIEL
Potassium chloride
10% (20 mEq/15 ml)
Liquid
Barre-National

KAY-CIEL
Potassium chloride
20% (40 mEq/15 ml)
Liquid
Barre-National

KAY-CIEL
Potassium chloride
10% (20 mEq/15 ml)
Liquid
Cenci

KAY-CIEL
Potassium chloride
20 mEq/packet
Powder
Abbott

KAY-CIEL
Potassium chloride
20% (40 mEq/15 ml)
Liquid
Cenci

KAY-CIEL
Potassium chloride
20 mEq/packet
Powder
Upsher-Smith

KAY-CIEL
Potassium chloride
20 mEq/packet
Powder
USA American

KAY-CIEL
Potassium chloride
20 mEq/packet
Powder
Tower

KAY-CIEL
Potassium chloride
20 mEq/packet
Powder
Forest

KAY-CIEL
Potassium chloride
10% (20 mEq/15 ml)
Liquid
Forest

KAY-CIEL
Potassium chloride
20 mEq/packet
Powder
Forest

KAY-CIEL
Potassium chloride
20 mEq/packet
Powder
Copley

KAY-CIEL
Potassium chloride
10% (20 mEq/15 ml)
Liquid
Panray

KAY-CIEL
Potassium chloride
20% (40 mEq/15 ml)
Liquid
Naska/Barre-Nat

KAY-CIEL
Potassium chloride
10% (20 mEq/15 ml)
Liquid
Naska/Barre-Nat

KAY-CIEL
Potassium chloride
20% (40 mEq/15 ml)
Liquid
LuChem/H.N. Norton

KAY-CIEL
Potassium chloride
10% (20 mEq/15 ml)
Liquid
LuChem/H.N. Norton

KAY-CIEL
Potassium chloride
20% (40 mEq/15 ml)
Liquid
Gentek

KAY-CIEL
Potassium chloride
20 mEq/packet
Powder
Lemmon

KAY-CIEL
Potassium chloride
10% (20 mEq/15 ml)
Liquid
Gentek

KAY-CIEL
Potassium chloride
10% (20 mEq/15 ml)
Liquid
Halsey

KAY-CIEL
Potassium chloride
10% (20 mEq/15 ml)
Liquid
Halsey

KAY-CIEL
Potassium chloride
10% (20 mEq/15 ml)
Liquid
Geneva

KEFLET
Cephalexin
500 mg
Tablet
Biocraft

KEFLET
Cephalexin
250 mg
Tablet
Biocraft

KEFLET
Cephalexin
500 mg
Tablet
Barr

KEFLET
Cephalexin
250 mg
Tablet
Barr

KEFLEX
Cephalexin
250 mg/5 ml
Suspension
Barr

KEFLEX
Cephalexin
500 mg
Capsule
Bristol-Myers

KEFLEX
Cephalexin
250 mg
Capsule
Bristol-Myers

KEFLEX
Cephalexin
125 mg/5 ml
Suspension
Barr

KEFLEX
Cephalexin
500 mg
Capsule
Atral

KEFLEX
Cephalexin
250 mg
Capsule
Atral

KEFLEX
Cephalexin
250 mg
Capsule
Biocraft

KEFLEX
Cephalexin
500 mg
Capsule
Barr

KEFLEX
Cephalexin
500 mg
Capsule
Biocraft

KEFLEX
Cephalexin
125 mg/5 ml
Suspension
Biocraft

KEFLEX
Cephalexin
250 mg
Capsule
IBSA

KEFLEX
Cephalexin
250 mg/5 ml
Suspension
Biocraft

KEFLEX
Cephalexin
500 mg
Capsule
IBSA

KEFLEX
Cephalexin
250 mg
Capsule
Barr

KEFLEX
Cephalexin
250 mg
Capsule
M-J

KEFLEX Cephalexin 500 mg Capsule M-J	KEFLEX Cephalexin 500 mg Capsule Yoshitomi	KENALOG Triamcinolone acetonide 0.1% Ointment Syosset	KENALOG Triamcinolone acetonide 0.5% Cream Altana
KEFLEX Cephalexin 250 mg Capsule J. Stevens	KEFLEX Cephalexin 125 mg/5 ml Suspension Novopharm	KENALOG Triamcinolone acetonide 0.1% Ointment Squibb	KENALOG Triamcinolone acetonide 0.1% Ointment Altana
KEFLEX Cephalexin 125 mg/5 ml Suspension TEVA	KEFLEX Cephalexin 250 mg/5 ml Suspension Novopharm	KENALOG Triamcinolone acetonide 0.025% Ointment Syosset	KENALOG Triamcinolone acetonide 0.025% Ointment Altana
KEFLEX Cephalexin 250 mg Capsule TEVA	KEFLEX Cephalexin 250 mg Capsule Novopharm	KENALOG Triamcinolone acetonide 0.5% Ointment Squibb	KENALOG Triamcinolone acetonide 0.1% Cream Lemmon
KEFLEX Cephalexin 250 mg/5 ml Suspension TEVA	KEFLEX Cephalexin 500 mg Capsule Novopharm	KENALOG Triamcinolone acetonide 0.1% Cream Squibb	KENALOG Triamcinolone acetonide 0.025% Cream Lemmon
KEFLEX Cephalexin 500 mg Capsule TEVA	KENALOG Triamcinolone acetonide 0.025% Cream NMC	KENALOG Triamcinolone acetonide 0.1% Cream Syosset	KENALOG Triamcinolone acetonide 0.5% Cream Lemmon
KEFLEX Cephalexin 500 mg Capsule J. Stevens	KENALOG Triamcinolone acetonide 0.1% Cream NMC	KENALOG Triamcinolone acetonide 0.5% Ointment Syosset	KENALOG Triamcinolone acetonide 0.1% Lotion Thames
KEFLEX Cephalexin 250 mg/5 ml Suspension Squibb	KENALOG Triamcinolone acetonide 0.5% Ointment Naska/Barre-Nat	KENALOG Triamcinolone acetonide 0.1% Lotion Pennex	KENALOG Triamcinolone acetonide 0.1% Cream Thames
KEFLEX Cephalexin 500 mg Capsule Squibb	KENALOG Triamcinolone acetonide 0.1% Ointment NMC	KENALOG Triamcinolone acetonide 0.025% Lotion Pennex	KENALOG Triamcinolone acetonide 0.5% Cream Thames
KEFLEX Cephalexin 250 mg Capsule Squibb	KENALOG Triamcinolone acetonide 0.025% Ointment Squibb	KENALOG Triamcinolone acetonide 0.5% Cream Syosset	KENALOG Triamcinolone acetonide 0.1% Ointment Thames
KEFLEX Cephalexin 500 mg Capsule Zenith	KENALOG Triamcinolone acetonide 0.025% Cream Squibb	KENALOG Triamcinolone acetonide 0.025% Cream Altana	KENALOG Triamcinolone acetonide 0.025% Cream Thames
KEFLEX Cephalexin 250 mg Capsule Zenith	KENALOG Triamcinolone acetonide 0.5% Cream Squibb	KENALOG Triamcinolone acetonide 0.1% Cream Altana	KENALOG Triamcinolone acetonide 0.5% Ointment Clay-Park
KEFLEX Cephalexin 250 mg Capsule Yoshitomi	KENALOG Triamcinolone acetonide 0.025% Cream Syosset	KENALOG Triamcinolone acetonide 0.025% Cream Altana	KENALOG Triamcinolone acetonide 0.1% Cream Clay-Park

KENALOG
Triamcinolone acetonide
0.025%
Cream
Clay-Park

KENALOG
Triamcinolone acetonide
0.1%
Ointment
Clay-Park

KENALOG
Triamcinolone acetonide
0.5%
Cream
Clay-Park

KENALOG
Triamcinolone acetonide
0.025%
Ointment
Clay-Park

KENALOG IN ORABASE
Triamcinolone acetonide
0.1%
Dental paste
Thames

KENALOG IN ORABASE
Triamcinolone acetonide
0.1%
Dental paste
Taro

KWELL
Lindane
1%
Shampoo
Barre-National

KWELL
Lindane
1%
Lotion
Barre-National

KWELL
Lindane
1%
Shampoo
Pennex

KWELL
Lindane
1%
Lotion
Pennex

LANOXIN
Digoxin
0.05 mg/ml
Elixir, pediatric
Roxane

LANOXIN
Digoxin
0.25 mg
Tablet
Halsey

LANOXIN
Digoxin
0.125 mg
Tablet
Halsey

LASIX
Furosemide
80 mg
Tablet
Geneva

LASIX
Furosemide
20 mg
Tablet
Geneva

LASIX
Furosemide
40 mg
Tablet
Geneva

LASIX
Furosemide
20 mg
Tablet
Lederle

LASIX
Furosemide
80 mg
Tablet
Lederle

LASIX
Furosemide
40 mg
Tablet
Lederle

LASIX
Furosemide
80 mg
Tablet
Mylan

LASIX
Furosemide
20 mg
Tablet
Mylan

LASIX
Furosemide
40 mg
Tablet
Mylan

LASIX
Furosemide
80 mg
Tablet
Watson

LASIX
Furosemide
40 mg
Tablet
Zenith

LASIX
Furosemide
20 mg
Tablet
Zenith

LASIX
Furosemide
40 mg
Tablet
Watson

LASIX
Furosemide
20 mg
Tablet
Watson

LASIX
Furosemide
20 mg
Tablet
Roxane

LASIX
Furosemide
40 mg
Tablet
Roxane

LASIX
Furosemide
10 mg/ml
Solution
Roxane

LASIX
Furosemide
80 mg
Tablet
Danbury

LASIX
Furosemide
20 mg
Tablet
Danbury

LASIX
Furosemide
40 mg
Tablet
Danbury

LEVSIN
L-hyoscyamine sulfate
0.125 mg/5 ml
Elixir
Hi-Tech

LEVSIN
L-hyoscyamine sulfate
0.125 mg
Tablet
Trinity

LEVSIN
L-hyoscyamine sulfate
0.125 mg
Tablet
Pegasus

LEVSIN
L-hyoscyamine sulfate
0.125 mg
Tablet
Ferndale

LEVSIN
L-hyoscyamine sulfate
0.125 mg/ml
Solution
Pegasus

LIBRIUM
Chlordiazepoxide HCl
5 mg
Capsule
Chelsea

LIBRIUM
Chlordiazepoxide HCl
25 mg
Capsule
Chelsea

LIBRIUM
Chlordiazepoxide HCl
10 mg
Capsule
Chelsea

LIBRIUM
Chlordiazepoxide HCl
10 mg
Capsule
Barr

LIBRIUM
Chlordiazepoxide HCl
5 mg
Capsule
Barr

LIBRIUM
Chlordiazepoxide HCl
25 mg
Capsule
Barr

LIBRIUM
Chlordiazepoxide HCl
10 mg
Capsule
P-D

LIBRIUM
Chlordiazepoxide HCl
5 mg
Capsule
P-D

LIBRIUM
Chlordiazepoxide HCl
25 mg
Capsule
P-D

LIBRIUM
Chlordiazepoxide HCl
10 mg
Capsule
MK

LIBRIUM
Chlordiazepoxide HCl
5 mg
Capsule
MK

LIBRIUM
Chlordiazepoxide HCl
25 mg
Capsule
MK

LIBRIUM
Chlordiazepoxide HCl
5 mg
Capsule
Geneva

LIBRIUM
Chlordiazepoxide HCl
10 mg
Capsule
Geneva

LIBRIUM
Chlordiazepoxide HCl
10 mg
Capsule
Halsey

LIBRIUM
Chlordiazepoxide HCl
25 mg
Capsule
Geneva

LIBRIUM
Chlordiazepoxide HCl
25 mg
Capsule
Halsey

LIBRIUM
Chlordiazepoxide HCl
5 mg
Capsule
Halsey

LIBRIUM
Chlordiazepoxide HCl
5 mg
Capsule
PBI

LIBRIUM
Chlordiazepoxide HCl
10 mg
Capsule
PBI

LIBRIUM
Chlordiazepoxide HCl
10 mg
Capsule
Richlyn

LIBRIUM
Chlordiazepoxide HCl
10 mg
Capsule
Roche

LIBRIUM
Chlordiazepoxide HCl
25 mg
Capsule
PBI

LIBRIUM
Chlordiazepoxide HCl
5 mg
Capsule
Roche

LIBRIUM
Chlordiazepoxide HCl
25 mg
Capsule
Roche

LIDEX
Fluocinonide
0.05%
Solution
Barre-National

LIDEX
Fluocinonide
0.05%
Cream
Hamilton

LIDEX
Fluocinonide
0.05%
Cream
Thames

LIDEX
Fluocinonide
0.05%
Cream
Taro

LIDEX
Fluocinonide
0.05%
Solution
Thames

LIDEX
Fluocinonide
0.05%
Ointment
Hamilton

LIDEX
Fluocinonide
0.05%
Emollient
Hamilton

LIDEX
Fluocinonide
0.05%
Solution
Copley

LIDEX
Fluocinonide
0.05%
Solution
Hamilton

LIDEX
Fluocinonide
0.05%
Cream
Clay-Park

LIDEX
Fluocinonide
0.05%
Solution
Copley

LIDEX
Fluocinonide
0.05%
Gel
Lemmon

LIDEX
Fluocinonide
0.05%
Cream
Lemmon

LIDEX
Fluocinonide
0.05%
Ointment
Lemmon

LIDEX
Fluocinonide
0.05%
Solution
Lemmon

LIDEX
Fluocinonide
0.05%
Cream
NMC

LIMBITROL
Chlordiazepoxide with amitriptyline
5/12.5 mg
Tablet
Mylan

LIMBITROL
Chlordiazepoxide with amitriptyline
5/12.5 mg
Tablet
Danbury

LIMBITROL DS
Chlordiazepoxide with amitriptyline
10/25 mg
Tablet
Danbury

LIMBITROL DS
Chlordiazepoxide with amitriptyline
10/25 mg
Tablet
Mylan

LIORESAL
Baclofen
10 mg
Tablet
Zenith

LIORESAL
Baclofen
20 mg
Tablet
Zenith

LIORESAL
Baclofen
20 mg
Tablet
Biocraft

LIORESAL
Baclofen
10 mg
Tablet
Biocraft

LIORESAL
Baclofen
10 mg
Tablet
Danbury

LIORESAL
Baclofen
20 mg
Tablet
Danbury

LOMOTIL
Diphenoxylate HCl with atropine sulfate
2.5/0.025 mg
Tablet
Roxane

LOMOTIL
Diphenoxylate HCl 2.5 mg with atropine sulfate
0.025 mg
Per 5 ml
Liquid
Roxane

LOMOTIL
Diphenoxylate HCl with atropine sulfate
2.5/0.025 mg
Tablet
P-D

LOMOTIL
Diphenoxylate HCl with atropine sulfate
2.5/0.025 mg
Tablet
Mylan

LOMOTIL
Diphenoxylate HCl 2.5 mg with atropine sulfate
0.025 mg
Per 5 ml
Liquid
Mallinckrodt

LOMOTIL
Diphenoxylate HCl with atropine sulfate
2.5/0.025 mg
Tablet
Halsey

LOMOTIL
Diphenoxylate HCl with atropine sulfate
2.5/0.025 mg
Tablet
Geneva

LOMOTIL
Diphenoxylate HCl with atropine sulfate
2.5/0.025 mg
Tablet
MD

LONITEN
Minoxidil
10 mg
Tablet
Danbury

LONITEN
Minoxidil
2.5 mg
Tablet
Danbury

LONITEN
Minoxidil
10 mg
Tablet
Par

LONITEN
Minoxidil
2.5 mg
Tablet
Par

LOPID
Gemfibrozil
600 mg
Tablet
Lederle

LOPID
Gemfibrozil
600 mg
Tablet
W-C

***LOPID**
Gemfibrozil
600 mg
Tablet
TEVA

LOPRESSOR
Metoprolol tartrate
50 mg
Tablet
Ciba-Geigy

LOPRESSOR
Metoprolol tartrate
50 mg
Tablet
Mylan

LOPRESSOR
Metoprolol tartrate
100 mg
Tablet
Mutual

LOPRESSOR
Metoprolol tartrate
100 mg
Tablet
Mylan

LOPRESSOR
Metoprolol tartrate
50 mg
Tablet
Mutual

LOPRESSOR
Metoprolol tartrate
100 mg
Tablet
Ciba-Geigy*

LOPRESSOR
Metoprolol tartrate
100 mg
Tablet
Danbury

LOPRESSOR
Hydrocodone bitartrate with
acetaminophen
2.5/500 mg
Tablet
Watson

LOPRESSOR
Metoprolol tartrate
50 mg
Tablet
Danbury

LORTAB 7.5/500
Hydrocodone bitartrate with
acetaminophen
7.5/500 mg
Tablet
Watson

***LOTRIMIN**
Clotrimazole
1%
Cream
Taro

LOTRIMIN
Clotrimazole
1%
Cream
Warrick*

LOXITANE
Loxapine as the succinate
5 mg
Capsule
Watson

LOXITANE
Loxapine as the succinate
10 mg
Capsule
Watson

LOXITANE
Loxapine as the succinate
50 mg
Capsule
Watson

LOXITANE
Loxapine as the succinate
25 mg
Capsule
Watson

LOZOL
Indapamide
2.5 mg
Tablet
Arcola

LUDIOMIL
Maprotiline HCl
75 mg
Tablet
Watson

LUDIOMIL
Maprotiline HCl
25 mg
Tablet
Watson

LUDIOMIL
Maprotiline HCl
50 mg
Tablet
Watson

LUDIOMIL
Maprotiline HCl
50 mg
Tablet
Mylan

LUDIOMIL
Maprotiline HCl
25 mg
Tablet
Mylan

LUDIOMIL
Maprotiline HCl
75 mg
Tablet
Mylan

LURIDE
Sodium fluoride
2.2 mg (1 mg F)
Tablet, chewable
Trinity

LURIDE
Sodium fluoride
0.275 mg (0.125 mg F)/drop
Per drop
Drops
Tri-Med

LURIDE
Sodium fluoride
0.275 mg (0.125 mg F)/drop
Per drop
Drops
Hi-Tech

LURIDE
Sodium fluoride (1 mg F)
2.2 mg
Tablet
Copley

LURIDE
Sodium fluoride (0.5 mg F)
1.1 mg
Tablet
Copley

LURIDE
Sodium fluoride
0.275 mg (0.125 mg F)/drop
Per drop
Drops
Copley

MACRODANTIN
Nitrofurantoin macrocrystals
25 mg
Capsule
Danbury

MACRODANTIN
Nitrofurantoin macrocrystals
100 mg
Capsule
Danbury

MACRODANTIN
Nitrofurantoin macrocrystals
50 mg
Capsule
Danbury

MACRODANTIN
Nitrofurantoin macrocrystals
50 mg
Capsule
Zenith

MACRODANTIN
Nitrofurantoin macrocrystals
100 mg
Capsule
Zenith

MARAX DF
Ephedrine sulfate 6.25 mg,
hydroxyzine
HCl 2.5 mg theophylline 32.5
mg
Per 5 ml
Liquid
Naska/Barre-Nat

MARAX DF
Ephedrine sulfate 6.25 mg,
hydroxyzine
HCl 2.5 mg theophylline 32.5
mg
Per 5 ml
Liquid
Halsey

MARAX DF
Ephedrine sulfate 6.25 mg,
hydroxyzine
HCl 2.5 mg theophylline 32.5
mg
Per 5 ml
Liquid
Barre-National

MAXIDEX
Dexamethasone
0.1%
Ophthalmic
Steris

MAXITROL
Dexamethasone 0.1%,
neomycin sulfate 0.5%,
polymyxin B sulfate 10,000 U
Per ml
Suspension
Steris

MAXITROL
Dexamethasone 0.1%,
neomycin sulfate 0.5%,
polymyxin B sulfate 10,000 U
Per g
Ointment
Bausch & Lomb

MAXITROL
Dexamethasone 0.1%,
neomycin sulfate 0.5%,
polymyxin B sulfate 10,000 U
Per ml
Suspension
Bausch & Lomb

MAXITROL
Dexamethasone 0.1%,
neomycin sulfate 0.5%,
polymyxin B sulfate 10,000 U
Per ml
Suspension
Iolab

MAXZIDE
Triamterene/
hydrochlorothiazide
75/50 mg
Tablet
Geneva

MAXZIDE
Triamterene/
hydrochlorothiazide
75/50 mg
Tablet
Danbury

MAXZIDE
Triamterene/
hydrochlorothiazide
75/50 mg
Tablet
Watson

MAXZIDE
Triamterene/ hydrochlorothiazide
75/50 mg
Tablet
Barr

MAXZIDE-25 MG
Triamterene/ hydrochlorothiazide
37.5/25 mg
Capsule
Geneva

***MAXZIDE-25 MG**
Triamterene, hydrochlorothiazide
37.5/25 mg
Tablet
Watson*

MECLOMEN
Meclofenamate sodium
50 mg
Capsule
Geneva

MECLOMEN
Meclofenamate sodium
100 mg
Capsule
Geneva

MECLOMEN
Meclofenamate sodium
100 mg
Capsule
Danbury

MECLOMEN
Meclofenamate sodium
50 mg
Capsule
Danbury

MECLOMEN
Meclofenamate sodium
50 mg
Capsule
Mylan

MECLOMEN
Meclofenamate sodium
100 mg
Capsule
Mylan

MEDROL
Methylprednisolone
4 mg
Tablet
Chelsea

MEDROL
Methylprednisolone
4 mg
Tablet
Duramed

MEGACE
Megestrol acetate
40 mg
Tablet
Par

MEGACE
Megestrol acetate
20 mg
Tablet
Par

MELLARIL
Thioridazine HCl
25 mg
Tablet
Mylan

MELLARIL
Thioridazine HCl
10 mg
Tablet
Mylan

MELLARIL
Thioridazine HCl
100 mg
Tablet
Mylan

MELLARIL
Thioridazine HCl
50 mg
Tablet
Mylan

MELLARIL
Thioridazine HCl
100 mg
Tablet
Mutual

MELLARIL
Thioridazine HCl
50 mg
Tablet
Mutual

MELLARIL
Thioridazine HCl
10 mg
Tablet
Mutual

MELLARIL
Thioridazine HCl
25 mg
Tablet
Mutual

MELLARIL
Thioridazine HCl
50 mg
Tablet
Geneva

MELLARIL
Thioridazine HCl
30 mg/ml
Concentrate
Geneva

MELLARIL
Thioridazine HCl
100 mg
Tablet
Geneva

MELLARIL
Thioridazine HCl
15 mg
Tablet
Geneva

MELLARIL
Thioridazine HCl
10 mg
Tablet
Geneva

MELLARIL
Thioridazine HCl
200 mg
Tablet
Geneva

MELLARIL
Thioridazine HCl
150 mg
Tablet
Geneva

MELLARIL
Thioridazine HCl
25 mg
Tablet
Geneva

MELLARIL
Thioridazine HCl
30 mg/ml
Concentrate
Roxane

MELLARIL
Thioridazine HCl
100 mg/ml
Concentrate
Roxane

MELLARIL
Thioridazine HCl
100 mg/ml
Concentrate
Barre-National

MELLARIL
Thioridazine HCl
50 mg
Tablet
Chelsea

MELLARIL
Thioridazine HCl
100 mg
Tablet
Chelsea

MELLARIL
Thioridazine HCl
10 mg
Tablet
Chelsea

MELLARIL
Thioridazine HCl
150 mg
Tablet
Danbury

MELLARIL
Thioridazine HCl
30 mg/ml
Concentrate
Copley

MELLARIL
Thioridazine HCl
25 mg
Tablet
Chelsea

MELLARIL
Thioridazine HCl
200 mg
Tablet
Danbury

MELLARIL
Thioridazine HCl
100 mg
Tablet
Danbury

METHOTREXATE
Methotrexate
2.5 mg
Tablet
Mylan

METHOTREXATE
Methotrexate
2.5 mg
Tablet
Barr

MICRO-K 10 EXTENCAPS
Potassium chloride
10 mEq (750 mg)
Capsule, ER
KV

***MICRONASE/DIABETA**
Glyburide
1.25 mg
Tablet
Greenstone

MICRONASE/DIABETA
Glyburide
2.5 mg
Tablet
Greenstone

MICRONASE/DIABETA
Glyburide
5 mg
Tablet
Greenstone

MIDAMOR
Amiloride HCl
5 mg
Tablet
Par*

MIDRIN
Acetaminophen, dichloralphenazone, isometh eptene mucate
325/100/65 mg
Capsule
Interpharm

MIDRIN
Acetaminophen, dichloralphenazone, isometh eptene mucate
325/100/65 mg
Capsule
J. Stevens

MIDRIN
Acetaminophen, dichloralphenazone, isometh eptene mucate
325/100/65 mg
Capsule
Amide

MIDRIN
Acetaminophen, dichloralphenazone, isometheptene mucate
325/100/65 mg
Capsule
Ferndale

MIDRIN
Acetaminophen, dichloralphenazone, isometheptene mucate
325/100/65 mg
Capsule
Duramed

MIDRIN
Acetaminophen, dichloralphenazone, isometheptene mucate
325/100/65 mg
Capsule
Nutripharm

MINIPRESS
Prazosin
5 mg
Capsule
Mylan

MINIPRESS
Prazosin
1 mg
Capsule
Mylan

MINIPRESS
Prazosin
2 mg
Capsule
Mylan

MINIPRESS
Prazosin
5 mg
Capsule
Purepac

MINIPRESS
Prazosin
1 mg
Capsule
Purepac

MINIPRESS
Prazosin
2 mg
Capsule
Purepac

MINIPRESS
Prazosin
5 mg
Capsule
Lederle

MINIPRESS
Prazosin
2 mg
Capsule
Geneva

MINIPRESS
Prazosin
2 mg
Capsule
Lederle

MINIPRESS
Prazosin
1 mg
Capsule
Geneva

MINIPRESS
Prazosin
1 mg
Capsule
Lederle

MINIPRESS
Prazosin
5 mg
Capsule
Geneva

MINIPRESS
Prazosin
1 mg
Capsule
Danbury

MINIPRESS
Prazosin
2 mg
Capsule
Danbury

MINIPRESS
Prazosin
5 mg
Capsule
Danbury

MINIPRESS
Prazosin
1 mg
Capsule
Zenith

MINIPRESS
Prazosin
2 mg
Capsule
Zenith

MINIPRESS
Prazosin
5 mg
Capsule
Zenith

MINOCIN (pellet & powder filled)
Minocycline HCl
100 mg
Capsule
W-C

MINOCIN (pellet & powder filled)
Minocycline HCl
50 mg
Capsule
W-C

MINOCIN (pellet & powder filled)
Minocycline HCl
100 mg
Capsule
Biocraft

MINOCIN (pellet & powder filled)
Minocycline HCl
50 mg
Capsule
Biocraft

MINOCIN (pellet & powder filled)
Minocycline HCl
50 mg
Capsule
Danbury

MINOCIN (pellet & powder filled)
Minocycline HCl
100 mg
Capsule
Danbury

MODURETIC 5-50
Amiloride HCl with hydrochlorothiazide
5/50 mg
Tablet
West Point

MODURETIC 5-50
Amiloride HCl with hydrochlorothiazide
5 mg with 50 mg
Tablet
Royce

MODURETIC 5-50
Amiloride HCl with hydrochlorothiazide
5 mg with 50 mg
Tablet
Mylan

MODURETIC 5-50
Amiloride HCl with hydrochlorothiazide
5 mg with 50 mg
Tablet
Par

MODURETIC 5-50
Amiloride HCl with hydrochlorothiazide
5 mg with 50 mg
Tablet
Biocraft

MODURETIC 5-50
Amiloride HCl with hydrochlorothiazide
5 mg with 50 mg
Tablet
Barr

MODURETIC 5-50
Amiloride HCl with hydrochlorothiazide
5 mg with 50 mg
Tablet
Geneva

MOTRIN
Ibuprofen
800 mg
Tablet
Geneva

MOTRIN
Ibuprofen
400 mg
Tablet
Geneva

MOTRIN
Ibuprofen
800 mg
Tablet
Interpharm

MOTRIN
Ibuprofen
600 mg
Tablet
Geneva

MOTRIN
Ibuprofen
600 mg
Tablet
Interpharm

MOTRIN
Ibuprofen
400 mg
Tablet
Interpharm

MOTRIN
Ibuprofen
800 mg
Tablet
LuChem/H.N. Norton

MOTRIN
Ibuprofen
600 mg
Tablet
LuChem/H.N. Norton

MOTRIN
Ibuprofen
400 mg
Tablet
LuChem/H.N. Norton

MOTRIN
Ibuprofen
600 mg
Tablet
Sidmak

MOTRIN
Ibuprofen
600 mg
Tablet
TEVA

MOTRIN
Ibuprofen
800 mg
Tablet
TEVA

MOTRIN
Ibuprofen
400 mg
Tablet
TEVA

MOTRIN
Ibuprofen
800 mg
Tablet
Sidmak

MOTRIN
Ibuprofen
400 mg
Tablet
Sidmak

MOTRIN
Ibuprofen
800 mg
Tablet
Par

MOTRIN
Ibuprofen
800 mg
Tablet
Danbury

MOTRIN
Ibuprofen
800 mg
Tablet
Upjohn

MOTRIN
Ibuprofen
600 mg
Tablet
Upjohn

MOTRIN
Ibuprofen
400 mg
Tablet
Upjohn

MOTRIN
Ibuprofen
600 mg
Tablet
Alra

MOTRIN
Ibuprofen
400 mg
Tablet
Alra

MOTRIN
Ibuprofen
400 mg
Tablet
Boots Labs

MOTRIN
Ibuprofen
800 mg
Tablet
Boots Labs

MOTRIN
Ibuprofen
600 mg
Tablet
Boots Labs

MOTRIN
Ibuprofen
800 mg
Tablet
Alra

MOTRIN
Ibuprofen
800 mg
Tablet
Mylan

MOTRIN
Ibuprofen
400 mg
Tablet
Par

MOTRIN
Ibuprofen
800 mg
Tablet
Mutual

MOTRIN
Ibuprofen
600 mg
Tablet
Mylan

MOTRIN
Ibuprofen
400 mg
Tablet
Mutual

MOTRIN
Ibuprofen
600 mg
Tablet
Par

MOTRIN
Ibuprofen
400 mg
Tablet
Ohm

MOTRIN
Ibuprofen
300 mg
Tablet
Mutual

MOTRIN
Ibuprofen
600 mg
Tablet
Mutual

MYCITRACIN
Bacitracin 500 U, neomycin 3.5 mg, polymyxin B 5M U
Per g
Ophth ointment
Bausch & Lomb

MYCOLOG-II
Nystatin 100,000 U, triamcinolone acetonide 0.1%
Per g
Cream
Clay-Park

MYCOLOG-II
Nystatin 100,000 U, triamcinolone acetonide 0.1%
Per g
Ointment
Fougera/Altana

MYCOLOG-II
Nystatin 100,000 U, triamcinolone acetonide 0.1%
Per g
Cream
Fougera/Altana

MYCOLOG-II
Nystatin 100,000 U, triamcinolone acetonide 0.1%
Per g
Ointment
Clay-Park

MYCOLOG-II
Nystatin 100,000 U, triamcinolone acetonide 0.1%
Per g
Cream
Lemmon

MYCOLOG-II
Nystatin 100,000 U, triamcinolone acetonide 0.1%
Per g
Ointment
Lemmon

MYCOLOG-II
Nystatin 100,000 U, triamcinolone acetonide 0.1%
Per g
Cream
Savage/Altana

MYCOLOG-II
Nystatin 100,000 U,triamcinolone acetonide 0.1%
Per g
Ointment
Savage/Altana

MYCOLOG-II
Nystatin 100,000 U,triamcinolone acetonide 0.1%
Per g
Cream
NMC

MYCOLOG-II
Nystatin 100,000 U,triamcinolone acetonide 0.1%
Per g
Ointment
NMC

MYCOLOG-II
Nystatin 100,000 U,triamcinolone acetonide 0.1%
Per g
Cream
Naska/Barre-Nat

MYCOLOG-II
Nystatin 100,000 U,triamcinolone acetonide 0.1%
Per g
Cream
Thames

MYCOLOG-II
Nystatin 100,000 U,triamcinolone acetonide 0.1%
Per g
Ointment
Taro

MYCOLOG-II
Nystatin 100,000 U,triamcinolone acetonide 0.1%
Per g
Cream
Taro

MYCOSTATIN
Nystatin
100,000 U/ml
Suspension
Thames

MYCOSTATIN
Nystatin
100,000 U/g
Cream
Taro

MYCOSTATIN
Nystatin
100,000 U/g
Cream
Thames

MYCOSTATIN
Nystatin
100,000 U/ml
Suspension
Lederle

MYCOSTATIN
Nystatin
100,000 U/g
Cream
Lemmon

MYCOSTATIN
Nystatin
100,000 U/ml
Suspension
Lemmon

MYCOSTATIN
Nystatin
500,000 U
Tablet
Lemmon

MYCOSTATIN
Nystatin
100,000 U
Tablet, vaginal
Holland-Rantos

MYCOSTATIN
Nystatin
100,000 U/ml
Suspension
Bausch & Lomb

MYCOSTATIN
Nystatin
100,000 U/ml
Suspension
Barre-National

MYCOSTATIN
Nystatin
100,000 U/ml
Suspension
Biocraft

MYCOSTATIN
Nystatin
100,000 U/ml
Suspension
Altana

MYCOSTATIN
Nystatin
100,000 U/g
Cream
Altana

MYCOSTATIN
Nystatin
100,000 U/g
Ointment
Altana

MYCOSTATIN
Nystatin
100,000 U/g
Cream
Clay-Park

MYCOSTATIN
Nystatin
100,000 U/g
Ointment
Clay-Park

MYCOSTATIN
Nystatin
500,000 U
Tablet
Eon

MYCOSTATIN
Nystatin
100,000 U/g
Cream
Clay-Park

MYCOSTATIN
Nystatin
100,000 U/g
Cream
NMC

MYCOSTATIN
Nystatin
100,000 U/g
Ointment
Naska/Barre-Nat

MYCOSTATIN
Nystatin
100,000 U/g
Ointment
NMC

MYCOSTATIN
Nystatin
100,000 U/g
Cream
Naska/Barre-Nat

MYCOSTATIN
Nystatin
500,000 U
Tablet
Mutual

MYCOSTATIN
Nystatin
100,000 U/ml
Suspension
Naska/Barre-Nat

MYCOSTATIN
Nystatin
500,000 U
Tablet
PBI

MYCOSTATIN
Nystatin
500,000 U
Tablet
Par

MYCOSTATIN
Nystatin
100,000 U/ml
Suspension
Pennex

MYCOSTATIN
Nystatin
100,000 U
Tablet, vaginal
Sidmak

MYCOSTATIN
Nystatin
100,000 U/ml
Suspension
Squibb

MYCOSTATIN
Nystatin
500,000 U
Tablet
Squibb

MYCOSTATIN
Nystatin
100,000 U/ml
Suspension
Roxane

MYCOSTATIN
Nystatin
100,000 U/g
Ointment
Squibb

MYCOSTATIN
Nystatin
100,000 U/g
Cream
Squibb

MYCOSTATIN
Nystatin
100,000 U
Tablet, vaginal
Squibb

MYSOLINE
Primidone
250 mg
Tablet
Ayerst

MYSOLINE
Primidone
250 mg
Tablet
Danbury

NALDECON
Naldecon substitute
Per 5 ml
Syrup
Hi-Tech

NALDECON
Naldecon substitute
Per 5 ml
Syrup
LuChem/H.N. Norton

NALDECON
Naldecon substitute
Per 5 ml
Syrup
Barre-National

NALDECON
Naldecon substitute
Per 5 ml
Syrup
Naska/Barre-Nat

NALDECON PEDIATRIC
Naldecon substitute
Per 5 ml
Syrup
Naska/Barre-Nat

NALDECON PEDIATRIC
Naldecon substitute
Per ml
Drops
Barre-National

NALDECON PEDIATRIC
Naldecon substitute
Per 5 ml
Syrup
Barre-National

NALDECON PEDIATRIC
Naldecon substitute
Per ml
Drops
Liquipharm

NALDECON PEDIATRIC
Naldecon substitute
Per 5 ml
Syrup
LuChem/H.N. Norton

NALDECON PEDIATRIC
Naldecon substitute
Per ml
Drops
Hi-Tech

NALDECON PEDIATRIC
Naldecon substitute
Per 5 ml
Syrup
Hi-Tech

NALDECON PEDIATRIC
Naldecon substitute
Per ml
Drops
LuChem/H.N. Norton

NALFON
Fenoprofen calcium
300 mg
Capsule
Geneva

NALFON
Fenoprofen calcium
600 mg
Tablet
Geneva

NALFON
Fenoprofen calcium
200 mg
Capsule
Geneva

NALFON
Fenoprofen calcium
600 mg
Tablet
Lederle

NALFON
Fenoprofen calcium
600 mg
Tablet
Chelsea

NALFON
Fenoprofen calcium
600 mg
Tablet
Danbury

NALFON
Fenoprofen calcium
600 mg
Tablet
Watson

NALFON
Fenoprofen calcium
600 mg
Tablet
Zenith

NALFON
Fenoprofen calcium
300 mg
Capsule
Watson

NALFON
Fenoprofen calcium
300 mg
Capsule
W-C

NALFON
Fenoprofen calcium
200 mg
Capsule
W-C

NALFON
Fenoprofen calcium
200 mg
Capsule
Watson

NALFON
Fenoprofen calcium
600 mg
Tablet
Purepac

NALFON
Fenoprofen calcium
200 mg
Capsule
Par

NALFON
Fenoprofen calcium
600 mg
Tablet
Par

NALFON
Fenoprofen calcium
300 mg
Capsule
Par

NALFON
Fenoprofen calcium
600 mg
Tablet
Mylan

NALFON
Fenoprofen calcium
600 mg
Tablet
Mutual

NAPROSYN
Naproxen
500 mg
Tablet
Geneva

NAPROSYN
Naproxen
375 mg
Tablet
Purepac

NAPROSYN
Naproxen
250 mg
Tablet
TEVA

NAPROSYN
Naproxen
250 mg
Tablet
Mylan

NAPROSYN
Naproxen
375 mg
Tablet
TEVA

NAPROSYN
Naproxen
500 mg
Tablet
TEVA

NAPROSYN
Naproxen
375 mg
Tablet
Hamilton

NAPROSYN
Naproxen
250 mg
Tablet
Geneva

NAPROSYN
Naproxen
500 mg
Tablet
Purepac

NAPROSYN
Naproxen
250 mg
Tablet
Purepac

NAPROSYN
Naproxen
375 mg
Tablet
Mylan

NAPROSYN
Naproxen
500 mg
Tablet
Copley

NAPROSYN
Naproxen
375 mg
Tablet
Lederle

NAPROSYN
Naproxen
250 mg
Tablet
Hamilton

NAPROSYN
Naproxen
500 mg
Tablet
Lederle

NAPROSYN
Naproxen
500 mg
Tablet
Mylan

NAPROSYN
Naproxen
500 mg
Tablet
Hamilton

NAPROSYN
Naproxen
375 mg
Tablet
Copley

NAPROSYN
Naproxen
250 mg
Tablet
Copley

NAPROSYN
Naproxen
375 mg
Tablet
Geneva

NAPROSYN
Naproxen
250 mg
Tablet
Lederle

NATALINS RX
Prenatal vitamins
Per tablet
Tablet
Copley

NAVANE
Thiothixene
10 mg
Capsule
Danbury

NAVANE
Thiothixene
2 mg
Capsule
Danbury

NAVANE
Thiothixene
1 mg
Capsule
Danbury

NAVANE
Thiothixene
5 mg
Capsule
Danbury

NAVANE
Thiothixene
5 mg
Capsule
Geneva

NAVANE
Thiothixene
10 mg
Capsule
Geneva

NAVANE
Thiothixene
2 mg
Capsule
Geneva

NAVANE
Thiothixene
1 mg
Capsule
Geneva

NAVANE
Thiothixene
5 mg
Capsule
Mylan

NAVANE
Thiothixene
2 mg
Capsule
Mylan

NAVANE
Thiothixene
1 mg
Capsule
Mylan

NAVANE
Thiothixene
10 mg
Capsule
Mylan

NAVANE CONCENTRATE
Thiothixene HCl
5 mg/ml
Concentrate
Copley

NAVANE CONCENTRATE
Thiothixene HCl
5 mg/5 ml
Liquid
Roxane

NAVANE CONCENTRATE
Thiothixene HCl
5 mg/ml
Concentrate
Barre-National

NEGGRAM
Nalidixic acid
1 gm
Tablet
Danbury

NEGGRAM
Nalidixic acid
500 mg
Tablet
Danbury

NEODECADRON
Neomycin (as sulfate) 3.5 mg,
dexamethasone sodium
phosphate 1 mg
Per ml
Solution
Steris

NEOSPORIN OPHTHALMIC
Gramicidin 0.025 mg,
neomycin as sulfate 1.75 mg,
polymyxin B sulfate 10,000 U
Per ml
Solution
Steris

NEOSPORIN OPHTHALMIC
Gramicidin 0.025 mg,
neomycin as sulfate 1.75 mg,
polymyxin B sulfate 10,000 U
Per ml
Solution
Bausch & Lomb

NEOSPORIN OPHTHALMIC
Neomycin 3.5 mg, polymyxin B
sulfate
10,000 U with bacitracin zinc
400 U
Per g
Ointment
B-W

NEOSPORIN OPHTHALMIC
Neomycin 3.5 mg, polymyxin B
sulfate
10,000 U with bacitracin zinc
400 U
Per g
Ointment
Altana

NEOSPORIN OPHTHALMIC
Neomycin 3.5 mg, polymyxin B
sulfate
10,000 U with bacitracin zinc
400 U
Per g
Ointment
Allergan

NEPTAZANE
Methazolamide
25 mg
Tablet
Geneva

***NEPTAZANE**
Methazolamide
50 mg
Tablet
Lederle

NEPTAZANE
Methazolamide
25 mg
Tablet
Copley

NEPTAZANE
Methazolamide
50 mg
Tablet
Copley

NEPTAZANE
Methazolamide
25 mg
Tablet
Lederle*

NITRO-BID
Nitroglycerin
20 mg/g
Ointment
P-D

NITRO-BID
Nitroglycerin
20 mg/g
Ointment
Altana

NOCTEC
Chloral hydrate
250 mg
Capsule
Pharmacaps

NOCTEC
Chloral hydrate
500 mg/5 ml
Syrup
Pennex

NOCTEC
Chloral hydrate
500 mg/5 ml
Syrup
Squibb

NOCTEC
Chloral hydrate
500 mg
Capsule
Squibb

NOCTEC
Chloral hydrate
500 mg/5 ml
Syrup
Roxane

NOCTEC
Chloral hydrate
500 mg
Capsule
Pharmacaps

NOCTEC
Chloral hydrate
500 mg/5 ml
Syrup
Liquipharm

NOCTEC
Chloral hydrate
500 mg
Capsule
P-D

NOCTEC
Chloral hydrate
500 mg/5 ml
Syrup
MK

NOCTEC
Chloral hydrate
500 mg
Capsule
Encapsulations

NOLVADEX
Tamoxifen citrate
10 mg
Tablet
Zeneca

***NORLUTATE**
Norethindrone acetate
5 mg
Tablet
ESI*

NORPACE
Disopyramide phosphate
150 mg
Capsule
Danbury

NORPACE
Disopyramide phosphate
100 mg
Capsule
Danbury

NORPACE
Disopyramide phosphate
150 mg
Capsule
Biocraft

NORPACE
Disopyramide phosphate
100 mg
Capsule
Biocraft

NORPACE
Disopyramide phosphate
100 mg
Capsule
Geneva

NORPACE
Disopyramide phosphate
150 mg
Capsule
Geneva

NORPRAMIN
Desipramine HCl
50 mg
Tablet
Geneva

NORPRAMIN
Desipramine HCl
100 mg
Tablet
Geneva

NORPRAMIN
Desipramine HCl
75 mg
Tablet
Geneva

NORPRAMIN
Desipramine HCl
10 mg
Tablet
Geneva

NORPRAMIN
Desipramine HCl
25 mg
Tablet
Geneva

NORPRAMIN
Desipramine HCl
75 mg
Tablet
Sidmak

NORPRAMIN
Desipramine HCl
50 mg
Tablet
Sidmak

NORPRAMIN
Desipramine HCl
25 mg
Tablet
Sidmak

NORPRAMIN
Desipramine HCl
50 mg
Tablet
Eon

NORPRAMIN
Desipramine HCl
75 mg
Tablet
Eon

NORPRAMIN
Desipramine HCl
100 mg
Tablet
Eon

NORPRAMIN
Desipramine HCl
25 mg
Tablet
Eon

NOVAFED A
Pseudoephedrine HCl with chlorpheniramine maleate
120/8 mg
Capsule
Ferndale

NOVAHISTINE DH
Pseudophedrine HCl, chlorpheniramine maleate, and codeine phosphate
30/2/10 mg
Elixir
Barre-National

NOVAHISTINE DH
Pseudophedrine HCl 30 mg, codeine phosphate 10 mg, chlorpheniramine maleate 2 mg
Per 5 ml
Liquids
Halsey

NUCOFED EXPECTORANT
Pseudophedrine HCl 60 mg, codeine phosphate 20 mg, guaifenesin 200 mg
Per 5 ml
Syrup
LuChem/H.N. Norton

NUCOFED EXPECTORANT
Pseudophedrine HCl 60 mg, codeine phosphate 20 mg, guaifenesin 200 mg
Per 5 ml
Syrup
Barre-National

NUCOFED PEDIATRIC EXPECTORANT
Pseudophedrine HCl 30 mg, codeine phosphate 10 mg, guaifenesin 100 mg
Per 5 ml
Syrup
Barre-National

NUCOFED PEDIATRIC EXPECTORANT
Pseudophedrine HCl 30 mg, codeine phosphate 10 mg, guaifenesin 100 mg
Per 5 ml
Syrup
LuChem/H.N. Norton

***OGEN**
Estropipate
3 mg
Tablet
Watson

OGEN
Estropipate
0.75 mg
Tablet
Watson

OGEN
Estropipate
6 mg
Tablet
Watson

OGEN
Estropipate
1.5 mg
Tablet
Watson*

ORINASE
Tolbutamide
0.5 g
Tablet
Zenith

ORINASE
Tolbutamide
0.5 g
Tablet
Chelsea

ORINASE
Tolbutamide
0.5 g
Tablet
Danbury

ORINASE
Tolbutamide
0.5 g
Tablet
Eon

ORINASE
Tolbutamide
0.5 g
Tablet
Mylan

ORNADE
Chlorpheniramine maleate, phenylpropanolamine
12/75 mg
Capsule, ER
Geneva

ORTHO-NOVUM 1/35
Norethindrone with ethinyl estradiol
1 mg/35 mcg
Tablet, 21s
Syntex

ORTHO-NOVUM 1/35
Norethindrone with ethinyl estradiol
1 mg/35 mcg
Tablet, 21s
Gedeon-Richter

ORTHO-NOVUM 1/50
Norethindrone with mestranol
1 mg/50 mcg
Tablet, 28s
Watson

ORTHO-NOVUM 1/50
Norethindrone with mestranol
1 mg/50 mcg
Tablet, 28s
Syntex

ORUDIS
Ketoprofen
25 mg
Capsule
Lederle

ORUDIS
Ketoprofen
50 mg
Capsule
Lederle

ORUDIS
Ketoprofen
75 mg
Capsule
Lederle

ORUDIS
Ketoprofen
25 mg
Capsule
Biocraft

ORUDIS
Ketoprofen
75 mg
Capsule
Biocraft

ORUDIS
Ketoprofen
50 mg
Capsule
Biocraft

PAMELOR
Nortriptyline HCl
50 mg
Capsule
Danbury

PAMELOR
Nortriptyline HCl
25 mg
Capsule
Danbury

PAMELOR
Nortriptyline HCl
75 mg
Capsule
Danbury

PAMELOR
Nortriptyline HCl
10 mg
Capsule
Danbury

PAMELOR
Nortriptyline HCl
25 mg
Capsule
Geneva

PAMELOR
Nortriptyline HCl
10 mg
Capsule
Geneva

PAMELOR
Nortriptyline HCl
50 mg
Capsule
Geneva

PAMELOR
Nortriptyline HCl
75 mg
Capsule
Geneva

PAMELOR
Nortriptyline HCl
10 mg
Capsule
Creighton

PAMELOR
Nortriptyline HCl
25 mg
Capsule
Creighton

PAMELOR
Nortriptyline HCl
25 mg
Capsule
Mylan

PAMELOR
Nortriptyline HCl
50 mg
Capsule
Creighton

PAMELOR
Nortriptyline HCl
10 mg
Capsule
Mylan

PAMELOR
Nortriptyline HCl
75 mg
Capsule
Creighton

PAMELOR
Nortriptyline HCl
50 mg
Capsule
Mylan

PAMELOR
Nortriptyline HCl
75 mg
Capsule
Mylan

PANOXYL AQ 2 1/2
Benzoyl peroxide
2.5%
Gel
Syosset

PANOXYL AQ 2 1/2
Benzoyl peroxide
2.5%
Gel
Glades

PANOXYL AQ 2 1/2
Benzoyl peroxide
2.5%
Gel
Derm Prod/Owen

PARAFLEX
Chlorzoxazone
250 mg
Tablet
Amide

PARAFLEX
Chlorzoxazone
250 mg
Tablet
Geneva

***PARAFLEX**
Chlorzoxazone
250 mg
Tablet
Ohm

PARAFLEX
Chlorzoxazone
250 mg
Tablet
Par

PARAFON FORTE DSC
Chlorzoxazone
500 mg
Tablet
Ohm*

PARAFON FORTE DSC
Chlorzoxazone
500 mg
Tablet
Lemmon

PARAFON FORTE DSC
Chlorzoxazone
500 mg
Tablet
Geneva

PARAFON FORTE DSC
Chlorzoxazone
500 mg
Tablet
Ferndale

PARAFON FORTE DSC
Chlorzoxazone
500 mg
Tablet
Danbury

PARAFON FORTE DSC
Chlorzoxazone
500 mg
Tablet
Mutual

PARAFON FORTE DSC
Chlorzoxazone
500 mg
Tablet
Barr

PARAFON FORTE DSC
Chlorzoxazone
500 mg
Tablet
Royce

PEDIAZOLE
Generic substitute
Per 5 ml
For suspension
Barr

PEDIAZOLE
Pediazole substitute
Per 5 ml
For suspension
Alra

PEDIOTIC
Hydrocortisone 1%, neomycin sulfate 3.5 mg-base-/ml, polymyxin B sulfate 10,000 U/ml
Otic suspension
Bausch & Lomb

PENTIDS
Penicillin G potassium
200,000 U
Tablet
Biocraft

PENTIDS
Penicillin G potassium
400,000 U
Tablet
Biocraft

PENTIDS
Penicillin G potassium
200,000 U/5 ml
For solution
Squibb

PENTIDS
Penicillin G potassium
400,000 U/5 ml
For solution
Squibb

PENTIDS
Penicillin G potassium
400,000 U
Tablet
Squibb

PENTIDS
Penicillin G potassium
200,000 U
Tablet
Squibb

PENTIDS
Penicillin G potassium
800,000 U
Tablet
Squibb

PENTIDS
Penicillin G potassium
200,000 U
Tablet
Copanos

PENTIDS
Penicillin G potassium
400,000 U
Tablet
Copanos

PENTIDS
Penicillin G potassium
400,000 U
Tablet
Wyeth

PENTIDS
Penicillin G potassium
200,000 U
Tablet
Wyeth

PENTIDS
Penicillin G potassium
200,000 U/5 ml
For solution
Mylan

PENTIDS
Penicillin G potassium
400,000 U/5 ml
For solution
Mylan

PENTIDS
Penicillin G potassium
400,000 U
Tablet
Mylan

PENTIDS
Penicillin G potassium
800,000 U
Tablet
Mylan

PENTIDS
Penicillin G potassium
200,000 U
Tablet
Mylan

PERCOCET
Oxycodone HCl with
acetaminophen
5/325 mg
Tablet
Roxane

PERCOCET
Oxycodone HCl with
acetaminophen
5/325 mg
Tablet
Halsey

PERCODAN
Oxycodone HCl, oxycodone
terephthalate, aspirin
4.5/0.38/325 mg
Tablet
Roxane

PERIACTIN
Cyproheptadine HCl
4 mg
Tablet
Sidmak

PERIACTIN
Cyproheptadine HCl
4 mg
Tablet
Par

PERIACTIN
Cyproheptadine HCl
4 mg
Tablet
Geneva

PERIACTIN
Cyproheptadine HCl
4 mg
Tablet
Halsey

PERIACTIN
Cyproheptadine HCl
2 mg/5 ml
Syrup
Halsey

PERIACTIN
Cyproheptadine HCl
2 mg/5 ml
Syrup
Naska/Barre-Nat

PERIACTIN
Cyproheptadine HCl
4 mg
Tablet
Mylan

PERIACTIN
Cyproheptadine HCl
4 mg
Syrup
Camall

PERIACTIN
Cyproheptadine HCl
2 mg/5 ml
Syrup
Barre-National

PERIACTIN
Cyproheptadine HCl
4 mg
Tablet
Zenith

PERIACTIN
Cyproheptadine HCl
4 mg
Tablet
Chelsea

PERSANTINE
Dipyridamole
75 mg
Tablet
Chelsea

PERSANTINE
Dipyridamole
50 mg
Tablet
Chelsea

PERSANTINE
Dipyridamole
25 mg
Tablet
Mutual

PERSANTINE
Dipyridamole
50 mg
Tablet
Mutual

PERSANTINE
Dipyridamole
75 mg
Tablet
Mutual

PERSANTINE
Dipyridamole
75 mg
Tablet
Sidmak

PERSANTINE
Dipyridamole
75 mg
Tablet
Purepac

PERSANTINE
Dipyridamole
25 mg
Tablet
Purepac

PERSANTINE
Dipyridamole
25 mg
Tablet
Sidmak

PERSANTINE
Dipyridamole
50 mg
Tablet
Purepac

PERSANTINE
Dipyridamole
50 mg
Tablet
Sidmak

PERSANTINE
Dipyridamole
50 mg
Tablet
Lederle

PERSANTINE
Dipyridamole
25 mg
Tablet
Geneva

PERSANTINE
Dipyridamole
25 mg
Tablet
Lederle

PERSANTINE
Dipyridamole
75 mg
Tablet
Geneva

PERSANTINE
Dipyridamole
50 mg
Tablet
Geneva

PERSANTINE
Dipyridamole
75 mg
Tablet
Lederle

PERSANTINE
Dipyridamole
50 mg
Tablet
Barr

PERSANTINE
Dipyridamole
25 mg
Tablet
Barra

PERSANTINE
Dipyridamole
75 mg
Tablet
Barr

PHENAPHEN WITH
CODEINE
Acetaminophen with codeine
60 mg codeine
Tablet, #4
Lemmon

PHENAPHEN WITH
CODEINE
Acetaminophen with codeine
30 mg codeine
Tablet, #3
Lemmon

PHENERGAN
Promethazine HCl
6.25 mg/5 ml
Syrup
Halsey

PHENERGAN
Promethazine HCl
6.25 mg/5 ml
Syrup
Cenci

PHENERGAN
Promethazine HCl
6.25 mg/5 ml
Syrup
Barre-National

PHENERGAN DM
Promethazine HCl 6.25 mg, dextromethorphan HBr 15 mg
Per 5 ml
Syrup
Barre-National

PHENERGAN DM
Promethazine HCl 6.25 mg, dextromethorphan HBr 15 mg
Per 5 ml
Syrup
Halsey

PHENERGAN VC
Promethazine HCl 6.25 mg, phenylephrine HCl 5 mg
Per 5 ml
Syrup
Halsey

PHENERGAN VC
Promethazine HCl 6.25 mg, phenylephrine HCl 5 mg
Per 5 ml
Syrup
Barre-National

PHENERGAN VC
Promethazine HCl 6.25 mg, phenylephrine HCl 5 mg
Per 5 ml
Syrup
Cenci

PHENERGAN VC/CODEINE
Promethazine HCl 6.25 mg, phenylephrine HCl 5 mg, codeine phosphate 10 mg
Per 5 ml
Syrup
Cenci

PHENERGAN VC/CODEINE
Promethazine HCl 6.25 mg, phenylephrine HCl 5 mg, codeine phosphate 10 mg
Per 5 ml
Syrup
Barre-National

PHENERGAN VC/CODEINE
Promethazine HCl 6.25 mg, phenylephrine HCl 5 mg, codeine phosphate 10 mg
Per 5 ml
Syrup
Halsey

PHENERGAN/CODEINE
Promethazine HCl 6.25 mg, codeine phosphate 10 mg
Per 5 ml
Syrup
Halsey

PHENERGAN/CODEINE
Promethazine HCl 6.25 mg, codeine phosphate 10 mg
Per 5 ml
Syrup
Barre-National

PHENERGAN/CODEINE
Promethazine HCl 6.25 mg, codeine phosphate 10 mg
Per 5 ml
Syrup
Cenci

PHOS-FLUR
Fluorine 0.2 mg from 0.44 mg sodium fluoride
Per ml
Rinse/Supplement
Copley

PHOS-FLUR
Fluorine 0.2 mg from 0.44 mg sodium fluoride
Per ml
Rinse/Supplement
Liquipharm

***POLY-HISTINE DM**
Phenylpropanolamine HCl 12.5 mg, bromopheniramine maleate 2 mg, dextromethorphane HBr 10 mg
Per 5 ml
Syrup
DSC Labs

POLY-HISTINE DM
Phenylpropanolamine HCl 12.5 mg, bromopheniramine maleate 2 mg, dextromethorphane HBr 10 mg
Per 5 ml
Syrup
KV*

POLY-VI-FLOR
Multiple vitamins with fluoride
0.5 mg F/ml
Drops
Hi-Tech

POLY-VI-FLOR
Multiple vitamins with fluoride
0.25 mg F/ml
Drops
Hi-Tech

POLY-VI-FLOR
Multiple vitamins with fluoride
0.25 mg F/ml
Drops
Cenci

POLY-VI-FLOR
POLY-VI-FLOR Substitute
1.0 mg F
Tablet, chewable
Amide

POLY-VI-FLOR
Multiple vitamins with fluoride
0.5 mg F/ml
Drops
Barre-National

POLY-VI-FLOR
Multiple vitamins with fluoride
0.25 mg F/ml
Drops
Barre-National

POLY-VI-FLOR
POLY-VI-FLOR Substitute
0.5 mg F
Tablet, chewable
Amide

POLY-VI-FLOR
POLY-VI-FLOR Substitute
1.0 mg F
Tablet, chewable
Copley

POLY-VI-FLOR
POLY-VI-FLOR Substitute
0.5 mg F
Tablet, chewable
Copley

POLY-VI-FLOR
Multiple vitamins with fluoride
0.25 mg F/ml
Drops
Tri-Med

POLY-VI-FLOR
Multiple vitamins with fluoride
0.5 mg F/ml
Drops
Tri-Med

POLY-VI-FLOR WITH IRON
POLY-VI-FLOR WITH IRON Substitute
0.25 mg F/ml
Liquid drops
Hi-Tech

POLY-VI-FLOR WITH IRON
POLY-VI-FLOR WITH IRON Substitute
0.5 mg
Tablet, chewable
Copley

POLY-VI-FLOR WITH IRON
POLY-VI-FLOR WITH IRON Substitute
1 mg
Tablet, chewable
Copley

POLY-VI-FLOR WITH IRON
POLY-VI-FLOR WITH IRON Substitute
1 mg
Tablet, chewable
Amide

***POLY-VI-FLOR WITH IRON**
Poly-vi-flor with iron substitute
0.5 mg F/ml
Drops
Hi-Tech*

POLYCILLIN
Ampicillin/ampicillin trihydrate
250 mg
Capsule
Beecham

POLYCILLIN
Ampicillin/ampicillin trihydrate
250 mg/5 ml
For suspension
Beecham

POLYCILLIN
Ampicillin/ampicillin trihydrate
500 mg
Capsule
Bristol-Myers

POLYCILLIN
Ampicillin/ampicillin trihydrate
125 mg/5 ml
For suspension
Biocraft

POLYCILLIN
Ampicillin/ampicillin trihydrate
250 mg
Capsule
Bristol-Myers

POLYCILLIN
Ampicillin/ampicillin trihydrate
250 mg
Capsule
Biocraft

POLYCILLIN
Ampicillin/ampicillin trihydrate
250 mg/5 ml
For suspension
Biocraft

POLYCILLIN
Ampicillin/ampicillin trihydrate
250 mg/5 ml
For suspension
Bristol-Myers

POLYCILLIN
Ampicillin/ampicillin trihydrate
500 mg
Capsule
Beecham

POLYCILLIN
Ampicillin/ampicillin trihydrate
125 mg/5 ml
For suspension
Beecham

POLYCILLIN
Ampicillin/ampicillin trihydrate
500 mg
Capsule
Biocraft

POLYCILLIN
Ampicillin/ampicillin trihydrate
125 mg/5 ml
For suspension
Bristol-Myers

POLYCILLIN
Ampicillin/ampicillin trihydrate
250 mg/5 ml
For suspension
Wyeth

POLYCILLIN
Ampicillin/ampicillin trihydrate
500 mg
Capsule
Wyeth

POLYCILLIN
Ampicillin/ampicillin trihydrate
250 mg
Capsule
Wyeth

POLYCILLIN
Ampicillin/ampicillin trihydrate
125 mg/5 ml
For suspension
Wyeth

POLYCILLIN
Ampicillin/ampicillin trihydrate
250 mg
Capsule
Squibb

POLYCILLIN
Ampicillin/ampicillin trihydrate
125 mg/5 ml
For suspension
Squibb

POLYCILLIN
Ampicillin/ampicillin trihydrate
500 mg
Capsule
Squibb

POLYCILLIN
Ampicillin/ampicillin trihydrate
250 mg/5 ml
For suspension
Squibb

POLYCILLIN
Ampicillin/ampicillin trihydrate
250 mg
Capsule
Mylan

POLYCILLIN
Ampicillin/ampicillin trihydrate
125 mg/5 ml
For suspension
Mylan

POLYCILLIN
Ampicillin/ampicillin trihydrate
250 mg/5 ml
For suspension
Mylan

POLYCILLIN
Ampicillin/ampicillin trihydrate
500 mg
Capsule
Mylan

POLYCILLIN
Ampicillin/ampicillin trihydrate
250 mg
Capsule
P-D

POLYCILLIN
Ampicillin/ampicillin trihydrate
125 mg/5 ml
For suspension
P-D

POLYCILLIN
Ampicillin/ampicillin trihydrate
500 mg
Capsule
P-D

POLYCILLIN
Ampicillin/ampicillin trihydrate
250 mg/5 ml
For suspension
P-D

POLYCILLIN
Ampicillin/ampicillin trihydrate
250 mg
Capsule
Clonmel

POLYCILLIN
Ampicillin/ampicillin trihydrate
250 mg/5 ml
For suspension
Copanos

POLYCILLIN
Ampicillin/ampicillin trihydrate
125 mg/5 ml
For suspension
Clonmel

POLYCILLIN
Ampicillin/ampicillin trihydrate
500 mg
Capsule
Clonmel

POLYCILLIN
Ampicillin/ampicillin trihydrate
500 mg
Capsule
Copanos

POLYCILLIN
Ampicillin/ampicillin trihydrate
250 mg
Capsule
Copanos

POLYCILLIN
Ampicillin/ampicillin trihydrate
125 mg/5 ml
For suspension
Copanos

POLYCILLIN
Ampicillin/ampicillin trihydrate
250 mg/5 ml
For suspension
Clonmel

POLYSPORIN
Bacitracin zinc 500 U,
polymyxin B
sulfate 10,000 U
Per g
Ointment
Bausch & Lomb

PRAMET FA
PRAMET FA Substitute
Per tablet
Tablet
Copley

***PRENATE 90**
Prenate 90 substitute
Per tablet
Tablet
KV*

PROBANTHINE
Propantheline bromide
15 mg
Tablet
Danbury

PROBANTHINE
Propantheline bromide
15 mg
Tablet
Roxane

PROBANTHINE
Propantheline bromide
15 mg
Tablet
Par

PROCAN SR
Procainamide modified release
500 mg
Tablet
Sidmak

PROCAN SR
Procainamide modified release
250 mg
Tablet
Sidmak

PROCAN SR
Procainamide modified release
500 mg
Tablet
Danbury

PROCAN SR
Procainamide modified release
750 mg
Tablet
Danbury

PROCAN SR
Procainamide modified release
250 mg
Tablet
Danbury

PROCAN SR
Procainamide modified release
500 mg
Tablet
Copley

***PROCAN SR**
Procainamide modified release
500 mg
Tablet, SR
Copley

PROCAN SR
Procainamide modified release
750 mg
Tablet, SR
Copley*

PROCARDIA
Nifedipine
10 mg
Capsule
Purepac

PROCARDIA
Nifedipine
20 mg
Capsule
Purepac

PROCARDIA
Nifedipine
10 mg
Capsule
Chase

PROCARDIA
Nifedipine
20 mg
Capsule
Chase

PROCARDIA
Nifedipine
10 mg
Capsule
Novopharm

PROCARDIA
Nifedipine
10 mg
Capsule
Miles

PROCARDIA
Nifedipine
20 mg
Capsule
Miles

PROCTOFOAM HC
Hydrocortisone acetate with
pramoxine HCl
1/1%
Topical aerosol
Copley

PROLIXIN
Fluphenazine HCl
5 mg/ml
Concentrate
Copley

PROLIXIN
Fluphenazine HCl
5 mg
Tablet
Mylan

PROLIXIN
Fluphenazine HCl
2.5 mg
Tablet
Mylan

PROLIXIN
Fluphenazine HCl
1 mg
Tablet
Mylan

PROLIXIN
Fluphenazine HCl
2.5 mg
Tablet
Par

PROLIXIN
Fluphenazine HCl
5 mg
Tablet
Par

PROLIXIN
Fluphenazine HCl
1 mg
Tablet
Par

PROLIXIN
Fluphenazine HCl elixir
0.5 mg/ml
Elixir
Coley

PROLIXIN
Fluphenazine HCl injection
2.5 mg/ml
Liquid
Lyphomed

PROLIXIN
Fluphenazine HCl
10 mg
Tablet
Par

PROLIXIN
Fluphenazine decanoate injection
25 mg/ml
Liquid
Lyphomed

PROLIXIN
Fluphenazine HCl
2.5 mg
Tablet
Geneva

PROLIXIN
Fluphenazine HCl
5 mg
Tablet
Geneva

PROLIXIN
Fluphenazine HCl
1 mg
Tablet
Geneva

PROLOPRIM
Trimethoprim
100 mg
Tablet
Danbury

PROLOPRIM
Trimethoprim
200 mg
Tablet
Biocraft

PROLOPRIM
Trimethoprim
100 mg
Tablet
Biocraft

PRONESTYL
Procainamide HCl
500 mg
Capsule
Geneva

PRONESTYL
Procainamide HCl
250 mg
Capsule
Geneva

PRONESTYL
Procainamide HCl
500 mg
Capsule
Squibb

PRONESTYL
Procainamide HCl
375 mg
Capsule
Squibb

PRONESTYL
Procainamide HCl
250 mg
Capsule
Squibb

PRONESTYL
Procainamide HCl
500 mg
Capsule
Chelsea

PRONESTYL
Procainamide HCl
375 mg
Capsule
Chelsea

PRONESTYL
Procainamide HCl
250 mg
Capsule
Chelsea

PRONESTYL
Procainamide HCl
375 mg
Capsule
Danbury

PRONESTYL
Procainamide HCl
500 mg
Capsule
Danbury

PRONESTYL
Procainamide HCl
250 mg
Capsule
Danbury

PRONESTYL
Procainamide HCl
500 mg
Capsule
Zenith

PRONESTYL
Procainamide HCl
250 mg
Capsule
Zenith

PRONESTYL
Procainamide HCl
375 mg
Capsule
Zenith

PROSTAPHLIN
Oxacillin sodium
250 mg
Capsule
Beecham

PROVENTIL
Albuterol sulfate
2 mg
Tablet
Biocraft

PROVENTIL
Albuterol sulfate
4 mg
Tablet
Biocraft

PROVENTIL
Albuterol sulfate
2 mg
Tablet
Watson

PROVENTIL
Albuterol sulfate
2 mg/5 ml
Syrup
Watson

PROVENTIL
Albuterol sulfate
4 mg
Tablet
W-C

PROVENTIL
Albuterol sulfate
4 mg
Tablet
Watson

PROVENTIL
Albuterol sulfate
2 mg
Tablet
W-C

PROVENTIL
Albuterol sulfate
0.083%
Solution
Copley

PROVENTIL
Albuterol sulfate
2 mg/5 ml
Syrup
Lemmon

PROVENTIL
Albuterol sulfate
2 mg
Tablet
Lemmon

PROVENTIL
Albuterol sulfate
4 mg
Tablet
Geneva

PROVENTIL
Albuterol sulfate
2 mg
Tablet
Geneva

PROVENTIL
Albuterol sulfate
4 mg
Tablet
Lemmon

PROVENTIL
Albuterol sulfate
4 mg
Tablet
Lederle

PROVENTIL
Albuterol sulfate
2 mg
Tablet
Lederle

PROVENTIL
Albuterol sulfate
4 mg
Tablet
Mylan

PROVENTIL
Albuterol sulfate
2 mg
Tablet
Mutual

PROVENTIL
Albuterol sulfate
4 mg
Tablet
Mutual

PROVENTIL
Albuterol sulfate
2 mg
Tablet
Mylan

PROVENTIL
Albuterol sulfate
4 mg
Tablet
Danbury

PROVENTIL
Albuterol sulfate
0.083%
Inhalation soln
Copley

PROVENTIL
Albuterol sulfate
4 mg
Tablet
Copley

PROVENTIL
Albuterol sulfate
2 mg
Tablet
Danbury

PROVENTIL
Albuterol sulfate
2 mg
Tablet
Copley

PROVENTIL
Albuterol sulfate
0.5%
Inhalation soln
Copley

PROVENTIL
Albuterol sulfate
4 mg
Tablet
Sidmak

PROVENTIL
Albuterol sulfate
2 mg
Tablet
Sidmak

***PROVENTIL**
Albuterol sulfate
0.083%
Solution
Warrick

PROVENTIL
Albuterol sulfate
0.5%
Solution
Warrick

PROVENTIL
Albuterol sulfate
2 mg/5 ml
Syrup
Warrick

PROVENTIL
Albuterol sulfate
2 mg
Tablet
Novopharm

PROVENTIL
Albuterol sulfate
4 mg
Tablet
Novopharm*

PROVERA
Medroxyprogesterone acetate
2.5 mg
Tablet
Greenstone

PROVERA
Medroxyprogesterone acetate
5 mg
Tablet
ESI

PROVERA
Medroxyprogesterone acetate
2.5 mg
Tablet
ESI

PROVERA
Medroxyprogesterone acetate
5 mg
Tablet
Greenstone

PROVERA
Medroxyprogesterone acetate
10 mg
Tablet
Greenstone

PROVERA
Medroxyprogesterone acetate
10 mg
Tablet
ESI

PYRIDIUM
Phenazopyridine HCl
200 mg
Tablet
Trinity

PYRIDIUM
Phenazopyridine HCl
100 mg
Tablet
Manuf. Chemists

PYRIDIUM
Phenazopyridine HCl
200 mg
Tablet
Manuf. Chemists

PYRIDIUM
Phenazopyridine HCl
100 mg
Tablet
Trinity

PYRIDIUM
Phenazopyridine HCl
200 mg
Tablet
Amide

PYRIDIUM
Phenazopyridine HCl
100 mg
Tablet
Amide

PYRIDIUM
Phenazopyridine HCl
100 mg
Tablet
Able

PYRIDIUM
Phenazopyridine HCl
200 mg
Tablet
Able

PYRIDIUM
Phenazopyridine HCl
200 mg
Tablet
P-D

QUIBRON
Theophylline 150 mg,
guaifenesin 90 mg
Per 15 ml
Liquid
Naska/Barre-Nat

QUIBRON
Theophylline 150 mg,
guaifenesin 90 mg
Per 15 ml
Liquid
Halsey

QUIBRON
Theophylline 150 mg,
guaifenesin 90 mg
Per 15 ml
Liquid
Barre-National

QUINAGLUTE DURATABS
Quinidine gluconate
324 mg
Tablet, ER
Mutual

QUINAGLUTE DURATABS
Quinidine gluconate
324 mg
Tablet, ER
Geneva

QUINAGLUTE DURATABS
Quinidine gluconate
324 mg
Tablet, ER
Chelsea

QUINAGLUTE DURATABS
Quinidine gluconate
324 mg
Tablet, ER
Danbury

QUINAMM
Quinine sulfate
260 mg
Tablet
Danbury

QUINAMM
Quinine sulfate
260 mg
Tablet
Chelsea

QUINAMM
Quinine sulfate
260 mg
Tablet
Eon

QUINAMM
Quinine sulfate
260 mg
Tablet
Zenith

QUINAMM
Quinine sulfate
260 mg
Tablet
LuChem/H.N. Norton

QUINAMM
Quinine sulfate
260 mg
Tablet
Interpharm

QUINAMM
Quinine sulfate
260 mg
Tablet
Mutual

REGLAN
Metoclopramide
10 mg
Tablet
Mutual

REGLAN
Metoclopramide
10 mg
Tablet
Danbury

REGLAN
Metoclopramide
5 mg/5ml
Syrup
Pennex

REGLAN
Metoclopramide
10 mg
Tablet
Purepac

REGLAN
Metoclopramide
5 mg/5 ml
Syrup
Silarx

REGLAN
Metoclopramide
5 mg/5 ml
Syrup
Roxane

REGLAN
Metoclopramide
10 mg
Tablet
Biocraft

REGLAN
Metoclopramide
5 mg/5 ml
Syrup
Biocraft

REGLAN
Metoclopramide
5 mg/5 ml
Syrup
Barre-National

REGLAN
Metoclopramide
10 mg
Tablet
Beecham

REGLAN
Metoclopramide
5 mg/5 ml
Syrup
Lemmon

REGLAN
Metoclopramide
10 mg
Tablet
Invamed

REGLAN
Metoclopramide
10 mg
Tablet
Geneva

REGLAN
Metoclopramide
10 mg
Tablet
Halsey

REGLAN
Metoclopramide
5 mg
Tablet
Invamed

REGLAN
Metoclopramide
10 mg
Tablet
Watson

REGLAN
Metoclopramide
5 mg/5 ml
Solution
Silarx

RESTORIL
Temazepam
30 mg
Capsule
Par

RESTORIL
Temazepam
15 mg
Capsule
Purepac

RESTORIL
Temazepam
15 mg
Capsule
Par

RESTORIL
Temazepam
15 mg
Capsule
Mylan

RESTORIL
Temazepam
30 mg
Capsule
Danbury

RESTORIL
Temazepam
15 mg
Capsule
Danbury

RESTORIL
Temazepam
15 mg
Capsule
Geneva

RITALIN
Methylphenidate
10 mg
Tablet
MD

RITALIN
Methylphenidate
20 mg
Tablet
MD

RITALIN
Methylphenidate
5 mg
Tablet
MD

RMS
Morphine sulfate
5 mg
Suppository
Paddock

RMS
Morphine sulfate
30 mg
Suppository
Paddock

RMS
Morphine sulfate
20 mg
Suppository
Paddock

RMS
Morphine sulfate
10 mg
Suppository
Paddock

RMS
Morphine sulfate
5 mg
Suppositories
G&W

RMS
Morphine sulfate
30 mg
Suppositories
G&W

RMS
Morphine sulfate
10 mg
Suppositories
G&W

RMS
Morphine sulfate
20 mg
Suppositories
G&W

ROBAXIN
Methocarbamol
500 mg
Tablet
Chelsea

ROBAXIN
Methocarbamol
750 mg
Tablet
Chelsea

ROBAXIN
Methocarbamol
500 mg
Tablet
Danbury

ROBAXIN
Methocarbamol
750 mg
Tablet
Danbury

ROBAXIN
Methocarbamol
750 mg
Tablet
Lederle

ROBAXIN
Methocarbamol
500 mg
Tablet
Lederle

ROBAXIN
Methocarbamol
500 mg
Tablet
Geneva

ROBAXIN
Methocarbamol
750 mg
Tablet
Geneva

ROBAXIN
Methocarbamol
500 mg
Tablet
West-Ward

ROBAXIN
Methocarbamol
750 mg
Tablet
West-Ward

ROBAXIN
Methocarbamol
750 mg
Tablet
Richlyn

ROBAXIN
Methocarbamol
500 mg
Tablet
Richlyn

ROBAXISAL
Aspirin, methocarbamol
325/400 mg
Tablet
Par

ROBAXISAL
Aspirin, methocarbamol
325/400 mg
Tablet
Zenith

ROBITUSSIN A-C
Codeine phosphate 10 mg, guaifenesin
100 mg
Per 5 ml
Syrup
Barre-National

ROBITUSSIN A-C
Codeine phosphate, guaifenesin
10/100 mg
Liquid
Bio-Pharm

ROBITUSSIN A-C
Codeine phosphate, guaifenesin
10/100 mg
Liquid
Halsey

***ROBITUSSIN A-C**
Codeine phosphate 10 mg, guaifenesin 100 mg
Per 5 ml
Liquid
Hi-Tech

ROBITUSSIN DAC
Guaifenesin 100 mg, codeine phosphate 10 mg, pseudoephedrine HCl 30 mg
Per 5 ml
Liquid
Hi-Tech

ROBITUSSIN DAC
Guaifenesin 100 mg, codeine phosphate 10 mg, pseudoephedrine HCl 30 mg
Per 5 ml
Liquid
Barre-National*

ROBITUSSIN DAC
Guaifenesin, codeine phosphate, pseudoephedrine HCl
100/10/30 mg
Liquid
Halsey

ROBITUSSIN DAC
Guaifenesin, codeine phosphate, pseudoephedrine HCl
100/10/30 mg
Liquid
Bio-Pharm

RONDEC
Carbinoxamine maleate 4 mg with pseudoephedrine HCl 60 mg
Per 5 ml
Syrup
Hi-Tech

RONDEC
Carbinoxamine maleate 4 mg with pseudoephedrine HCl 60 mg
Per 5 ml
Syrup
LuChem/H.N. Norton

RONDEC
Carbinoxamine maleate 4 mg with pseudoephedrine HCl 60 mg
Tablet
Nutripharm

RONDEC
Carbinoxamine maleate 4 mg with pseudoephedrine HCl 60 mg
Per 5 ml
Syrup
Cenci

RONDEC
Carbinoxamine maleate 4 mg with pseudoephedrine HCl 60 mg
Per 5 ml
Syrup
Barre-National

RONDEC
Carbinoxamine maleate 4 mg with pseudoephedrine HCl 60 mg
Per tablet
Tablet
Anabolic

RONDEC DM DROPS
Carbinoxamine maleate 2 mg, dextromethorphan HBr 4 mg, pseudoephedrine CHl 25 mg
Per ml
Oral drops
Barre-National

RONDEC DM DROPS
Carbinoxamine maleate 2 mg, dextromethorphan HBr 4 mg, pseudoephedrine CHl 25 mg
Per ml
Oral drops
Tri-Med

RONDEC DM DROPS
Carbinoxamine maleate 2 mg, dextromethorphan HBr 4 mg, pseudoephedrine CHl 25 mg
Per ml
Liquid
Silarx

RONDEC DM DROPS
Carbinoxamine maleate 2 mg,
dextromethorphan HBr 4 mg,
pseudoephedrine CHl 25 mg
Per ml
Liquid
Bio-Pharm

RONDEC DM DROPS
Carbinoxamine maleate 2 mg,
dextromethorphan HBr 4 mg,
pseudoephedrine CHl 25 mg
Per ml
Oral drops
Pennex

RONDEC DM DROPS
Carbinoxamine maleate 2 mg,
dextromethorphan HBr 4 mg,
pseudoephedrine CHl 25 mg
Per ml
Oral drops
LuChem/H.N. Norton

RONDEC DM DROPS
Carbinoxamine maleate 2 mg,
dextromethorphan HBr 4 mg,
pseudoephedrine CHl 25 mg
Per ml
Oral drops
Hi-Tech

RONDEC DM SYRUP
Carbinoxamine maleate 4 mg,
dextromethorphan HBr 15 mg,
pseudoephedrine CHl 60 mg
Per 5 ml
Syrup
Hi-Tech

RONDEC DM SYRUP
Carbinoxamine maleate 4 mg,
dextromethorphan HBr 15 mg,
pseudoephedrine CHl 60 mg
Per 5 ml
Syrup
Hi-Tech

RONDEC DM SYRUP
Carbinoxamine maleate 4 mg,
dextromethorphan HBr 15 mg,
pseudoephedrine CHl 60 mg
Per 5 ml
Syrup
LuChem/H.N. Norton

RONDEC DM SYRUP
Carbinoxamine maleate 4 mg,
dextromethorphan HBr 15 mg,
pseudoephedrine CHl 60 mg
Per 5 ml
Syrup
Tri-Med

RONDEC DM SYRUP
Carbinoxamine maleate 4 mg,
dextromethorphan HBr 15 mg,
pseudoephedrine CHl 60 mg
Per 5 ml
Liquid
Bio-Pharm

RONDEC DM SYRUP
Carbinoxamine maleate 4 mg,
dextromethorphan HBr 15 mg,
pseudoephedrine CHl 60 mg
Per 5 ml
Liquid
Silarx

RONDEC DM SYRUP
Carbinoxamine maleate 4 mg,
dextromethorphan HBr 15 mg,
pseudoephedrine CHl 60 mg
Per 5 ml
Syrup
Cenci

RONDEC DM SYRUP
Carbinoxamine maleate 4 mg,
dextromethorphan HBr 15 mg,
pseudoephedrine CHl 60 mg
Per 5 ml
Syrup
Barre-National

RONDEC DM SYRUP
Carbinoxamine maleate 4 mg,
dextromethorphan HBr 15 mg,
pseudoephedrine CHl 60 mg
Per 5 ml
Syrup
Pennex

ROXANOL
Morphine sulfate
20 mg/ml
Oral solution
Roxane

ROXANOL
Morphone sulfate
20 mg/ml
Oral solution
Upsher-Smith

RYNATAN
Chlorpheniramine 8 mg,
phenylephrine 25 mg,
pyrilamine 25 mg (each as the
tannate)
Per tablet
Tablet
Ferndale

RYNATAN
Chlorpheniramine 8 mg,
phenylephrine 25 mg,
pyrilamine 25 mg (each as the
tannate)
Per tablet
Tablet
Eon

RYNATAN
Chlorpheniramine 8 mg,
phenylephrine 25 mg,
pyrilamine 25 mg (each as the
tannate)
Per tablet
Tablet
Copley

RYNATAN
Chlorpheniramine 8 mg,
phenylephrine 25 mg,
pyrilamine 25 mg (each as the
tannate)
Per tablet
Tablet
Invamed

RYNATAN
Chlorpheniramine 8 mg,
phenylephrine 25 mg,
pyrilamine 25 mg (each as the
tannate)
Per tablet
Tablet
LuChem/H.N. Norton

RYNATAN
Chlorpheniramine 8 mg,
phenylephrine 25 mg,
pyrilamine 25 mg (each as the
tannate)
Per tablet
Tablet
Mikart

RYNATAN PEDIATRIC SUSPENSION
Chlorpheniramine 2 mg,
phenylephrine 5 mg,
pyrilamine 12.5 mg (each as the
tannate)
Per 5 ml
Suspension
Mikart

RYNATAN PEDIATRIC SUSPENSION
Chlorpheniramine 2 mg,
phenylephrine 5 mg,
pyrilamine 12.5 mg (each as the
tannate)
Per 5 ml
Suspension
Duramed

RYNATAN PEDIATRIC SUSPENSION
Chlorpheniramine 2 mg,
phenylephrine 5 mg,
pyrilamine 12.5 mg (each as the
tannate)
Per 5 ml
Suspension
Ferndale

RYNATAN PEDIATRIC SUSPENSION
Chlorpheniramine 2 mg,
phenylephrine 5 mg,
pyrilamine 12.5 mg (each as the
tannate)
Per 5 ml
Suspension
Liquipharm

RYNATAN PEDIATRIC SUSPENSION
Chlorpheniramine 2 mg,
phenylephrine 5 mg,
pyrilamine 12.5 mg (each as the
tannate)
Per 5 ml
Suspension
Hi-Tech

RYNATAN PEDIATRIC SUSPENSION
Chlorpheniramine 2 mg,
phenylephrine 5 mg,
pyrilamine 12.5 mg (each as the
tannate)
Per 5 ml
Suspension
Barre-National

RYNATUSS PEDIATRIC SUSPENSION
Chlorpheneramine 4 mg,
phenylephrine 5 mg,
ephedrine 5 mg,
carbetapentane 30 mg
(each as the tannate)
Per 5 ml
Suspension
Barre-National

RYNATUSS PEDIATRIC SUSPENSION
Chlorpheniramine 4 mg,
phenylephrine 5 mg,
ephedrine 5 mg,
carbetapentane 30 mg
(each as the tannate)
Per 5 ml
Suspension
Hi-Tech

***RYNATUSS PEDIATRIC SUSPENSION**
Chlorpheniramine 4 mg, phenylephrine 5 mg, ephedrine 5 mg, carbetapentane 30 mg (each as the tannate)
Per 5 ml
Suspension
Ferndale

RYNATUSS TABLETS
Chlorpheniramine 2 mg, phenylephrine 10 mg, ephedrine 10 mg, carbetapentane 60 mg (each as the tannate)
Per tablet
Tablet
Ferndale*

SELSUN
Selenium sulfide
2.5%
Lotion
Syosset

SELSUN
Selenium sulfide
2.5%
Lotion
Thames

SELSUN
Selenium sulfide
2.5%
Lotion
Allergan

SELSUN
Selenium sulfide
2.5%
Lotion
Barre-National

SELSUN
Selenium sulfide
2.5%
Lotion
Abbott

SELSUN
Selenium sulfide
2.5%
Lotion
Clay-Park

SERAX
Oxazepam
10 mg
Capsule
Danbury

SERAX
Oxazepam
30 mg
Capsule
Danbury

SERAX
Oxazepam
15 mg
Capsule
Danbury

SERAX
Oxazepam
30 mg
Capsule
Purepac

SERAX
Oxazepam
10 mg
Capsule
Purepac

SERAX
Oxazepam
15 mg
Capsule
Purepac

SERAX
Oxazepam
10 mg
Capsule
Zenith

SERAX
Oxazepam
15 mg
Capsule
Zenith

SERAX
Oxazepam
30 mg
Capsule
Zenith

SILVADENE
Silver sulfadiazine
30 mg
Cream
Sherwood

SILVADENE
Silver sulfadiazine
30 mg
Cream
Boots Labs

SINEMET
Carbidopa with levodopa
10/100
Tablet
TEVA

SINEMET
Carbidopa with levodopa
25/250
Tablet
TEVA

SINEMET
Carbidopa with levodopa
25/100
Tablet
TEVA

***SINEMET-10/100**
Carbidopa, levodopa
10/100 mg
Tablet
Purepac

SINEMET-10/100
Carbidopa, levodopa
10/100 mg
Tablet
Watson

SINEMET-25/100
Carbidopa, levodopa
25/100 mg
Tablet
Purepac

SINEMET-25/100
Carbidopa, levodopa
25/100 mg
Tablet
Watson

SINEMET-25/250
Carbidopa, levodopa
25/250 mg
Tablet
Purepac*

SINEQUAN
Doxepin HCl
50 mg
Capsule
Par

SINEQUAN
Doxepin HCl
25 mg
Capsule
Par

SINEQUAN
Doxepin HCl
100 mg
Capsule
Par

SINEQUAN
Doxepin HCl
10 mg
Capsule
Par

SINEQUAN
Doxepin HCl
150 mg
Capsule
Par

SINEQUAN
Doxepin HCl
10 mg
Capsule
Royce

SINEQUAN
Doxepin HCl
25 mg
Capsule
Royce

SINEQUAN
Doxepin HCl
75 mg
Capsule
Par

SINEQUAN
Doxepin HCl
50 mg
Capsule
Royce

SINEQUAN
Doxepin HCl
10 mg/ml
Oral solution
Pennex

SINEQUAN
Doxepin HCl
10 mg/ml
Oral solution
Copley

SINEQUAN
Doxepin HCl
50 mg
Capsule
Danbury

SINEQUAN
Doxepin HCl
75 mg
Capsule
Danbury

SINEQUAN
Doxepin HCl
100 mg
Capsule
Danbury

SINEQUAN
Doxepin HCl
10 mg
Capsule
Danbury

SINEQUAN
Doxepin HCl
25 mg
Capsule
Danbury

SINEQUAN
Doxepin HCl
100 mg
Capsule
Mylan

SINEQUAN
Doxepin HCl
50 mg
Capsule
Mylan

SINEQUAN
Doxepin HCl
10 mg
Capsule
Mylan

SINEQUAN
Doxepin HCl
25 mg
Capsule
Mylan

SINEQUAN
Doxepin HCl
75 mg
Capsule
Mylan

SINEQUAN
Doxepin HCl
50 mg
Capsule
Geneva

SINEQUAN
Doxepin HCl
10 mg
Capsule
Geneva

SINEQUAN
Doxepin HCl
75 mg
Capsule
Geneva

SINEQUAN
Doxepin HCl
25 mg
Capsule
Geneva

SINEQUAN
Doxepin HCl
100 mg
Capsule
Geneva

SLOW-K
Potassium Cl
8 mEq
Tablet, ER
Copley

SLOW-K
Potassium Cl
8 mEq
Tablet
Alra

SLOW-K
Potassium Cl
8 mEq
Tablet, ER
Upsher-Smith

SOMA
Carisoprodol
350 mg
Tablet
Geneva

SOMA
Carisoprodol
350 mg
Tablet
Mutual

SOMA
Carisoprodol
350 mg
Tablet
Chelsea

SOMA
Carisoprodol
350 mg
Tablet
Danbury

SOMA COMPOUND
Carisoprodol 200 mg with aspirin 325 mg
Per tablet
Tablet
Par

SOMOPHYLLIN
Aminophylline 105 mg
Per 5 ml
Liquid
Barre-National

STELAZINE
Trifluoperazine HCl
10 mg
Tablet
Geneva

STELAZINE
Trifluoperazine HCl
10 mg/ml
Concentrate
Geneva

STELAZINE
Trifluoperazine HCl
5 mg
Tablet
Geneva

STELAZINE
Trifluoperazine HCl
2 mg
Tablet
Geneva

STELAZINE
Trifluoperazine HCl
10 mg
Tablet
Zenith

STELAZINE
Trifluoperazine HCl
5 mg
Tablet
Zenith

STELAZINE
Trifluoperazine HCl
1 mg
Tablet
Zenith

STELAZINE
Trifluoperazine HCl
2 mg
Tablet
Zenith

STUARTNATAL 1 + 1
Prenatal vitamin
Per tablet
Tablet
Eon

STUARTNATAL 1 + 1
Prenatal vitamin
Per tablet
Tablet
J. Stevens

STUARTNATAL 1 + 1
Prenatal vitamin
Per tablet
Tablet
Copley

SULAMYD
Sulfacetamide sodium
10%
Ophth ointment
Ketchum

SULAMYD
Sulfacetamide sodium
10%
Ophth solution
Akorn

SULAMYD
Sulfacetamide sodium
10%
Ophth solution
Allergan

SULAMYD
Sulfacetamide sodium
10%
Ophth ointment
Altana

SULAMYD
Sulfacetamide sodium
10%
Ophth ointment
Bausch & Lomb

SULAMYD
Sulfacetamide sodium
30%
Ophth solution
Bausch & Lomb

SULAMYD
Sulfacetamide sodium
10%
Ophth solution
Bausch & Lomb

SULAMYD
Sulfacetamide sodium
30%
Ophth solution
Steris

SULAMYD
Sulfacetamide sodium
10%
Ophth solution
SMP

SULAMYD
Sulfacetamide sodium
10%
Ophth solution
Steris

SULAMYD
Sulfacetamide sodium
10%
Ophth solution
Optopics

SULTRIN
Sulfabenzamide 3.7%, sulfacetamide 2.86%
sulfathiazole 3.42%
Cream
NMC

SULTRIN
Sulfabenzamide 3.7%, sulfacetamide 2.86%
sulfathiazole 3.42%
Cream
G&W

SULTRIN
Sulfabenzamide 3.7%, sulfacetamide 2.86%
sulfathiazole 3.42%
Cream
Clay-Park

SULTRIN
Sulfabenzamide 3.7%, sulfacetamide 2.86%
sulfathiazole 3.42%
Cream
Altana

SURMONTIL
Trimipramine maleate
100 mg
Capsule
PBI

SURMONTIL
Trimipramine maleate
25 mg
Capsule
PBI

SURMONTIL
Trimipramine maleate
50 mg
Capsule
PBI

SYMMETREL
Amantadine HCl
100 mg
Capsule
Invamed

SYMMETREL
Amantadine HCl
100 mg
Capsule
Chase

SYMMETREL
Amantadine HCl
50 mg/5 ml
Syrup
Barre-National

SYMMETREL
Amantadine HCl
50 mg/5 ml
Syrup
Copley

SYNALAR
Fluocinolone acetonide
0.025%
Cream
Clay-Park

SYNALAR
Fluocinolone acetonide
0.01%
Solution
Fougera/Altana

SYNALAR
Fluocinolone acetonide
0.01%
Cream
Fougera/Altana

SYNALAR
Fluocinolone acetonide
0.025%
Cream
Fougera/Altana

SYNALAR
Fluocinolone acetonide
0.01%
Cream
G&W

SYNALAR
Fluocinolone acetonide
0.025%
Ointment
Fougera/Altana

SYNALAR
Fluocinolone acetonide
0.025%
Cream
G&W

SYNALAR
Fluocinolone acetonide
0.01%
Cream
Clay-Park

SYNALAR
Fluocinolone acetonide
0.025%
Ointment
G&W

SYNALAR
Fluocinolone acetonide
0.01%
Cream
Syntex

SYNALAR
Fluocinolone acetonide
0.025%
Ointment
Syntex

SYNALAR
Fluocinolone acetonide
0.025%
Cream
Syntex

SYNALAR
Fluocinolone acetonide
0.025%
Cream
Thames

SYNALAR
Fluocinolone acetonide
0.01%
Solution
Thames

SYNALAR
Fluocinolone acetonide
0.01%
Cream
Thames

SYNALAR
Fluocinolone acetonide
0.01%
Solution
Bausch & Lomb

SYNTHROID
Levothyroxine sodium
200 mcg
Tablet
Daniels

SYNTHROID
Levothyroxine sodium
125 mcg
Tablet
Daniels

SYNTHROID
Levothyroxine sodium
50 mcg
Tablet
Daniels

SYNTHROID
Levothyroxine sodium
150 mcg
Tablet
Daniels

SYNTHROID
Levothyroxine sodium
25 mcg
Tablet
Daniels

SYNTHROID
Levothyroxine sodium
100 mcg
Tablet
Daniels

SYNTHROID
Levothyroxine sodium
300 mcg
Tablet
Daniels

SYNTHROID
Levothyroxine sodium
175 mcg
Tablet
Daniels

SYNTHROID
Levothyroxine sodium
75 mcg
Tablet
Daniels

SYNTHROID
Levothyroxine sodium
112 mcg
Tablet
Daniels

SYNTHROID
Levothyroxine sodium
88 mcg
Tablet
Daniels

TAVIST
Clemastine fumarate
0.67 mg/5 ml
Syrup
Copley

TAVIST
Clemastine fumarate
1.34 mg
Tablet
Lemmon

TAVIST
Clemastine fumarate
2.64 mg
Tablet
Lemmon

***TAVIST**
Clemastine fumarate
1.34 mg
Tablet
Geneva

TAVIST
Clemastine fumarate
0.5 mg/5 ml
Syrup
Barre-National

TAVIST
Clemastine fumarate
2.68 mg
Tablet
Geneva*

TEGOPEN
Cloxacillin sodium
monohydrate
500 mg
Capsule
Biocraft

TEGOPEN
Cloxacillin sodium
monohydrate
250 mg
Capsule
Biocraft

TEGOPEN
Cloxacillin sodium
monohydrate
500 mg
Capsule
Beecham

TEGOPEN
Cloxacillin sodium
monohydrate
500 mg
Capsule
Bristol-Myers

TEGOPEN
Cloxacillin sodium
monohydrate
250 mg
Capsule
Beecham

TEGOPEN
Cloxacillin sodium
monohydrate
125 mg/5 ml
Syrup
Biocraft

TEGOPEN
Cloxacillin sodium
monohydrate
250 mg
Capsule
Bristol-Myers

TEGRETOL
Carbamazepine
200 mg
Tablet
Purepac

TEGRETOL
Carbamazepine
200 mg
Tablet
TEVA

TEGRETOL
Carbamazepine
100 mg
Tablet, chewable
W-C

TEGRETOL
Carbamazepine
200 mg
Tablet
W-C

TEGRETOL
Carbamazepine
100 mg
Tablet, chewable
TEVA

TENORETIC
Atenolol, chlorthalidone
50/25 mg
Tablet
IPR

TENORETIC
Atenolol, chlorthalidone
100/25 mg
Tablet
IPR

TENORETIC
Atenolol, chlorthalidone
100 mg/25 mg
Tablet
Mutual

TENORETIC
Atenolol, chlorthalidone
50 mg/25 mg
Tablet
Mutual

TENORETIC
Atenolol, chlorthalidone
50/25 mg
Tablet
Danbury

TENORETIC
Atenolol, chlorthalidone
100/25 mg
Tablet
Danbury

***TENORETIC**
Atenolol, chlorthalidone
100/25 mg
Tablet
Mylan

TENORETIC
Atenolol, chlorthalidone
50/25 mg
Tablet
Mylan*

TENORMIN
Atenolol
50 mg
Tablet
Danbury

TENORMIN
Atenolol
100 mg
Tablet
Danbury

TENORMIN
Atenolol
25 mg
Tablet
IPR

TENORMIN
Atenolol
25 mg
Tablet
Geneva

TENORMIN
Atenolol
100 mg
Tablet
IPR

TENORMIN
Atenolol
50 mg
Tablet
Lederle

TENORMIN
Atenolol
25 mg
Tablet
Lederle

TENORMIN
Atenolol
100 mg
Tablet
Geneva

TENORMIN
Atenolol
50 mg
Tablet
Geneva

TENORMIN
Atenolol
100 mg
Tablet
Lederle

TENORMIN
Atenolol
50 mg
Tablet
IPR

TENORMIN
Atenolol
100 mg
Tablet
Bristol-Myers

TENORMIN
Atenolol
50 mg
Tablet
Bristol-Myers

TENORMIN
Atenolol
50 mg
Tablet
Novopharm

TENORMIN
Atenolol
100 mg
Tablet
Novopharm

TENORMIN
Atenolol
50 mg
Tablet
Mutual

TENORMIN
Atenolol
100 mg
Tablet
Mutual

TENORMIN
Atenolol
50 mg
Tablet
Mylan

TENORMIN
Atenolol
100 mg
Tablet
Mylan

TERRAMYCIN
Oxytetracycline HCl
250 mg
Capsule
P-D

TERRAMYCIN
Oxytetracycline HCl
250 mg
Capsule
MK

TERRAMYCIN
Oxytetracycline HCl
250 mg
Capsule
West-Ward

TESSALON PERLES
Benzonatate
100 mg
Capsule
Schering

TESSALON PERLES
Benzonatate
100 mg
Capsule
Pharmacaps

THEO-DUR
Theophylline
450 mg
Tablet
Sidmak

THEO-DUR
Theophylline
100 mg
Tablet
Sidmak

THEO-ORGANIDIN
Theophylline 120 mg, iodinated glycerol
30 mg
Per 5 ml
Elixir
Barre-National

THEODUR
Theophylline
100 mg
Tablet
Inwood

THEODUR
Theophylline
300 mg
Tablet
Inwood

THEODUR
Theophylline
200 mg
Tablet
Sidmak

THEODUR
Theophylline
300 mg
Tablet
Sidmak

THORAZINE
Chlorpromazine HCl
100 mg/ml
Concentrate
Roxane

THORAZINE
Chlorpromazine HCl
30 mg/ml
Concentrate
Roxane

THORAZINE
Chlorpromazine HCl
100 mg/ml
Concentrate
Geneva

THORAZINE
Chlorpromazine HCl
30 mg/ml
Concentrate
Geneva

THORAZINE
Chlorpromazine HCl
100 mg/ml
Concentrate
Barre-National

TIGAN
Trimethobenzamide HCl
200 mg
Suppository
Bio-Pharm

TIGAN
Trimethobenzamide HCl
100 mg
Suppository
Able

TIGAN
Trimethobenzamide HCl
250 mg
Capsule
Anabolic

TIGAN
Trimethobenzamide HCl
200 mg
Suppository
Able

TIGAN
Trimethobenzamide HCl
100 mg
Suppository
Bio-Pharm

TIGAN
Trimethobenzamide HCl
200 mg
Suppository
Clay-Park

TIGAN
Trimethobenzamide HCl
100 mg
Suppository
Clay-Park

TIGAN
Trimethobenzamide HCl
200 mg
Suppository
G&W

TIGAN
Trimethobenzamide HCl
100 mg
Suppository
G&W

TIGAN
Trimethobenzamide HCl
200 mg
Suppository
Paddock

TIGAN
Trimethobenzamide HCl
100 mg
Suppository
Paddock

TOFRANIL
Imipramine HCl
50 mg
Tablet
Mutual

TOFRANIL
Imipramine HCl
10 mg
Tablet
Mutual

TOFRANIL
Imipramine HCl
25 mg
Tablet
Mutual

TOFRANIL
Imipramine HCl
50 mg
Tablet
Alra

TOFRANIL
Imipramine HCl
10 mg
Tablet
Alra

TOFRANIL
Imipramine HCl
25 mg
Tablet
Biocraft

TOFRANIL
Imipramine HCl
50 mg
Tablet
Biocraft

TOFRANIL
Imipramine HCl
10 mg
Tablet
Biocraft

TOFRANIL
Imipramine HCl
25 mg
Tablet
Alra

TOFRANIL
Imipramine HCl
50 mg
Tablet
Geneva

TOFRANIL
Imipramine HCl
10 mg
Tablet
Geneva

TOFRANIL
Imipramine HCl
25 mg
Tablet
Geneva

TOFRANIL
Imipramine HCl
25 mg
Tablet
Par

TOFRANIL
Imipramine HCl
50 mg
Tablet
Roxane

TOFRANIL
Imipramine HCl
25 mg
Tablet
Roxane

TOFRANIL
Imipramine HCl
10 mg
Tablet
Par

TOFRANIL
Imipramine HCl
50 mg
Tablet
Par

TOFRANIL
Imipramine HCl
10 mg
Tablet
Roxane

TOLECTIN
Tolmetin sodium
400 mg
Capsule
Mylan

TOLECTIN 200
Tolmetin sodium
200 mg
Tablet
Mutual

TOLECTIN 200
Tolmetin sodium
200 mg
Tablet
Geneva

TOLECTIN 600
Tolmetin sodium
600 mg
Tablet
Purpac

***TOLECTIN 600**
Tolmetin sodium
600 mg
Tablet
Geneva*

TOLECTIN DS
Tolmetin sodium
400 mg
Capsule
Purepac

TOLECTIN DS
Tolmetin sodium
400 mg
Capsule
Geneva

TOLECTIN DS
Tolmetin sodium
400 mg
Capsule
TEVA

TOLECTIN DS
Tolmetin sodium
400 mg
Capsule
Mutual

TOLECTIN DS
Tolmetin sodium
400 mg
Capsule
Novopharm

TOLECTIN DS
Tolmetin sodium
400 mg
Capsule
Baker

TOLINASE
Tolazamide
100 mg
Tablet
Geneva

TOLINASE
Tolazamide
500 mg
Tablet
Geneva

TOLINASE
Tolazamide
250 mg
Tablet
Geneva

TOLINASE
Tolazamide
250 mg
Tablet
Danbury

TOLINASE
Tolazamide
100 mg
Tablet
Danbury

TOLINASE
Tolazamide
500 mg
Tablet
Danbury

TOLINASE
Tolazamide
250 mg
Tablet
PBI

TOLINASE
Tolazamide
500 mg
Tablet
PBI

TOLINASE
Tolazamide
500 mg
Tablet
Mutual

TOLINASE
Tolazamide
500 mg
Tablet
Mylan

TOLINASE
Tolazamide
250 mg
Tablet
Mutual

TOLINASE
Tolazamide
100 mg
Tablet
Danbury

TOLINASE
Tolazamide
500 mg
Tablet
Zenith

TOLINASE
Tolazamide
100 mg
Tablet
Zenith

TOLINASE
Tolazamide
250 mg
Tablet
Zenith

***TOPICORT**
Desoximetasone
0.05%
Cream
Taro

TOPICORT
Desoximetasone
0.25%
Cream
Taro*

TRANXENE
Clorazepate dipotassium
3.75 mg
Tablet
Watson

TRANXENE
Clorazepate dipotassium
7.5 mg
Tablet
W-C

TRANXENE
Clorazepate dipotassium
3.75 mg
Tablet
W-C

TRANXENE
Clorazepate dipotassium
15 mg
Tablet
W-C

TRANXENE
Clorazepate dipotassium
7.5 mg
Tablet
Watson

TRANXENE
Clorazepate dipotassium
15 mg
Tablet
Watson

TRANXENE
Clorazepate dipotassium
3.75 mg
Tablet
Alra

TRANXENE
Clorazepate dipotassium
3.75 mg
Tablet
Able

TRANXENE
Clorazepate dipotassium
15 mg
Tablet
Alra

TRANXENE
Clorazepate dipotassium
7.5 mg
Tablet
Able

TRANXENE
Clorazepate dipotassium
15 mg
Tablet
Able

TRANXENE
Clorazepate dipotassium
7.5 mg
Tablet
Alra

TRANXENE
Clorazepate dipotassium
7.5 mg
Tablet
Able

TRANXENE
Clorazepate dipotassium
15 mg
Tablet
Able

TRANXENE
Clorazepate dipotassium
3.75 mg
Tablet
Geneva

TRANXENE
Clorazepate dipotassium
15 mg
Tablet
Geneva

TRANXENE
Clorazepate dipotassium
3.75 mg
Tablet
Mylan

TRANXENE
Clorazepate dipotassium
7.5 mg
Tablet
Mylan

TRANXENE
Clorazepate dipotassium
15 mg
Tablet
Mylan

TRANXENE
Clorazepate dipotassium
7.5 mg
Tablet
Purpac

TRANXENE
Clorazepate dipotassium
15 mg
Tablet
Purepac

TRANXENE
Clorazepate dipotassium
3.75 mg
Tablet
Purepac

TRI-VI-FLOR
Vitamins ADC with fluoride.
Per tablet:
F,1 mg
A,2500 U
D,400 U
C,60 mg
0.25 mg F/ml
Drops
Cenci

TRI-VI-FLOR
Vitamins ADC with fluoride.
Per tablet:
F,1 mg
A,2500 U
D,400 U
C,60 mg
Per tablet
Tablet, chewable
Amide

TRI-VI-FLOR
Vitamins ADC with fluoride.
Per tablet:
F,1 mg
A,2500 U
D,400 U
C,60 mg
0.25 mg F/ml
Drops
Barre-National

TRI-VI-FLOR
Vitamins ADC with fluoride
0.25 mg F/ml
Liquid drops
Cenci

TRI-VI-FLOR
Vitamins ADC with fluoride.
Per tablet:
F,1 mg
A,2500 U
D,400 U
C,60 mg
0.5 mg F/ml
Drops
Barre-National

TRI-VI-FLOR
Vitamins ADC with fluoride.
Per tablet:
F,1 mg
A,2500 U
D,400 U
C,60 mg
0.25 mg F/ml
Drops
Abbott

TRI-VI-FLOR
Vitamins ADC with fluoride
0.5 mg F/ml
Liquid drops
Cenci

TRI-VI-FLOR
Vitamins ADC with fluoride.
Per tablet:
F,1 mg
A,2500 U
D,400 U
C,60 mg
Per tablet
Tablet, chewable
Copley

TRI-VI-FLOR
Vitamins ADC with fluoride.
Per tablet:
F,1 mg
A,2500 U
D,400 U
C,60 mg
0.5 mg F/ml
Drops
Tri-Med

TRI-VI-FLOR
Vitamins ADC with fluoride.
Per tablet:
F,1 mg
A,2500 U
D,400 U
C,60 mg
0.25 mg F/ml
Drops
Tri-Med

TRI-VI-FLOR
Vitamins ADC with fluoride.
Per tablet:
F,1 mg
A,2500 U
D,400 U
C,60 mg
0.25 mg F/ml
Drops
Hi-Tech

TRI-VI-FLOR
Vitamins ADC with fluoride.
Per tablet:
F,1 mg
A,2500 U
D,400 U
C,60 mg
0.5 mg F/ml
Drops
Hi-Tech

TRI-VI-FLOR WITH IRON
Tri-Vi-Flor with iron substitute
0.25 mg/ml
Drops, liquid
Hi-Tech

TRIAVIL
Perphenazine with amitriptyline
4/25
Tablet
Geneva

TRIAVIL
Perphenazine with amitriptyline
4/10
Tablet
Geneva

TRIAVIL
Perphenazine with amitriptyline
2/25
Tablet
Geneva

TRIAVIL
Perphenazine with amitriptyline
2/10
Tablet
Geneva

TRIAVIL
Perphenazine with amitriptyline
4/50
Tablet
Geneva

TRIAVIL
Perphenazine with amitriptyline
4/50
Tablet
Danbury

TRIAVIL
Perphenazine with amitriptyline
2/10
Tablet
Royce

TRIAVIL
Perphenazine with amitriptyline
4/25
Tablet
Royce

TRIAVIL
Perphenazine with amitriptyline
2/25
Tablet
Royce

TRIAVIL
Perphenazine with amitriptyline
4/10
Tablet
Royce

TRIAVIL
Perphenazine with amitriptyline
4/50
Tablet
Zenith

TRIAVIL
Perphenazine with amitriptyline
4/25
Tablet
Zenith

TRIAVIL
Perphenazine with amitriptyline
2/25
Tablet
Zenith

TRIAVIL
Perphenazine with amitriptyline
2/10
Tablet
Zenith

TRIAVIL
Perphenazine with amitriptyline
4/10
Tablet
Zenith

TRIAVIL
Perphenazine with amitriptyline
4/50
Tablet
Mylan

TRIAVIL
Perphenazine with amitriptyline
4/25
Tablet
Mylan

TRIAVIL
Perphenazine with amitriptyline
2/25
Tablet
Mylan

TRIAVIL
Perphenazine with amitriptyline
4/10
Tablet
Mylan

TRIAVIL
Perphenazine with amitriptyline
2/10
Tablet
Mylan

TRIDESILON
Desonide
0.05%
Cream
Derm Prod/Owen

TRIDESILON
Desonide
0.05%
Cream
Copley

TRIDESILON
Desonide
0.05%
Cream
Taro

TRILAFON
Perphenazine
2 mg
Tablet
Zenith

TRILAFON
Perphenazine
16 mg
Tablet
Zenith

TRILAFON
Perphenazine
8 mg
Tablet
Zenith

TRILAFON
Perphenazine
4 mg
Tablet
Zenith

TRILAFON
Perphenazine
4 mg
Tablet
Geneva

TRILAFON
Perphenazine
8 mg
Tablet
Geneva

TRILAFON
Perphenazine
2 mg
Tablet
Geneva

TRILAFON
Perphenazine
16 mg
Tablet
Geneva

TRILISATE
Choline magnesium salicylate
500 mg
Tablet
Invamed

TRILISATE
Choline magnesium salicylate
750 mg
Tablet
Invamed

TRILISATE
Choline magnesium salicylate
500 mg
Tablet
Able

TRILISATE
Choline magnesium salicylate
1 g
Tablet
Able

TRILISATE
Choline magnesium salicylate
750 mg
Tablet
Able

TRILISATE
Choline magnesium salicylate
500 mg
Tablet
Sidmak

TRILISATE
Choline magnesium salicylate
750 mg
Tablet
Sidmak

TRILISATE
Choline magnesium salicylate
1 g
Tablet
Sidmak

TUSSEND EXPECTORANT
Guaifenesin 200 mg,
hydrocodone
bitartrate 5 mg,
pseudoephedrine HC1 60 mg
Per 5 ml
Syrup
LuChem/H.N. Norton

TUSSEND EXPECTORANT
Guaifenesin 200 mg,
hydrocodone
bitartrate 5 mg,
pseudoephedrine HC1 60 mg
Per 5 ml
Syrup
Barre-National

TUSSEND SYRUP
Hydrocodone bitartrate 5 mg,
pseudoephedrine HC1 60 mg
Per 5 ml
Syrup
Barre-National

TUSSEND SYRUP
Hydrocodone bitartrate 5 mg,
pseudoephedrine HC1 60 mg
Per 5 ml
Syrup
Pennex

TUSSEND SYRUP
Hydrocodone bitartrate 5 mg,
pseudoephedrine HC1 60 mg
Per 5 ml
Syrup
LuChem/H.N. Norton

TWIN-K
Potassium gluconate 15 mEq
with potassium citrate 5 mEq
20 mEq K/15 ml
Solution
LuChem/H.N. Norton

TYLENOL WITH CODEINE
Acetaminophen with codeine
(#3)
300/30 mg
Tablet
KV

TYLENOL WITH CODEINE
Acetaminophen with codeine
(#3)
300/30 mg
Tablet
Geneva

TYLENOL WITH CODEINE
Acetaminophen with codeine
(#4)
300/60 mg
Tablet
KV

TYLENOL WITH CODEINE
Acetaminophen with codeine
(#2)
300/15 mg
Tablet
Lemmon

TYLENOL WITH CODEINE
Acetaminophen with codeine
(#4)
300/60 mg
Tablet
Geneva

TYLENOL WITH CODEINE
Acetaminophen with codeine
(#4)
300/60 mg
Tablet
Halsey

TYLENOL WITH CODEINE
Acetaminophen with codeine
(#3)
300/30 mg
Tablet
Halsey

TYLENOL WITH CODEINE
Acetaminophen with codeine
(#2)
300/15 mg
Tablet
Halsey

TYLENOL WITH CODEINE
Acetaminophen with codeine
(#3)
300/30 mg
Tablet
ICN

TYLENOL WITH CODEINE
Acetaminophen with codeine
(#4)
300/60 mg
Tablet
Lemmon

TYLENOL WITH CODEINE
Acetaminophen with codeine
(#3)
300/30 mg
Tablet
Lemmon

TYLENOL WITH CODEINE
Acetaminophen 120 mg &
codeine 12 mg
Per 5 ml
Elixir
Barre-National

TYLENOL WITH CODEINE
Acetaminophen with codeine
(#4)
300/60 mg
Tablet
Mutual

TYLENOL WITH CODEINE
Acetaminophen with codeine
(#4)
300/60 mg
Tablet
McNeil

TYLENOL WITH CODEINE
Acetaminophen with codeine
(#2)
300/15 mg
Tablet
Mutual

TYLENOL WITH CODEINE
Acetaminophen with codeine
(#2)
300/15 mg
Tablet
McNeil

TYLENOL WITH CODEINE
Acetaminophen with codeine
(#3)
300/30 mg
Tablet
P-D

TYLENOL WITH CODEINE
Acetaminophen with codeine
(#4)
300/60 mg
Tablet
P-D

TYLENOL WITH CODEINE
Acetaminophen with codeine
(#2)
300/15 mg
Tablet
P-D

TYLENOL WITH CODEINE
Acetaminophen with codeine
(#3)
300/30 mg
Tablet
McNeil

TYLENOL WITH CODEINE
Acetaminophen with codeine
(#3)
300/30 mg
Tablet
Mutual

TYLENOL WITH CODEINE
Acetaminophen with codeine
(#3)
300/30 mg
Tablet
Zenith

TYLENOL WITH CODEINE
Acetaminophen with codeine
(#4)
300/60 mg
Tablet
Zenith

TYLENOL WITH CODEINE
Acetaminophen with codeine
(#3)
300/30 mg
Tablet
Roxane

TYLENOL WITH CODEINE
Acetaminophen with codeine
(#3)
300/30 mg
Tablet
Purepac

TYLENOL WITH CODEINE
Acetaminophen 120 mg &
codeine 12 mg
Per 5 ml
Elixir
Pennex

TYLENOL WITH CODEINE
Acetaminophen with codeine
(#4)
300/60 mg
Tablet
Purepac

TYLENOL WITH CODEINE
Acetaminophen 120 mg &
codeine 12 mg
Per 5 ml
Elixir
Roxane

TYLOX
Oxycodone HC1 5 mg with acetaminophen
500 mg
Per capsule
Capsule
Halsey

URECHOLINE
Bethanechol C1
10 mg
Tablet
Sidmak

URECHOLINE
Bethanechol C1
5 mg
Tablet
Sidmak

URECHOLINE
Bethanechol C1
50 mg
Tablet
Sidmak

URECHOLINE
Bethanechol C1
25 mg
Tablet
Sidmak

URECHOLINE
Bethanechol C1
10 mg
Tablet
MSD

URECHOLINE
Bethanechol C1
25 mg
Tablet
MSD

URECHOLINE
Bethanechol C1
5 mg
Tablet
MSD

URECHOLINE
Bethanechol C1
50 mg
Tablet
Danbury

URECHOLINE
Bethanechol C1
25 mg
Tablet
Danbury

URECHOLINE
Bethanechol C1
10 mg
Tablet
Danbury

URECHOLINE
Bethanechol C1
5 mg
Tablet
Danbury

URISED
Urised substitute
Per tablet
Tablet
Trinity

URISED
Urised substitute
Per tablet
Tablet
Manuf. Chemists

V CILLIN K
Penicillin VK
500 mg
Tablet
Wyeth

V CILLIN K
Penicillin VK
125 mg/5 ml
For solution
Wyeth

V CILLIN K
Penicillin VK
250 mg
Tablet
Wyeth

V CILLIN K
Penicillin VK
250 mg/5 ml
For solution
Wyeth

V CILLIN K
Penicillin VK
250 mg/5 ml
For solution
Squibb

V CILLIN K
Penicillin VK
125 mg/5 ml
For solution
Squibb

V CILLIN K
Penicillin VK
250 mg
Tablet
Squibb

V CILLIN K
Penicillin VK
500 mg
Tablet
Squibb

V CILLIN K
Penicillin VK
250 mg
Tablet
Lederle

V CILLIN K
Penicillin VK
125 mg/5 ml
For solution
Lederle

V CILLIN K
Penicillin VK
500 mg
Tablet
Lederle

V CILLIN K
Penicillin VK
250 mg/5 ml
For solution
Lederle

V CILLIN K
Penicillin VK
250 mg/5 ml
For solution
Bristol-Myers

V CILLIN K
Penicillin VK
500 mg
Tablet
Bristol-Myers

V CILLIN K
Penicillin VK
250 mg
Tablet
Bristol-Myers

V CILLIN K
Penicillin VK
125 mg/5 ml
For solution
Bristol-Myers

V CILLIN K
Penicillin VK
500 mg
Tablet
Beecham

V CILLIN K
Penicillin VK
250 mg
Tablet
Beecham

V CILLIN K
Penicillin VK
250 mg/5 ml
For solution
Beecham

V CILLIN K
Penicillin VK
125 mg/5 ml
For solution
Biocraft

V CILLIN K
Penicillin VK
125 mg/5 ml
For solution
Beecham

V CILLIN K
Penicillin VK
250 mg/5 ml
For solution
Biocraft

V CILLIN K
Penicillin VK
250 mg
Tablet
Biocraft

V CILLIN K
Penicillin VK
500 mg
Tablet
Biocraft

V CILLIN K
Penicillin VK
250 mg
Tablet
Clonmel

V CILLIN K
Penicillin VK
250 mg
Tablet
Copanos

V CILLIN K
Penicillin VK
500 mg
Tablet
Clonmel

V CILLIN K
Penicillin VK
250 mg/5 ml
For solution
Clonmel

V CILLIN K
Penicillin VK
250 mg/5 ml
For solution
Copanos

V CILLIN K
Penicillin VK
125 mg/5 ml
For solution
Clonmel

V CILLIN K
Penicillin VK
125 mg/5 ml
For solution
Copanos

V CILLIN K
Penicillin VK
500 mg
Tablet
Capanos

V CILLIN K
Penicillin VK
125 mg/5 ml
For solution
P-D

V CILLIN K
Penicillin VK
250 mg/5 ml
For solution
P-D

V CILLIN K
Penicillin VK
250 mg/5 ml
For solution
Mylan

V CILLIN K
Penicillin VK
250 mg
Tablet
P-D

V CILLIN K
Penicillin VK
500 mg
Tablet
P-D

V CILLIN K
Penicillin VK
250 mg
Tablet
Mylan

V CILLIN K
Penicillin VK
125 mg/5 ml
For solution
Mylan

V CILLIN K
Penicillin VK
500 mg
Tablet
Mylan

VALISONE
Betamethasone valerate
0.1%
Cream
NMC

VALISONE
Betamethasone valerate
0.1%
Ointment
NMC

VALISONE
Betamethasone valerate
0.1%
Lotion
Lemmon

VALISONE
Betamethasone valerate
0.1%
Ointment
Lemmon

VALISONE
Betamethasone valerate
0.1%
Cream
Thames

VALISONE
Betamethasone valerate
0.1%
Cream
Taro

VALISONE
Betamethasone valerate
0.1%
Ointment
Savage/Altana

VALISONE
Betamethasone valerate
0.1%
Cream
Savage/Altana

VALISONE
Betamethasone valerate
0.1%
Lotion
Savage/Altana

VALISONE
Betamethasone valerate
0.1%
Ointment
Fougera/Altana

VALISONE
Betamethasone valerate
0.1%
Ointment
Clay-Park

VALISONE
Betamethasone valerate
0.1%
Cream
Fougera/Altana

VALISONE
Betamethasone valerate
0.1%
Lotion
Fougera/Altana

VALISONE
Betamethasone valerate
0.1%
Lotion
Copley

VALISONE
Betamethasone valerate
0.1%
Cream
Clay-Park

VALISONE
Betamethasone valerate
0.1%
Lotion
Barre-National

VALIUM
Diazepam
2 mg
Tablet
Barr

VALIUM
Diazepam
5 mg
Tablet
Barr

VALIUM
Diazepam
10 mg
Tablet
Barr

VALIUM
Diazepam
10 mg
Tablet
W-C

VALIUM
Diazepam
5 mg
Tablet
Zenith

VALIUM
Diazepam
10 mg
Tablet
Zenith

VALIUM
Diazepam
5 mg
Tablet
W-C

VALIUM
Diazepam
2 mg
Tablet
W-C

VALIUM
Diazepam
2 mg
Tablet
Zenith

VALIUM
Diazepam
5 mg
Tablet
Zenith

VALIUM
Diazepam
10 mg
Tablet
Zenith

VALIUM
Diazepam
10 mg
Tablet
Barr

VALIUM
Diazepam
10 mg
Tablet
Lederle

VALIUM
Diazepam
10 mg
Tablet
Geneva

VALIUM
Diazepam
5 mg
Tablet
Geneva

VALIUM
Diazepam
2 mg
Tablet
Geneva

VALIUM
Diazepam
5 mg
Tablet
Lederle

VALIUM
Diazepam
10 mg
Tablet
Danbury

VALIUM
Diazepam
2 mg
Tablet
Danbury

VALIUM
Diazepam
5 mg
Tablet
Danbury

VALIUM
Diazepam
10 mg
Tablet
Purepac

VALIUM
Diazepam
2 mg
Tablet
Par

VALIUM
Diazepam
5 mg
Tablet
Purepac

VALIUM
Diazepam
10 mg
Tablet
Roxane

VALIUM
Diazepam
2 mg
Tablet
Purepac

VALIUM
Diazepam
5 mg
Tablet
Par

VALIUM
Diazepam
5 mg
Tablet
Roxane

VALIUM
Diazepam
10 mg
Tablet
Par

VALIUM
Diazepam
2 mg
Tablet
Roxane

VASOCIDAN
Prednisolone sodium phosphate, sodium sulfacetamide
0.25/10%
Solution
Steris

VASOCON
Naphazoline HCl
0.1%
Ophth solution
Bausch & Lomb

VASODILAN
Isoxsuprine HCl
10 mg
Tablet
Amide

VASODILAN
Isoxsuprine HCl
20 mg
Tablet
Amide

VASODILAN
Isoxsuprine HCl
20 mg
Tablet
Eon

VASODILAN
Isoxsuprine HCl
10 mg
Tablet
Eon

VASODILAN
Isoxsuprine HCl
10 mg
Tablet
Manuf. Chemists

VASODILAN
Isoxsuprine HCl
20 mg
Tablet
Danbury

VASODILAN
Isoxsuprine HCl
20 mg
Tablet
Chelsea

VASODILAN
Isoxsuprine HCl
10 mg
Tablet
Danbury

VASODILAN
Isoxsuprine HCl
10 mg
Tablet
Chelsea

VASODILAN
Isoxsuprine HCl
20 mg
Tablet
Lemmon

VASODILAN
Isoxsuprine HCl
10 mg
Tablet
Geneva

VASODILAN
Isoxsuprine HCl
20 mg
Tablet
Geneva

VASODILAN
Isoxsuprine HCl
10 mg
Tablet
Lemmon

VASODILAN
Isoxsuprine HCl
10 mg
Tablet
M-J

VASODILAN
Isoxsuprine HCl
20 mg
Tablet
M-J

VELOSEF
Cephradine
125 mg/5 ml
For solution
Biocraft

VELOSEF
Cephradine
250 mg
Capsule
Biocraft

VELOSEF
Cephradine
125 mg/5 ml
For solution
Barr

VELOSEF
Cephradine
250 mg/5 ml
For solution
Barr

VELOSEF
Cephradine
500 mg
Capsule
Biocraft

VELOSEF
Cephradine
250 mg/5 ml
For solution
Biocraft

VELOSEF
Cephradine
250 mg
Capsule
Zenith

VELOSEF
Cephradine
500 mg
Capsule
Zenith

VIBRAMYCIN
Doxycycline hyclate
100 mg
Capsule
Zenith

VIBRAMYCIN
Doxycycline hyclate
50 mg
Capsule
Zenith

VIBRAMYCIN
Doxycycline hyclate
50 mg
Capsule
West-Ward

VIBRAMYCIN
Doxycycline hyclate
100 mg
Capsule
West-Ward

VIBRAMYCIN
Doxycycline hyclate
50 mg
Capsule
Halsey

VIBRAMYCIN
Doxycycline hyclate
100 mg
Capsule
Halsey

VIBRAMYCIN
Doxycycline hyclate
50 mg
Capsule
Lemmon

VIBRAMYCIN
Doxycycline hyclate
100 mg
Capsule
Lemmon

VIBRAMYCIN
Doxycycline hyclate
50 mg
Capsule
Rachelle

VIBRAMYCIN
Doxycycline hyclate
50 mg
Capsule
Purepac

VIBRAMYCIN
Doxycycline hyclate
100 mg
Capsule
Rachelle

VIBRAMYCIN
Doxycycline hyclate
100 mg
Capsule
Purepac

VIBRAMYCIN
Doxycycline hyclate
50 mg
Capsule
Mylan

VIBRAMYCIN
Doxycycline hyclate
100 mg
Capsule
Mylan

VIBRAMYCIN
Doxycycline hyclate
50 mg
Capsule
Mutual

VIBRAMYCIN
Doxycycline hyclate
100 mg
Capsule
P-D

VIBRAMYCIN
Doxycycline hyclate
100 mg
Capsule
Mutual

VIBRAMYCIN
Doxycycline hyclate
50 mg
Capsule
P-D

VIBRAMYCIN
Doxycycline hyclate
50 mg
Capsule
Chelsea

VIBRAMYCIN
Doxycycline hyclate
100 mg
Capsule
Chelsea

VIBRAMYCIN
Doxycycline hyclate
100 mg
Capsule
Danbury

VIBRAMYCIN
Doxycycline hyclate
50 mg
Capsule
Danbury

VIBRATABS
Doxycycline hyclate
100 mg
Tablet
Danbury

VIBRATABS
Doxycycline hyclate
100 mg
Tablet
Rachelle

VIBRATABS
Doxycycline hyclate
100 mg
Tablet
Zenith

VIBRATABS
Doxycycline hyclate
100 mg
Tablet
Lemmon

VIBRATABS
Doxycycline hyclate
100 mg
Tablet
Mylan

VIBRATABS
Doxycycline hyclate
100 mg
Tablet
P-D

VIBRATABS
Doxycycline hyclate
100 mg
Tablet
Mutual

VICODIN
Hydrocodone bitartrate 5 mg
with acetaminophen 500 mg
Per tablet
Tablet
Mikart

VICODIN
Hydrocodone bitartrate 5 mg
with acetaminophen 500 mg
Per tablet
Tablet
Watson

VICODIN
Hydrocodone bitartrate 5 mg with acetaminophen 500 mg
Per tablet
Tablet
LuChem/H.N. Norton

VICODIN
Hydrocodone bitartrate 5 mg with acetaminophen 500 mg
Per tablet
Tablet
Halsey

VICODIN
Hydrocodone bitartrate 5 mg with acetaminophen 500 mg
Per tablet
Tablet
Central

VICODIN ES
Hydrocodone bitartrate 7.5 mg with acetaminophen 750 mg
Per tablet
Tablet
Watson

VIOFORM HC
Hydrocortisone with iodochlorhydroxyquin
1% with 3%
Cream
Thames

VIOFORM HC
Hydrocortisone with iodochlorhydroxyquin
0.5% with 3%
Cream (mild)
Thames

VIOFORM HC
Hydrocortisone with iodochlorhydroxyquin
1% with 3%
Cream
NMC

VIOFORM HC
Hydrocortisone with iodochlorhydroxyquin
1% with 3%
Ointment
Clay-Park

VIOFORM HC
Hydrocortisone with iodochlorhydroxyquin
0.5% with 3%
Cream (mild)
Clay-Park

VIOFORM HC
Hydrocortisone with iodochlorhydroxyquin
1% with 3%
Cream
Clay-Park

VIOFORM HC
Hydrocortisone with iodochlorhydroxyquin
1% with 3%
Cream
Syosset

VIOKASE
Amylase 30,000 U,lipase 8,000 U,protease
30,000 U
Per tablet
Tablet
Anabolic

VISKEN
Pindolol
5 mg
Tablet
Zenith

VISKEN
Pindolol
10 mg
Tablet
Zenith

VISKEN
Pindolol
5 mg
Tablet
Purepac

VISKEN
Pindolol
10 mg
Tablet
Purepac

VISKEN
Pindolol
5 mg
Tablet
Mylan

VISKEN
Pindolol
10 mg
Tablet
Mylan

VISKEN
Pindolol
10 mg
Tablet
Geneva

VISKEN
Pindolol
10 mg
Tablet
Genpharm

VISKEN
Pindolol
5 mg
Tablet
Genpharm

VISKEN
Pindolol
5 mg
Tablet
Geneva

***VISKEN**
Pindolol
5 mg
Tablet
Novopharm

VISKEN
Pindolol
10 mg
Tablet
Mutual

VISKEN
Pindolol
5 mg
Tablet
Mutual

VISKEN
Pindolol
10 mg
Tablet
Novopharm*

VISTARIL
Hydroxyzine pamoate
50 mg
Capsule
Geneva

VISTARIL
Hydroxyzine pamoate
100 mg
Capsule
Geneva

VISTARIL
Hydroxyzine pamoate
25 mg
Capsule
Geneva

VISTARIL
Hydroxyzine pamoate
25 mg
Capsule
Zenith

VISTARIL
Hydroxyzine pamoate
50 mg
Capsule
EON

VISTARIL
Hydroxyzine pamoate
50 mg
Capsule
Zenith

VISTARIL
Hydroxyzine pamoate
25 mg
Capsule
EON

VISTARIL
Hydroxyzine pamoate
100 mg
Capsule
Zenith

VISTARIL
Hydroxyzine pamoate
50 mg
Capsule
Chelsea

VISTARIL
Hydroxyzine pamoate
25 mg
Capsule
Chelsea

VISTARIL
Hydroxyzine pamoate
25 mg
Capsule
Danbury

VISTARIL
Hydroxyzine pamoate
25 mg
Capsule
Barr

VISTARIL
Hydroxyzine pamoate
100 mg
Capsule
Barr

VOSOL
Acetic acid
2%
Otic solution
Barre-National

VOSOL
Acetic acid
2%
Otic solution
Thames

VOSOL HC
Acetic acid with hydrocortisone
2% with 1%
Otic solution
Thames

VOSOL HC
Acetic acid with hydrocortisone
2% with 1%
Otic solution
Barre-National

WELLCOVORIN
Leucovorin calcium
5 mg
Tablet
Barr

WELLCOVORIN
Leucovorin calcium
25 mg
Tablet
Barr

WELLCOVORIN
Leucovorin calcium
5 mg
Tablet
Roxane

WELLCOVORIN
Leucovorin calcium
10 mg
Tablet
Roxane

WELLCOVORIN
Leucovorin calcium
25 mg
Tablet
Roxane

WELLCOVORIN
Leucovorin calcium
15 mg
Tablet
Roxane

WYGESIC
Acetaminophen 650 mg, propoxyphene HCl 65 mg
Tablet
Wyeth

WYGESIC Acetaminophen 650 mg, propoxyphene HC1 65 mg Tablet Geneva	XANAX Alprazolam 0.5 mg Tablet Roxane
WYGESIC Acetaminophen 650 mg, propoxyphene HC1 65 mg Tablet Mylan	XANAX Alprazolam 0.5 mg Tablet Alphapharm
XANAX Alprazolam 0.25 mg Tablet Alphapharm	XANAX Alprazolam 0.25 mg Tablet Lederle
XANAX Alprazolam 0.5 mg Tablet Greenstone	***XANAX** **Alprazolam** **0.25 mg** **Tablet** **Mylan**
XANAX Alprazolam 2 mg Tablet Greenstone	**XANAX** **Alprazolam** **2 mg** **Tablet** **Mylan**
XANAX Alprazolam 2 mg Tablet Lederle	**XANAX** **Alprazolam** **0.5 mg** **Tablet** **Mylan**
XANAX Alprazolam 0.25 mg Tablet Roxane	**XANAX** **Alprazolam** **1 mg** **Tablet** **Mylan***
XANAX Alprazolam 1 mg Tablet Lederle	XYLOCAINE Lidocaine HC1 2% Jelly Copley
XANAX Alprazolam 1 mg Tablet Roxane	XYLOCAINE Lidocaine HC1 2% Soln (viscous) Barre-National
XANAX Alprazolam 0.5 mg Tablet Lederle	XYLOCAINE Lidocaine HC1 2% Soln (viscous) Pennex
XANAX Alprazolam 0.25 mg Tablet Greenstone	XYLOCAINE Lidocaine HC1 2% Soln (viscous) Roxane
XANAX Alprazolam 1 mg Tablet Alphapharm	***YOCON** **Yohimbine HCl** **5.4 mg** **Tablet** **Norton**
XANAX Alprazolam 1 mg Tablet Greenstone	**ZARONTIN** **Ethosuximide** **250 mg/5 ml** **Syrup** **Copley***
ZENATE Prenatal vitamin Per tablet Tablet Copley	ZYLOPRIM Allopurinol 100 mg Tablet Mutual
ZYLOPRIM Allopurinol 300 mg Tablet Danbury	ZYLOPRIM Allopurinol 300 mg Tablet B-W
ZYLOPRIM Allopurinol 100 mg Tablet Danbury	ZYLOPRIM Allopurinol 100 mg Tablet B-W
ZYLOPRIM Allopurinol 100 mg Tablet Geneva	ZYLOPRIM Allopurinol 300 mg Tablet Boots Labs
ZYLOPRIM Allopurinol 300 mg Tablet Mylan	ZYLOPRIM Allopurinol 100 mg Tablet Boots Labs
ZYLOPRIM Allopurinol 100 mg Tablet Mylan	ZYLOPRIM Allopurinol 300 mg Tablet Par
ZYLOPRIM Allopurinol 300 mg Tablet Mutual	ZYLOPRIM Allopurinol 100 mg Tablet Par

(a)

DRUG UTILIZATION REVIEW COUNCIL

List of Interchangeable Drug Products

Adopted Amendments: N.J.A.C. 8:71

Proposed: July 6, 1993 at 25 N.J.R. 2802(b).

Adopted: April 12, 1994 by the Drug Utilization Review Council, Henry T. Kozek, Secretary.

Filed: April 25, 1994 as R.1994 d.245, **with portions of the proposal not adopted but still pending.**

Authority: N.J.S.A. 24:6E-6(b).

Effective Date: May 16, 1994.

Expiration Date: May 16, 1999.

Summary of Public Comments and Agency Responses:
No comments were received regarding the adopted products.

Summary of Hearing Officer's Recommendations and Agency Responses:

A public hearing on the proposed additions to the List of Interchangeable Drug Products was held on July 26, 1993. Mark A. Strollo, R.Ph., M.S., served as the hearing officer. One person attended the hearing. Two comments were offered, as summarized in previous issues of the New Jersey Register (see 25 N.J.R. 4495(b) and 26 N.J.R. 364(b)). The hearing officer recommended that the decisions be made based upon the available biodata. The Council adopted the products specified as "adopted," declined to adopt the products specified "not adopted," and referred the products identified as "pending" for further study.

The following products and their manufacturers were **adopted** in accordance to the reformatting of N.J.A.C. 8:71, the adoption of which is published elsewhere in this issue of the New Jersey Register, which follows a standardized format for each drug product listed:

The name of the substituted brand name drug:
The generic name of the drug product:
The strength of the drug product:
The dosage delivery system of the drug product (for example, cream, capsule, tablet):
The name of the generic drug's manufacturer:

TENORMIN	TENORMIN
Atenolol	Atenolol
50 mg	100 mg
Tablets	Tablets
Genpharm	Genpharm

The following drugs were **not adopted but are still pending**:

Alprazolam tabs 0.25mg, 0.5mg, 1mg	Geneva
Desipramine HCL tabs 25mg, 50mg, 75mg, 100mg	Eon
Imipramine HCL tabs 10mg, 25mg, 50mg	Eon
Naproxen tabs 500 mg	Genpharm
Naproxen tabs 500 mg	Mutual
Pergonal injection substitute 75IU, 150IU	Lederle
Tetracycline HCL caps 250 mg	Eon

(OFFICE OF ADMINISTRATIVE LAW NOTE: See related notices of adoption published at 25 N.J.R. 4495(b) and 6062(a), and 26 N.J.R. 364(b).)

(a)

DRUG UTILIZATION REVIEW COUNCIL
List of Interchangeable Drug Products
Adopted Amendments: N.J.A.C. 8:71

Proposed: November 1, 1993 at 25 N.J.R. 4844(a).
Adopted: April 12, 1994 by the Drug Utilization Review Council, Henry Kozek, Secretary.
Filed: April 25, 1994 as R.1994 d.246, **with portions of the proposal not adopted but still pending.**

Authority: N.J.S.A. 24:6E-6(b).

Effective Date: May 16, 1994.
Expiration Date: May 16, 1999.

Summary of Public Comments and Agency Responses:

The Drug Utilization Review Council received one comment pertaining to the products affected by this adoption.

COMMENT: In opposition to Alphapharm's triazolam tablets, the Upjohn Company reminds the Council that the Food and Drug Administration (FDA) has standard requirements for the packaging and labeling of triazolam products. The requirements include: patient package inserts, 10 tablet package, bulk bottles labeled for inpatient use, dosage guidelines for geriatric and debilitated patients.

RESPONSE: The Council verified that Alphapharm's triazolam product is in compliance with FDA labeling requirements. After reviewing the bioequivalency data, the Council approved Alphapharm's triazolam product as a generic substitute for the brand, Halcion.

Summary of Hearing Officer's Recommendations and Agency Responses:

A public hearing on the proposed additions to the List of Interchangeable Drug Products was held on November 29, 1993. Mark A. Strollo, R.Ph., M.S., served as the hearing officer. One person attended the hearing. One comment was received as summarized above and in a previous issue of the New Jersey Register (see 26 N.J.R. 362(b)). The hearing officer recommended that the decisions be made based upon the available biodata. The Council adopted the products specified as "adopted," declined to adopt the products specified "not adopted," and referred the products identified as "pending" for further study.

The following products and their manufacturers were **adopted** in accordance to the reformatting of N.J.A.C. 8:71, the adoption of which is published elsewhere in this issue of the New Jersey Register, which follows a standardized format for each drug product listed:
The name of the substituted brand name drug:
The generic name of the drug product:
The strength of the drug product:
The dosage delivery system of the drug product (for example, cream, capsule, tablet):
The name of the generic drug's manufacturer:

XANAX	MYSOLINE
Alprazolam	Primidone
0.25 mg	250 mg
Tablet	Tablets
Purepac	Linnett
XANAX	HALCION
Alprazolam	Triazolam
0.5 mg	0.125 mg
Tablet	Tablets
Purepac	Alphapharm
XANAX	HALCION
Alprazolam	Triazolam
1 mg	0.25 mg
Tablet	Tablets
Purepac	Alphapharm
XANAX	
Alprazolam	
2 mg	
Tablet	
Purepac	

The following products and their manufacturers were **not adopted and still pending**:

Adenosine phosphate inj 25mg/ml	Steris
Allopurinol tabs 300 mf	Geneva
Amiodarone tabs 200 mg	Alphapharm
Ascorbic Acid inj 222mg/ml	Steris
Atenolol tabs 25 mg	Danbury
B Complex 100 inj	Steris
B Complex with C & B-12 inj	Steris
Betamethasone sod. phosphate inj 4mg/ml	Steris
Bromocriptine mesylate tabs 2.5 mg	Danbury
Brompheniramine maleate inj 10mg/ml	Steris
Bumetanide tabs 0.5mg, 1mg, 2 mg	Zenith
Buspirone HCl tabs 5 mg, 10 mg	Danbury
Calcitonin-salmon inj 200iu/ml	Arcola
Cefaclor caps 250 mg, 500 mg	Zenith
Chlorpheniramine maleate inj 10mg/ml	Steris
Chlorpromazine HCl inj 25mg/ml	Steris
Chorionic gonadotropin 5,000u, 10,000u	Steris
Cimetidine tabs 200mg, 300mg, 400mg, 800mg	Mylan
Clemastine fumarate syrup 0.67mg/5ml	Lemmon
Desipramine 10mg, 25mg, 50mg, 75mg, 100mg, 150mg	Danbury
Dexamethasone acetate susp. inj 8mg/ml	Steris
Dexamethasone NaPO4 inj 4mg/ml, 10mg/ml	Steris
Dexpanthenol inj 250mg/ml	Steris
Diazepam inj 5mg/ml	Steris
Dicyclomine HCl inj 10mg/ml	Steris
Dimenhydrinate inj 50mg/ml	Steris
Diphenhydramine HCl inj 10mg/ml, 50mg/ml	Steris
Dyphylline GG liquid	Hi-Tech
Edetate disodium inj 150mg/ml	Steris
Estradiol cypionate inj 5mg/ml	Steris
Estradiol valerate inj 20mg/ml, 40mg/ml	Steris
Fiorinal tabs substitute	Danbury
Fluphenazine HCl tabs 1mg, 2.5mg, 5mg, 10mg	Danbury
Isosorbide dinitrate tabs 20mg, 30mg, 40mg	Danbury
Methylprednisolone tabs 4 mg, 16 mg	Danbury
Metoclopramide HCl tabs 5 mg	Danbury
Metoprolol tartrate tabs 50 mg, 100mg	Purepac
Nadolol tabs 20mg, 40mg, 80mg, 120mg, 160mg	Zenith
Nadolol tabs 40mg, 80mg, 120mg	Danbury
Naproxen sodium tabs 275mg, 550 mg	Mylan
Naproxen tabs 250mg, 375mg, 500 mg	Mylan
Nortriptyline caps 10mg, 25mg, 50mg, 75mg	Mylan
Propoxyphene/APAP tabs 100/650	Danbury
Spironolactone/HCTZ tabs 50/50	Danbury
Terfenadine tabs 60 mg	Geneva

Trazodone HCl tabs 150 mg	Danbury
Triamterene/HCTZ caps 50/25	Zenith

(OFFICE OF ADMINISTRATIVE LAW NOTE: See related notices of adoption published at 26 N.J.R. 362(b) and 1347(b).)

(a)

DRUG UTILIZATION REVIEW COUNCIL

List of Interchangeable Drug Products

Adopted Amendments: N.J.A.C. 8:71

Proposed: January 3, 1994 at 26 N.J.R. 13(b).
Adopted: April 12, 1994 by the Drug Utilization Review Council, Henry Kozek, Secretary.
Filed: April 25, 1994 as R.1994 d.247, **with portions of the proposal not adopted but still pending.**

Authority: N.J.S.A. 24:6E-6(b).

Effective Date: May 16, 1994.
Expiration Date: May 16, 1999.

Summary of Public Comments and Agency Responses:

The Drug Utilization Review Council received the following comment pertaining to the products affected by this adoption.

COMMENT: In opposition to Hoechst-Roussel's glyburide tablets, the Upjohn Company stated that the Council was "impliedly preempted" from determining the bioequivalency of Hoechst's glyburide product to the brand, Micronase, by the Federal Food, Drug, and Cosmetic Act. In addition, the Council was "preempted" from violating the patent protection afforded to Micronase.

Upjohn also commented that there was apparent significant differences in lag time which suggested differences in pharmacodynamic characteristics. In addition, Upjohn contended that the Hoerchst's protocol for assay procedures were inadequate and/or not appropriately followed in its most recent biostudy.

RESPONSE: The Council received legal advice from the Deputy Attorney General's Office to proceed with the review of bioequivalent data of Hoechst Roussel's glyburide product to determine its therapeutic equivalency to the brand, Micronase. Based on a review of the biodata and testimony from a clinical practitioner, the Council determined that the issues of lag time and assay procedures were not substantive to preclude the action to accept Hoechst Roussel's glyburide as a generic substitute for the brand, Micronase.

Summary of Hearing Officer's Recommendations and Agency Responses:

A public hearing on the proposed additions to the List of Interchangeable Drug Products was held on January 24, 1994. Mark A. Strollo, R.Ph., M.S., served as the hearing officer. No one attended the hearing. Two comments were offered, as summarized above and in a previous issue of the New Jersey Register (see 26 N.J.R. 1348(a)). The hearing officer recommended that the decisions be made based upon the available biodata. For the Hoechst glyburide product, the hearing officer recommended that a decision be made based on the legal advice provided by the Deputy Attorney General's Office, as well as, bioequivalency data and supporting clinical information. The Council adopted the products specified as "adopted," declined to adopt the products specified "not adopted," and referred the products identified as "pending" for further study.

The following products and their manufacturers were **adopted** in accordance to the reformatting of N.J.A.C. 8:71, the adoption of which is published elsewhere in this issue of the New Jersey Register, which follows a standardized format for each drug product listed:
The name of the substituted brand name drug:
The generic name of the drug product:
The strength of the drug product:
The dosage delivery system of the drug product (for example, cream, capsule, tablet):
The name of the generic drug's manufacturer:

MICRONASE/DIABETA Glyburide 1.25 mg Tablets	MICRONASE/DIABETA Glyburide 5 mg Tablets
Hoechst-Roussel	Hoechst-Roussel
MICRONASE/DIABETA Glyburide 2.5 mg Tablets Hoechst-Roussel	

The following products and their manufacturers were **not adopted and still pending**:

Acebutol HCl caps 200mg, 400mg	Mylan
Amiloride/HCTZ 5/50 tablets	TEVA
Atenolol/chlorthalidone tablets 100/25, 50/25	Mylan
Cimetidine tablets 200mg, 300mg, 400mg, 800mg	Geneva
Clomipramine caps 25mg, 50mg, 75mg	Geneva
Diltiazem tabs 30mg, 60mg, 90mg, 120mg	Zenith
Flurbiprofen tabs 50mg, 100mg	Mylan
Histussin HC syrup substitute	DSC Labs
Morphine Sulfate SR tabs 30, 60, 100mg	Roxane
Nadolol tabs 20mg, 40mg, 80mg	Mylan
Naproxen sodium tabs 275mg, 550mg	Zenith
Naproxen tabs 250mg, 375mg, 500mg	Zenith
Neomycin/dexamethasone ophth soln	Pharmafair
Nitrofurantoin caps 25mg, 50mg, 100mg	Geneva
Piroxicam caps 10mg, 20mg	Purepac
Poly-Histine-D elixir substitute	DSC Labs
Propoxyphene napsylate/APAP 100/650	Lemmon
Pseudophedrine/guaifenesin 120/600 tablets	Duramed
Sulfamethoxazole/trimethoprim suspension	TEVA

(OFFICE OF ADMINISTRATIVE LAW NOTE: See related notice of adoption published at 26 N.J.R. 1348(a).)

HIGHER EDUCATION

(b)

BOARD OF HIGHER EDUCATION

Administrative Policies

Minority Undergraduate Fellowship Program

Adopted New Rules: N.J.A.C. 9:2-2

Proposed: January 3, 1994 at 26 N.J.R. 80(a).
Adopted: March 23, 1994 by the Board of Higher Education, Edward D. Goldberg, Chancellor and Secretary.
Filed: April 25, 1994 as R.1994 d.239, **without change.**

Authority: N.J.S.A. 18A:72M-7.

Effective Date: May 16, 1994.
Expiration Date: May 4, 1995.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the adoption follows:

SUBCHAPTER 2. MINORITY UNDERGRADUATE FELLOWSHIP PROGRAM

9:2-2.1 Definitions

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

"Eligible discipline" means an academic discipline in which minority faculty members are underrepresented in comparison to non-minority faculty members with doctorates, including, but not limited to, the physical and life sciences, engineering, mathematics, management, computer sciences, environmental science and statistics. Eligible discipline shall not, however, include the disciplines of law, medicine or dentistry.

"Faculty mentor" means any person employed full-time by a New Jersey institution of higher education to perform primarily teaching or research duties for a full academic year, who agrees to participate in the program and abide by all terms and conditions of such participation as set forth herein.

"Full-time student" means one who, in each semester, quarter or equivalent thereof, is engaged in coursework or research necessary to constitute a full-time student status as defined by the sponsoring institution attended.

"Minority" means any United States citizen or permanent resident who is a member of a racial-ethnic group that has been historically disadvantaged in obtaining access to equal educational opportunities as designated by the United States Department of Education, Office of Civil Rights including Blacks, Hispanics, Native Americans, Asians and Pacific Islanders.

"Program" means the Minority Undergraduate Fellowship Program established pursuant to P.L.1991, c.485.

"Sponsoring institution" means an institution of higher education having authority under the laws of New Jersey to award baccalaureate degrees which elects to participate in the program, selects participants for the program from among its junior level students and selects faculty mentors as set forth herein.

"Undergraduate fellow" means an individual who has been recommended by the sponsoring institution and accepted by the Chancellor to participate in the program.

9:2-2.2 Program participation eligibility

(a) The Department of Higher Education will encourage all institutions annually to participate in the Minority Undergraduate Fellowship Program and nominate eligible students for the program. The Department will have oversight of the overall student selection process, the evaluation of the program and the monitoring of student performance.

(b) To be eligible for consideration to participate in the program, an applicant for the fellowship must:

1. Be a member of a minority group;

2. Have demonstrated a potential for academic excellence based upon performance in previous academic work and related activities with a cumulative grade point average of at least 3.0 based on a 4.0 scale;

3. Have attained the junior year of a baccalaureate program;

4. Be enrolled as a student in good standing at the sponsoring institution;

5. Have an interest in pursuing graduate education and a career as a collegiate faculty member; and

6. Be nominated by the institution at which he or she is enrolled as a full-time undergraduate student pursuing a baccalaureate degree in an eligible discipline, at a sponsoring institution.

9:2-2.3 Sponsoring institution responsibilities

(a) Institutions of higher education will notify the Department of Higher Education (DHE) annually of their desire to participate as sponsoring institutions in the program.

(b) A sponsoring institution will nominate undergraduate fellows based on a determination of potential for success in college teaching and academic research, consistent with the student's performance in previous academic work at that and other regionally accredited colleges and universities, related activities, and level of motivation.

(c) A sponsoring institution will ensure the selection of an appropriate faculty member from the undergraduate fellow's major field to serve as faculty mentor to the undergraduate fellow.

(d) A sponsoring institution will ensure that the faculty mentor fulfills all program responsibilities which include:

1. The provision of supervision and support for a research project by the undergraduate fellow in the spring semester of the junior year, or actively involving the student in a project which the advisor is conducting;

2. The supervision of the fellow in the senior year as an undergraduate teaching assistant, which assistantship may include helping the mentor prepare a class, providing tutoring, leading group discussions, and providing laboratory demonstrations.

3. The accompanying of the undergraduate fellow to the annual meeting of the professional association of the fellow's academic discipline; and

4. Assisting the fellow in the selection of, and application to a graduate school.

(e) The institution may nominate more students for the program than the number of allocated fellowships. Names shall be submitted in a ranked order in the event that additional fellowships become available.

(f) The sponsoring institution will provide reports regarding the progress of the student to the Department of Higher Education, as requested.

(g) The sponsoring institution will be responsible for the associated travel and registration costs for the faculty mentor to attend the annual meeting of the professional association of the fellow's academic discipline.

9:2-2.4 Undergraduate fellow responsibilities

(a) Each undergraduate fellow shall:

1. Maintain full-time enrollment status at the sponsoring institution for the duration of the fellowship;

2. Maintain satisfactory academic progress as defined by the sponsoring institution where the undergraduate fellow is enrolled;

3. Engage in a research project under the faculty mentor's guidance and expertise during the undergraduate fellow's junior year;

4. Participate in a teacher training workshop in preparation for service as an undergraduate teaching assistant;

5. Serve as an undergraduate teaching assistant with the faculty mentor during the undergraduate fellow's senior year;

6. Attend the annual professional association meeting of the undergraduate fellow's academic discipline accompanied by the faculty mentor; and

7. With the assistance of the faculty mentor, complete applications to graduate schools in the fall of the senior year.

9:2-2.5 Undergraduate fellowship award

(a) The program provides a stipend of $1,000 per semester to each undergraduate fellow during the senior year of participation for serving as a teaching assistant. In addition, the program will provide up to $500.00 for travel and related expenses to attend an annual meeting in the undergraduate fellow's academic discipline.

(b) The program provides a stipend of $500.00 per semester to each faculty mentor during the undergraduate fellow's senior year.

(a)

NEW JERSEY HIGHER EDUCATION ASSISTANCE AUTHORITY (NJHEAA)

Procedures Governing NJHEAA Reporting of Loan Status to Credit Bureaus

Adopted New Rule: N.J.A.C. 9:9-1.23

Proposed: February 22, 1994 at 26 N.J.R. 893(a).
Adopted: April 22, 1994 by New Jersey Higher Education Assistance Authority, Warren E. Smith, Chairman.
Filed: April 25, 1994 as R.1994 d.240, **without change.**

Authority: N.J.S.A. 18A:72-10, 34 CFR 682.410(b)(5) and 20 U.S.C. 1071 et seq.

Effective Date: May 16, 1994.
Expiration Date: August 16, 1998.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the adoption follows:

9:9-1.23 Procedures: Reporting Loan Status to Credit Bureaus:

(a) If a borrower wishes to inspect and copy records pertaining to his or her defaulted loans held by the Authority, he or she shall make a written request within 20 days from the date of the

Authority's notice. The written request shall include the borrower's social security number, the identity of the loans for which he or she wants records, and a reasonable description of the records he or she wishes to inspect. Upon receiving a proper written request, the Authority shall schedule an inspection, at which time the borrower may order copies of requested records for the fee of $10.00 as set forth on the Authority's notice.

(b) If, after inspecting his or her records, but before the expiration of the 60-day period from the date of the Authority's notice, a borrower objects to the reporting of his or her defaulted loan(s) to credit bureaus, the borrower shall have the opportunity to have an administrative review of the legal enforceability or past-due status of the loan(s). To request an administrative review, the borrower shall complete the Authority's request form included with the Authority's notice. The request form requires the borrower to identify the reasons for review and to file the form with the Authority within the 60-day period. Administrative reviews will be considered on the basis of this review process approved by the NJHEAA.

(c) If a borrower disagrees with the decision on his or her loan status reached on administrative review, and wishes to appeal that decision, the borrower shall file an appeal with the Department of Higher Education, Office of Student Loans, within 10 days of notification of the administrative review decision. Appeals shall be in the form of a letter addressed to the Appeals Committee, in care of the Director of the Office of Student Loans, New Jersey Department of Higher Education, CN 540, Trenton, New Jersey 08625, and shall contain the borrower's full name, social security number, and the identification of the contested loan(s). Appeals will be considered on the basis of this appeals process approved by the NJHEAA.

HUMAN SERVICES

(a)

DIVISION OF FAMILY DEVELOPMENT

Notice of Administrative Correction
Co-Payments and Procedures
Public Assistance Manual
Family Development Program (FDP) Manual
Child Care Co-Payment Schedules
Adopted Amendments: N.J.A.C. 10:15C-1.1, 10:81-14.18A and 10:86-10.6

Take notice that the Office of Administrative Law has discovered errors in the text of adopted amendments to N.J.A.C. 10:15C-1.1(d), 10:81-14.18A(d) and 10:86-10.6(b) published in the April 18, 1994 New Jersey Register at 26 N.J.R. 1636(a). As stated in the Summary of Changes Upon Adoption, the Department of Human Services intended to add to each of the Child Care Co-Payment Schedules in those subsections a fourth legend concerning the assessment of co-payment fees to families with a gross income in excess of that which is indicated on the co-payment scale. However, in the publication of the six tables to which the legends were added, the tables with the legends added were printed in their entirety as new text added upon adoption (in boldface with asterisks); the proposed tables, without the added legends, were also published as adopted text without change. What should have appeared in the adoption notice was only each of the proposed tables as adopted text with the fourth legend added to each as new text added upon adoption. To reflect the corrected adoption, the 4-18-94 Code update will include only two tables (full-time care and part-time care), with the added fourth legend, at each subsection. This notice of administrative correction is published in accordance with N.J.A.C. 1:30-2.7.

(b)

DIVISION OF DEVELOPMENTAL DISABILITIES

Organizational Rule
Readoption with Amendments: N.J.A.C. 10:40

Adopted: April 19, 1994 by William Waldman, Commissioner, Department of Human Services.

Filed: April 25, 1994 as R.1994 d.249.

Authority: N.J.S.A. 30:1-9 et seq and 52:14B-4(b) (exempt organizational rule).

Effective Date: April 25, 1994.

Expiration Date: April 25, 1999.

The readopted rules are organizational in nature and, as such, in accordance with N.J.S.A. 52:14B-4(b), may be adopted without prior notice or hearing and are effective upon filing with OAL. A description of the rules and amendments and their impacts follows.

Summary

William Waldman, Commissioner, Department of Human Services, hereby adopts as rules, a description of the organization of the Division of Developmental Disabilities. These rules are intended to inform the public of the basic composition, responsibilities and goals of the Division of Developmental Disabilities.

Among several clarifying amendments are the following: The term "client" has been changed to "individual." Under subchapter 2, the number of developmental centers has been changed from 10 to eight since two centers were closed since the rule was last adopted. Finally, the term, "Chief, Bureau of Special Residential Services" was changed to "Supervisor of Special Residential Services."

These organizational rules are exempt from the notice and hearing requirements of the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq.

Social Impact

These rules should have a positive social impact since they provide an official and ready reference of general information concerning the Department of Human Services, Division of Developmental Disabilities.

Economic Impact

These rules are readopted with only minor changes which reflect the current services and organization of the Division. No additional costs, either to the public or any State agency, shall be incurred from these rules. They merely provide public notice regarding the operation of an existing unit of state government.

Regulatory Flexibility Statement

No regulatory flexibility analysis is required. As descriptive of the organization of the Division, these rules have no effect on small businesses, as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.

Full text of the readopted rules follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

CHAPTER 40
DIVISION OF DEVELOPMENTAL DISABILITIES
ORGANIZATIONAL RULE

SUBCHAPTER 1. GOALS AND RESPONSIBILITIES

10:40-1.1 Goals of the Division of Developmental Disabilities

The goals of the Division of Developmental Disabilities are as follows:

1. To provide [comprehensive] evaluation, functional and guardianship services to eligible persons;

2. To ensure and advocate for [client] **the** rights **of individuals served,** to provide for their health, safety and welfare, and to protect [clients] **individuals served** from abuse, neglect and exploitation;

3. To develop an Individualized Habilitation Plan with each eligible person admitted to ongoing service;

4. To promptly provide effective and individually appropriate care, treatment, training and habilitation to eligible persons;

5. To establish and implement procedures for determination of eligibility for services of the Division;

6. To develop an array of services to enable eligible persons to be sustained in their own home or other safe, wholesome and supportive living arrangements as may be most appropriate for the individual;

7. To help the families of eligible persons develop an understanding and acceptance of both the capabilities and needs of their relatives;

8. To plan for and ensure appropriate utilization of generic and specialized private and public resources and to recommend and secure alternate services when needed;

9. To establish standards for services, whether provided or purchased on behalf of eligible persons. Such standards shall address the scope and quality of the services as well as recognize unique needs;

10. Through continual assessment of the Division's programs, to ensure that the [client's] **individual's** needs are met and that established program standards are maintained;

11. To provide consultation to organizations and committees (public or private) which work toward improving opportunities for persons who are developmentally disabled;

12. Through research and public education, to contribute to an increased understanding of developmental disabilities;

13. To integrate and maximize the use of Federal, State local and private resources in providing essential services to eligible persons and their families;

14. To develop and sustain working relationships with other public and private agencies to ensure a continuum of services;

15. To provide effective management of the Division's programs and services within the appropriation; **and**

[16. To ensure provision of in-service training and staff development programs to employees of the Division as well as providers and sponsors under contract, in order to ensure the quality of services; and]

[17.]**16.** To promote positive employee relations through adherence to policies of non-discrimination, fair employment practice, promotional opportunities and good work environments.

SUBCHAPTER 2. COMPOSITION OF THE DIVISION

10:40-2.1 Organization for the provision of mandated services

(a) The Division of Developmental Disabilities operates as an integral part of the Department of Human Services.

(b) Programs and services of the Division are administered by a Director who is appointed by the Commissioner, Department of Human Services, **a Chief of Staff and two Assistant Directors.**

(c) Under the direction of [a Deputy] **an Assistant** Director for Residential Services, the Division operates [10] **eight** developmental centers for the developmentally disabled located throughout the State. Each center is operated under the direction of a [Superintendent] **Chief Executive Officer** and an Assistant.

(d) Under the direction of the [Deputy] **Assistant** Director for Community Services, the Division operates a vast network of community based services, including, but not limited to, residential placement services, day training for persons 21 years and younger, adult training programs for persons over age 21, case management [and evaluation,] and referral services. Programs and services are administered from regional offices located in the central, southern and northern sections of the [State] **State**. The central region is divided into an upper region and lower region. Services in each region are administered by a Regional Administrator.

(e) Under the direction of a Bureau Chief, the Division provides guardianship services for eligible [mentally deficient] adults **who are incompetent**, and eligible orphaned or abandoned children. The program is administered from three regional offices located in the central, northern and southern sections of the State. Each regional office is under the direction of a Regional Supervisor.

(f) Under the direction of a [Chief Bureau of] **Supervisor,** Special Residential Services, the Division provides a purchase of services program utilizing contracted private residential facilities to appropriate care and training for eligible [mentally retarded] persons.

(g) Under the direction of a Program Director, the Division administers the New Jersey [foster] **Foster** Grandparent Program. The program is designed to mobilize senior citizens to provide personal care, education, training and companionship to [mentally retarded] **disabled** persons under 21 years of age. A similar program is also developed for [mentally retarded] **disabled** persons ages 22 and over.

(h) The Division Central Office, comprising the management and support staff, provides executive management, budgetary, and technical assistance to the various operating units in the Division.

(a)

DIVISION OF FAMILY DEVELOPMENT

Public Assistance Manual
Social Security Numbers
Adopted Recodification with Amendment: N.J.A.C. 10:81-11.3 to 10:81-2.6(d)
Adopted Amendments: N.J.A.C. 10:81-2.6, 3.4 and 11.2

Proposed: January 18, 1994 at 26 N.J.R. 324(a).
Adopted: April 18, 1994 by William Waldman, Commissioner, Department of Human Services.
Filed: April 19, 1994 as R.1994 d.233, **without change.**

Authority: N.J.S.A. 44:10-3.

Effective Date: May 16, 1994.
Expiration Date: August 24, 1994.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the adoption follows:

10:81-2.6 Eligibility factors other than need

(a)-(c) (No change.)

(d) Rules concerning Social Security numbers are as follows:

1. The AFDC applicant shall supply the CWA with the Social Security number of each member of the eligible unit or apply for a Social Security number for any such person who does not already have one (see (d)3 and 5 below).

2. The IM worker shall record, in the appropriate spaces on FAMIS Form 105 and Form PA-1J (Application and Affidavit for Public Assistance), the Social Security number of each person who is included in the AFDC assistance payment.

3. The CWA shall obtain a supply of Social Security Form SS-5, sufficient to accommodate all AFDC applicants (with the exception of illegal aliens) and eligible individuals who do not already have Social Security numbers. Upon application for AFDC, the applicant shall be required to sign as many SS-5 forms as needed for the eligible family. The IM worker shall complete Form SS-5 on the basis of information provided by the applicant. Completed forms shall be forwarded to the county's respective Social Security Administration District Office (SSA/DO). A copy of the SS-5 form shall be retained in the case record, and a copy given to the client is so requested.

i. The IM worker shall record in the case record the date upon which Form SS-5 was prepared.

ii. If any applicant refuses to provide or apply for the appropriate Social Security number(s), the CWA shall declare such person ineligible for AFDC benefits. The needs of that individual shall be deleted in accordance with N.J.A.C. 10:82-2.4.

(1) For a "newborn" child, whose birth certificate may not be readily available, the completion of time for the SS-5 is extended to the first day of the second month after the birth of the child.

(2) A signed and certified hospital document may be accepted in lieu of a birth certificate, provided that it contains the same information that would appear on a birth certificate, that is, child's name, date of birth, place of birth, mother's name, mother's residence, and father's name.

iii. Public assistance applicants who are legal residents of the United States in accordance with the provisions of the U.S. Immigra-

tion and Naturalization Service (INS), but not United States citizens, shall have Form PA-55, County Welfare Agency Alien Referral to Social Security (SSA) District Office for Social Security Number Application, processed at the SSA/DO in order to be enumerated.

(1) For enumeration purposes, not all U.S. born individuals are U.S. citizens. These individuals may include former U.S. citizens who are now citizens of another country. Additionally, children of foreign diplomats or other temporary aliens who are born in the U.S. while their parents are in the U.S. are considered citizens of the parents' home country. Such individuals shall not be referred to the SSA/DO unless the individual is a legal U.S. resident as stated above.

(2) Form PA-55 is to be used to refer legal residents of the United States as determined by the Immigration and Naturalization Service, who are not U.S. citizens, to the SSA/DO. Liaisons in the SSA/DO have been instructed to return the bottom portion of that form to the specified CWA. For quality control purposes, the bottom portion of Form PA-55 is to be filed in the case record and will serve as acceptable documentation that the individual has applied for a Social Security number.

(3) Each CWA is to create a tickler file to monitor the flow of referral forms (PA-55s) and receipts of acknowledgement (bottom portions of Form PA-55). Immediately upon receipt of such acknowledgement, CWAs shall input the filing date of the SS-5 form on the 105 form, thereby providing tracking for the issuance of Social Security numbers, and file the acknowledgement in the case record.

iv. Inasmuch as applicants for AFDC-N need not be citizens or lawfully admitted aliens (see N.J.A.C. 10:81-3.10), illegal aliens cannot procure a Social Security number and are therefore exempt from this requirement.

4. Procedures for verifying Social Security numbers are as follows:

i. The CWA shall verify the Social Security numbers (SSNs) provided by the eligible family with the Social Security Administration (SSA) by submitting them through FAMIS. Benefits shall not be denied, delayed or terminated for an otherwise eligible family pending SSN verification. Once the SSNs have been verified, the CWA shall make a permanent annotation to the case file to prevent unnecessary reverification of the SSN in the future.

5. AFDC benefits shall not be denied, delayed or terminated pending issuance or verification of a Social Security number so long as the applicant/recipient has complied with the provisions of (d)1 through 4 above.

6. Every applicant for and recipient of Medicaid benefits is required to furnish a valid Social Security number to the CWA as a condition of eligibility for Medicaid. Any applicant or recipient who does not already have a Social Security number shall be required to apply for same. In addition, (d)2 through 5 above shall apply to Medicaid recipients.

(e) Rules concerning enumeration at birth are as follows:

1. Participating hospitals have entered into an agreement with the New Jersey Department of Health, Bureau of Vital Statistics to initiate the enumeration process for newborns while the parent is in the hospital at time of the birth. This process is undertaken through a program implemented by SSA entitled "Hospital Enumeration at Birth Project". This process is for the convenience of the parent and is optional.

2. If the service is available at the hospital and the parent elects to apply, the parent is given Form SSA-2853/OP4, "Message From Social Security", that bears the name of the newborn for whom SSN application has been made and the dated signature of an authorized hospital official.

3. If Form SSA-2853/OP4 contains the foregoing identifying information, it serves as satisfactory verification that the family has applied for a SSN on behalf of the newborn for AFDC purposes provided that other documentation is available to connect the child to the parent.

4. In instances of "enumeration at birth," the CWA worker will not need to complete Form SS-5, "Application for a Social Security Number Card," for the newborn. Block QM/92 on FAMIS Form 105B will be completed by utilizing the "888" coding option for the infant in such situations.

5. Parents who elect to enumerate their newborn child(ren) through this process are required to furnish the assigned SSN to the CWA when it is received. The CWA shall, however, request proof of receipt of the SSN after six months from the child's birth have lapsed or at time of the recipient's next redetermination, whichever occurs first. If an SSN has not been assigned to the newborn at that time, then the CWA shall complete the SS-5 form for such newborn.

6. If the family is unable to provide Form SSA-2853/OP4, then the child shall be enumerated by the CWA through completion of an SS-5 following current application procedures.

7. CWAs shall not contact hospitals to verify that a child was enumerated through those facilities.

10:81-3.4 Sources of evidence regarding eligibility

(a)-(d) (No change.)

(e) With respect to "enumeration at birth," the CWA shall request proof of receipt of the SSN after six months from the child's birth have lapsed or at time of the recipient's next redetermination, whichever occurs first. If an SSN has not been assigned to the newborn at that time, then the CWA shall complete the SS-5 form for such newborn.

10:81-11.2 Eligibility requirements

(a) In addition to the eligibility requirements contained in N.J.A.C. 10:81-3 and 5, requirements for AFDC eligibility shall include the following:

1. (Reserved)

2.-3. (No change.)

(b)-(d) (No change.)

10:81-11.3 (Reserved)

(a)

DIVISION OF YOUTH AND FAMILY SERVICES

Manual of Requirements for Child Care Centers

Adopted New Rules: N.J.A.C. 10:122

Proposed: November 15, 1993 at 25 N.J.R. 4987(a).

Adopted: April 12, 1994 by William Waldman, Commissioner, Department of Human Services.

Filed: April 15, 1994 as R.1994 d.231, **with substantive and technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-4.3).

Authority: N.J.S.A. 30:5B-1 to 15.

Effective Date: May 16, 1994.

Expiration Date: May 16, 1999.

Summary of Public Comments and Agency Responses:

The Division received public comments from one licensed child care center, one county agency and four State agencies; comments from three of these sources have resulted in substantive changes to the rules upon adoption. Comments were received from:

1. Denise Sellers, Director, Haddonfield Child Care, Haddonfield, New Jersey;

2. John W. Beckley, M.P.H., Director/Health Officer, Hunterdon County Department of Health;

3. Virginia Pasqualini, Office of Constituent Relations, New Jersey Department of Labor (DOL);

4. William M. Connelly, A.I.A., Director, Division of Housing, New Jersey Department of Community Affairs (DCA);

5. Eli D. Verasco, Assistant Chief, Division of Fire Safety, New Jersey Department of Community Affairs (DCA); and

6. Donald F. Henry, Assistant Director, Driver Control and Regulatory Affairs, New Jersey Division of Motor Vehicles (DMV), New Jersey Departemnt of Law and Public Safety.

COMMENT: Ms. Sellers indicated that her center has had difficulty in obtaining staff who meet the proposed qualifications for program supervisor in a school-age child care program, especially the requirement that the staff member must have experience in a group program for school-age children. However, she also stated that the requirements are not inappropriate or overly stringent.

RESPONSE: Division staff contacted Ms. Sellers to provide technical assistance in identifying ways her center can meet the proposed requirements. No changes to the proposal are necessary.

COMMENT: The Hunterdon County Department of Health expressed concern about possible environmental exposure to radon gas by children in child care centers. Working in cooperation with the Bureau of Environmental Radiation, New Jersey Department of Environmental Protection and Energy (DEPE), the County conducted a pilot study of radon levels in licensed child care centers in Hunterdon County, which revealed that 10 of the 21 centers tested had radon gas levels exceeding the Federally established upper acceptable limit of four picocuries per liter. It would be appropriate to require radon testing and at least disclosure of results as a condition for licensure, particularly in sections of the State identified by the DEPE as higher risk areas.

RESPONSE: The Division recognizes the value of reducing children's exposure to environmental health hazards such as radon. However, any actions to require or recommend radon testing in buildings in the State are within the purview of the DEPE, not this Division. The DEPE has sent a letter to all licensed centers in the State, recommending radon testing and informing them of appropriate resources and testing procedures. Since the DEPE is addressing this issue, no changes to the proposal are necessary concerning radon.

COMMENT: The DOL Office of Constituent Relations indicated support for the proposal and recommended that the Division coordinate activities with other State agencies that share responsibilities related to child care centers.

RESPONSE: The Division plans to continue its longstanding working relationship with other State agencies to encourage cooperation and communication in matters related to child care issues. No changes to the proposal are necessary to achieve this.

The comments received from the DCA Division of Housing and Division of Fire Safety were based on rules promulgated by the DCA, namely, the New Jersey Uniform Construction Code (N.J.A.C. 5:23, referred to as the NJUCC) and the New Jersey Uniform Fire Code (N.J.A.C. 5:18, 5:18A and 5:18B, referred to as the NJUFC). These rules govern construction and maintenance of buildings in the State, including child care centers, and supersede any rules promulgated by any State agency. The NJUCC and the NJUFC have been amended periodically, resulting in some inconsistencies between their provisions and those in the proposed new rules. It is therefore necessary for the Division to make substantive and technical changes at N.J.A.C. 10:122-5.1 and 5.2 upon adoption of the rules in order to conform to the current NJUCC and NJUFC.

COMMENT: The Division of Housing objected to the proposed rule that permitted a building in the B (Business) use group to be licensed as a child care center. The NJUCC no longer permits the B use group for child care centers, in keeping with a recent change adopted in the national Building Officials and Code Administrators (BOCA) code.

RESPONSE: The Division agrees and has made the necessary changes at N.J.A.C. 10:122-5.1(a)1ii, 1iv and 3 to delete references to the B use group for newly constructed buildings, buildings whose use group has changed, and buildings that have had major alterations or renovations. This change, however, does not affect child care centers already approved for the B use group, since their Certificates of Occupancy for that use group remain valid.

COMMENT: The Division of Housing objected to the proposed rule permitting a center to submit a letter from a municipality in lieu of a Certificate of Continued Occupancy (CCO). The NJUCC does not recognize such a letter as documentation of a CCO.

RESPONSE: The Division agrees and has made the necessary change at N.J.A.C. 10:122-5.1(a)4 to delete the reference to a letter from a municipality in lieu of a CCO.

COMMENT: The Division of Housing questioned the language of the proposed rule permitting a building in the A-3 or A-4 (Assembly) use group to be licensed as a child care center if it accommodates school-age children only. The rule is unclear as the term "school-age children" is not defined in the proposal.

RESPONSE: The Division agrees and has made the necessary change at N.J.A.C. 10:122-5.1(a)1iv to change the term "school-age children" to "school-age child care programs," since the latter term is defined in the proposal.

COMMENT: The Division of Housing objected to the language of the proposed rule permitting this Division's Bureau of Licensing to refuse to accept a variation from the NJUCC that has been granted to a center by a municipality. The NJUCC does not authorize the Division to override a municipal construction official's decision to grant such a variation.

RESPONSE: The Division agrees and has made the necessary change at N.J.A.C. 10:122-5.1(a)7 to clarify that the Bureau's nonacceptance of such a variation is based on the requirements of this manual only, and does not preclude the municipality from continuing to grant the variation. This, in fact, was the intent of this rule when it was proposed.

COMMENT: The Division of Housing questioned the proposed rule permitting school-age child care programs that began operating prior to September 21, 1987 to meet the toilet facility requirements prescribed by the Plumbing Subcode of the NJUCC for the E use group that were in effect at the time the center began operating. DCA indicated that there is no basis for applying the 1987 date to school-age child care programs. All school-age child care programs are required by DCA rules to meet the current requirements of the Plumbing Subcode for the E use group.

RESPONSE: The Division agrees and has made the necessary changes at N.J.A.C. 10:122-5.2(t)4ii to delete the 1987 effective date and to require all school-age child care programs to comply with the current Plumbing Subcode for the E use group, which requires one toilet and one sink for every 25 children. Changes have also been made at N.J.A.C. 10:122-5.2(f)1 and (s)5i to indicate that the toilet and sink requirements for centers that began operating on or after September 21, 1987, which require one toilet and one sink for every 15 children, apply to early childhood programs only.

COMMENT: The Division of Fire Safety objected to the proposed rule regarding fire drills because it duplicates the fire drill requirements in the NJUFC that apply to child care centers.

RESPONSE: The Division recognizes that the proposed fire drill requirements duplicate those in the NJUFC. However, the inclusion of these requirements in the manual is important to inform child care centers of their obligation to conduct fire drills and ensure the safety of the children attending the center. Citations to the NJUFC have been added at N.J.A.C. 10:122-5.2(m)1 and 3 to clarify that this requirement is based on the NJUFC.

COMMENT: The Division of Fire Safety objected to the proposed rule permitting child care centers serving sick children to conduct fire drills that do not involve the children. The NJUFC requires the evacuation of occupants for all fire drills, except in institutions.

RESPONSE: The Division agrees and has made the necessary changes at N.J.A.C. 10:122-5.2(m)2 and 8.4(e) to delete the variation that permitted centers serving sick children to conduct fire drills without involving the children. The rules now require all centers to evacuate the children during fire drills.

COMMENT: The Division of Fire Safety objected to the proposed rule regarding fire extinguishers because it is less stringent than the fire extinguisher requirements in the NJUFC that apply to child care centers. The proposed rule only required fire extinguishers to be serviced and tagged at least once a year and recharged, if necessary. The NJUFC requires fire extinguishers in child care centers to be visually inspected once a month, in addition to being serviced and tagged annually.

RESPONSE: The Division agrees and has made the necessary changes at N.J.A.C. 10:122-5.2(m)4 to require visual inspection of fire extinguishers once a month and to cite the NJUFC.

Comments were also received from the Division of Motor Vehicles (DMV), based on rules promulgated by the DMV, namely N.J.A.C. 13:21-23.5 and 23.6. Recent changes to these rules have resulted in inconsistencies between their provisions and those in the proposed new rules. The Division is therefore making substantive and technical changes upon adoption to correct these inconsistencies, as explained below.

COMMENT: The DMV recommended changing the proposed rule concerning driver licenses for centers that provide transportation. The proposed rule required a Class B Commercial Driver License (CDL) for drivers of a Type I School Bus (a bus with a capacity of 17 to 58 passengers) or a Class C CDL for drivers of a Type II School Bus (a bus with a capacity of 10 to 16 passengers). Recent changes in State motor vehicle rules that apply to child care centers require a passenger endorsement for drivers of such buses, and establish Class B and C CDL requirements based on the gross vehicle weight rating (GVWR) of the vehicle, not its capacity.

The DMV also recommended that the rules reflect different driver license requirements for early childhood programs and school-age child care programs that use Type II School Buses and Type II School Vehicles (vans with a capacity of nine or fewer passengers). Early childhood

programs are required by DMV rules to use drivers with the appropriate CDL for such vehicles, while school-age child care programs may use drivers with only a Basic Driver License (known as Class D). The proposed rules required a CDL for both types of programs using these vehicles.

The DMV also recommended changing the proposed rule requiring a CDL for drivers of vehicles with a capacity of 17 or more passengers when used by school-age child care programs. Such a license is required by DMV rules for vehicles with a capacity of 16 or more passengers, not 17 or more.

RESPONSE: The Division agrees and has made the necessary changes at N.J.A.C. 10:122-9.4(a) and (b) to indicate that CDL requirements are based on GVWR, to include passenger endorsements in the CDL requirements, and to specify different driver license requirements for early childhood and school-age child care programs. Early childhood programs will now be required to use drivers with the appropriate CDL for Type I School Buses, Type II School Buses, and Type II School Vehicles. School-age child care programs will only be required to use drivers with a CDL for vehicles with a capacity of 16 or more passengers. Such programs will be required to use drivers with a basic license for other vehicles that are not school buses. This less stringent requirements for school-age child care programs is permitted because these programs are primarily recreational in nature and are not considered school-related or educational programs under N.J.S.A. 39:1-1. As such, they need not be subject to the school bus and CDL requirements applied by DMV to early childhood programs, which are primarily educational in nature.

Summary of Agency-Initiated Changes:

Several technical changes and corrections, as well as a few minor substantive changes, have been made upon adoption of the rules. At N.J.A.C. 10:122-1.2(a), the phrase "children residing in the sponsor's name" is corrected to read "children residing in the sponsor's home." At N.J.A.C. 10:122-1.2(d)4, the comma after the phrase "Junior Achievement" is changed to a semi-colon for clarification. At N.J.A.C. 10:122-2.8(c), the phrase "both a license and a Certificate of Life/Safety Approval" is changed to "a Certificate of Life/Safety Approval in addition to a license" for clarification. Also, hyphens are changed to slashes in the term "Life/Safety" to be consistent with the punctuation of this term in other sections. At N.J.A.C. 10:122-2.8(d), the phrase "The center is found to be in full compliance" is corrected to read "If the center is found to be in full compliance." At N.J.A.C. 10:122-3.3(b)2, the phrase "maintained in files either at a central administrative office or at the center" is changed to "maintained in files located either at a central administrative office or at the center" to be consistent with usage in other sections. At N.J.A.C. 10:122-3.3(d)3iv(1) and (2), citations are corrected.

At N.J.A.C. 10:122-4.1(h), the misspelling of the word "specified" is corrected, and the phrase "disqualification of the prospective sponsor or sponsor" is changed to "disqualification of the sponsor or prospective sponsor" for clarification. At N.J.A.C. 10:122-4.5(c)5ii, citations are corrected. At N.J.A.C. 10:122-4.5(d), an apostrophe is inserted in the term "Associate's Degree" to be consistent with the punctuation of this term in other sections of subchapter 4.

Minor substantive changes have been made to the chart at N.J.A.C. 10:122-4.5(d) that lists staff qualifications for program supervisor in school-age child care programs. The requirements for staff with an associate's degree in a child-related field are merged with those for staff with an associate's degree in an unrelated field, since the same experience and training qualifications are required for both types of degrees. The requirements for staff with Bureau of Licensing head teacher approval are merged with those for staff with a bachelor's degree in a child-related field, since the requirements are also the same in these two cases. The chart as printed in the proposal appeared to specify a reduced training requirement for staff with an associate's degree in an unrelated field, and no experience requirement for staff with Bureau of Licensing head teacher approval. However, this was an inadvertent error due to the spacing of items in the chart. The Division intended to require both training and experience for all program supervisors, as stated in the Summary that accompanied the proposal. The changes correct the printing errors and eliminate unnecessary duplication of requirements.

At N.J.A.C. 10:122-5.3(c)1iii, the phrase "actions in the room(s) used by children" is changed to "activities in the room(s) used by children," and the period after this phrase is corrected to a semi-colon. At N.J.A.C. 10:122-6.1(c), the phrase "The center shall ensure that children riding bicycles wear a helmet" is changed to "The center shall ensure that each child riding a bicycle wears a helmet," as the singular form is clearer and grammatically correct.

At N.J.A.C. 10:122-6.3(b)4, minor substantive changes have been made to clarify the requirements for centers to serve certain snack foods, and to serve milk at least once a day. The proposed rule at N.J.A.C. 10:122-6.3(b)4vi specified the types of food to be included in snacks, and applied to centers that provide meals. The rule did not apply to centers that provide snacks only but no meals, nor to centers where meals are provided for the children by their parents. The rule gave centers that provide meals a choice of foods to be included in snacks: one full-strength juice, milk or fruit, and one food supplement selected from the foods required for lunch and dinner.

However, the proposed rule at N.J.A.C. 10:122-6.3(b)4vii conflicted with this rule by requiring all centers serving children 18 months of age and above to serve milk at least once a day. This rule contradicted the scope of the preceding rule and the choices listed for snack foods. Centers that provide only snacks were obligated to include milk in the snack, but were not given any other food choices for snacks. The Division intended to require the same snack food choices for all centers that provide snacks, whether or not the center also provides meals.

To correct these inconsistencies, the rule concerning snack foods (N.J.A.C. 10:122-6.3(b)4vi) has been changed to apply to all centers that provide snacks, including those that provide only snacks and those that provide both meals and snacks. The rule concerning milk (N.J.A.C. 10:122-6.3(b)4vii) has been changed to apply to centers that provide meals, rather than to all centers. Centers that provide only snacks will not be required to serve milk, but will be required to select snack foods from the choices specified.

At N.J.A.C. 10:122-6.8(d)1 and 2, the phrases "the parent must sign consent" and "a parent must sign this schedule" are changed to "the parent shall be asked to sign consent" and "a parent shall be asked to sign the schedule" to clarify that centers are required to request parent signatures for children's participation in field trips. At N.J.A.C. 10:122-6.8(i)1ii, the phrase "Annual open house" is corrected to read "An annual open house." At N.J.A.C. 10:122-7.1(a), the phrase "symptoms of illnesses" is corrected to read "symptoms of illness." At N.J.A.C. 10:122-7.8(a)2, the misspelling of the word "solely" is corrected.

At N.J.A.C. 10:122-8.3(c), the word "up" is added to the chart showing staff/child ratios in centers serving sick children. The items under the chart heading "Age of Child" now read "Birth up to 3 months of age," "3 months up to 18 months of age" and "18 months up to 2½ years of age" to be consistent with the similar chart at N.J.A.C. 10:122-4.3(c).

At N.J.A.C. 10:122-9.1(a) and (b), the phrases "Any center," "Any person or agency" and "Any center, person or agency" are changed to "Each center," "Each person or agency" and "Each center, person or agency" for clarification. At N.J.A.C. 10:122-9.3(a)4viii, the word "and" is added after "to prevent child impact;" as a transition to the last subparagraph. At N.J.A.C. 10:122-9.3(b)1vi, the codification and a citation are corrected. At N.J.A.C. 10:122-9.4(a) and (c), the phrase "the drivers of such vehicles possess" is changed to "each driver of such a vehicle possesses," as the singular form is clearer and grammatically correct. At N.J.A.C. 10:122-9.4(a)1, the phrase "appropriate rules" is changed to "applicable rules," and the phrase "Division of Motor Vehicles (DMV)" is changed to "DMV," since the full name of this agency and its abbreviation are given.

Full text of the adoption follows (additions to proposal indicated in boldface with asterisks ***thus***; deletions from proposal indicated in brackets with asterisks *[thus]*):

CHAPTER 122
MANUAL OF REQUIREMENTS FOR CHILD CARE CENTERS

SUBCHAPTER 1. GENERAL PROVISIONS

10:122-1.1 Legal authority

(a) This manual is promulgated pursuant to the Child Care Center Licensing Law, N.J.S.A. 30:5B-1 to 15, supplemented by P.L. 1992, c.95.

(b) Under the laws specified in (a) above, the Department of Human Services is authorized to:

1. License certain public and private child care centers that are maintained for the care, development or supervision of six or more children under 13 years of age for less than 24 hours a day;

2. Inspect and examine the physical plant or facilities and program of a child care center and inspect all documents, records, files or other data maintained pursuant to the above-referenced law during the center's normal operating hours and without prior notice; and

3. Request the appropriate State and local fire, health and building officials to conduct examinations and inspections to determine a center's compliance with State and local ordinances, codes and regulations. The inspections shall be conducted and the results reported to the Department within 60 days after the request.

(c) Under the laws specified in (a) above, the Department of Human Services is authorized to issue a Certificate of Life/Safety Approval to a center that:

1. Operates on a seasonal or short-term basis for eight weeks or less and does not offer a continuous program that extends across the three-year period of licensure; or

2. Was operating on or before May 16, 1984 and was exempt from the licensing provisions because it was operated by an aid society of a properly organized and accredited church.

(d) Centers specified in (c)1 and 2 above are required to comply only with the physical facility, life/safety, administration and control of medication, environmental sanitation and communicable disease reporting provisions of this manual of requirements. Centers with Certificates of Life/Safety Approval may secure regular licenses on a voluntary basis as long as they comply with all provisions of this manual of requirements.

(e) To be eligible for a license, a center shall demonstrate to the satisfaction of the Department of Human Services, or the duly authorized agency, that the center complies with all applicable provisions of this manual.

(f) All applicable requirements shall be met by all child care centers, unless the rules are specified as "for early childhood programs" or "for school-age child care programs."

(g) Responsibility for ensuring that centers comply with the provisions of the laws cited in (a) above and with provisions of this manual is hereby delegated by the Department of Human Services to the Division of Youth and Family Services, Bureau of Licensing.

(h) When a person intends to care for six or more children under 13 years of age, he or she shall apply for and secure from the Bureau a license to operate a child care center. Once licensed, the center is subject to all applicable provisions of this manual, even if the number and/or ages of the children attending the center at a particular time should fall outside the definition of a center, as specified in N.J.A.C. 10:122-1.2(a).

10:122-1.2 Definition of child care center

(a) "Child care center" or "center" means any home or facility, by whatever name known, which is maintained for the care, development or supervision of six or more children under 13 years of age who attend for less than 24 hours a day. For a facility that is located in a sponsor's home, the Bureau shall not count the children residing in the sponsor's *[name]* ***home*** in determining whether the facility is serving the minimum number of children that would require it to be licensed as a center.

(b) The term, child care center, shall include, but not be limited to, day care centers; drop-in centers; night-time centers; recreation-type centers sponsored and operated by a county or municipal government recreation and/or park department or agency; day nurseries; nursery and play schools; cooperative child centers; centers for children with special needs; centers serving sick children; infant-toddler programs; school-age child care programs; employment-related centers; centers that had been licensed by the Department of Human Services prior to the enactment of the Child Care Center Licensing Act of 1984; and kindergartens that are not an integral part of a private educational institution or system offering elementary education in grades kindergarten through sixth, seventh or eighth.

(c) The term, child care center, shall not include the following programs, since they do not meet the definition of a child care center:

1. A program serving fewer than six children who are below 13 years of age;

2. A program, such as that located in a bowling alley, health spa or other facility, in which:

i. Each child attends on a drop-in basis for no more than two hours; and

ii. The parent of each child attending the program is in the same building, is readily accessible at all times on an on-call basis, and is able to resume control of the child immediately;

3. A child care program operating within a geographic area, enclave or facility that is owned and/or operated by the Federal government;

4. A family day care home that is registered pursuant to the Family Day Care Provider Registration Law, N.J.S.A. 30:5B-16 et seq.; and

5. Programs that offer activities for children who attend at their own discretion on an "open door" basis, where there is no agreement, written or implied, between the program and the parent for the program to assume responsibility for the care of the child.

(d) The following programs are exempt from licensure pursuant to the laws specified in N.J.A.C. 10:122-1.1(a):

1. Programs operated by the board of education of a local public school district which is responsible for their implementation and management;

2. Programs operated by, and whose employees are paid by, a private school which is run solely for educational purposes. Such programs shall include kindergartens, pre-kindergarten programs or child care centers that are an integral part of a private educational institution or system offering elementary education in grades kindergarten through sixth, seventh or eighth;

3. Centers or special classes operated:

i. Primarily for religious instruction. To qualify for an exemption from licensing under this provision, a center or special class must:

(1) Be an integral part of a bonafide church or religion;

(2) Serve only children who are two years of age or older;

(3) Provide a program that is composed primarily of religious instruction in which the curriculum is related to religious themes, stories and/or teachings; and

(4) For children under six years of age, operate and provide religious instruction for not more than two hours on any day; or

ii. For the temporary care of children while persons responsible for such children are attending religious services. To qualify for an exemption from licensure under this provision, a center or special class must:

(1) Provide care only for the children of participants in religious services that are an integral part of a bonafide church or religion;

(2) Be arranged by and responsible to the church or religion; and

(3) Provide child care only for the duration of time the services are in progress;

4. Programs of specialized activities or instruction for children that are not designed or intended for child care purposes, including, but not limited to: Boy Scouts, Girl Scouts, 4-H Clubs, and Junior Achievement*[,]***;*** and single activity programs, such as: athletics, gymnastics, hobbies, art, music, dance and craft instruction, which are supervised by an adult, agency or institution. To qualify for an exemption from licensing under this provision, a program must:

i. Provide activities that are supervised on a full-time basis by an adult; and

ii. Provide only a single instruction or activity program. For children under six years of age, such single instruction or activity programs shall be limited to not more than two hours on any day;

5. Youth camps required to be licensed under the Youth Camp Safety Act of New Jersey, pursuant to N.J.S.A. 26:12-1 et seq. To qualify for an exemption from licensing under this provision, a program must have a valid and current license as a youth camp, issued by the New Jersey Department of Health. A youth camp sponsor who also operates a child care center shall also secure a license from the Bureau for the center;

6. Day training centers operated by or under contract with the Division of Developmental Disabilities within the Department of Human Services. To qualify for an exemption from licensing under

this provision, a center must be operated and funded as a day training center by the Division of Developmental Disabilities, pursuant to N.J.S.A. 30:4-165.2 et seq.; and

7. Privately operated infant and preschool programs that are approved by the Department of Education to provide services exclusively to local school districts for handicapped children, pursuant to N.J.S.A. 18A:46-1 et seq.

10:122-1.3 Definitions of other terms

The following words and terms, when used in this manual, shall have the following meanings:

"Bureau" means the Bureau of Licensing, Division of Youth and Family Services, Department of Human Services.

"Chapter" means the rules contained in the Manual of Requirements for Child Care Centers, as specified in N.J.A.C. 10:122, which reflect provisions that constitute minimum baseline requirements below which no center that is subject to the authority of N.J.S.A. 30:5B-1 to 15 is legally permitted to operate.

"Child" means any person under 13 years of age.

"Denial of a license or a Certificate of Life/Safety Approval" means the withholding by the Bureau of an initial license or Certificate of Life/Safety Approval, for which a center has applied.

"Department" means the New Jersey Department of Human Services.

"Director" means the on-site staff member responsible for the daily operation and management of the center.

"Division" means the Division of Youth and Family Services, Department of Human Services.

"Early childhood program" means a supervised group program serving six or more children under six years of age.

"Parent" means a birth or adoptive parent, legal guardian, or any other person having responsibility for, or custody of, a child.

"Person" means any individual, agency, corporation, company, association, organization, society, firm, partnership, joint stock company, the State or any political subdivision thereof.

"Refusal to renew a license or a Certificate of Life/Safety Approval" means the non-issuance of a license or a Certificate of Life/Safety Approval by the Bureau to a center after its existing license or Certificate of Life/Safety Approval has expired.

"Regular Certificate of Life/Safety Approval" or "Regular Certificate" means a document issued by the Bureau to a center that is eligible for such approval, indicating that the center is in full compliance with the provisions of this manual specified in N.J.A.C. 10:122-1.1(c).

"Regular license" means a document issued by the Bureau to a center indicating that the center is in full compliance with all applicable provisions of this manual.

"Revocation of a license or a Certificate of Life/Safety Approval" means a permanent removal of a center's current license or Certificate of Life/Safety Approval to operate.

"School-age child care program" means a supervised group program serving six or more children under 13 years of age who are enrolled in a public or private school, when their classes are not in session. The term, school-age child care program, may also include programs that serve: kindergarten children before and/or after their regular school session; and pre-kindergarten children before and/or after their regular school session if the pre-kindergarten children attend the program for no more than three and a half hours.

"Shall" denotes a provision of this chapter that a center must meet to qualify for a license.

"Should" denotes a recommendation reflecting goals towards which a center is encouraged to work.

"Sponsor" means any person owning or legally responsible for operating a center.

"Staff member" or "staff" means any person(s) employed by or working for or at a center on a regularly scheduled basis. This includes full-time, part-time, voluntary, substitute, contract or consulting personnel, whether compensated or not.

"Suspension of a license or a Certificate of Life/Safety Approval" means a temporary removal of a center's current license or Certificate of Life/Safety Approval to operate.

"Temporary Certificate of Life/Safety Approval" or "Temporary Certificate" means a document issued by the Bureau to a center that is eligible for such approval, indicating that the center is in substantial compliance with the provisions of this manual specified in N.J.A.C. 10:122-1.1(c), provided that no serious or imminent hazard affecting the children exists in the center.

"Temporary license" means a document issued by the Bureau to a center that is in substantial compliance with the applicable provisions of this manual, provided that no serious or imminent hazard affecting the children exists in the center.

10:122-1.4 Hours of care

(a) Centers operating during the normal waking hours shall not care for a child on a regular basis for more than 12 hours within a 24-hour period.

(b) Centers operating during the normal sleeping hours shall not care for a child on a regular basis for more than 16 hours within a 24-hour period.

SUBCHAPTER 2. LICENSING PROCEDURES

10:122-2.1 Application for a license

(a) No person shall operate a center without first securing a license from the Bureau. Any person who operates a center that does not have a valid license, or who uses fraud or misrepresentation in obtaining a license or who advertises or provides any service not authorized by a valid license, or who violates any other provision of the laws specified in N.J.A.C. 10:122-1.1(a), is guilty of a crime of the fourth degree, pursuant to N.J.S.A. 30:5B-13.

(b) A person applying for an initial license or renewal license to operate a center shall submit a completed application form to the Bureau at least 45 days prior to the anticipated opening of the center or to the expiration of its existing regular license.

(c) An applicant for an initial or renewal license shall submit, with the completed application form, the specified licensing fee listed in the chart below, in the form of a check or money order made payable to the "Treasurer, State of New Jersey."

LICENSING FEES FOR CENTERS

Center's Licensed Capacity	Three Year Fee
6-15	$100.00
16-30	125.00
31-60	150.00
61-100	175.00
101 and up	200.00

(d) In lieu of the fees specified in (c) above, an applicant for an initial or renewal license who operates a Head Start center, pursuant to 42 U.S.C. 9381 et seq., or a school-age child care program that does not charge a fee or require other compensation or services from parents, shall submit with the completed application form a $100.00 licensing fee, in the form of a check or money order made payable to the "Treasurer, State of New Jersey."

(e) If the application is denied, or the center does not open, the Bureau will refund the licensing fee to the applicant.

(f) The licensing fee will not be refunded once the Bureau issues the center a license.

10:122-2.2 Issuance of a license

(a) The Bureau shall issue a regular license to a center that has achieved full compliance with all applicable provisions of this manual.

(b) If the Bureau determines that a center is in substantial compliance with, but does not meet all, applicable provisions of this manual, and provided that there is no serious or imminent hazard to the health, safety, well-being and development of the children, the Bureau shall issue a temporary license to the center and indicate in writing the steps the center must take to secure a regular license.

(c) A temporary license may be issued for a period not to exceed six months. The Bureau may issue as many temporary licenses as it deems necessary. However, a center shall not operate pursuant to temporary licenses for more than 18 months.

(d) Each licensing period, which may include the issuance of one or more temporary licenses and/or one regular license, shall be three years.

1. In determining the expiration date of the first regular license, the Bureau shall compute the three-year licensing period from the date of issuance of the first temporary or regular license.

2. In determining the expiration date of a renewal regular license, the Bureau shall compute the three-year licensing period from the date on which the center's previous regular license expired.

(e) The license shall be posted in a prominent location within the center.

(f) A center shall not make claims contrary to its license, either in advertising or in any written or verbal announcement or presentation.

(g) A facility or program caring for children shall not claim in advertising, or in any written or verbal announcement or presentation, to be a licensed center unless it has secured a license from the Bureau.

(h) A center shall not claim that it is licensed by any State department or agency other than the New Jersey Department of Human Services, or that it is accredited by any State department.

10:122-2.3 Location of a center

(a) The license shall be issued to a specific center sponsor at a specific location and shall not be transferable.

(b) When two or more buildings are, or will be, utilized to accommodate centers operated by the same sponsor, the sponsor shall apply to the Bureau for either:

1. A separate license for each center in each building; or

2. A single license covering all the buildings that comprise a single center, provided that:

i. The buildings are on the same or contiguous properties;

ii. The programs have the same director; and

iii. The Bureau determines that issuance of a single license would not be detrimental to the health, safety, well-being, and development of the children served.

(c) A center shall not be located near or adjacent to areas determined by the Bureau to be hazardous to the physical health and safety of the children.

(d) The requirements for co-location of a center within a multi-use building are as follows:

1. The sponsor of a center that is, or seeks to be, co-located in a multi-use building shall indicate on its application the nature of the co-location.

2. Prior to approving the site, the Bureau shall determine that the multi-use site does not pose a serious risk to the health, safety or well-being of the children.

3. The Bureau may require the center to:

i. Operate in a separate room, floor and/or section of the building;

ii. Have or use a separate entrance and/or toilet facility; and/or

iii. Meet any other physical plant, staffing, program or other operational requirements that are deemed necessary to protect the children from serious risk of harm stemming from the co-location.

4. The sponsor of a center that has been approved to be located in a multi-use building shall notify the Bureau of any change in use by other occupants of the building, as specified in N.J.A.C. 10:122-3.2(a).

10:122-2.4 Denying, suspending, revoking or refusing to renew a license

(a) The Bureau may deny, suspend, revoke or refuse to renew a license for good cause, including, but not limited to, the following:

1. Failure or refusal to comply with all applicable provisions of the laws specified in N.J.A.C. 10:122-1.1(a) and of this manual;

2. Violation of the terms and conditions of a license;

3. Use of fraud or misrepresentation in obtaining a license or in the subsequent operation of the center;

4. Refusal to furnish the Division with files, reports or records, as required by this manual;

5. Refusal to permit an authorized representative of the Division to gain admission to the center and/or to conduct an inspection or investigation during the center's operating hours;

6. Any activity, policy or staff conduct that adversely affects or presents a serious hazard to the education, health, safety, well-being or development of a child attending a center, or that otherwise demonstrates unfitness by a sponsor or staff member(s) to operate a center;

7. Failure to provide developmental activities that meet the physical, social, emotional and cognitive needs of the children served; or

8. Failure by the sponsor to secure and maintain on file criminal conviction disclosures, as specified in N.J.A.C. 10:122-4.1(b) and (c).

(b) The Bureau shall provide written notice to the sponsor if it intends to deny, suspend, revoke or refuse to renew its application for a license. The notice shall specify the Bureau's reasons for such action.

(c) If the Bureau suspends a center's license to prevent the imminent risk of harm to children served by the center, the Bureau may reinstate the suspended license upon the center's compliance with all applicable provisions of this manual.

(d) If the Bureau denies, revokes or refuses to renew a center's license, as specified in (a) above, the center shall be prohibited from reapplying for licensure for one year from the date of license denial, revocation or refusal to renew. After the one-year period has elapsed, the center may submit to the Bureau a new application for a license.

(e) Each license issued by the Bureau to a center is the property of the State of New Jersey. If the Bureau suspends or revokes a license, the center shall return the license to the Bureau immediately.

10:122-2.5 Administrative hearings

(a) If a center fails to comply with all applicable provisions of this chapter, the Bureau shall issue a directive ordering compliance. Prior to the Bureau's decision to deny, suspend, refuse to renew or revoke a center's license, the Bureau shall afford the center an opportunity to request an administrative hearing, pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(b) As long as the Division determines that the children are not at risk and no serious or imminent hazards exist, the Bureau may permit a center that has requested an administrative hearing, as specified in (a) above, to continue to operate until a final decision is rendered as a result of the hearing.

10:122-2.6 Complaints

(a) Whenever the Bureau receives a report questioning the licensing status of a program or center or alleging that a licensed center is violating provisions of this manual, the Bureau shall ensure that the allegation is promptly investigated to determine whether the complaint is substantiated.

(b) After the report of the investigation has been completed, the Bureau shall notify the sponsor in writing of the results of the investigation, pursuant to the State Public Records Law, N.J.S.A. 47:1A-1 et seq., except for any information not permitted to be disclosed pursuant to the State Child Abuse and Neglect Law, N.J.S.A. 9:6-8.10a.

(c) Whenever the Division, through its Bureau of Licensing, Institutional Abuse Investigation Unit or District Offices, conducts complaint investigations, the center shall cooperate with all Division investigators.

10:122-2.7 Public access to the Bureau's licensing records

Licensing files maintained by the Bureau are public records and shall be readily accessible for examination by any person, under the direction and supervision of the Bureau, except when public access to records is restricted, in accordance with the State Public Records Law or other applicable statutes.

10:122-2.8 Procedures for securing a Certificate of Life/Safety Approval

(a) A center that is eligible for a Certificate of Life/Safety Approval, as specified in N.J.A.C. 10:122-1.1(c), may apply for and secure such a Certificate from the Bureau by complying with all

provisions of N.J.A.C. 10:122-2.1 through 2.8, except for 10:122-2.1(c) and (e); 10:122-5.1 through 5.3; and 10:122-7.5, 7.7 and 7.10.

(b) The applicant shall submit to the Bureau a $100.00 fee in the form of a check or money order made payable to the "Treasurer, State of New Jersey," along with the completed application for a Certificate of Life/Safety Approval.

(c) When an applicant is the sponsor of a licensed child care center and seeks to operate a seasonal or short-term program, as specified in N.J.A.C. 10:122-1.1(c)1, at the same site, the applicant shall submit an application for a Certificate of *[Life-Safety]* ***Life/Safety*** Approval with no additional fee required. The sponsor shall receive *[both a license and]* a Certificate of *[Life-Safety]* ***Life/Safety*** Approval ***in addition to a license***.

(d) The Bureau shall review the application form and accompanying materials and conduct an on-site inspection of the center to determine whether it meets all applicable provisions of this manual as specified in (a) above. *[The]* ***If the*** center is found to be in full compliance, the Bureau shall issue a Regular Certificate of Life/Safety Approval to the center. If the center is found to be in substantial compliance, and provided that there is no serious or imminent hazard to the health, safety, well-being and development of the children, the Bureau shall issue a Temporary Certificate of Life/Safety Approval.

SUBCHAPTER 3. CENTER ADMINISTRATION

10:122-3.1 Administrative responsibility

(a) The sponsor shall be legally responsible and held accountable by the Bureau for the overall operation of the center and for ensuring the center's compliance with all applicable provisions of this manual.

(b) When the sponsor is an entity owned or operated by two or more individuals, the sponsor shall designate one of those individuals to represent the interests and act on behalf of the sponsor.

10:122-3.2 Reporting requirements

(a) The center shall notify the Bureau verbally of any of the following changes or events by the next working day after the center learns of their occurrence:

1. Injury or illness that results in the admittance to a hospital or death of a child, as specified in N.J.A.C. 10:122-7.10(b);

2. Occurrence of a reportable disease, as specified in N.J.A.C. 10:122-7.10(a);

3. Change in use by other occupants of a multi-use building in which the center is located, as specified in N.J.A.C. 10:122-2.3(d);

4. Permanent closing of the center;

5. Damage to the premises of the center caused by fire, accident or the elements;

6. Proposed use of emergency space including re-location or use of rooms not approved by local municipal officials or by the Bureau, as specified in N.J.A.C. 10:122-5.2(q); and

7. Any conviction(s) or guilty plea(s) of the sponsor, director or any staff member, as specified in N.J.A.C. 10:122-4.1(b)1 and (c)2.

(b) The center shall notify the Bureau verbally, within three working days, of any change(s) to the licensing information previously submitted to the Bureau on the completed application form, including, but not limited to, changes in location. The center shall notify the Bureau in writing within 30 calendar days of any such change(s).

10:122-3.3 Center records

(a) General requirements for center records are as follows:

1. The center's records shall be open for inspection by authorized representatives of the Bureau.

2. The center's records shall be open for inspection by authorized representatives of the Division's Institutional Abuse Investigation Unit (IAIU) and, provided that they may only secure information about children under the Division's supervision, Division caseworkers.

(b) Requirements for administrative records are as follows:

1. The administrative records specified in (b)2 and 3 below shall be maintained by the center until the end of the current licensing period.

2. The following records shall be maintained in files ***located*** either at a central administrative office or at the center:

i. Comprehensive general liability insurance, as specified in N.J.A.C. 10:122-3.4;

ii. A record of:

(1) Monthly fire drills, as specified in N.J.A.C. 10:122-5.2(m)3; and

(2) Training sessions for staff members on the use of fire extinguishers and fire alarms and evacuation procedures, as specified in N.J.A.C. 10:122-5.2(o); and

iii. If the center provides transportation:

(1) Vehicle insurance, as specified in N.J.A.C. 10:122-9.6; and

(2) Transportation records, as specified in N.J.A.C. 10:122-9.7.

3. The following records shall be maintained in files located at the center:

i. A current manual;

ii. The building's fire safety inspection certificate, as specified in N.J.A.C. 10:122-5.1(b);

iii. The center's certificate or statement of satisfactory health approval, as specified in N.J.A.C. 10:122-5.1(c);

iv. The Life/Safety and Program Inspection/Violation and Complaint Investigation Summary reports from the Bureau, as well as any letters of enforcement or other actions taken against the center, that cover the current licensing period;

v. The documents providing information to parents, as specified in N.J.A.C. 10:122-3.6(a) and 7.11;

vi. A record of each parent's signature attesting to the receipt of the Information to Parents document, as specified in N.J.A.C. 10:122-3.6(a) and (b);

vii. Documentation of the use of extermination services, if applicable, as specified in N.J.A.C. 10:122-5.2(a)7;

viii. Signed blanket permission slips for walks and signed individual permission slips for field trips, outings or special events involving transportation of children away from the center, as specified in N.J.A.C. 10:122-6.8(d) through (f);

ix. A written policy on the disciplining of children by staff members, as specified in N.J.A.C. 10:122-6.6(d);

x. A written policy on the release of children, as specified in N.J.A.C. 10:122-6.5(a);

xi. A written policy providing for the direct involvement of parents of enrolled children in the center's operation and activities, as specified in N.J.A.C. 10:122-6.8(h) and (i)1; and

xii. A written outline of the center's daily activities, as specified in N.J.A.C. 10:122-6.1(e).

(c) The requirements for staff records are as follows:

1. The staff records specified in (c)2 and 3 below shall be maintained by the center for one year after the staff member has stopped working at the center.

2. The following records for the sponsor, director and all staff members shall be maintained in files located either at a central administrative office or at the center:

i. Applications for employment, as specified in N.J.A.C. 10:122-4.1(b)1 and (c);

ii. References on the director and staff members, as specified in N.J.A.C. 10:122-4.1(b)2;

iii. Documentation of applicable education and experience, as specified in N.J.A.C. 10:122-4.5(a) through (d);

iv. A record of each staff member's signature attesting to the receipt of the policy statement on the disciplining of children by staff members, as specified in N.J.A.C. 10:122-6.6(e);

v. A record of each staff member's signature attesting to the receipt of the Information to Parents document, as specified in N.J.A.C. 10:122-3.6(b); and

vi. Health information for staff members, as specified in N.J.A.C. 10:122-7.4.

3. Staff attendance sheets, as specified in N.J.A.C. 10:122-4.4(b)3i, shall be maintained in files located at the center.

(d) The requirements for children's records are as follows:

1. For children currently enrolled in the center, the records for each child, as specified in (d)3i through vi below, shall be maintained in files located at the center.

2. For children no longer enrolled in the center, the records for each child, as specified in (d)3i through vi below, shall be maintained for one year in files located either at a central administrative office or at the center.

3. The following records shall be maintained for each child by the center:

i. A signed application for enrollment, as specified in N.J.A.C. 10:122-6.8(a)1;

ii. Daily attendance records for children, as specified in N.J.A.C. 10:122-4.4(b)3ii;

iii. Records of the occurrence of any unusual incidents involving a child, as specified in N.J.A.C. 10:122-4.8(c);

iv. For a non-custodial parent:

(1) If applicable, written authorization from the custodial parent to allow visits by or releases to the non-custodial parent, as specified in N.J.A.C. 10:122-*[6.5(a)3]***6.5(a)2***; and

(2) If applicable, a court order denying access, or granting limited access, by a non-custodial parent to his or her child, as specified in N.J.A.C. 10:122-*[6.5(a)3]***6.5(a)2***;

v. Health information for children, as specified in N.J.A.C. 10:122-7.3; and

vi. Accident and injury records, as specified in N.J.A.C. 10:122-7.6(b).

(e) For early childhood programs, the following shall apply:

1. The following records shall be maintained in files located at the center until the end of the current licensing period:

i. A written policy on the toilet training of children, if applicable, as specified in N.J.A.C. 10:122-7.7(e)3iii; and

ii. A written plan on the feeding schedules, formulas, and nutritional needs of children under 18 months of age, if served by the center, as specified in N.J.A.C. 10:122-6.3(b)3.

2. The requirements for centers using a consulting head teacher to meet staffing requirements are as follows:

i. A record of the consulting head teacher's two monthly visits to the center, as specified in N.J.A.C. 10:122-4.4(f)3ii, shall be maintained in files located at the center; and

ii. The records specified in (e)2i above shall be maintained by the center for one year after the consulting head teacher is no longer visiting the center.

10:122-3.4 Comprehensive general liability insurance

The sponsor shall secure comprehensive general liability insurance coverage for the center and shall maintain on file a copy of the insurance policy.

10:122-3.5 Telephone requirements

(a) The center shall have:

1. Its own telephone; or

2. Access to a telephone located in the same building. Under this option a person shall be available to receive incoming calls to the center, transmit telephone messages to center personnel immediately and make outgoing calls for the center, as necessary.

10:122-3.6 Special requirements to prevent child abuse and/or neglect

(a) The center shall give to the parent(s) of every enrolled child and to every staff member a written document indicating that the center is required to:

1. Be licensed by the Bureau of Licensing, Division of Youth and Family Services;

2. Comply with all applicable provisions of the Manual of Requirements for Child Care Centers;

3. Post its license in a prominent location within the center;

4. Retain a current copy of the manual and make it available for parents' review;

5. Indicate how parents can secure a copy of the manual from the Bureau;

6. Make available to parents, upon request, the Bureau's Life/Safety and Program Inspection/Violation and Complaint Investigation Summary report(s) on the center, as well as any letters of enforcement or other actions taken against the center during the center's current licensing period;

7. Post a listing or diagram of those rooms and/or areas that have been approved by the Bureau for children's use;

8. Comply with the inspection/investigation functions of the Division, including the interviewing of staff members and children;

9. Afford parents the opportunity and time to review and discuss with the center director any questions or concerns about the policies and procedures of the center or whether the center is in compliance with all applicable provisions of the manual;

10. Advise parents that if they believe or suspect that the center is violating any requirement of the manual, they may report such alleged violations to the center sponsor or director or to the Bureau;

11. Afford parents of enrolled children an opportunity to participate in the center's operation and activities;

12. Afford parents of enrolled children the opportunity to visit the center at any time during the center's hours of operation to observe its operation and program activities without having to secure prior approval;

13. Provide parents with advance notice of any field trip, outing or special event involving the transportation of children away from the center, and, for each event, secure the written consent of the parent(s) before taking a child on such a field trip, outing or special event;

14. Post a copy of the center's written statement of policy on the disciplining of children by staff members in a prominent location within the center, and make a copy of it available to parents upon request;

15. Indicate through this document that any person who has reasonable cause to believe that a child has been or is being subjected to any form of hitting, corporal punishment, abusive language, ridicule, or harsh, humiliating or frightening treatment, or any other kind of child abuse, neglect or exploitation by any adult, is required by State law to report such allegations to the Division's Office of Child Abuse Control or any District Office immediately, and indicate that such reports may be made anonymously;

16. Indicate through this document how parents and staff members may secure information about child abuse and/or neglect from the Division;

17. Inform parents of the center's policy on the release of children;

18. Inform parents of the center's policy on dispensing medication; and

19. Provide parents with a copy of the center's policy on management of communicable diseases.

(b) The center shall comply with the requirements specified in (a) above by:

1. Providing the document to every parent upon enrollment of each child, and to every person upon becoming a staff member; and

2. Securing and maintaining on file a record of the parent's and staff member's signature attesting to receipt of the document.

SUBCHAPTER 4. STAFF REQUIREMENTS

10:122-4.1 General requirements for sponsor, director, and all staff members

(a) The sponsor, director, and every staff member shall:

1. Be of good character and reputation;

2. Be in sufficient physical, mental and emotional health to perform his or her job duties satisfactorily; and

3. Possess skills, attributes, and characteristics conducive to and suitable for sponsoring a center or dealing with children, as applicable.

(b) Prior to hiring or utilizing a director or a staff member who will be working at the center for at least 20 percent of the center's weekly operating hours, the sponsor and director, respectively, shall secure and maintain on file:

1. A signed application for employment from each individual, indicating the applicant's name, address and telephone number; education and work experience; and disclosure of the presence or

absence of criminal conviction(s). The employment application shall be updated to indicate the reason for discontinuance of employment, if applicable; and

2. Two written and/or verbal references on each individual. These references shall be secured from former employers or other persons who have knowledge of the individual's work experience and/or education and who can attest to the individual's suitability to work with children. The verbal references shall be documented in writing by the sponsor or director.

(c) Prior to hiring or utilizing a staff member who will be working at the center for less than 20 percent of the center's weekly operating hours, the director shall secure and maintain on file, the applicant's:

1. Name, address and telephone number;

2. Signed statement disclosing the presence or absence of criminal convictions; and

3. References, as specified in (b)2 above.

(d) The sponsor shall:

1. Maintain on file, regarding himself or herself, the information specified in (c)1 and 2 above; and

2. Disclose to the Bureau, in writing, information about and circumstances surrounding any previous denial, suspension, revocation or non-renewal of a license to own or operate a center either by the Bureau or by the licensing agency of another state.

(e) Failure by a sponsor, director or other staff member to comply with the requirements specified in (a) through (d) above and/or any evidence demonstrating unfitness or unsuitability to fulfill the responsibilities and duties of his or her position or to serve or deal with children in an appropriate manner shall constitute grounds for one or more of the following actions:

1. Removal of the sponsor, director or other staff member from his or her position;

2. Reassignment to other duties that do not involve contact with children;

3. Termination from the center; and/or

4. Denial, refusal to renew, suspension or revocation of the center's license.

(f) Evidence of conviction for crimes of violence, anti-social behavior and/or child abuse and/or neglect shall be among those actions that are considered in determining an individual's fitness and suitability to serve as sponsor, director or staff member.

(g) Evidence of conviction of a crime, in itself, shall not automatically preclude an individual from serving as sponsor, director or staff member or from working in the center and shall not automatically result in the removal or termination of a sponsor, director or staff member. The center shall submit a written justification to the Bureau, documenting why it believes that the individual should not be precluded from working or holding a position at the center. The Bureau, after assessing the facts on a case-by-case basis, shall make the final determination, in keeping with the provisions of the State Rehabilitated Convicted Offenders Act, N.J.S.A. 2A:168A-1 et seq., which provides that a person convicted of a crime may not be disqualified or discriminated against by a licensing authority unless the conviction relates adversely to the occupation, trade, vocation, profession or business for which a license is sought.

(h) Evidence of a previous denial, suspension, revocation, or non-renewal of a license, as *[sepcified]* ***specified*** in (d)2 above, shall not in and of itself result in an automatic disqualification of the ***sponsor or*** prospective sponsor *[or sponsor]* to secure a license for another or the same center, but shall constitute grounds for the Bureau to investigate the circumstances that led to the original negative action and to make a determination as to whether to reject or process the new application for a license.

10:122-4.2 Staffing requirements

(a) Each center shall have the following staff members:

1. A sponsor, who may also serve as the director and/or as one of the staff members specified in (a)3 below;

2. A director, who may also serve as one of the staff members specified in (a)3 below;

3. One or more of the applicable qualified staff members, as specified in the charts in (b) and (c) below for each program type offered; and

4. Additional staff members, as necessary, to meet staff/child ratio requirements, as specified in N.J.A.C. 10:122-4.3.

i. If the center offers an early childhood program and a school-age child care program, but has fewer than six children in one of those programs, the center shall only be required to meet the staffing requirements of the program serving six or more children.

ii. If the center offers an early childhood program and a school-age child care program, and has fewer than six children in both programs, the center shall meet the staffing requirements in either (b) or (c) below.

(b) For early childhood programs, the following shall apply:

1. Based on center size, the center shall have one or more head teachers, group teachers, and/or consulting head teachers, as specified in the chart below:

TYPES OF STAFF MEMBERS REQUIRED AT EARLY CHILDHOOD PROGRAMS

Licensed Capacity	Head Teacher(s)		†Group Teacher(s)		Consulting Head Teacher
6-15	1	or	1	or	1
16-30	1	or	(1	and	1)
31-60	1				
61-120	1	and	1		
121-180	1	and	2		
181-240	2	and	2		
241-300	2	and	3		
301-360	3	and	3		
361-420	3	and	4		
421-480	4	and	4		
481-540	4	and	5		

†A staff member who meets the head teacher qualifications, as specified in N.J.A.C. 10:122-4.5(c), may be utilized for a required group teacher.

i. As an exception to the staffing requirements in the chart above, centers with a licensed capacity of from six to 30 children, 50 percent or more of whom have special needs as a result of a cognitive, socio-emotional or physical handicap or disorder, shall have a head teacher.

(c) For school-age child care programs, the following shall apply:

1. Based on center size, the center shall have one or more program supervisors at each site as specified in the chart below:

TYPES OF STAFF MEMBERS REQUIRED AT SCHOOL-AGE CHILD CARE PROGRAMS

Licensed Capacity	Program Supervisor(s)
6-180	1
181-360	2
361-540	3

10:122-4.3 Staff/child ratios

(a) The children shall be supervised by a staff member at all times, including during toileting procedures and walking through hallways, as appropriate for their ages and developmental needs.

(b) There shall be a minimum of two staff members accompanying children on any field trip, outing or special event involving the transportation of children away from the center, even when the appropriate staff/child ratios allow fewer than two staff members.

(c) The following staff/child ratios shall apply, except as specified in (d) through (f) below:

Age	Staff/Child Ratio
Under 18 months	1:4
18 months up to 2½ years	1:7
2½ years up to 4 years	1:10
4 up to 6 years	1:15
6 years and older	1:18

(d) The following staff/child ratios shall apply during rest or sleep, when the criteria listed in (d)1, 2 and 3 below are met:

Age	Staff/Child Ratio
Under 2½ years	1:10
2½ years and above	1:20

1. At least one staff member shall be physically present in the room or area in which children are napping and shall be able to summon other staff members without leaving the room or area.

2. A sufficient number of staff members shall be in the facility and readily accessible to ensure compliance with the staff/child ratios specified in (c) above.

3. Naptime preparations shall have been completed and all children above 12 months of age shall be resting or sleeping, while all children 12 months of age or below shall be sleeping.

(e) The following staff/child ratios shall apply for centers serving children, 50 percent or more of whom have special needs, as a result of a cognitive, socio-emotional or physical handicap or disorder:

Age	Staff/Child Ratio
Under 2½ years	1:3
2½ years of age and over (non-ambulatory)	1:3
2½ years of age and over (ambulatory)	1:5

(f) Centers serving children who are sick shall comply with the variation on staff/child ratios for sick children, as specified in N.J.A.C. 10:122-8.3(c).

(g) In computing the required number of staff, the center shall apply the applicable staff/child ratios, as specified in (c) through (f) above, to the actual number of children in attendance at the center. The total number of staff members required for a center shall be the sum total of staff members required per room or area within a large room that has been divided by partitions, furniture or other barrier. The number of staff members per room or area within a large divided room shall be computed by dividing the number of children in attendance per room or area within a large divided room at any given time by the staff/child ratio required for the age of the children served. When this resulting figure is any fraction above a whole number, an additional staff member shall be required.

(h) When children of mixed ages requiring different staff/child ratios are in one room or area within a large divided room, the center shall compute the staff/child ratios applicable for each group separately to the nearest tenth decimal. If the resulting cumulative figure for all age groups is any fraction above a whole number, an additional staff member shall be required.

(i) For purposes of determining whether a required staff/child ratio is met, only those staff members who are involved in the direct care and supervision of children shall be counted.

(j) Staff members who are under 18 years of age shall be directly supervised by and visible to a staff member who is 18 years of age or older.

(k) For early childhood programs, the following shall apply:

1. A minimum of two staff members, one of whom shall be at least 18 years of age, shall be at the center and involved in the care of children when:

i. At least six children are present, who are below six years of age; or

ii. Fewer than six children are present but applicable staff/child ratios, governing children below 18 months of age and/or children with special needs, require two staff members.

2. The following minimum ages of staff members shall apply for purposes of computing the staff/child ratio:

i. Only staff members who are at least 14 years of age shall be counted for the staff/child ratio; and

ii. Staff members below 16 years of age shall only be utilized when school is not in session, or, if school is in session, only if they are participating in a school/work program.

(l) For school-age child care programs, the following shall apply:

1. A minimum of two staff members, one of whom shall be at least 18 years of age, shall be at the center and involved in the care of children at all times, except as specified in (l)2 and 3 below.

2. A minimum of one staff member, who shall be at least 18 years of age, shall be at the center and involved in the care of children when all the provisions in (l)2i through iv below are met:

i. Children attend for no more than one and one half hours;

ii. No more than five children present are below six years of age;

iii. No more than 12 children are present; and

iv. An additional adult has agreed to be available and immediately accessible in an emergency.

3. A minimum of one staff member, who shall be at least 18 years of age, shall escort up to 12 children on any walk including walks to and from their school and the center.

4. Only staff members who are at least 16 years of age shall be counted for the staff/child ratio.

10:122-4.4 Staff responsibilities

(a) The sponsor shall:

1. Be responsible for hiring or appointing a director; and

2. Ensure that the director operates the center in compliance with all applicable provisions of this manual.

(b) The director shall be responsible for ensuring:

1. That the center complies with all applicable provisions of this manual;

2. The supervision of all staff members, including:

i. Daily unannounced visits by the director or his or her designee, on a random daily time schedule, to each group of children; and

ii. For centers with an audio or visual monitoring system, as specified in N.J.A.C. 10:122-5.3(c)1i, observation of such a system, on a random daily time schedule, by the director or his or her designee;

3. The development and implementation of policies and procedures for the day-to-day operation of the center, including:

i. Maintenance of staff attendance sheets indicating daily hours worked; and

ii. Maintenance of children's daily attendance sheets, including the daily time of arrival and departure;

4. The orientation of staff members to the operation of the center, including physical layout, job descriptions, and daily policies and procedures;

5. The training of staff members, as specified in N.J.A.C. 10:122-4.7;

6. The development and maintenance on file of administrative, staff and children's records; and

7. The establishment and maintenance of a staff member substitute system.

(c) When the director is absent from the center for any length of time, he or she shall designate a responsible person to assume and carry out all responsibilities of the director, as specified in (b) above.

(d) When the director or any head teacher or required group teacher or required program supervisor is away from the center for six or more weeks, the sponsor or director shall hire and/or designate a staff member(s) who possesses the applicable staff qualifications for the position, as specified in N.J.A.C. 10:122-4.5, to assume the applicable responsibilities of the position, as specified in this section.

(e) The director or his or her designee(s) shall be on the premises at all times when the center is operating.

(f) For early childhood programs, the following shall apply:

1. The head teacher(s) shall:

i. Ensure the development and implementation of the center's child development and activities program for children below six years of age;

ii. Ensure the appropriateness of program activities according to both the age and developmental level of the child, as specified in N.J.A.C. 10:122-6.1(a); and

iii. Be scheduled to work for at least 75 percent of the center's daily operating hours, or at least six hours a day, whichever is less.

2. The group teacher(s) shall:

i. Be responsible for supervising a specific group(s) of children;

ii. Assist the head teacher in implementing the center's child development and activities program;

iii. Assist the head teacher in ensuring that the program activities are appropriate to both the age and developmental level of the children served, as specified in N.J.A.C. 10:122-6.1(a); and

iv. When used in lieu of a head teacher for centers having a capacity of up to 30 children, as specified in N.J.A.C. 10:122-4.2(b)1, fulfill the responsibilities for head teacher, as specified in (f) above.

3. For centers using a consulting head teacher, the following shall apply:

i. The consulting head teacher shall make two on-site visits to the center per month, to conduct staff training, observe the center's program, and ensure that the provisions specified in (f)1i and ii above are met.

ii. The center shall maintain on file a written record of the date, purpose and nature of each visit by the consulting head teacher.

(g) For school-age child care programs, the following shall apply:

1. The program supervisor shall:

i. Ensure the development and implementation of the center's child development and activities program for school-age children;

ii. Ensure the appropriateness of program activities according to the age and developmental level of the child, as specified in N.J.A.C. 10:122-6.1(a); and

iii. Be scheduled to work for at least 75 percent of the school-age child care program's daily operating hours, including time spent at both the before-school and after-school programs, if the center provides both programs.

10:122-4.5 Staff qualifications

(a) The center shall maintain on file documentation of the applicable staff education and experience, as specified in (b) through (d) below.

(b) The director shall meet the following qualification requirements:

1. For early childhood programs licensed to serve more than 30 children, the director shall meet the qualification requirements specified in one of the six options set forth in the chart below for education and experience:

OPTIONS FOR MEETING THE DIRECTOR QUALIFICATIONS

Option	Educational Credentials	and	Experience Requirements
A	Master's Degree in: —early childhood education; or —child development/psychology; or —business administration; or —any other field related to young children or business.		(N/A)
B	Bachelor's Degree		One year of managerial or supervisory experience in a child care program, educational institution, business, or program or agency related to children.
C	Child Development Associate (CDA) or Group Teacher Approval		Two years of managerial or supervisory experience in a child care program, educational institution, business, or program or agency related to children.
D	Six college credits in: —early childhood education; or —child development		Three years of managerial or supervisory experience in a child care program, educational institution, business, or program or agency related to children.
E	Six college credits in business administration/ management		Three years of managerial or supervisory experience in a child care program, educational institution or business, of which one year shall be in a field related to children.
F	High School Diploma or General Education Development (GED) Diploma		Four years of managerial or supervisory experience in a child care program, educational institution or business, of which two years shall be in a field related to children.

2. For early childhood programs licensed to serve 30 or fewer children, and for school-age child care programs regardless of capacity, the director shall meet the following qualification requirements:

i. One of the six options specified in the chart in (b)1 above; or

ii. A high school diploma or GED diploma and:

(1) Two years of managerial or supervisory experience in business and/or recreation fields; or

(2) Two years of experience in a group program for children.

(c) For early childhood programs, the following shall apply:

1. For all centers, the head teacher or consulting head teacher shall meet the qualification requirements specified in one of the six options set forth in the chart below for education and experience:

OPTIONS FOR MEETING THE HEAD TEACHER QUALIFICATIONS

Option	Educational Credentials	and	College Credits and Experience
A	Master's Degree in Education		Six credits and one year of experience
B	Master's Degree in any field other than Education		Nine credits and one year of experience
C	Bachelor's Degree in Education, Psychology, Health Care, Nursing, or any other field related to Child Growth and Development		Six credits and two years of experience
D	Bachelor's Degree in any field other than those listed in Option C		Nine credits and three years of experience OR Six credits and four years of experience
E	Teaching Certification from Department of Education in Elementary Education, Nursery School or Teacher of the Handicapped		Six credits and two years of experience
F	Teaching Certification from Department of Education in a field other than those listed in Option E		Nine credits and three years of experience OR Six credits and four years of experience

i. The credits specified in the chart above shall be college credits in early childhood education and/or child development. These credits may be part of the bachelor's or master's degree or constitute additional credits beyond the degree(s).

ii. For conditional approval, the center shall maintain on file documentation of enrollment in courses leading to the credits specified in the chart above. This conditional approval shall be valid for a maximum of nine months, at which time the center shall obtain and maintain on file a transcript indicating completion of these credits.

iii. The years of experience specified in the chart above shall be full time experience in a group program for children under six years of age. This experience may include supervised practice teaching and/or student teaching.

2. For centers approved either by the American Montessori Society (AMS) as an affiliated center or by the American Montessori International (AMI-USA) as a recognized or associated center, the head teacher or consulting head teacher shall have:

i. One of the options specified in the chart in (c)1 above; or

ii. A Montessori Pre-Primary Credential (AMS) or a Montessori Diploma (AMI-USA) and two years of full time experience in a group program for children under six years of age;

3. For recreation-type centers sponsored by a county or municipal government recreation and/or park department or agency, the head teacher or consulting head teacher shall have:

i. One of the options specified in the chart in (c)1 above; or

ii. Certification as a Recreation Administrator or a Recreation Supervisor from the New Jersey Department of Community Affairs, Board of Recreation Examiners (BRE) and two years of recreation experience; or

iii. Certification as a Recreation Professional from the National Recreation and Park Association (NRPA) and two years of recreation experience.

4. The group teacher shall meet the following education requirements:

i. An associate's degree in early childhood education or child development; or

ii. Fifteen college credits, of which a minimum of six credits shall be in early childhood education or child development. The remaining credits shall be from the areas of education, psychology, health care, nursing or any other field related to child growth and development. For conditional approval, the center shall maintain on file documentation of the following:

(1) When the individual meets the experience requirement in (c)5i below, 12 college credits in the areas in (c)4ii above and documentation of enrollment in a course(s) leading to the remaining three credits. This conditional approval shall be valid for a maximum of nine months, at which time the center shall obtain and maintain on file documentation showing that the individual has acquired the three additional credits; or

(2) When the individual has three years of teaching experience in a group program for children under six years of age, six college credits in early childhood education or child development. This conditional approval shall be valid for a maximum of two years, at which time the center shall obtain and maintain on file, documentation showing that the individual has acquired the nine additional credits; or

iii. A Child Development Associate (CDA) credential; or

iv. For recreation-type centers sponsored by a county or municipal government recreation and/or park department or agency, certification as a Recreation Technician from the NRPA, or the educational requirements specified in (c)4i, ii or iii above;

5. The group teacher shall meet the following experience requirements:

i. One year of teaching experience in a group program for children under six years of age, which may include supervised practice teaching and/or student teaching, for those group teachers who meet the requirements specified in (c)4i, ii or iii above; or

ii. For centers meeting the requirements in *[(a)4iv]* ***(c)4iv*** above, one year of recreation experience may be substituted for the experience specified in *[(a)5i]* ***(c)5i*** above.

(d) For school-age child care programs, the following shall apply:

REQUIREMENTS FOR PROGRAM SUPERVISOR QUALIFICATIONS

Requirement	Licensed Capacity	Educational Credentials	and	Training and Experience
A	6-15	High School Diploma or General Education Development (GED) Diploma		6 hours (in child care) 2 years
B	16-30	High School Diploma or General Education Development (GED) Diploma		6 hours (in child care) 3 years
		-OR-		
		Certificate as a Recreation Technician from the National Recreation and Park Association (NRPA)		6 hours (in child care) 1 year
		-OR-		
		Child Development Associate (CDA) Certificate; Group Teacher Approval; or 15 college credits in child development, education, recreation, psychology, health care, nursing or any other field related to child growth and development		6 hours (in child care) 1 year
		-OR		
		15 college credits in areas not related to children		6 hours (in child care) 2 years
C	31 or more	High School Diploma or General Education Development (GED) Diploma		6 hours (in child care) 4 years and 3 hours (in child program management)
		-OR-		
		Certificate as a Recreation Technician from the National Recreation and Park Association (NRPA)		6 hours (in child care) 2 years and 3 hours (in child program management)
		-OR-		
		Child Development Associate (CDA) Certificate; Group Teacher Approval; or 15 college credits in child development, education, recreation, psychology, health care, nursing or any other field related to child growth and development		6 hours (in child care) 2 years and 3 hours (in child program management)
		-OR-		
		15 college credits in areas not related to children		6 hours (in child care) 3 years and 3 hours (in child program management)
		-OR-		
		[Associates] ***Associate*** Degree in *[child related]* ***any*** field		6 hours (in child care) 2 years and 3 hours (in child program management)
		*[-OR-		
		Associates Degree in an unrelated field		6 hours (in child care) 2 years and
		-OR-		
		Bureau of Licensing Head Teacher Approval		3 hours (in child program management)]*
		-OR-		
		Bachelor's Degree in a child related field*; **or Bureau of Licensing Head Teacher Approval***		3 hours (in child program management) 1 year
		-OR-		
		Certificate as a Recreation Administrator, Recreation Supervisor or Recreation Professional		3 hours (in child program management) 1 year
		-OR-		
		Bachelor's Degree in an unrelated field		6 hours (in child care) 1 year and 3 hours (in child program management)

1. The training specified in the chart above shall:
i. Be clock hours of training;
ii. Be completed within nine months of Bureau of Licensing approval as program supervisor;
ii. Be in areas related to the ages of the children in care; and
iv. Meet the requirements specified in (d)2 and 3 below.
2. Child care training shall include at least two of the following:
i. Child growth and development;
ii. Positive guidance and discipline;
iii. Nutrition and good eating habits;
iv. Family involvement and communication with families;
v. Program planning and development;
vi. Creating a classroom environment;
vii. Health and safety procedures including recognition of illness and disease and training in basic infection control techniques; and
viii. Physical education or recreational activities for children.
3. Program management training shall include at least two of the following:
i. Program activity planning and development;
ii. Family involvement and communication with families;
iii. Availability of community services; and
iv. Personnel responsibilities and procedures.
4. The experience specified in the chart above shall be obtained in a group program for school-age children.

10:122-4.6 Grouping of children

(a) A group shall consist of the number of children:
1. Occupying an individual room or occupying a specific area within a large room. The area shall be defined by a visible barrier, partition or any other room divider or separation having a height above the eye level of the children who will use that area; or
2. Engaged together in a particular activity at any given time, regardless of whether the room or area within a large room is divided or partitioned.

(b) For early childhood programs, the following shall apply:
1. Each group shall be limited to a maximum of 20 children except during meals, naptime, outdoor activities, specially scheduled events (for example, parties, community speakers, films, etc.), and daily information sharing sessions (for example, "circle time"), which shall not exceed 15 minutes in duration.
2. For children under 2½ years of age, in addition to (a) and (b)1 above, a particular staff member shall be assigned to a specific group of children, in accordance with applicable staff/child ratios, as specified in N.J.A.C. 10:122-4.3.

(c) For school-age child care programs, the following shall apply:
1. Each group shall be limited to a maximum of 30 children except during meals, outdoor activities and specially scheduled events.

10:122-4.7 Staff training and development

(a) The director shall ensure that all staff members are trained in the following:
1. Understanding center operations, policies and procedures, as specified in N.J.A.C. 10:122-4.4(b)3;
2. Implementing the center's statement of policy on the disciplining of children, as specified in N.J.A.C. 10:122-6.6;
3. Recognizing and reporting child abuse/neglect, as specified in N.J.A.C. 10:122-4.8;
4. Supervising all children, as specified in N.J.A.C. 10:122-4.3(a);
5. Implementing health practices, as specified in N.J.A.C. 10:122-7.1 through 7.11;
6. Evacuating the center, as specified in N.J.A.C. 10:122-5.2(k)1;
7. Using the fire extinguisher and fire alarms, as specified in N.J.A.C. 10:122-5.2(o);
8. Implementing the center's release policy, as specified in N.J.A.C. 10:122-6.5; and
9. Planning for and providing age appropriate activities, as specified in N.J.A.C. 10:122-6.1.

10:122-4.8 Special requirements to prevent child abuse and/or neglect

(a) The sponsor, director or any staff member shall verbally notify the Division's Office of Child Abuse Control or District Office immediately whenever there is reasonable cause to believe that a child has been subjected to abuse and/or neglect by a staff member(s), or any other adult, pursuant to the Child Abuse and Neglect Law (see N.J.S.A. 9:6-8.9, 8.10, 8.13 and 8.14).

(b) For centers serving children under the Division's supervision, the sponsor, director or any staff member shall report any suspected abuse or neglect of the child by his or her parent(s) or other family members to the Division caseworker assigned to the family.

(c) In addition to the reporting requirements specified in (a) above, the sponsor, director or any staff member shall advise the parent(s) of the occurrence of any unusual incident(s) that occurred at the center and that might indicate possible abuse and/or neglect involving the child. Such notification shall be made on the same day on which the incident occurred. Such incidents may include, but are not limited to, unusual sexual activity; violent or destructive behavior; withdrawal or passivity; or significant change(s) in the child's personality, behavior or habits. The center shall maintain on file a record of such incidents and documentation that parents have been informed of them.

(d) The Division, during the course of investigating an allegation of child abuse and/or neglect, may determine that corrective action is necessary to protect the children whenever:
1. The sponsor, director or staff member has been found by the Division's Institutional Abuse Investigation Unit (IAIU) to pose a risk of harm to children; and/or
2. The sponsor, director or staff member has committed an act of child abuse and/or neglect, as substantiated by the IAIU; and/or
3. The sponsor, director or staff member has been convicted of such acts.

(e) Whenever the Division makes a determination that corrective action is necessary to protect the children, the sponsor shall carry out the Division's recommendation for corrective action. Such corrective action may include, but not be limited to:
1. Removal or suspension of the affected sponsor, director or staff member(s) from the center or reassignment to other duties that do not involve contact with the children; or
2. When the sponsor, director or staff member resides at the facility where the center is located, removal of the affected employee from the premises for a period of time extending from one hour prior to the arrival of the children until one hour after the children have left.

(f) Such suspension, removal or reassignment, as specified in (e)1 and 2 above, shall remain in effect until the results of the Division's investigation have been determined, and a final decision in the matter has been rendered by the Bureau.

(g) Substantiation of the child abuse and/or neglect allegation by the Division's IAIU shall not, in itself, automatically result in the termination of the accused sponsor, director or staff member(s) from his or her position in the center, but shall constitute grounds for possible termination if the person's continued employment at the center would place the children at risk. Such determination shall be made by the Bureau after considering information provided by the sponsor, the affected staff member(s), the IAIU and law enforcement authorities, as applicable and available.

SUBCHAPTER 5. PHYSICAL FACILITY REQUIREMENTS

10:122-5.1 State, county and municipal government physical facility requirements

(a) A person seeking a license or a Certificate of Life/Safety Approval to operate a center shall comply with all applicable provisions of the New Jersey Uniform Construction Code, as specified in N.J.A.C. 5:23 and hereinafter referred to as the NJUCC.
1. For newly constructed buildings, for existing buildings whose construction code use group classification would change from that which it had been, or for existing buildings that require major alteration or renovation, the center shall obtain a Certificate of Occupancy (CO) issued by the municipality in which it is located, reflecting the center's compliance with the provisions of the NJUCC, and submit a copy of the CO to the Bureau, for one of the following use group classifications:

i. E (Educational) for buildings accommodating children 2½ years of age and/or older and having a total occupancy of 50 or more children;

[ii. B (Business) for buildings accommodating children 2½ years of age and/or older having a total occupancy of more than five and fewer than 50 children;]

*[iii.]***ii.*** I-2 (Institutional) for buildings accommodating six or more children less than 2½ years of age; or

*[iv.]***iii.*** A-3 or A-4 (Assembly) or one of the use group classifications specified in (a)1i*[, ii, or iii]* ***or ii*** above for buildings accommodating school-age *[children]* ***child care programs*** only.

2. Plan reviews for centers to be located in newly constructed buildings shall be submitted as follows:

i. In addition to submitting preliminary and final architectural drawings to the local construction official, a sponsor that plans to construct a new or renovate an existing building for use as a center shall submit preliminary and/or final architectural drawings to the Bureau for review and approval prior to beginning construction.

ii. The sponsor shall submit to the Bureau revised final architectural drawings containing all Bureau-required items listed in the plan review, if any, and secure final approval from the Bureau prior to beginning construction.

3. For buildings constructed after the adoption of the NJUCC (1977), whose construction code use group classification is already E, *[B,]* I-2, A-3 *[or]***,* A-4***, or B (Business),*** and that have not had major alterations or renovations since receipt of the CO, the center shall obtain the CO issued by the municipality in which it is located at the time the building was originally constructed or approved for use in the NJUCC's E, *[B,]* I-2, A-3 *[or]***,* A-4***, or B*** use group classification. The center shall submit a copy of the building's CO to the Bureau.

4. For existing buildings whose use prior to the adoption of the NJUCC (before 1977) was and continues to be for a center and that have not had major alterations or renovations, the center shall obtain a Certificate of Continued Occupancy (CCO)*[, or a letter to this effect,]* issued by the municipality in which it is located, reflecting the building's compliance with provisions of the municipality's construction code requirements that were in effect at the time it was originally constructed or converted for use as a center. The center shall submit a copy of the building's CCO to the Bureau.

5. For school-age child care programs located in buildings constructed prior to January 1977 that do not have a valid CO or CCO, the center shall obtain a valid fire safety inspection certificate issued by the municipality in which it is located, based on a fire inspection conducted within the preceding 12 months, and submit a copy of the certificate to the Bureau.

6. The center shall obtain a new CO issued by the local municipality in which the center is located, and submit a copy to the Bureau, reflecting the building's compliance with provisions of the applicable NJUCC use group classification, whenever the center:

i. Changes the building's use group classification to one other than the one prescribed on its original CO;

ii. Makes a major alteration or renovation, as defined by the NJUCC, of the building or premises in which the center is located;

iii. Increases the floor area or the number of stories to the building or premises in which the center is located; or

iv. Relocates to another site.

7. Whenever a municipality grants to a center a written variation(s) from any of the requirements of the NJUCC, the Bureau may accept such variation(s) as meeting the applicable requirement(s) of this manual.

i. If the Bureau does not accept the variation, the non-acceptance shall be based on the best interests of the children in the center, and shall include consideration for their health and safety. ***The non-acceptance shall be based on the requirements of this manual only, and shall not preclude the municipality from continuing to grant the variation.***

ii. If the center disagrees with the Bureau, the center may seek a hearing in accordance with N.J.A.C. 10:122-2.5(a) and the provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1, as implemented by the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(b) An applicant seeking a license or a Certificate of Life/Safety Approval to operate a center shall comply with all applicable provisions of the New Jersey Uniform Fire Code, as specified in N.J.A.C. 5:18, 5:18A and 5:18B and hereinafter referred to as the NJUFC. The center shall obtain the building's fire safety inspection certificate issued by the municipality in which it is located, based on a fire inspection conducted within the preceding 12 months, reflecting the center's compliance with all applicable provisions of the NJUFC. The center shall maintain on file the building's fire safety inspection certificate.

(c) The center shall comply with all applicable provisions of the State Sanitary Code, as specified in N.J.A.C. 8:24. The center shall obtain a certificate or statement of satisfactory health approval issued by the applicable municipal, county or State health agency, based on a health inspection conducted within the preceding 12 months, certifying that the center complies with all applicable provisions of local, county and State health codes and poses no health hazard to the children served. The center shall maintain on file the certificate or statement of satisfactory health approval.

(d) An applicant seeking the renewal of a license or of a Certificate of Life/Safety Approval to continue operating a center shall obtain and maintain on file a fire safety inspection certificate for the building based on a fire inspection conducted within the preceding 12 months, and a certificate or statement of satisfactory health approval for the center based on a health inspection conducted within the preceding 12 months.

(e) A center that qualifies for a Certificate of Life/Safety Approval shall meet the provisions of N.J.A.C. 10:122-2 and 5.

(f) A center that plans to locate or is already located in a hospital or other health care facility, as defined in the Health Care Facilities Planning Act, N.J.S.A. 26:2H-1 et seq., shall obtain a letter from the Department of Health indicating that department's approval. The center shall submit a copy of the approval letter to the Bureau.

10:122-5.2 Physical plant requirements

(a) Indoor maintenance and sanitation requirements are as follows:

1. The center shall be free of moisture resulting from water leaks or seepage.

2. Floors, carpeting, walls, window coverings, ceilings, and other surfaces shall be kept clean and in good repair.

3. Stairways shall be free of tripping hazards, such as toys, boxes, loose steps, uneven treads, torn carpeting, raised strips, or uneven risers.

4. Carpeting shall be securely fastened to the floor.

5. Garbage receptacles shall be:

i. Made of durable, leakproof and nonabsorbent materials;

ii. Covered in a secure manner;

iii. Emptied to the outdoor garbage receptacle when filled; and

iv. Maintained in a sanitary manner.

6. Food waste receptacles shall be lined and maintained in clean and sanitary condition.

7. The center shall be free of rodent or insect infestation and shall take immediate action to remove any infestation that may occur. The center shall maintain on file a record documenting the use of extermination services.

8. Toilets, wash basins, kitchen sinks, and other plumbing shall be maintained in good operating and sanitary condition.

9. All corrosive agents, insecticides, bleaches, detergents, polishes, any products under pressure in an aerosol spray can, and any toxic substance shall be stored in a locked cabinet or in an enclosure located in an area not accessible to the children.

10. All windows and other glass surfaces that are not made of safety glass and that are located within 36 inches above the floor shall have protective guards.

11. Ventilation outlets shall be clean and free from obstructions, and filters shall be replaced when saturated.

12. Walls shall be painted or otherwise covered whenever there is evidence of:

i. Excessive peeling or chipped paint; or

ii. Heavily soiled conditions.

13. All shelving shall be secured and not overloaded.

(b) Outdoor maintenance and sanitation requirements are as follows:

1. The building, land, walkways, and outdoor play area shall be free from hazards to the health, safety or well-being of the children.

2. The outdoor play area shall be graded or provided with drains to dispose of surface water.

3. The building structure shall be maintained to prevent:

i. Water from entering;

ii. Excessive drafts or heat loss; and

iii. Infestation from rodents and insects.

4. The railings of balconies, landings, porches, or steps shall be maintained in safe condition.

5. Garbage receptacles shall be:

i. Made of durable, leakproof and nonabsorbent materials;

ii. Covered in a secure manner and located in an outdoor area; and

iii. Maintained in a sanitary manner.

6. Centers that provide outdoor space shall maintain in proper condition all fencing or other natural or man-made barriers or enclosures.

(c) Lighting requirements are as follows:

1. All fluorescent tubes and incandescent light bulbs shall have protective covers or shields.

2. During program activities, at least 20 foot-candles of natural or artificial light shall be provided in all rooms used by the children. This illumination shall be measured three feet above the floor at the farthest point from the light source.

3. Parking areas, pedestrian walkways, or other exterior portions of the premises subject to use by center occupants at night shall be illuminated to provide safe entrance to and egress from the center.

(d) Heating requirements are as follows:

1. A minimum temperature of 68 degrees Fahrenheit shall be maintained in all rooms used by the children.

2. Steam and hot water pipes, radiators, and electrical space heaters shall be protected by screens, guards, insulation or any other suitable, non-combustible protective device.

3. The center shall not use portable liquid fuel-burning or wood-burning heating appliances.

(e) All floor and window fans that are accessible to the children shall have a grille, screen, mesh or other protective covering.

(f) Toilet facility requirements are as follows:

[1. For centers that began operating or changed their use group on or after September 21, 1987, the number of toilets and sinks required shall be determined in accordance with applicable provisions of the Plumbing Subcode of the NJUCC, as specified in N.J.S.A. 52:27D-119 et seq.]

*[2.]***1.*** A supply of soap, toilet paper, and individual hand towels or disposable paper towels shall be provided.

*[3.]***2.*** Mirrors, dispensers, and other equipment shall be fastened securely.

*[4.]***3.*** Platforms shall be available as appropriate for use by the children when adult size toilets, and/or sinks, and/or urinals are used by the children.

(g) A center utilizing a kitchen facility and/or food preparation area shall ensure that the cooking equipment and kitchen facility are kept in clean and sanitary condition and are operated in compliance with applicable provisions of the State Sanitary Code, as specified in N.J.A.C. 8:24.

(h) Lead paint precautions are as follows:

1. The center shall not use lead paint on and shall remove lead paint from any interior or exterior surfaces of a building used as a center, or on any furniture, toys, or other equipment used therein, in accordance with provisions of the State Lead Paint Law, pursuant to N.J.S.A. 24:14A-1 et seq., and with the provisions of the State Sanitary Code, as specified in N.J.A.C. 8:51-7.

2. When lead paint is found in areas of a center not specified in N.J.A.C. 8:51-7, the Bureau shall determine whether the lead paint is hazardous to the health, safety and well-being of the children served and, if considered to be hazardous, the center shall remove the lead paint hazard.

(i) Asbestos precautions are as follows:

1. Coatings containing asbestos shall not be sprayed on any interior or exterior surfaces of a building used as a center, or on any equipment used therein, in accordance with rules of the State Department of Environmental Protection, as specified in N.J.A.C. 7:27-17.2 and with applicable provisions of the Asbestos Hazard Abatement Subcode of the NJUCC, as specified in N.J.A.C. 5:23-8.

2. If the New Jersey Department of Health determines the presence of sprayed-on asbestos-containing materials, and concludes that corrective action must be taken to minimize exposure potential, the sponsor shall follow the recommendation of the State Health Department for enclosure, removal or other appropriate action to remove the threat or risk of asbestos contamination, as specified in N.J.A.C. 5:23-8.

(j) Wading and swimming pool requirements are as follows:

1. Pools that are at least 24 inches in depth shall be defined as swimming pools and subject to the requirements specified in (j)3 below. Pools that are less than 24 inches in depth shall be defined as wading pools.

2. For wading pools that do not have water filtration systems, the center shall change the water after each use by a group of children.

3. The center shall ensure that any swimming pool or natural bathing place used by the children complies with applicable provisions of the Public Recreational Bathing Rules, as specified in N.J.A.C. 8:26, and with applicable provisions of the Building Subcode and Barrier-free Subcode of the NJUCC, as specified in N.J.A.C. 5:23.

4. The center shall ensure that the children using swimming pools or natural bathing facilities are supervised in accordance with applicable provisions of the New Jersey Youth Camp Safety Act rules, as specified in N.J.A.C. 8:25.

5. If a child defecates in the swimming pool, all solid wastes shall be removed and the pool shall be super-chlorinated and not used until the chlorine level returns to levels identified as acceptable in the Public Recreational Bathing Rules, N.J.A.C. 8:26.

(k) Emergency evacuation instruction requirements are as follows:

1. The center shall prepare written emergency evacuation instructions delineating:

i. The location of the first aid kit and any additonal first aid supplies;

ii. The name, address and telephone number of the physician retained by the center or of the health facility to be used in emergencies;

iii. The procedure for obtaining emergency transportation;

iv. The hospital and/or clinic to which injured or ill children will be taken;

v. The telephone numbers of the local police and fire departments and ambulance service;

vi. The location of written authorization from parent(s) for emergency medical care for each child;

vii. A diagram showing how the center is to be evacuated in case of emergency; and

viii. The location of fire alarms and fire extinguishers.

2. The emergency evacuation instructions shall be posted in a prominent location on every floor within the center.

(l) Supplemental evacuation requirements are as follows:

1. Cribs, beds, playpens, cots or mats used for rest or sleep shall be placed at least one foot apart and shall be arranged so as to provide access to a three-foot-wide aisle that leads to an unobstructed exit.

2. To assure the safe and timely evacuation of the children from the center during a fire or other emergency, centers required to secure a Certificate of Life/Safety Approval shall meet the minimum staff/child ratio requirements, as specified in N.J.A.C. 10:122-4.3(c).

(m) Fire prevention requirements are as follows:

1. The center shall conduct fire drills at least once a month**, as specified in the NJUFC***.

2. *[Centers serving sick children shall comply with the fire drill variation provisions specified in N.J.A.C. 10:122-8.4(e).]* ***The center shall ensure that all children present are evacuated from the building during each fire drill.***

3. The center shall maintain on file a record of each fire drill, ***as specified in the NJUFC*** which record shall include:

i. The date and time of day of the drill;

ii. The weather condition at the time of evacuation;

iii. The number of participating children and staff members; and

iv. The total amount of time taken to evacuate the center.

4. All fire extinguishers shall be ***visually inspected once a month, and*** serviced and tagged at least once a year and recharged, if necessary***, as specified in the NJUFC***.

(n) First aid requirements are as follows:

1. A staff member who has current certified basic knowledge of first aid principles and cardiopulmonary resuscitation (CPR), as defined by a recognized health organization (such as the American Red Cross), should be in the center during periods of operation.

2. The following equipment shall be placed in a location that is convenient and accessible to staff members:

i. A standard first aid kit, which is fully re-stocked within 24 hours of use; and

ii. The American Red Cross First Aid Manual or its equivalent.

(o) All staff members shall be instructed annually in the use of fire extinguishers, alarms and the emergency evacuation information specified in (k)1 above. The center shall maintain on file a record of the training sessions.

(p) Play equipment, materials, and furniture for indoor and outdoor use shall be of sturdy and safe construction, non-toxic and free of hazards.

(q) Space and room requirements are as follows:

1. All space and rooms within the center to be used by children shall be inspected and approved by the Bureau prior to their use. In making its determination, the Bureau shall consider whether the space is too far removed, remote or isolated from other areas of the center to be used by children.

i. For those rooms or areas that are too far removed, remote or isolated from other centrally located rooms or areas of the center, the Bureau may require the use of additional staff members, above those required for staff/child ratios, before granting approval.

ii. Rooms or areas of the center that are not Bureau-approved for use by children shall be made inaccessible to children.

2. At no time shall a center allow more children in attendance than the number specified on its license or Certificate of Life/Safety Approval.

3. Indoor space requirements for play rooms and/or sleep rooms are as follows:

i. There shall be a minimum of 30 square feet of usable activity indoor floor space for each child in centers that:

(1) Began operating prior to July 1, 1989; or

(2) Began operating on or after July 1, 1989 and serve fewer than 16 children.

ii. There shall be a minimum of 35 square feet of usable activity indoor floor space for each child in centers that began operating on or after July 1, 1989 and serve 16 or more children.

iii. The minimum square footage of usable activity indoor floor space shall be determined by excluding the space used in or by hallways, toilet facilities, offices, storage rooms, staff rooms, furnace rooms, kitchen areas, lockers, closets, and other stationary equipment or areas that children do not use for sleep or play.

iv. Centers serving sick children shall comply with the variation provisions on determining net indoor floor space per child, as specified in N.J.A.C. 10:122-8.4(a).

v. The center shall identify all rooms of the center that have been approved by the Bureau. This identification shall consist of numbers, letters, names or any other means of identification and shall be located either inside or directly outside each room.

4. Separate room or area requirements for children who become ill are as follows:

i. There shall be a room, section of a room, or a separate area in the center to which children who are exhibiting those illnesses, symptoms of illness, and diseases specified in N.J.A.C. 10:122-7.1(c) shall be taken and where they shall be cared for until they can return home, be suitably cared for elsewhere, or be diagnosed as posing no health risk to themselves or others.

ii. The separate room, section or area shall be furnished with sleeping equipment and sheets, blankets or other coverings.

iii. Centers serving only sick children shall comply with the variation provision for separating ill children, as specified in N.J.A.C. 10:122-8.4(b) and (c).

(r) The center shall take any steps required by the Bureau to correct conditions in the building or center that may endanger the health, safety and well-being of the children served.

(s) For early childhood programs, the following shall apply:

1. All electrical outlets that are accessible to the children shall have protective covers.

2. All lally columns in areas used by the children shall have protective padding placed around them from the floor to a height of at least 48 inches.

3. Crawl spaces, attic spaces, and all doors and windows used for natural ventilation shall be provided with insect screening.

4. A supply of hot tap water not exceeding 110 degrees Fahrenheit and cold running water shall be provided.

5. Toilet facility requirements are as follows:

i. For centers that began operating or changed their use group on or after September 21, 1987, the center shall have one toilet and one sink for every 15 children, as specified in the Plumbing Subcode of the NJUCC.

*[i.]***ii.*** For centers in operation prior to September 21, 1987 that serve children ages 18 months to six years, the minimum number of toilets and sinks required in the center shall be determined in accordance with the following table:

Number of Children	Number of Toilets	Number of Sinks
6-15	1	1
16-35	2	2
36-60	3	3
61-80	4	4
81-100	5	5
101-125	6	6
126-150	7	7
151-175	8	8
176-200	9	9
201-225	10	10
226-250	11	11
251-275	12	12
276-300	13	13
301-325	14	14
326-350	15	15
351-375	16	16
376-400	17	17
401-425	18	18
426-450	19	19

*[ii.]***iii.*** For centers specified in *[(s)5i]* ***(s)5ii*** above, urinals may be counted in determining the number of toilets the center shall have, provided that:

(1) At least two toilets are available at the center; and

(2) Two urinals are counted as one toilet towards determining the maximum occupancy of the center.

*[iii.]***iv.*** For centers in operation prior to September 21, 1987 that serve children below 18 months of age:

(1) In centers serving 15 or fewer children, there shall be at least one toilet and one sink.

(2) In centers serving more than 15 children, there shall be at least two toilets and two sinks.

*[iv.]***v.*** For centers in operation prior to September 21, 1987 that serve a mix of children ranging from birth through five years of age, the center shall either:

(1) Meet the toilet and sink requirements specified in *[(s)5i through ii]* ***(s)5ii and iii*** above, based on the total number of

children being served at the center, provided that all toilets and sinks are utilized by children of all ages; or

(2) Determine the number of children above and below 18 months of age and meet the toilet and sink requirements for the number of children being served in each age category, as specified in *[(s)5i through ii]* ***(s)5ii through iv*** above.

*[v.]****vi.*** Toilet facilities and sinks shall be located no more than one floor above or below the floor level(s) used by the children in centers that:

(1) Began operating prior to July 1, 1989; or

(2) Began operating on or after July 1, 1989 and serve fewer than 16 children.

*[vi.]****vii.*** At least one toilet facility and sink shall be located on each floor level(s) used by children in centers that began operating on or after July 1, 1989 and serve 16 or more children.

6. Kitchen facility requirements are as follows:

i. The kitchen facility and/or food preparation area shall be separated from other areas of the center by a door, gate, screen or other barrier to prevent accidental access by children.

ii. The kitchen may be used for children's program cooking activities only when it is not being used for preparation of meals for consumption by enrolled children.

7. Outdoor space requirements for children over the age of 10 months are as follows:

i. For children in attendance for three or more consecutive hours, the center shall provide a minimum of 150 square feet of net outdoor space. When more than five children are using such a space at one time, there shall be 30 square feet of net outdoor space for each additional child in addition to the required minimum of 150 square feet.

ii. The outdoor area shall be adjacent to, within close proximity or in the same neighborhood of the center and available for use by the children.

iii. Outdoor areas located near or adjacent to hazardous areas determined by the Bureau to be unsafe (including, but not limited to, streets, roads, driveways, parking lots, railroad tracks, swimming pools, rivers, streams, steep grades, cliffs, open pits, high voltage boosters or propane gas tanks) shall be fenced or otherwise protected by a natural or man-made barrier or enclosure.

iv. If the center can demonstrate to the satisfaction of the Bureau that it cannot meet the outdoor space requirement, the center shall provide, in addition to space for play rooms, a minimum of 150 square feet of net indoor floor space. When more than five children are using such space at one time, there shall be 30 square feet of net indoor floor space for each additional child in addition to the minimum of 150 square feet. The indoor floor space may be either on the site of the center or at another nearby indoor facility, such as a gymnasium, exercise room or other recreational facility.

v. Centers serving only sick children shall comply with the variation provisions for outdoor space, as specified in N.J.A.C. 10:122-8.4(f)1.

8. All balconies, rooftops, verandas and/or all floor levels used by children that are above the first floor and subject the children to an open drop or atrium shall be protected by barriers consisting of safety glass, plexiglass or any other materials approved by the Bureau. Such barriers shall extend at least five feet above the floor level.

(t) For school-age child care programs, the following shall apply:

1. All lally columns in areas used by the children shall have protective padding around them from the floor to a height of at least 72 inches.

2. For centers that serve food, crawl spaces, attic spaces, and all doors and windows used for natural ventilation shall be provided with insect screening.

3. A supply of hot tap water not exceeding 120 degrees Fahrenheit and cold running water shall be provided.

4. Toilet facility requirements are as follows:

i. Children shall be afforded privacy, appropriate to their age and development, when toileting.

ii. *[For centers that began operating prior to September 21, 1987, the number of toilets and sinks required shall meet the specifications prescribed by the provisions of]* ***The center shall have one toilet and one sink for every 25 children, as specified in*** the Plumbing Subcode of the NJUCC for the E use group *[at the time the center began operating]*.

iii. Toilet facilities and sinks shall be located no more than one floor above or below the floor levels used by the children.

5. Indoor space requirements are as follows:

i. In centers specified in (q)3i above, there shall be an average of 30 square feet of usable activity indoor floor space for each child.

ii. In centers specified in (q)3ii above, there shall be an average of 35 square feet of usable activity indoor floor space for each child.

10:122-5.3 Special physical facility and monitoring requirements to prevent child abuse and/or neglect

(a) At least five foot-candles of natural or artifical light shall be provided in all rooms used by children during naptime. The illumination shall be measured three feet above the floor at the farthest point from the light source.

(b) Doors in all interior rooms designated for use by children shall remain unlocked.

(c) For rooms and/or areas used by children, except as specified in (e) below, the following monitoring requirements shall apply:

1. The center shall equip every room or area designated for use by children, except for kitchen and toilet facilities, with one of the following options in order to promote maximum visibility and/or audibility:

i. A centrally supervised audio or visual monitoring system;

ii. Uncovered and unobstructed glass panels and/or two-way mirrors that comprise at least 10 percent of the square footage of one interior wall, provided that such panels/mirrors are not in conflict with applicable provisions of the NJUCC and/or the NJUFC;

iii. Security mirror(s) in hallways that reflect *[actions]* ***activities*** in the room(s) used by children*[.]****;***

iv. At least one interior door leading to every room designated for use by children, which shall meet one of the following conditions, provided that such conditions are not in conflict with applicable provisions of the NJUCC and/or the NJUFC:

(1) Be left open;

(2) Have uncovered and unobstructed windows or cutouts;

(3) Be a dutch door variety, with the top half open; or

(4) Be removed; or

v. Any other Bureau-approved monitoring system or equipment that provides equivalent visibility and audibility.

(d) Toilet facility requirements are as follows:

1. For existing centers that have only one toilet facility, or for existing centers that have more than one toilet facility, but where all toilets have been counted in determining the maximum number of children who can be served per session, the center shall ensure that staff members and/or other adults who use the toilet facility for their own toileting needs do so only:

i. When children are not in it; and

ii. After the staff member and/or other adult has secured the door with a lock or latch that is located on the inside of the door at a height beyond the reach of the children.

(1) If a center documents to the satisfaction of the Bureau that it lacks the authority to meet the lock/latch provisions noted in (d)1ii above, the Bureau may approve an alternative means by which the center may comply with the privacy intent of this provision.

2. For existing centers that have an additional toilet facility that has not been counted in determining the maximum number of children who can be served per session and for centers to be located in newly constructed buildings, the center shall ensure that:

i. One toilet facility is reserved and designated for the exclusive use of staff members and/or other adults; and

ii. This designated toilet facility is identified by a sign located on the exterior of its door, indicating that this toilet facility is for the exclusive use of staff members and/or other adults.

(e) For early childhood programs, the following shall apply:

1. Centers that are to be located in newly constructed buildings that seek to serve 16 or more children shall equip every room designated for use by children, except for kitchen and toilet facilities,

with either uncovered glass panels or two-way mirrors that comprise at least 10 percent of the square footage of at least one interior wall in order to promote maximum visibility in such rooms.

SUBCHAPTER 6. PROGRAM REQUIREMENTS

10:122-6.1 Activities

(a) The center shall develop and provide a variety of children's planned activities, geared to the age and developmental level of the children served, that:

1. Promote the development of language, thinking and problem-solving skills, curiosity, exploration, large and small muscles, social competence, self-esteem, and positive self-identity; and

2. Are relevant to the cultural background of the children and foster intercultural awareness.

(b) The staff member(s) specified in N.J.A.C. 10:122-4.4 who are responsible for developing and overseeing the implementation of the center's daily activities shall ensure that:

1. Time frames for each activity are geared to the age and developmental level of each child served and are flexible enough to accommodate spontaneous occurrences or children's suggestions and inquiries;

2. Children have opportunities to choose materials freely;

3. Children are presented with and encouraged to participate in a mixture of active and quiet experiences;

4. Both staff-directed and child-selected activities are provided; and

5. Children are:

i. Encouraged, but not required, to participate in every group activity; and

ii. Provided with the time and space within the area to be apart from the group and to participate in an alternate activity if they choose to do so.

(c) The center shall ensure that *[children]* ***each child*** riding *[bicycles wear]* ***a bicycle wears*** a helmet, as specified in the Bicycle Helmet Law, N.J.S.A. 39:4-10.1.

(d) Centers serving sick children shall comply with the variation on developing and providing children's activities, as specified in N.J.A.C. 10:122-8.5(a).

(e) The staff member(s) specified in (b) above shall prepare and maintain on file a written outline of the center's daily activities, as specified in (a) through (d) above and (f) and (g) below.

(f) For early childhood programs, the following shall apply:

1. Outdoor experiences shall be provided as follows:

i. Children who are at the center for more than four consecutive hours shall be taken outdoors daily.

ii. Children who are at the center for four or fewer consecutive hours shall be taken outdoors at least once a week.

iii. A center may depart from the requirements specified in (f)1i and ii above during inclement weather or for another reason that affects the health, safety or well-being of the children or any individual child.

2. Centers serving children less than 18 months of age shall provide:

i. At least four of the following types of children's daily activities: sensory; language/dramatic play; manipulative; building; large muscle; music; or other comparable activities; and

ii. At least four types of supplies and/or equipment for each activity area chosen by the center, as listed below:

(1) Sensory activities: crib mobiles; teething toys; busy boxes; baby mirrors; rattles; melody chimes; squeeze toys; or other comparable supplies or equipment.

(2) Language/dramatic play activities: picture books; toy telephones; records; hand puppets; stuffed animals; soft washable dolls; photographs; or other comparable supplies or equipment.

(3) Manipulative activities: squeeze and grip toys; boxes; sorting and stacking toys; three and/or four piece wooden inlay puzzles; puzzle blocks; simple threading toys; mobile pull toys; balls; or other comparable supplies or equipment.

(4) Building activities: soft lightweight blocks; toy cars, trains and/or boats; figures of animals and people; stacking rings and/or cups; nesting toys; or other comparable supplies or equipment.

(5) Large muscle activities: low climbers; slides; riding/rocking toys; foam or soft plastic balls; gym mats; play tunnels; or other comparable supplies or equipment.

(6) Music activities: rhythm instruments; record player and records; toys equipped with musical tones; musical mobiles and/or busy boxes; drums, xylophones and/or pianos; or other comparable supplies or equipment.

iii. Staff members shall provide periodic activity or learning opportunities to stimulate the five senses of children who are awake and being cared for in cribs, playpens or other Bureau-approved sleeping equipment.

iv. Staff members shall carry non-ambulatory infants around the center periodically.

v. Staff members shall provide all children who are developmentally able with opportunities to leave their cribs, playpens or other Bureau-approved sleeping equipment to crawl, toddle, walk, and play.

3. Centers serving children 18 months of age and older shall provide:

i. At least five of the following types of children's daily activities: language; science and mathematics; manipulative; large muscle; building; art; music; drama; or other comparable activities; and

ii. At least five types of supplies and/or equipment for each daily activity chosen by the center, as listed below:

(1) Language activities: books; flannel board; upper and lower case letters; pictures for discussion; materials for recognition, identification and/or classification; poetry; puppets; audio-visual materials; show and tell items; or other comparable supplies or equipment.

(2) Science and math activities: plants and gardening equipment; aquarium with fish and/or other appropriate live animals; water table and supplies; sand table and supplies; cooking supplies; weather chart and/or thermometer; counting equipment; or other comparable supplies or equipment.

(3) Manipulative activities: puzzles; pegs and pegboards; lacing boards; table top building toys; stencils; dominoes; pounding bench; lotto games; or other comparable supplies or equipment.

(4) Large muscle activities: rocking boat; wheel toys; climbers; slides; balance beam; barrels and/or large cartons; parachute; balls and beanbags; outdoor play equipment; gym mats; or other comparable supplies or equipment.

(5) Building activities: unit blocks (minimum of four sizes); transportation toys; farm animals and/or play people; work bench and tools; table top building toys; building logs; or other comparable supplies or equipment.

(6) Art activities: crayons; tempera paint, large brushes and newsprint; finger paint and finger paint paper; construction paper in assorted colors; paste or glue; blunt scissors; collage materials; non-toxic felt tip markers; easels; clay or playdough; or other comparable supplies or equipment.

(7) Music activities: record player and records; piano and/or organ; guitar; rhythm sticks; drums; cymbals and bells; tape recorder; or other comparable supplies or equipment.

(8) Dramatic activities: toy dishes; ironing board; telephones; occupational props and/or uniforms; dress-up clothes; housekeeping area (stove, sink, refrigerator); cradle or doll bed; doll carriage and dolls; puppets; grocery store, post office or hospital; or other comparable supplies or equipment.

4. Centers that operate during evening hours shall ensure that the activity level for children is reduced in preparation for sleep and shall provide a selection of toys or other materials for quiet activities.

(g) For school-age child care programs, the following shall apply:

1. Centers shall plan and implement programs that include:

i. Activities that reflect the interests and skills of the children served;

ii. Opportunities for child involvement in activity planning;

iii. Opportunities for self-selected activities;

iv. Recreational opportunities, including a mixture of indoor/outdoor and large muscle activities; and

v. Daily schedules that include individual quiet times, structured and unstructured activities, and small-group and large-group activities.

10:122-6.2 Program equipment for children's daily activities

Centers shall provide a supply of age and developmentally appropriate program equipment including play equipment, child-size furniture and supplies that are sufficient to meet the daily activity needs of the children and the program.

10:122-6.3 Food and nutrition

(a) All centers shall comply with the following requirements:

1. Food served to children who are present during normal mealtime hours or required snack periods, as specified in (b) and (c) below, shall be provided either by the child's parent or by the center.

2. If the center chooses to provide food, the center shall ensure that all food served to children is prepared by either:

i. The center on-site or off-site; or

ii. A caterer who is licensed, registered, certified or otherwise approved, as appropriate, by the local, county or State Department of Health, as applicable.

3. If the center chooses to have parents provide food, the center shall have a supply of food at the center for any child whose parent forgets.

4. If the center provides food, the center shall ensure that the food is stored, prepared, and served in a sanitary manner.

5. Staff members shall advise parents of any repetitive feeding problems experienced by their child.

6. Staff members shall not force-feed or coerce a child to eat against his or her will.

7. A snack shall be served to all children who are under the center's care for at least three consecutive hours and for all children who are served on an after-school basis.

8. Drinking water shall be made available to all children.

9. Centers that provide meals shall ensure that:

i. For children on special diets (for example, due to health reasons, religious belief or parental request), an alternative choice of food is provided by either the center or the child's parent; and

ii. Individualized written diets and feeding schedules, if submitted to the center by the child's parent(s) or physician, are posted in a location that is accessible to staff members caring for the children, and are followed.

(b) For early childhood programs, the following shall apply:

1. Centers operating for more than three consecutive hours shall have a working refrigerator.

2. Food brought from outside the center for a child shall be inspected by a staff member for spoilage before it is served.

3. Feeding requirements for centers serving children less than 18 months of age are as follows:

i. The center shall develop mutually with each child's parent(s) and follow a written plan regarding the feeding schedule, specific formula, nutritional needs, and introduction of new food for each child;

ii. The written plan shall be:

(1) Maintained on file; and

(2) Made available to each staff member responsible for feeding each child;

iii. All food served to a child shall be appropriate to the child's developmental eating ability;

iv. Each child's bottle(s) shall be labeled with the child's name;

v. A child who is too young to use a feeding chair or other seating apparatus shall be held when fed;

vi. A child who, because of age or developmental readiness, no longer needs to be held for feeding shall be provided with an infant seat, high chair with safety strap, or other age-appropriate seating apparatus; and

vii. When a child is feeding, the bottle shall not be propped at any time.

4. Mealtime and snack requirements for centers serving children 18 months of age and above and those children younger than 18 months of age who are developmentally ready to eat regular meals and snacks are as follows:

i. The center shall serve breakfast for all children who have not eaten breakfast and are present from 7:00 A.M. to 9:00 A.M.;

ii. The center shall serve lunch for all children who have not eaten lunch and are:

(1) Present during 11:00 A.M. to 1:00 P.M.; and

(2) Under the center's care for at least five consecutive hours;

iii. The center shall serve dinner for all children who:

(1) Have not eaten dinner;

(2) Are present from 5:00 P.M. to 7:00 P.M.; and

(3) Are scheduled to remain after 7:00 P.M.;

iv. Centers that provide meals shall ensure that breakfast includes the following:

(1) Fruits or vegetables or full-strength fruit or vegetable juice; and

(2) Enriched whole grain bread, a bread product or cereal and/or a protein alternative;

v. Centers that provide meals shall ensure that lunch and dinner for each child include the following:

(1) Meat, poultry, fish or a protein alternative;

(2) Fruits or vegetables;

(3) Bread or bread products; and

(4) Milk, juice or water;

vi. Centers that provide *[meals]* ***snacks*** shall ensure that the snack includes one full-strength juice, milk or fruit and one food supplement selected from the lunch and dinner choices specified in (b)4v above, except on special occasions, such as holidays and birthdays; and

vii. *[Milk]* ***Centers that provide meals shall ensure that milk*** is served at least once a day.

(c) For school-age child care programs, the following shall apply:

1. Centers that store perishable foods or medication shall have access to a refrigerator.

2. Centers that provide snacks should include one full-strength juice, milk or fruit and one food supplement selected from the food choices specified in (b)4v above.

3. On days when school is not in session, if applicable, the center shall serve meals as specified in (b)4 above.

10:122-6.4 Rest and sleep requirements for early childhood programs

(a) For centers serving children 12 months of age and younger, the following shall apply:

1. The center shall provide opportunities for daily rest and sleep for each child according to the child's individual physical needs.

2. The center shall provide each child with a crib, playpen or other Bureau-approved sleeping equipment that provides equivalent safety and comfort for use during rest and sleep.

i. Each crib or playpen shall be equipped with:

(1) A waterproof, snugly fitting mattress;

(2) A clean sheet or other covering and blanket;

(3) Top rails that are at least 19 inches above the mattress; and

(4) Slats that are not more than 2⅜ inches apart.

ii. Any locks or latches on the dropside of a crib shall be safe and secure from accidental release.

(b) For centers serving children over the age of 12 months and under the age of five years, the following shall apply:

1. The center shall provide opportunities for daily rest and/or sleep for each child who:

i. Attends the center for four or more consecutive hours; or

ii. Attends the center for fewer than four consecutive hours, but whose individual physical needs call for a rest period while the child is at the center.

2. An alternative quiet activity shall be provided for those children who have rested or slept for 30 minutes and do not appear to need additional rest or sleep.

3. Each child shall be provided with a crib, playpen, cot, mat or other Bureau-approved sleeping equipment for use during rest and sleep, which shall comply with the requirements specified in (a)2 above.

i. Each cot used for children between 13 and 18 months of age shall not exceed 14 inches above floor level.

ii. Each cot or mat used for rest and sleep shall be covered with a sheet, blanket or other covering. An additional covering shall be provided for use as a covering for each child.

iii. Each mat used for rest and sleep shall be:

(1) Placed on a surface that is warm, dry, clean and draft-free;

(2) Water-repellent;

(3) At least one inch thick; and

(4) Stored so that there is no contact with the sleeping surface of another mat, or disinfected after each use, as specified in N.J.A.C. 10:122-7.7(a)1.

(c) Centers serving children in attendance for three hours or less after 7:00 P.M. shall meet the sleeping requirements, as specified in (a) and (b)3 above.

(d) Centers serving children in attendance for more than three hours after 7:00 P.M. shall:

i. Establish bedtime schedules for each child in consultation with parent(s);

ii. Ensure that any Bureau-approved sleeping equipment, other than a bed or mat, has been fitted with a minimum one-inch thick water-repellent mat or mattress; and

iii. Ensure that each child is changed into sleeping garments.

(e) Sheets, blankets and other coverings shall be:

1. Changed when wet, soiled or damaged; and

2. Changed before use by another child.

(f) When cribs, playpens, cots, mats or other Bureau-approved sleeping equipment are stored with sheets, blankets or other coverings as single units, at least one item of each unit shall be labeled with child-identifying information.

(g) When sheets, blankets and other coverings are not stored with sleeping equipment, each of these items shall be:

1. Labeled for each child; and

2. Stored separately for each child.

(h) During rest and sleep periods, only one child shall occupy a crib, playpen, cot, mat or other Bureau-approved sleeping equipment at one time.

10:122-6.5 Policy on the release of children

(a) The center shall maintain on file a written policy on the release of children, which shall include:

1. The provision that each child may be released only to the child's custodial parent(s) or person(s) authorized by the custodial parent(s), as specified in N.J.A.C. 10:122-6.8(a)1ii and iii, to take the child from the center and to assume responsibility for the child in an emergency if the custodial parent(s) cannot be reached;

2. The provision that a child shall not be visited by or released to a non-custodial parent unless the custodial parent specifically authorizes the center to allow such visits or releases in writing. This written authorization, including the name, address and telephone number of the non-custodial parent(s), shall be maintained on file. If a non-custodial parent has been denied access, or granted limited access, to the child by a court order, the center shall secure documentation to this effect and maintain a copy on file;

3. Written procedures to be followed by staff member(s) if the parent(s) or person(s) authorized by the parent(s), as specified in (a)1 above, fails to pick up a child at the time of the center's daily closing. The procedures shall require that:

i. The child is supervised at all times;

ii. Staff members attempt to contact the parent(s) or person(s) authorized by the parents; and

iii. An hour or more after closing time, and provided that other arrangements for releasing the child to his or her parent(s) or authorized person(s) have failed and the staff member(s) cannot continue to supervise the child at the center, the staff member shall call the Division's 24-hour Child Abuse Hotline to seek assistance in caring for the child until the parent(s) or person(s) authorized by the child's parent(s) is able to pick up the child; and

4. Written procedures to be followed by a staff member(s) if the parent(s) or person(s) authorized by the parent(s), as specified in (a)1 above, appear to be physically and/or emotionally impaired to the extent that, in the judgement of the director and/or staff member, the child would be placed at risk of harm if released to such an individual. The procedures shall require that:

i. The child shall not be released to such an impaired individual;

ii. Staff members attempt to contact the child's other parent or an alternative person(s) authorized by the parent(s); and

iii. If the center is unable to make alternative arrangements, as noted in (a)3ii above, a staff member shall call the Division's 24-hour Child Abuse Hotline to seek assistance in caring for the child.

(b) For school-age child care programs, the following shall apply:

1. No child shall be released from the program unsupervised except upon written instruction from the child's custodial parent.

10:122-6.6 Discipline

(a) The methods of guidance and discipline used shall:

1. Be positive;

2. Be consistent with the age and developmental needs of the children; and

3. Lead to the child's ability to maintain self control.

(b) Staff members shall not discipline children for failing to eat or sleep or for soiling themselves.

(c) Children may be removed from a group activity to another area, provided that the child so removed is either under the supervision of another staff member or continuously visible to a staff member.

(d) The center shall maintain on file a written policy on the disciplining of children by staff members. The policy shall:

1. Reflect the provisions specified in (a) through (c) above and include the acceptable actions that a staff member may take when disciplining a child (that is, discussion with the child, time-out, etc.);

2. Be distributed to every staff member; and

3. Be posted in a prominent location within the center.

(e) The center shall secure and maintain on file each staff member's signature, attesting to receipt of the policy on the disciplining of children by staff members.

(f) For school-age child care programs, the following shall apply:

1. The center shall permit children to participate in the development of the discipline rules and procedures; or

2. The center shall establish procedures to ensure that children are aware of the rules.

10:122-6.7 Special requirements to prevent child abuse and/or neglect and inappropriate staff behaviors toward children

(a) Staff members shall not use hitting, shaking or any other form of corporal punishment of children.

(b) Staff members shall not use abusive language, ridicule, harsh, humiliating or frightening treatment or any other form of emotional punishment of children.

(c) Staff members shall not engage in or inflict any form of child abuse and/or neglect.

(d) Staff members shall not withhold from children food, emotional responses, stimulation, or the opportunities for rest or sleep.

(e) Staff members shall not require a child to remain silent or inactive for an inappropriately long period of time for the child's age.

10:122-6.8 Parent and community participation

(a) Prior to the child's enrollment, the center shall:

1. Obtain a signed application, including:

i. The child's name, address, birth date, and date of enrollment;

ii. The name(s), home and work address(es), and home and work telephone number(s) of the custodial parent(s);

iii. The name(s), address(es), and telephone number of any person(s) authorized by the parent(s) to visit the child at the center and/or take the child from the center, as specified in N.J.A.C. 10:122-6.5(a)1;

iv. The name, address, and telephone number of the child's physician; and

v. Written authorization from the parent(s) for emergency medical treatment;

2. Inform parents about the center's days and hours of operation;

3. Discuss the individual child's habits, dietary and sleep needs, activities, behavior and development, if applicable;

4. Discuss the center's policies on releasing children, toilet training children when applicable, and dispensing medication;
5. Discuss and distribute the center's policy on the management of communicable disease, as specified in N.J.A.C. 10:122-7.11; and
6. Discuss and distribute an Information to Parents document, as specified in N.J.A.C. 10:122-3.6(a).

(b) The center shall allow the parent(s) of enrolled children to visit the center at any time during the center's hours of operation to observe its operation and program activities without requiring the parent(s) to secure prior approval.

(c) The center shall provide the parents of prospective enrollees the opportunity to visit the center to observe its operation and program activities, but may require that such visits are arranged in advance and at the convenience of the center director.

(d) Staff member(s) shall inform the parent(s) of enrolled children in advance of any field trip(s), outing(s), or special event(s) involving the transportation of children away from the center. Before taking a child on such a field trip, outing or special event, the center shall either:

1. Secure individual written consent slips signed by a parent for his or her child(ren) for each proposed field trip, outing or special event;
2. Post a notice of a proposed individual field trip, outing or special event in a place of prominence within the center, on which the parent *[must]* ***shall be asked to*** sign consent for his or her child to attend; or
3. Issue to every parent a written schedule of all field trips, outings or special events to be taken during any given time frame (that is, weekly, monthly, yearly). A parent *[must]* ***shall be asked to*** sign this schedule indicating his or her consent for any or all field trips, outings or special events listed.

(e) The center may utilize a blanket permission slip for taking children on walks only if:

1. Walks are within the center's neighborhood;
2. The center makes arrangements for the handling of visits or telephone calls from parents either by:
i. Having someone remain at the center; or
ii. Utilizing a telephone answering machine and posting a notice on the entrance door of the center to inform parents of the children's location;
3. The route of the walk involves no safety hazards; and
4. The walk involves no entrance into a facility unless the facility has been indicated on the blanket permission slip.

(f) The center shall maintain on file a record of signed blanket permission slips for walks and signed individual permission slips for field trips, outings or special events.

(g) The center should promote the involvement of representatives of the community to enhance the staff members' and the children's knowledge of community services, programs and resources.

(h) For early childhood programs, the following shall apply:

1. The center shall adopt at least one of the following options to ensure the participation of the parents of enrolled children in the activities and operations of the center:
i. A governing board responsible for approving, reviewing, and monitoring the center's policies, budget, staff recruitment and selection, physical environment, and program activities;
ii. An advisory committee that offers advice and counsel to the center on its policies, staff recruitment and selection, physical environment, and program activities; or
iii. An annual meeting to which all parents and staff members are invited for the purpose of sharing goals, recommendations, and concerns. The center shall maintain on file a record of this meeting.
2. Centers choosing the options specified in either (h)1i or ii above shall ensure that the board or committee includes the parents of enrolled children and representatives from the civic, business, educational and/or child care communities. The board or committee shall meet at least quarterly during the center's operating year and the center shall maintain on file a listing of current members of the board or committee and documentation indicating that the board or committee is functioning.
3. The center shall adopt, implement, and maintain on file a written policy providing for the direct involvement of parents of enrolled children in the center's operation and activities. This policy shall include the following:
i. An opportunity for parents to volunteer to help in the center's program;
ii. An annual open house to which parents are invited for the purpose of observing the program; and
iii. Parent/staff conferences held semi-annually and upon request of the parent and/or staff member(s).

(i) For school-age child care programs, the following shall apply:

1. The center shall adopt, implement and maintain on file a written policy providing for the direct involvement of parents of enrolled children in the center's operation and activities. The policy shall include:
i. Option (h)1i, ii or iii above; or
ii. *[Annual]* ***An annual*** open house to which parents are invited for the purpose of observing the program; or
iii. Individual parent/staff conferences.
2. The center shall advise the parents of enrolled children of the center's policy for serving meals and snacks when the center is operating on days when the child's school is not in session.

SUBCHAPTER 7. HEALTH REQUIREMENTS

10:122-7.1 Illnesses/communicable diseases

(a) A center that seeks to serve any children who have any of the illnesses, symptoms of *[illnesses]* ***illness*** or diseases specified in (c) and (d) below shall meet all applicable provisions of this subchapter and all provisions of N.J.A.C. 10:122-8.

(b) Under no circumstances shall any center serve or admit any child who has any illness, symptom of illness or disease that a physician has determined require the child to be:

1. Confined to home under a physician's immediate care; or
2. Admitted to a hospital for medical care and treatment.

(c) The following provisions relate to illness and/or symptoms of illness:

1. A center serving well children shall not permit a child who has any of the illnesses or symptoms of illness specified in (c)1i through xv below to be admitted to the center on a given day unless medical diagnosis from a licensed physician, which has been communicated to the center in writing, or verbally with a written follow-up, indicates that the child poses no serious health risk to himself or herself or to other children. Such illnesses or symptoms of illness shall include, but not be limited to, any of the following:
i. Severe pain or discomfort;
ii. Acute diarrhea, characterized as twice the child's usual frequency of bowel movements with a change to a looser consistency within a period of 24 hours;
iii. Two or more episodes of acute vomiting within a period of 24 hours;
iv. Elevated oral temperature of 101.5 degrees Fahrenheit or over or axillary temperature of 100.5 degrees Fahrenheit or over in conjunction with behavior changes;
v. Sore throat or severe coughing;
vi. Yellow eyes or jaundiced skin;
vii. Red eyes with discharge;
viii. Infected, untreated skin patches;
ix. Difficult rapid breathing;
x. Skin rashes, excluding diaper rash, lasting more than one day;
xi. Weeping or bleeding skin lesions that have not been treated by a physician or nurse;
xii. Swollen joints;
xiii. Visibly enlarged lymph nodes;
xiv. Stiff neck; or
xv. Blood in urine.
2. Once the child is symptom-free, or a licensed physician indicates that the child poses no serious health risk to himself or herself or to other children, the child may return to the center.
3. If a child who has already been admitted to the center manifests any of the illnesses or symptoms of illness specified in (c)1 above,

the center shall remove the child from the group of well children to a separate room or area, as specified in N.J.A.C. 10:122-5.2(q)4, until:

i. He or she can be taken from the center; or

ii. The director or his or her designee has communicated verbally with a licensed physician, who indicates that the child poses no serious health risk to himself or herself or to other children, at which time the child may return to the group.

(d) The following provisions relate to excludable communicable diseases:

1. The center shall not permit a child or staff member with an excludable communicable disease, as specified in the table below, to be admitted to or remain at the center, until:

i. A note from the child's or staff member's licensed physician states that the child or staff member, respectively, has been diagnosed and presents no risk to himself, herself, or to others; or

ii. The center has contacted the State Department of Health's Communicable Disease Program or local health department pediatric health consultant and is told the child or staff member poses no health risk to others.

TABLE OF EXCLUDABLE COMMUNICABLE DISEASES

Respiratory Illnesses	Gastro-Intestinal Illnesses	Contact Illnesses
Chicken Pox	Giardia Lamblia†	Impetigo
German Measles†	Hepatitis A†	Lice
Hemophilus Influenzae†	Salmonella†	Scabies
Measles†	Shigella†	
Meningococcus†		
Mumps†		
Strep Throat		
Tuberculosis†		
Whooping Cough†		

†Reportable diseases, as required by N.J.A.C. 10:122-7.10(a).

10:122-7.2 Attendance by children and/or staff members known to be infected with Human Immunodeficiency Virus (HIV)

(a) The center should admit a child known to be infected with HIV (also known as HTLV-III or LAV), the virus that causes Acquired Immunodeficiency Syndrome (AIDS), to the center.

(b) The center should not exclude a child known to be infected with HIV in order to protect him or her from possible exposure to the infectious diseases of other persons at the center.

(c) The center should not exclude a child solely for the reason that such individual lives with or is related to a person known to be infected with HIV.

(d) The director shall maintain the confidentiality of any child or staff member known to be infected with HIV.

(e) The center shall not require the routine medical screening of children or staff members in a center to detect the presence of HIV.

10:122-7.3 Health and immunization requirements for children

(a) For early childhood programs, the following shall apply:

1. Each child not enrolled in a public or private school shall have had a health examination performed by a licensed physician within:

i. Six months prior to admission, for children who are 2½ years of age or younger; or

ii. One year prior to admission, for children above 2½ years of age.

2. For each child not enrolled in a public or private school, the center shall maintain on file at the center a record of the health examination documented by the physician. The record shall include:

i. The name and address of the examining physician;

ii. The child's medical history indicating, when applicable:

(1) Information on any condition or handicap affecting the child's health; and

(2) Any recommendations for needed medical treatment and/or program or environmental modifications, which the center shall follow, including special requirements as to diet, rest, allergies, avoidance of certain activities, and other care; and

iii. An up-to-date immunization record appropriate to the child's age, or documentation that the child is under a prescribed medical program to obtain immunizations, in accordance with the provisions of N.J.A.C. 8:57-4.

3. For children enrolled in a public or private school, the center shall obtain a written statement from each child's parent indicating:

i. That the child is in good health and can participate in the normal activities of the program; and

ii. Any conditions or specific needs that may require special accommodations.

4. The center shall ensure that the record specified in (a)2 above has been submitted to the center, either:

i. Upon the child's admission; or

ii. Within 30 days of the child's admission, if the parent cannot obtain prior documentation, provided that upon the child's admission, the parent provides a written statement:

(1) Indicating that the requirements in (a)1 and 2ii above have been met; and

(2) Giving the information required in (a)2ii(2) above, when applicable.

5. If immunizations are contraindicated for medical reasons, the center shall require the parent to submit to the center a written statement from a licensed physician attesting to the following:

i. The reason the immunization is medically contraindicated; and

ii. The specific time period that the immunization is medically contraindicated.

6. Any child whose parent objects to a physical examination, immunization or medical treatment for his or her child on grounds that it conflicts with the tenets and practice of a recognized religion of which the parent(s) or child is an adherent or member shall be exempt from complying with such requirements, provided that the parent(s) submits to the center upon the child's admission a signed written statement that the physical examination, immunization or medical treatment interferes with the free exercise of the child's religious rights.

7. The immunization exemption may be suspended by the Bureau during the existence of a health emergency, as determined by the State Commissioner of Health.

(b) For school-age child care programs, the following shall apply:

1. The center shall obtain a written statement from each child's parent indicating:

i. That the child is in good health and can participate in the normal activities of the program; and

ii. Any conditions or special needs that may require special accommodations.

10:122-7.4 Health requirements for staff members

(a) Prior to or upon beginning work at the center, each staff member whose job duties require contact with the children for at least 20 percent of the center's weekly operating hours shall take a Mantoux tuberculin skin test with five TU (tuberculin units) of PPD tuberculin, except that the staff member shall have a chest x-ray taken if he or she has had a previous positive Mantoux tuberculin test. The staff member shall submit to the center written documentation of the results of the test and/or x-ray.

1. If the Mantoux tuberculin test result is insignificant (zero to nine millimeters (mm) of induration), no further testing shall be required. The Bureau or center may at any time require a staff member to retake the Mantoux tuberculin test if there is reason to believe or suspect that the staff member may have contracted tuberculosis or if the State Department of Health recommends retesting.

2. If the Mantoux tuberculin skin test result is significant (10 or more mm of induration), the individual shall have a chest x-ray taken. If the chest x-ray shows significant results, the staff member shall not come in contact with the children unless he or she submits to the center a written statement from a licensed physician certifying that he or she poses no threat of tuberculosis contagion.

(b) Prior to beginning work, each staff member whose job duties require contact with the children for at least 20 percent of the center's weekly operating hours shall submit a written statement from a licensed physician, indicating that he or she is in good health

and poses no health risk to persons at the center. Such statement shall be based on a medical examination within the six months immediately preceding such person's working at the center.

(c) The center shall maintain on file the results of each staff member's:

1. Mantoux tuberculin test and/or chest x-ray when indicated; and

2. Physical examination.

(d) The sponsor or director shall exclude a staff member who:

1. Exhibits the illnesses or symptoms of illness or diseases specified in N.J.A.C. 10:122-7.1(c)1 and (d); or

2. Appears to be physically, emotionally or mentally impaired or who appears to have a drug-induced or alcohol-induced condition that would endanger the health, safety, and well-being of a child while the child is in the staff member's care. The director shall document the action taken to exclude the staff member and maintain such documentation on file. The center shall not permit the staff member to return to the center until the condition is no longer present.

(e) When the affected staff member specified in (d) above serves as the director, then the sponsor shall take the necessary action specified above.

(f) When the affected staff member specified in (d) above is the sponsor, then the Bureau shall take the necessary action specified above.

10:122-7.5 Administration and control of prescription and non-prescription medicines

(a) Centers that choose not to administer medication to a child shall inform the parents of this policy prior to the child's enrollment.

(b) For centers that choose to allow prescription and non-prescription medication to be dispensed to a child, the following shall apply:

1. Medication shall be administered only after receipt of written approval from the child's parent(s).

2. The director shall designate those staff members who are authorized to administer medication to or supervise self-administration of medication by those children whose parent(s) authorize it.

3. All medication shall be kept either in a locked cabinet or in an area that is inaccessible to the children.

4. The director shall ensure that the staff member(s) responsible for administering medication are informed of every child's medication needs.

5. Any prescription medication for a child shall be:

i. Prescribed in the name of and specifically for the child; and

ii. Stored in its prescription container, which has been labeled with the child's name, the name of the medication, the date it was prescribed or updated and directions for its administration.

6. The center shall limit the dispensing of non-prescription over-the-counter medication to the following types of medicines, which shall be dispensed in accordance with the recommended dosage, age and/or weight of the child, as indicated on the label:

i. Antihistamines/decongestants;

ii. Acetaminophens (aspirin substitutes);

iii. Cough suppressants; and

iv. Topical ointments.

7. The center may permit the dispensing of non-prescription medication other than those listed in (b)6 above if the child's physician authorizes it in writing.

8. Unused medication shall be returned to the parent(s) when no longer being administered.

9. The center shall maintain on file a record of the following:

i. The child's name and parental authorization for the center to administer medication;

ii. The name of the medication;

iii. The condition for which the medication is being used;

iv. The instructions for administration, including the dosage and frequency;

v. The time and by whom medication was administered to a child; and

vi. Any adverse effect the medication can have or has had on the child.

(c) For early childhood programs, the following shall apply:

1. Centers that choose to administer medication shall ensure that all medication is administered by designated staff.

(d) For school-age child care programs, the following shall apply:

1. Centers that permit a child to self-administer medication shall:

i. Obtain written authorization for self-administration from the child's parent; and

ii. Ensure that the medication is administered under the supervision of authorized staff.

10:122-7.6 Accident and injury to a child while in the center's care

(a) When an accident or injury requiring professional medical care occurs to a child while in the center's care, the center shall take immediate necessary action to protect the child from further harm and immediately notify the child's parent(s) verbally.

(b) The center shall maintain on file a record of accidents and injuries sustained by a child requiring professional medical care while under the center's supervision. The accident and injury record shall include the following:

1. The name of the child involved in the accident or injury;

2. The date, time, and location of the accident or injury;

3. A written description of the following:

i. The accident;

ii. The injury to the child;

iii. The names of witnesses to the accident or injury; and

iv. The follow-up action taken by the center, including:

(1) Application of first aid; and

(2) Consultation or treatment by a licensed physician, if applicable.

(c) Accidents or injuries not requiring professional medical care shall be reported to the child's parent by the end of the day.

(d) Upon request of the child's parent, the center shall provide a written description of the accident and/or injury by the end of the next operating day.

10:122-7.7 Environmental sanitation requirements

(a) Disinfectants shall be used as follows:

1. The center shall disinfect those items specified in (a)3 below with a solution that shall be either:

i. A commercially prepared disinfectant that indicates it kills bacteria, viruses, and parasites. This solution shall be used in accordance with label instructions; or

ii. A self-made solution consisting of one-quarter cup of household bleach to each gallon of water (one tablespoon per quart), which shall be prepared daily and placed in a labeled, sealed container.

2. All areas to be disinfected shall first be washed with soap and water.

3. The schedule for disinfecting shall be as follows:

i. The following equipment items or surfaces shall be washed and disinfected after each use:

(1) Washcloths made of fabric, when used for cleaning children;

(2) Thermometers;

(3) Items used by a child who becomes ill while at the center; and

(4) Sleeping mats that are not stored separately.

ii. The following items shall be washed and disinfected at least daily:

(1) Toilets and toilet seats;

(2) Sinks and sink faucets;

(3) Drinking fountains;

(4) Water table and water play equipment;

(5) Play tables; and

(6) Smooth surfaced non-porous floors in areas used by children.

iii. The following items shall be washed and disinfected at least weekly:

(1) Cribs, cots, mats, playpens or other Bureau-approved sleeping equipment; and

(2) Sheets, blankets or other coverings.

iv. Tables used by the children for eating shall be washed and disinfected before each meal.

(b) Centers that maintain outside sandboxes or play areas containing sand shall ensure that:

1. Only asbestos-free sand is used; and

2. The sand is maintained in a safe and sanitary manner.

(c) Pets shall be permitted in a center only under the following circumstances:

1. Pets kept by or located in the center, regardless of ownership, shall be:

i. Domesticated and non-aggressive;

ii. Free from disease;

iii. Vaccinated, if applicable, as prescribed by law or local ordinance. The record of the vaccinations shall be maintained on file, along with the name and address of the licensed veterinarian providing care for the pet(s);

iv. If sick, removed from the area(s) occupied by children, until the pet has been examined by a licensed veterinarian and has been diagnosed as presenting no risk to the children;

v. Effectively controlled by leash, command or cage; and

vi. Prohibited from the following areas:

(1) Areas/surfaces used for food preparation, storage and/or service;

(2) Areas used for cleaning or storing of food utensils and dishes; and

(3) Toilet facilities.

2. Animal waste shall be disposed of in sealed plastic bags in the outdoor garbage receptacle.

(d) Smoking shall be prohibited in all rooms, vehicles and outside play areas while such rooms, vehicles and areas are occupied by children.

(e) For early childhood programs, the following shall apply:

1. In addition to the items specified in (a)3 above, the following equipment items or surfaces shall be washed and disinfected after each use:

i. Toilet training chairs that have first been emptied into a toilet;

ii. Sinks and faucets used for rinsing a toilet training chair;

iii. Diapering surfaces;

iv. Toys mouthed by infants and toddlers before being given to another child; and

v. Bottles, nipples and other feeding equipment.

2. All diaper pails and lids shall be disinfected daily.

3. Centers that toilet train children shall:

i. Utilize non-porous toilets, child-size toilets, toilet training chairs (potties) or children's toilet seats for children being toilet trained;

ii. Ensure that toilet training chairs are not used in kitchens or in the immediate area where meals are being served; and

iii. Advise parents of the center's toilet training policy.

4. Poisonous plants shall not be kept in the center or in the outside play area used by the children.

10:122-7.8 Personal hygiene requirements

(a) Handwashing requirements are as follows:

1. The center shall ensure that children wash their hands with soap and running water:

i. Before intake of food;

ii. Immediately after using the toilet or having diapers changed;

iii. Immediately after coming into contact with blood, fecal matter, urine, vomit, nasal secretions or other body fluids or secretions; and

iv. Immediately after coming in contact with an animal's body secretions.

2. When cloth towels are used by children, the towels shall be designated *[soley]* ***solely*** for the individual child's use.

3. Staff members shall wash their hands with soap and running water immediately:

i. Before preparing or serving food;

ii. After toileting;

iii. After assisting a child in toileting;

iv. After caring for a child who appears to be sick;

v. After coming in contact with an animal's body secretions; and

vi. After coming into contact with blood, fecal matter, urine, vomit, nasal secretions or other body fluids or secretions.

(b) Staff members shall use disposable rubber gloves, which shall be discarded after each use, when coming into contact with blood or vomit.

(c) Centers that encourage children to brush their teeth while at the center shall individually store toothbrushes in a manner which prevents the toothbrushes from touching each other during storage.

(d) For early childhood programs, the following shall apply:

1. Diapering requirements for centers serving children who are not toilet trained are as follows:

i. Staff members shall ensure that:

(1) Each child's diaper is changed when wet or soiled;

(2) Each child's bottom is washed and dried during each diaper change with an individual disposable wash cloth, paper towel or disposable diaper wipes; and

(3) The staff members' hands are washed after changing each diaper.

ii. Diapering area and surface requirements are as follows:

(1) Diapering shall not take place in an area or on a surface used for food preparation, service or eating.

(2) The diapering area shall be within 15 feet of a sink that is not used for food preparation.

(3) The diapering surface shall be flat, smooth, clean, dry, non-absorbent, and in good repair.

iii. Diapering supply requirements are as follows:

(1) A supply of clean diapers shall always be available.

(2) Diapering supplies, including diapers, shall be stored in an area out of the children's reach but easily accessible to staff members during a diaper change.

(3) Equipment used for cleaning the diapering surface shall be restricted for use in this area only and shall be disposable or laundered in hot soapy water.

(4) Staff members who use disposable rubber gloves during a diaper change shall dispose of these gloves after each use and shall wash their hands.

iv. Soiled diapers shall be disposed of as follows:

(1) Soiled disposable diapers shall be placed in a closed container that is lined with a leakproof or impervious lining. Such diapers shall be removed from the center daily and placed in a closed garbage receptacle outside the building.

(2) Soiled non-disposable diapers shall be placed in a sealed plastic container that has been labeled with the child's name. Such diapers shall be returned to the child's parent at the end of that day.

2. Clothing requirements are as follows:

i. A child's clothing shall be changed when wet or soiled.

ii. The center shall ensure that a change of clothing is provided for each child.

iii. Soiled clothes shall be:

(1) Placed in a sealed plastic container that has been labeled with the child's name and returned to the child's parent at the end of that day for laundering; or

(2) Laundered at the center in a washing machine.

iv. For clothing soiled with fecal matter, the stool shall be emptied into the toilet.

10:122-7.9 Illness log

(a) For early childhood programs, the following shall apply:

1. The center shall maintain on file a log of the initial illnesses, symptoms of illness or diseases that are exhibited by each child, as specified in N.J.A.C. 10:122-7.1(c) and (d). This illness log shall include:

i. The child's name;

ii. The date and time the illness, symptoms of illness or diseases were observed at the center, or the date and time the center was notified of the child's illnesses, symptoms of illness or diseases by the parent;

iii. A description of the symptoms of illness manifested by the child;

iv. The action taken by the center to assist:

(1) The child who is demonstrating symptoms of illness; and/or

(2) The director in determining if exclusion of the child from the center is necessary;

v. Any significant change in the child's symptoms of illness; and
vi. The date, if applicable, that:
(1) The child was removed from the center;
(2) The child returned to the center with a licensed physician's note attesting to the child's admissibility to the center and recovery from a reportable disease, as specified in N.J.A.C. 8:57; or
(3) The child returned to the center symptom-free.

10:122-7.10 Reporting of illnesses, injuries, and reportable diseases

(a) The director, upon learning that an enrolled child or staff member at the center has been diagnosed as having contracted or is suspected of having a reportable disease, as specified in N.J.A.C. 10:122-7.1(d), shall report this knowledge by the next working day to the following:
1. The local health department; and
2. The Bureau of Licensing.
(b) The director shall report the occurrence of any injury or illness that results in the admittance to a hospital or death of a child while under the center's supervision to the Bureau by the next working day after the center learns of the occurrence.
(c) The director, having knowledge that a child has been injured by a dog, cat or other animal that is kept by or located at the center and when no physician attends such child, shall, within 12 hours of the injury, report the name, age, sex, and address of the child to the local health department.

10:122-7.11 Information to parents regarding the management of communicable diseases

(a) Each center shall develop a written policy on the management of communicable diseases. This policy shall include the following:
1. The list of illnesses and/or symptoms of illness for which a child will be separated from the group and possibly sent home, as specified in N.J.A.C. 10:122-7.1(c);
2. The list of diseases for which a child will not be readmitted to the center unless accompanied by a statement from the child's licensed physician, as specified in N.J.A.C. 10:122-7.1(d); and
3. Assurance that during any outbreak of an excludable disease at the center, as specified in N.J.A.C. 10:122-7.1(d), each parent whose child may have been exposed to the disease shall receive a written notice of the outbreak.
(b) A copy of the center's policy on the management of communicable diseases shall be given to the parent of each child enrolled in the center.
(c) Centers serving children who are sick shall comply with the requirements for information to parents, as specified in N.J.A.C. 10:122-8.5(b).

SUBCHAPTER 8. REQUIREMENTS FOR CENTERS SERVING SICK CHILDREN

10:122-8.1 Requirements for all centers serving sick children

(a) The provisions of this subchapter shall apply to any center that chooses to serve the following:
1. Only children who have illnesses, symptoms of illness or diseases, as specified in N.J.A.C. 10:122-7.1(c) and (d); or
2. Some children who have illnesses, symptoms of illness or diseases, as specified in N.J.A.C. 10:122-7.1(c) and (d), as part of a sick child care component of a center primarily serving well children.
(b) A center as set forth in (a) above shall also comply with all applicable provisions of this chapter.
(c) The center shall maintain on file written policies and procedures governing its operation, including:
1. Those categories of illness for which the center will provide care;
2. The ages of children who will be served;
3. The center's infection control procedures;
4. The center's admission criteria, which shall include provisions for conducting either:
i. A medical evaluation of arriving children by a New Jersey licensed physician; or
ii. A physical assessment, known as a triage, of arriving children by a registered nurse;
(1) The triage shall include, as appropriate to the demonstrated symptoms, an assessment of the child's temperature; pulse; respiration; skin; eyes; nose; throat; mouth; chest; abdomen; and/or extremities;
5. A provision encouraging the parents, before bringing the child to the center, to call the center each day to:
i. Describe the child's illnesses, symptoms of illness or diseases; and
ii. Determine if the center has an opening for the child;
6. For centers using a registered nurse as the admitting staff member, the physical assessment criteria that are used to determine:
i. Appropriateness of a child's attendance at the center on that day; or
ii. A child's need to be examined by a licensed physician, prior to being admitted to the center on that day;
7. The criteria and procedures for caring for or releasing children whose illnesses, symptoms of illness or diseases have worsened;
8. Methods and frequency of identifying and recording symptomatic changes throughout the day;
9. The preparation, frequency and serving of meals that are appropriate for the child's illnesses, symptoms of illness or diseases; and
10. The center's policy on communicating with parents concerning the child's illnesses, symptoms of illness or diseases.
(d) The center shall arrange for a New Jersey licensed physician to serve as its consulting physician, providing medical advice and assistance on an on-call basis.
(e) The center shall have a governing board or an advisory board, which shall oversee the development of and approve in writing its policies and procedures, as specified in (c) above. The governing or advisory board shall include at least two of the following licensed health professionals:
1. A physician licensed by the New Jersey Board of Medical Examiners; and/or
2. A registered nurse licensed by the New Jersey State Board of Nursing; and/or
3. A local health official.
(f) The consulting physician shall approve in writing the policies and procedures specified in (c) above.

10:122-8.2 Admission criteria

(a) The center shall not admit a sick child below three months of age unless the child has been seen and diagnosed by his or her licensed physician and the physician indicates in writing that the child can be admitted.
(b) The center shall require that a parent or an adult authorized by the parent accompany each child during admission to the center.

10:122-8.3 Requirements for additional staff for centers serving sick children

(a) The staff requirements for centers serving sick children are as follows:
1. In addition to the staff members required in N.J.A.C. 10:122-4.2, the center shall ensure that a physician licensed by the New Jersey Board of Medical Examiners or a registered nurse licensed by the New Jersey State Board of Nursing is at the center during the hours children are in attendance.
2. The staff member specified in (a)1 above may also serve as the head teacher, group teacher, or program supervisor where applicable, provided that:
i. The person meets the staff qualification requirements for such positions, based on the center size and type, as specified in N.J.A.C. 10:122-4.5(b) through (d); or
ii. The person has two years of work experience with children of the age group being served.
3. In centers that primarily serve well children and provide sick care only as a component of the overall program, the physician or registered nurse, as specified in (a)1 above, shall be required to be at the center for at least 50 percent of the sick care component's daily operating hours, and shall be on call and available to come to the center immediately at all other times, provided that the following conditions are met:

i. The physician or registered nurse is present at all times when children are being admitted to the center;

ii. Sick care is provided only to children who are regularly enrolled in the center's program serving well children;

iii. No more than eight children are served in the sick care component at any one time;

iv. Children under six months of age are not admitted to the sick child care component at any time;

v. A child has attended the center's program serving well children for at least 20 days before being allowed admission to the sick care component;

vi. The physician or registered nurse assesses that no child will be placed at risk during the time when the physician or registered nurse is absent; and

vii. The on-call physician or nurse does not serve as the center's head teacher.

4. In centers specified in (a)3 above, the provisions specified in (a)3i through vii above need not be met if the physician or registered nurse remains at the center during all hours the children are in attendance.

(b) The responsibilities of the staff physician or registered nurse are as follows:

1. The physician or registered nurse, as specified in (a)1 above, shall be responsibile for developing and implementing the center's medical program, including:

i. Conducting the daily admission assessment of each child, as specified in N.J.A.C. 10:122-8.1(c)4;

ii. Maintaining records on each child, as specified in N.J.A.C. 10:122-8.7(a); and

iii. Reviewing and administering medication, as specified in N.J.A.C. 10:122-7.5(b), as applicable for each child.

(c) The following staff/child ratios shall apply:

Age of Child	Staff/Child Ratio
Birth ***up*** to 3 months of age	1:1
3 months ***up*** to 18 months of age	1:3
18 months ***up*** to 2½ years of age	1:5
2½ years of age and above	1:7

(d) Grouping of children shall be as follows:

1. The center shall group children according to the illnesses categorized below:

i. Upper-respiratory;

ii. Gastro-intestinal;

iii. Chicken pox; and

iv. Any other illness that has been included in the center's admission policy.

(e) Additional staff training shall be provided as follows:

1. The center shall provide training for each new staff member upon beginning work at the center and for all staff members annually.

2. Such training shall include:

i. Basic knowledge of first aid principles;

ii. Recognizing the symptoms of illness;

iii. Feeding sick children;

iv. When and how to call for medical advice;

v. Taking children's temperatures;

vi. Any other care that may be required for admissible illnesses and conditions;

vii. Infection control;

viii. Review of center policies and procedures;

ix. Child development, including activities for children who are sick; and

x. Communicating with parents concerning a child's illness.

10:122-8.4 Requirements for additional physical facilities for centers serving sick children

(a) There shall be a minimum of 50 square feet of net indoor floor space for each child.

(b) An individual room or a specific area within a large room, which is separated from other areas of the room by a partition or room divider, shall be available to separate and prevent contact between children who have different illnesses, symptoms of illness or diseases.

(c) Centers whose policies allow for the care of children who have chicken pox or other illnesses that require isolation shall provide an isolation room for these children. Each isolation room shall have the following:

1. Continuous barriers that are floor to ceiling in height; and

2. Its own toilet facility, unless children using the isolation room can reach and use another toilet facility without coming into contact with other children.

(d) The center shall provide soap for handwashing from a liquid soap dispenser.

[(e) The center shall conduct monthly fire drills that may, but are not required to, involve children. The drills shall simulate closely the procedures to be followed during an emergency evacuation.]

*[(f)]***(e)*** Centers that serve only sick children shall not be required to have the following:

1. An outdoor space for the children's physical activities or its equivalent, as specified in N.J.A.C. 10:122-5.2(s)7; and

2. A room or area in a separate section of the center for children who become ill, as specified in N.J.A.C. 10:122-5.2(q)4.

*[(g)]***(f)*** Centers that have a sick child care component, as specified in N.J.A.C. 10:122-8.1(a)2, shall use separate play rooms and/or areas and separate toilet facilities for sick and well children.

10:122-8.5 Program requirements for centers serving sick children

(a) The center shall develop and provide a variety of children's planned daily activities that are appropriate for the needs and the condition of children who are sick.

(b) The center shall make available to parents of prospective enrollees information in writing on the center's program, including:

1. Illnesses, symptoms of illness or diseases for which the center will provide care;

2. The center's admission criteria; and

3. The center's daily admitting procedures.

10:122-8.6 Sanitation and infection control

(a) The center shall ensure that all washable items of play equipment, supplies and toys that one group of sick children, as specified in N.J.A.C. 10:122-8.3(d), have contacted are washed with soap and water and disinfected before allowing them to be used by another group of sick children.

(b) The center shall ensure that all personal items belonging to a child are returned to the parent each day.

10:122-8.7 Requirements for additional records for centers serving sick children

(a) The center shall maintain on file the following additional records:

1. Admission assessment information on each child, as specified in N.J.A.C. 10:122-8.1(c)4;

2. The written policies and procedures developed by the center, as specified in N.J.A.C. 10:122-8.1(c);

3. The written approval of policies and procedures by the center's governing board or advisory board and by the consulting physician, as specified in N.J.A.C. 10:122-8.1(e) and (f);

4. Documentation of the training provided to all staff members, as specified in N.J.A.C. 10:122-8.3(e); and

5. The information to parents document, as specified in N.J.A.C. 10:122-8.5(b).

SUBCHAPTER 9. TRANSPORTATION REQUIREMENTS

10:122-9.1 Scope; use of private passenger vehicles

(a) The provisions of this subchapter shall apply to:

1. *[Any]* ***Each*** center that provides or arranges for the provision of transportation for children:

i. To or from their homes or other prearranged sites and the center; and/or

ii. In connection with an activity (such as a field trip) conducted by or through the auspices of the center; and

2. *[Any]* ***Each*** person or agency other than the center that provides or arranges for the provision of transportation for compensation for children to or from their homes and a center.

(b) *[Any]* ***Each*** center, person or agency, as defined in (a) above, also shall comply with applicable provisions of New Jersey Division of Motor Vehicles law, pursuant to N.J.S.A. 39:1-1 et seq. and the rules promulgated thereunder, as specified in N.J.A.C. 13.

(c) The center may authorize staff members and/or parents of enrolled children to utilize their own private passenger vehicles to transport children from the center to and from scheduled center field trips, outings or special events (such as visits to the zoo, library, museum) or to transport children from the center to a hospital, clinic or office for medical treatment, pursuant to N.J.S.A. 18A:39-20.1. However, staff members and/or parents may be authorized to do so only if:

1. The vehicle has a capacity of eight or fewer persons;

2. The driver possesses a valid automobile driver's license issued by the New Jersey Division of Motor Vehicles, hereinafter referred to as DMV;

3. The vehicle has a valid motor vehicle inspection sticker issued by DMV;

4. The vehicle owner possesses vehicle liability insurance at least at the minimum amounts required by New Jersey State insurance law, pursuant to N.J.S.A. 17:28-1.1a;

5. The center maintains transportation records on every vehicle utilized for the above, as specified in N.J.A.C. 10:122-9.7(b); and

6. The center ensures that the driver and/or additional adults apply the safety practices, as specified in N.J.A.C. 10:122-9.5(a) through (d) and (g) through (m).

10:122-9.2 Vehicle definitions

(a) A Type I School Bus means a bus with a capacity of 17 to 58 passengers, as indicated by the vehicle manufacturer.

(b) A Type II School Bus means a bus with a capacity of 10 to 16 passengers, as indicated by the vehicle manufacturer.

(c) A Type II School Vehicle means a vehicle with a capacity of nine or fewer passengers, as indicated by the vehicle manufacturer, and a minimum of three side entry doors.

10:122-9.3 Vehicle requirements

(a) For early childhood programs, the following shall apply:

1. The following requirements shall apply to vehicles utilized by a center that provides or arranges for the transportation of enrolled children to and from the center, as specified in N.J.A.C. 10:122-9.1(a).

2. Each Type I School Bus shall:

i. Be equipped with school vehicle Type I, "S1" designated license plates and a valid School Bus inspection sticker issued by DMV; and

ii. Meet the specifications for Type I School Buses prescribed by New Jersey Department of Education rules, as specified in N.J.A.C. 6:21-5, and that were applicable at the time the bus was manufactured.

3. Each Type II School Bus shall:

i. Have school vehicle Type II, "S2" designated license plates and a valid School Bus inspection sticker issued by DMV;

ii. For Type II School Buses manufactured prior to April 1, 1977, meet the specifications prescribed by New Jersey Department of Human Services rules that were applicable at the time the bus was manufactured; and

iii. For Type II School Buses manufactured after April 1, 1977, be painted in the color of uniform national school bus yellow and meet the specifications prescribed by New Jersey Department of Education rules, as specified in N.J.A.C. 6:21-5.

4. Each Type II School Vehicle shall:

i. Have school vehicle Type II, "S2" designated license plates and a valid School Bus inspection sticker issued by DMV;

ii. Have a maximum seating capacity that does not exceed the number of seat belts installed;

iii. Have a minimum seat width allowance of 12 inches per child;

iv. Have seats and back rests securely fastened and facing forward;

v. Allow exiting from any seat in the vehicle with minimum unobstructed clearance of 10 inches;

vi. Have no seat that requires the folding of any seat ahead of it in order to permit exiting. Seats that are not facing forward or that require the folding of any seat ahead of them in order to permit exiting shall be removed or bolted down;

vii. Have seats upholstered with springs or foam rubber;

viii. Have padding around exposed metal bars in the vehicles to prevent child impact; ***and***

ix. Have an operable heater capable of maintaining a temperature of 50 degrees Fahrenheit; and

5. Each vehicle used by a center to provide transportation of enrolled children to and from the center, as specified in N.J.A.C. 10:122-9.1(a), shall be equipped with the following:

i. Three triangular portable red reflector warning devices;

ii. A fully charged fire extinguisher, with a gauge and with a minimum underwriters' rating of 2A 10BC, which shall be located at the front and securely mounted to the right of the driver in a way that does not constitute an obstruction or hazard to the passengers;

iii. All-weather radial or snow tires from November 15 to April 1; and

iv. A removable, moisture-free and dust-proof first-aid kit, which shall be located in an accessible place within the vehicle. A sign indicating its location shall be placed on the dashboard. The first-aid kit shall contain the following items:

(1) Two single units, one inch by 2½ yards adhesive tape;

(2) Two single units, sterile gauze pads, three inch by three inch (12 per unit);

(3) One single unit, ¾ inch by three inch adhesive bandage (100 per unit);

(4) One single unit, two inch bandage compress (12 per unit);

(5) One single unit, three inch bandage compress (12 per unit);

(6) Two single units, two inch by six yards sterile gauze roller bandage;

(7) Two single units, nonsterile triangular bandage, approximately 40 inch by 36 inch by 54 inch with two safety pins;

(8) Three single units, sterile gauze, 36 inch by 36 inch (U.S.P. 2428 count);

(9) Three single units, sterile eye pad (one per unit);

(10) One pair of scissors;

(11) A pad and sharpened pencil;

(12) One mouth to mouth airway; and

(13) One pair of latex gloves.

(b) For school-age child care programs, the following shall apply:

1. Centers may use vehicles other than school buses or school vehicles provided that the vehicles:

i. Have a valid motor vehicle inspection sticker issued by DMV;

ii. Transport no more children than the manufacturer's capacity specifications indicate and the maximum number of seat belts installed;

iii. Have seats and back rests securely fastened;

iv. Have padding around exposed metal bars in the vehicles to prevent child impact;

v. Have an operable heater; and

vi. Are equipped with the following:

*[1.]***(1)*** Three triangular portable red reflector warning devices;

*[2.]***(2)*** A fully charged fire extinguisher, with a gauge and with a minimum underwriters' rating of 2A 10BC, which shall be located at the front and securely mounted to the right of the driver in a way that does not constitute an obstruction or hazard to the passengers;

*[3.]***(3)*** All-weather radial or snow tires from November 15 to April 1; and

*[4.]***(4)*** A removable first-aid kit, which shall be located in an accessible place within the vehicle. A sign indicating its location shall be placed on the dashboard. The first-aid kit shall contain the items specified in *[(a)5]* ***(a)5iv*** above.

10:122-9.4 Driver licensing requirements

(a) If a center uses a Type I School Bus*[,]* ***or*** Type II School Bus *[or a Type II School Vehicle]*, the center shall:

1. Meet all *[appropriate]* ***applicable*** rules of the *[Division of Motor Vehicles (DMV)]* ***DMV***, Department of Education and/or Department of Human Services; and

2. Ensure that *[the drivers]* ***each driver*** of such *[vehicles possess]* ***a vehicle possesses*** a valid *[Class B license for the New Jersey Type I School Bus, or possess a valid Class C license for the New Jersey Type II School Bus]* ***Commercial Driver License (CDL) in at least Class B or Class C, with a passenger endorsement, as required by the DMV for the gross vehicle weight rating (GVWR) of the vehicle,*** or an *[out-of-state]* ***out-of-State*** equivalent license, as approved by the DMV.

***(b) For early childhood programs, the following shall apply:**

1. If a center uses a Type II School Vehicle, the center shall:

i. Meet all applicable rules of the DMV, Department of Education and/or Department of Human Services; and

ii. Ensure that each driver of such vehicle possesses a valid CDL in at least Class C with a passenger endorsement, or an out-of-State equivalent license, as approved by the DMV.*

*[(b)]***(c)*** For school-age child care programs, ***the following shall apply:***

1. If a center uses a vehicle with a capacity of 15 or fewer passengers that is not a Type II School Bus, the center shall ensure that each driver of such a vehicle possesses a valid Class D Basic Driver License, or an out-of-State equivalent license, as approved by the DMV.

2. If* a center *[using]* ***uses*** a vehicle with a capacity of *[17]* ***16*** or more passengers***, the center*** shall ensure that *[the drivers of such vehicles possess the appropriate commercial driver's license, as required by DMV]* ***each driver of such a vehicle possesses a valid CDL in at least Class B or Class C, with a passenger endorsement, as required by the DMV for the GVWR of the vehicle, or an out-of-State equivalent license, as approved by the DMV****.

10:122-9.5 Vehicle-related safety practices

(a) Children shall never be left unattended in a vehicle.

(b) Children shall be accepted and discharged from the curbside of the vehicle.

(c) The interior and exterior of each vehicle shall be maintained in clean and safe condition, with clear passage to operable doors.

(d) All vehicles that are utilized to transport children below 18 months of age shall be equipped with car seats (child passenger restraint systems) that meet Federal motor vehicle safety standards, in accordance with provisions of DMV law, pursuant to N.J.S.A. 39:3-76.2a.

(e) The driver shall not transport more persons, including children and adults, than:

1. The occupancy of the Type I School Bus, as indicated by the vehicle manufacturer; or

2. The occupancy of the Type II School Bus or School Vehicle or other approved vehicle, as determined by the number of operable seat belts.

(f) The driver of and/or additional adult(s) on the Type I School Bus shall ensure that:

1. All passengers are seated and remain seated when the bus is in motion; and

2. All passengers below 18 months of age are secured in the proper restraint system, as specified in (d) above, when the bus is in motion.

(g) The driver of and/or additional adult(s) on the Type II School Bus, School Vehicle and private passenger vehicle shall ensure that:

1. All passengers are seated and remain seated when the vehicle is in motion; and

2. All passengers are secured in an operable seat belt or proper restraint system, as specified in (d) above, when the vehicle is in motion.

(h) There shall be no standees in any vehicle transporting children.

(i) The driver shall conduct two emergency evacuation drills each year for passengers who ride the Type I or Type II School Bus.

(j) The driver shall conduct a daily check of the vehicle, which shall include all safety equipment, to ensure that the vehicle is in sound operating condition.

(k) The driver shall conduct a check of the vehicle, after each run is completed, to ensure that no child has been left on the vehicle.

(l) Smoking shall be prohibited in all vehicles when occupied by children.

(m) For early childhood programs, the driver or additional adult(s) shall ensure that each child discharged from the vehicle is received by his or her parent or person designated by a child's parent.

(n) For school-age child care programs, centers transporting 12 or more children shall have a minimum of one adult in addition to the driver on each vehicle.

10:122-9.6 Vehicle insurance

Each center or person providing transportation services, as specified in N.J.A.C. 10:122-9.1(a), shall secure and maintain vehicle liability insurance for bodily injury or death in minimum amounts of $300,000 per person and $500,000 per accident.

10:122-9.7 Transportation records

(a) The center shall maintain on file a record of each child transported, the name and address of each driver, a photostatic copy of his or her valid commercial driver's license and the year, make and model of each school bus or school vehicle used.

(b) For center-authorized drivers providing periodic transportation in private vehicles, the center shall maintain on file a checklist indicating that the provisions specified in N.J.A.C. 10:122-9.1(c)1 through 4 have been met.

(c) The center shall maintain on file the names and addresses of the person(s) designated as the additional adult(s) and the license numbers of the school bus(es) or vehicle(s) to which they are assigned.

(d) The center shall maintain on file inspection and maintenance records for each school bus or school vehicle used by the center to transport children. Such records shall include:

1. The vehicle's New Jersey registration number, make, serial number, and the number of ply and size of all tires;

2. The nature and date of every vehicle inspection and repair; and

3. For vehicles that have been leased or otherwise contracted for, the name and address of the leaser or contractor furnishing the vehicle.

(e) The records specified in (d) above shall be retained in the center's files for the life of the vehicle.

(f) Documentation of emergency evacuation drills for all passengers who ride the Type I or Type II School Bus shall be maintained in a log containing the following information:

1. The date of the drill;

2. The number of passengers;

3. The time taken to evacuate the bus; and

4. The signature of the person conducting the drill.

(g) If transportation services are provided by the center, or by a firm under contract to or other arrangement with the center, the center shall maintain on file a copy of its own vehicle liability insurance, or of that firm's name and vehicle liability insurance coverage in the amount(s) specified in N.J.A.C. 10:122-9.6.

(h) For school-age child care programs, the following shall apply:

1. The center shall obtain written authorization from the parent or guardian before transporting a child to or from the center.

10:122-9.8 Special requirements for physically handicapped, non-ambulatory children

(a) For centers providing or arranging for transportation services for physically handicapped children who are non-ambulatory, the following additional requirements shall be met:

1. A ramp device or a hydraulic lift shall be provided with a lift minimum pay load of 600 pounds;

2. Wheelchairs shall be securely fastened and face forward;

3. The arrangements of the wheelchairs shall not impede access to the emergency or exit door;

4. If a ramp device is installed, it shall:

i. Have a non-skid surface;

ii. Be securely stored and protected from the elements when not in use; and

iii. Have at least three feet of length for each foot of incline;

5. Seat belts or other restraints approved by DMV shall be installed for each passenger, including those seated in wheelchairs; and

6. Any aisle leading from a wheelchair position to the emergency exit door shall be a minimum width of 30 inches.

10:122-9.9 Special requirements to prevent child abuse and/or neglect

(a) For early childhood programs, the following shall apply:

1. When seven or more children who are 2½ years of age or older are being transported, there shall be one adult in addition to the driver who remains in the vehicle when it is in motion, and who remains within sight of the vehicle when it has stopped to accept or discharge children, from the time the first child is picked up until the last child has reached his or her destination.

2. When between four and 12 children who are below 2½ years of age are being transported, there shall be one adult in addition to the driver who remains in the vehicle when it is in motion, and who remains within sight of the vehicle when it has stopped to accept or discharge children, from the time the first child is picked up until the last child has reached his or her destination.

3. When 13 or more children who are below 2½ years of age are being transported, there shall be two adults in addition to the driver who remain in the vehicle when it is in motion, and who remain within sight of the vehicle when it has stopped to accept or discharge children, until fewer than 13 children remain, at which time one adult in addition to the driver shall remain until the last child has reached his or her destination.

CORRECTIONS

(a)

THE COMMISSIONER

Inmate Discipline

Inmate Prohibited Act; Misuse of Electronic Equipment and/or Computer and/or Related Device(s) and Peripheral(s)

Schedule of Sanctions for Prohibited Acts

Adopted Amendments: N.J.A.C. 10A:4-4.1, 5.1, 5.2 and 5.3

Proposed: March 21, 1994 at 26 N.J.R. 1286(a).
Adopted: April 22, 1994 by William H. Fauver, Commissioner, Department of Corrections.
Filed: April 25, 1994 as R.1994 d.254, **without change.**

Authority: N.J.S.A. 30:1B-6 and 30:1B-10.

Effective Date: May 16, 1994.
Expiration Date: May 7, 1996.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the adoption follows:

10A:4-4.1 Prohibited acts

(a) An inmate who commits one or more of the following numbered prohibited acts shall be subject to disciplinary action and a sanction that is imposed by a Disciplinary Hearing Officer or Adjustment Committee. Prohibited acts preceded by an asterisk are considered the most serious and result in the most severe sanctions (See N.J.A.C. 10A:4-5, Schedule Of Sanctions For Prohibited Acts).

*.001-.008 (No change.)

.009 Misuse of electronic equipment and/or computer(s) and/or related device(s) and peripheral(s).

.050-.803. (No change.)

(b) (No change.)

10A:4-5.1 Schedule of sanctions for prohibited acts committed at the Prison Complex, Adult Diagnostic and Treatment Center (ADTC) and Edna Mahan Correctional Facility for Women (EMCF)

(a)-(b) (No change.)

(c) In addition to the sanctions in (a) and (b) above, administrative action may be taken by the Institutional Classification Committee upon the recommendation of the Disciplinary Hearing Officer/Adjustment Committee or the Superintendent. Such administrative action shall include, but not be limited to, the following:

1.-5. (No change.)

6. Recommending loss of privileges such as contact visits for up to one year. Loss of visit privileges shall be imposed only for visit-related disciplinary infractions;

7. Disposal of an item(s) in accordance with the provisions of N.J.A.C. 10A:3-6.4(b)2, 3 and 4; and/or

8. (No change in text.)

10A:4-5.2 Schedule of sanctions for prohibited acts committed at the Youth Complex

(a)-(b) (No change.)

(c) In addition to the sanctions in (a) and (b) above, administrative action may be taken by the Institutional Classification Committee upon the recommendation of the Disciplinary Hearing Officer/Adjustment Committee or the Superintendent. Such administrative actions shall include, but not be limited to, the following:

1.-4. (No change.)

5. Increasing custody status;

6. Recommending loss of privileges such as contact visits for up to one year. Loss of visit privileges shall be imposed only for visit-related disciplinary infractions; and/or

7. Disposal of an item(s) in accordance with the provisions of N.J.A.C. 10A:3-6.4(b)2, 3 and 4.

10A:4-5.3 Schedule of sanctions for prohibited acts committed at the New Jersey Training School for Boys, the Juvenile Medium Security Unit and the Lloyd McCorkle Training School for Boys and Girls

(a)-(b) (No change.)

(c) In addition to the sanctions in (a) and (b) above, administrative action may be taken by the Institutional Classification Committee upon the recommendation of the Disciplinary Hearing Officer/Adjustment Committee or the Superintendent. Such administrative action shall include, but not be limited to, the following:

1.-4. (No change.)

5. Increasing custody status;

6. Recommended transfer to a more appropriate correctional facility (subject to confirmation by the Classification Committee or the Juvenile Reception Classification Committee); and/or

7. Disposal of an item(s) in accordance with the options set forth in N.J.A.C. 10A:3-6.4(b)2, 3 and 4.

(b)

THE COMMISSIONER

Public Information

Readoption with Amendments: N.J.A.C. 10A:19

Proposed: March 21, 1994 at 26 N.J.R. 1287(b).
Adopted: April 22, 1994 by William H. Fauver, Commissioner, Department of Corrections.
Filed: April 25, 1994 as R.1994 d.255, **without change.**

Authority: N.J.S.A. 30:1B-6 and 30:1B-10.

Effective Date: Readoption, April 25, 1994;
Amendments, May 16, 1994.
Expiration Date: April 25, 1999.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the readoption can be found in the New Jersey Administrative Code at N.J.A.C. 10A:19.

Full text of the adopted amendments follows:

10A:19-1.3 Definitions

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

"Free-lancer" means an individual who is not under contract with a news service or publication and whose writings and/or services regarding the Department of Corrections are scheduled to be published or broadcast by a news service or publication as verified by the Office of Public Information.

"News media representative" means an individual with valid press credentials who provides any means of communication to the public.

Recodify existing N.J.A.C. 10A:19-1.3 as 10A:19-1.4 (No change in text.)

10A:19-2.2 Responsibilities of the Director of Communications

(a) The Office of Public Information, New Jersey Department of Corrections, is managed by the Director of Communications who shall be responsible for:

1.-5. (No change.)

6. Arranging for news media representative(s) and/or free-lancer(s) interviews with personnel and inmates within the Department of Corrections.

10A:19-2.3 Release of information

(a) (No change.)

(b) To ensure compliance with (a) above, employees of the Department of Corrections shall not impart information to news media representatives, free-lancers or other persons not officially connected with a correctional facility or the Department of Corrections without prior authorization from the Office of Public Information except as provided in N.J.A.C. 10A:22. This section shall not restrict the right of employees to comment on public policy or other issues of public concern in a manner which will not interfere with the security or orderly operation of a correctional facility, or result in a breach of necessary confidentiality.

(c) (No change.)

10A:19-2.6 News media representative and/or free-lancer contacts

All news media representatives and/or free-lancers inquiries shall be processed in the Office of Public Information, New Jersey Department of Corrections, in accordance with N.J.A.C. 10A:19-3, News Media Representative and/or Free-Lancer Contacts With Correctional Facilities and Inmates.

SUBCHAPTER 3. NEWS MEDIA REPRESENTATIVE AND/OR FREE-LANCER CONTACTS WITH CORRECTIONAL FACILITIES AND INMATES

10A:19-3.1 Interviewing and photographing adult inmates by news media representatives and/or free-lancers

(a) An inmate age 18 or over with the New Jersey Department of Corrections may be photographed, interviewed, recorded, filmed and/or videotaped by news media representatives and/or free-lancers:

1.-3. (No change.)

(b) In the event an inmate does not have sufficient mental capacity to understand the nature and implication of being photographed, interviewed, recorded, filmed and/or videotaped by news media representatives and/or free-lancers, the written consent of the inmate's guardian shall be required.

10A:19-3.2 Interviewing and photographing juvenile inmates by news media representatives and/or free-lancers

An inmate under the age of 18 within the New Jersey Department of Corrections may be photographed, interviewed, recorded, filmed and/or videotaped by news media representatives and/or free-lancers only when a parent or guardian indicates his or her approval by signing Form 283-III JUVENILE CONSENT.

10A:19-3.3 Requests by news media representatives and free-lancers

(a) All requests by news media representatives and free-lancers to photograph, interview, record, film and/or videotape an inmate(s) shall be submitted in writing, in person, or by telephone to the Office of Public Information, New Jersey Department of Corrections for review.

(b) The office of Public Information shall verify the affiliation of each news media representative or free-lancer.

(c) A free-lancer must have his or her publisher or company submit a statement to the Office of Public Information which indicates that the product of the free-lancer will be published or broadcasted.

10A:19-3.4 Decision on news media representative and/or free-lancer requests

(a) The Office of Public Information, New Jersey Department of Corrections, shall approve or disapprove all requests by news media representatives and/or free-lancers to photograph, interview, record, film and/or videotape an inmate(s) and shall notify the Superintendent of the correctional facility of the decision by telephone.

(b) The Superintendent of the correctional facility may override the Office of Public Information's approval to news media representatives and/or free-lancers when the Superintendent determines that the interests of security and/or the orderly operations of the correctional facility would be disrupted by the news media representatives' and/or free-lancers' activity.

(c) Inmate contact visits with news media representatives and/or free-lancers may be restricted or prohibited when, in the judgement of the correctional facility Superintendent or his or her designee, the inmate's actions may interfere with security concerns or the orderly running of the correctional facility. In those cases in which contact visits have been denied, every effort will be made to provide a non-contact visit consistent with the orderly operation of the correctional facility.

10A:19-3.5 Inmate consent

(a) When a request by the news media representative and/or free-lancer to photograph, interview, record, film and/or videotape an inmate(s) has been approved by the Office of Public Information and the Superintendent of the correctional facility, a staff member designated by the Superintendent shall provide the inmate with Form 283-I INMATE CONSENT for the inmate's review.

(b) The inmate shall indicate his or her approval of the news media representative and/or free-lancer request by signing Form 283-I INMATE CONSENT in the presence of the staff member.

(c) (No change.)

10A:19-3.6 Notification of news media representative and/or free-lancer

The office of Public Information, New Jersey Department of Corrections, shall notify the news media representative and/or free-lancer, by telephone, of the final decision to approve or disapprove the request to photograph, interview, record, film and/or videotape an inmate(s).

10A:19-3.7 News media and/or free-lancer agreement

(a) Upon arrival at the correctional facility, the news media representative and/or free-lancer shall present valid press credentials or other identification approved by the Office of Public Information, New Jersey Department of Corrections, and complete and sign Form 283-II NEWS MEDIA AGREEMENT.

(b) Photographing, interviewing, recording, filming or videotaping of an inmate by any news media representative and/or free-lancer shall not be permitted to take place prior to the signing of Form 283-II NEWS MEDIA AGREEMENT and the completion of Form 283-I INMATE CONSENT.

(c) The original of Forms 283-I and 283-II shall be retained by the correctional facility. A copy of these forms shall be given to the news media representative and/or free-lancer, and a copy shall be forwarded to the Office of Public Information, Department of Corrections.

LABOR

(a)

UNEMPLOYMENT AND TEMPORARY DISABILITY INSURANCE

Temporary Disability Benefits

Adopted Amendments: N.J.A.C. 12:18

Proposed: March 21, 1994 at 26 N.J.R. 1326(a).
Adopted: May 16, 1994 by Peter J. Calderone, Acting Commissioner, Department of Labor.
Filed: April 25, 1994 as R.1994 d.241, **with a substantive change** not requiring additional public notice and comment (see N.J.A.C. 1:30-4.3).

Authority: N.J.S.A. 43:21-25 et seq.

Effective Date: May 16, 1994.
Expiration Date: March 5, 1998.

If you need this document in braille, large print or audio cassette, contact the Office of Work and Disability at (609) 777-1727 or NJ Relay (TTY) 1-800-852-7899.

Summary of Public Comments and Agency Responses:
No comments received.

Summary of Hearing Officer Recommendations and Agency Responses:

A public hearing on the proposal was held on April 15, 1994, with Deirdré Webster serving as hearing officer. No one commented at the hearing, and no recommendations were made by the hearing officer. The hearing record may be reviewed by contacting Deirdré Webster, Esq., Administrative Practice Officer, Department of Labor, CN 110, Trenton, NJ 08625-0110.

Summary of Agency-Initiated Change:

N.J.A.C. 12:18-3.1(g) has been changed upon adoption to clarify that a determination that an increase or decrease in the examination fee maximum is necessary or appropriate to be cost effective and supply a sufficient pool of examiners would be made by the Commissioner pursuant to a fee schedule issued by the Commissioner. The fee schedule will be maintained and made available to the public by the Department of Labor and the OAL.

Full text of the adoption follows (additions to proposal indicated in boldface with asterisks ***thus***; deletions from proposal shown in brackets with asterisks *[thus]*):

12:18-1.1 Definitions

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

. . .

"Claimant" means an individual who has filed a claim for disability benefits or who has notified the Division or the employer, nominee, designee, trustee, union, association of employees, insurer or organization paying benefits under a private plan that he or she expects to file such a claim.

"Claimant's authorized representative" means an individual who represents or acts in behalf of a claimant who is incapable of fulfilling the requirements of filing claims for disability benefits, and who is so authorized by a power of attorney or other authorization satisfactory to the Division. Such authorized representative must file with the Division, on a form prescribed by the Director, a duly sworn affidavit that the claimant is incapable of making a claim for disability benefits and that he or she assumes the responsibility of acting in behalf of such claimant in accordance with the Act and this Chapter. Such filing must be supported by medical documentation of incapacity.

"Commissioner" means the Commissioner of Labor.

"Director" means the Director of the Division of Unemployment and Temporary Disability Insurance in the Department of Labor.

. . .

"Employee" means a covered individual as defined in N.J.S.A. 43:21-27(b). With respect to any one employer the term shall mean such a covered individual who is in employment, as defined by the Unemployment Compensation Law and Regulations promulgated thereunder, for which he or she is entitled to remuneration from such employer or who has been out of such employment for less than two weeks and has not become employed by another employer, during such period.

. . .

12:18-2.2 Benefits

(a) An employee shall not be entitled to any benefits from the Fund with respect to any period of disability commencing while he or she is covered under a private plan.

(b) An employee shall not be paid any benefits for disability during unemployment (N.J.S.A. 43:21-3, 4) for any period of disability commencing while he or she is a "covered individual" as defined in N.J.S.A. 43:21-27(b).

(c)-(d) (No change.)

(e) If an employee is paid benefits under a private plan, the amount of such benefits shall not be deducted from the amount of benefits to which he or she may be entitled under the State plan, or under N.J.S.A. 43:21-3 and N.J.S.A. 43:21-4 as an unemployed claimant, for a subsequent period of disability. If an employee is paid benefits under the State plan, the amount of such benefits shall not be deducted from the amount of benefits to which he or she may be entitled under a private plan, or under N.J.S.A. 43:21-3 and N.J.S.A. 43:21-4 as an unemployed claimant for a subsequent period of disability.

(f) If the benefits claimed by an employee or his or her authorized representative under a private plan are denied, such denial shall be by a written notice to the employee or his or her authorized representative, giving the reason therefor and stating the employee's rights to a hearing in accordance with the Act. Upon the issuance of such notice, the Division shall be immediately furnished with a copy of the claim and the notice of denial, or facsimiles thereof.

(g)-(h) (No change.)

12:18-2.4 Choice of doctor

An employee covered under a private plan shall have the right to choose his or her own attending licensed physician, dentist, chiropractor, podiatrist, practicing psychologist or optometrist, but he or she may be required to submit, not more often than once a week, to an examination by a licensed physician, dentist, chiropractor, podiatrist, practicing psychologist or optometrist designated by the employer, insurer or organization paying benefits.

12:18-2.6 Appeals

(a) If the claim of any employee under a private plan is denied, in whole or in part, by an employer, insurer or organization paying benefits or, if he or she shall be unable to agree with the employer, insurer or organization paying benefits as to benefits thereunder, such claimant may appeal from such determination or denial.

(b)-(c) (No change.)

12:18-2.8 Application for approval

(a) An employer desiring to establish a private plan for the payment of benefits to employees, shall file an application on a form and in a manner prescribed by the Director. In requesting the form, the employer shall inform the Division whether the benefits will be provided by a contract of insurance, or by an agreement between the employer and a union or association representing the employees or by the employer as a self-insurer.

(b) If two or more employers desire to have their private plans insured by a single policy of insurance, either by mutual agreement or by agreement as set forth in subsection (a) of this Section, each shall file an application for approval on a form and in a manner prescribed by the Director, designating a nominee, designee, trustee or one of them as the duly authorized agent for the purposes of this Act.

12:18-2.9 Minimum plan requirements

(a) Each private plan, in order to secure Division approval, shall provide to the employees covered thereby rights equal at least to

those set forth in N.J.S.A. 43:21-37 to 43:21-42 inclusive, by assuring that:

1. (No change.)

2. The private plan does not impose restrictions on, or provide exclusion from eligibility for benefits in respect to any employee covered thereunder, in such manner as to deny benefits which would be payable to the employee under the State plan, but for his or her inclusion in the private plan.

3. Except as provided for in N.J.A.C. 12:18-2.10 (Concurrent coverage) of this chapter, the benefits payable to each employee covered thereunder shall be at least equal, in both weekly amount and duration, to those which would be payable to the employee under the State plan, but for his or her inclusion in the private plan.

12:18-2.10 Concurrent coverage

(a) (No change.)

(b) For the purposes of this section with respect to periods of disability commencing on or after January 1, 1953, a covered individual is deemed to be in "concurrent employment" if he or she is in employment with two or more employers during some part of the last calendar day he or she was in employment preceding the commencement of a period of disability. The term "concurrent employers" is deemed to mean the covered employers with whom such individual was in employment on such last day of employment.

(c) If an employee is in concurrent employment with two or more employers of whom only one has a private plan, under which such employee is covered, then the employee shall be eligible to receive, under such private plan, benefits not less than he or she would be eligible to receive if covered only under the State plan with respect to all employment, and no benefits shall be payable under the State plan for disability commencing while he or she is covered under such private plan.

(d) If an employee is in concurrent employment with two or more employers having private plans, under which such employee is covered, each such private plan shall pay not less than the full amount the employee would be eligible to receive if covered under the State plan, except that any such private plan may take into account coverage under other private plans on the following basis: the benefits payable under such private plans to such employee may be apportioned among the plans in the same proportion that such employee earned wages from such concurrent employers during the eight calendar weeks immediately prior to the commencement of his or her disability but in no event shall the employee receive less than the benefits to which he or she would be entitled under the most favorable plan, both as to weekly amount and duration.

12:18-2.11 Employee consent

If employees are required to contribute to the cost of a private plan, the employer shall submit, in writing, to the employees a brief summary of the provisions of the plan, including the weekly benefit rate, the maximum amount and duration of benefits and the contributions required from the employees with respect to the benefits to be provided thereby. A majority of the employees to be covered must agree by written election (by ballot or otherwise) to the establishment of the plan which shall include the worker's contribution required. Evidence of their consent shall be shown on the application for approval.

12:18-2.13 Certificate of Approval; effective date

(a) (No change.)

(b) Each such private plan shall be submitted in detail to the Division of Unemployment and Temporary Disability Insurance and shall be approved by the Division to take effect as of the first day of the calendar quarter next following the submission date, or as of an earlier date if requested by the employer and approved by the Division. Grounds for approval of an earlier effective date include, but are not limited to, whether the plan:

1.-3. (No change.)

12:18-2.14 Withdrawal of certificate of approval

(a) A certificate may be withdrawn or revoked upon notice and opportunity for hearing if the Division finds:

1.-5. (No change.)

6. That the employer, his or her duly authorized agent, the union or association representing the employees or any person acting in behalf of any of the foregoing are deriving a profit in instituting or administering the plan; or

7.-8. (No change.)

(b) A certificate of approval may be withdrawn or revoked effective as of the date of the occurrence of the condition, violation, event or omission forming the basis for such withdrawal or revocation, or at any subsequent date which in the judgment of the Director or his or her authorized representative, shall be necessary for the protection of the benefit rights of the employees covered by the plan. The Division shall give the employer, the insurer or organization paying benefits, and all interested parties notice of revocation or withdrawal of the certificate of approval and an opportunity for a hearing.

12:18-2.25 Security exemption

(a) Exemption from the requirement of N.J.A.C. 12:18-2.24, Security required, shall be granted to any employer who:

1. Is exempt from insuring the employer's workers' compensation liability, as provided by law; or

2. Satisfies the Division as to the employer's financial responsibility to pay the benefits provided by the employer's plan by furnishing a complete, current financial statement and such other proof as may be acceptable to the Division. An annual review of the financial responsibility will be made.

12:18-2.26 Disposition of security upon termination

(a) The security provided for in this subchapter should be applied by the Division to the payment of any unpaid obligations under the private plan. Upon termination of a private plan, which does not provide for the assumption by an admitted insurer of the liability to pay benefits, or upon withdrawal of approval of such private plan, the Division shall retain the security deposited, for the purpose of securing the payment of the obligations of the private plan. Upon the expiration of all benefit claims outstanding after the lapse of five complete calendar quarters following the effective date of termination or withdrawal of approval, the Division shall make a final assessment of the charges against the employer as provided in the Act and these regulations.

(b) If the amount of such assessment is not paid within 30 days after the date of notice thereof, the Division may collect the amount of the assessment out of the security on deposit, or may call upon the surety insurer for payment. Any security thereafter remaining shall be returned to the employer or the employer's legal representative or assignee, or the surety insurer paying the amount of such assessment shall be discharged of its obligation under the bond.

(c) (No change.)

12:18-2.27 Exchange of information

(a)-(b) (No change.)

(c) When requesting such information, such payer shall furnish the Division with the following information:

1.-2. (No change.)

3. The names and addresses of such other employers, from whom the employee alleges to have earned wages immediately preceding his or her disability, as may be necessary to determine all wages earned in the required eight base weeks;

4. (No change.)

(d) If the private plan of an employer provides as a condition of eligibility for benefits with respect to a period of disability commencing on or after January 1, 1953, that an otherwise eligible employee shall have established at least 20 or a lesser number of base weeks within the 52 calendar weeks preceding the week in which his or her period of disability commenced and the employee has not established such base weeks from his or her employment with the employer, then the insurer which has undertaken to pay the benefits provided by the plan shall request the Division to provide such payer with a statement of the number of base weeks in the employee's base year. When requesting such information, such payer shall furnish the Division with the following information:

1.-2. (No change.)

3. The names and addresses of such other employers, from whom the employee alleges to have earned weekly wages of not less than 20 percent of the Statewide average weekly wage immediately preceding his or her disability, as may be necessary to determine the required number of base weeks;

4. The number of calendar weeks in the 52 calendar weeks immediately preceding the calendar week in which the period of disability commenced, during which the employee earned not less than 20 percent of the Statewide average weekly wage from the employer.

(e) If the private plan of an employer provides, with respect to periods of disability commencing before January 1, 1968, that the maximum total benefits payable to any eligible employee in any 12-month period may be computed as an amount equal to ¾ of the employee's base weeks occurring in the 52 consecutive calendar weeks immediately preceding the calendar week in which the period of disability commenced multiplied by the employee's weekly benefit amount and it appears that such provision will be applicable with respect to any period of disability because the employee has not established a sufficient number of base weeks from his or her employment with the employer to provide total benefits at least equal to 26 times his or her weekly benefit amount, then the insurer which has undertaken to pay the benefits provided by the plan shall request the Division to provide such payer with a statement of the number of base weeks in the employee's base year. When requesting such information, such payer shall furnish the Division with the following information:

1.-2. (No change.)

3. The names and addresses of such other employers, from whom the employee alleges to have earned weekly wages of not less than 20 percent of the Statewide average weekly wage immediately preceding his or her disability, as may be necessary to determine the required number of base weeks;

4. The number of calendar weeks in the 52 consecutive calendar weeks immediately preceding the calendar week in which the period of disability commenced, during which the employee earned not less than 20 percent of the Statewide average weekly wage from the employer.

(f) If the private plan of an employer provides, with respect to periods of disability commencing on or after January 1, 1968, that the maximum total benefits payable to any eligible employee may be computed as an amount equal to 26 times the weekly benefit rate or ⅓ of his or her wages in his or her base year whichever is lesser, and it appears that such provision will be applicable with respect to any period of disability because wages earned with prior employers in the base year are lacking, then the insurer shall request the Division to provide a statement of the total wages in the employee's base year. When requesting such information, such insurer shall furnish the Division with the following information:

1.-4. (No change.)

12:18-2.28 Notice from employers

Within seven days after the mailing of a request for information with respect to a period of disability commencing on or after January 1, 1953, each employer having a private plan shall furnish the Division with any information requested or known to the employer which may bear upon the eligibility of the claimant.

12:18-2.29 Reports by self-insurers

(a) On or before the 30th day following the close of each calendar quarter during which a self-insured private plan is in effect, each employer shall, on a form prescribed by the Division, file a statement showing:

1.-3. (No change.)

4. Such other information as the Division may require with respect to the financial ability of the self-insurer to meet the self-insured's obligations under the plan.

(b) (No change.)

12:18-2.40 Time of filing

Any complaint shall be deemed filed on the day it is delivered to the office of the Disability Insurance Service, Labor Building, CN 957, John Fitch Plaza, Trenton, New Jersey 08625-0957, or if mailed, the complaint shall be deemed filed on the postmarked date appearing on the envelope in which the complaint is mailed; provided, postage is prepaid and the envelope is properly addressed.

12:18-2.42 Notice of formal hearing

(a) (No change.)

(b) Written notices of the time and place of any hearing shall be given to the claimant and employer, or their authorized representatives, insurer or organization paying benefits, and all other parties in interest at least five days before the date of hearing but a shorter notice may be given if not prejudicial to the parties.

(c) (No change.)

(d) A notice of hearing may be served personally or by certified or registered mail or by telegram upon a party or his or her duly authorized representative.

12:18-2.43 Conduct of hearings

(a)-(c) (No change.)

(d) Any claimant or employer may represent himself or herself or be represented by an attorney or non-attorney pursuant to N.J.S.A. 43:21-17.

(e) Any individual who is a party, or any attorney or non-attorney representing a party, may examine or cross-examine witnesses, inspect documents and explain or rebut any evidence. The hearing officer may examine each party or witness to such extent as he or she deems necessary.

(f)-(g) (No change.)

(h) The hearing officer may take additional evidence if he or she deems it necessary, provided the parties shall be given proper notice of the time and place of hearing.

(i) (No change.)

12:18-2.45 Rendition of decision

(a) Upon the completion of any hearing, the hearing officer shall promptly make a determination of facts, and a signed written order disposing of the issues presented, which shall be final and binding on the claimant, the employer, the insurer, the organization paying benefits and all other parties. The decision shall set forth a statement of the facts involved, the reasons and the order.

(b) A copy of such order shall be served upon each of the parties or their duly authorized representatives by registered mail, addressed to his or her last known address.

(c) The order of the hearing officer shall be final and benefits paid or denied in accordance with the order.

(d) Any appeal of the order shall be in accordance with the Rules of Court.

12:18-2.46 Correction of determination

On application duly made or on his or her own motion, the hearing officer may revise a determination of facts and the order, for the purpose of correcting clerical or typographical errors.

12:18-2.47 Inspection of records

(a) Orders for the production or inspection of the records of the Division may be issued in any proceeding before the hearing officer, but only to the extent necessary for the purpose of the proceeding and to enable any party to the proceeding to fully discharge his or her obligation or safeguard his or her rights under the Act.

(b) (No change.)

12:18-2.48 Issuance of subpoenas

(a)-(b) (No change.)

(c) Witness fees at the rate of $1.00 for each day of attendance upon a hearing in response to a subpoena to testify and mileage at the rate of $0.25 per mile from the residence of the witness to the place of hearing and return, shall be paid upon presentation of a voucher signed by the individual entitled thereto and properly certified by the hearing officer before whom the individual appeared as a witness.

(d) Witness fees at the rate of $2.00 for each day of attendance upon a hearing in response to a subpoena *duces tecum* and mileage at the rate of $0.25 per mile from the residence of the witness to the place of hearing and return, shall be paid upon presentation

of a voucher signed by the individual entitled thereto and properly certified by the hearing officer before whom the individual appeared as a witness.

12:18-3.1 Extent of coverage

(a) A claimant shall not be entitled to any benefits from the Fund with respect to any period of disability commencing while he or she is covered under a private plan.

(b) A claimant shall not be paid any benefits under N.J.S.A. 43:21-3 and N.J.S.A. 43:21-4 for any period of disability commencing while he or she is a "covered individual" as defined in N.J.S.A. 43:21-27(b).

(c) An individual who is covered by a private plan or is separated from his or her employment for a period of two weeks or more immediately prior to disability shall not be entitled to any benefits under the State plan.

(d) (No change.)

(e) If a claimant is paid benefits under the State plan, the amount of such benefits shall not be deducted from the amount of benefits to which he or she may be entitled for a subsequent period of disability under a private plan, or for disability during unemployment (N.J.S.A. 43:21-3, 4). If a claimant is paid benefits under a private plan, the amount of such benefits shall not be deducted from the amount of benefits to which he or she may be entitled for a subsequent period of disability under the State plan, or for disability during unemployment (N.J.S.A. 43:21-3, 4).

(f) If a claimant shall refuse to submit to a physical examination by a licensed physician, dentist, podiatrist, chiropractor, practicing psychologist, public health nurse or optometrist designated by the Commissioner of Labor or his or her designee, the claimant shall be disqualified from receiving all benefits for the period of disability in question, except as to benefits already paid.

(g) If a physical examination of a claimant is required, the Commissioner of Labor or his or her designee shall authorize such examination to be made by a licensed physician, dentist, podiatrist, chiropractor, practicing psychologist, public health nurse or optometrist. Upon submission of a written report of the examination to the Department of Labor, a fee not exceeding $75.00 for each such examination shall be paid to the examining physician, dentist, podiatrist, chiropractor, practicing psychologist, public health nurse or optometrist, which fee shall be charged to the administration account. Upon recommendation of the Director and upon a finding that an increase or decrease in this fee is necessary or appropriate to be cost effective and supply a sufficient pool of examiners, the Commissioner may increase or decrease the fee ***pursuant to a schedule issued by the Commissioner*** on a Statewide or county basis for one or more of these groups of examiners. In cases requiring the services of a specialist, or in cases requiring clinical tests supporting a diagnosis, the Commissioner or his or her designee shall, in his or her discretion, authorize such services or tests, the fees to be fixed in advance, not to exceed the fees professionally established for such services or tests by the appropriate state or county organization, whichever is the lesser.

12:18-3.2 Notice and proof of disability

(a) A written notice of disability on which claim for benefits under the State plan is based, shall, within 30 days after the commencement of the period of disability, be furnished to the Division by or on behalf of the person claiming benefits. The notice need not be on any prescribed form but shall state claimant's full name, address and social security number, as well as the date on which claimant was too sick (or disabled) to work. The filing of Form DS-1 (Proof and Claim for Disability Benefits) accompanied by the certification of the attending licensed physician, dentist, podiatrist, chiropractor, practicing psychologist or optometrist as required hereinafter, shall constitute notice of disability.

(b) Proof of disability on which a claim for benefits under the State plan is based shall be furnished by any claimant who expects to be or has been totally unable to perform the duties of his or her employment for a period of eight or more consecutive days and is under the care of a licensed physician, dentist, podiatrist, chiropractor, practicing psychologist or optometrist. A claimant's authorized representative may furnish the proof of disability and file a claim for benefits on behalf of the claimant. The proof and claim accompanied by a certification of the attending licensed physician, dentist, podiatrist, chiropractor, practicing psychologist, or optometrist, shall be furnished to the Division, on Form DS-1 (Proof and Claim for Disability Benefits) not later than 30 days after the commencement of the period of disability for which benefits are claimed. A "Supplemental Proof and Claim for Disability Benefits" form shall be filed as proof of continued disability, when requested by the Division.

(c) (No change.)

12:18-3.3 Filing of claims for benefits

(a) (No change.)

(b) Disability benefits shall be payable to any claimant while outside of this State, provided he or she complies with the Act and this Subchapter. In such case, the attending physician, dentist, chiropractor, podiatrist, practicing psychologist or optometrist shall be licensed under the laws applicable to the place where the claimant is receiving treatment.

12:18-3.4 Reduction of benefits

(a) The amount of benefits otherwise payable to a claimant under the State plan for any week of disability, or part thereof, shall be reduced by the amount paid concurrently under any governmental or private retirement, pension or permanent disability benefit or allowance program to which his or her most recent employing unit contributed on his or her behalf. If such latter benefits are being paid on a monthly basis, the amount thereof to be deducted for each day of disability shall be determined as 1/30 of such monthly amount, multiplied by seven, and the amount (disregarding any fractional part of a dollar) shall be subtracted from the weekly benefit rate. If such latter benefits are being paid on a weekly basis, the amount thereof to be deducted for each day of disability shall be determined as 1/7 of the weekly amount multiplied by the number of days of disability during that week and that amount (disregarding any fractional part of a dollar) shall be subtracted from the weekly benefit rate.

(b) (No change.)

12:18-3.5 Concurrent coverage

(a) For the purposes of this subchapter with respect to periods of disability commencing on or after January 1, 1953, a covered individual is deemed to be in "concurrent employment" if he or she is in employment with two or more employers during some part of the last calendar day he or she was in employment preceding the commencement of a period of disability. The term "concurrent employers" is deemed to mean the covered employers with whom such individual was in employment on such last day of employment.

(b) With respect to a covered individual in concurrent employment, his or her concurrent employers contributing to the State Disability Benefits Fund on his or her behalf shall be deemed to be his or her "most recent covered employer" for the purpose of computing his or her average weekly wage as defined in Section 3 of the Temporary Disability Benefits Law (N.J.S.A. 43:21-27). Such employees shall be entitled to receive benefits under the State plan computed on the basis of his or her total wages earned from all such employers during the base weeks in the eight calendar weeks immediately preceding the calendar week in which disability commenced.

(c) The benefits paid for any period of disability under the State plan to a covered individual who is in concurrent employment shall be charged to the accounts of such individual's concurrent employers in the same proportion that such individual earned wages from such concurrent employers during the base weeks in the 52 calendar weeks immediately preceding the commencement of his or her disability.

12:18-3.6 Notice to claimant and employer

(a) A claimant shall be given written notice of any decision on his or her claim and of the reason for any denial of his or her claim.

(b) If the "Employer's Statement" on Form DS-1 has not been completed by an employer or his or her representative, a request

for information shall be mailed or delivered to the employer or employers by whom the claimant was employed at the commencement of the disability or by whom he or she was last employed if out of employment less than two weeks.

(c) A copy of the decision of eligibility of the claimant stating his or her weekly benefit rate and the probable duration for which benefits will be paid, shall be mailed or delivered to the employer or employers by whom such claimant was employed at the commencement of the disability or by whom he or she was last employed if out of employment less than two weeks. A notice of each payment of benefits shall be given to such employer or employers.

12:18-3.7 Notice required from employers

(a) Within seven days after the mailing of a request for information with respect to a period of disability commencing on or after January 1, 1953, an employer shall furnish the Division with any information requested or known to him or her which may bear upon the eligibility of the claimant.

(b) If any employer or employing unit fails to respond to the request for information within seven days after the mailing of such request, the Chief of State Plan Disability Benefits shall rely entirely on information from other sources, including an affidavit to the best of the knowledge and belief of the claimant with respect to his or her wages and time worked. Except in the event of fraud, if it is determined that any information in such affidavit is erroneous, no penalty shall be imposed on the claimant.

(c) The employer, within two working days after receipt of the decision of eligibility, shall furnish the Division with any information known to him or her bearing upon the eligibility of the claimant or duration of payments to be made.

(d) If after receipt of a decision of eligibility an employer acquires information which may render the claimant ineligible for benefits or reduce the rate or amount of benefits, such employer shall immediately forward the information to the Division.

(e) Whenever a decision of eligibility with respect to a period of disability commencing after December 31, 1952 is based upon information other than that supplied by an employer because such employer failed to respond to a request for information, such decision of eligibility and any subsequent determination thereunder shall be incontestable by the non-complying employer, as to any charges to his or her employer's account under N.J.S.A. 43:21-7(e) because of benefits paid prior to the close of the calendar week following the receipt of his or her reply. Such decision of eligibility shall be altered if necessary upon receipt of information from the employer, and any benefits paid or payable with respect to weeks or parts thereof occurring subsequent to the close of the calendar week following the receipt of the employer's reply shall be paid in accordance with such altered decision of eligibility.

12:18-3.8 Filing of appeals by claimants or employers

Unless the claimant or the employer, within seven calendar days after the delivery of a decision or notification thereof, or within ten calendar days after such notification was mailed to his or her last known address, files an appeal from such decision, it shall be final and benefits shall be paid or denied in accordance therewith, except for such decisions or determinations as may be altered as provided in Section 3.7 (Notice required from employers) of this Chapter.

12:18-3.9 Rules on appeal

The rules of the Board of Review shall govern appeals in disability benefit cases under the State plan. See appeal rules at N.J.A.C. 12:20-4.

LAW AND PUBLIC SAFETY

(a)

DIVISION OF MOTOR VEHICLES

Executive and Administrative Service

Insurance Verification

Adopted Amendments: N.J.A.C. 13:18-6.1 and 6.2

Proposed: September 7, 1993 at 25 N.J.R. 3925(b).

Adopted: April 11, 1994 by Stratton C. Lee, Jr., Director, Division of Motor Vehicles, after consultation with Drew Karpinski, Sr., Acting Commissioner, Department of Insurance.

Filed: April 25, 1994 as R.1994 d.252, **with substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-4.3).

Authority: N.J.S.A. 17:33B-41, 39:3-4e and 39:6B-1 et seq.

Effective Date: May 16, 1994.

Expiration Date: March 30, 1995.

Summary of Changes Upon Adoption:

N.J.A.C. 13:18-6.1 has been changed in that a definition of the term "nonfleet" has been added for clarification regarding the type of automobile insurance policy for which commercial lines insurers are required to submit cancellation and issuance information to the Director.

N.J.A.C. 13:18-6.2(a) and (b) have been changed to include references to "nonfleet" private passenger automobile insurance policies and "nonfleet" private passenger automobiles where appropriate to delineate the type of policy for which commercial lines insurers are required to submit cancellation and issuance information to the Director.

N.J.A.C. 13:18-6.2(b) has also been changed in that the date upon which insurers shall be required to commence submitting monthly cancellation and new policy information to the Division has been changed from December 7, 1993 to September 7, 1994. This change to N.J.A.C. 13:18-6.2(b) has been made by the Division in response to the request of several commenters who expressed their opinion that it would be extremely difficult, if not impossible, for them to be able to comply with the reporting schedule set forth in the proposal. The Division believes the change to a September 7, 1994 reporting date to be warranted in that insurers will be afforded additional time in which to comply with the requirements imposed by these rules.

Summary of Public Comments and Agency Responses:

Opportunity to be heard with regard to the proposal was invited via notice published in the September 7, 1993 New Jersey Register. A media advisory was also prepared by the Division of Motor Vehicles with regard to the proposal. By letter dated September 21, 1993, the Division of Motor Vehicles also sent a copy of the proposal together with a copy of the current regulation to each insurance company authorized to write auto insurance in the State of New Jersey, advising each that the deadline for submitting comments to the Division regarding the proposal was October 7, 1993.

Ten commenters forwarded comments to the Division of Motor Vehicles regarding the proposal prior to the close of the comment period. These commenters were: Allstate Insurance Company; American Insurance Association; Chubb & Son, Inc.; Farm Family Insurance Companies; Fireman's Fund Insurance Company; Liberty Mutual Insurance Company; Motor Club of America Insurance Companies; New Jersey Manufacturers Insurance Company; Selective Insurance; and The Harleysville Insurance Companies. The comments are available for inspection at the Office of the Director, Division of Motor Vehicles, 225 East State Street, 9th Floor, Trenton, New Jersey 08666.

The comments touched upon numerous points which are summarized below, together with the Division's responses.

COMMENT: Several commenters requested a delay in the implementation of the program as specified in the proposed amendments to N.J.A.C. 13:18-6. They stated that insurers do not record the detailed information concerning private passenger automobiles insured on commercial policies as they do for private passenger automobiles insured on personal lines policies. They argued that extending the insurance

verification program to private passenger automobiles insured on commercial lines policies would require the assimilation of information which, for the most part, is not captured on their data systems.

RESPONSE: The Division recognizes the potential difficulty of insurers being able to adjust their systems to collect and produce the information required within a short timeframe. The Division has balanced these concerns against the public need for identifying and reducing the number of uninsured motorists. Therefore, the Division, after consultation with the Department of Insurance, has extended the implementation date from December 7, 1993 to September 7, 1994. N.J.A.C. 13:18-6.2(b) will be amended accordingly.

The Division believes that the revised date represents a reasonable timeframe for insurance companies to comply with in that the vehicle identification number and driver license number of the primary driver of nonfleet vehicles that are required to be reported should already be maintained in the respective insurers' information systems. Insurers may, however, be required to assimilate driver license numbers if their information systems do not presently capture that data for private passenger automobiles insured on commercial lines policies. Therefore, the Division believes that the required programming can be done with reasonable effort within the adjusted timeframe.

Also, the Division believes that restriction of the program to nonfleet automobiles will substantially lessen the burden on insurers. Most insurers have driver's license numbers and vehicle identification numbers for nonfleet vehicles.

Companies that maintain a manual information system will be provided access to the Division's lotus program so that the required information can be reported back to the Division by disk.

COMMENT: One commenter requested clarification concerning light trucks that fall into the definition of an "automobile" and light trucks that may not fall into the definition of that term because they are not farm use vehicles.

RESPONSE: The term "automobile" is defined at N.J.S.A. 39:6A-2 as "a private passenger automobile of a private passenger or station wagon type . . .; a motor vehicle with a pickup body . . ., or a panel truck . . . not customarily used in the occupation, profession or business of the insured other than farming or ranching." This definition encompasses light truck type vehicles that engage in farm operations and light truck type vehicles that are used as private passenger vehicles. Family Farm may, therefore, submit insurance information on all nonfleet light trucks insured by them on commercial lines policies.

COMMENT: One commenter requested clarification concerning whether an insurer should submit two separate tapes for personal and commercial lines policies covering automobiles.

RESPONSE: Insurers are directed to submit one tape containing automobiles insured on both personal and commercial lines policies.

COMMENT: Several commenters questioned the use of the FAIR Act as authority for these rules, asserting that it was intended to apply only to personal lines insurance.

RESPONSE: Although many provisions of the FAIR Act made specific reforms to the personal private passenger automobile insurance market (for example, N.J.S.A. 17:33B-13 et seq. which mandates coverage for eligible persons in the voluntary market), many of the FAIR Act's provisions are applicable as well to insurance on private passenger automobiles insured by commercial lines policies. For example, the amendments to statutes regarding personal injury protection coverage, the medical fee schedule and requirement for fraud and theft prevention/detection plans apply as well to commercial lines policies and insurers. The Division believes that N.J.S.A. 17:33B-41 is one of the provisions of broader applicability noting specifically that this statute was not limited to policies insuring private passenger automobiles, but references policies of "motor vehicle liability insurance." The Division further notes that, under prior law, commercial lines insurers were obligated to file reports of policy cancellations with the Division. For the reasons stated in the Summary to the proposed rules, the Division believes these rules implement the FAIR Act, and are clearly authorized under it.

Full text of the adoption follows (additions to proposal indicated in boldface with asterisks ***thus***; deletions from proposal indicated in brackets with asterisks *[thus]*):

13:18-6.1 Definitions

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

. . .

"Commercial lines insurer" means a person authorized to transact the business of private passenger automobile insurance in New Jersey pursuant to a commercial lines rating system filed in accordance with N.J.S.A. 17:29A-1 et seq.

. . .

"Insurer" means an entity authorized or admitted to transact the business of private passenger automobile insurance in New Jersey.

"Newly issued policy" means any contract or endorsement of private passenger automobile insurance that provides liability coverage for an automobile not previously covered by a contract of liability insurance issued by the insurer, or that was previously covered by a policy issued by the insurer which was cancelled for nonpayment of premium.

"Nonfleet" describes an automobile insurance policy issued by a commercial lines insurer that provides coverage to less than five vehicles, or less than such other number of vehicles as is provided by the insurer's filed rating system.

"Person" means any natural person or persons, corporation, association, partnership or company authorized by the laws of this State to transact the business of insurance in this State.

"Personal lines insurer" means a person authorized to transact the business of private passenger automobile insurance in New Jersey pursuant to a personal lines rating system filed and approved in accordance with N.J.S.A. 17:29A-1 et seq.

"Private passenger automobile insurance" means direct insurance on private passenger automobiles as defined in N.J.S.A. 39:6A-2, but excluding excess liability insurance.

13:18-6.2 Reports of private passenger automobile insurance policy information to the Director of the Division of Motor Vehicles

(a) Personal lines insurers shall provide the Director, or his or her designee, information by vehicle identification number (VIN) concerning the cancellation and issuance of personal private passenger automobile insurance policies on and after February 1, 1991. Commercial lines insurers shall provide the Director, or his or her designee, information by vehicle identification number (VIN) concerning the cancellation and issuance of ***nonfleet*** private passenger automobile insurance policies on and after *[October 1, 1993]* ***July 1, 1994***. Commercial lines insurers shall only provide information concerning policies covering ***nonfleet*** private passenger automobiles registered to individual owners. This information shall be provided on a monthly basis in the manner and form as set forth in Appendices A and B, which are incorporated herein by reference. This information shall be provided in accordance with a schedule of dates set by the Director.

(b) Personal lines insurers shall report by magnetic computer tape or cartridge (or, for insurers that write less than 750 personal private passenger automobile insurance policies per year in the State of New Jersey, by magnetic computer tape or cartridge or personal computer diskette) to the Director on a monthly basis beginning September 15, 1991, the following information concerning policies cancelled for nonpayment of premium and newly issued policies. Commercial lines insurers shall report by magnetic computer tape or cartridge to the Director on a monthly basis beginning *[December 7, 1993]* ***September 7, 1994***, the following information concerning ***nonfleet*** policies cancelled for nonpayment of premium and newly issued ***nonfleet*** policies. These reports shall be provided to the Director in such format and at such times as he or she shall prescribe. The format for said reports is set forth in Appendices A and B, which are incorporated herein by reference.

1.-10. (No change.)

(c) Insurers shall report the cancellation of private passenger automobile liability coverage for nonpayment of premium after the effective date of the cancellation of a policy.

(d) (No change.)

(e) Insurers shall also report by magnetic computer tape or cartridge (or, for insurers that write less than 750 personal private passenger automobile insurance policies per year in the State of New Jersey, by magnetic computer tape or cartridge or personal computer diskette) to the Director every six months, or at such other interval as may be specified by the Director, the following information

concerning all of their current private passenger automobile insurance policies. These reports shall be provided to the director in such format and at such times as he or she shall prescribe. The format for said reports is set forth in Appendices C and D which are incorporated herein by reference.

1.-6. (No change.)

(f)-(h) (No change.)

(a)

DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF REAL ESTATE APPRAISERS
Continuing Education
Adopted New Rules: N.J.A.C. 13:40A-4.1 through 4.9
Adopted Repeal: N.J.A.C. 13:40A-4.1

Proposed: February 22, 1994 at 26 N.J.R. 903(a).

Adopted: April 12, 1994 by the Board of Real Estate Appraisers, Carmen D. Mistichelli, President.

Filed: April 25, 1994 as R.1994 d.251, **without change.**

Authority: N.J.S.A. 45:14F-8(n).

Effective Date: May 16, 1994.

Expiration Date: December 16, 1996.

Summary of Public Comments and Agency Responses:
No comments were received.

Full text of the adoption follows:

13:40A-4.1 Special course requirement; Uniform standards of professional appraisal practice

(a) At least once every six years, all licensed and certified real estate appraisers shall be required to attend a 15-hour minimum length course and pass an examination, given in conjunction with the course, on the Uniform Standards of Professional Appraisal Practice.

(b) The course requirement set forth in (a) above is in addition to the 20-hour per biennial cycle requirement set forth in N.J.A.C. 13:40A-4.3.

13:40A-4.2 Requirements for licensure and certification renewal

(a) The purpose of continuing education activities is to ensure that the appraiser participates in a program that maintains and increases his or her skill, knowledge and competency in real estate appraising.

(b) The Board shall not issue a license or certificate renewal for any biennial period unless the applicant submits, with the renewal application, proof that he or she completed courses of continuing professional education of the types and number of credits hereinafter specified, unless an extension has been granted pursuant to N.J.A.C. 13:40A-4.9. Proof of completion of the required number of continuing education credits shall be in the form outlined in N.J.A.C. 13:40A-4.7.

13:40A-4.3 Credit hour requirements; carryover prohibited

(a) Except as set forth in (d) below, all licensed and certified real estate appraisers shall be required to complete a minimum of 20 hours of approved continuing education activities within each biennial renewal cycle. No more than four hours of credit per biennial renewal cycle may be awarded for courses on changes in the Uniform Standards of Professional Appraisal Practice.

(b) All courses must be a minimum of three and one-half hours in length. One hour of credit shall be awarded for each classroom hour of instruction provided in any approved offering.

(c) Applicants who participate in continuing education activities beyond minimum requirements shall not carry over credit into future renewal cycles.

(d) An applicant renewing a license or certificate for the first time shall submit proof of completion of continuing education requirements as follows:

1. If the initial license or certificate was issued during the first year of a biennial period: proof of 20 hours;

2. If the initial license or certificate was issued during the first six months of the second year of a biennial period: proof of 10 hours; and

3. If the initial license or certificate was issued during the last six months of the second year of a biennial period, no continuing education hours are required for renewal.

13:40A-4.4 Pre-approval of course offerings

(a) The Board shall maintain a list of all approved courses, lecturers and programs at the Board's offices and shall furnish this information upon request.

(b) An applicant seeking to take a course for continuing professional education credit which has not been pre-approved by the Board may apply to the Board for pre-approval of the course offering. The applicant shall submit information similar to that which is required to be supplied by course providers, as more fully detailed in N.J.A.C 13:40A-4.8(a)2.

(c) Determinations as to whether to award credit for an offering which has not been pre-approved shall be entirely within the Board's discretion.

13:40A-4.5 Acceptable course topics

(a) The Board shall approve only those continuing education activities and course topics as are deemed by the Board to be consistent with the purpose of continuing education. Examples of such course topics may include, but are not limited to: changes in the Uniform Standards of Professional Appraisal Practice; ad valorem taxation; arbitration; business courses related to practice of real estate appraisal; construction estimating; land use planning; zoning and taxation; management, leasing, brokerage, timesharing; property development; real estate appraisal (valuation/evaluations), law, litigation, financing and investment; real estate appraisal related computer applications; real estate securities and syndication; and real property exchange.

(b) The Board shall approve only such continuing education programs as are available and advertised on a reasonably nondiscriminatory basis to all real estate appraisers in the State.

13:40A-4.6 Sources of continuing education

(a) The licensee or certificate holder may obtain continuing education credits from the following:

1. Training programs offered by State or Federal agencies or commissions;

2. Educational programs provided during trade organization conferences;

3. Colleges or universities accredited by the New Jersey Department of Higher Education or any state accrediting agency approved by the Board; community or junior colleges accredited by the New Jersey Department of Higher Education; proprietary schools;

4. Seminars offered by real estate appraisal or real estate related organizations;

5. Seminars offered by vendors of commercial products, provided that at least one other commercial vendor from a different company participates in the seminar;

6. Participation, other than as a student, in appraisal education processes and programs, as approved by the Board.

i. Examples of activities for which credit may be granted include teaching appraisal courses, developing appraisal programs, authoring appraisal textbooks or articles, or participating in other like activities deemed by the Board to be equivalent to obtaining continuing education;

ii. No more than 10 hours of credit per biennial renewal cycle may be awarded for activities qualifying under this paragraph; and

7. Courses approved for initial certification and licensing, as referenced in N.J.A.C. 13:40A-2.3(d), 2A.3(d) and 3.3(d) provided the applicant has not previously taken the course in the six year period immediately preceding the biennial renewal deadline.

(b) The award of credit is subject to Board approval of the course offering either prior to filing the renewal application or upon submission of documentation required pursuant to N.J.A.C. 13:40A-4.7 at the time of license or certificate renewal.

13:40A-4.7 Required documentation

(a) Documentation of continuing education requirements shall consist of the following:

1. For courses, seminars or training programs approved by the Board, a completed "Uniform Continuing Education Form" or other certified form acceptable to the Board; or a signed and dated certification, from both the applicant and course instructor(s), attesting that the applicant attended the course listed and satisfactorily completed all course requirements.

2. For participation other than as a student in appraisal education processes or programs:

i. A written request for continuing education credit which shall include at least the following information:

(1) A description of the activities for which credit is sought;

(2) The number of credits sought;

(3) The time spent on such activities;

(4) The reasons the applicant believes such activities meet the Board's continuing education requirements; and

(5) Any further information as may be requested by the Board;

ii. For publication of a book or an article in a professional journal, submission of the book or article;

iii. For teaching or research appointments, a statement of appropriate school authority verifying the appointment and a statement of the subject matter to be taught or the nature of the research to be performed.

(b) For courses, seminars or training programs which have not been pre-approved by the Board:

1. A copy of the course description and/or outline; and

2. A completed "Uniform Continuing Education Form" or other certified form acceptable to the Board or a signed and dated certification, from both the applicant and course instructor(s), attesting that the applicant attended the course listed and satisfactorily completed all course requirements.

(c) Falsification of any information submitted with the renewal application may result in penalties and/or the suspension or revocation of a license or certification.

13:40A-4.8 Responsibilities of continuing education providers

(a) All providers of continuing education courses shall:

1. Secure Board approval prior to advertising or otherwise representing that any course is approved for continuing education credit in New Jersey;

2. Submit, for each course for which approval is sought, the following for evaluation by the Board:

i. A detailed description of course content and estimated hours of instruction;

ii. Any printed material describing the course;

iii. A description of the method used to monitor attendance and the policy for making up missed classes;

iv. A curriculum vitae of the instructor(s), including information concerning the specific background which qualifies the instructor to teach the particular course offering; and

v. Any additional information as may be requested by the Board; and

3. Monitor the attendance at each approved course and provide the Board with a roster of attendees within 30 days of the conclusion of the program.

13:40A-4.9 Extensions

(a) An applicant for biennial renewal may request in writing an extension of time to satisfy continuing education requirements.

(b) An extension may be granted at the sole discretion of the Board if the applicant provides evidence satisfactory to the Board that he or she was unable to obtain the required education because of an incapacitating illness, military assignment or other extraordinary circumstance.

(c) Whether to grant an extension request and the length of time of any extension shall be discretionary determinations made on a case-by-case basis by the Board.

(d) The licensee or certificate holder granted an extension of time to satisfy continuing education requirements will be permitted to renew his or her license or certificate for the period of time for which the extension is granted.

(a)

DIVISION OF CONSUMER AFFAIRS
OFFICE OF CONSUMER PROTECTION
Unit Price Labeling
Adopted Amendment: N.J.A.C. 13:45A-14.7

Proposed: March 21, 1994 at 26 N.J.R. 1306(a).

Adopted: April 25, 1994 by Emma N. Byrne, Director, Division of Consumer Affairs.

Filed: April 27, 1994 as R.1994 d.257, **without change.**

Authority: N.J.S.A. 56:8-24.

Effective Date: May 16, 1994.

Expiration Date: November 9, 1995.

The Office of Consumer Protection afforded all interested parties an opportunity to comment on the proposed amendment of N.J.A.C. 13:45A-14.7, Unit Price Labeling.

The official comment period ended on April 21, 1994.

Announcement of the opportunity to respond to the Office of Consumer Protection appeared in the New Jersey Register on March 21, 1994 at 26 N.J.R. 1306(a). Announcements were also forwarded to the Star Ledger, the Trenton Times, and other interested parties. In addition, a public hearing on this proposal was held at the Division of Consumer Affairs on April 5, 1994. The Public Hearing Officer's report concludes: "In light of the strong comments in support, the absence of any comments in opposition, and the obvious advantages to permitting the proposed rule, the hearing officer recommends that the rule be adopted."

A full record of this opportunity to be heard can be inspected by contacting the Office of Consumer Protection, Emma N. Byrne, Director, P.O. Box 45027, Newark, New Jersey 07101.

Summary of Public Comments and Agency Response:

During the 30-day comment period, the Office of Consumer Protection received one written comment supporting the proposal from James C. Morford, President of the New Jersey Food Council (NJFC). The three commenters who appeared at the public hearing—Mr. Morford, and Mr. William Daley and Ms. Joann Giambra of Pathmark—were also supportive of the proposal.

Full text of the adoption follows:

13:45A-14.7 Unit price labels approved for display

(a) (No change.)

(b) In determining whether to approve the label, the Director shall be guided by the following standards:

1. The shelf label shall be divided so as to create a left and right side; individual item labels may be divided vertically or horizontally into two portions. The amount of space devoted to the unit price and the retail price portion shall be equal. The size and conspicuousness of the numerals used to disclose the retail price shall be equal to or greater than that for the unit price. Where the retail price exceeds the unit price, the type face for the unit price shall not be less than 50 percent than that of the retail price.

2.-7. (No change.)

(a)

DIVISION OF STATE POLICE

Uniform Crime Reporting System

Adopted Amendments: N.J.A.C. 13:57

Proposed: February 22, 1994 at 26 N.J.R. 905(a).
Adopted: April 18, 1994 by Major Carl A. Williams, Acting Superintendent, Division of State Police.
Filed: April 25, 1994 as R.1994 d.250, **without change.**

Authority: N.J.S.A. 52:17B-1 et seq.

Effective Date: May 16, 1994.
Expiration Date: May 16, 1999.

Summary of Public Comments and Agency Responses:

The Division of State Police afforded all interested parties an opportunity to comment on the adoption of proposed amendments to N.J.A.C. 13:57, which establishes the general requirements of the Uniform Crime Reporting System. Announcement of the opportunity to comment on the proposed amendments appeared in the New Jersey Register on Tuesday, February 22, 1994 at 26 N.J.R. 905(a). The comment period expired on March 24, 1994.

Secondary publication of the rule proposal was by teletype to all municipal, county and local police departments in the State of New Jersey. Secondary notification also occurred by a letter sent to the New Jersey Chiefs of Police Association. Comments of support were received from Barry G. Barlow, Chief of Police, East Windsor Township, and Richard T. Lynch, Acting Chief of Police, Belmar Borough.

Full text of the adoption follows:

13:57-1.1 Law enforcement agencies defined

(a) Law enforcement agencies include all law enforcement agencies created by the governing municipal body and promulgated by statute:

1. (No change.)
2. County law enforcement agencies:
i. County prosecutor;
ii. Sheriff;
iii. Park police; and
iv. County police agencies in Bergen and Hudson Counties.
3. State law enforcement agencies:
i. Department of Law and Public Safety:
(1) Division of State Police;
(2) Division of Criminal Justice; and
(3) Office of Weights and Measures of the Division of Consumer Affairs.
ii. Department of Environmental Protection and Energy:
(1) Division of Fish, Game and Wildlife; and
(2) Division of Parks and Forestry.
iii. Department of Corrections.
iv. Department of Human Services.
v. Palisades Interstate Park Commission.
vi. New Jersey Transit Police Department.
4. (No change.)

13:57-1.2 Reports to Attorney General (State Police to act as collecting agency); type of forms; by whom; when submitted

(a) Municipal full-time police department as defined in these rules will submit on a monthly basis and forward by the seventh day following the close of the reporting period, the following enumerated reports:

1. Return A—Monthly count of offenses known to police (N.J.-UCR 365);
2.-3. (No change.)
4. Age, sex, race, and ethnic origin of persons arrested (18 years of age and over (N.J.-UCR 370);
5. Age, sex, race, and ethnic origin of persons arrested (Under 18 years of age) (N.J.-UCR 370A):
i. The following reports will be submitted only when the specific offenses involved have occurred in the jurisdiction of a municipal full-time police department:
(1)-(2) (No change.)
(3) Police officers killed or assaulted monthly supplement (N.J.-UCR 369A);
(4) Supplementary Arson Report (N.J.-UCR 373).
ii. (No change.)
6. Monthly count of criminal offenses involving assault firearms (S.P.662).

Recodify existing 6 and 7 as 7 and 8 (No change in text.)

(b) County law enforcement agencies rules include:

1. As defined in these rules, county law enforcement agencies (except Essex County park police department) will submit on a monthly basis and forward by the seventh day following the close of reporting period the following enumerated reports:
i. Police officers killed or assaulted monthly supplement (N.J.-UCR 369A);
ii. Age, sex, race, and ethnic origin of persons arrested (18 years of age and over) (N.J.-UCR 370);
iii. Age, sex, race, and ethnic origin of persons arrested (Under 18 years of age) (N.J.-UCR 370A);
iv. Supplementary homicide report and report of police officers killed in the line of duty (S.P.46). This report shall only be submitted by the offices of the county prosecutors;
v. Monthly count of criminal offenses involving assault firearms (S.P.662);
vi. (No change in text.)
vii. (No change in text.)
viii. The following county law enforcement agencies, that is, prosecutors, sheriffs, Bergen and Hudson County police agencies, county park police (except Essex County park police), shall for UCR submitting purposes report in a timely manner all part I offenses (murder, rape, robbery, assault, burglary, larceny-theft, motor vehicle theft, and arson) investigated by or reported to their respective agency, and all allied part I supplementary information (including offense clearance, arrest and disposition data) to the jurisdictional full-time municipal police department, or if no full-time department, shall report to the Division of State Police at the State Police station having jurisdiction in that municipality.

(c) State law enforcement agencies rules are:

1. As defined in these rules, State law enforcement agencies (except Division of State Police and Palisades Interstate Park Commission) will submit on a monthly basis and forward by the seventh day following the close of the reporting period the following enumerated reports:
i. Police officers killed or assaulted monthly supplement (N.J.-UCR 369A);
ii. Age, sex, race, and ethnic origin of persons arrested (18 years of age and over) (N.J.-UCR 370);
iii. Age, sex, race, and ethnic origin of persons arrested (Under 18 years of age) (N.J.-UCR 370A);
iv. (No change.)
v. (No change in text.)
vi. The following State law enforcement agencies, that is, Division of Criminal Justice, Office of Weights and Measures, Division of Fish, Game and Wildlife, Division of Parks and Forestry, Department of Corrections, Department of Human Services, and the New Jersey Transit Police Department (except Division of State Police and Palisades Interstate Park Commission), shall for UCR submitting purposes report all part I offenses (murder, rape, robbery, assault, burglary, larceny-theft, motor vehicle theft, and arson) investigated by or reported to their respective agency, and all allied part I supplementary information (including offense clearance, arrest and disposition data) to the jurisdictional full-time municipal police department, or if no full-time department, shall report to the Division of State Police at the State Police station having jurisdiction in that municipality.

(d) Part-time municipal police departments rules are:

1. As defined in these rules, part-time municipal police departments will submit on a monthly basis and forward by the third day following the close of the reporting period, to the Division of State Police at the State Police station having jurisdiction in that municipality, the following enumerated reports:

i. Special police report of part I offenses and persons arrested (S.P.27-UCR).

(e) Other police and security agencies rules are:

1. Bi-state port authorities, colleges, universities and all other State and private educational facilities employing police or security personnel shall report all part I offenses (that is murder, rape, robbery, assault, burglary, larceny-theft, motor vehicle theft, and arson) investigated by or reported to their respective agency, and all allied supplementary information (including offense clearance data and all part I and part II arrest and disposition data) to the full-time municipal police department where offense(s) occurred, or where no full-time police department exists, the offense and all part I and part II arrest and disposition data shall be reported to the jurisdictional State Police station responsible for enforcement in that municipality.

2. In addition to the notification of State or municipal police agencies on certain offense(s), arrest(s) and disposition(s), the agencies in (e)1 above shall, when requested by the Attorney General, submit on reports specified by the State Police Uniform Crime Reporting Unit all offense and arrest data occurring in their respective facilities and/or jurisdictions. These reports shall be forwarded to the Division of State Police, Uniform Crime Reporting Unit.

3. The agencies in (e)1 above will submit on a monthly basis, directly to the Uniform Crime Reporting Unit, and forward by the seventh day following the close of the reporting period the following enumerated report:

i. Monthly count of criminal offenses involving assault firearms (S.P.662). Each agency enumerated above will submit one report outlining, by municipality, all criminal offenses involving assault firearms investigated by said agency.

13:57-1.3 Exceptions

(a) Exceptions concerning county law enforcement agencies include:

1. In order to evaluate the volume and types of offense data investigated by county park agencies, the Essex County park police shall submit on a monthly basis and forward by the seventh day following the close of the reporting period the following enumerated reports:

i. Return A—monthly count of offenses known to police (N.J.-UCR 365):

(1) (No change.)

ii.-iii. (No change.)

iv. Age, sex, race, and ethnic origin of persons arrested (18 years of age and over) (N.J.-UCR 370):

(1) (No change.)

v. Age, sex, race, and ethnic origin of persons arrested (Under 18 years of age) (N.J.-UCR 370A):

(1) (No change.)

vi. Monthly count of criminal offenses involving assault firearms (S.P.662):

(1) One report will be submitted outlining, by municipality, all criminal offenses involving assault firearms investigated by Essex County Park Police Department.

vii. The following reports will be submitted for each municipality only when those specific offense(s) occur:

(1)-(2) (No change.)

(3) Police officers killed or assaulted monthly supplement (N.J.-UCR 369A);

(4) Supplementary arson report (N.J.-UCR 373).

vii. (No change.)

(b) Exceptions concerning State law enforcement agencies include:

1. Division of State Police: State Police having jurisdiction on toll roads, interstate highways and all other highways where the State Police have the primary enforcement responsibility will be the reporting agency for all UCR offense, arrest and disposition data. Where no full-time municipal police department exists, it will be the responsibility of the jurisdictional State Police station to report all offense, arrest and disposition data occurring in that municipality.

2. Palisades Interstate Park Commission: It is the responsibility of the Palisades Interstate Park Commission to submit on a monthly basis and forward by the seventh day following the close of the reporting period the following enumerated reports:

i. Return A—Monthly count of offenses known to police (N.J.-UCR 365):

(1) Report will be submitted for each individual municipality wherein a part I offense occurred within the jurisdiction of the Commission.

ii. Return A—Supplement, page 1 (N.J.-UCR 366):

(1) Report will be submitted for each individual municipality wherein a part I offense occurred within the jurisdiction of the Commission. Report will be submitted for each individual municipality wherein property was stolen or recovered in connection with part I offenses which have occurred within the jurisdiction of the Commission.

iii. (No change.)

iv. Age, sex, race, and ethnic origin of persons arrested (18 years of age and over) (N.J.-UCR 370):

(1) (No change.)

v. Age, sex, race, and ethnic origin of persons arrested (Under 18 years of age) (N.J.-UCR 370A):

(1) (No change.)

vi. Monthly count of criminal offenses involving assault firearms (S.P.662). One report will be submitted outlining, by municipality, all criminal offenses involving assault firearms that were investigated by the Commission during the reporting period.

vii. The following reports will be submitted for each municipality only when those specific offense(s) occur within the jurisdiction of the Commission:

(1)-(2) (No change.)

(3) Police officers killed or assaulted monthly supplement (N.J.-UCR 369A);

(4) Supplementary arson report (N.J.-UCR 373).

vii. (No change.)

(c) The uniform crime report forms identified and described in N.J.A.C. 13:57-1.2 and 1.3 shall be used by the Uniform Crime Reporting Unit of the Division of State Police for purposes of compliance with the provisions of N.J.S.A. 52:17B-1 et seq., and such working documents shall be maintained as confidential by the Division of State Police and are not public records.

(d) Nothing in these regulations shall preclude the Attorney General or Division of State Police for requiring the submission or deletion of any information that may be deemed necessary to maintain a viable and current uniform crime reporting system.

(e) The Attorney General or the Division of State Police shall have the right to choose the manner in which this information will be reported and submitted to the Uniform Crime Reporting Unit.

(a)

DIVISION OF STATE POLICE

Motor Carrier Safety Regulations

Adopted Amendments: N.J.A.C. 13:60

Proposed: March 21, 1994 at 26 N.J.R. 1307(a).

Adopted: April 22, 1994 by Major Carl A. Williams, Acting Superintendent, Division of State Police.

Filed: April 25, 1994 as R.1994 d.253, **with substantive and technical changes** not require additional public notice and comment. (See N.J.A.C. 1:30-4.3).

Authority: N.J.S.A. 39:5B-32.

Effective Date: May 16, 1994.

Expiration Date: January 16, 1997.

Summary of Public Comments and Agency Responses:
No comments received.

Summary of Agency-Initiated Changes:

At N.J.A.C. 13:60-1.5(a)1, the Federal Highway Administration listing is revised to provide additional computer access information. In the Appendix, minor clarifying language changes and typographic corrections are made.

Full text of the adoption follows:

13:60-1.1 Purpose

This chapter and appendix establish rules and regulations concerning the qualifications of motor carrier operators and vehicles engaged in interstate or intrastate commerce or used or operated wholly within a municipality or a municipality's commercial zone, which substantially conform to the requirements established pursuant to sections 401 to 404 of the "Surface Transportation Assistance Act of 1982," Pub. L. 97-424 (49 U.S.C. App. §§2301-2304) and the Federal "Motor Carrier Safety Act," Pub. L. 98-554 (49 U.S.C. App. §2501 et seq.), by adopting and incorporating by reference: the "Federal Motor Carrier Safety Regulations," and all supplements and amendments thereto; and Appendices to the "Federal Motor Carrier Safety Regulations," and all supplements and amendments thereto.

13:60-1.2 Application

(a) The provisions of this chapter and appendix are applicable to every motor carrier and every person, including drivers, agents, employees and representatives, involved or in any manner related to:

1.-2. (No change.)

3. The transportation in any motor vehicle in intrastate commerce of materials determined by the Secretary of the United States Department of Transportation to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. §1801 et seq.) and which materials are transported in a quantity requiring hazardous material(s) placarding under federal Hazardous Materials Regulations (49 C.F.R. Parts 171, 172, 173, 174, 177, 178, 179, and 180) and all supplements and amendments thereto;

4. (No change.)

5. The transportation in a commercial motor vehicle, as defined at N.J.S.A. 39:3-10.11, in intrastate commerce of any non-hazardous material(s) cargo;

6. The operation of a commercial motor vehicle, as defined at N.J.S.A. 39:3-10.11, and subject to any prevailing requirements of (a)3 above, in intrastate commerce or wholly within a municipality or a municipality's commercial zone.

(b) (No change.)

(c) The provisions of this chapter and appendix shall not apply to a farm vehicle registered in this State, pursuant to the provisions of N.J.S.A. 39:3-24 and 39:3-25, provided the farm vehicle is operating:

1.-4. (No change.)

13:60-1.3 Definitions and general requirements

(a) For the purposes of this chapter and appendix, and unless another definition is specified, the terms set forth below are defined as follows:

"Code of Federal Regulations" or "C.F.R." shall mean the Code of Federal Regulations, authorized pursuant to 44 U.S.C. §1510 and published by the Office of the Federal Register, National Archives and Records Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended, 44 U.S.C. §1501 et seq. and 1 C.F.R. Part 8).

"Commissioner" shall mean the Commissioner of the New Jersey Department of Transportation.

"Federal Register" or "FR" shall mean the Federal Register, authorized pursuant to 44 U.S.C. §1501 et seq. and published by the Office of the Federal Register, National Archives and Records Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended, 44 U.S.C. §1501 et seq. and 1 C.F.R. Part 5).

"Hazardous material(s)" shall mean a substance or material determined by the Secretary of the United States Department of Transportation, pursuant to the Hazardous Materials Transportation Act (49 U.S.C. §1801 et seq., and as defined at 49 C.F.R. §171.8, to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and which has been so designated.

...

"Secretary" shall mean the Secretary of the Department of Transportation of the United States of America.

"Superintendent" shall mean the Superintendent of the Division of State Police.

(b) Throughout this chapter and appendix there are references to Federal rules and regulations pertaining to motor carrier safety, adopted by, or on behalf of, the Secretary or adopted or incorporated, by reference, herein by the Superintendent, pursuant to this chapter and appendix, or the Commissioner, at N.J.A.C. 16:49. For convenience, those Federal rules and regulations and any supplements and amendments thereto may be cited in this chapter and appendix in one or all of the following forms:

1. "Federal Motor Carrier Safety Regulations" as:

i.-iv. (No change.)

2. "Appendix or Appendices to Federal Motor Carrier Safety Regulations" as:

i. Code of Federal Regulations, Appendix or Appendices to Subchapter B—Federal Motor Carrier Safety Regulations, Chapter III—Federal Highway Administration, Department of Transportation, Title 49;

ii. 49 C.F.R. Ch. III, Subch. B, App.;

iii. Appendix to Subchapter B;

iv. Appendix or Appendices to Federal Motor Carrier Safety Regulations; or

v. Appendix or Appendices to the Federal Motor Carrier Safety Regulations;

3. "Hazardous Materials Regulations" as:

i. Code of Federal Regulations, Parts 171, 172, 173, 174, 177, 178, 179, 180, Subchapter C—Hazardous Materials Regulations, Chapter I—Research and Special Programs Administration, U.S. Department of Transportation, Title 49;

ii. 49 C.F.R. Parts 171, 172, 173, 174, 177, 178, 179, 180; or

iii. Hazardous Materials Regulations.

(c) (No change.)

(d) Whenever the term "interstate" is used in the Federal Motor Carrier Safety Regulations, adopted and incorporated, by reference, herein, and all supplements and amendments thereto, it shall, for the purpose of this chapter and appendix, mean or include both "interstate" and "intrastate" transportation in commerce and those vehicles used or operated wholly within a municipality or a municipality's commercial zone except where stated otherwise.

(e) (No change.)

(f) The Federal Highway Administration, United States Department of Transportation, supplements and amends the Federal Motor Carrier Safety Regulations and the Appendices to the Federal Motor Carrier Safety Regulations on a continuing basis pursuant to the Federal Administrative Procedure Act (5 U.S.C. §554 et seq.) and authority granted to the Secretary, pursuant to 49 U.S.C. App. §2505. Supplements and amendments are published as a notice of proposed rulemaking in the Federal Register and are subject to a period of public comment prior to their adoption. Adoption of supplements and amendments, by a final rule action, appear in the Federal Register and indicate an effective date for their implementation and enforcement. The Superintendent will hereafter rely upon the notices of proposed rulemaking and final rule actions published in the Federal Register supplementing and amending the Federal Motor Carrier Safety Regulations and Appendices to the Federal Motor Carrier Safety Regulations as notice to all interested parties and all persons or entities affected by these regulations. Final rule actions supplementing and amending the Federal Motor Carrier Safety Regulations and Appendices to the Federal Motor Carrier Safety Regulations will hereafter be considered as adopted and incorporated, by reference, herein, upon their publication in the Federal Register, and will become effective on the effective date as published in the Federal Register. Any modification, revision, amendment, delay in implementation, or omission by the Superintendent of any Section(s), Subpart(s), or Part(s) of the Federal Motor Carrier Safety Regulations and Appendices to the Federal Motor Carrier Safety Regulations, and all supplements and amendments thereto will be the subject to a separate notice of proposed rulemaking, pursuant to the New Jersey Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

(g) The provisions and requirements of these regulations as well as the Federal Motor Carrier Safety Regulations adopted and incorporated, by reference, herein, and all supplements and amendments thereto, and made a part hereof as if set forth in full, are applicable to all motor vehicles, as defined in this chapter and appendix, engaged in transportation in interstate and intrastate commerce or operating in interstate and intrastate commerce or used or operated wholly within a municipality or a municipality's commercial zone, as well as all motor vehicles engaged in transportation of hazardous material(s) in a quantity requiring hazardous material(s) placarding or displaying hazardous material(s) placarding unless specifically stated otherwise.

13:60-1.4 Penalty for violation

(a) The penalties for violation of these regulations, including the Federal Motor Carrier Safety Regulations, adopted and incorporated, by reference, at N.J.A.C. 13:60-2 and herein, shall be enforced under the provisions of N.J.S.A. 39:5B-29.

(b) (No change.)

13:60-1.5 Document availability

(a) Copies of the "Federal Motor Carrier Safety Regulations" and "Appendices to the Federal Motor Carrier Safety Regulations," as found in the Code of Federal Regulations (49 C.F.R. Parts 390-397 and 49 C.F.R. Ch. III, Subch. B, App. D, E, F, and G) and the Federal Register and all supplements and amendments thereto, as adopted and incorporated, by reference, herein, may be purchased from the following sources.

1. United States Government:

Superintendent of Documents
U.S. Government Printing Office
Washington, DC 20402
(202) 783-3238

U.S. Government Printing Office Bookstore
Room 110, 26 Federal Plaza
New York, NY 10278-0081
(212) 264-3825

U.S. Government Printing Office Bookstore
Robert Morris Building
100 North 17th St.
Philadelphia, PA 19103
(215) 636-1900

Federal Highway Administration
Research & Special Programs Administration
Hazardous Materials Information Exchange ***(HMIX)***
Electronic Bulletin Board
Toll Free: 1-800-752-6367 ***or 1-800-PLANFOR***
[Dataline:] ***To dial and access HMIX via computer: Call*** (708) 972-3275

(Access requires a modem transmitting at 9600, 2400, 1200 or 300 baud. Set up: no parity, 8 data bits, 1 stop bit, VT-100 or TTY emulation.)

2. Non-governmental sources:

(Note: the inclusion of a non-governmental source, herein, does not constitute an endorsement or recommendation of the product or service offered, sold, or provided by that source or the accuracy of the information said to be contained therein. Non-governmental sources are listed solely as a convenience to interested parties.)

American Trucking Associations
2200 Mill Road
Alexandria, VA 22314-4677
Toll Free: 1-800-ATA-LINE (282-5463)

J.J. Keller & Associates
3003 West Breezewood Lane
P.O. Box 368
Neenah, Wisconsin 54957-0368
Toll Free: 1-800-558-5011
(414) 722-2848

Regulations Management Corporation
1505 Arlington Road
Bloomington, Indiana 47404-0809
(812) 333-7347

Regulation Scanning
30 West Third St.
Williamsport, PA 17701
Toll Free: 1-800-326-9303

(b) Copies of the "Federal Motor Carrier Safety Regulations" and "Appendices to the Federal Motor Carrier Safety Regulations," as found in the Code of Federal Regulations (49 C.F.R. Parts 390-397 and 49 C.F.R. Ch. III, Subch. B, App. D, E, F, and G) and the Federal Register and all supplements and amendments thereto, as adopted and incorporated, by reference, herein, are available for review at the following public libraries:

New Jersey State Library
185 West State Street
Trenton, NJ 08625
(609) 292-6220

Newark Public Library
5 Washington Street
Newark, NJ 07101
(201) 733-7782

Jersey City Public Library
U.S. Government Documents Section
472 Jersey Avenue
Jersey City, NJ 07304
(201) 547-4517

New Brunswick Public Library
60 Livingston Avenue
New Brunswick, NJ 08901
(908) 745-5108

Trenton Public Library
120 Academy Street
Trenton, NJ 08608
(609) 392-7188

Camden County Public Library
Laurel Road
Voorhees, NJ 08043
(609) 772-1636

Cherry Hill Public Library
1100 Kings Highway, North
Cherry Hill, NJ 08034
(609) 667-0300

(c) Copies of the "Federal Motor Carrier Safety Regulations" and "Appendices to the Federal Motor Carrier Safety Regulations," as found in the Code of Federal Regulations (49 C.F.R. Parts 390-397 and 49 C.F.R. Ch. III, Subch. B, App. D, E, F, and G) and the Federal Register and all supplements and amendments thereto, as adopted and incorporated, by reference, herein, are available for review, during regular business hours, at:

Office of Hazardous Materials Transportation,
Compliance and Enforcement
New Jersey Division of State Police
Division Headquarters
River Road, P.O. Box 7068
West Trenton, NJ 08628-0068

Regular business hours at this office are 8:30 A.M. to 5:00 P.M., Eastern Time, Monday through Friday. The telephone number is (609) 882-2000, extension 2582 or 2586.

13:60-1.6 Assistance

(a) For general assistance and procedural questions in matters related to the "Federal Motor Carrier Safety Regulations" and "Appendices to Federal Motor Carrier Safety Regulations", and all supplements and amendments thereto, as adopted and incorporated, by reference, herein, contact:

Bureau of Motor Carrier Safety
Federal Highway Administration
U.S. Department of Transportation
25 Scotch Road, Second Floor
Trenton, NJ 08625
(609) 989-2276

(b) For assistance in matters related to enforcement of the regulations adopted and incorporated, by reference, herein, contact:

Office of Hazardous Materials Transportation,
Compliance and Enforcement
New Jersey Division of State Police
Division Headquarters
River Road, P.O. Box 7068
West Trenton, NJ 08628-0068
(609) 882-2000, extension 2582 or 2586

Note, however, statements or opinions provided by the Division of State Police do not constitute legal advice.

SUBCHAPTER 2. ADOPTION AND INCORPORATION, BY REFERENCE, OF FEDERAL MOTOR CARRIER SAFETY REGULATIONS AND APPENDICES TO FEDERAL MOTOR CARRIER SAFETY REGULATIONS

13:60-2.1 Adoption and incorporation, by reference, Federal Motor Carrier Safety Regulations and Appendices to Federal Motor Carrier Safety Regulations

(a) Except as may be otherwise indicated in this chapter and appendix, the Superintendent, pursuant to N.J.S.A. 39:5B-32, hereby adopts and incorporates, by reference:

1. The Federal Motor Carrier Safety Regulations, and all supplements and amendments thereto, adopted as a final rule action by the Federal Highway Administration, U.S. Department of Transportation (49 C.F.R., Parts 390 through 397, inclusive); and

2. Appendices D, E, F, and G to the Federal Motor Carrier Safety Regulations, and all supplements and amendments thereto, adopted as a final rule action by the Federal Highway Administration, U.S. Department of Transportation (49 C.F.R. Ch. III, Subch. B, App. D, E, F, and G).

(b) The Parts and Appendices of the Federal Motor Carrier Safety Regulations and all supplements and amendments thereto, adopted as a final rule action by the Federal Highway Administration, United States Department of Transportation, and adopted and incorporated, by reference, herein, by the Superintendent, are summarized below. A more detailed list of the sections in the Parts and Appendices is found in the appendix to this chapter ("Appendix to the Regulations Regarding Motor Carrier Safety Regulations"). Within that list some sections, subparts, or parts may have been modified, revised, amended, made subject to a different effective date, and/or intentionally omitted by the Superintendent. Those sections, subparts, or parts are clearly identified in the text of the appendix to this chapter.

1. Part 390, Federal Motor Carrier Safety Regulations: General.
2. Part 391, Qualifications of Drivers.
3. Part 392, Driving of Motor Vehicles.
4. Part 393, Parts and Accessories Necessary for Safe Operation.
5. Part 394, (Removed and Reserved)
6. Part 395, Hours of Service of Drivers.
7. Part 396, Inspection, Repair, and Maintenance.
8. Part 397, Transportation of Hazardous Materials: Driving and Parking Rules.
9. Appendix D to Subchapter B—Table of Disqualifying Drugs and Other Substances, Schedule I.
10. Appendix E to Subchapter B—Tables of Disqualifying Drugs and Other Substances, Schedules II through V.
11. Appendix F to Subchapter B—Commercial Zones, Sections 1, 6, 11, 12, 43, and 44.
12. Appendix G to Subchapter B—Minimum Periodic Inspection Standards.

(c) Supplements and amendments to the Federal Motor Carrier Safety Regulations and Appendices to the Federal Motor Carrier Safety Regulations which have been adopted as a final rule action by the Federal Highway Administration and become effective after February 11, 1994, are not listed in the appendix to this chapter. Those supplements and amendments are, pursuant to (a) above, adopted and incorporated, by reference, herein, as if set forth in full. The full text of such supplements and amendments can be found by examining the Federal Register published after the above noted date. See also, N.J.A.C. 13:60-1.5, Document availability, and N.J.A.C. 13:60-1.6, Assistance.

APPENDIX TO THE REGULATIONS REGARDING MOTOR CARRIER SAFETY REGULATIONS

Subject to the provisions of N.J.A.C. 13:60-2.1(c), this Appendix to the Regulations Regarding Motor Carrier Safety Regulations lists the adopted and incorporated, by reference, portions of the Federal Motor Carrier Safety Regulations, by Part, Subpart, Section, or Appendix. Parts, Subparts, Sections, or Appendices are listed by letter or number and by title to identify content for the reader. Modifications, revisions, amendments, and/or delays in implementation are stated within the appropriate Part(s), Subpart(s), Section(s), or Appendices. Omitted sections are identified with the notation "(This Section intentionally omitted.)".

CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B FEDERAL MOTOR CARRIER SAFETY REGULATIONS

PART 390 FEDERAL MOTOR CARRIER SAFETY REGULATIONS: GENERAL

Subpart A (No change.)

Subpart B—General Requirements and Information

Section 390.9 State and local laws, effect on.
Section 390.11 Motor carrier to require observance of driver regulations.
Section 390.13 Aiding or abetting violations.
Section 390.15 Assistance in investigations and special studies.
Section 390.16 (Reserved)
Section 390.17 (Reserved)
Section 390.19 Additional equipment and accessories.
Section 390.21 Marking of commercial motor vehicles.

(Section 390.21 is modified to state the following:)

A commercial motor vehicle operated in intrastate commerce shall be subject to the provisions of N.J.S.A. 39:4-46.

Section 390.23 Relief from regulations.

(Section 390.23 is modified to state the following:)

The following commercial motor vehicles, operating in intrastate commerce, are exempt from ***the requirements of*** this *[section]* ***subchapter*** when any emergency occurs that affects the citizens of New Jersey:

(a) Commercial motor vehicles which are owned, operated, or leased by a public or quasi-public or private entity in this State, said entity being subject to the jurisdiction of the Board of Regulatory Commissioners; or

(b) Commercial motor vehicles which are owned, operated or leased by a public, quasi-public or private entity in this State and which is or will be operated under a contract to the State of New Jersey or a governmental or quasi-governmental entity thereof.

Such emergencies include, but are not limited to, weather and other acts of nature (e.g., snow, flooding, earthquake, power/telephone outages, disruptions to power or telephone transmission lines or facilities, supply lines or facilities for steam, water, or gas) and other emergencies (e.g., motor vehicle accidents, industrial accidents, fires, etc.)

Section 390.25 Extension of relief from regulations—emergencies.
Section 390.27 Locations of regional motor carrier safety offices.
Section 390.29 (Reserved)
Section 390.31 Copies of records or documents.
Section 390.33 Vehicles used for purposes other than defined.

Section 390.35 Certificates, reports, and records: falsification, reproduction, or alteration.
Section 390.37 Violation and penalty.

PART 391 QUALIFICATIONS OF DRIVERS

Subpart A. (No change.)

Subpart B—Qualifications and Disqualifications of Drivers

Section 391.11 Qualifications of drivers.

(Section 391.11 is modified to state the following:)

The provisions of Section 391.11(b)(1) do not apply to a driver engaged in intrastate commerce who possesses a valid New Jersey Commercial Driver License (CDL) as of September 20, 1993, and does not transport hazardous material(s) requiring hazardous material(s) placarding in accordance with Subpart F of Part 172 of the Hazardous Materials Regulations (49 C.F.R. §172.500 et seq.), or operate a vehicle displaying a hazardous material(s) placard.

Section 391.15 Disqualification of drivers.

Subpart C—Background and Character

Section 391.21 Application for employment*.*

(Section 391.21 is modified to state the following:)

The provisions of Section 391.21 do not apply to a driver engaged in intrastate commerce who possesses a valid New Jersey Commercial Driver License (CDL) as of September 20, 1993, and does not transport hazardous material(s) requiring hazardous material(s) placarding in accordance with Subpart F of Part 172 of the Hazardous Materials Regulations (49 C.F.R. §172.500 et seq.), or operate a vehicle displaying a hazardous material(s) placard.

Section 391.23 Investigation and inquiries.

(Section 391.23 is modified to state the following:)

The provisions of Section 391.23 do not apply to a driver engaged in intrastate commerce who possesses a valid New Jersey Commercial Driver License (CDL) as of September 20, 1993, and does not transport hazardous material(s) requiring hazardous material(s) placarding in accordance with Subpart F of Part 172 of the Hazardous Materials Regulations (49 C.F.R. §172.500 et seq.), or operate a vehicle displaying a hazardous material(s) placard.

Section 391.25 Annual review of driving record.
Section 391.27 Record of violations.

Subpart D—Examinations and Tests

Section 391.31 Road test.

(Section 391.31 is modified to state the following:)

The provisions of Section 391.31 do not apply to a driver engaged in intrastate commerce who possesses a valid New Jersey Commercial Driver License (CDL) as of September 20, 1993, and does not transport hazardous material(s) requiring hazardous material(s) placarding in accordance with Subpart F of Part 172 of the Hazardous Materials Regulations (49 C.F.R. §172.500 et seq.), or operate a vehicle displaying a hazardous material(s) placard.

Section 391.33 Equivalent of road test.

Section 391.35 Written examination.

(Section 391.35 is modified to state the following:)

The provisions of Section 391.35 do not apply to a driver engaged in intrastate commerce who possesses a valid New Jersey Commercial Driver License (CDL) as of September 20, 1993, and does not transport hazardous material(s) requiring hazardous material(s) placarding in accordance with Subpart F of Part 172 of the Hazardous Materials Regulations (49 C.F.R. §172.500 et seq.), or operate a vehicle displaying a hazardous material(s) placard.

Section 391.37 Equivalent of written examinations.

Subpart E—Physical Qualifications and Examinations

Section 391.41 Physical qualifications for drivers.

(Section 391.41 is modified to state the following:)

A driver engaged in intrastate commerce, who possesses a valid New Jersey Commercial Driver License (CDL) as of September 20, 1993, but who is not physically qualified to drive under Section 391.41(b) of this Subchapter may continue to drive a motor vehicle, unless the driver is transporting hazardous material(s) requiring hazardous material(s) placarding in accordance with Subpart F of Part 172 of the Hazardous Materials Regulations (49 C.F.R. §172.500 et seq.), or is operating a vehicle displaying a hazardous material(s) placard.

Section 391.43 Medical examination; certificate of physical examination.
Section 391.45 Persons who must be medically examined and certified.
Section 391.47 Resolution of conflicts of medical evaluation.
Section 391.49 Waiver of certain physical defects.

(Section 391.49 is revised to state the following:)

(a) A person who is not physically qualified to drive under Section 391.41(b)(1) or (2), and who is otherwise qualified to drive a motor vehicle, may drive a motor vehicle, if that person has been granted a waiver pursuant to this section, (49 C.F.R. §391.49).

Subpart F—Files and Records

Section 391.51 Driver qualification files.

Subpart G—Limited Exemptions

Section 391.61 Drivers who were regularly employed before January 1, 1971.

(Section 391.61 is modified to state the following:)

The provisions of Section 391.61 do not apply to a driver engaged in intrastate commerce who possesses a valid New Jersey Commercial Driver License (CDL) as of September 20, 1993, and does not transport hazardous material(s) requiring hazardous material(s) placarding in accordance with Subpart F of Part 172 of the Hazardous Materials Regulations (49 C.F.R. §172.500 et seq.), or operate a vehicle displaying a hazardous material(s) placard.

Section 391.62 (Reserved)
Section 391.63 Intermittent, casual, or occasional drivers.
Section 391.65 Drivers furnished by other motor carriers.
Section 391.67 Drivers of articulated (combination) farm vehicles.
Section 391.69 Drivers operating in Hawaii. (This Section intentionally omitted.)
Section 391.71 Intrastate drivers of vehicles transporting combustible liquids.

(Section 391.71(a) and (b) are revised to state the following:)

(a) The provisions of Section 391.11(b) (relating to minimum age), Section 391.21 (relating to application for employment), Section 391.23 (relating to investigations and inquiries), Section 391.31 (relating to road test), and Section 391.35 (relating to written examination) do not apply to a driver who is otherwise qualified and was a regularly employed driver (as defined in Section 390.5 of these regulations as of January 1, 1991, who possesses a valid New Jersey Commercial Driver License (CDL), and continues to be a regularly employed driver of that motor carrier and who drives a motor vehicle that:

(1) Is transporting combustible liquids as defined in the Hazardous Materials Regulations (49 C.F.R. §173.120(b)), and

(2) Is being operated in intrastate commerce.

(b) In addition to the exemptions provided in paragraph (a) of this section, a person who has been a regularly employed driver (as defined in Section 390.5 of these regulations as of January 1, 1991, but who is not physically qualified to drive under Section 391.41(b) of these regulations and who is otherwise qualified under N.J.S.A. 39:3-10.9 et seq. to drive a motor vehicle, may continue to drive a motor vehicle provided that person is in possession of a valid New Jersey driver's license issued prior to January 1, 1991, and continues to be a regularly employed driver of that motor carrier and drives a vehicle that:

(1) Is a truck (as defined in Section 390.5 of these regulations), and

(2) Is operated in *[detail]* ***retail*** delivery service, and

(3) Is transporting combustible liquids as defined in the Hazardous Materials Regulations (49 C.F.R. §173.120(b)), and

(4) Is operated in intrastate commerce.

Subpart H—Controlled Substances Testing

Section 391.81 Purpose and scope.
Section 391.83 Applicability.
Section 391.85 Definitions.

(Section 391.85 is revised to state the following:)

"Commercial Motor Vehicle—Intrastate Commerce" means a motor vehicle or combination of motor vehicles used or designed to transport passengers or property in intrastate commerce:

(a) If the vehicle has a gross vehicle weight rating of 26,001 or more pounds or displays a gross vehicle weight rating of 26,001 or more pounds;

(b) If the vehicle has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;

(c) If the vehicle is designed to transport 16 or more passengers including the driver;

(d) If the vehicle is designed to transport 8 or more but less than 16 persons, including the driver, and is used to transport such persons for hire on a daily basis to and from places of employment; or

(e) If the vehicle is transporting or used in the transportation of hazardous material(s) and is required to be placarded in accordance with Subpart F of Part 172 of the Hazardous Materials Regulations (49 C.F.R. §172.500 et seq.), or the vehicle displays a hazardous material(s) placard.

Section 391.87 Notification of test results and recordkeeping.
Section 391.89 Access to individual test results *[of]* ***or*** test findings.
Section 391.93 Implementation schedule.

(Section 391.93 is modified to state the following:)

Motor carriers engaged in intrastate commerce, excluding motor carriers transporting hazardous material(s) requiring hazardous material(s) placarding or vehicles displaying hazardous material(s) placarding, are required: (1) to implement a controlled substance testing program for "drivers subject to testing" which meets the requirements of this Subpart no later than July 1, 1994; (2) A random and *["non-suspicious based]* ***"non-suspicion-based*** post-accident testing" pursuant to subsection *[d.]* ***(d)*** of this *[subsection]* ***section*** no later than December 31, 1994.

Section 391.95 Drug use prohibitions.
Section 391.97 Prescribed drugs.
Section 391.99 Reasonable cause testing requirements.
Section 391.101 Reasonable cause testing procedures.
Section 391.103 Pre-employment testing requirements.
Section 391.105 Biennial (periodic) testing requirements.
Section 391.107 Pre-employment and biennial testing procedures.
Section 391.109 Random testing requirements.
Section 391.111 Random testing procedures.
Section 391.113 Post-accident testing requirements.
Section 391.115 Post-accident testing procedures.
Section 391.117 Disqualification.
Section 391.119 Employee Assistance Program (EAP).
Section 391.121 EAP training program.
Section 391.123 After-care monitoring.

PART 392 DRIVING OF MOTOR VEHICLES

Subparts A-F (No change.)

Subpart G—Prohibited Practices

Section 392.60 Unauthorized persons not to be transported.
Section 392.61 Driving by unauthorized person.
Section 392.62 Bus driver; distraction.
Section 392.63 Towing or pushing loaded buses.
Section 392.64 Riding within closed vehicles without proper exits.
Section 392.65 Sleeper berth; transfer to or from.
Section 392.66 Carbon monoxide; use of vehicle when detected.
Section 392.67 Heater, flame-producing; on vehicle in motion.
Section 392.68 Motive power not to be disengaged.
Section 392.69 Sleeper berth, occupation.
Section 392.71 Radar detectors; use and/or possession.

PART 393 PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Subpart A (No change.)

Subpart B—Lighting Devices, Reflectors, and Electrical Equipment

Section 393.9 Lamps operable.
Section 393.11 Lighting devices and reflectors.
Section 393.17 Lamps and reflectors*[,]***-*** combinations in driveaway-towaway operation.
Section 393.19 Requirements for turn signaling systems.
Section 393.20 Clearance lamps to indicate extreme width and height.
Section 393.22 Combination of lighting devices and reflectors.
Section 393.23 Lighting devices to be electric.
Section 393.24 Requirements for headlamps and auxiliary road lighting lamps.
Section 393.25 Requirements for lamps other than headlamps.
Section 393.26 Requirements for reflectors.
Section 393.27 Wiring specifications.
Section 393.28 Wiring to be protected.
Section 393.29 Grounds.
Section 393.30 Battery installation.
Section 393.31 Overload protective devices.
Section 393.32 Detachable electrical connections.
Section 393.33 Wiring, installation.

Subpart C—Brakes

Section 393.40 Required brake systems.
Section 393.41 Parking brake system.
Section 393.42 Brakes required on all wheels.
Section 393.43 Breakaway and emergency braking.
Section 393.44 Front brake lines, protection.
Section 393.45 Brake tubing and hose, adequacy.
Section 393.46 Brake tubing and hose connections.
Section 393.47 Brake lining.
Section 393.48 Brakes to be operative.
Section 393.49 Single valve to operate all brakes.
Section 393.50 Reservoirs required.
Section 393.51 Warning devices and gauges.
Section 393.52 Brake performance.

Subpart D—Glazing and Window Construction

Section 393.60 Glazing in specified openings.
Section 393.61 Window construction.
Section 393.62 Window obstructions.
Section 393.63 Windows, markings.

Subpart E-F (No change.)

Subpart G—Miscellaneous Parts and Accessories

Section 393.75 Tires.
Section 393.76 Sleeper berths.
Section 393.77 Heaters.
Section 393.78 Windshield wipers.
Section 393.79 Defrosting device.
Section 393.80 Rear-vision mirrors.
Section 393.81 Horn. (This Section intentionally omitted.)
Section 393.82 Speedometer.
Section 393.83 Exhaust *[system location]* ***systems***.
Section 393.84 Floors.
Section 393.85 (Reserved)
Section 393.86 Rear end protection.
Section 393.87 Flags on projecting loads.
Section 393.88 Television receivers.
Section 393.89 Buses, driveshaft protection.
Section 393.90 Buses, standee line or bar.
Section 393.91 Buses, aisle seats prohibited.
Section 393.92 Buses, marking emergency doors.
Section 393.93 Seats, seat belt assemblies, and seat beat assembly anchorages.
Section 393.94 Vehicle interior noise levels.

Subpart H-J (No change.)

PART 394 REMOVED AND RESERVED)

PART 395 HOURS OF SERVICE OF DRIVERS

Section 395.1 Scope of rules in this part.
Section 395.2 Definitions.
Section 395.3 Maximum driving and on-duty time.
Section 395.7 (Removed and Reserved)
Section 395.8 Driver's record of duty status.
Section 395.10 (Removed and Reserved)

Section 395.11 (Removed and Reserved)
Section 395.12 (Removed and Reserved)
Section 395.13 Drivers declared out of service.
Section 395.15 Automatic on-board recording devices.

PARTS 396-397 (No change.)

APPENDIX D TO SUBCHAPTER B—TABLE OF DISQUALIFYING DRUGS AND OTHER SUBSTANCES, SCHEDULE I.

APPENDIX E TO SUBCHAPTER B—TABLES OF DISQUALIFYING DRUGS AND OTHER SUBSTANCES, SCHEDULES II THROUGH V.

APPENDIX F TO SUBCHAPTER B—COMMERCIAL ZONES

Section 1 New York, N.Y.
Section 6 Philadelphia, Pa.
Section 11 Commercial zones of municipalities in New Jersey within 5 miles of New York, N.Y.
Section 12 Commercial zones of municipalities in Westchester and Nassau Counties, N.Y.
Section 43 Definitions.
Section 44 Commercial zones determined generally, with exceptions.
Section 45 Controlling distances and population data.

APPENDIX G TO SUBCHAPTER B—MINIMUM PERIODIC INSPECTION STANDARDS.

PUBLIC UTILITIES

(a)

BOARD OF REGULATORY COMMISSIONERS OFFICE OF CABLE TELEVISION

Cable Television Monitor Point Tests

Adopted Repeal: N.J.A.C. 14:18-10.5

Proposed: January 3, 1994 at 26 N.J.R. 104(a).
Adopted: April 22, 1994 by Celeste M. Fasone, Director, Office of Cable Television and the Board of Regulatory Commissioners, Herbert H. Tate, Jr., President.
Filed: April 22, 1994 as R.1994 d.236, **without change.**

Authority: N.J.S.A. 48:5A-10.

Effective Date: May 16, 1994.
Expiration Date: July 26, 1995.

Summary of Public Comments and Agency Responses:
No comments received.

The Board of Regulatory Commissioners held a public hearing on February 28, 1994, in regard to this rulemaking. Francis R. Perkins representing the New Jersey Cable Television Association attended the hearing. Also present was Mr. Leland S. McGee representing the Division of Rate Counsel. During the hearing no public comments were made nor were any comments received during the comment period. Recommendations to adopt the repeal as proposed were presented by Celeste M. Fasone, Director of the Office of Cable Television and accepted by the Board. A transcript of the hearing is available by contacting the Board of Regulatory Commissioners, Office of Cable Television, Two Gateway Center, Newark, New Jersey 07102.

Full text of the adoption follows:

14:18-10.5 (Reserved)

TRANSPORTATION

(b)

THE COMMISSIONER

Jurisdictional Assignments for Railroad Overhead Bridges

Readoption with Amendments: N.J.A.C. 16:53B
Adopted Repeal: N.J.A.C. 16:53B-1.7

Proposed: March 7, 1994 at 26 N.J.R. 1203(a).
Adopted: April 7, 1994 by W. Dennis Keck, Acting Assistant Commissioner for Policy and Planning.
Filed: April 15, 1994 as R.1994 d.232, **without change.**

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 27:5G-1 et seq. and 52:14B-4(3).

Effective Date: April 15, 1994, Readoption;
May 16, 1994, Amendments and Repeal.
Expiration Date: April 15, 1999.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the readoption can be found in the New Jersey Administrative Code at N.J.A.C. 16:53B.

Full text of the adopted amendments follows:

16:53B-1.4 Assignment of jurisdictions

(a) Railroad overhead bridge jurisdiction assignments made by the Commissioner shall be done under the consideration of the following criteria and in this order of significance:

1. All bridges carrying State highways are transferred to the jurisdiction of the Department.

2. (No change.)

3. Each railroad overhead bridge carrying a highway, other than a State highway, over and across a right-of-way owned by the New Jersey Transit Corporation is transferred to the jurisdiction of that corporation, unless the Commissioner determines, subject to the provisions of (d) below, that the bridge should be assigned to the jurisdiction of another public entity.

4. (No change.)

(b)-(e) (No change.)

OTHER AGENCIES

(c)

NEW JERSEY HIGHWAY AUTHORITY

Garden State Parkway
Garden State Arts Center
Unauthorized Selling of Merchandise; Confiscation
Adopted Amendment: N.J.A.C. 19:8-2.11

Proposed: March 21, 1994 at 26 N.J.R. 1318(a).
Adopted: April 21, 1994 by the New Jersey Highway Authority, Roger E. Nutt, Executive Director (with approval of the Board of Commissioners).
Filed: April 22, 1994 as R.1994 d.235, **without change.**

Authority: N.J.S.A. 27:12B-5(j) and (s) and 27:12B-20a.

Effective Date: May 16, 1994.
Expiration Date: May 17, 1998.

Summary of Public Comments and Agency Responses:
No comments were received.

Full text of the adoption follows:

19:8-2.11 Garden State Arts Center

(a)-(g) (No change.)

(h) No person shall sell any merchandise of any description or kind on Arts Center property without express permission of the Authority. Any unauthorized sale of said merchandise shall subject same to confiscation. A person who has in his or her possession or under his or her control four or more like items is presumed to have violated this subsection.

PUBLIC NOTICES

PERSONNEL

(a)

MERIT SYSTEM BOARD

Notice of Receipt of Petition for Rulemaking
N.J.A.C. 4A:4-7.10
Public Notice

Petitioner: Thomas R. Kearns, President, Public Sector Managers' Association, Inc.

Take notice that a petition for rulemaking was received on March 28, 1994 concerning seniority rights for individuals who are appointed to a position under the regular reemployment rule, N.J.A.C. 4A:4-7.10.

A permanent employee may be reemployed following a resignation in good standing, retirement or voluntary demotion, within three years of one of these actions, if the appointing authority believes this reemployment is in the best interest of the service. Seniority commences as of the regular reemployment date and is not aggregated.

The petitioner states that N.J.A.C. 4A:4-7.10 should be amended to require that all service in the prior permanent title be aggregated for seniority purposes, and that all prior permanent service be aggregated for total State service, when an individual is regularly reemployed. The petitioner explains that this proposal was prompted by a recent amendment to N.J.A.C. 4A:4-7.8 which permits an employee to aggregate seniority in his or her prior permanent title upon returning to the title following a voluntary demotion that meets certain specific criteria. A comment was received during the public notice and comment period for that rule amendment suggesting that seniority in the prior permanent title and in total State service should be aggregated for all those who are regularly reemployed. The Merit System Board was unable to act on this suggestion at the time it was made because it would have been a substantive change requiring further public notice and comment. See 26 N.J.R. 795(a).

This petition for rulemaking will receive further review by the Department of Personnel. Following this review, the Department shall mail to the petitioner, and file with the Office of Administrative Law, a notice of action on the petition, in accordance with the provisions of N.J.A.C. 1:30-3.6.

ENVIRONMENTAL PROTECTION AND ENERGY

(b)

DIVISION OF SOLID WASTE MANAGEMENT

Solid Waste Management State Plan Update: 1993-2002
Notice of Postponement of Adoption of Section II: Comprehensive Regulated Medical Waste Management Plan
DEPE Docket Number 25-93-03

Take notice that the Solid Waste Management State Plan Update: 1993-2002, Section II: Comprehensive Regulated Medical Waste Management Plan (hereafter RMW State Plan) released for public comment in April 1993 (see 25 N.J.R. 1654(b)), has been withdrawn from consideration for adoption at this time by the Department of Environmental Protection and Energy (Department) in consultation with the Department of Health. The Department will continue to review the RMW State Plan and will release a revised draft RMW State Plan for public comment next year.

Although the Department is not adopting the RMW State Plan at this time, the counties are continuing to develop their RMW management plans as required under the Comprehensive Regulated Medical Waste Management Act, N.J.S.A. 13:1E-48.1 et seq. With this notice, the Department is extending the period during which counties are to submit their RMW management plans to the Department, to January 1, 1995. The Department will be providing additional guidance to assist counties in the preparation of these plans. The specific county plan strategies will be integrated into the revised draft RMW State Plan, which will be released within the next year.

The Department will mail copies of the revised draft RMW State Plan to all those who participated in the public review and comment process for the draft RMW State Plan released in April 1993. In addition, the Department will mail copies to all those on standard mailing lists maintained by the Department, to every municipality, to all county solid waste management offices, and to all libraries in the State's central repository system.

Individuals wishing to be on the mailing list to receive the revised draft RMW State Plan, when available, may call or write:

Bureau of Medical Waste, Residuals Management and Statewide Planning
Division of Solid Waste Management
840 Bear Tavern Road, CN 414
Trenton, NJ 08625
(609) 530-8599

(c)

ENVIRONMENTAL REGULATION

Notice of Public Hearing
New Jersey Pollutant Discharge Elimination System Statewide Stormwater Permitting Program 1994 Annual Fee Report and Fee Schedule

Take notice that the Department of Environmental Protection and Energy (Department) will hold a **public hearing** to present the 1994 Annual Fee Report and Proposed Fee Schedule for the Stormwater Permitting Program that is administered by the Department's Bureau of Stormwater Permitting, and that is part of the New Jersey Pollutant Discharge Elimination System (NJPDES) Permit Program.

The **public hearing** will be held on Tuesday, June 21, 1994 from 3:00 P.M. to 6:00 P.M. at:

New Jersey Department of Environmental Protection and Energy
Public Hearing Room, First Floor
401 East State Street
Trenton, New Jersey

The **public comment period** on the 1994 Annual Fee Report and Proposed Fee Schedule for the Stormwater Permitting Program will remain open until June 24, 1994. Please submit written comments to:

Barry Chalofsky, Manager
1994 Annual Fee Report
Bureau of Stormwater Permitting
Department of Environmental Protection and Energy
CN 423
Trenton, NJ 08625

The Department will mail copies of the 1994 Annual Fee Report and Proposed Fee Schedule to Stormwater NJPDES applicants and permittees. Others wishing copies may contact the Bureau of Stormwater Permitting at (609) 633-7026.

(d)

OFFICE OF AIR QUALITY MANAGEMENT

Notice of Public Workshop to Address Revision to the State Implementation Plan for Ozone Attainment

Take notice that the New Jersey Department of Environmental Protection and Energy (the Department) is convening a **public workshop** to obtain the public's assistance and guidance in developing a revision to New Jersey's State Implementation Plan (SIP) for the attainment, maintenance, and enforcement of the National Ambient Air Quality Standards (NAAQS) for ozone. This revision is required pursuant to

the Federal Clean Air Act, 42 U.S.C.A. sect. 7401 et seq., as amended by Pub L. 101-549, November 15, 1990 (Act). The Act requires that this revision to the SIP be submitted by the State of New Jersey to the United States Environmental Protection Agency (USEPA) by November 15, 1994.

As specified in the Act, this SIP revision must contain a plan to achieve attainment of the NAAQS for ozone in the Philadelphia/Wilmington/Trenton nonattainment area by 2005 and in the New York/Northern New Jersey/Long Island nonattainment area by 2007. The SIP revision must also contain a plan to insure "reasonable further progress" towards attainment in both the Philadelphia/Wilmington/Trenton nonattainment area and the New York/Northern New Jersey/Long Island nonattainment area. Reasonable further progress is defined in the Act as an average reduction of at least three percent per year in volatile organic compound (VOCs) or oxides of nitrogen (NO_x) emissions beginning in 1996 until the year of attainment.

This is the third revision to the Ozone SIP required by the Act to address nonattainment of the NAAQS for ozone within the State of New Jersey. The first revision, submitted to USEPA on November 15, 1992, implemented specific ozone control measures mandated by the Act. The second revision, submitted to USEPA on November 15, 1993, included a "rate of progress plan" which specifies the measures to be taken to achieve, by November 15, 1996, a 15 percent reduction in VOC emissions from the 1990 air emission baseline.

The Department is holding this public workshop to provide the public with an opportunity to help shape this third revision to the Ozone SIP. Workshop participants will have the opportunity to review the latest air quality data and modeling available to the Department pertaining to the nonattainment of the NAAQS for ozone within the State of New Jersey. Workshop participants will then have the opportunity to assist the Department in identifying strategies and options to be included in both the plan for attainment and the plan for reasonable further progress.

This **workshop** will be held as follows:

Wednesday, May 25, 1994
9:00 A.M.
Cook College Campus Center
Rutgers University
Corner of Biel and Dudley Roads
New Brunswick, New Jersey

The Department welcomes your attendance at this workshop. Although pre-registration is not required, the Department would appreciate advance notice if you plan to attend. If you plan to attend, please contact:

Mark Brownstein, Esq.
Office of Air Quality Management
New Jersey Department of Environmental Protection and Energy
CN 418
Trenton, New Jersey 08625
(609) 777-1345

Please note that this workshop is an opportunity for presentation of information and informal discussion only. It is not a public hearing, and no record will be made of this proceeding.

(a)

NEW JERSEY LOW-LEVEL RADIOACTIVE WASTE DISPOSAL FACILITY SITING BOARD

Notice of Availability of Approved Budget for Fiscal Year 1995 and Most Recent Annual Audit

Take notice that, pursuant to N.J.A.C. 7:60-1.4(f), the approved budget and the results of the most recent annual audit are available from the New Jersey Low Level Radioactive Waste Disposal Facility Siting Board (Board). On January 6, 1994, the Board held its meeting to approve the budget for Fiscal Year 1995, July 1, 1994 through June 30, 1995. On April 7, 1994, the Board determined in accordance with N.J.A.C. 7:60-1.4(c) that because of the funds available there is no need for an assessment for Fiscal Year 1995. However, the Board anticipates there will be fee assessments in subsequent years. A copy of the approved budget and the results of the most recent annual audit may be obtained from the New Jersey Low-Level Radioactive Waste Disposal Facility Siting Board, CN-410, Trenton, NJ 08625-0410, or call (609) 777-4247.

(b)

OFFICE OF LAND AND WATER PLANNING

Amendment to the Cape May County Water Quality Management Plan

Public Notice

Take notice that on April 8, 1994, pursuant to the provisions of the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., and the Statewide Water Quality Management Planning rules (N.J.A.C. 7:15-3.4), an amendment to the Cape May County Water Quality Management Plan was adopted by the Department. This amendment was submitted by the New Jersey Highway Authority (NJHA). The amendment allows for connection of the NJHA's Ocean View Service Area in Dennis Township and the Swainton Maintenance Yard and Avalon State Police Barracks in Middle Township to the Seven Mile/Middle sewage treatment plant (STP) in Middle Township. The existing STP which serves the Ocean View Service Area and discharges to a tributary of Ludlam bay, and the existing on-site sewage disposal system discharging to ground water which serves both the Swainton Maintenance Yard and Avalon State Police Barracks, will be abandoned upon connection to the Seven Mile/Middle STP. The force main and pumping station required for this project will be sized only to handle the wastewater from the three existing facilities specified above.

This amendment represents only one part of the permit process and other issues will be addressed prior to final permit issuance. Additional issues which were not reviewed in conjunction with this amendment but which may need to be addressed may include, but are not limited to, the following: antidegradation; effluent limitations; water quality analysis; exact locations and designs of future treatment works (pump stations, interceptors, sewers, outfalls, wastewater treatment plants); and development in wetlands, flood prone areas, designated Wild and Scenic River areas, or other environmentally sensitive areas which are subject to regulation under Federal or State statutes or rules.

(c)

OFFICE OF LAND AND WATER PLANNING

Amendment to the Lower Delaware Water Quality Management Plan

Public Notice

Take notice that the New Jersey Department of Environmental Protection and Energy (NJDEPE) is seeking public comments on a proposed amendment to the Lower Delaware Water Quality Management (WQM) Plan. This amendment was submitted by the Cumberland County Department of Planning and Development (CCDPD) as the wastewater management planning agency for Cumberland County. The amendment would adopt the Cohansey River Basin Wastewater Management Plan (WMP) portion of the Cumberland County WMP. The WMP identifies a planning area entirely covering seven municipalities including Bridgeton City, Shiloh Borough, Greenwich, Fairfield, Hopewell, Stow Creek, and Upper Deerfield Townships and two parcels in Deerfield Township being the Cumberland County Technical Education Center and the Cumberland County Solid Waste Facility Complex. Upon adoption of this Plan, planning responsibility would remain with the CCDPD.

The WMP identifies an expansion to the sewer service area of the Cohansey River Basin Wastewater Treatment Plant (WTP) into additional areas of Fairfield, Hopewell, and Upper Deerfield Townships. In addition, this WTP will serve the Cumberland County Technical Education Center in Deerfield Township and the already permitted connection of the Cumberland County Solid Waste Facility Complex. The Cumberland County Utilities Authority (CCUA) had previously studied the expansion of sewer service into Fairfield, Hopewell, and Upper Deerfield Townships as part of their 201 Facilities Planning, however, sewer extension into Fairfield and Hopewell Townships was never formally approved under the Facilities Plan. A revision to the Lower Delaware WQM Plan which identified all properties in these two municipalities presently receiving service from the CCUA was recently adopted by the NJDEPE. The proposed service area expansion to the Cohansey WTP will bring the projected wastewater planning flow need to 4.83 million gallons per day (MGD). This projected need is below the 7.0 MGD design capacity of this WTP.

The following new or expanded wastewater treatment plants have been identified: Seabrook Brothers & Sons in Upper Deerfield with a projected wastewater planning flow of 3.0 MGD and Optopics Laboratories in Fairfield Township with a wastewater planning flow of 0.01 MGD. All other existing wastewater dischargers with no proposed changes to their volume of discharge have also been identified.

The following wastewater treatment facilities will be abandoned upon connection to the Cohansey WTP: Cumberland County Technical Education Center in Deerfield, Hopewell Crest School and the Barrett Run School in Hopewell, and the Gouldtown School in Fairfield Township.

All other areas within the WMP planning area which have not been designated as sewer service area of a specific wastewater treatment facility have been identified as areas to be served by subsurface sewage disposal systems with design capacities less than 20,000 gallons per day (gpd) or areas served by subsurface sewage disposal systems with wastewater planning flows less than 2,000 gpd (that is, individual septic systems fall into this category). These designations have been based on local municipal zoning or master plans.

This amendment represents only one part of the permit process and other issues will be addressed prior to final permit issuance. Additional issues which were not reviewed in conjunction with this amendment but which may need to be addressed may include, but are not limited to, the following: antidegradation; effluent limitations; water quality analysis; exact locations and designs of future treatment works (pump stations, interceptors, sewers, outfalls, wastewater treatment plants); and development in wetlands, flood prone areas, designated Wild and Scenic River areas, or other environmentally sensitive areas which are subject to regulation under Federal or State statutes or rules.

This notice is being given to inform the public that a plan amendment has been proposed for the Lower Delaware WQM Plan. All information related to the WQM Plan and the proposed amendment is located at the NJDEPE, Office of Land and Water Planning, CN-423, 401 East State Street, Trenton, N.J. 08625. It is available for inspection between 8:30 A.M. and 4:00 P.M., Monday through Friday. An appointment to inspect the documents may be arranged by calling the Office of Land and Water Planning at (609) 633-1179.

Interested persons may submit written comments on the amendment to Dr. Daniel J. Van Abs, at the NJDEPE address cited above with a copy sent to Mr. Stephen Kehs, Cumberland County Department of Planning and Development, 800 East Commerce Street, Bridgeton, New Jersey 08302. All comments must be submitted within 30 days of the date of this public notice. All comments submitted by interested persons in response to this notice, within the time limit, shall be considered by NJDEPE with respect to the amendment request.

Any interested person may request in writing that NJDEPE hold a nonadversarial public hearing on the amendment or extend the public comment period in this notice up to 30 additional days. These requests must state the nature of the issues to be raised at the proposed hearing or state the reasons why the proposed extension is necessary. These requests must be submitted within 30 days of the date of this public notice to Dr. Van Abs at the NJDEPE address cited above. If a public hearing for the amendment is held, the public comment period in this notice shall be extended to close 15 days after the public hearing.

(a)

OFFICE OF LAND AND WATER PLANNING

Amendment to the Tri-County Water Quality Management Plan

Public Notice

Take notice that the New Jersey Department of Environmental Protection and Energy (NJDEPE) is seeking public comments on a proposed amendment to the Tri-County Water Quality Management (WQM) Plan. This amendment proposal was submitted on behalf of the Bordentown Sewerage Authority. The amendment would modify the Bordentown Sewerage Authority Wastewater Management Plan by expanding the sewer service area of the Authority's Black's Creek Wastewater Treatment Plant (WTP) to serve the area presently served by the Johnstone Center WTP. This area includes the National Guard Armory and State Police Barracks on Route 130, Yepsen Juvenile Medium Security Facility, and the Johnstone Training School site, all within the Township of Bordentown. The projected wastewater flow from these facilities is 0.08 million gallons per day (MGD), expanding the projected 20 year planning need of the Black's Creek WTP to 4.207 MGD. Upon completion of this proposal, the Johnstone WTP will be abandoned. Any future development on these sites which lies within identified environmentally sensitive areas will be required to contact NJDEPE regarding whether a Federal Environmental Protection Agency grant waiver or mapping revision approval is required.

This amendment represents only one part of the permit process and other issues will be addressed prior to final permit issuance. Additional issues which were not reviewed in conjunction with this amendment but which may need to be addressed may include, but are not limited to, the following: antidegradation; effluent limitations; water quality analysis; exact locations and designs of future treatment works (pump stations, interceptors, sewers, outfalls, wastewater treatment plants); and development in wetlands; flood prone areas, designated Wild and Scenic River areas, or other environmentally sensitive areas which are subject to regulation under Federal or State statutes or rules.

This notice is being given to inform the public that a plan amendment has been proposed for the Tri-County WQM Plan. All information related to the WQM Plan, and the proposed amendment is located at the NJDEPE, Office of Land and Water Planning, CN423, 401 East State Street, Trenton, N.J. 08625. It is available for inspection between 8:30 A.M. and 4:00 P.M. Monday through Friday. An appointment to inspect the documents may be arranged by calling the Office of Land and Water Planning at (609) 633-1179.

Interested persons should submit written comments on the proposed amendment to Dr. Daniel J. Van Abs, at the NJDEPE address cited above with a copy sent to Mr. Donald A. Russo, BCM, One Plymouth Meeting, Plymouth Meeting, PA 19462. All comments must be submitted within 30 days of the date of this public notice. All comments submitted by interested persons in response to this notice, within the time limit, shall be considered by NJDEPE with respect to the amendment request.

Any interested persons may request in writing that NJDEPE hold a nonadversarial public hearing on the amendment (or extend the public comment period in this notice up to 30 additional days). These requests must state the nature of the issues to be raised at the proposed hearing or state the reasons why the proposed extension is necessary. These requests must be submitted within 30 days of the date of this notice to Dr. Van Abs at the NJDEPE address cited above. If a public hearing for the amendment is held, the public comment period in this notice shall be extended to close 15 days after the public hearing.

(b)

OFFICE OF LAND AND WATER PLANNING

Amendment to the Upper Raritan Water Quality Management Plan

Public Notice

Take notice that on April 15, 1994, pursuant to the provisions of the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., and the Statewide Water Quality Management Planning rules (N.J.A.C. 7:15-3.4), an amendment to the Upper Raritan Water Quality Management Plan was adopted by the Department. This amendment expands the Washington Township Municipal Utilities Authority's Schooley's Mountain Wastewater Treatment Plant sewer service area to include the six lot residential housing subdivision known as Catherine Court Estates (Block 20.10, Lots 42.02-42.07). This amends the Township of Washington, Morris County Wastewater Management Plan.

This amendment represents only one part of the permit process and other issues will be addressed prior to final permit issuance. Additional issues which were not reviewed in conjunction with this amendment but which may need to be addressed may include, but are not limited to, the following: antidegradation; effluent limitations; water quality analysis; exact locations and designs of future treatment works (pump stations, interceptors, sewers, outfalls, wastewater treatment plants); and development in wetlands, flood prone areas, designated Wild and Scenic River areas, or other environmentally sensitive areas which are subject to regulation under Federal or State statutes or rules.

(a)

OFFICE OF LAND AND WATER PLANNING

Amendment to the Upper Raritan Water Quality Management Plan

Public Notice

Take notice that on April 8, 1994, pursuant to the provisions of the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., and the Statewide Water Quality Management Planning rules (N.J.A.C. 7:15-3.4), an amendment to the Upper Raritan Water Quality Management Plan was adopted by the Department. This amendment, submitted on behalf of Stanton Properties, will revise the Readington-Lebanon Sewerage Authority Wastewater Management Plan. The amendment allows Stanton Properties to expand their sewer service area to include Block 51, Lots 10 and 11, and Block 45, Lot 26.01 subdivided into seven lots, and a portion of Lot 26. Stanton Properties is identified in the Readington-Lebanon Sewerage Authority Wastewater Management Plan as a ground water disposal facility. The amendment will increase the projected population within Stanton Properties to 866 persons and wastewater flow to 0.0721 million gallons per day.

This amendment represents only one part of the permit process and other issues will be addressed prior to final permit issuance. Additional issues which were not reviewed in conjunction with this amendment but which may need to be addressed may include, but are not limited to, the following: antidegradation; effluent limitations; water quality analysis; exact locations and designs of future treatment works (pump stations, interceptors, sewers, outfalls, wastewater treatment plans); and development in wetlands, flood prone areas, designated Wild and Scenic River areas, or other environmentally sensitive areas which are subject to regulation under Federal or State statutes or rules.

(b)

OFFICE OF LAND AND WATER PLANNING

Amendment to the Northeast Water Quality Management Plan

Public Notice

Take notice that on April 18, 1994, pursuant to the provisions of the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., and the Statewide Water Quality Management Planning rules (N.J.A.C. 7:15-3.4), an amendment to the Northeast Water Quality Management Plan was adopted by the Department. This amendment allows for treatment of the industrial wastewater from a proposed New Jersey Transit bus maintenance facility in Wayne Township, Passaic County at the Passaic Valley Sewerage Commissioners (PVSC) Water Pollution Control Facility (WPCF) in Newark City, Essex County (discharge is to the Upper New York Bay). The projected industrial flow is approximately 11,000 gallons per day. Sanitary wastewater from the proposed bus maintenance facility will be treated at Wayne Township's Mountain View WPCF which discharges to Singac Brook.

This amendment proposal was noticed in the New Jersey Register on January 18, 1994 at 26 N.J.R. 496(a). A comment on this amendment was received during the public comment period and is summarized below with the DEPE's response.

COMMENT: The Township of Little Falls is concerned about the inflow of petrochemical products into the PVSC sewer system from wastewater generated at the proposed New Jersey Transit bus maintenance facility.

RESPONSE: Pursuant to 40 CFR Part 403, PVSC is a delegated authority with an approved pretreatment program. The discharge of petrochemicals into the PVSC sewer system from the proposed New Jersey Transit bus maintenance facility will be regulated through this approved pretreatment program. The bus maintenance facility will be required to meet the pretreatment standards for petroleum hydrocarbons so as not to cause any water quality or sludge quality violations at the PVSC WPCF. Therefore, the Township's concern will be addressed by this approved pretreatment program.

This amendment represents only one part of the permit process and other issues will be addressed prior to final permit issuance. Additional issues which were not reviewed in conjunction with this amendment but which may need to be addressed may include, but are not limited to, the following: changes to PVSC district legislation, antidegradation; effluent limitations; water quality analysis; exact locations and designs of future treatment works (pump stations, interceptors, sewers, outfalls, wastewater treatment plant); and development in wetlands, flood prone areas, designated Wild and Scenic River areas, or other environmentally sensitive areas which are subject to regulation under Federal or State statutes or rules.

EDUCATION

(c)

STATE BOARD OF EDUCATION

Notice of Public Testimony Session, June 15, 1994

Take notice that the following agenda items are scheduled for Notice of Proposal in the May 16, 1994 New Jersey Register and are, therefore, subject to public comment. Pursuant to the policy of the New Jersey State Board of Education, a public testimony session will be held for the purpose of receiving public comment on Wednesday, June 15, 1994 from 3:00 P.M. to 6:00 P.M. in the 8th Floor Training Room, Department of Education, 225 East State Street, Trenton, New Jersey.

To reserve time to speak call the State Board Office at (609) 292-0739 by 12:00 noon Friday, June 10, 1994.

Rule Proposals:

N.J.A.C. 6:26, Intervention and Referral Services for General Education Pupils

N.J.A.C. 6:21, Pupil Transportation

(d)

STATE BOARD OF EDUCATION

Notice of Public Testimony Session, June 15, 1994

Take notice that the following agenda items are currently under review before the State Board of Education. Pursuant to the policy of the New Jersey State Board of Education, a public testimony session will be held for the purpose of receiving public comment on Wednesday, June 15, 1994 from 3:00 P.M. to 6:00 P.M. in the 8th Floor Training Room, Department of Education, 225 East State Street, Trenton, New Jersey.

To reserve time to speak call the State Board Office at (609) 292-0739 by 12:00 noon Friday, June 10, 1994.

Rule Proposals:

N.J.A.C. 6:31, Bilingual Education

N.J.A.C. 6:7, State-Operated School Districts

N.J.A.C. 6:68, State Library Assistance Programs

(e)

STATE BOARD OF EDUCATION

Notice of Public Testimony Session, June 15, 1994

Take notice that the following agenda item is scheduled for Notice of Proposal in the June 6, 1994 New Jersey Register and is, therefore, subject to public comment. Pursuant to the policy of the New Jersey State Board of Education, a public testimony session will be held for the purpose of receiving public comment on Wednesday, June 15, 1994 from 3:00 P.M. to 6:00 P.M. in the 8th Floor Training Room, Department of Education, 225 East State Street, Trenton, New Jersey.

To reserve time to speak call the State Board Office at (609) 292-0739 by 12:00 noon Friday, June 10, 1994.

Rule Proposal:

N.J.A.C. 6:70, Library Network Services

HUMAN SERVICES

(a)

DIVISION OF YOUTH AND FAMILY SERVICES

Re-Notice of Availability of Grants Intensive Family Preservation Services

Take notice that, in compliance with N.J.S.A. 52:14-34.4, 34.5 and 34.6, the Department of Human Services re-announces this availability of funds. This notice has been published previously on March 21, 1994 at 26 N.J.R. 1399(a) and is being re-announced in order to comply with internal Division policy. All time frames, terms and conditions specified in this announcement supersede those specified in the announcement of March 21, 1994. If an applicant submitted a proposal in response to the March 21, 1994 announcement, they must resubmit their proposal in accordance with the terms and conditions of this announcement.

Name of Grant Program: Intensive Family Preservation Services (IFPS).

Purpose for which the grant program funds shall be used: This program is intended to enhance New Jersey's IFPS program delivery through statewide expansion of this initiative.

Amount of available funding: Contingent upon the receipt of federal Title IV-A Emergency Assistance funds, the Division of Youth and Family Services (DYFS) proposes to make available an annualized amount of $1.55 million for this program expansion. There is no match requirement. Funds awarded shall be continuous if providers are in compliance with DYFS contract requirements and demonstrate positive program outcomes. Total funding shall not exceed the annualized amount of $1.55 million and will be distributed as follows to the seven counties where there are currently no established IFPS Programs.

- Hunterdon County—$200,000
- Middlesex County—$307,000
- Morris County—$200,000
- Ocean County—$239,000
- Somerset County—$200,000
- Sussex County—$200,000
- Warren County—$200,000

Organizations eligible to apply for funding: Private non-profit or for-profit agencies, organizations, individuals or public entities in the State that meet the following requiremens will be eligible to apply for funding under this program:

1. The applicant must be willing to enter into a contract with DYFS and comply with the contracting rules and regulations of the Department of Human Services (that is, the Standard Contract Language, the Contract Reimbursement Manual and the Contract Policy and Information Manual, N.J.A.C. 10:3).
2. The applicant must be willing to adhere specifically to the program requirements contained in the Request for Proposals (RFP) and comply with DYFS monitoring and evaluation procedures.
3. The applicant must not discriminate in providing services to clients based on age, race, creed, national origin, sex, handicap or financial status.
4. The applicant must be willing to adhere to all reporting requirements specified in the RFP.

Proposal Evaluation: The following criteria and point system will be used to facilitate the selection process:

Points	Criteria
20	Demonstration by the applicant of a comprehensive understanding of the purpose and intent of the Homebuilders/Intensive Family Preservation Services philosophy and treatment mode;
15	Compatibility of applicant's history, goals and objectives with the IFPS model, including a description and history of in-home family service programs of a similar nature to IFPS that are conducted by the applicant;
5	Outline of current staffing/organization plan and how IFPS would be incorporated into that plan;
25	Clarity, originality and attainability of the applicant's plan for IFPS program implementation and assurance of compliance with legislation, RFP, and contract requirements;
10	Description of the applicant's current and/or proposed relationship with the local DYFS District Office(s), community networking, and utilization of community resources;
10	Reasonableness of budget plan;
5	Description of the applicant's current system for monitoring and evaluating services and how IFPS would be incorporated into that system; and
10	Description of the management and supervision methods to ensure program accountability; supervision and training of staff; monitoring performance of service activities and ensuring attainment of objectives.

Procedures for eligible applicants to apply: Organizations and individuals interested in applying for these funds may obtain a copy of the Request for Proposals by contacting Alisha A. Griffin, Assistant Administrator, DYFS Office of Statewide Operations and Support, at (609) 292-0590 or by FAX, at (609) 292-4929.

A Bidders' Conference is scheduled for:

Date: Wednesday, May 25, 1994
Time: 10:00 A.M.-1:00 P.M.
Location: Human Resource Development Institute (HRDI)
Princeton Forrestal Center
600 College Rd.
Princeton, N.J. 08540

Attendance at the Bidders' Conference is mandatory. Proposals received from applicants who did not attend the Bidders' Conference will be disqualified. If an applicant attended the Bidders' Conference held on Wednesday, March 30, 1994 at the Princeton Forrestal Center, attendance at the May 25th Bidders' Conference can be waived.

Organizations and individuals interested in applying for these funds may also obtain a copy of the Request for Proposals at the Bidders' Conference.

Submission of proposals: Organizations and individuals interested in applying for these funds should submit one signed original and 10 copies of their proposal and all required attachments to the DYFS Regional Office listed below for the county or counties in which they are proposing to provide services:

DYFS Northern Regional Office
(for Morris, Sussex and Warren Counties)
Jean Mendres, Regional Administrator
100 Hamilton Plaza
7th Floor, Room 710
Paterson, New Jersey 07501

DYFS Metropolitan Regional Office
(for Middlesex County)
Charles Venti, Regional Administrator
153 Halsey St., 2nd Floor
Newark, New Jersey 07101

DYFS Central Regional Office
(for Hunterdon, Ocean and Somerset Counties)
Janice Malec, Regional Administrator
50 East State St., 5th Floor
CN 717
Trenton, New Jersey 08625

The completed proposal including all copies and required attachments must be received by 5:00 P.M. on **June 17, 1994,** at the DYFS Regional Office. Proposals may be mailed or hand-delivered. No late proposals will be considered for funding, regardless of postmark.

Date by which applicants shall be notified of acceptance: August 5, 1994.

(b)

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Notice of Action on Petition for Rulemaking N.J.A.C. 10:52-1.17

Petitioner: Children's Seashore House, as represented by Norris, McLaughlin & Marcus, Attorneys at Law.

Take notice that on April 5, 1994, the New Jersey Department of Human Services received a petition for rulemaking concerning N.J.A.C.

10:52-1.17, the rule for reimbursement of out-of-State hospital services as promulgated by the Division of Medical Assistance and Health Services (the Division).

Petitioner is Children's Seashore House, a pediatric rehabilitation hospital that renders inpatient hospital care to New Jersey Medicaid patients.

Petitioner requests that the Division commence rulemaking activity to eliminate the five percent reduction in the rates paid to out-of-State non-DRG hospitals providing inpatient care to New Jersey Medicaid recipients.

In accordance with the provisions of N.J.A.C. 1:30-3.6, the Department/Division shall subsequently mail to the petitioner, and file with the Office of Administrative Law, a notice of action on the petition.

CORRECTIONS

(a)

THE COMMISSIONER

Notice of Availability of Grants Bureau of Contract Administration

Take notice that, in compliance with N.J.S.A. 52:14-34.4, 34.5 and 34.6 (P.L. 1987, c.7), the Department of Corrections hereby publishes notice of the availability of the following grant:

Name of grant program: Residential Community Release Programs.

Purpose for which the grant funds will be used: To provide cost reimbursement to agencies which contract with the Department of Corrections for residential pre-release programs for inmates. The total amount recommended by the Governor for the grant program is $6,457,000.

Contact the person identified in this notice to determine whether the funds have been awarded and to receive further information.

Groups or entities which may apply for the grant program: Nonprofit community based treatment centers.

Qualifications needed by an applicant to be considered for a grant: Nonprofit corporations with suitable facilities that:

1. Meet Department of Community Affairs' licensing requirements for Class C or D rooming and boarding houses;
2. Conform with local building codes and zoning ordinances; and
3. Meet local and State health and fire codes.

Procedure for eligible entities to apply for grant funds: Qualified applicants must complete and submit an application for contractual services for Residential Community Treatment Programs.

For inspection and application contact:

Dorothea A. Keller, Chief
Bureau of Contract Administration
CN-863
Trenton, NJ 08625
(609) 292-9366

Deadline by which applications must be submitted: Applications may be submitted at any time.

Date by which applicant shall be notified whether they will receive funds: Applicant will be notified after a careful review and evaluation of their program proposal, which usually takes approximately six weeks.

REGISTER INDEX OF RULE PROPOSALS AND ADOPTIONS

The research supplement to the New Jersey Administrative Code

A CUMULATIVE LISTING OF CURRENT PROPOSALS AND ADOPTIONS

The **Register Index of Rule Proposals and Adoptions** is a complete listing of all active rule proposals (with the exception of rule changes proposed in this Register) and all new rules and amendments promulgated since the most recent update to the Administrative Code. Rule proposals in this issue will be entered in the Index of the next issue of the Register. **Adoptions promulgated in this Register have already been noted in the Index by the addition of the Document Number and Adoption Notice N.J.R. Citation next to the appropriate proposal listing.**

Generally, the key to locating a particular rule change is to find, under the appropriate Administrative Code Title, the N.J.A.C. citation of the rule you are researching. If you do not know the exact citation, scan the column of rule descriptions for the subject of your research. To be sure that you have found all of the changes, either proposed or adopted, to a given rule, scan the citations above and below that rule to find any related entries.

At the bottom of the index listing for each Administrative Code Title is the Transmittal number and date of the latest looseleaf update to that Title. Updates are issued monthly and include the previous month's adoptions, which are subsequently deleted from the Index. To be certain that you have a copy of all recent promulgations not yet issued in a Code update, retain each Register beginning with the April 4, 1994 issue.

If you need to retain a copy of all currently proposed rules, you must save the last 12 months of Registers. A proposal may be adopted up to one year after its initial publication in the Register. Failure to adopt a proposed rule on a timely basis requires the proposing agency to resubmit the proposal and to comply with the notice and opportunity-to-be-heard requirements of the Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq.), as implemented by the Rules for Agency Rulemaking (N.J.A.C. 1:30) of the Office of Administrative Law. If an agency allows a proposed rule to lapse, "Expired" will be inserted to the right of the Proposal Notice N.J.R. Citation in the next Register following expiration. Subsequently, the entire proposal entry will be deleted from the Index. See: N.J.A.C. 1:30-4.2(c).

Terms and abbreviations used in this Index:

N.J.A.C. Citation. The New Jersey Administrative Code numerical designation for each proposed or adopted rule entry.

Proposal Notice (N.J.R. Citation). The New Jersey Register page number and item identification for the publication notice and text of a proposed amendment or new rule.

Document Number. The Registry number for each adopted amendment or new rule on file at the Office of Administrative Law, designating the year of promulgation of the rule and its chronological ranking in the Registry. As an example, R.1993 d.1 means the first rule filed for 1993.

Adoption Notice (N.J.R. Citation). The New Jersey Register page number and item identification for the publication notice and text of an adopted amendment or new rule.

Transmittal. A series number and supplement date certifying the currency of rules found in each Title of the New Jersey Administrative Code: Rule adoptions published in the Register after the Transmittal date indicated do not yet appear in the loose-leaf volumes of the Code.

N.J.R. Citation Locator. An issue-by-issue listing of first and last pages of the previous 12 months of Registers. Use the locator to find the issue of publication of a rule proposal or adoption.

MOST RECENT UPDATE TO THE ADMINISTRATIVE CODE: SUPPLEMENT MARCH 21, 1994

NEXT UPDATE: SUPPLEMENT APRIL 18, 1994

Note: If no changes have occurred in a Title during the previous month, no update will be issued for that Title.

N.J.R. CITATION LOCATOR

If the N.J.R. citation is between:	Then the rule proposal or adoption appears in this issue of the Register	If the N.J.R. citation is between:	Then the rule proposal or adoption appears in this issue of the Register
25 N.J.R. 1913 and 2150	May 17, 1993	25 N.J.R. 5383 and 5728	December 6, 1993
25 N.J.R. 2151 and 2620	June 7, 1993	25 N.J.R. 5729 and 6084	December 20, 1993
25 N.J.R. 2621 and 2794	June 21, 1993	26 N.J.R. 1 and 280	January 3, 1994
25 N.J.R. 2795 and 3050	July 6, 1993	26 N.J.R. 281 and 520	January 18, 1994
25 N.J.R. 3051 and 3276	July 19, 1993	26 N.J.R. 521 and 878	February 7, 1994
25 N.J.R. 3277 and 3582	August 2, 1993	26 N.J.R. 879 and 1178	February 22, 1994
25 N.J.R. 3583 and 3884	August 16, 1993	26 N.J.R. 1179 and 1272	March 7, 1994
25 N.J.R. 3885 and 4360	September 7, 1993	26 N.J.R. 1273 and 1416	March 21, 1994
25 N.J.R. 4361 and 4540	September 20, 1993	26 N.J.R. 1417 and 1554	April 4, 1994
25 N.J.R. 4541 and 4694	October 4, 1993	26 N.J.R. 1555 and 1738	April 18, 1994
25 N.J.R. 4695 and 4812	October 18, 1993	26 N.J.R. 1739 and 1904	May 2, 1994
25 N.J.R. 4813 and 4980	November 1, 1993	26 N.J.R. 1905 and 2166	May 16, 1994
25 N.J.R. 4981 and 5382	November 15, 1993		

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
ADMINISTRATIVE LAW—TITLE 1				
1:1-9.4	Accelerated proceedings	26 N.J.R. 284(a)	R.1994 d.173	26 N.J.R. 1493(a)
1:1-11.1	Subpoenas	26 N.J.R. 1276(a)		
1:10-1.1, 9.1, 9.2, 14.1, 14.2, 14.3, 18.1	Family Development hearings: withdrawal of proposal	26 N.J.R. 1744(a)		
1:10-1.1, 14.2, 14.3	Family Development hearings: reproposal	26 N.J.R. 1744(b)		
1:13A-11.1	Subpoenas	26 N.J.R. 1276(a)		
1:14-10	BRC ratemaking hearings: discovery	26 N.J.R. 3(a)		
1:14-10	BRC ratemaking hearings: extension of comment period regarding discovery process	26 N.J.R. 883(a)		
	Most recent update to Title 1: TRANSMITTAL 1994-1 (supplement March 21, 1994)			
AGRICULTURE—TITLE 2				
2:6	Animal health: biologics for diagnostic or therapeutic purposes	25 N.J.R. 4985(a)		
2:32-2.1, 2.7, 2.9, 2.27	Sire Stakes Program conditions	26 N.J.R. 1181(a)		
2:33	Agricultural fairs	26 N.J.R. 285(a)		
2:69-1.11	Commercial values of primary plant nutrients	26 N.J.R. 1560(a)		
2:76	Agriculture Development Committee	26 N.J.R. 1419(a)		
2:76-6.11	Farmland Preservation Program: correction to proposal and extension of comment period regarding acquisition of development easements	25 N.J.R. 4697(a)		
	Most recent update to Title 2: TRANSMITTAL 1994-2 (supplement March 21, 1994)			
BANKING—TITLE 3				
3:1-2.17, 2.25, 2.26	Closing of branch offices	26 N.J.R. 883(b)		
3:1-2.25, 2.26	Charter conversions	26 N.J.R. 286(a)	R.1994 d.208	26 N.J.R. 1827(a)
3:1-6.6	Department examination charges	26 N.J.R. 1560(b)		
3:4-3	Banking institutions: sale of alternative investments	25 N.J.R. 5733(a)		
3:6-8.2, 8.3, 17	Charter conversions	26 N.J.R. 286(a)	R.1994 d.208	26 N.J.R. 1827(a)
3:6-15.2	Disqualification of savings bank directors	25 N.J.R. 3586(b)		
3:11-7.11	Disqualification of bank directors	25 N.J.R. 3586(b)		
3:13-5	Mutual holding companies	26 N.J.R. 1213(a)		
3:32-3	Mutual holding companies	26 N.J.R. 1213(a)		
3:38-1.1, 1.10, 5.1	Mortgage banker non-servicing	25 N.J.R. 1035(a)	R.1993 d.295	25 N.J.R. 2687(a)
3:38-5.3	Mortgage referrals by real estate agents	26 N.J.R. 6(a)		
3:38-5.3	Mortgage referrals by real estate agents: extension of comment period	26 N.J.R. 884(a)		
3:41-12	Cemetery Board: service contractors and service contracts	26 N.J.R. 6(b)		
	Most recent update to Title 3: TRANSMITTAL 1994-2 (supplement March 21, 1994)			
CIVIL SERVICE—TITLE 4				
	Most recent update to Title 4: TRANSMITTAL 1992-1 (supplement September 21, 1992)			

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PERSONNEL—TITLE 4A				
4A:1-2.3	Department use of Social Security numbers	26 N.J.R. 287(a)		
4A:2-2.3	Sexual harassment; discrimination complaints	26 N.J.R. 1182(a)		
4A:2-3.1	Department use of Social Security numbers	26 N.J.R. 287(a)		
4A:3-3.1	Department use of Social Security numbers	26 N.J.R. 287(a)		
4A:4-2.1	Department use of Social Security numbers	26 N.J.R. 287(a)		
4A:4-2.9	Make-up examinations	26 N.J.R. 1183(a)		
4A:6-1.1, 1.8, 1.10, 1.21A	Family and medical leave	26 N.J.R. 1183(b)		
4A:6-4.2	Department use of Social Security numbers	26 N.J.R. 287(a)		
4A:7-1.3, 3.3	Sexual harassment; discrimination complaints	26 N.J.R. 1182(a)		
	Most recent update to Title 4A: TRANSMITTAL 1994-2 (supplement March 21, 1994)			
COMMUNITY AFFAIRS—TITLE 5				
5:11	Relocation assistance and eviction	26 N.J.R. 289(a)	R.1994 d.174	26 N.J.R. 1493(b)
5:15	Emergency shelters for the homeless	26 N.J.R. 1421(a)		
5:23-3.4, 3.20A	Indoor air quality subcode	25 N.J.R. 5918(a)		
5:23-4.4, 4.5, 4.5A, 4.12, 4.14, 4.18, 4.20	Uniform Construction Code: private on-site inspection agencies	25 N.J.R. 2162(a)		
5:23-5.5	Licensed electrical inspectors: administrative correction	_____	_____	26 N.J.R. 1495(a)
5:25A-1.3	Fire-retardant treated plywood failure: notice of rule invalidation regarding definition of major structural defect	_____	_____	26 N.J.R. 1828(a)
5:60	Displaced Homemaker Programs: eligibility for grants-in-aid	26 N.J.R. 1622(b)		
5:80-3.2	Housing and Mortgage Finance Agency: return on equity for housing project sponsors	26 N.J.R. 1186(a)		
5:80-5.10	Housing and Mortgage Finance Agency: prepayment of project mortgage	26 N.J.R. 1187(a)		
5:80-8	Housing and Mortgage Finance Agency: occupancy income requirements	26 N.J.R. 8(a)		
5:80-9.14, 9.15	Housing and Mortgage Finance Agency: rent increases for projects without Federal rent subsidies and for low/market rate projects	26 N.J.R. 1188(a)		
5:80-23.7, 23.9	Housing Incentive Note Purchase Program: fees; subordinate financing	26 N.J.R. 9(a)		
5:80-23.9	Housing and Mortgage Finance Agency: Housing Incentive Note Purchase Program fees	25 N.J.R. 3053(a)		
5:80-29	Housing and Mortgage Finance Agency: investment of housing project funds	25 N.J.R. 4830(a)		
5:91-1.3	Counseling on Affordable Housing: substantive rules	25 N.J.R. 5763(a)		
5:92-1.1, 13.1	Council on Affordable Housing: substantive rules	25 N.J.R. 5763(a)		
5:93	Council on Affordable Housing: substantive rules	25 N.J.R. 5763(a)		
	Most recent update to Title 5: TRANSMITTAL 1994-2 (supplement February 22, 1994)			
MILITARY AND VETERANS' AFFAIRS—TITLE 5A				
5A:6	Veterans' programs and services: policies and procedures	26 N.J.R. 530(a)		
	Most recent update to Title 5A: TRANSMITTAL 1993-1 (supplement December 20, 1993)			
EDUCATION—TITLE 6				
6:1 et seq.	Title 6, New Jersey Administrative Code: opportunity for public comment	25 N.J.R. 4369(b)		
6:28	Special education	25 N.J.R. 5734(a)	R.1994 d.127	26 N.J.R. 1495(b)
6:28-2.10, 3.6, 4.3	Special education	26 N.J.R. 1422(a)		
6:29-1.7	Eye protection in public schools	26 N.J.R. 537(a)	R.1994 d.238	26 N.J.R. 2019(a)
6:29-9.1, 9.2	Reporting of allegations of child abuse	26 N.J.R. 538(a)	R.1994 d.237	26 N.J.R. 2019(b)
6:30	Adult education programs	26 N.J.R. 884(b)		
6:39	District evaluation	26 N.J.R. 1423(a)		
	Most recent update to Title 6: TRANSMITTAL 1994-1 (supplement January 18, 1994)			
ENVIRONMENTAL PROTECTION AND ENERGY—TITLE 7				
7:0	Site Remediation Program: analysis of strict, joint and several liability under the New Jersey Spill Compensation Act	25 N.J.R. 3694(a)		
7:0	Management of waste oil: request for public comment	26 N.J.R. 1466(a)		
7:1C-1.1, 1.2, 1.5	Ninety-day construction permits: fees	26 N.J.R. 787(a)		
7:1C-1.1, 1.3, 1.5	Ninety-day construction permits: fees	26 N.J.R. 913(a)		
7:1E	Discharges of petroleum and other hazardous substances: request for public comment on draft amendments	25 N.J.R. 2636(a)		
7:1G	Worker and Community Right to Know	26 N.J.R. 123(a)		
7:5D	State Trails System	26 N.J.R. 1459(a)		

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7:6	Repeal (see 13:82)	26 N.J.R. 744(a)	R.1994 d.205	26 N.J.R. 1673(a)
7:7	Coastal Permit Program	26 N.J.R. 917(a)		
7:7	Coastal Permit Program	26 N.J.R. 918(a)		
7:7	Coastal Permit Program: extension of comment period	26 N.J.R. 1561(a)		
7:7-8	Coastal Permit Program: enforcement	26 N.J.R. 1745(a)		
7:7E	Coastal zone management	26 N.J.R. 943(a)		
7:7E	Coastal zone management: public meetings and opportunity for comment on proposed revisions to planning and growth region policies	26 N.J.R. 1003(a)		
7:7E-3.43	Coastal zone management: administrative correction regarding special urban areas	26 N.J.R. 1561(b)		
7:7E-8.12	Coastal zone management: notice of clarification	26 N.J.R. 1561(c)		
7:9-1.1	Treatment works approval, sewer bans and sewer ban exemptions	25 N.J.R. 3282(a)		
7:11-2.1-2.4, 2.9, 2.10, 2.13	Delaware and Raritan Canal—Spruce Run/Round Valley Reservoirs System: sale of water	25 N.J.R. 5742(a)		
7:11-4.3, 4.4, 4.9	Manasquan Reservoir Water Supply System: sale of water	25 N.J.R. 5744(a)		
7:12-1.2, 2.1, 2.2, 3.2, 4.1, 9.1	Shellfish growing water classifications	26 N.J.R. 789(a)	R.1994 d.201	26 N.J.R. 1632(a)
7:13	Flood hazard area control	26 N.J.R. 1009(a)		
7:13	Flood hazard area control	26 N.J.R. 1036(a)		
7:14	Water Pollution Control Act rules	26 N.J.R. 1038(a)		
7:14-8.3	Clean Water Enforcement Act: financial assurance for penalty payment schedules	25 N.J.R. 5395(a)		
7:14A	New Jersey Pollutant Discharge Elimination System	26 N.J.R. 1332(a)		
7:14A-1.9, 12, 22, 23	Treatment works approval, sewer bans and exemptions	25 N.J.R. 3282(a)		
7:14A-2.15, 6.14, 6.17, 12.4	Contaminated site remediation: NJPDES permit program	26 N.J.R. 158(a)		
7:15	Statewide Water Quality Management Planning Rules: public meetings and opportunity for comment on draft amendments	26 N.J.R. 792(a)		
7:15-5.18	Treatment works approval, sewer bans and exemptions	25 N.J.R. 3282(a)		
7:23	Flood Control Bond Grants	26 N.J.R. 1334(a)		
7:25-4	Implementation of Wild Bird Act of 1991	26 N.J.R. 1040(a)		
7:25-6.22	1994-95 Fish Code: snapping turtles, bull frogs and green frogs	26 N.J.R. 1047(a)	R.1994 d.234	26 N.J.R. 2021(a)
7:25-18.1	Flounder management	Emergency (expires 6-12-94)	R.1994 d.230	26 N.J.R. 1885(a)
7:25-18.1, 18.2	Marine fisheries: size and possession limits; pound nets	26 N.J.R. 291(a)	R.1994 d.248	26 N.J.R. 2021(b)
7:25-18.5, 18.6, 18.12	Delaware Bay gill net permits	25 N.J.R. 5397(a)	R.1994 d.202	26 N.J.R. 1633(a)
7:25A-1.2, 1.4, 1.9, 4.3	Oyster management	26 N.J.R. 1652(a)		
7:26-1.4	Hazardous waste transportation: informal meeting on draft "10-day in-transit holding rule"	26 N.J.R. 294(a)		
7:26-1.4, 9.3	Hazardous waste management: satellite accumulation areas	25 N.J.R. 1864(a)		
7:26-8.2, 8.14	Hazardous waste from specific sources: removal of K053 through K059 and K074 from list	26 N.J.R. 1464(a)		
7:26-8.8, 8.12, 8.19	Handling of substances displaying the Toxicity Characteristic	25 N.J.R. 753(a)	R.1993 d.300	25 N.J.R. 2718(a)
7:26C	Site Remediation Program: opportunity for comment on draft remedial priority system	25 N.J.R. 4551(c)		
7:27-1, 8, 18, 22	Air pollution control: facility operating permits	25 N.J.R. 3963(a)		
7:27-1, 8, 18, 21, 22	Air pollution control: extension of comment period regarding facility operating permits, emission statements, and penalties	25 N.J.R. 4836(a)		
7:27-1, 8, 18, 22	Air Operating Permits and Reconstruction Permits: public roundtable on proposed new rules and amendments	26 N.J.R. 793(a)		
7:27-15.1, 15.2, 15.4-15.10	Air quality management: enhanced inspection and maintenance program	25 N.J.R. 3322(a)		
7:27-15.1, 15.4	Enhanced Inspection and Maintenance (I/M) program	25 N.J.R. 5400(a)		
7:27-15.4	Air quality management: enhanced Inspection and Maintenance program	25 N.J.R. 5130(a)		
7:27-16.1	Control and prohibition of air pollution by VOS	25 N.J.R. 6002(a)		
7:27-21.1–21.5, 21.8, 21.9, 21.10	Air pollution control: facility emission statements	25 N.J.R. 4033(a)		
7:27-25.1, 25.3	Oxygenated fuels program	26 N.J.R. 1148(a)		
7:27-25.1, 25.3, 25.8	Control and prohibition of air pollution by vehicular fuels	26 N.J.R. 1048(a)		
7:27-25.1, 25.3, 25.8	Redesignation of carbon monoxide nonattainment areas and amendments regarding oxygenated fuels: public hearing time change	26 N.J.R. 1336(a)		
7:27-26	Low Emission Vehicles Program	26 N.J.R. 1467(a)		

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
7:27-27	Control and prohibition of mercury emissions	26 N.J.R. 1050(a)		
7:27A-3.2, 3.5, 3.10	Air pollution control: administrative penalties and requests for adjudicatory hearings	25 N.J.R. 4045(a)		
7:27A-3.10	Air pollution control: facility emission statement penalties	25 N.J.R. 4033(a)		
7:27A-3.10	Air quality management: enhanced Inspection and Maintenance program	25 N.J.R. 5130(a)		
7:27A-3.10	Enhanced I/M program	25 N.J.R. 5400(a)		
7:27A-3.10	Control and prohibition of air pollution by VOS	25 N.J.R. 6002(a)		
7:27A-3.10	Control and prohibition of mercury emissions	26 N.J.R. 1050(a)		
7:27B-4.1, 4.5–4.10	Air quality management: enhanced inspection and maintenance program	25 N.J.R. 3322(a)		
7:27B-4.1, 4.5, 4.6, 4.9	Enhanced I/M program	25 N.J.R. 5400(a)		
7:27B-4.5, 4.6, 4.9	Air quality management: enhanced Inspection and Maintenance program	25 N.J.R. 5130(a)		
7:28-48	Non-ionizing radiation producing sources: registration fees	25 N.J.R. 5422(a)		
7:28-48	Non-ionizing radiation producing sources: extension of comment period regarding registration fees	26 N.J.R. 793(b)		
7:50-2, 3, 4, 5, 6, 7	Pinelands Comprehensive Management Plan	26 N.J.R. 165(a)		
	Most recent update to Title 7: TRANSMITTAL 1994-3 (supplement March 21, 1994)			
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8:8	Collection, processing, storage and distribution of blood	26 N.J.R. 1057(a)	R.1994 d.229	26 N.J.R. 2025(a)
8:31B-2.1, 2.3, 2.4, 2.5	Hospital reporting of uniform bill-patient summaries (inpatient)	26 N.J.R. 10(a)		
8:31B-3.3, 3.70	Health care financing: monitoring and reporting	26 N.J.R. 12(a)		
8:31B-4.37	Charity care audit functions	26 N.J.R. 13(a)		
8:33L	Home Health Agency Policy Manual	26 N.J.R. 1065(a)		
8:38-1–3	Health Maintenance Organizations	26 N.J.R. 1624(a)		
8:39	Long-term care facilities: standards for licensure	26 N.J.R. 1772(c)		
8:42A	Licensure of alcoholism treatment facilities	26 N.J.R. 1625(a)		
8:43D	Health Care Administration Board bylaws	26 N.J.R. 1627(a)		
8:43H	Licensure of rehabilitation hospitals	26 N.J.R. 1628(a)		
8:44-2.1, 2.14	Clinical laboratory licensure: HIV testing	25 N.J.R. 2184(a)		
8:44-2.5	Clinical laboratory Proficiency Testing Program	26 N.J.R. 1070(a)		
8:44-2.11	Clinical laboratories: reporting of blood lead levels	26 N.J.R. 294(b)		
8:44-2.11	Clinical laboratories: reopening of comment period on reporting of blood lead levels	26 N.J.R. 1190(a)		
8:59-App. A, B	Worker and Community Right to Know Hazardous Substance List	26 N.J.R. 540(a)		
8:65-10.1, 10.2	Controlled dangerous substances	26 N.J.R. 1630(a)		
8:71	Interchangeable drug products (see 25 N.J.R. 1970(c), 2881(b), 4497(b), 6060(b))	25 N.J.R. 875(a)	R.1993 d.155	26 N.J.R. 1347(a)
8:71	Interchangeable drug products (see 25 N.J.R. 2881(a), 4496(a))	25 N.J.R. 1814(b)	R.1993 d.676	25 N.J.R. 6061(a)
8:71	Interchangeable drug products	25 N.J.R. 1815(a)	R.1993 d.334	25 N.J.R. 2879(c)
8:71	Interchangeable drug products (see 25 N.J.R. 4495(b), 6062(a), 364(b))	25 N.J.R. 2802(b)	R.1994 d.245	26 N.J.R. 2094(c)
8:71	Interchangeable drug products (see 25 N.J.R. 6060(c))	25 N.J.R. 3906(a)	R.1994 d.39	26 N.J.R. 364(a)
8:71	Interchangeable drug products (see 26 N.J.R. 362(b), 1347(b))	25 N.J.R. 4844(a)	R.1994 d.246	26 N.J.R. 2095(a)
8:71	List of Interchangeable Drug Products (see 26 N.J.R. 1348(a))	26 N.J.R. 13(b)	R.1994 d.247	26 N.J.R. 2096(a)
8:71	List of Interchangeable Drug Products	26 N.J.R. 14(a)	R.1994 d.244	26 N.J.R. 2039(a)
8:71	List of Interchangeable Drug Products	26 N.J.R. 69(a)	R.1994 d.243	26 N.J.R. 2028(a)
8:71	Interchangeable drug products	26 N.J.R. 1190(b)	R.1994 d.242	26 N.J.R. 2025(a)
8:71	Interchangeable drug products	26 N.J.R. 1821(a)		
8:71	Interchangeable drug products	26 N.J.R. 1822(a)		
8:100	State Health Plan rules: notice of invalidation	———	———	26 N.J.R. 1828(b)
	Most recent update to Title 8: TRANSMITTAL 1994-2 (supplement March 21, 1994)			
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9:2-2	Minority Undergraduate Fellowship Program	26 N.J.R. 80(a)	R.1994 d.239	26 N.J.R. 2096(b)
9:4-1.7	Curriculum coordinating committee	26 N.J.R. 1751(a)		
9:5-2.1, 2.2, 2.3, 2.5, 2.7	Job training program: unemployed persons tuition waiver	25 N.J.R. 3593(a)	R.1994 d.225	26 N.J.R. 1856(a)
9:9-1.23	NJHEAA reporting of loan status credit bureaus	26 N.J.R. 893(a)	R.1994 d.240	26 N.J.R. 2097(a)
9:11	Educational Opportunity Fund program: procedures and policies	26 N.J.R. 711(a)	R.1994 d.226	26 N.J.R. 1857(a)
9:12	Educational Opportunity Fund program support	26 N.J.R. 711(a)	R.1994 d.226	26 N.J.R. 1857(a)

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9:18	Implementation of Higher Education Facilities Trust Fund Act	26 N.J.R. 1486(a)		
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10:15A-1.2	Child care payment rates and co-payment fees in Family Development service programs	26 N.J.R. 296(a)	R.1994 d.206	26 N.J.R. 1637(a)
10:15C-1.1	Child care payment rates and co-payment fees in Family Development service programs	26 N.J.R. 296(a)	R.1994 d.206	26 N.J.R. 1637(a)
10:15C-1.1	Child care payment rates and co-payment fees in Family Development service programs: administrative correction	_____	_____	26 N.J.R. 2098(a)
10:17	Child placement rights	26 N.J.R. 1563(a)		
10:31	Mental Health Screening and Screening Outreach Programs	26 N.J.R. 1424(a)		
10:37-5.37–5.43	Repeal (see 10:37A)	25 N.J.R. 2672(a)		
10:37-6.1–6.4, 6.8, 6.9, 6.25, 6.26, 6.30–6.33, 6.37, 6.38, 6.58, 7.1–7.9	Repeal (see 10:37D)	26 N.J.R. 1277(a)		
10:37A	Community residences for mentally ill adults	25 N.J.R. 2672(a)		
10:37B	Psychiatric community residences for youth	25 N.J.R. 2197(a)	R.1994 d.227	26 N.J.R. 1828(c)
10:37C	Community mental health clinical case management	25 N.J.R. 4845(a)		
10:37D	Division of Mental Health and Hospitals: management and governing body standards for provider agencies	26 N.J.R. 1277(a)		
10:39	Repeal (see 10:37A)	25 N.J.R. 2672(a)		
10:40	Division of Developmental Disabilities: organizational rules	Exempt	R.1994 d.249	26 N.J.R. 2098(b)
10:41	Division of Developmental Disabilities: administration	26 N.J.R. 81(a)	R.1994 d.196	26 N.J.R. 1656(a)
10:41	Division of Developmental Disabilities: extension of comment period regarding records confidentiality and human rights committees	26 N.J.R. 725(a)		
10:48-1	Division of Developmental Disabilities: appeal procedure	26 N.J.R. 1280(a)		
10:48-4	Eligibility for services	26 N.J.R. 1752(a)		
10:49-17.5	Home care services: Traumatic Brain Injury Program	26 N.J.R. 1566(a)		
10:50-1.2, 1.3, 1.4, 1.6, 1.7, 2.2	Transportation services for Medicaid recipients	26 N.J.R. 1425(a)		
10:53A-3.2, 3.4	Hospice Services Manual: determination of Medicaid eligibility	26 N.J.R. 1283(a)		
10:60-5	Home care services: Traumatic Brain Injury Program	26 N.J.R. 1566(a)		
10:63-3.21, 3.22, 3.23	Nursing facility relief	26 N.J.R. 894(a)	R.1994 d.213	26 N.J.R. 1840(a)
10:65-1.1, 1.2, 1.4, 1.5, 1.7, 1.8, 2.1, 2.2, App. H	Pediatric medical day care services	26 N.J.R. 1427(a)		
10:69A-1.2, 6.2	PAAD eligibility: exclusion of reparation payments as countable income	25 N.J.R. 5750(a)	R.1994 d.191	26 N.J.R. 1658(a)
10:71-4.8, 5.4, 5.5, 5.6, 5.9	Medicaid Only: eligibility computation amounts	26 N.J.R. 1754(a)		
10:81	Public Assistance Manual	26 N.J.R. 1573(a)		
10:81-2.2, 2.3, 5.1, 7.40-7.47, 15	Fraudulent receipt of AFDC assistance; disqualification penalties	25 N.J.R. 3408(a)		
10:81-2.6, 3.4, 11.2, 11.3	Public Assistance Manual: client Social Security numbers	26 N.J.R. 324(a)	R.1994 d.233	26 N.J.R. 2099(a)
10:81-11.2, 11.4, 11.18A	Public Assistance Manual: assignment of right to support; wage withholding	26 N.J.R. 896(a)		
10:81-14.18A	Child care payment rates and co-payment fees in Family Development service programs	26 N.J.R. 296(a)	R.1994 d.206	26 N.J.R. 1636(a)
10:81-14.18A	Child care payment rates and co-payment fees in Family Development service programs: administrative correction	_____	_____	26 N.J.R. 2098(a)
10:82	Aid to Families with Dependent Children (AFDC)	26 N.J.R. 1584(a)		
10:82-5.3	Child care payment rates and co-payment fees in Family Development service programs	26 N.J.R. 296(a)	R.1994 d.206	26 N.J.R. 1636(a)
10:84-1.2	Program administration: administrative correction	_____	_____	26 N.J.R. 1657(b)
10:85-3.3	General Assistance Manual: administrative correction regarding income exclusions	_____	_____	26 N.J.R. 1658(a)
10:85-4.6	General Assistance Program: extension of temporary rental assistance benefits	26 N.J.R. 1756(a)		
10:85-8.4	General Assistance Manual: administrative correction regarding referral to State agencies	_____	_____	26 N.J.R. 1657(b)
10:86-10.2, 10.6	Child care payment rates and co-payment fees in Family Development service programs	26 N.J.R. 296(a)	R.1994 d.206	26 N.J.R. 1636(a)

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10:86-10.6	Child care payment rates and co-payment fees in Family Development service programs: administrative correction	————	————	26 N.J.R. 2098(a)
10:97	Commission for the Blind and Visually Impaired: Business Enterprise Program	26 N.J.R. 725(b)	R.1994 d.209	26 N.J.R. 1841(a)
10:122	Manual of Requirements for Child Care Centers	25 N.J.R. 4987(a)	R.1994 d.231	26 N.J.R. 2100(a)
10:133-1.3	DYFS: initial response and service delivery definitions	26 N.J.R. 1285(a)		
10:133C-2	Eligibility for DYFS services	26 N.J.R. 897(a)		
10:133H-3	Review of children in out-of-home placement	25 N.J.R. 5752(a)		
10A:33	Manual of Standards for Juvenile Detention Commitment Programs	25 N.J.R. 5749(a)		
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10A:1-10	Research projects	26 N.J.R. 726(a)	R.1994 d.181	26 N.J.R. 1505(a)
10A:4-1.2, 1.3	Adult county correctional facilities: disciplinary procedures and sanctions	26 N.J.R. 727(a)	R.1994 d.182	26 N.J.R. 1506(a)
10A:4-4.1	Inmate prohibitions: failure to keep scheduled appointment	26 N.J.R. 1287(a)		
10A:4-4.1, 5.1, 5.2, 5.3	Inmate prohibitions: misuse of electronic equipment	26 N.J.R. 1286(a)	R.1994 d.254	26 N.J.R. 2129(a)
10A:9-4.6	Gang minimum and full minimum custody status: criteria for consideration	26 N.J.R. 728(a)	R.1994 d.197	26 N.J.R. 1658(b)
10A:19	Public information	26 N.J.R. 1287(b)	R.1994 d.255	26 N.J.R. 2129(b)
10A:20-4.20, 4.21, 4.22, 4.45	Community release programs	26 N.J.R. 1757(a)		
10A:31-1.3, 16.1, 16.2, 21.4	Adult county correctional facilities: disciplinary procedures and sanctions	26 N.J.R. 727(a)	R.1994 d.182	26 N.J.R. 1506(a)
10A:33	Manual of Standards for Juvenile Detention Commitment Programs	25 N.J.R. 5749(a)		
10A:71-3.21	State Parole Board: future parole eligibility terms	25 N.J.R. 4703(a)		
10A:71-3.47	State Parole Board: victim input	25 N.J.R. 4705(a)	R.1994 d.180	26 N.J.R. 1507(a)
10A:71-3.51	State Parole Board: interstate corrections compact and serving time out-of-State cases	26 N.J.R. 1191(a)		
10A:71-8.2	State Parole Board: eligibility for Certificate of Good Conduct	26 N.J.R. 1193(a)		
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11:1-37	Public adjusters' licensing	25 N.J.R. 5432(a)	R.1994 d.207	26 N.J.R. 1711(a)
11:1-37	Public adjusters' licensing: public hearing and extension of comment period	26 N.J.R. 327(a)		
11:3-2A	Automobile Full Insurance Underwriting Association: deferral of payment of residual bodily injury claims	26 N.J.R. 898(a)		
11:3-2B	Market Transition Facility of New Jersey: suspension of claims payments	Emergency (expires 4-30-94)	R.1994 d.164	26 N.J.R. 1393(a)
11:3-3	Limited assignment distribution servicing carriers	25 N.J.R. 1327(b)	R.1994 d.210	26 N.J.R. 1869(a)
11:3-15.7	Automobile insurance Coverage Selection Form	26 N.J.R. 85(a)	R.1994 d.195	26 N.J.R. 1659(a)
11:3-16.7	Automobile insurers rate filing requirements	26 N.J.R. 900(a)		
11:3-29.2, 37.10	Automobile insurance PIP coverage: application of medical fee schedules to acute care hospitals and other facilities	25 N.J.R. 4706(a)		
11:3-29.6	Personal auto injury fee schedule: physician's services	25 N.J.R. 4554(a)		
11:5-1.15, 1.23	Real Estate Commission: discriminatory conduct prohibitions	26 N.J.R. 729(a)		
11:5-1.15, 1.23	Real Estate Commission: correction to proposal concerning discriminatory conduct prohibitions	26 N.J.R. 1194(a)		
11:5-1.15, 1.23, 1.28, 1.44, 2.5, 4.9	Real Estate Commission: extension of comment periods for proposals published February 7	26 N.J.R. 1222(a)		
11:5-1.28	Real Estate Commission: requirements for prelicensure schools and instructors	26 N.J.R. 730(a)		
11:5-1.28	Real Estate Commission: correction to proposal concerning requirements for prelicensure schools and instructors	26 N.J.R. 1194(b)		
11:5-1.43	Real Estate Commission: licensee provision of Agency Information Statement	25 N.J.R. 1948(a)		
11:5-1.43	Real Estate Commission: extension of comment period regarding licensee provision of Agency Information Statement	25 N.J.R. 2645(a)		
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11:17-3, 5.1–5.4, 5.6, 5.7	Professional qualifications of insurance producers	26 N.J.R. 1289(a)		
11:19-4	Financial Examinations Monitoring System: data submission requirements for domestic life/health insurers	26 N.J.R. 1195(a)		
11:20-2.17	Individual Health Coverage Program: assessments for reimbursable net paid losses	26 N.J.R. 1200(a)	R.1994 d.165	26 N.J.R. 1507(b)
11:20-8, 9, 13	Individual Health Coverage Program: certification and audit requirements; exemptions; non-member status	26 N.J.R. 1294(a)	R.1994 d.177	26 N.J.R. 1509(a)
11:21-1.2, 8, 10, Exh. CC	Small Employer Health Benefits Program: carrier certification of non-member status; Market Share Report	26 N.J.R. 1588(a)	R.1994 d.228	26 N.J.R. 1873(a)
11:21-2.5	Small Employer Health Benefits Program: notice of public hearing	26 N.J.R. 1591(a)		
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12:18	Temporary Disability Benefits	26 N.J.R. 1326(a)	R.1994 d.241	26 N.J.R. 2131(a)
12:23-3	Workforce Development Partnership Program: application and review process for individual training grants	25 N.J.R. 884(a)	R.1994 d.166	26 N.J.R. 1512(a)
12:23-4	Workforce Development Partnership Program: application and review process for approved training	25 N.J.R. 886(a)	R.1994 d.167	26 N.J.R. 1514(a)
12:23-5	Workforce Development Partnership Program: application and review process for additional unemployment benefits during training	25 N.J.R. 887(a)	R.1994 d.168	26 N.J.R. 1515(a)
12:23-6	Workforce Development Partnership Program: application and review process for employment and training grants for services to disadvantaged workers	25 N.J.R. 1054(a)	R.1994 d.190	26 N.J.R. 1663(a)
12:56-6.1, 7.5, 7.6	Wage and Hour compliance: limousine operators	26 N.J.R. 94(a)		
12:235-9.4	Workers' Compensation: appeals regarding discrimination complaints	26 N.J.R. 1591(b)		
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12A:11-1.2, 1.3, 1.4, 1.7	Certification of women-owned and minority-owned businesses: extension of comment period	25 N.J.R. 2216(c)		
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12A:31-1.4	Development Authority for Small Businesses, Minorities' and Women's Enterprises: allocation of direct loan assistance	25 N.J.R. 5759(a)		
12A:31-1.4	Development Authority for Small Businesses, Minorities' and Women's Enterprises: reopening of comment period regarding allocation of direct loan assistance	26 N.J.R. 1434(a)		
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13:3-3.4	Legalized Games of Chance Control Commission: maximum fee for games participation	26 N.J.R. 1297(a)		
13:10	Division on Civil Rights: multiple dwelling reports	26 N.J.R. 901(a)	R.1994 d.203	26 N.J.R. 1666(b)
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13:20-34.2, 34.3	Division of Motor Vehicles: license plates' identifying marks	26 N.J.R. 1487(a)		
13:20-39.1, 39.2, 39.3, 39.5, 39.9	Special automobile registration plates for non-profit organizations	26 N.J.R. 331(a)	R.1994 d.175	26 N.J.R. 1516(a)
13:20-43	Enhanced motor vehicle inspection and maintenance program: pre-proposal	25 N.J.R. 3418(a)		
13:21-24	Division of Motor Vehicles: defensive driving courses	26 N.J.R. 1592(a)		
13:23	Division of Motor Vehicles: driving schools	26 N.J.R. 1299(a)		
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13:27-5.8, 8.15	Board of Architects: licensure examination fees	26 N.J.R. 1490(a)		
13:27-6.2	Boards of Professional Engineers and Land Surveyors, Architects, and Professional Planners: depiction of existing conditions on a site plan	26 N.J.R. 1221(a)		
13:29-1.6, 1.7	Board of Accountancy: applications for original examination and for reexamination	26 N.J.R. 1217(a)		

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13:31-1.9	Board of Examiners of Electrical Contractors: identification of licensee vehicles	26 N.J.R. 1218(b)		
13:31-1.10	Board of Examiners of Electrical Contractors: duty of licensee to return pressure seal	26 N.J.R. 1594(a)		
13:33-4.1	Board of Ophthalmic Dispensers and Ophthalmic Technicians: contact lens dispensing	26 N.J.R. 1595(a)		
13:34-1.1	Board of Marriage Counselor Examiners: examination fee	26 N.J.R. 1301(a)		
13:35-2A.9, 2A.11, 6.13	Certified midwife practice: prescriptive authority	25 N.J.R. 4583(a)	R.1994 d.170	26 N.J.R. 1520(a)
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13:35-5.1	Board of Medical Examiners: release of contact lens specification to patient	26 N.J.R. 1219(a)		
13:35-6.5	Board of Medical Examiners: permissible charges for copies of patient records	25 N.J.R. 4862(a)	R.1994 d.119	26 N.J.R. 1522(a)
13:35-6.10	Board of Medical Examiners: request for comment regarding advertising of specialty certification	25 N.J.R. 2824(a)		
13:35-6.10	Board of Medical Examiners: licensee testimonial advertisements	26 N.J.R. 1219(b)		
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13:35-11	Board of Medical Examiners: Alternative Resolution Program	25 N.J.R. 2824(b)		
13:36-7.1	Board of Mortuary Science: handling and embalming bodies dead of infectious or contagious disease	26 N.J.R. 1302(a)		
13:37-7	Certification of nurse practitioners/clinical nurse specialists	25 N.J.R. 2829(a)	R.1994 d.212	26 N.J.R. 1876(a)
13:37-12.1	Board of Nursing: fees for certification of nurse practitioner	26 N.J.R. 1490(b)		
13:37-12.1, 14	Board of Nursing: certification of homemaker-home health aides	25 N.J.R. 1950(a)		
13:37-14	Homemaker-home health aide competency evaluation: public hearing	25 N.J.R. 3704(b)		
13:38-6.1	Board of Optometrists: release of contact lens specification to patient	26 N.J.R. 1220(a)		
13:39	Board of Pharmacy rules	26 N.J.R. 1596(a)		
13:39-5.2	Board of Pharmacy: information on prescription labels	25 N.J.R. 1667(a)	Expired	
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13:39A-2.3	Board of Physical Therapy: public forum on direct supervision of physical therapist assistants	26 N.J.R. 1604(a)		
13:40-7.2	Boards of Professional Engineers and Land Surveyors, Architects, and Professional Planners: depiction of existing conditions on a site plan	26 N.J.R. 1221(a)		
13:40A-2A.3	Board of Real Estate Appraisers: certification as residential appraiser	26 N.J.R. 902(a)		
13:40A-4.1–4.9	Board of Real Estate Appraisers: licensee continuing education	26 N.J.R. 903(a)	R.1994 d.251	26 N.J.R. 2137(a)
13:41-4.2	Boards of Professional Engineers and Land Surveyors, Architects, and Professional Planners: depiction of existing conditions on a site plan	26 N.J.R. 1221(a)		
13:42-1.1, 1.2, 4.5, 9.9	Board of Psychological Examiners rules	25 N.J.R. 4937(a)		
13:44D	Board of Public Movers and Warehousemen: licensee standards	26 N.J.R. 1758(a)		
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13:44E-1.1	Board of Chiropractic Examiners: scope of chiropractic practice	25 N.J.R. 3931(b)		
13:44E-2.1	Board of Chiropractic Examiners: licensee advertising	25 N.J.R. 3932(a)		
13:44E-2.6	Board of Chiropractic Examiners: practice identification educational requirements	25 N.J.R. 3934(a)		
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13:44G-1–5, 7, 8	Board of Social Work Examiners rules	25 N.J.R. 3081(a)	R.1994 d.189	26 N.J.R. 1524(a)
13:44G-5.1, 5.2, 5.3	Board of Social Work Examiners: licensure and certification	26 N.J.R. 1604(b)		

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13:45A-21, 22	Kosher Enforcement Bureau: sale of food represented as kosher	25 N.J.R. 3086(a)	R.1994 d.204	26 N.J.R. 1667(a)
13:45A-26	Automotive dispute resolution	25 N.J.R. 3939(a)	R.1994 d.176	26 N.J.R. 1535(a)
13:46-2	Athletic Control Board: participant health and safety in boxing and combative sports events	25 N.J.R. 4717(a)		
13:47C	Weights and measures: general commodities	26 N.J.R. 1761(a)		
13:57	Uniform Crime Reporting (UCR) system	26 N.J.R. 905(a)	R.1994 d.250	26 N.J.R. 2139(a)
13:60	Motor carrier safety	26 N.J.R. 1307(a)	R.1994 d.253	26 N.J.R. 2140(a)
13:70-14A.8	Thoroughbred racing: possession of drugs or drug instruments	26 N.J.R. 1315(a)		
13:70-19.44	Thoroughbred racing: conflicts of interest involving veterinary practitioner and spouse	25 N.J.R. 5107(a)		
13:71-9.5	Harness racing: conflicts of interest involving veterinary practitioner and spouse	25 N.J.R. 5108(a)		
13:71-23.9	Harness racing: possession of drugs or drug instruments	26 N.J.R. 1316(a)		
13:75	Violent Crimes Compensation Board: practice and procedure	26 N.J.R. 1491(a)		
13:82	Boating rules	26 N.J.R. 744(a)	R.1994 d.205	26 N.J.R. 1674(a)
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14:0	Intrastate dial-around compensation: preproposal	25 N.J.R. 4586(a)		
14:17	Office of Cable Television: practice and procedure	26 N.J.R. 96(a)	R.1994 d.194	26 N.J.R. 1683(a)
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14:18-10.5	Cable television: performance monitoring	25 N.J.R. 2700(a)		
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19:40-1.2	Slot tokens, prize tokens, slot machine hoppers	26 N.J.R. 1447(a)		
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