

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 926

STATE OF NEW JERSEY
217th LEGISLATURE

ADOPTED OCTOBER 13, 2016

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblywoman CLEOPATRA G. TUCKER

District 28 (Essex)

Assemblyman TIM EUSTACE

District 38 (Bergen and Passaic)

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

Assemblywoman GABRIELA M. MOSQUERA

District 4 (Camden and Gloucester)

Co-Sponsored by:

Assemblyman McKeon

SYNOPSIS

Implements person-first language and changes pejorative terminology referring to persons with certain disabilities or substance use disorders.

CURRENT VERSION OF TEXT

Substitute as adopted by the Assembly Human Services Committee.



1 **AN ACT** concerning terminology referring to persons with certain
2 disabilities or substance use disorders, and revising various parts
3 of statutory law.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. Section 4 of P.L.1975, c.311 (C.2A:18-61.7) is amended to
9 read as follows:

10 4. As used in this act:

11 a. "Comparable housing or park site" means housing that is (1)
12 decent, safe, sanitary, and in compliance with all local and State
13 housing codes; (2) open to all persons regardless of race, creed,
14 national origin, ancestry, marital status, or sex; and (3) provided
15 with facilities equivalent to that provided by the landlord in the
16 dwelling unit or park site in which the tenant then resides in regard
17 to each of the following: (a) apartment size including number of
18 rooms or park site size, (b) rent range, (c) apartment's major kitchen
19 and bathroom facilities, and (d) special facilities necessary for [the
20 handicapped or infirmed] a person with a physical or sensory
21 disability, or a person with an infirmity; (4) located in an area not
22 less desirable than the area in which the tenant then resides in
23 regard to each of the following: (a) accessibility to the tenant's
24 place of employment, (b) accessibility of community and
25 commercial facilities, and (c) environmental quality and conditions;
26 and (5) in accordance with additional reasonable criteria which the
27 tenant has requested in writing at the time of making any request
28 under this act.

29 b. "Condominium" means a condominium as defined in the
30 "Condominium Act," P.L.1969, c.257 (C.46:8B-1 et seq.).

31 c. "Cooperative" means a housing corporation or association
32 which entitles the holder of a share or membership interest thereof
33 to possess and occupy for dwelling purposes a house, apartment, or
34 other structure owned or leased by said corporation or association,
35 or to lease or purchase a dwelling constructed or to be constructed
36 by said corporation or association.

37 d. "Mobile home park" means any park, including a trailer
38 park or camp, equipped to handle mobile homes sited on a year-
39 round basis.

40 (cf: P.L.1981, c.8, s.3)

41

42 2. Section 2 of P.L.2007, c.327 (C.2A:168A-8) is amended to
43 read as follows:

44 2. A certificate may be issued pursuant to this act as follows:

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 a. (1) A court, in its discretion, may issue a certificate at the
2 time of sentencing if the applicant:
3 (a) is a qualified offender, who is being sentenced to a non-
4 incarcerative sentence for a second, third, or fourth degree crime;
5 (b) has established that a specific licensing or employment
6 disqualification, forfeiture, or bar, will apply to **him** the
7 applicant, and may endanger **his** the applicant's ability to
8 maintain existing public employment or employment for which
9 **he** the applicant has made application, or to engage in a business
10 enterprise for which a license or certification is required;
11 (c) has no pending criminal charges, and there is no information
12 presented that such a charge is imminent; and
13 (d) has established that the relief is consistent with the public
14 interest.
15 (2) A certificate issued under this subsection shall apply only to
16 the specific disability, forfeiture or bar that is affected, which must
17 be specifically described in the certificate document.
18 b. (1) A supervising authority may issue a certificate in regard to
19 a qualified offender who is, or had previously been, under
20 supervision by the supervising authority if the supervising authority
21 determines that:
22 (a) the applicant is convicted of a second, third, or fourth degree
23 offense and is eligible for relief under subsection c. of this section;
24 (b) the applicant has not been convicted of a crime since the
25 conviction for which **he** the offender is under supervision, has no
26 pending criminal charge, and there is no information presented that
27 such a charge is imminent;
28 (c) issuing the certificate will not pose a substantial risk to
29 public safety; and
30 (d) issuing the certificate will assist in the successful
31 reintegration of the offender and is consistent with the public
32 interest.
33 (2) A certificate issued pursuant to this subsection may suspend
34 disabilities, forfeitures, and bars generally within the limits of this
35 act, or only certain disabilities, forfeitures, and bars, specifically
36 named in the certificate document.
37 c. A qualified offender is eligible for relief under subsection b.
38 of this section if the offender has not been convicted of:
39 (1) a first degree crime;
40 (2) an offense to which section 2 of P.L.1997, c.117 (C.2C:43-
41 7.2) applies;
42 (3) a second degree offense defined in chapters 13, 14, 15, 16,
43 24, 27, 30, 33, 38 of Title 2C of the New Jersey Statutes;
44 (4) a violation of subsection a. of N.J.S.2C:24-4 or paragraph
45 (4) of subsection b. of N.J.S.2C:24-4;
46 (5) a crime requiring registration pursuant to section 2 of
47 P.L.1994, c.133 (C.2C:7-2);

1 (6) a crime committed against a public entity or against a public
2 officer;

3 (7) a crime enumerated in subsection b. of section 2 of
4 P.L.2007, c.49 (C.43:1-3.1) committed by a public employee, which
5 involves or touches upon the employee's office, position, or
6 employment, such that the crime was related directly to the person's
7 performance in, or circumstances flowing from, the specific public
8 office or employment held by the person;

9 (8) any crime committed against a person 16 years of age or
10 younger, or a **【disabled or handicapped】** person with a disability; or

11 (9) a conspiracy or attempt to commit any of the crimes
12 described in this subsection.

13 d. (1) A supervising authority may issue a certificate in regard to
14 a qualified offender, when three years have passed since the
15 applicant has completed the incarcerative or supervisory portion of
16 **【his】** the applicant's sentence, whichever is later, and the
17 supervising authority finds that:

18 (a) the applicant is eligible for such relief as defined in
19 subsection e. of this section;

20 (b) issuing the certificate does not pose a substantial risk to
21 public safety; and

22 (c) issuing the certificate will assist in the successful
23 reintegration of the offender and is consistent with the public
24 interest.

25 (2) The certificate issued pursuant to this subsection may
26 suspend disabilities, forfeitures and bars generally within the limits
27 of this act, or only certain disabilities, forfeitures, and bars
28 specifically named in the certificate document.

29 e. A qualified offender is eligible for relief under subsection d.
30 of this section if **【he】** the offender has remained without criminal
31 involvement since **【his】** the offender's conviction, including that
32 **【he】** the offender has not subsequently been convicted of a crime,
33 has no pending charges for any crime, and there is no information
34 presented that such a charge is imminent; and is applying for relief
35 from a conviction other than:

36 (1) a first degree crime;

37 (2) any of the offenses to which section 2 of P.L.1997, c.117
38 (C.2C:43-7.2) applies;

39 (3) a violation of subsection a. of N.J.S.2C:24-4 or paragraph
40 (4) of subsection b. of N.J.S.2C:24-4;

41 (4) a crime requiring registration pursuant to section 2 of
42 P.L.1994, c.133 (C.2C:7-2);

43 (5) a crime enumerated in subsection b. of section 2 of
44 P.L.2007, c.49 (C.43:1-3.1) committed by a public employee, which
45 involves or touches upon the employee's office, position, or
46 employment, such that the crime was related directly to the person's

1 performance in, or circumstances flowing from, the specific public
2 office or employment held by the person;

3 (6) a crime committed against a person 16 years of age or
4 younger, or a **【disabled or handicapped】** person with a disability; or

5 (7) a conspiracy or attempt to commit any offense described in
6 this paragraph.

7 (cf: P.L.2007, c.327, s.2)

8

9 3. N.J.S.2B:20-10 is amended to read as follows:

10 2B:20-10. An excuse from jury service shall be granted only if:

11 a. The prospective juror is 75 years of age or older;

12 b. The prospective juror has served as a juror within the last
13 three years in the county to which the juror is being summoned;

14 c. Jury service will impose a severe hardship due to
15 circumstances which are not likely to change within the following
16 year. Severe hardship includes the following circumstances:

17 (1) The prospective juror has a medical inability to serve which
18 is verified by a licensed physician.

19 (2) The prospective juror will suffer a severe financial hardship
20 which will compromise the juror's ability to support himself,
21 herself, or dependents. In determining whether to excuse the
22 prospective juror, the Assignment Judge shall consider:

23 (a) the sources of the prospective juror's household income; and

24 (b) the availability and extent of income reimbursement; and

25 (c) the expected length of service.

26 (3) The prospective juror has a personal obligation to care for
27 another, including a dependent or a minor child who is sick, 【aged】
28 elderly, or 【infirm dependent or a minor child】 has an infirmity,
29 who requires the prospective juror's personal care and attention, and
30 no alternative care is available without severe financial hardship on
31 the prospective juror or the person requiring care.

32 (4) The prospective juror provides highly specialized technical
33 health care services for which replacement cannot reasonably be
34 obtained.

35 (5) The prospective juror is a health care worker directly
36 involved in the care of a **【mentally or physically handicapped】**
37 person with a mental or physical disability, and the prospective
38 juror's continued presence is essential to the **【regular and】** personal
39 treatment of that person.

40 (6) The prospective juror is a member of the full-time
41 instructional staff of a grammar school or high school, the
42 scheduled jury service is during the school term, and a replacement
43 cannot reasonably be obtained. In determining whether to excuse
44 the prospective juror or grant a deferral of service, the Assignment
45 Judge shall consider:

(a) the impact on the school considering the number and function of teachers called for jury service during the current academic year; and

(b) the special role of certified special education teachers in providing continuity of instruction to **【handicapped】** students with disabilities;

d. The prospective juror is a member of a volunteer fire department or fire patrol; or

e. The prospective juror is a volunteer member of a first aid or rescue squad.

(cf: N.J.S.2B:20-10)

4. Section 3 of P.L.1977, c.200 (C.5:5-44.4) is amended to read as follows:

3. The New Jersey **【State Developmental Disabilities】** Council on Developmental Disabilities shall determine annually which organizations in New Jersey shall receive the moneys to be distributed pursuant to section 2 of **【this supplemental act】** P.L.1977, c.200 (C.5:5-44.3); provided, however, that such organizations shall be nonprofit organizations which expend funds for direct services in full-time programs to New Jersey residents **【who are developmentally disabled】** with developmental disabilities, and provided further, however, that each such organization shall be affiliated with a national organization of the same type and purpose. As used herein, **【"developmentally disabled"】** "developmental disability" means a disability **【of a person】** which (1) is attributable to:

(a) an intellectual disability, cerebral palsy, epilepsy, or autism;

(b) any other condition found to be closely related to an intellectual disability because such condition results in impairment of general intellectual functioning or adaptive behavior similar to impairment resulting from an intellectual disability or which requires treatment and services similar to those required for an intellectual disability; or

(c) dyslexia resulting from a disability described in subparagraphs (a) and (b);

(2) originates before such person attains age 18;

(3) has continued or can be expected to continue indefinitely; and

(4) constitutes a substantial **【handicap】** impediment to such person's ability to function **【normally】** in society.

(cf: P.L.2010, c.50, s.2)

5. Section 134 of P.L.1977, c.110 (C.5:12-134) is amended to read as follows:

134. a. Each applicant, at the time of submitting architectural plans or site plans to the division for approval of proposed

1 construction, renovation, or reconstruction of any structure or
2 facility to be used as an approved hotel or casino, shall accompany
3 **the same** the plans with a written guaranty that all contracts and
4 subcontracts to be awarded in connection therewith shall contain
5 appropriate provisions by which contractors and subcontractors or
6 their assignees agree to afford an equal employment opportunity to
7 all prospective employees and to all actual employees to be
8 employed by the contractor or subcontractor in accordance with an
9 affirmative action program approved by the division and consonant
10 with the provisions of the "Law Against Discrimination," P.L.1945,
11 c.169 (C.10:5-1 et seq.). On and after the effective date of **this**
12 **amendatory act** P.L.1979, c.282 an applicant shall also be required
13 to demonstrate that equal employment opportunities in accordance
14 with the aforesaid affirmative-action program in compliance with
15 P.L.1945, c.169 have been afforded to all prospective employees
16 and to all actual employees employed by a contractor or
17 subcontractor in connection with the actual construction,
18 renovation, or reconstruction of any structure or facility to be used
19 as an approved hotel or casino prior to submission of architectural
20 plans or site plans to the commission.

21 b. No license shall be issued by the commission to any
22 applicant, including a casino service industry enterprise as defined
23 in section 12 of **this act** P.L.1977, c.110 (C.5:12-12), who has not
24 agreed to afford an equal employment opportunity to all prospective
25 employees in accordance with an affirmative-action program
26 approved by the commission and consonant with the provisions of
27 the "Law Against Discrimination," P.L.1945, c.169 (C.10:5-1 et
28 seq.).

29 c. Each applicant shall formulate for division approval and
30 abide by an affirmative-action program of equal opportunity
31 whereby the applicant guarantees to provide equal employment
32 opportunity to rehabilitated offenders eligible under **sections 90**
33 **and** section 91 of this act P.L.1977, c.110 (C.5:12-1 et seq.) and
34 members of minority groups qualified for licensure in all
35 employment categories, including a person with a disability, in
36 accordance with the provisions of the "Law Against
37 Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.)**,** except in the
38 case of the mentally handicapped, if it can be clearly shown that
39 such disability would prevent such person from performing a
40 particular job**.**

41 d. Any license issued by the commission in violation of this
42 section shall be null and void.
43 (cf: P.L.2011, c.19, s.90)
44

45 6. Section 136 of P.L.1977, c.110 (C.5:12-136) is amended to
46 read as follows:

1 136. All hotels and other facilities of a casino licensee, which
2 are public accommodations and are subject to the regulatory powers
3 of the division under **【this act】** P.L.1977, c.110 (C.5:12-1 et seq.),
4 shall be constructed or renovated to conform with the provisions of
5 P.L.1971, c.269, as amended and supplemented (C.52:32-4 et seq.)
6 relating to barrier-free design for providing facilities for **【the**
7 **physically handicapped】** persons with physical disabilities in public
8 buildings, and the rules, regulations, and codes thereunder
9 promulgated.

10 (cf: P.L.2011, c.19, s.92)

11
12 7. Section 1 of P.L.1968, c.230 (C.9:17A-4) is amended to read
13 as follows:

14 1. a. (1) The consent to the provision of medical or surgical care
15 or services or a forensic sexual assault examination by a hospital **【.**
16 **or** public clinic, or consent to the performance of medical or
17 surgical care or services or a forensic sexual assault examination by
18 a health care professional, when executed by a minor who is or
19 believes that he or she may **【be afflicted with a venereal disease】**
20 have a sexually transmitted infection, or who is at least 13 years of
21 age and is or believes that he or she may be infected with the human
22 immunodeficiency virus or have acquired immune deficiency
23 syndrome, or by a minor who, in the judgment of the treating health
24 care professional, appears to have been sexually assaulted, shall be
25 valid and binding as if the minor had achieved the age of majority.
26 Any such consent shall not be subject to later disaffirmance by
27 reason of minority. In the case of a minor who appears to have
28 been sexually assaulted, the minor's parents or guardian shall be
29 notified immediately, unless the treating healthcare professional
30 believes that it is in the best interests of the patient not to do so.
31 Inability of the treating health care professional, hospital, or clinic
32 to locate or notify the parents or guardian shall not preclude the
33 provision of any emergency or medical or surgical care to the minor
34 or the performance of a forensic sexual assault examination on the
35 minor.

36 (2) As used in this subsection, "health care professional" means
37 a physician, physician assistant, nurse, or other health care
38 professional whose professional practice is regulated pursuant to
39 Title 45 of the Revised Statutes.

40 b. When a minor believes that he or she is **【suffering from the**
41 **use of drugs】** adversely affected by a substance use disorder
42 involving drugs or is a **【drug dependent】** person with a substance
43 use disorder involving drugs as defined in section 2 of P.L.1970,
44 c.226 (C.24:21-2) or is **【suffering from alcohol dependency】**
45 adversely affected by an alcohol use disorder or is **【an alcoholic】** a
46 person with an alcohol use disorder as defined in section 2 of
47 P.L.1975, c.305 (C.26:2B-8), the minor's consent to treatment

1 under the supervision of a physician licensed to practice medicine,
2 or an individual licensed or certified to provide treatment for
3 **【alcoholism】** an alcohol use disorder, or in a facility licensed by the
4 State to provide for the treatment of **【alcoholism】** an alcohol use
5 disorder, shall be valid and binding as if the minor had achieved the
6 age of majority. Any such consent shall not be subject to later
7 disaffirmance by reason of minority. Treatment for **【drug use, drug**
8 **abuse, alcohol use or alcohol abuse】** an alcohol use disorder or a
9 substance use disorder involving drugs that is consented to by a
10 minor shall be considered confidential information between the
11 physician, the treatment provider, or the treatment facility, as
12 appropriate, and the patient, and neither the minor nor the minor's
13 physician, treatment provider, or treatment facility, as appropriate,
14 shall be required to report such treatment when it is the result of
15 voluntary consent, except as may otherwise be required by law.

16 When a minor who is sixteen years of age or older believes that
17 he or she is in need of behavioral health care services for the
18 treatment of mental illness or emotional disorders, the minor's
19 consent to temporary outpatient treatment, excluding the use or
20 administration of medication, under the supervision of a physician
21 licensed to practice medicine, an advanced practice nurse, or an
22 individual licensed to provide professional counseling under Title
23 45 of the Revised Statutes, including, but not limited to, a
24 psychiatrist, licensed practicing psychologist, certified social
25 worker, licensed clinical social worker, licensed social worker,
26 licensed marriage and family therapist, certified psychoanalyst, or
27 licensed psychologist, or in an outpatient health care facility
28 licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), shall be
29 valid and binding as if the minor had achieved the age of majority.
30 Any such consent shall not be subject to later disaffirmance by
31 reason of minority. Treatment for behavioral health care services
32 for mental illness or emotional disorders that is consented to by a
33 minor shall be considered confidential information between the
34 physician, the individual licensed to provide professional
35 counseling, the advanced practice nurse, or the health care facility,
36 as appropriate, and the patient, and neither the minor nor the
37 minor's physician, professional counselor, nurse, or outpatient
38 health care facility, as appropriate, shall be required to report such
39 treatment when it is the result of voluntary consent.

40 The consent of no other person or persons, including but not
41 limited to, a spouse, parent, custodian, or guardian, shall be
42 necessary in order to authorize a minor to receive such hospital
43 services, facility, or clinical care or services, medical or surgical
44 care or services, or counseling services from a physician licensed to
45 practice medicine, an individual licensed or certified to provide
46 treatment for **【alcoholism】** an alcohol use disorder, an advanced
47 practice nurse, or an individual licensed to provide professional

1 counseling under Title 45 of the Revised Statutes, as appropriate,
 2 except that behavioral health care services for the treatment of
 3 mental illness or emotional disorders shall be limited to temporary
 4 outpatient services only.

5 (cf: P.L.2015, c.287, s.1)

6

7 8. Section 5 of P.L.1945, c.169 (C.10:5-5) is amended to read as
 8 follows:

9 5. As used in P.L.1945, c.169 (C.10:5-1 et seq.), unless a
 10 different meaning clearly appears from the context:

11 a. "Person" includes one or more individuals, partnerships,
 12 associations, organizations, labor organizations, corporations, legal
 13 representatives, trustees, trustees in bankruptcy, receivers, and
 14 fiduciaries.

15 b. "Employment agency" includes any person undertaking to
 16 procure employees or opportunities for others to work.

17 c. "Labor organization" includes any organization which exists
 18 and is constituted for the purpose, in whole or in part, of collective
 19 bargaining, or of dealing with employers concerning grievances,
 20 terms or conditions of employment, or of other mutual aid or
 21 protection in connection with employment.

22 d. "Unlawful employment practice" and "unlawful
 23 discrimination" include only those unlawful practices and acts
 24 specified in section 11 of P.L.1945, c.169 (C.10:5-12).

25 e. "Employer" includes all persons as defined in subsection a.
 26 of this section unless otherwise specifically exempt under another
 27 section of P.L.1945, c.169 (C.10:5-1 et seq.), and includes the State,
 28 any political or civil subdivision thereof, and all public officers,
 29 agencies, boards, or bodies.

30 f. "Employee" does not include any individual employed in the
 31 domestic service of any person.

32 g. "Liability for service in the Armed Forces of the United
 33 States" means subject to being ordered as an individual or member
 34 of an organized unit into active service in the Armed Forces of the
 35 United States by reason of membership in the National Guard, naval
 36 militia or a reserve component of the Armed Forces of the United
 37 States, or subject to being inducted into such armed forces through
 38 a system of national selective service.

39 h. "Division" means the "Division on Civil Rights" created by
 40 P.L.1945, c.169 (C.10:5-1 et seq.).

41 i. "Attorney General" means the Attorney General of the State
 42 of New Jersey or **his** the Attorney General's representative or
 43 designee.

44 j. "Commission" means the Commission on Civil Rights
 45 created by P.L.1945, c.169 (C.10:5-1 et seq.).

46 k. "Director" means the Director of the Division on Civil
 47 Rights.

- 1 1. "A place of public accommodation" shall include, but not be
2 limited to: any tavern, roadhouse, hotel, motel, trailer camp,
3 summer camp, day camp, or resort camp, whether for entertainment
4 of transient guests or accommodation of those seeking health,
5 recreation, or rest; any producer, manufacturer, wholesaler,
6 distributor, retail shop, store, establishment, or concession dealing
7 with goods or services of any kind; any restaurant, eating house, or
8 place where food is sold for consumption on the premises; any
9 place maintained for the sale of ice cream, ice and fruit preparations
10 or their derivatives, soda water or confections, or where any
11 beverages of any kind are retailed for consumption on the premises;
12 any garage, any public conveyance operated on land or water~~[,]~~ or
13 in the air~~[,]~~ or any stations and terminals thereof; any bathhouse,
14 boardwalk, or seashore accommodation; any auditorium, meeting
15 place, or hall; any theatre, motion-picture house, music hall, roof
16 garden, skating rink, swimming pool, amusement and recreation
17 park, fair, bowling alley, gymnasium, shooting gallery, billiard and
18 pool parlor, or other place of amusement; any comfort station; any
19 dispensary, clinic, or hospital; any public library; and any
20 kindergarten, primary and secondary school, trade or business
21 school, high school, academy, college and university, or any
22 educational institution under the supervision of the State Board of
23 Education~~[,]~~ or the Commissioner of Education of the State of New
24 Jersey. Nothing herein contained shall be construed to include or to
25 apply to any institution, bona fide club, or place of accommodation,
26 which is in its nature distinctly private; nor shall anything herein
27 contained apply to any educational facility operated or maintained
28 by a bona fide religious or sectarian institution, and the right of a
29 natural parent or one in loco parentis to direct the education and
30 upbringing of a child under his control is hereby affirmed; nor shall
31 anything herein contained be construed to bar any private secondary
32 or post-secondary school from using in good faith criteria other than
33 race, creed, color, national origin, ancestry, gender identity, or
34 expression or affectional or sexual orientation in the admission of
35 students.
- 36 m. "A publicly assisted housing accommodation" shall include
37 all housing built with public funds or public assistance pursuant to
38 P.L.1949, c.300, P.L.1941, c.213, P.L.1944, c.169, P.L.1949, c.303,
39 P.L.1938, c.19, P.L.1938, c.20, P.L.1946, c.52, and P.L.1949,
40 c.184, and all housing financed in whole or in part by a loan,
41 whether or not secured by a mortgage, the repayment of which is
42 guaranteed or insured by the federal government or any agency
43 thereof.
- 44 n. The term "real property" includes real estate, lands,
45 tenements and hereditaments, corporeal and incorporeal, and
46 leaseholds, provided, however, that, except as to publicly assisted
47 housing accommodations, the provisions of this act shall not apply
48 to the rental: (1) of a single apartment or flat in a two-family

1 dwelling, the other occupancy unit of which is occupied by the
2 owner as a residence; or (2) of a room or rooms to another person or
3 persons by the owner or occupant of a one-family dwelling
4 occupied by the owner or occupant as a residence at the time of
5 such rental. Nothing herein contained shall be construed to bar any
6 religious or denominational institution or organization, or any
7 organization operated for charitable or educational purposes, which
8 is operated, supervised, or controlled by or in connection with a
9 religious organization, in the sale, lease, or rental of real property,
10 from limiting admission to or giving preference to persons of the
11 same religion or denomination or from making such selection as is
12 calculated by such organization to promote the religious principles
13 for which it is established or maintained. Nor does any provision
14 under this act regarding discrimination on the basis of familial
15 status apply with respect to housing for older persons.

16 o. "Real estate broker" includes a person, firm, or corporation
17 who, for a fee, commission, or other valuable consideration, or by
18 reason of promise or reasonable expectation thereof, lists for sale,
19 sells, exchanges, buys or rents, or offers or attempts to negotiate a
20 sale, exchange, purchase, or rental of real estate or an interest
21 therein, or collects or offers or attempts to collect rent for the use of
22 real estate, or solicits for prospective purchasers or assists or directs
23 in the procuring of prospects or the negotiation or closing of any
24 transaction which does or is contemplated to result in the sale,
25 exchange, leasing, renting, or auctioning of any real estate, or
26 negotiates, or offers or attempts or agrees to negotiate a loan
27 secured or to be secured by mortgage or other encumbrance upon or
28 transfer of any real estate for others; or any person who, for
29 pecuniary gain or expectation of pecuniary gain conducts a public
30 or private competitive sale of lands or any interest in lands. In the
31 sale of lots, the term "real estate broker" shall also include any
32 person, partnership, association, or corporation employed by or on
33 behalf of the owner or owners of lots or other parcels of real estate,
34 at a stated salary, or upon a commission, or upon a salary and
35 commission or otherwise, to sell such real estate, or any parts
36 thereof, in lots or other parcels, and who shall sell or exchange, or
37 offer or attempt or agree to negotiate the sale or exchange, of any
38 such lot or parcel of real estate.

39 p. "Real estate salesperson" includes any person who, for
40 compensation, valuable consideration or commission, or other thing
41 of value, or by reason of a promise or reasonable expectation
42 thereof, is employed by and operates under the supervision of a
43 licensed real estate broker to sell or offer to sell, buy or offer to buy
44 or negotiate the purchase, sale, or exchange of real estate, or offers
45 or attempts to negotiate a loan secured or to be secured by a
46 mortgage or other encumbrance upon or transfer of real estate, or to
47 lease or rent, or offer to lease or rent any real estate for others, or to
48 collect rents for the use of real estate, or to solicit for prospective

1 purchasers or lessees of real estate, or who is employed by a
2 licensed real estate broker to sell or offer to sell lots or other parcels
3 of real estate, at a stated salary, or upon a commission, or upon a
4 salary and commission, or otherwise to sell real estate, or any parts
5 thereof, in lots or other parcels.

6 q. "Disability" means physical or sensory disability, infirmity,
7 malformation, or disfigurement which is caused by bodily injury,
8 birth defect, or illness including epilepsy and other seizure
9 disorders, and which shall include, but not be limited to, any degree
10 of paralysis, amputation, lack of physical coordination, blindness or
11 visual **【impediment】** impairment, deafness or hearing
12 **【impediment】** impairment, muteness or speech **【impediment】**
13 impairment, or physical reliance on a service **【or guide】** dog,
14 wheelchair, or other remedial appliance or device, or any mental,
15 psychological, or developmental disability, including autism
16 spectrum disorders, resulting from anatomical, psychological,
17 physiological, or neurological conditions which prevents the
18 **【normal】** typical exercise of any bodily or mental functions or is
19 demonstrable, medically or psychologically, by accepted clinical or
20 laboratory diagnostic techniques. Disability shall also mean AIDS
21 or HIV infection.

22 r. "Blind person" or "person who is blind" means any
23 individual whose central visual acuity does not exceed 20/200 in the
24 better eye with correcting lens or whose visual acuity is better than
25 20/200 if accompanied by a limit to the field of vision in the better
26 eye to such a degree that its widest diameter subtends an angle of
27 no greater than 20 degrees.

28 s. **【"Guide dog"** means a dog used to assist deaf persons or
29 which is fitted with a special harness so as to be suitable as an aid to
30 the mobility of a blind person, and is used by a blind person who
31 has satisfactorily completed a specific course of training in the use
32 of such a dog, and has been trained by an organization generally
33 recognized by agencies involved in the rehabilitation of the blind or
34 deaf as reputable and competent to provide dogs with training of
35 this type.】 (Deleted by amendment, P.L. , c.) (pending before
36 the Legislature as this bill)

37 t. **【"Guide or service】** Service dog trainer" means any person
38 who is employed by an organization generally recognized by
39 agencies involved in the rehabilitation of persons with disabilities,
40 including, but not limited to, those persons who are blind, have
41 visual impairments, or are deaf or have hearing impairments, as
42 reputable and competent to provide dogs with training, as defined in
43 this section, and who is actually involved in the training process.

44 u. "Housing accommodation" means any publicly assisted
45 housing accommodation or any real property, or portion thereof,
46 which is used or occupied, or is intended, arranged, or designed to
47 be used or occupied, as the home, residence, or sleeping place of

- 1 one or more persons, but shall not include any single family
2 residence the occupants of which rent, lease, or furnish for
3 compensation not more than one room therein.
- 4 v. "Public facility" means any place of public accommodation
5 and any street, highway, sidewalk, walkway, public building, and
6 any other place or structure to which the general public is regularly,
7 normally, or customarily permitted or invited.
- 8 w. "Deaf person" or "person who is deaf" means any person
9 whose hearing is so severely impaired that the person is unable to
10 hear and understand **[normal]** conversational speech through the
11 unaided ear alone, and who must depend primarily on **[a**
12 **supportive]** an assistive listening device or visual communication
13 such as writing, lip reading, sign language, and gestures.
- 14 x. "Atypical hereditary cellular or blood trait" means sickle cell
15 trait, hemoglobin C trait, thalassemia trait, Tay-Sachs trait, or cystic
16 fibrosis trait.
- 17 y. "Sickle cell trait" means the condition wherein the major
18 natural hemoglobin components present in the blood of the
19 individual are hemoglobin A (normal) and hemoglobin S (sickle
20 hemoglobin) as defined by standard chemical and physical analytic
21 techniques, including electrophoresis; and the proportion of
22 hemoglobin A is greater than the proportion of hemoglobin S or one
23 natural parent of the individual is shown to have only normal
24 hemoglobin components (hemoglobin A, hemoglobin A2,
25 hemoglobin F) in the normal proportions by standard chemical and
26 physical analytic tests.
- 27 z. "Hemoglobin C trait" means the condition wherein the major
28 natural hemoglobin components present in the blood of the
29 individual are hemoglobin A (normal) and hemoglobin C as defined
30 by standard chemical and physical analytic techniques, including
31 electrophoresis; and the proportion of hemoglobin A is greater than
32 the proportion of hemoglobin C or one natural parent of the
33 individual is shown to have only normal hemoglobin components
34 (hemoglobin A, hemoglobin A2, hemoglobin F) in normal
35 proportions by standard chemical and physical analytic tests.
- 36 aa. "Thalassemia trait" means the presence of the thalassemia
37 gene which in combination with another similar gene results in the
38 chronic hereditary disease Cooley's anemia.
- 39 bb. "Tay-Sachs trait" means the presence of the Tay-Sachs gene
40 which in combination with another similar gene results in the
41 chronic hereditary disease Tay-Sachs.
- 42 cc. "Cystic fibrosis trait" means the presence of the cystic
43 fibrosis gene which in combination with another similar gene
44 results in the chronic hereditary disease cystic fibrosis.
- 45 dd. "Service dog" means any dog individually trained to the
46 requirements of a person with a disability including, but not limited
47 to minimal protection work, rescue work, pulling a wheelchair or
48 retrieving dropped items. This term shall include a "seizure dog"

1 trained to alert or otherwise assist persons **【subject to】** with
2 epilepsy or other seizure disorders.

3 ee. "Qualified Medicaid applicant" means an individual who is a
4 qualified applicant pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.).

5 ff. "AIDS" means acquired immune deficiency syndrome as
6 defined by the Centers for Disease Control and Prevention of the
7 United States Public Health Service.

8 gg. "HIV infection" means infection with the human
9 immunodeficiency virus or any other related virus identified as a
10 probable causative agent of AIDS.

11 hh. "Affectional or sexual orientation" means male or female
12 heterosexuality, homosexuality, or bisexuality by inclination,
13 practice, identity, or expression, having a history thereof or being
14 perceived, presumed, or identified by others as having such an
15 orientation.

16 ii. "Heterosexuality" means affectional, emotional, or physical
17 attraction or behavior which is primarily directed towards persons
18 of the other gender.

19 jj. "Homosexuality" means affectional, emotional, or physical
20 attraction or behavior which is primarily directed towards persons
21 of the same gender.

22 kk. "Bisexuality" means affectional, emotional, or physical
23 attraction or behavior which is directed towards persons of either
24 gender.

25 ll. "Familial status" means being the natural parent of a child,
26 the adoptive parent of a child, the resource family parent of a child,
27 having a "parent and child relationship" with a child as defined by
28 State law, or having sole or joint legal or physical custody, care,
29 guardianship, or visitation with a child, or any person who is
30 pregnant or is in the process of securing legal custody of any
31 individual who has not attained the age of 18 years.

32 mm. "Housing for older persons" means housing:
33 (1) provided under any State program that the Attorney General
34 determines is specifically designed and operated to assist **【elderly】**
35 persons who are elderly (as defined in the State program); or
36 provided under any federal program that the United States
37 Department of Housing and Urban Development determines is
38 specifically designed and operated to assist **【elderly】** persons who
39 are elderly (as defined in the federal program); or
40 (2) intended for, and solely occupied by, persons 62 years of age
41 or older; or
42 (3) intended and operated for occupancy by at least one person
43 55 years of age or older per unit. In determining whether housing
44 qualifies as housing for older persons under this **【subsection】**
45 paragraph, the Attorney General shall adopt regulations which
46 require at least the following factors:
47 (a) the existence of significant facilities and services
48 specifically designed to meet the physical or social needs of older

1 persons, or if the provision of such facilities and services is not
2 practicable, that such housing is necessary to provide important
3 housing opportunities for older persons; and

4 (b) that at least 80 percent of the units are occupied by at least
5 one person 55 years of age or older per unit; and

6 (c) the publication of, and adherence to, policies and procedures
7 which demonstrate an intent by the owner or manager to provide
8 housing for persons 55 years of age or older.

9 Housing shall not fail to meet the requirements for housing for
10 older persons by reason of: persons residing in such housing as of
11 September 13, 1988 not meeting the age requirements of this
12 subsection, provided that new occupants of such housing meet the
13 age requirements of this subsection; or unoccupied units, provided
14 that such units are reserved for occupancy by persons who meet the
15 age requirements of this subsection.

16 nn. "Genetic characteristic" means any inherited gene or
17 chromosome, or alteration thereof, that is scientifically or medically
18 believed to predispose an individual to a disease, disorder, or
19 syndrome, or to be associated with a statistically significant
20 increased risk of development of a disease, disorder, or syndrome.

21 oo. "Genetic information" means the information about genes,
22 gene products, or inherited characteristics that may derive from an
23 individual or family member.

24 pp. "Genetic test" means a test for determining the presence or
25 absence of an inherited genetic characteristic in an individual,
26 including tests of nucleic acids such as DNA, RNA, and
27 mitochondrial DNA, chromosomes, or proteins in order to identify a
28 predisposing genetic characteristic.

29 qq. "Domestic partnership" means a domestic partnership
30 established pursuant to section 4 of P.L.2003, c.246 (C.26:8A-4).

31 rr. "Gender identity or expression" means having or being
32 perceived as having a gender related identity or expression whether
33 or not stereotypically associated with a person's assigned sex at
34 birth.

35 ss. "Civil Union" means a legally recognized union of two
36 eligible individuals established pursuant to R.S.37:1-1 et seq. and
37 P.L.2006, c.103 (C.37:1-28 et al.).

38 tt. "Premium wages" means additional remuneration for night,
39 weekend, or holiday work, or for standby or irregular duty.

40 uu. "Premium benefit" means an employment benefit, such as
41 seniority, group life insurance, health insurance, disability
42 insurance, sick leave, annual leave, or an educational or pension
43 benefit that is greater than the employment benefit due the
44 employee for an equivalent period of work performed during the
45 regular work schedule of the employee.

46 (cf: P.L.2009, c.205, s.1)

47
48 9. N.J.S.11A:5-11 is amended to read as follows:

1 11A:5-11. **【Veterans】** A veteran **【suffering from】** with any
2 physical **【defect】** disability caused by wounds or injuries received
3 in the line of duty in the military or naval forces of the United
4 States during war service set forth in N.J.S.11A:5-1 shall not be
5 discriminated against in an examination, classification or
6 appointment because of the **【defect】** disability, unless this **【defect】**
7 disability, in the opinion of the Civil Service Commission, would
8 incapacitate the veteran from properly performing the duties of the
9 office, position or employment for which applied.

10 (cf: P.L.2008, c.29, s.46)

11
12 10. N.J.S.11A:7-1 is amended to read as follows:

13 11A:7-1. The head of each State agency shall ensure equality of
14 opportunity for all of its employees and applicants seeking
15 employment. Equal employment opportunity includes, but is not
16 limited to, the following areas: recruitment, selection, hiring,
17 training, promotion, transfer, layoff, return from layoff,
18 compensation, and fringe benefits. Equal employment opportunity
19 further includes policies, procedures, and programs for recruitment,
20 employment, training, promotion, and retention of minorities,
21 women, and **【handicapped】** persons with disabilities. Equal
22 employment opportunity but not affirmative action is required with
23 respect to persons identified solely by their affectional or sexual
24 orientation.

25 The head of each State agency shall explore innovative personnel
26 policies in order to enhance these efforts and where appropriate
27 shall implement them to the fullest extent authorized. Where the
28 implementation of those policies is not authorized, an agency head
29 shall recommend implementation to the appropriate State agency.

30 (cf: P.L.1991, c.519, s.15)

31
32 11. N.J.S.11A:7-3 is amended to read as follows:

33 11A:7-3. The division shall develop, implement and administer
34 an equal employment opportunity and affirmative action program
35 for all State agencies. The program shall consider the particular
36 personnel requirements that are reasonably related to job
37 performance of each State agency. The director of the division
38 shall ensure that the affirmative action and equal employment goals
39 of each State agency for minorities, women, and **【handicapped】**
40 persons with disabilities shall be reasonably related to their
41 population in the relevant surrounding labor market areas. The
42 director, in accordance with applicable federal and State guidelines,
43 shall:

44 a. Ensure each State agency's compliance with all laws and
45 rules relating to equal employment opportunity and seek correction
46 of discriminatory practices, policies and procedures;

- 1 b. Recommend appropriate sanctions for noncompliance to the
- 2 State Treasurer who, with the concurrence of the Governor, is
- 3 authorized to implement sanctions;
- 4 c. Review State personnel practices, policies, and procedures,
- 5 inclusive of recruitment, selection, and promotion, in order to
- 6 identify and eliminate artificial barriers to equal employment
- 7 opportunity;
- 8 d. Act as liaison with federal, State, and local enforcement
- 9 agencies;
- 10 e. Recommend appropriate legislation to the State Treasurer
- 11 and perform other actions deemed necessary by the State Treasurer
- 12 to implement this chapter; and
- 13 f. Provide, under rules adopted by the Department of the
- 14 Treasury, for review of equal employment complaints.
- 15 (cf: P.L.2008, c.29, s.64)

16
17 12. N.J.S.11A:7-5 is amended to read as follows:

18 11A:7-5. The department, through the Division of Equal

19 Employment Opportunity and Affirmative Action, shall:

- 20 a. Ensure that the pool of applicants for all vacant positions in
- 21 State agencies includes minorities, women, and **【handicapped】**
- 22 persons with disabilities so that affirmative action goals are
- 23 attainable through agency selection decisions;
- 24 b. Undertake a comprehensive review of its rules, regulations,
- 25 and testing procedures in order to amend or eliminate those which
- 26 serve to discriminate against minorities, women, and
- 27 **【handicapped】** persons with disabilities;
- 28 c. Ensure that selection devices do not discriminate against
- 29 minorities, women, and **【handicapped】** persons with disabilities;
- 30 d. Analyze job specifications to isolate and eliminate
- 31 prerequisites that are artificial barriers to employment;
- 32 e. Review all discrimination complaints under Title VII of the
- 33 Civil Rights Act of 1964, Pub.L. 88-352 (42 U.S.C. s.2000e et
- 34 seq.), evaluate trends, and recommend appropriate policy changes;
- 35 and
- 36 f. Receive, analyze and transmit to the Governor, at least semi-
- 37 annually, progress reports on affirmative action in all State
- 38 agencies.
- 39 (cf: N.J.S.11A:7-5)

40
41 13. N.J.S.11A:7-12 is amended to read as follows:

42 11A:7-12. The Equal Employment Opportunity Advisory

43 Commission shall consist of 11 members appointed by the

44 Governor, at least six of whom shall be minorities, women, and

45 **【handicapped】** persons with disabilities. Consideration shall be

46 given to appropriate representation of each group. The remaining

47 members of the commission may be comprised of State agency

48 heads or their designated representatives. All members of the

1 commission shall be residents of the State. Members shall be
2 appointed for staggered terms of four years **【but members**
3 appointed under section 10 of P.L. 1981, c. 124 (C.11:2D-10) shall
4 continue on the commission for the duration of their respective
5 terms**】**. Each member shall hold office for the term of the
6 appointment and until a successor is appointed. Members may not
7 serve more than two consecutive terms. A vacancy in the
8 membership of the commission shall be filled by appointment by
9 the Governor for the remainder of the term. The commission shall
10 meet at least quarterly to review implementation of this chapter.
11 The Director of the Division of Equal Employment Opportunity and
12 Affirmative Action shall serve as executive secretary.
13 (cf: N.J.S.11A:7-12)

14
15 14. N.J.S.11A:7-13 is amended to read as follows:

16 11A:7-13. The commission may establish procedures for the
17 reasonable accommodation of **【handicapped】** persons with
18 disabilities in the employee selection process for the State and the
19 political subdivisions covered by this title. Pursuant to rules
20 adopted by the Civil Service Commission, the commission may
21 waive an examination for an applicant who **【suffers from】** has a
22 physical, mental, or emotional **【affliction,】** injury, **【dysfunction,】**
23 impairment, or disability which:

24 a. Makes it physically or psychologically not practicable for
25 that person to undergo the testing procedure for the title for which
26 applied, but

27 b. Does not prevent that person from satisfactorily performing
28 the responsibilities of the title under conditions of actual service;
29 and

30 c. In making such determination, the commission may require
31 the submission of sufficient and appropriate medical
32 documentation.

33 (cf: P.L.2008, c.29, s.68)

34
35 15. Section 3 of P.L.1999, c.152 (C.13:8C-3) is amended to read
36 as follows:

37 3. As used in sections 1 through 42 of this act:

38 "Acquisition" or "acquire" means the obtaining of a fee simple or
39 lesser interest in land, including but not limited to a development
40 easement, a conservation restriction or easement, or any other
41 restriction or easement permanently restricting development, by
42 purchase, installment purchase agreement, gift, donation, eminent
43 domain by the State or a local government unit, or devise; except
44 that any acquisition of lands by the State for recreation and
45 conservation purposes by eminent domain shall be only as
46 authorized pursuant to section 28 of **【this act】** P.L.1999, c.152
47 (C.13:8C-28);

1 "Bonds" means bonds issued by the trust pursuant to this act;
2 "Commissioner" means the Commissioner of Environmental
3 Protection;
4 "Committee" means the State Agriculture Development
5 Committee established pursuant to section 4 of P.L.1983, c.31
6 (C.4:1C-4);
7 "Constitutionally dedicated moneys" means any moneys made
8 available pursuant to Article VIII, Section II, paragraph 7 of the
9 State Constitution or through the issuance of bonds, notes, or other
10 obligations by the trust, as prescribed by Article VIII, Section II,
11 paragraph 7 of the State Constitution and **[this act]** P.L.1999, c.152
12 (C.13:8C-1 et seq.), or any moneys from other sources deposited in
13 the trust funds established pursuant to sections 19, 20, and 21 of
14 **[this act]** P.L.1999, c.152 (C.13:8C-19, C.13:8C-20, and C.13:8C-
15 21), and appropriated by law, for any of the purposes set forth in
16 Article VIII, Section II, paragraph 7 of the State Constitution or this
17 act;
18 "Convey" or "conveyance" means to sell, donate, exchange,
19 transfer, or lease for a term of 25 years or more;
20 "Cost" means the expenses incurred in connection with: all
21 things deemed necessary or useful and convenient for the
22 acquisition or development of lands for recreation and conservation
23 purposes, the acquisition of development easements or fee simple
24 titles to farmland, or the preservation of historic properties, as the
25 case may be; the execution of any agreements or franchises deemed
26 by the Department of Environmental Protection, State Agriculture
27 Development Committee, or New Jersey Historic Trust, as the case
28 may be, to be necessary or useful and convenient in connection with
29 any project funded in whole or in part using constitutionally
30 dedicated moneys; the procurement or provision of appraisal,
31 archaeological, architectural, conservation, design, engineering,
32 financial, geological, historic research, hydrological, inspection,
33 legal, planning, relocation, surveying, or other professional advice,
34 estimates, reports, services, or studies; the purchase of title
35 insurance; the undertaking of feasibility studies; the establishment
36 of a reserve fund or funds for working capital, operating,
37 maintenance, or replacement expenses and for the payment or
38 security of principal or interest on bonds, as the Director of the
39 **[Division of Budget and Accounting]** Office of Management and
40 Budget in the Department of the Treasury may determine; and
41 reimbursement to any fund of the State of moneys that may have
42 been transferred or advanced therefrom to any fund established by
43 this act, or any moneys that may have been expended therefrom for,
44 or in connection with, this act;
45 "Department" means the Department of Environmental
46 Protection;
47 "Development" or "develop" means, except as used in the
48 definitions of "acquisition" and "development easement" in this

1 section, any improvement made to a land or water area designed to
2 expand and enhance its utilization for recreation and conservation
3 purposes, and shall include the construction, renovation, or repair of
4 any such improvement, but shall not mean shore protection or beach
5 nourishment or replenishment activities;

6 "Development easement" means an interest in land, less than fee
7 simple title thereto, which interest represents the right to develop
8 that land for all nonagricultural purposes and which interest may be
9 transferred under laws authorizing the transfer of development
10 potential;

11 "Farmland" means land identified as having prime or unique
12 soils as classified by the Natural Resources Conservation Service in
13 the United States Department of Agriculture, having soils of
14 Statewide importance according to criteria adopted by the State Soil
15 Conservation Committee, established pursuant to R.S.4:24-3, or
16 having soils of local importance as identified by local soil
17 conservation districts, and which land qualifies for differential
18 property taxation pursuant to the "Farmland Assessment Act of
19 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.), and any other land on
20 the farm that is necessary to accommodate farm practices as
21 determined by the State Agriculture Development Committee;

22 "Farmland preservation," "farmland preservation purposes," or
23 "preservation of farmland" means the permanent preservation of
24 farmland to support agricultural or horticultural production as the
25 first priority use of that land;

26 "Garden State Farmland Preservation Trust Fund" means the
27 Garden State Farmland Preservation Trust Fund established
28 pursuant to section 20 of **[this act]** P.L.1999, c.152 (C.13:8C-20);

29 "Garden State Green Acres Preservation Trust Fund" means the
30 Garden State Green Acres Preservation Trust Fund established
31 pursuant to section 19 of **[this act]** P.L.1999, c.152 (C.13:8C-19);

32 "Garden State Historic Preservation Trust Fund" means the
33 Garden State Historic Preservation Trust Fund established pursuant
34 to section 21 of **[this act]** P.L.1999, c.152 (C.13:8C-21);

35 "Green Acres bond act" means: P.L.1961, c.46; P.L.1971, c.165;
36 P.L.1974, c.102; P.L.1978, c.118; P.L.1983, c.354; P.L.1987, c.265;
37 P.L.1989, c.183; P.L.1992, c.88; P.L.1995, c.204; and any State
38 general obligation bond act that may be approved after the date of
39 enactment of this act for the purpose of providing funding for the
40 acquisition or development of lands for recreation and conservation
41 purposes or for farmland preservation purposes;

42 "Historic preservation," "historic preservation purposes," or
43 "preservation of historic properties" means any work relating to the
44 conservation, improvement, interpretation, preservation, protection,
45 rehabilitation, renovation, repair, restoration, or stabilization of any
46 historic property, and shall include any work related to providing
47 access thereto for **[disabled or handicapped]** persons with
48 disabilities;

1 "Historic property" means any area, building, facility, object,
2 property, site, or structure approved for inclusion, or which meets
3 the criteria for inclusion, in the New Jersey Register of Historic
4 Places pursuant to P.L.1970, c.268 (C.13:1B-15.128 et seq.);

5 "Indoor recreation" means active recreation that otherwise is or
6 may be pursued outdoors but, for reasons of extending the season or
7 avoiding inclement weather, is or may be pursued indoors within a
8 fully or partially enclosed building or other structure, and includes
9 basketball, ice skating, racquet sports, roller skating, swimming,
10 and similar recreational activities and sports as determined by the
11 Department of Environmental Protection;

12 "Land" or "lands" means real property, including improvements
13 thereof or thereon, rights-of-way, water, lakes, riparian and other
14 rights, easements, privileges, and all other rights or interests of any
15 kind or description in, relating to, or connected with real property;

16 "Local government unit" means a county, municipality, or other
17 political subdivision of the State, or any agency, authority, or other
18 entity thereof; except, with respect to the acquisition and
19 development of lands for recreation and conservation purposes,
20 "local government unit" means a county, municipality, or other
21 political subdivision of the State, or any agency, authority, or other
22 entity thereof the primary purpose of which is to administer,
23 protect, acquire, develop, or maintain lands for recreation and
24 conservation purposes;

25 "New Jersey Historic Trust" means the entity established
26 pursuant to section 4 of P.L.1967, c.124 (C.13:1B-15.111);

27 "Notes" means the notes issued by the trust pursuant to this act;

28 "Permitted investments" means any of the following securities:

29 (1) Bonds, debentures, notes, or other evidences of indebtedness
30 issued by any agency or instrumentality of the United States to the
31 extent such obligations are guaranteed by the United States or by
32 another such agency the obligations (including guarantees) of which
33 are guaranteed by the United States;

34 (2) Bonds, debentures, notes, or other evidences of indebtedness
35 issued by any corporation chartered by the United States, including,
36 but not limited to, Governmental National Mortgage Association,
37 Federal Land Banks, Federal Home Loan Mortgage Corporation,
38 Federal National Mortgage Association, Federal Home Loan Banks,
39 Federal Intermediate Credit Banks, Banks for Cooperatives,
40 Tennessee Valley Authority, United States Postal Service, Farmers
41 Home Administration, Resolution Funding Corporation, Export-
42 Import Bank, Federal Financing Bank, and Student Loan Marketing
43 Association;

44 (3) Bonds, debentures, notes, or commercial paper rated in the
45 highest two rating categories without regard to rating subcategories
46 (derogation) by all nationally recognized investment rating agencies
47 or by a nationally recognized investment rating agency if rated by
48 only one nationally recognized investment rating agency;

1 (4) Repurchase agreements or investment agreements issued by
2 (i) a commercial bank or trust company or a national banking
3 association, each having a capital stock and surplus of more than
4 \$100,000,000, or (ii) an insurance company with the highest rating
5 provided by a nationally recognized insurance company rating
6 agency, or (iii) a broker/dealer, or (iv) a corporation; provided that
7 the credit of such commercial bank or trust company or national
8 banking association or insurance company or broker/dealer or
9 corporation, as the case may be, is rated (or, in the case of a
10 broker/dealer or corporation, whose obligations thereunder are
11 guaranteed by a commercial bank or trust company or a national
12 banking association or insurance company with the highest rating
13 provided by a nationally recognized insurance company rating
14 agency or corporation whose credit is rated) not lower than the
15 "AA" category without regard to rating subcategories (derogation)
16 of any two nationally recognized investment rating agencies then
17 rating the State; provided that any such agreement shall provide for
18 the investment of funds and shall be collateralized by obligations
19 described in paragraph 1 or paragraph 2 or paragraph 3 above at a
20 level of at least one hundred and two (102) percent in principal
21 amount of those obligations;

22 "Pinelands area" means the pinelands area as defined pursuant to
23 section 3 of P.L.1979, c.111 (C.13:18A-3);

24 "Pinelands regional growth area" means a regional growth area
25 established pursuant to the pinelands comprehensive management
26 plan adopted pursuant to P.L.1979, c.111 (C.13:18A-1 et seq.);

27 "Project" means all things deemed necessary or useful and
28 convenient in connection with the acquisition or development of
29 lands for recreation and conservation purposes, the acquisition of
30 development easements or fee simple titles to farmland, or the
31 preservation of historic properties, as the case may be;

32 "Qualifying open space referendum county" means any county
33 that has: (1) approved and implemented, and is collecting and
34 expending the revenue from, an annual levy authorized pursuant to
35 P.L.1997, c.24 (C.40:12-15.1 et seq.) for an amount or at a rate
36 equivalent to at least one half of one cent per \$100 of assessed
37 value of real property, or for an amount or at a rate established by
38 the county and in effect as of April 1, 1999, whichever is greater; or
39 (2) adopted an alternative means of funding for the same or similar
40 purposes as an annual levy, which the Department of Environmental
41 Protection, in consultation with the committee and the New Jersey
42 Historic Trust, approves to be stable and reasonably equivalent in
43 effect to an annual levy;

44 "Qualifying open space referendum municipality" means any
45 municipality that has: (1) approved and implemented, and is
46 collecting and expending the revenue from, an annual levy
47 authorized pursuant to P.L.1997, c.24 (C.40:12-15.1 et seq.) for an
48 amount or at a rate equivalent to at least one half of one cent per

1 \$100 of assessed value of real property, or for an amount or at a rate
2 established by the municipality and in effect as of April 1, 1999,
3 whichever is greater; or (2) adopted an alternative means of funding
4 for the same or similar purposes as an annual levy, which the
5 Department of Environmental Protection, in consultation with the
6 committee and the New Jersey Historic Trust, approves to be stable
7 and reasonably equivalent in effect to an annual levy;

8 "Qualifying tax exempt nonprofit organization" means a
9 nonprofit organization that is exempt from federal taxation pursuant
10 to section 501 (c)(3) of the federal Internal Revenue Code, 26
11 U.S.C. s.501 (c)(3), and which qualifies for a grant pursuant to
12 section 27, 39, or 41 of **[this act]** P.L.1999, c.152 (C.13:8C-27,
13 13:8C-39, or 13:8C-41);

14 "Recreation and conservation purposes" means the use of lands
15 for beaches, biological or ecological study, boating, camping,
16 fishing, forests, greenways, hunting, natural areas, parks,
17 playgrounds, protecting historic properties, water reserves,
18 watershed protection, wildlife preserves, active sports, or a similar
19 use for either public outdoor recreation or conservation of natural
20 resources, or both; and

21 "Trust" means the Garden State Preservation Trust established
22 pursuant to section 4 of **[this act]** P.L.1999, c.152 (C.13:8C-4).
23 (cf: P.L.2010, c.70, s.1)
24

25 16. N.J.S.18A:4-35 is amended to read as follows:

26 18A:4-35. The commissioner may assign an assistant
27 commissioner or, subject to approval of the **[state]** State board,
28 may appoint and fix the compensation of directors, inspectors, and
29 assistants to act as secretary of the **[state]** State board of examiners
30 and to act in connection with the issuance of qualifying academic
31 certificates and, so far as they relate to the public school system of
32 the **[state]** State, to perform one or more of the following services:

- 33 a. Inspection of buildings;
- 34 b. Inspection of accounts;
- 35 c. Research;
- 36 d. Supervision of health education;
- 37 e. Supervision of adult education;
- 38 f. Supervision of **[special]** classes for **[subnormal, blind, deaf,**
39 **and physically handicapped]** children with disabilities; and
- 40 g. Such other special services as the **[state]** State board may
41 deem necessary.

42 (cf: N.J.S.18A:4-35)
43

44 17. Section 6 of P.L.1978, c.58 (C.18A:6-100) is amended to
45 read as follows:

46 6. The board of directors of the educational information and
47 resource center, within the general rules and regulations set by the

- 1 State Board of Education, shall have the general supervision over
2 and be vested with the conduct of the center. It shall have the
3 power and duty to:
- 4 a. Adopt and use a corporate seal;
 - 5 b. Determine policies for the organization, administration, and
6 development of the center;
 - 7 c. Sue or be sued by its corporate name;
 - 8 d. (Deleted by amendment, **[P.L.[1983], c.[186]]** P.L.1983,
9 c.186);
 - 10 e. Prepare an annual budget, as determined by the board of
11 directors, to carry out the programs and services described in
12 **[section 1 of this amendatory and supplementary act]** P.L.1978,
13 c.58 (C.18A:6-96 et seq.), and present the annual budget to the
14 Governor and the Legislature;
 - 15 f. Disburse all monies appropriated to the center by the State
16 and all monies received from grants, fees, auxiliary services and
17 other sources;
 - 18 g. Direct and control expenditures of the center pursuant to all
19 provisions of law governing local school districts, as set forth in
20 Title 18A, and in accordance with the terms of any applicable
21 trusts, bequests, or other special provisions. A system of
22 bookkeeping and accounting shall be adopted and instituted as
23 prescribed by the State board. The board shall cause an annual
24 audit of the center's accounts and financial transactions in the
25 manner provided by N.J.S.18A:23-1 et seq. All accounts of the
26 center shall be subject to audit by the State at any time;
 - 27 h. Appoint and fix compensation, terms₂ and conditions of
28 employment of an executive director. The executive director shall
29 be secretary to the board of directors and shall serve at the pleasure
30 of the board of directors;
 - 31 i. Upon nomination by the executive director, appoint, remove,
32 promote₂ and transfer such other staff as may be required to carry
33 out the provisions of the chapter, assign their duties, determine their
34 salaries₂ and prescribe qualifications for all positions;
 - 35 j. Enter into contracts and agreements with the State or any of its
36 political subdivisions or with the United States, or any public body,
37 department₂ or any agency of the State or the United States₂ or with
38 any individual, firm, or corporation, subject to the bidding
39 requirements set forth in the "Public School Contracts Law,"
40 N.J.S.18A:18A-1**[,]** et seq., which are deemed necessary or
41 advisable by the board for carrying out the provisions of this
42 chapter;
 - 43 k. Accept from any governmental department, agency₂ or other
44 public or private body, or from any other source₂ grants or
45 contributions of money or property which the board may use for
46 any of its purposes;
 - 47 l. Acquire, own, lease, use and operate property, subject to the
48 **[facilities for the handicapped]** provisions regarding facilities for

1 persons with disabilities set forth in N.J.S.18A:18A-17 and
2 P.L.1975, c.221 (C.52:32-11 et seq.), whether real, personal or
3 mixed, or any interest therein, which is necessary or desirable for
4 center purposes;

5 m. Determine that any property owned by the center is no
6 longer necessary for center purposes and to sell the same at such
7 price and in such manner and upon such terms and conditions as
8 deemed appropriate;

9 n. Adopt bylaws, make and promulgate such rules, regulations,
10 and orders, not inconsistent with the provisions of this chapter or
11 rules and regulations of the State Board of Education, as are
12 necessary and proper for the administration and operation of the
13 center and to implement the provisions of this act;

14 o. Appoint and regulate the duties, functions, powers, and
15 procedures of committees, standing or special, from its members
16 and such advisory committees or bodies, as it may deem necessary
17 or conducive to the efficient management and operation of the
18 center, consistent with this act and other applicable statutes;

19 p. Cause a report of the condition of the center and the center's
20 property under its control and an itemized account of the condition
21 of the finances of the center to be printed and submitted to the
22 Legislature as soon as practicable after the close of the fiscal year;
23 and it may:

24 q. Utilize all available programs, services, and resources of
25 other social agencies, including institutions of higher education and
26 local school districts, to meet the center's plans and objectives.
27 (cf: P.L.1983, c.186, s.9)
28

29 18. Section 8 of P.L.2000, c.72 (C.18A:7G-8) is amended to
30 read as follows:

31 8. a. The number of unhoused students shall be calculated as
32 the number of FTE students who are projected to be enrolled in
33 preschool **【handicapped】** for children with disabilities, preschool,
34 kindergarten, grades 1 through 12, and special education services
35 pupil educational programs provided in a district within five years,
36 which are in excess of the functional capacity of the district's
37 current school facilities or the functional capacity of the school
38 facilities which will be available within five years other than the
39 school facilities for which the preliminary eligible costs are
40 determined, based upon the district's long-range facilities plan. The
41 determination of unhoused capacity shall separately consider
42 projected enrollments and functional capacities at the early
43 childhood and elementary (preschool through grade 5), middle
44 (grades 6 through 8), and high school (grades 9 through 12) levels.
45 For the purpose of calculating the district's unhoused students,
46 special education services students shall be considered part of the
47 grade level to which the students' chronological age corresponds.
48 In the event that the commissioner approves a school facilities

project which involves the construction of a new school facility to replace an existing school facility, which shall accommodate both the unhoused students and the students in the existing school facility, the calculation of the number of unhoused students shall include the number of students currently attending the existing facility which is to be replaced.

b. Approved area for unhoused students (AU) shall be determined according to the following formula:

$$AU = (UEC \times SEC) + (UE \times SE) + (UM \times SM) + (UH \times SH)$$

where

UEC, UE, UM, UH are the numbers of unhoused students in the early childhood, elementary, middle, and high school enrollment categories, respectively; and

SEC, SE, SM, SH are the area allowances per FTE student in preschool and kindergarten, grades 1 through 5, grades 6 through 8, and grades 9 through 12, respectively. Area allowances shall be determined based on the grade level of a student regardless of the grade configurations used in the school buildings of the district.

The minimum area allowance per FTE student shall be as follows:

Preschool through grade 5	125 sq. ft.
Grades 6 through 8	134 sq. ft.
Grades 9 through 12	151 sq. ft.

The commissioner, in consultation with the State Treasurer and the Commissioner of **the Department of** Community Affairs, shall adopt regulations that establish a process for the consideration of special circumstances, in addition to those provided in section 5 of **this act** P.L.2010, c.72 (C.18A:7G-5), in which the area allowances per FTE student established pursuant to this subsection may be adjusted. Any decision made by the commissioner pursuant to those regulations shall be made in consultation with the State Treasurer and the Commissioner of **the Department of** Community Affairs.

(cf: P.L.2000, c.72, s.8)

19. N.J.S.18A:18A-17 is amended to read as follows:

18A:18A-17. Every board of education shall require that all plans and specifications for bids on any contract with the board for the construction, remodeling, or renovation of any public building shall provide facilities for **the physically handicapped** persons with a physical or sensory disability.

As used in this section, "remodeling or renovation" shall mean to construct an addition to, or alter the design or layout of **said** a public building so that a change or modification of the entrance facilities, toilet facilities, or vertical access is achieved, or makes substantial repairs or alterations. As used herein, "substantial

1 repairs or alterations" shall mean that if the costs of making such
2 repairs or alterations:

3 a. Shall exceed 60% of the value of the building, the entire
4 building shall be made to comply with the requirements of this
5 section;

6 b. Shall be between 30% and 60% of the value of the building,
7 only those portions of the building repaired or altered shall be made
8 to comply with the requirements of this section; or

9 c. Shall be under 30% of the value of the building, such repairs
10 or alterations shall be either in accordance with the requirement of
11 this section, or in compliance with their previously required
12 condition and with the same or equivalent material or equipment,
13 provided the general safety and public welfare are not thereby
14 endangered.

15 The value of such public buildings shall be determined by every
16 board of education in accordance with a formula which shall be
17 established by the State Board of Education. ~~【said】~~ The formula
18 may take into account the size, age, type of construction, original
19 building cost, and replacement cost of any such building.

20 The State Board of Education, by rules and regulations, shall
21 prescribe the kinds, types, and quality of the aforementioned
22 facilities for ~~【the physically handicapped】~~ persons with a physical
23 or sensory disability.

24 (cf: N.J.S.18A:18A-17)

25

26 20. N.J.S.18A:18A-17.1 is amended to read as follows:

27 18A:18A-17.1. The Commissioner of Education is hereby
28 authorized to withhold all or part of any State aid paid to any school
29 district pursuant to chapter 58 of Title 18A of the New Jersey
30 Statutes or any other law, unless and until said school district shall
31 comply with the provisions of N.J.S.18A:18A-17 with respect to
32 facilities for ~~【the physically handicapped】~~ persons with a physical
33 or sensory disability.

34 (cf: N.J.S.18A:18A-17.1)

35

36 21. Section 1 of P.L.1990, c.35 (C.18A:20-9.2) is amended to
37 read as follows:

38 1. Except as otherwise provided pursuant to section 14 of
39 P.L.2007, c.137 (C.18A:7G-45), whenever any board of education
40 shall by resolution determine that any tract of land is no longer
41 desirable or necessary for public school purposes it may authorize
42 the conveyance thereof, at no less than the fair market price,
43 whether there is a building thereon or not, to a nonprofit private
44 school for ~~【the handicapped】~~ students with disabilities duly
45 incorporated under the laws of the State of New Jersey. As used in
46 this section, market price shall equal the median of two or more
47 appraisals conducted by qualified real estate appraisers. The
48 president and secretary of the board shall be authorized to execute

1 and deliver a conveyance for the same in the name and under the
2 seal of the board, which conveyance may, in the discretion of the
3 board, be made subject to a condition or limitation that said land
4 shall be used by such nonprofit private school for **the**
5 **handicapped** students with disabilities and in the event that the
6 property shall cease to be used for the purposes contemplated by
7 this section, such property shall first be offered for resale to the
8 board of education making the conveyance thereof hereunder at the
9 market price current at the time of resale.

10 (cf: P.L.2007, c.137, s.49)

11
12 22. N.J.S.18A:22-8 is amended to read as follows:

13 18A:22-8. The budget shall be prepared in such detail and upon
14 such forms as shall be prescribed by the commissioner and to it
15 shall be annexed a statement so itemized as to make the same
16 readily understandable, in which shall be shown:

17 a. In tabular form there shall be set forth the following:

18 (1) The total expenditure for each item for the preceding school
19 year, the amount appropriated for the current school year adjusted
20 for transfers as of February 1 of the current school year, and the
21 amount estimated to be necessary to be appropriated for the ensuing
22 school year, indicated separately for each item as determined by the
23 commissioner;

24 (2) The amount of the surplus account available at the beginning
25 of the preceding school year, at the beginning of the current school
26 year, and the amount anticipated to be available for the ensuing
27 school year;

28 (3) The amount of revenue available for budget purposes for the
29 preceding school year, the amount available for the current school
30 year as of February 1 of the current school year, and the amount
31 anticipated to be available for the ensuing school year in the
32 following categories:

33 (a) Total to be raised by local property taxes

34 (b) Total State aid

35 (i) Equalization aid

36 (ii) Special education categorical aid

37 (iii) Transportation aid

38 (iv) Preschool education aid

39 (v) Security aid

40 (vi) Adjustment aid

41 (vii) Other (detailed at the discretion of the commissioner)

42 (c) Total federal aid

43 (i) Elementary and Secondary Education Act of 1965 (20
44 U.S.C.s.2701 et seq.)

45 (ii) **the** Students with disabilities

46 (iii) Impact Aid

47 (iv) Vocational

48 (v) Other (detailed at the discretion of the commissioner)

1 (d) Other sources (detailed at the discretion of the
2 commissioner).

3 b. (Deleted by amendment, P.L.1993, c.117).

4 c. In the event that the total expenditure for any item of
5 appropriation is equal to \$0.00 for: (1) the preceding school year,
6 (2) the current school year, and (3) the amount estimated to be
7 necessary to be appropriated for the ensuing school year, that item
8 shall not be required to be published pursuant to N.J.S.18A:22-11.

9 d. The instruction function of the budget shall be divided at a
10 minimum into elementary (K-5), middle school (6-8), and high
11 school (9-12) cost centers, each of which shall be further divided by
12 the core curriculum content areas. The commissioner shall phase in
13 these requirements as soon as practicable.

14 e. The budget as adopted for the school year pursuant to
15 section 5 of P.L.1996, c.138 (C.18A:7F-5) shall be provided for
16 public inspection on the school district's Internet site, if one exists,
17 and made available in print in a "user-friendly" format using plain
18 language. The Commissioner of Education shall promulgate a
19 "user-friendly," plain language budget summary format for the use
20 of school districts for this purpose.

21 (cf: P.L.2007, c.260, s.52)

22

23 23. Section 3 of P.L.1979, c.428 (C.18A:35-4.8) is amended to
24 read as follows:

25 3. No pupil whose parent or guardian objects to such pupil
26 receiving medical treatment or medical examination or physical
27 examination shall be compelled to receive such treatment or
28 examination; provided, however, that no objection shall be made to
29 a physical or medical examination of any **【physically handicapped】**
30 child with a disability for the purpose of determining whether such
31 child shall be admitted to any class or school for **【handicapped】**
32 children with disabilities or of any pupil to determine whether **【he】**
33 the pupil is ill or infected with a communicable disease or of any
34 person who appears to be under the influence of a drug **【pursuant to**
35 **P.L.1971, c. 390 (C. 18A:40-4.1)】**.

36 (cf: P.L.1979, c.428, s.3)

37

38 24. Section 1 of P.L.1991, c.488 (C.18A:35-5.1) is amended to
39 read as follows:

40 1. The Commissioner of Education, in consultation with the
41 Commissioner of Health, shall develop curriculum guidelines for
42 the teaching of information on the prevention of Lyme Disease
43 within the public school health curriculum. The guidelines shall
44 emphasize disease prevention and sensitivity for **【victims of】**
45 persons with the disease. The Commissioner of Education shall
46 periodically review and update the guidelines to insure that the

1 curriculum reflects the most current information available.
2 (cf: P.L.1991, c.488, s.1)

3

4 25. Section 2 of P.L.1995, c.104 (C.18A:36-5) is amended to
5 read as follows:

6 2. The week beginning with the second Sunday in May of each
7 year is designated as "Special Education Week" in the State of New
8 Jersey in order to give the citizens of this State the opportunity to
9 recognize the contribution of public school board members, schools,
10 and agencies for **【the handicapped】** students with disabilities,
11 educators, parents, and the students themselves, and to commend
12 them for their dedication to ensuring quality education for **【the**
13 **exceptional citizens of】** students with disabilities in this State.
14 (cf: P.L.1995, c.104, s.2)

15

16 26. Section 7 of P.L.1995, c.426 (C.18A:36A-7) is amended to
17 read as follows:

18 7. A charter school shall be open to all students on a space
19 available basis and shall not discriminate in its admission policies
20 or practices on the basis of intellectual or athletic ability, measures
21 of achievement or aptitude, status as a **【handicapped】** person with a
22 disability, proficiency in the English language, or any other basis
23 that would be illegal if used by a school district; however, a charter
24 school may limit admission to a particular grade level or to areas of
25 concentration of the school, such as mathematics, science, or the
26 arts. A charter school may establish reasonable criteria to evaluate
27 prospective students which shall be outlined in the school's charter.
28 (cf: P.L.1995, c.426, s.7)

29

30 27. Section 11 of P.L.1995, c.426 (C.18A:36A-11) is amended
31 to read as follows:

32 11. a. A charter school shall operate in accordance with its
33 charter and the provisions of law and regulation which govern other
34 public schools; except that, upon the request of the board of trustees
35 of a charter school, the commissioner may exempt the school from
36 State regulations concerning public schools, except those pertaining
37 to assessment, testing, civil rights and student health and safety, if
38 the board of trustees satisfactorily demonstrates to the
39 commissioner that the exemption will advance the educational goals
40 and objectives of the school.

41 b. A charter school shall comply with the provisions of chapter
42 46 of Title 18A of the New Jersey Statutes concerning the provision
43 of services to **【handicapped】** students with disabilities; except that
44 the fiscal responsibility for any student currently enrolled in or
45 determined to require a private day or residential school shall
46 remain with the district of residence.

1 Within 15 days of the signing of the individualized education
2 plan, a charter school shall provide notice to the resident district of
3 any individualized education plan which results in a private day or
4 residential placement. The resident district may challenge the
5 placement within 30 days in accordance with the procedures
6 established by law.

7 c. A charter school shall comply with applicable State and
8 federal anti-discrimination statutes.

9 (P.L.2007, c.260, s.57)

10
11 28. Section 7 of P.L.2010, c.65 (C.18A:36B-20) is amended to
12 read as follows:

13 7. a. The parents or guardian of a student shall notify the
14 sending district of the student's intention to participate in the choice
15 program and shall submit an application to the choice district,
16 indicating the school the student wishes to attend, no later than the
17 date specified by the commissioner. To be eligible to participate in
18 the program, a student shall be enrolled at the time of application in
19 grades preschool through 12 in a school of the sending district and
20 have attended school in the sending district for at least one full year
21 immediately preceding enrollment in the choice district, provided
22 that a "sending district" includes any school district that a student in
23 a particular district of residence is required by law to attend. The
24 one-year requirement shall not apply to a student enrolling in
25 preschool or kindergarten in the choice district, if that student has a
26 sibling enrolled in the choice district. Openings in a designated
27 school of a choice district shall be on a space-available basis, and if
28 more applications are received for a designated school than there
29 are spaces available, a lottery shall be held to determine the
30 selection of students. Preference for enrollment may be given to
31 siblings of students who are enrolled in a designated school.

32 If there is an opening in a designated school of a choice district
33 and there is no student who is enrolled in a sending district who
34 meets the attendance requirements of this subsection, including a
35 student who has been placed on a waiting list based on a lottery
36 held in the choice district, then the choice district may fill that
37 opening with a public school student who does not meet the
38 attendance requirements of this subsection or a nonpublic school
39 student.

40 b. A choice district may evaluate a prospective student on the
41 student's interest in the program offered by a designated school.
42 The district shall not discriminate in its admission policies or
43 practices on the basis of athletic ability, intellectual aptitude,
44 English language proficiency, status as a **【handicapped】** person
45 with a disability, or any basis prohibited by State or federal law.

46 c. A choice district shall not prohibit the enrollment of a
47 student based upon a determination that the additional cost of
48 educating the student would exceed the amount of additional State

1 aid received as a result of the student's enrollment. A choice
2 district may reject the application for enrollment of a student who
3 has been classified as eligible for special education services
4 pursuant to chapter 46 of Title 18A of the New Jersey Statutes if
5 that student's individualized education program could not be
6 implemented in the district, or if the enrollment of that student
7 would require the district to fundamentally alter the nature of its
8 educational program, or would create an undue financial or
9 administrative burden on the district.

10 d. A student whose application is rejected by a choice district
11 shall be provided with a reason for the rejection in the letter of
12 notice. The appeal of a rejection notice may be made to the
13 commissioner.

14 e. Once a student is enrolled in a designated school, the student
15 shall not be required to reapply each school year for enrollment in
16 any designated school of the choice district and shall continue to be
17 permitted to be enrolled until graduation. A student shall be
18 permitted to transfer back to a school of the sending district or may
19 apply to a different choice district during the next application
20 period.

21 f. A choice district shall accept all of the credits earned toward
22 graduation by a student in the schools of the sending district.

23 g. A choice district shall notify a sending district upon the
24 enrollment of a choice student resident in that district.

25 (cf: P.L.2010, c.65, s.7)
26

27 29. Section 8 of P.L.2011, c.176 (C.18A:36C-8) is amended to
28 read as follows:

29 8. a. (1) In the case of a renaissance school project built on land
30 owned by the New Jersey Schools Development Authority or the
31 renaissance school district, students residing in the attendance area
32 established by the renaissance school district for that property shall
33 be automatically enrolled in the renaissance school project, except
34 as otherwise provided in paragraph (2) of this subsection. The
35 parent or guardian of the student may determine not to enroll the
36 student in the renaissance school project, and in that case the
37 student shall be eligible for enrollment in another school in the
38 renaissance school district. If spaces remain available in the
39 renaissance school project, students shall be selected for the
40 remaining spaces through a lottery system. The first lottery shall
41 include students who reside in the renaissance school district but
42 outside the attendance area of the renaissance school. If space
43 remains available, a second lottery shall be conducted that may
44 include students who reside outside of the renaissance school
45 district.

46 (2) A renaissance school project built on land owned by the
47 New Jersey Schools Development Authority or the renaissance
48 school district, shall allow any student who was enrolled in the

1 renaissance school project in the immediately preceding school year
2 to enroll in the renaissance school project in the appropriate grade
3 unless the appropriate grade is not offered; and if a grade is at
4 capacity, a student enrolled in the immediately preceding school
5 year shall have priority for enrollment in that grade over a student
6 who would otherwise be eligible for initial enrollment in the
7 renaissance school project automatically based on the fact that he
8 resides in the attendance area established by the renaissance school
9 project for that property.

10 b. (1) In the case of a renaissance school project which is not
11 built on land owned by the New Jersey Schools Development
12 Authority or the renaissance school district, preference for
13 enrollment in the renaissance school project shall be given to
14 students who reside in the attendance area identified in the
15 application submitted by the nonprofit entity and approved by the
16 commissioner for the renaissance school project. In no case may an
17 attendance area include an area outside of the renaissance school
18 district. If spaces remain available in the renaissance school
19 project, then the renaissance school project may select students for
20 the remaining spaces through a lottery system. The first lottery
21 shall include students who reside in the renaissance school district
22 but outside the attendance area identified in the application
23 approved by the commissioner for the renaissance school project. If
24 space remains available, a second lottery shall be conducted that
25 may include students who reside outside of the renaissance school
26 district.

27 (2) A renaissance school project which is not built on land
28 owned by the New Jersey Schools Development Authority or the
29 renaissance school district shall allow any student who was enrolled
30 in the renaissance school project in the immediately preceding
31 school year to enroll in the renaissance school project in the
32 appropriate grade unless the appropriate grade is not offered.

33 In developing and executing its selection process, the nonprofit
34 entity shall not discriminate on the basis of intellectual or athletic
35 ability, measures of achievement or aptitude, status as a
36 **【handicapped】** person with a disability, proficiency in the English
37 language, or any other basis that would be illegal if used by a
38 school district. A nonprofit entity may, however, limit admission to
39 a particular grade level or levels consistent with its organizational
40 document.

41 (cf: P.L.2013, c.149, s.4)

42

43 30. N.J.S.18A:39-1.2 is amended to read as follows:

44 18A:39-1.2. Whenever the governing body of a municipality
45 finds that for safety reasons it is desirable to provide transportation
46 to and from a school for pupils living within the municipality, other
47 than those living remote from the school or those **【physically**
48 **handicapped or】** with **【an】** a physical or intellectual disability, the

governing body and the board of education of the district are authorized to enter into a contract pursuant to **the "Interlocal Services Act,"** P.L.1973, c.208 (C.40:8A-1 et seq.) **P.L.2007, c.63 (C.40A:65-1 et al.),** under the terms of which the board shall provide such transportation. Any funds required to be paid by the municipality to the board of education under such a contract shall be appropriated by the governing body and paid to the secretary or treasurer of school moneys, as appropriate, of the district. The governing body of the municipality may charge the parents or guardians of children who are transported for safety reasons in order to help defray expenses, provided that no charge shall be imposed on the parent or guardian of any child who meets the Statewide eligibility standards established by the State Board of Education for free and reduced price meals under the State school lunch program. The amount of any charges and the method of collection shall be specified in the contract between the municipal governing body and the board of education. Nothing in this section shall prevent a board of education from providing transportation at its own expense.

(cf: P.L.2010, c.50, s.11)

31. Section 1 of P.L.1977, c.5 (C.18A:39-22) is amended to read as follows:

1. The board of education of any district may, pursuant to rules adopted by it, permit the use of school buses owned or leased by the school district for the purpose of transporting senior citizens' groups to and from events within its district or in any contiguous district, for transporting **handicapped** citizens with disabilities in any district, and for transporting children and adults participating in a recreation or other program operated by the municipality or municipalities in which the district is located or the municipality in which any constituent district of a regional school district is located; provided that each use of school buses for these purposes is approved by the board; provided that such use of school buses shall not interfere with the transportation of school pupils; and provided that school buses so used shall be operated only by persons licensed as bus drivers. The board shall require groups seeking such use of school buses to pay all or part of any costs incurred by the district in permitting such use, including but not limited to the costs of fuel, driver salaries, insurance, and depreciation.

(cf: P.L.1989, c.136, s.1)

32. Section 1 of P.L.1994, c.172 (C.18A:39-22.1) is amended to read as follows:

1. The board of education of a school district may, pursuant to rules adopted by it, permit the use of school buses owned, leased, or contracted by the school district for the purpose of transporting **a**

1 handicapped] an adult with a disability who is a client of the
2 Division of Developmental Disabilities in the Department of
3 Human Services and who is continuing **[his]** the person's education
4 and training following graduation from secondary school.
5 Transportation pursuant to this section will be limited to space
6 availability on vehicles engaged in the transportation of school-age
7 pupils along established routes. The board shall require that the
8 individual transported, or **[his]** the person's parent or guardian, pay
9 all or part of any costs incurred by the district in providing the
10 transportation, including but not limited to, the costs of fuel, driver
11 salaries, insurance, and depreciation.
12 (cf: P.L.1994, c.172, s.1)

13

14 33. N.J.S.18A:43A-5 is amended to read as follows:

15 18A:43A-5. The bureau may, subject to the approval of the
16 board of education, provide for or administer any or all of the
17 following services:

18 (a) Take, keep and maintain a census of all children residing in
19 the district pursuant to the provisions of **[section 18A:11-2]**
20 N.J.S.18A:11-2;

21 (b) Supervise and maintain a school attendance service to carry
22 out the provisions of article 3 of chapter 38 of this title, Compulsory
23 Education;

24 (c) Maintain a register and classification of children with
25 **[intellectual]** disabilities **[and children with handicaps]** pursuant to
26 the provisions of chapter 46 of this title;

27 (d) Supervise the issuance of employment certificates, age
28 certificates and special permits pursuant to the provisions of
29 **[chapter 153 of the Laws of 1940]** P.L.1940, c.153 (C.34:2-21.1 et
30 seq.), the law limiting and regulating child labor;

31 (e) Establish and maintain group and individual child guidance
32 and counseling programs;

33 (f) Establish and operate speech and remedial reading clinics
34 and such other clinics as will promote the **[normal]** educational
35 development of the children of the district;

36 (g) Arrange with the respective county and municipal authorities
37 concerned with proper juvenile development and particularly with
38 those concerned with juvenile delinquency for mutual cooperation
39 and assistance including service of the children's bureau as a
40 receiving center for juvenile delinquents;

41 (h) Carry out, under guidance, the recommendations of mental
42 health and diagnostic centers and clinics and of family psychiatrists
43 and physicians;

44 (i) Counsel with parent and child;

45 (j) Cooperate in providing long- or short-term supervision of
46 any child in connection with any of the services authorized by this
47 section;

(k) Assist in the promotion of the **【normal】** development of youth and their proper adjustment in society.

(cf: P.L.2010, c.50, s.12)

34. N.J.S.18A:46-1 is amended to read as follows:

18A:46-1. As used in this chapter, a **【handicapped】** child with a disability shall mean and include any child who has: an intellectual disability **【or who is visually handicapped, auditorily handicapped】**, a visual impairment, an auditory impairment, a communication **【handicapped, neurologically or perceptually impaired, orthopedically handicapped, chronically ill, emotionally disturbed, socially maladjusted, multiply handicapped, autistic, or pre-school handicapped】** impairment, a neurological or perceptual impairment, an orthopedic impairment, a chronic illness, an emotional disturbance impairment, a social impairment, multiple disabilities, autism spectrum disorder, a traumatic brain injury, other health impairments, a specific learning disability, or is deaf-blind, or a pre-schooler with a disability.

(cf: P.L.2010, c.50, s.13)

35. N.J.S.18A:46-2 is amended to read as follows:

18A:46-2. The commissioner shall be responsible for the coordination of the work of the county departments of child study and the general administration of special educational services in the public schools of this State.

In order to carry out the provisions of this chapter, **【he】** the commissioner shall appoint **【to his】** staff persons qualified to administer educational services in the general field of education for **【handicapped】** children with disabilities pursuant to N.J.S.18A:46-1, including each of the **【following】** disability groups¹: (1) intellectually disabled, (2) orthopedically handicapped, (3) communication handicapped, (4) visually handicapped, (5) neurologically or perceptually impaired, (6) chronically ill, (7) emotionally disturbed, (8) socially maladjusted, (9) auditorily handicapped, (10) autistic and (11) pre-school handicapped² identified in N.J.S.18A:46-1, and a consultant experienced in child psychiatry, and specialists in school psychology, health service, school social work, learning disabilities and special education and such other qualified personnel as **【he】** the commissioner shall deem necessary and **【he】** the commissioner shall fix their compensation with the approval of the State board.

The commissioner shall appoint biannually an advisory council with the approval of the State board which will consist of not less than seven nor more than 15 members representative of public and private professional and lay interests. The advisory council shall advise in the promulgation of rules, regulations, and the implementation of this chapter and the establishment of standards

1 and qualifications for the professional personnel. The council shall
 2 serve without remuneration.
 3 (cf: P.L.2010, c.50, s.14)
 4

5 36. Section 2 of P.L.1981, c.351 (C.18A:46-2.2) is amended to
 6 read as follows:

7 2. The Commissioner of **the Department of** Education shall
 8 appoint a coordinator of **deaf** education for persons who are deaf
 9 or have a hearing impairment.
 10 (cf: P.L.1981, c.351, s.2)
 11

12 37. Section 3 of P.L.1981, c.351 (C.18A:46-2.3) is amended to
 13 read as follows:

14 3. The duties of the coordinator of **deaf** education for persons
 15 who are deaf or have a hearing impairment shall include evaluating,
 16 coordinating and developing local, county, regional, and State-
 17 operated educational programs and services for **hearing impaired**
 18 children who are deaf or have a hearing impairment.
 19 (cf: P.L.1981, c.351, s.3)
 20

21 38. N.J.S.18A:46-3 is amended to read as follows:

22 18A:46-3. When the results of a survey of **handicapped**
 23 children with disabilities in any county, in the opinion of the
 24 commissioner warrants it, **he** the commissioner shall, with the
 25 approval of the **state** State board, establish a department of child
 26 study which shall be charged with the duty of performing the
 27 services required to be performed at the county level under this
 28 chapter. **He** The commissioner shall appoint for each county
 29 department of child study or, with the approval of the **state** State
 30 board, for one or more county departments of child study, a
 31 supervisor, whose duties shall include the coordination of the
 32 special education services in the county, and **he shall appoint,**
 33 such additional personnel, constituting a child study team as **he**
 34 the commissioner deems necessary to perform such services for
 35 **handicapped** children with disabilities.
 36

37 In addition to the supervisor of child study, the members of each
 38 child study team shall include personnel qualified to administer,
 39 supervise, or otherwise perform the special education services
 40 required under this chapter.

41 The county superintendent of the county, or the county
 42 superintendents of the counties served by one child study team
 43 jointly, shall, with the approval of the commissioner, designate a
 44 member of the child study team to serve as **chairman** chair. **and**
 45 **in** In the event that **they** the superintendents cannot agree, the
 46 **chairman** chair shall be designated by the commissioner.

(cf: N.J.S.18A:46-3)

1 39. Section 1 of P.L.1981, c. 350 (C.18A:46-3.1) is amended to
2 read as follows:

3 1. The Commissioner **【of the Department】** of Education shall
4 appoint four regional consultants for **【the hearing impaired】**
5 children who are deaf or have a hearing impairment. The duties of
6 these consultants shall include assisting the child study teams in the
7 educational evaluation and placement of **【hearing handicapped】**
8 children who are deaf or have a hearing impairment and the
9 development of appropriate individual educational programs, for
10 each **【handicapped】** child with a disability and significant hearing
11 loss.

12 (cf: P.L.1981, c.350, s.1)

13
14 40. N.J.S.18A:46-5 is amended to read as follows:

15 18A:46-5. Each county child study team shall function in
16 consultation with the local boards of education in the county or the
17 local boards of education in the counties served by it in the fields
18 pertaining to:

19 a. identification and diagnosis of children needing special
20 educational services,

21 b. development and approval of public school programs for
22 **【handicapped】** pupils with disabilities,

23 c. supervision and coordination of public school programs for
24 **【handicapped】** pupils with disabilities,

25 d. reporting and referral of children with **【handicaps,】**
26 disabilities of such severity as to indicate the necessity of
27 residential placement, medical or psychological treatment, or care,
28 to the appropriate agency for such purpose,

29 e. social case work and psychological evaluation,

30 f. remedial instruction,

31 g. cooperative action with other state and county departments
32 and lay professional organizations, and

33 h. additional responsibilities as determined by the commissioner
34 with the approval of the **【state】** State board.

35 (cf: N.J.S.18A:46-5)

36
37 41. N.J.S.18A:46-6 is amended to read as follows:

38 18A:46-6. Each board of education, according to uniform rules
39 prescribed by the commissioner with the approval of the State
40 board, shall provide for the identification of any children between
41 the ages of five and 21 residing in the district and enrolled in the
42 public schools of the State or in a nonpublic school located in the
43 district, who cannot be properly accommodated through the school
44 facilities usually provided, because of **【handicaps】** disabilities.

45 For the purposes of **【this act】** N.J.S.18A:46-1 et seq., a child
46 who boards at a school in a district in which **【his】** the child's

1 parents do not maintain a **【resident】** residence shall not be
2 considered a resident of the district.

3 In addition, each board of education shall also identify and
4 ascertain, according to rules promulgated by the commissioner with
5 the approval of the State board, those children between the ages of
6 three and five years who require and who would be benefited by
7 special education programs and services, which may prevent their
8 **【handicaps】** disabilities from becoming more debilitating.

9 Each board of education shall provide information to parents of
10 **【handicapped】** children with disabilities who are below the age of
11 three regarding available services and programs provided by other
12 State, county, or local agencies, which may prevent their
13 **【handicaps】** disabilities from becoming more debilitating.
14 (cf: P.L.1984, c.123, s.1)

15

16 42. Section 2 of P.L.1981, c.415 (C.18A:46-6.1) is amended to
17 read as follows:

18 2. The programs and services required pursuant to
19 N.J.S.18A:46-1 et seq. for **【handicapped】** children with disabilities
20 between the ages of 3 and 5 shall be provided by one or more of the
21 following:

- 22 a. Parent training and counseling;
- 23 b. Special programs and services in the district including
24 programs in hospitals, homes or other institutions;
- 25 c. Special programs and services offered by other districts as
26 provided by agreement between one or more districts;
- 27 d. A Jointure Commission;
- 28 e. A county special services school district; and
- 29 f. Such other methods as shall be approved by the
30 commissioner with the approval of the State board.

31 (cf: P.L.1981, c.415, s.2)

32

33 43. N.J.S.18A:46-7 is amended to read as follows:

34 18A:46-7. Each board of education shall report annually to the
35 county superintendent of schools of the county in which the school
36 district is situate, who shall report to the commissioner, the names
37 of all children who are in special education instructional programs
38 and the names and addresses of their parents or persons having
39 control or custody of them, together with the category into which
40 they have been classified. Included in this report shall be the names
41 and addresses of any known **【handicapped】** children with
42 disabilities who are not attending school. The commissioner shall
43 make the information in the reports available to any **【state】** State
44 agency charged with **【the】** providing care and **【restoration of any**
45 **particular category of handicapped】** rehabilitation services for
46 children with disabilities.

47 (cf: N.J.S.18A:46-7)

1 44. Section 1 of P.L.1973, c.3 (C.18A:46-7.1) is amended to
2 read as follows:

3 1. In every school district having children who have been
4 classified as **【handicapped】** children with disabilities pursuant to
5 the provisions of chapter 46 **【(Classes and Facilities for**
6 **Handicapped Children)】** of Title 18A of the New Jersey Statutes,
7 the board of education of the district shall, annually, cause copies
8 of **【said】** chapter 46, as amended and supplemented, together with
9 all current rules and regulations of the commissioner relating
10 thereto, to be prepared for distribution to parents of children
11 classified as **【handicapped】** children with disabilities or the persons
12 having control or custody of such children who request copies
13 thereof.

14 Persons requesting copies shall be required to pay a reasonable
15 fee as fixed by the board, to cover the cost of preparing the copies.
16 (cf: P.L.1973, c.3, s.1)

17

18 45. N.J.S.18A:46-8 is amended to read as follows:

19 18A:46-8. Each board of education shall provide for the
20 examination and classification of each child residing in the district
21 and identified pursuant to N.J.S.18A:46-6, except that the board of
22 education of a county vocational school district shall provide for the
23 examination and classification of each child who is attending the
24 county vocational school on a full-time basis and is identified
25 pursuant to N.J.S.18A:46-6. Such examination and classification
26 shall be accomplished according to procedures prescribed by the
27 commissioner and approved by the State board, under one of the
28 **【following】** categories**【:** intellectually disabled, visually
29 handicapped, auditorily handicapped, communication handicapped,
30 neurologically or perceptually impaired, orthopedically
31 handicapped, chronically ill, emotionally disturbed, socially
32 maladjusted, autistic, multiply handicapped or pre-school
33 handicapped**】** identified in N.J.S.18A:46-1. The examination and
34 classification of such nonpublic school children shall be in a
35 location determined by the local board of education of the district in
36 which the nonpublic school is located and approved by the
37 commissioner pursuant to rules and regulations promulgated by the
38 State board.

39 The classification of a child with a communication
40 **【handicapped】** impairment shall be made by the basic child study
41 team and an approved speech correctionist or speech pathologist,
42 without child study consultation. Such children shall be reported to
43 the basic child study team. The proposed classification shall be
44 reported to the parent or guardian of the child and an opportunity
45 provided, prior to implementation of the classification, for
46 consultation by such parent or guardian with the appropriate special
47 educational services personnel of the district. Pursuant to rules of

the State board, the parent or guardian shall also be provided an opportunity for further review of the classification in the Department of Education.

(cf: P.L.2010, c.50, s.15)

46. N.J.S.18A:46-10 is amended to read as follows:

18A:46-10. Pupils identified as needing special education services to ameliorate or to prevent the development of learning **【handicaps】** disabilities shall be classified according to their ability to benefit from specified types of educational service, and such educational service shall be conducted according to rules and regulations prescribed by the commissioner, with the approval of the **【state】** State board, and may include, but need not be limited to:

- a. case work with the pupil at home or school**【,】**;
- b. counseling or guidance**【,】**;
- c. remedial instruction**【,】**;
- d. special scheduling of a school program including part-time attendance in special or **【regular】** general groups**【,】**;
- e. referral to other agencies or institutions for special services**【,】**;
- f. special grouping in school for children whose prognosis is favorable for return to the **【regular】** general program**【,】**; and
- g. arrangement through the commissioner for direct services through the county department of child study.

(cf: N.J.S.18A:46-10)

47. N.J.S.18A:46-13 is amended to read as follows:

18A:46-13. It shall be the duty of each board of education to provide suitable facilities and programs of education for all the children who are classified as **【handicapped】** children with disabilities under this chapter. The absence or unavailability of a special class facility in any district shall not be construed as relieving a board of education of the responsibility for providing education for any child who qualifies under this chapter.

The Department of Human Services, and the Department of Children and Families, as applicable, shall provide transportation for all children who attend day training centers operated by the department.

A board of education is not required to provide any further educational program for children who have been admitted to the **【Marie H. Katzenbach】** New Jersey School for the Deaf, Katzenbach Campus, but shall be required to furnish necessary daily transportation Monday through Friday to and from the school for nonboarding pupils when such transportation is approved by the county superintendent of schools in accordance with such rules and regulations as the State board shall promulgate for such transportation. Any special education facility or program

1 authorized and provided for a child attaining age 20 during a school
2 year shall be continued for the remainder of that school year.
3 (cf: P.L.2006, c.47, s.96)
4

5 48. N.J.S.18A:46-14 is amended to read as follows:

6 18A:46-14. The facilities and programs of education required
7 under this chapter shall be provided by one or more of the
8 following:

9 a. A special class or classes in the district, including a class or
10 classes in hospitals, convalescent homes, or other institutions;

11 b. A special class in the public schools of another district in
12 this State or any other state in the United States;

13 c. Joint facilities including a class or classes in hospitals,
14 convalescent homes, or other institutions to be provided by
15 agreement between one or more school districts;

16 d. A jointure commission program;

17 e. A State of New Jersey operated program;

18 f. Instruction at school supplementary to the other programs in
19 the school, whenever, in the judgment of the board of education
20 with the consent of the commissioner, the **【handicapped】** pupil with
21 a disability will be best served thereby;

22 g. Sending children capable of benefiting from a day school
23 instructional program to privately operated day classes, in New
24 Jersey or, with the approval of the commissioner to meet particular
25 circumstances, in any other state in the United States, the services
26 of which are nonsectarian whenever, in the judgment of the board of
27 education with the consent of the commissioner, it is impractical to
28 provide services pursuant to subsection a., b., c., d., e., or f.
29 otherwise;

30 h. Individual instruction at home or in school whenever, in the
31 judgment of the board of education with the consent of the
32 commissioner, it is impracticable to provide a suitable special
33 education program for a child pursuant to subsection a., b., c., d., e.,
34 f., or g. otherwise.

35 Whenever a child study team determines that a suitable special
36 education program for a child cannot be provided pursuant to
37 subsection a., b., c., d., e., f., g., or h. of this section, and that the
38 most appropriate placement for that child is in an academic program
39 in an accredited nonpublic school within the State or, to meet
40 particular circumstances, in any other state in the United States, the
41 services of which are nonsectarian, and which is not specifically
42 approved for the education of **【handicapped】** pupils with
43 disabilities, that child may be placed in that academic program by
44 the board of education, with the consent of the commissioner, or by
45 order of a court of competent jurisdiction. An academic program
46 which meets the requirements of the child's Individual Education
47 Plan as determined by the child study team and which provides the
48 child with a thorough and efficient education, shall be considered

1 an approved placement for the purposes of chapter 46 of this Title,
2 and the board of education shall be entitled to receive State aid for
3 that child as provided pursuant to P.L.2007, c.260 (C.18A:7F-43 et
4 al.), and all other pertinent statutes.

5 Whenever any child shall be confined to a hospital, convalescent
6 home, or other institution in New Jersey or in any other state in the
7 United States and is enrolled in an education program approved
8 under this article, or shall be placed in any other State facility as
9 defined in section 3 of P.L.2007, c.260 (C.18A:7F-45), the board of
10 education of the district in which the child resides shall pay the
11 tuition of that child. The board of education may also furnish (a)
12 the facilities or programs provided in this article to any person over
13 the age of 20 who does not hold a diploma of a high school
14 approved in this State or in any other state in the United States, and
15 (b) suitable approved facilities and programs for children under the
16 age of five.

17 (cf: P.L.2007, c.260, s.71)

18
19 49. N.J.S.18A:46-15 is amended to read as follows:

20 18A:46-15. a. The commissioner with the consent of the State
21 board shall, according to the rules and regulations prescribed by
22 **【him】** the commissioner and approved by the State board, approve
23 all special facilities and education programs which meet the
24 requirements of this chapter. **【He】** The commissioner shall **【from**
25 **time to time】**, by the use of available staff members **【of his staff】**,
26 by the publication of bulletins, and by any other means available
27 **【to him】**, assist boards of education in formulating programs
28 required under this chapter.

29 b. The commissioner shall continually review the operation of
30 the programs of special education required under this chapter and
31 whenever in any area or region of this State, in **【his】** the
32 commissioner's judgment, **【handicapped】** children of one or more
33 disability groups, as **【classified under N.J.S.18A:46-8】** identified in
34 N.J.S.18A:46-1, are not receiving satisfactory education programs,
35 despite the operation of facilities and programs approved by **【him】**
36 the commissioner pursuant to subsection a. of this section, **【he】** the
37 commissioner shall, with the consent of the State board, order the
38 establishment of a special class or classes for such group or groups
39 in such area or region, either using the facilities to be provided by
40 one or more boards of education, pursuant to **【N.J.S.18A:46-20b】**
41 subsection b. of N.J.S.18A:46-20, or the facilities of one or more
42 jointure commissions by directing one or more boards of education
43 not members to become contracting districts of any thereof under
44 **【N.J.S.18A:46-28c】** P.L.2007, c.63 (C:40A65-1 et al.).

45 c. The commissioner shall continually review the operation of
46 such class or classes, and in case the operation of any of such
47 classes is not satisfactory **【to him he】**, the commissioner shall,

1 with the consent of the State board, take such steps available under
2 this chapter as may seem necessary to improve such operation
3 including the use of different receiving districts and sending
4 districts and the use of different jointure commissions or the
5 addition or withdrawal of districts to or from existing jointure
6 commissions.

7 (cf: P.L.1970, c.256, s.2)

8
9 50. Section 2 of P.L.1986, c.32 (C.18A:46-18.3) is amended to
10 read as follows:

11 2. a. The multidisciplinary treatment team at a State facility
12 shall provide written notice to the parent or legal guardian of a child
13 who is placed in the facility, when the child attains the age of 18,
14 or, if the child is over the age of 18 when placed in the facility, at
15 the time of placement, that the child is not entitled to receive tuition
16 free educational services after the age of 21.

17 b. Written notice given pursuant to this section shall describe
18 in detail the parent's or guardian's opportunity to consent to having
19 the child's name or other relevant information forwarded in a report
20 to the Commissioner of Human Services, the Commissioner of
21 Children and Families, or the Commissioner of Corrections, as
22 appropriate, for the purposes of determining whether the child will
23 likely need services after the age of 21 and, if so, recommending
24 possible adult educational services. For the purposes of this
25 subsection, "relevant information" means that information in the
26 possession of and used by the multidisciplinary treatment team to
27 ascertain the physical, mental, emotional, and cultural-educational
28 factors which contribute to the child's **handicapping condition**
29 disability, including but not limited to: (1) results of physical and
30 psychological examinations performed by private and school
31 district physicians and psychologists; (2) relevant information
32 presented by the parent or legal guardian and teacher; (3) school
33 data which bear on the child's progress, including the child's most
34 recent individualized educational program; (4) results of the most
35 recent examinations and evaluations performed; and (5) results of
36 other suitable evaluations and examinations possessed by the team.
37 Nothing in this subsection shall be construed to require a
38 multidisciplinary treatment team to perform any examination or
39 evaluation not otherwise required by law.

40 c. Upon the written consent of the parent or legal guardian, the
41 multidisciplinary treatment team shall forward the child's name and
42 other relevant information in a report to the Commissioner of
43 Human Services, the Commissioner of Children and Families, or the
44 Commissioner of Corrections, as appropriate, for the development
45 of a recommendation for adult educational services. A copy of the
46 report shall also be submitted to the Commissioner of Education at
47 the same time that the report is submitted to the Commissioner of

1 Human Services, the Commissioner of Children and Families, or the
2 Commissioner of Corrections, as applicable.
3 (cf: P.L.2006, c.47, s.97)
4

5 51. N.J.S.18A:46-21 is amended to read as follows:

6 18A:46-21. Any board of education, jointure commission, or
7 private school for **the handicapped** pupils with disabilities which
8 receives pupils from a sending district under this chapter shall
9 determine a tuition rate to be paid by the sending board of
10 education, but in no case shall the tuition rate exceed the actual cost
11 per pupil as determined under rules prescribed by the commissioner
12 and approved by the State Board of Education.
13 (cf: P.L.1986, c.50, s.1)
14

15 52. N.J.S.18A:46-22 is amended to read as follows:

16 18A:46-22. Any board of education which has entered or
17 hereafter shall enter its **handicapped** pupils with disabilities in the
18 schools of a receiving district may not withdraw such pupils for the
19 purpose of entering them in the schools of another district unless
20 good and sufficient reason exists for such a change and unless an
21 application therefor is made and approved by the commissioner.
22 Either the receiving or sending board of education, if dissatisfied
23 with the determination of the commissioner on any such
24 application, may appeal to the state board, and, in its discretion, that
25 body may affirm, reverse, or modify **his** the commissioner's
26 determination.
27 (cf: N.J.S.18A:46-22)
28

29 53. N.J.S.18A:46-23 is amended to read as follows:

30 18A:46-23. The board of education shall furnish transportation
31 to all children **found under this chapter to be handicapped** with
32 disabilities identified pursuant to this chapter who shall qualify
33 therefor pursuant to law and it shall furnish the transportation for a
34 lesser distance also to any **handicapped** child with a disability, if
35 **it** the board finds upon the advice of the examiner, **the handicap**
36 **to be such as to make** that the disability makes transportation
37 necessary or advisable.

38 The board of education shall furnish transportation to all children
39 being sent by local boards of education to an approved 12-month
40 program pursuant to N.J.S.18A:46-14, or any other program
41 approved pursuant to N.J.S.18A:46-14 and who qualify therefor
42 pursuant to law, during the entire time the child is attending the
43 program. The board shall furnish transportation for a lesser
44 distance also to a **handicapped** child with a disability, if **it** the
45 board finds upon the advice of the examiner **his handicap to be**
46 **such as to make** that the disability makes the transportation
47 necessary or advisable.

1 The school district shall be entitled to State aid for the
2 transportation pursuant to section 15 of P.L.2007, c.260 (C.18A:7F-
3 57) when the necessity for the transportation and the cost and
4 method thereof have been approved by the executive county
5 superintendent of the county in which the district paying the cost of
6 the transportation is situated.

7 (cf: P.L.2007, c.260, s.72)

8

9 54. Section 1 of P.L.1971, c.271 (C.18A:46-29) is amended to
10 read as follows:

11 The board of chosen freeholders of any county may establish a
12 county special services school district for the education and
13 treatment of **【handicapped】** children with disabilities, **【as such**
14 **children are defined in】** pursuant to N.J.S.18A:46-1, upon its
15 finding that the need for such county special services school district
16 exists. Before making any finding as to the existence of such need,
17 the board shall hold at least one public hearing thereon upon not
18 less than 10 days notice of the time and place thereof published in a
19 newspaper of general circulation in the county. If the board of
20 freeholders, by resolution, authorizes the establishment of such a
21 school district for the county, schools shall be forthwith established
22 and maintained in the county and shall be known as the "schools for
23 special services in the county of" (here insert the name of the
24 county in which the schools are located).

25 (cf: P.L.1971, c.271, s.1)

26

27 55. Section 3 of P.L.1978, c.74 (C.18A:58-33.24) is amended to
28 read as follows:

29 3. Additional State school building aid shall be made available
30 to school districts, county special services school districts and
31 county vocational school districts in accordance with the provisions
32 of this act for the payment of debt service (interest and principal) on
33 bonds and notes (as hereinafter defined) entitled to the benefits of
34 this act, provided that the amount of bonds entitled to the benefits
35 of this act shall not exceed **【\$100,000,000.00】** \$100,000,000, and
36 provided further that of the total principal amount of the bonds, no
37 more than **【\$80,000,000.00】** \$80,000,000 shall be allocated to the
38 renovation or replacement of aged and deteriorated school
39 buildings and construction of new facilities in districts with
40 financial need and no more than **【\$40,000,000.00】** \$40,000,000
41 shall be allocated to the expansion and establishment of secondary
42 vocational educational facilities to serve **【handicapped】** students
43 with disabilities between the ages of 13 and 21 who would benefit
44 from vocational education in local school districts, county special
45 services school districts, and county vocational school districts
46 with financial need. The amount of aid payable to any local school
47 district for the renovation or replacement of aged and deteriorated

1 school buildings and construction of new facilities shall not exceed
2 an amount equal to **【20%】** 20 percent of the total aid allocated to
3 this program and in any year such aid shall not exceed an amount
4 equal to **【\$25.00】** \$25 per pupil in resident enrollment in such
5 school district on September 30, 1976. The amount of aid payable
6 in any year to any local school district, county special services
7 school districts, or county vocational school district for the
8 expansion and construction of secondary vocational education
9 facilities to serve **【handicapped】** students with disabilities between
10 the ages of 13 and 21 shall be no more than **【75%】** 75 percent of
11 the total debt service of bonds and notes for secondary vocational
12 education projects constructed under the provisions of this act and
13 shall not exceed an amount equal to the number of **【handicapped】**
14 pupils with disabilities between the ages of 13 and 21 enrolled in
15 such school district whose vocational education needs were not met
16 due to the lack of suitable facilities prior to any application date for
17 funds under this act, multiplied by a standard per student
18 construction cost, established pursuant to guidelines promulgated
19 by the Commissioner of Education.
20 (cf: P.L.1978, c.74, s.3)

21

22 56. Section 4 of P.L.1978, c.74 (C.18A:58-33.25) is amended to
23 read as follows:

24 4. a. Whenever the board of education of a local school district
25 shall determine by resolution that it is unable to provide suitable
26 general purpose educational facilities to comply with the provisions
27 of N.J.S.18A:33-1, it may file an application with the
28 Commissioner of Education for additional State school building aid
29 under this act. Upon the receipt of such application, the
30 Commissioner of Education shall cause an investigation to be made
31 of the conditions in the district, taking into consideration the
32 number of unhoused pupils, number of years on split or curtailed
33 sessions, the rate of pupil population increase, the total tax rate of
34 the municipalities in the district, the school tax rate of the district,
35 the net debt of such municipalities and the school debt, the density
36 of population, the equalized valuations allocable with respect to
37 each child in the school district, the number of children on welfare
38 rolls, effects of judicial determinations prior to the enactment
39 hereof concerning constitutional requirements of equal educational
40 opportunity, existing and proposed educational facilities and all
41 such other factors as said commissioner or the State Board of
42 Education may deem necessary for the purpose of **【this act】**
43 P.L.1978, c.74 (C.18A:58-33.22 et seq.). The Commissioner of
44 Education shall report the results of such investigation to the State
45 Board of Education and may include therein an evaluation of the
46 ability of such school district to provide suitable educational
47 facilities to comply with the provisions of N.J.S.18A:33-1, and of

1 the need of such school district for additional State school building
2 aid under **【this act】** P.L.1978, c.74 (C.18A:58-33.22 et seq.), advice
3 as to the resident enrollment in such school district as of September
4 30, 1976 as shown by records with respect thereto on file in **【his】**
5 the commissioner's office, recommendation as to the amount (if
6 any) of entitlement (as hereinafter defined) proposed with respect to
7 said school district, and such further information with respect to
8 such school district as requested or required by said board.

9 b. Whenever the board of education of a local school district,
10 county special services school district, or county vocational school
11 district shall determine by resolution that there are **【handicapped】**
12 students with disabilities between the ages of 13 and 21 who would
13 benefit from vocational education but are not enrolled in such a
14 program and that **【it】** the board is unable to provide suitable
15 facilities for such pupils, **【it】** the board may file an application with
16 the Commissioner of Education for additional State school building
17 aid under **【this act】** P.L.1978, c.74 (C.18A:58-33.22 et seq.) and
18 forward its plan to provide secondary vocational facilities for
19 **【handicapped】** pupils with disabilities to the County Career
20 Education Coordinating Council. Upon the receipt of such
21 application, the County Career Education Coordinating Council
22 shall review the facilities plan as soon as possible and forward its
23 recommendations to the Commissioner of Education forthwith.
24 Upon the receipt of such application from a local school district, the
25 Commissioner of Education shall cause an investigation to be made
26 of the conditions of the district, taking into consideration the
27 number of **【handicapped】** pupils with disabilities between the ages
28 of 13 and 21 who would benefit from such a program and are not
29 presently enrolled in vocational programs due to the lack of
30 facilities, the projected increase or decrease of such pupils in future
31 years, the total tax rate of the municipalities in the district, the
32 school tax rate of the district, the net debt of such municipalities
33 and the school debt, the equalized valuations allocable with respect
34 to each child in the school district, effects of judicial determinations
35 prior to the enactment hereof concerning constitutional
36 requirements of equal educational opportunity, existing and
37 proposed education facilities, the recommendations of the County
38 Career Education Coordinating Council, and all such other factors
39 as said commissioner or State Board of Education may deem
40 necessary for the purpose of **【this act】** P.L.1978, c.74 (C.18A:58-
41 33.22 et seq.). Upon the receipt of such application from a county
42 special services school district or a county vocational school
43 district, the Commissioner of Education shall cause an investigation
44 to be made of the conditions of the district, taking into
45 consideration the number of **【handicapped】** pupils with disabilities
46 between the ages of 13 and 21 who would benefit from such a
47 program and are not presently enrolled in vocational programs due

1 to the lack of facilities, the projected increase of such pupils in
2 future years, the county vocational school debt, the county debt, the
3 total tax rate of the county, the county average equalized valuations
4 per pupil, existing and proposed educational facilities, the
5 recommendations of the County Career Education Coordinating
6 Council, and all such factors as said commissioner or State Board of
7 Education may deem necessary for the purpose of **[this act]**
8 P.L.1978, c.74 (C.18A:58-33.22 et seq.). The Commissioner of
9 Education shall report the results of such investigations to the State
10 Board of Education and may include therein an evaluation of the
11 ability of such school district to provide suitable secondary
12 vocational educational facilities for **[handicapped]** pupils with
13 disabilities, and of the need of such school district for additional
14 State school building aid under this act, advice as to the enrollment
15 of **[handicapped]** pupils with disabilities in such school as of the
16 effective date of this act as shown by records with respect thereto
17 on file in **[his]** the commissioner's office, recommendation as to
18 the amount (if any) of entitlement (as hereinafter defined) proposed
19 with respect to said school district, and such further information
20 with respect to such school district as requested or required by said
21 board.

22 (cf: P.L.1978, c.74, s.4)

23
24 57. N.J.S.18A:71B-3 is amended to read as follows:

25 18A:71B-3. Financial aid under this chapter shall be awarded
26 without regard to race, religion, creed, age, sex, national origin, or
27 **[handicapped status]** disability.

28 (cf: N.J.S.18A:71B-3)

29
30 58. Section 3 of P.L.1985, c.493 (C.18A:72H-3) is amended to
31 read as follows:

32 3. As used in this act:

33 a. **["Auditorily impaired"]** "Auditory impairment" means **[a**
34 hearing impairment of such severity that the individual depends
35 primarily upon visual communication] an inability to hear within
36 normal limits due to a physical impairment or dysfunction of
37 auditory mechanisms characterized by: (i) deafness, (ii) hearing
38 impairment, (iii) hardness of hearing, or (iv) deaf-blindness. "Deaf"
39 means an auditory impairment is so severe that the individual does
40 not process linguistic information through hearing, with or without
41 amplification, and the student's educational performance is
42 adversely affected. "Hearing impairment" means an impairment in
43 hearing, whether permanent or fluctuating, which adversely affects
44 the individual's educational performance. "Deaf-blind" means
45 concomitant hearing and visual disabilities, the combination of
46 which causes such severe communication and other developmental
47 and educational needs that the child cannot be accommodated in

- 1 special education programs solely for children with deafness or
2 children with blindness.
- 3 b. "Competent authority" means any doctor of medicine or any
4 doctor of osteopathy licensed to practice medicine and surgery in
5 this State.
- 6 c. (Deleted by amendment, P.L.1994, c.48).
- 7 d. "Eligible student" means any student **["]**admitted to a public
8 or independent institution of higher education who **[is]** suffering
9 from**]** has a visual impairment, auditory impairment or **[a]** specific
10 learning disability within guidelines established by the Commission
11 on Higher Education pursuant to regulations promulgated under
12 **[this act]** P.L.1985, c.493 (C.18A:72H-1 et seq.).
- 13 e. "Independent institution of higher education" means a
14 college or university incorporated and located in New Jersey, which
15 by virtue of law or character or license is a nonprofit educational
16 institution authorized to grant academic degrees and which provides
17 a level of education which is equivalent to the education provided
18 by the State's public institutions of higher education, as attested by
19 the receipt of and continuation of regional accreditation by the
20 Middle States Association of Colleges and Schools, and which is
21 eligible to receive State aid under the provisions of the Constitution
22 of the United States and the Constitution of the State of New Jersey,
23 but does not include any educational institution dedicated primarily
24 to the education or training of ministers, priests, rabbis or other
25 professional persons in the field of religion.
- 26 f. "Learning disability" means a significant barrier to learning
27 caused by a disorder in one or more of the basic psychological
28 processes involved in understanding or in using language, spoken or
29 written, which disorder may manifest itself **[in imperfect]** as a
30 disability that affects the ability to listen, think, speak, read, write,
31 spell, or do mathematical calculations. The disorder includes
32 conditions such as perceptual **[handicap]** disability, brain injury,
33 **[minimal brain dysfunction]** attention deficit hyperactivity
34 disorder, dyslexia, and developmental aphasia. This term shall not
35 include learning problems which are primarily the result of visual,
36 hearing, or motor **[handicaps]** disabilities, **[mental retardation]**
37 intellectual disabilities, emotional disturbances, or environmental,
38 cultural, or economic disadvantage.
- 39 g. "Program" means the Higher Education Services Program
40 for Students with Visual Impairments, Auditory Impairments, and
41 Learning Disabilities **[Visually Impaired, Auditorily Impaired, and**
42 **Learning Disabled Students Program]** established pursuant to this
43 act.
- 44 h. "Public institution of higher education" means Rutgers, The
45 State University, the New Jersey Institute of Technology, Rowan
46 University, the State colleges and the county colleges.

i. "Support services" or "supportive services" means services that assist eligible students in obtaining a college education and include, but are not limited to, interpreters, note takers, and tutors.

j. **["Visually impaired" means a vision]** "Visual impairment" means when **[where the]** an individual's better eye with correction does not exceed 20/200 or where there is a field defect in the better eye in which the diameter of the field is no greater than 20 degrees. (cf: P.L.2012, c.45, s.107)

59. Section 6 of P.L.1985, c.493 (C.18A:72H-6) is amended to read as follows:

6. The Commission on Higher Education shall:

a. Enter into agreements with any individual, agency, or public or independent institution of higher education in this State, under which the individual, agency, or institution shall undertake to provide direct support services to eligible students, provided these services do not duplicate or replace any services for which these students are currently eligible.

b. Enter into contractual agreements with any public or independent institution of higher education to establish and maintain within that institution offices to facilitate the provision and coordination of support services to eligible students.

c. Authorize the payment to those individuals, agencies, and institutions as set forth in subsections a. and b. of this section of funds appropriated or otherwise made available to the department under this act or any other law, or from any other lawful source.

d. Assess, evaluate, and review the extent of the visual or auditory impairments or the learning disabilities which shall qualify students for eligibility for services pursuant to the regulations promulgated under this act.

e. Develop and coordinate a comprehensive support plan for eligible students specifying the needs of the eligible students.

f. Provide the supportive services outlined in the support plan, directly or through contractual agreements with individuals, institutions, agencies, and others, as appropriate.

g. Foster awareness of, and sensitivity to, the students' **["handicapping conditions"]** disabilities through seminars, presentations, bulletins, and other activities for instructional, administrative and other staff of public and independent higher educational institutions.

h. Encourage and facilitate the use of a variety of instructional materials and methods by disseminating to professional staff of public and independent institutions of higher education information on techniques, materials, and sources relating to curricular specialities.

i. Annually review and report to the Governor and the State Legislature on the services and activities funded by the department

1 each year under this act.
2 (cf: P.L.1994, c.48, s.284)

3
4 60. Section 7 of P.L.1985, c.493 (C.18A:72H-7) is amended to
5 read as follows:

6 7. To assist in fulfilling the duties and responsibilities relating to
7 this act, the commission shall appoint an advisory board, which
8 shall be broadly representative of those individuals and
9 organizations having an active interest in, and academic or practical
10 knowledge and experience in, the abilities and needs of **【visually**
11 **impaired, auditorily impaired and learning disabled】** students with
12 visual impairments, auditory impairments, and learning disabilities;
13 the methods and techniques of evaluation of **【handicapping】** the
14 disabling conditions and curricular support development, including,
15 without limitation, representatives from professional organizations,
16 parent/student organizations, institutional administrations, academic
17 personnel, student personnel services staff, and students. A
18 representative from the Departments of Labor and Workforce
19 Development and Human Services shall serve on the advisory
20 board.

21 (cf: P.L.1994, c.48, s.285)

22
23 61. Section 20 of P.L.1969, c.158 (C.18A:73-35) is amended to
24 read as follows:

25 20. The State Library shall:

26 (a) Maintain library resources and information services over a
27 broad range of subjects which affect the educational, intellectual,
28 cultural, economic, and political life of the State;

29 (b) Provide special library services for the legislative, executive
30 and judicial branches of State Government, supplemental library
31 service for New Jersey libraries and citizens and direct library
32 service for **【the handicapped】** persons with disabilities;

33 (c) Purchase or otherwise acquire, and maintain a general
34 collection of books, periodicals, newspapers, maps, slides, films
35 and other library materials for the use of State and local
36 governments, libraries, and the public generally; and exchange,
37 discard, sell, or otherwise dispose of books and library materials as
38 required within the purposes stated herein and all moneys to be
39 secured from such sales shall be paid into the treasury to be used for
40 the benefit of the State Library when appropriated to that purpose;

41 (d) Maintain as part of the State Library, a general reference
42 service; a legislative reference service; a law library service; a
43 documents depository service; an archival service for New Jersey
44 materials; a records management service for State and local
45 governments; a deposit and exchange service for library materials;
46 an interlibrary loan service; an advisory service for public libraries,
47 school libraries, libraries of institutions of higher education,
48 industrial, commercial and other special libraries, State department

1 and agency libraries, and the libraries the State maintains within the
2 institutions carrying out its health, welfare and correctional
3 programs; and a library service for **【the handicapped】** persons with
4 disabilities; and provide such other services as may be required by
5 law;

6 (e) Preserve the records of the history of New Jersey through its
7 official archives and other materials and promote interest and
8 research in the history of the State;

9 (f) Coordinate a Statewide system of libraries in New Jersey,
10 and administer State and federal programs for the development of
11 libraries, library facilities, library resources and library services in
12 New Jersey, and require such reports as are necessary for the proper
13 administration of its duties and for the gathering and publishing of
14 annual and occasional statistics on libraries in the State;

15 (g) Promote and demonstrate library service throughout the
16 State, and study library problems and needs in New Jersey and
17 make the resultant findings known generally.

18 (cf: P.L.2001, c.137, s.12)

19
20 62. Section 8 of P.L.1973, c.381 (C.18A:74-21) is amended to
21 read as follows:

22 8. The President shall require that projects constructed with the
23 use of State funds under this act shall, to the extent appropriate, be
24 accessible to and usable by **【handicapped】** persons with disabilities.

25 (cf: P.L.2001, c.137, s.42)

26
27 63. R.S.23:3-4 is amended to read as follows:

28 23:3-4. The licenses issued under this article shall include,
29 among others authorized by law, the following:

30 a. A license issued to a person above 16 years of age, or in the
31 case of an apprentice firearm hunting license or an apprentice bow
32 and arrow license, a license issued to a person above 14 years of
33 age, who has an actual and bona fide domicile in this State at the
34 time of the application for the license and who has had an actual
35 and bona fide domicile in this State for at least six months
36 immediately prior thereto, provided that for a resident's trapping
37 license the person shall be above 12 years of age. These licenses
38 shall be designated as the resident's firearm hunting license, the
39 resident's bow and arrow license, the resident's trapping license, the
40 resident's fishing license, the resident's apprentice firearm hunting
41 license, and the resident's apprentice bow and arrow license.

42 (1) (a) The resident's firearm hunting license shall authorize its
43 holder to hunt with hounds and firearms only, and a fee of \$26.50
44 and an issuance fee of \$1.00 shall be charged therefor, except that a
45 person above the age of 65 years shall be charged a fee of \$14.50
46 and an issuance fee of \$1.00.

47 (b) The resident's apprentice firearm hunting license shall
48 authorize its holder to hunt only with hounds and firearms and only

1 when accompanied by a holder, above 21 years of age, of a regular
2 resident's or nonresident's firearm hunting license. A fee of \$26.50
3 and an issuance fee of \$1.00 shall be charged for a resident's
4 apprentice firearm hunting license, except that a person above the
5 age of 65 years shall be charged a fee of \$14.50 and an issuance fee
6 of \$1.00. The resident's apprentice firearm hunting license may be
7 issued to a person only twice during the lifetime of the person.

8 (2) (a) The resident's bow and arrow license shall authorize its
9 holder to hunt with bow and arrow only, and a fee of \$30.50 and an
10 issuance fee of \$1.00 shall be charged therefor, except that a person
11 above the age of 65 years shall be charged a fee of \$15.50 and an
12 issuance fee of \$1.00.

13 (b) The resident's apprentice bow and arrow license shall
14 authorize its holder to hunt only with bow and arrow and only when
15 accompanied by a holder, above 21 years of age, of a regular
16 resident's or nonresident's bow and arrow license. A fee of \$30.50
17 and an issuance fee of \$1.00 shall be charged for a resident's
18 apprentice bow and arrow license, except that a person above the
19 age of 65 years shall be charged a fee of \$15.50 and an issuance fee
20 of \$1.00. The resident's apprentice bow and arrow license may be
21 issued to a person only twice during the lifetime of the person.

22 (3) The resident's trapping license shall authorize its holder to
23 trap only, and a fee of \$31.50 and an issuance fee of \$1.00 shall be
24 charged therefor, except that a person above 12 years and under 16
25 years of age shall be charged no fee.

26 (4) The resident's fishing license shall authorize its holder to
27 fish only, and a fee of \$21.50 and an issuance fee of \$1.00 shall be
28 charged therefor, except (a) in any case where the applicant is
29 above 70 years of age and is otherwise qualified, no license shall be
30 required, (b) a person above 65 years and under 70 years of age
31 shall be charged a fee of \$11.50 and an issuance fee of \$1.00, and
32 (c) as otherwise provided in paragraph (5) of this subsection,
33 paragraph (2) of subsection c. of this section, or paragraph (2) of
34 subsection d. of section 11 of P.L.1982, c.180 (C.23:3-1.1).

35 (5) The resident's fishing buddy license shall authorize its
36 holder to fish only, and can only be obtained through application at
37 the same time with: (a) another resident of this State who applies
38 for a resident's fishing license, is above 16 years of age and below
39 65 years of age, and has not bought a resident's fishing license after
40 2010, or (b) a nonresident who applies for a nonresident's annual
41 fishing license, is above 16 years of age, and has not bought a
42 nonresident's annual fishing license after 2010. The fee for a
43 resident's fishing buddy license and for a resident's fishing license
44 issued pursuant to this paragraph shall each be \$10.75 and an
45 issuance fee of \$1.00. The fee for a nonresident's annual fishing
46 license issued pursuant to this paragraph shall be \$16.50 and an
47 issuance fee of \$1.00.

1 (6) Any resident of this State who is **【afflicted with total**
2 **blindness】** totally blind, upon application to the division, shall be
3 entitled to a resident's fishing license without fee or charge.

4 b. A license issued to a person above 16 years of age, or in the
5 case of an apprentice firearm hunting license or an apprentice bow
6 and arrow license, a license issued to a person above 14 years of
7 age, not entitled to a resident's license, authorizing **【him】** the
8 person to trap or to hunt, as applicable, except that a nonresident's
9 two-day small game firearm hunting license shall not permit the
10 taking, hunting, or killing of deer or turkey. These licenses shall be
11 designated as the nonresident's firearm hunting license, the
12 nonresident's apprentice firearm hunting license, the nonresident's
13 bow and arrow license, the nonresident's apprentice bow and arrow
14 license, the nonresident's trapping license, and the nonresident's
15 two-day small game firearm hunting license.

16 A nonresident's apprentice firearm hunting license shall
17 authorize its holder to hunt only with hounds and firearms and only
18 when accompanied by a holder, above 21 years of age, of a regular
19 resident's or nonresident's firearm hunting license. A nonresident's
20 apprentice bow and arrow license shall authorize its holder to hunt
21 with bow and arrow only and only when accompanied by a holder,
22 above 21 years of age, of a regular resident's or nonresident's bow
23 and arrow license. The nonresident's apprentice firearm hunting
24 license and the nonresident's apprentice bow and arrow license may
25 each be issued to a person only twice during the lifetime of the
26 person.

27 (1) The fees for the nonresident's firearm hunting license, the
28 nonresident's apprentice firearm hunting license, the nonresident's
29 bow and arrow license, and the nonresident's apprentice bow and
30 arrow license shall each be \$134.50 and an issuance fee of \$1.00.

31 (2) The fee for the nonresident's trapping license shall be
32 \$199.50 and an issuance fee of \$1.00.

33 (3) The fee for a nonresident's two-day small game firearm
34 hunting license shall be \$35.50 and an issuance fee of \$1.00.

35 c. A license issued to a person above 16 years of age not
36 entitled to a resident's license, authorizing **【him】** the person to fish
37 only. These licenses shall be designated as the nonresident's annual
38 fishing license, the nonresident's annual fishing buddy license, the
39 nonresident's two-day fishing license, valid for a period of two
40 consecutive days, and the nonresident's seven-day vacation fishing
41 license, valid for a period of seven consecutive days.

42 The nonresident's annual fishing buddy license can only be
43 obtained through application at the same time with: a resident of
44 this State who applies for a resident's fishing license, is above 16
45 years of age and below 65 years of age, and has not bought a
46 resident's fishing license after 2010; or a nonresident who applies
47 for a nonresident's annual fishing license, is above 16 years of age,
48 and has not bought a nonresident's annual fishing license after 2010.

1 (1) The fee for the nonresident's annual fishing license shall be
2 \$33.00 and an issuance fee of \$1.00, except as otherwise provided
3 pursuant to paragraph (2) of this subsection, paragraph (5) of
4 subsection a. of this section, or paragraph (2) of subsection d. of
5 section 11 of P.L.1982, c.180 (C.23:3-1.1).

6 (2) The fee for a nonresident's annual fishing buddy license
7 shall be \$16.50 and an issuance fee of \$1.00. The fee for a
8 resident's fishing license obtained through application at the same
9 time with an application for a nonresident's annual fishing buddy
10 license in accordance with this subsection shall be \$10.75 and an
11 issuance fee of \$1.00, and the fee for a nonresident's annual fishing
12 license obtained through application at the same time with an
13 application for a nonresident's annual fishing buddy license in
14 accordance with this subsection shall be \$16.50 and an issuance fee
15 of \$1.00.

16 (3) The fee for the nonresident's two-day fishing license shall be
17 \$8.00 and an issuance fee of \$1.00.

18 (4) The fee for the nonresident's seven-day fishing license shall
19 be \$18.50 and an issuance fee of \$1.00.

20 d. Every license issued hereunder shall be void after December
21 31 next succeeding its issuance, except the one-day hunting license,
22 which shall expire on the date of issuance; the nonresident's seven-
23 day fishing license, which is valid only for seven consecutive days
24 after date of issuance; the nonresident's two-day fishing license,
25 which shall expire on the day after the date of issuance; and the
26 nonresident's two-day small game firearm hunting license, which
27 shall expire on the day after the date of issuance.

28 Any license issued hereunder to a person under 16 years of age
29 shall be void after December 31 of the year in which the licensee
30 becomes 16 years of age.

31 e. The fees for licenses set forth in this section may be adjusted
32 by the Fish and Game Council pursuant to section 12 of P.L.1982,
33 c.180 (C.23:3-1a).
34 (cf: P.L.2015, c.99, s.2)

35
36 64. Section 1 of P.L.2006, c.7 (C.23:4-24.5) is amended to read
37 as follows:

38 1. a. No person shall engage in computer-assisted remote
39 hunting or provide or operate facilities for computer-assisted remote
40 hunting in the State.

41 b. As used in this act, "computer-assisted remote hunting"
42 means the use of a computer via an Internet connection or any other
43 device or equipment capable of establishing an Internet connection,
44 or equipment or software capable of being used with an Internet
45 connection, to remotely access and control the aiming and discharge
46 of a firearm, bow and arrow, or any other weapon to hunt any game
47 bird, game animal, or fur-bearing animal in the State, and "facilities
48 for computer-assisted remote hunting" means real property and

1 improvements on the property associated with hunting, including
2 hunting blinds, offices, and rooms equipped to facilitate computer-
3 assisted remote hunting via an Internet connection.

4 c. No provision of this section shall be construed to restrict the
5 use of equipment or devices, approved by the Fish and Game
6 Council, by properly licensed hunters in the act of hunting in the
7 field who require, because of a disability [, handicap,] or other
8 physical condition, the assistance of certain equipment or devices
9 that may or may not employ a computer or computerized parts in
10 order to hunt in the field.

11 (cf: P.L.2006, c.7, s.1)

12
13 65. Section 2 of P.L.1970, c.226 (C.24:21-2) is amended to read
14 as follows:

15 2. As used in this act:

16 "Administer" means the direct application of a controlled
17 dangerous substance, whether by injection, inhalation, ingestion, or
18 any other means, to the body of a patient or research subject by: (1)
19 a practitioner (or, in [his] the practitioner's presence, by [his] the
20 practitioner's lawfully authorized agent), or (2) the patient or
21 research subject at the lawful direction and in the presence of the
22 practitioner.

23 "Agent" means an authorized person who acts on behalf of or at
24 the direction of a manufacturer, distributor, or dispenser but does
25 not include a common or contract carrier, public warehouseman, or
26 employee thereof.

27 "Commissioner" means the Commissioner of Health.

28 "Controlled dangerous substance" means a drug, substance, or
29 immediate precursor in Schedules I through V of article 2 of
30 P.L.1970, c.226 (C.24:21-1 et seq.). The term shall not include
31 distilled spirits, wine, malt beverages, as those terms are defined or
32 used in R.S.33:1-1 et seq., or tobacco and tobacco products.

33 "Counterfeit substance" means a controlled dangerous substance
34 which, or the container or labeling of which, without authorization,
35 bears the trademark, trade name, or other identifying mark, imprint,
36 number or device, or any likeness thereof, of a manufacturer,
37 distributor, or dispenser other than the person or persons who in fact
38 manufactured, distributed, or dispensed such substance and which
39 thereby falsely purports or is represented to be the product of, or to
40 have been distributed by, such other manufacturer, distributor, or
41 dispenser.

42 "Deliver" or "delivery" means the actual, constructive, or
43 attempted transfer from one person to another of a controlled
44 dangerous substance, whether or not there is an agency relationship.

45 "Director" means the Director of the Division of Consumer
46 Affairs in the Department of Law and Public Safety.

47 "Dispense" means to deliver a controlled dangerous substance to
48 an ultimate user or research subject by or pursuant to the lawful

1 order of a practitioner, including the prescribing, administering,
2 packaging, labeling, or compounding necessary to prepare the
3 substance for that delivery.

4 "Dispenser" means a practitioner who dispenses.

5 "Distribute" means to deliver other than by administering or
6 dispensing a controlled dangerous substance.

7 "Distributor" means a person who distributes.

8 "Division" means the Division of Consumer Affairs in the
9 Department of Law and Public Safety.

10 "Drug Enforcement Administration" means the Drug
11 Enforcement Administration in the United States Department of
12 Justice.

13 "Drugs" means (a) substances recognized in the official United
14 States Pharmacopoeia, official Homeopathic Pharmacopoeia of the
15 United States, or official National Formulary, or any supplement to
16 any of them; and (b) substances intended for use in the diagnosis,
17 cure, mitigation, treatment, or prevention of disease in man or other
18 animals; and (c) substances (other than food) intended to affect the
19 structure or any function of the body of man or other animals; and
20 (d) substances intended for use as a component of any article
21 specified in subsections (a), (b), and (c) of this section; but does not
22 include devices or their components, parts or accessories.

23 **["Drug dependent person"** means a person who is using a
24 controlled dangerous substance and who is in a state of psychic or
25 physical dependence, or both, arising from the use of that controlled
26 dangerous substance on a continuous basis. Drug dependence is
27 characterized by behavioral and other responses, including but not
28 limited to a strong compulsion to take the substance on a recurring
29 basis in order to experience its psychic effects, or to avoid the
30 discomfort of its absence. **]**

31 "Hashish" means the resin extracted from any part of the plant
32 **【Genus】** genus Cannabis **【L.】** and any compound, manufacture,
33 salt, derivative, mixture, or preparation of such resin.

34 "Marihuana" means all parts of the plant **【Genus】** genus
35 Cannabis **【L.】**, whether growing or not; the seeds thereof; and
36 every compound, manufacture, salt, derivative, mixture, or
37 preparation of the plant or its seeds, except those containing resin
38 extracted from the plant; but shall not include the mature stalks of
39 the plant, fiber produced from the stalks, oil or cake made from the
40 seeds of the plant, any other compound, manufacture, salt,
41 derivative, mixture, or preparation of such mature stalks, fiber, oil,
42 or cake, or the sterilized seed of the plant which is incapable of
43 germination.

44 "Manufacture" means the production, preparation, propagation,
45 compounding, conversion, or processing of a controlled dangerous
46 substance, either directly or by extraction from substances of
47 natural origin, or independently by means of chemical synthesis, or

1 by a combination of extraction and chemical synthesis, and includes
2 any packaging or repackaging of the substance or labeling or
3 relabeling of its container, except that this term does not include the
4 preparation or compounding of a controlled dangerous substance by
5 an individual for **his** the individual's own use or the preparation,
6 compounding, packaging, or labeling of a controlled dangerous
7 substance: (1) by a practitioner as an incident to **his** the
8 practitioner's administering or dispensing of a controlled dangerous
9 substance in the course of **his** the practitioner's professional
10 practice, or (2) by a practitioner (or under **his** the practitioner's
11 supervision) for the purpose of, or as an incident to, research,
12 teaching, or chemical analysis and not for sale.

13 "Narcotic drug" means any of the following, whether produced
14 directly or indirectly by extraction from substances of vegetable
15 origin, or independently by means of chemical synthesis, or by a
16 combination of extraction and chemical synthesis:

17 (a) Opium, coca leaves, and opiates;

18 (b) A compound, manufacture, salt, derivative, or preparation of
19 opium, coca leaves, or opiates;

20 (c) A substance (and any compound, manufacture, salt,
21 derivative, or preparation thereof) which is chemically identical
22 with any of the substances referred to in subsections (a) and (b),
23 except that the words "narcotic drug" as used in this act shall not
24 include decocainized coca leaves or extracts of coca leaves, which
25 extracts do not contain cocaine or ecgonine.

26 "Official written order" means an order written on a form
27 provided for that purpose by the Attorney General of the United
28 States or his delegate, under any laws of the United States making
29 provisions therefor, if such order forms are authorized and required
30 by the federal law, and if no such form is provided, then on an
31 official form provided for that purpose by the division. If
32 authorized by the Attorney General of the United States or the
33 division, the term shall also include an order transmitted by
34 electronic means.

35 "Opiate" means any dangerous substance having an addiction-
36 forming or addiction-sustaining liability similar to morphine or
37 being capable of conversion into a drug having such addiction-
38 forming or addiction-sustaining liability. It does not include, unless
39 specifically designated as controlled under section 3 of this act, the
40 dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its
41 salts (dextromethorphan). It does include its racemic and
42 levorotatory forms.

43 "Opium poppy" means the plant of the species *Papaver*
44 *somniferum* L., except the seeds thereof.

45 "Person" means any corporation, association, partnership, trust,
46 other institution or entity, or one or more individuals.

47 "Pharmacist" means a registered pharmacist of this State.

1 "Pharmacy owner" means the owner of a store or other place of
2 business where controlled dangerous substances are compounded or
3 dispensed by a registered pharmacist; but nothing in this chapter
4 contained shall be construed as conferring on a person who is not
5 registered or licensed as a pharmacist any authority, right, or
6 privilege that is not granted to **him** the person by the pharmacy
7 laws of this State.

8 "Poppy straw" means all parts, except the seeds, of the opium
9 poppy, after mowing.

10 "Practitioner" means a physician, dentist, veterinarian, scientific
11 investigator, laboratory, pharmacy, hospital, or other person
12 licensed, registered, or otherwise permitted to distribute, dispense,
13 conduct research with respect to, or administer a controlled
14 dangerous substance in the course of professional practice or
15 research in this State.

16 (a) "Physician" means a physician authorized by law to practice
17 medicine in this or any other state **and any other person authorized**
18 **by law to treat sick and injured human beings in this or any other**
19 **state**.

20 (b) "Veterinarian" means a veterinarian authorized by law to
21 practice veterinary medicine in this State.

22 (c) "Dentist" means a dentist authorized by law to practice
23 dentistry in this State.

24 (d) "Hospital" means any federal institution, or any institution
25 for the care and treatment of the sick and injured, operated or
26 approved by the appropriate State department as proper to be
27 entrusted with the custody and professional use of controlled
28 dangerous substances.

29 (e) "Laboratory" means a laboratory to be entrusted with the
30 custody of narcotic drugs and the use of controlled dangerous
31 substances for scientific, experimental, and medical purposes and
32 for purposes of instruction approved by the Department of Health.

33 "Production" includes the manufacture, planting, cultivation,
34 growing, or harvesting of a controlled dangerous substance.

35 "Immediate precursor" means a substance which the division has
36 found to be and by regulation designates as being the principal
37 compound commonly used or produced primarily for use, and
38 which is an immediate chemical intermediary used or likely to be
39 used in the manufacture of a controlled dangerous substance, the
40 control of which is necessary to prevent, curtail, or limit such
41 manufacture.

42 **["State" means the State of New Jersey.]**

43 "Substance use disorder involving drugs" means taking or using
44 a drug or controlled dangerous substance, as defined in this chapter,
45 in association with a state of psychic or physical dependence, or
46 both, arising from the use of that drug or controlled dangerous
47 substance on a continuous basis. A substance use disorder is
48 characterized by behavioral and other responses, including, but not

1 limited to, a strong compulsion to take the substance on a recurring
 2 basis in order to experience its psychic effects, or to avoid the
 3 discomfort of its absence.

4 "Ultimate user" means a person who lawfully possesses a
 5 controlled dangerous substance for **【his】** the person's own use or
 6 for the use of a member of **【his】** the person's household or for
 7 administration to an animal owned by **【him】** the person or by a
 8 member of **【his】** the person's household.

9 (cf: P.L.2012, c.17, s.92)

10
 11 66. Section 4 of P.L.1985, c.5 (C.26:2-127) is amended to read
 12 as follows:

13 4. A community based high blood pressure control program
 14 shall provide:

- 15 a. Hypertension screening;
- 16 b. Treatment referral;
- 17 c. Counseling for **【victims of】** persons with high blood
 18 pressure as to proper diet, weight control, and appropriate care and
 19 treatment of the condition; and
- 20 d. Patient follow-up and evaluation of treatment methods.

21 (cf: P.L.1985, c.5, s.4)

22
 23 67. Section 5 of P.L.1985, c.5 (C.26:2-128) is amended to read
 24 as follows:

25 The commissioner is authorized to:

- 26 5. a. Enter into necessary contracts and agreements with
 27 counties, municipalities and other units of government, colleges,
 28 universities, associations, agencies, corporations, and individuals
 29 for the development and expansion of community hypertension
 30 programs;
- 31 b. Gather data relative to the detection of high blood pressure
 32 and the incidence of heart disease, kidney disease and stroke;
- 33 c. Promote programs of professional education for physicians,
 34 dentists, nurses, pharmacists, and public health professionals
 35 relative to the prevention, detection and control of high blood
 36 pressure and the rehabilitation of **【victims of】** persons with heart
 37 disease, stroke, and kidney disease which result from uncontrolled
 38 hypertension;
- 39 d. Conduct scientific investigation into the prevention, cause,
 40 detection, and control of high blood pressure;
- 41 e. Develop more effective methods for the screening,
 42 evaluation and control of hypertension; and
- 43 f. Apply for and accept any grant of money from the federal
 44 government or any other source available for the purposes of **【this**
 45 **act】** P.L.1985, c.5 (C.26:2-124 et seq.).

46 (cf: P.L.1985, c.5, s.5)

1 68. Section 4 of P.L.1987, c.10 (C.26:2-141) is amended to read
2 as follows:

- 3 4. The commissioner is authorized to:
- 4 a. Gather data relative to the occurrence of diabetes and its
5 associated complications;
- 6 b. Enter into necessary contracts and agreements with counties,
7 municipalities, and other units of government, colleges,
8 universities, associations, and agencies;
- 9 c. Conduct a scientific investigation into the prevention, cause,
10 and control of diabetes and its associated morbidity;
- 11 d. Develop more effective methods for evaluating diabetes
12 control strategies;
- 13 e. Promote programs of education for persons **【afflicted】** with
14 diabetes in order to improve their quality of life and reduce the
15 burdens of the disease and its complications;
- 16 f. Promote programs of professional education for physicians,
17 nurses, dietitians, podiatrists, dentists, physical therapists,
18 pharmacists, and public health professionals relative to the
19 prevention and control of diabetes and the rehabilitation of **【victims**
20 **of】** persons with the complications of diabetes; and
- 21 g. Apply for and accept any grant of money from the federal
22 government or any other source available for the purposes of **【this**
23 **act】** P.L.1987, c.10 (C.26:2-138 et seq.).
24 (cf: P.L.1987, c.10, s.4)

25
26 69. Section 1 of P.L.1975, c.305 (C.26:2B-7) is amended to read
27 as follows:

- 28 1. It is the policy of the State of New Jersey that **【alcoholics】**
29 persons with an alcohol use disorder and intoxicated persons may
30 not be subjected to criminal prosecution because of their
31 consumption of alcoholic beverages, but rather should be afforded a
32 continuum of treatment in order that they may lead **【normal】** lives
33 as productive members of society.
34 (cf: P.L.1975, c.305, s.1)

35
36 70. Section 2 of P.L.1975, c.305 (C.26:2B-8) is amended to read
37 as follows:

- 38 2. The following words as used in **【this act】** P.L.1975, c.305
39 (C.26:2B-7 et seq.) shall, unless the context requires otherwise,
40 have the following meanings:
- 41 "Administrator" means the person in charge of the operation of a
42 facility, or his designee.
- 43 "Admitted" means accepted for treatment at a facility.
- 44 "Alcoholic" means **【any person who chronically, habitually or**
45 **periodically consumes alcoholic beverages to the extent that:** a.
46 such use substantially injures his health or substantially interferes
47 with his social or economic functioning in the community on a

1 continuing basis, or b. he has lost the power of self-control with
2 respect to the use of such beverages **】** a person with an alcohol use
3 disorder, as defined in this section.

4 "Authorized persons" means persons who serve as volunteer first
5 aid or ambulance squad members, para-professional medical
6 personnel, and rehabilitated **【alcoholics】** persons with alcohol use
7 disorder.

8 "Commissioner" means the Commissioner of Health.

9 "Department" means the **【State】** Department of Health.

10 "Director" means the Director of the Division of Alcoholism.

11 "Division" means the Division of Alcoholism.

12 "Facility" means any public, private place, or portion thereof
13 providing services especially designed for the treatment of
14 intoxicated persons or **【alcoholics】** persons with alcohol use
15 disorder; including, but not limited to intoxication treatment
16 centers, inpatient treatment facilities, outpatient facilities, and
17 residential aftercare facilities.

18 "Incapacitated" means the condition of a person who is: a. as a
19 result of the use of alcohol, unconscious or has **【his】** judgment so
20 impaired that **【he】** the person is incapable of realizing and making a
21 rational decision with respect to **【his】** the person's need for
22 treatment, b. in need of substantial medical attention, or c. likely to
23 suffer substantial physical harm.

24 "Independent physician" means a physician other than one
25 holding an office or appointment in any department, board or
26 agency of the State **【of New Jersey】** or in any public facility.

27 "Intoxicated person" means a person whose mental or physical
28 functioning is substantially impaired as a result of the use of
29 alcoholic beverages.

30 "Patient" means any person admitted to a facility.

31 "Person with an alcohol use disorder" means any person who
32 chronically, habitually, or periodically consumes alcoholic
33 beverages to the extent that: a. such use substantially injures the
34 person's health or substantially interferes with the person's social or
35 economic functioning in the community on a continuing basis, or b.
36 the person has lost the power of self-control with respect to the use
37 of such beverages.

38 "Private facility" means a facility other than one operated by the
39 **【Federal Government】** federal government, the State of New
40 Jersey, or any political subdivision thereof.

41 "Public facility" means a facility operated by the State of New
42 Jersey or any political subdivision thereof.

43 "Treatment" means services and programs for the care or
44 rehabilitation of intoxicated persons and **【alcoholics】** persons with
45 alcohol use disorder, including, but not limited to, medical,
46 psychiatric, psychological, vocational, educational, recreational,

1 and social services and programs.
2 (cf: P.L.1975, c.305, s.2)

3
4 71. Section 3 of P.L.1975, c.305 (C.26:2B-9) is amended to read
5 as follows:

6 3. There is hereby established in the Department of Health a
7 Division of Alcoholism under the direction of a division director.
8 The director shall be an individual with training and experience in
9 such areas as public administration or public health or rehabilitation
10 and training in the social sciences or a qualified professional with
11 training or experience in the treatment of behavioral disorders or
12 medical-social problems, or in the organization or administration of
13 treatment services for persons **【suffering from】** with behavioral
14 disorders or medical-social problems.

15 There shall be an assistant to the director, who shall have
16 experience in the field of **【alcoholism】** alcohol use disorder.

17 The director and **【his】** the director's assistant shall be appointed
18 by the commissioner, with the consent of the public health council.

19 The commissioner shall appoint and may remove such officers
20 and employees of the division as **【he】** the commissioner may deem
21 necessary. There shall be an administrator of each facility operated
22 by the department pursuant to this act. Each such administrator
23 shall be a person qualified by training and experience to operate a
24 facility for the treatment of **【alcoholics】** persons with alcohol use
25 disorder or intoxicated persons. The commissioner may establish
26 such other positions in the division and employ such consultants as
27 **【he】** the commissioner may deem appropriate. Except as otherwise
28 provided by law, all offices and positions in the division shall be
29 subject to the provisions of Title **【11】** 11A, Civil Service;
30 provided, however, that the provisions of said title shall not apply
31 to the director, physicians, and psychiatrists who have full medical-
32 psychiatric, as opposed to administrative, responsibility; and
33 provided, further, and notwithstanding the preceding proviso or any
34 other provision of law, that all offices and positions, which as a
35 condition of receiving **【Federal】** federal grants for programs and
36 activities to which **【Federal】** federal standards for a merit system
37 of personnel administration relate and make necessary the
38 application of provisions of the Civil Service law, shall be subject
39 to the provisions of Title **【11】** 11A, Civil Service, if such
40 **【Federal】** federal standards are uniform in all states.

41 (cf: P.L.1975, c.305, s.3)

42
43 72. Section 5 of P.L.1975, c.305 (C.26:2B-11) is amended to
44 read as follows:

45 5. The department shall prepare and submit to the Governor,
46 and from time to time shall amend, a comprehensive State plan for
47 the treatment of intoxicated persons and **【alcoholics】** persons with

1 an alcohol use disorder, including juveniles and young adults. The
2 department, in developing such plan, shall consult and cooperate
3 with the advisory council, officials of appropriate departments or
4 agencies of the **【Federal Government】** federal government and the
5 State and its political subdivisions, and private organizations and
6 individuals with a view toward providing for coordinated and
7 integrated services on the community level. The plan may provide
8 for services in **【Federal】** federal, public and private facilities. The
9 plan shall include a detailed projection of immediate and long-term
10 need for facilities and personnel and a detailed estimate of the cost
11 thereof, as well as an estimate of the extent to which funds,
12 property, or services may be available from the State or any of its
13 political subdivisions, the **【Federal Government】** federal
14 government or any private source and is to be coordinated with the
15 State Comprehensive Health Planning Agency.

16 (cf: P.L.1975, c.305, s.5)

17
18 73. Section 6 of P.L.1975, c.305 (C.26:2B-12) is amended to
19 read as follows:

20 6. The department shall take cognizance of all matters affecting
21 **【alcoholism】** alcohol use disorder in the State and shall establish
22 and conduct a program for the treatment of intoxicated persons and
23 **【alcoholics】** persons with an alcohol use disorder .

24 The program may encourage regionalization of services and, if
25 not otherwise available, provide for the following facilities, which
26 need not be separately located:

27 a. Intoxication treatment centers, which centers shall render
28 emergency medical care, including detoxification, shall be open 24
29 hours every day, and shall be located conveniently near population
30 centers. Services shall be provided for the immediate physical and
31 social needs, including the needs for medication and shelter, of
32 intoxicated persons, and shall also provide for initial examination,
33 diagnosis and referral. To the extent possible, such treatment
34 centers shall be affiliated with a general or other hospital.

35 b. Inpatient facilities, for treatment of **【alcoholics】** persons
36 with an alcohol use disorder, which shall, to the extent possible, be
37 affiliated with the medical service of a general hospital, mental
38 hospital, community mental health center, or other hospital.

39 c. Outpatient facilities.

40 d. Residential aftercare facilities, such as halfway houses.

41 The department shall maintain, supervise and control all
42 facilities operated by it pursuant to **【this act】** P.L.1975, c.305
43 (C26:2B-7 et seq.) and all such facilities shall be staffed with an
44 adequate number of qualified and trained personnel. The
45 administrator of each such facility shall make an annual report of
46 its activities to the director in such manner and form as the director
47 may deem appropriate. All appropriate resources, particularly

1 community mental health centers, shall whenever possible be
2 utilized in and coordinated with the program.

3 Services delivered by the department pursuant to **【this act】**
4 P.L.1975, c.305 (C26:2B-7 et seq.) may be administered on the
5 premises of institutions operated in whole or in part by the
6 department of institutions and agencies. Such services shall be
7 administered as such services are administered in the other facilities
8 of the department and shall in all respects be therapeutic in nature
9 rather than penal or correctional.

10 The department shall prepare and publish annually a list of all
11 services operating in accordance with **【this act】** P.L.1975, c.305
12 (C26:2B-7 et seq.) and shall make the list available upon request to
13 members of the public. The department shall notify all law
14 enforcement agencies and judges in the State of the location and
15 capacity of intoxication treatment centers and other services
16 operating in accordance with this act situated in or near their
17 jurisdictions.
18 (cf: P.L.1975, c.305, s.6)

19
20 74. Section 7 of P.L.1975, c.305 (C.26:2B-13) is amended to
21 read as follows:

22 7. The department is hereby authorized, empowered and
23 directed under this act to:

24 a. Plan, construct, cause to be established, and maintain such
25 facilities as may be necessary or desirable for the conduct of its
26 program;

27 b. Acquire, hold, and dispose of real property;

28 c. Acquire by purchase or otherwise, on such terms and
29 conditions and in such manner as it may deem proper, or by the
30 exercise of the power of eminent domain in accordance with the
31 provisions of Title 20 of the Revised Statutes, and lease, hold and
32 dispose of, real property or any interest therein, for the purposes of
33 this act;

34 d. Make and enter into all contracts and agreements necessary or
35 incidental to the performance of its duties and the execution of its
36 powers under **【this act】** P.L.1975, c.305 (C26:2B-7 et seq.);
37 including, but not limited to, contracts with government
38 departments and public and private agencies and facilities to pay
39 them for services actually rendered or furnished to **【alcoholics】**
40 persons with an alcohol use disorder or intoxicated persons, at rates
41 to be established pursuant to law;

42 e. Solicit and accept for use in relation to the purposes of this act
43 any gift of money or property made by will or otherwise, and any
44 grant or loan of money, services or property from the federal
45 government, the State or any political subdivision thereof, or any
46 private source, and do all things necessary to cooperate with the
47 federal government or any of its agencies in connection with the
48 application for any such grant or loan; provided, however, that any

- 1 money received under this subsection shall be deposited with the
2 State Treasurer to be kept in a separate fund in the treasury for
3 expenditure by the department in accordance with the conditions of
4 the gift, loan or grant without specific appropriation;
- 5 f. Develop, encourage and foster Statewide, regional and local
6 plans and programs for the prevention, detection, and treatment of
7 **【alcoholism】** alcohol use disorder in cooperation with interested
8 public agencies and private organizations and individuals and
9 provide technical assistance and consultation services for these
10 purposes;
- 11 g. Coordinate the efforts and enlist the assistance of all public
12 agencies and private organizations and individuals interested in the
13 prevention, detection, and treatment of **【alcoholism】** alcohol use
14 disorder;
- 15 h. Cooperate with the Department of Human Services in
16 establishing and conducting a program for the prevention and
17 treatment of **【alcoholism】** alcohol use disorder in penal institutions;
- 18 i. Cooperate with police academies, nursing and medical
19 schools, public agencies and private organizations and individuals
20 in establishing programs for the prevention and treatment of
21 intoxication and **【alcoholism】** alcohol use disorder among juveniles
22 and young adults;
- 23 j. Prepare, publish and disseminate educational materials dealing
24 with the prevention, nature and effects of **【alcoholism】** alcohol use
25 disorder and the benefits of treatment;
- 26 k. Develop and implement an ongoing system of collecting,
27 analyzing and distributing statistics on the incidence and prevalence
28 of **【alcoholism】** alcohol use disorder, alcohol-related problems and
29 alcohol consumption among the citizens of New Jersey, with special
30 emphasis on youth. This system shall include, but is not limited to,
31 studies, surveys, random samplings and assessments, and use as its
32 sources the variety of public agencies and private organizations
33 concerned and connected with the subject, including the Division of
34 Motor Vehicles, the Superior Court, Chancery Division, Family
35 Part, the youth bureaus, alcohol treatment programs, hospitals and
36 mental health centers, the schools, the police departments, and the
37 Division of Alcoholic Beverage Control. Special attention shall be
38 given to the relationship of alcohol to automobile accidents, crime,
39 delinquency and other social problems;
- 40 l. Encourage **【alcoholism】** alcohol use disorder prevention,
41 detection, and treatment programs in government and industry;
- 42 m. Organize and foster training programs for professional and
43 para-professional workers in the treatment of intoxicated persons
44 and **【alcoholics】** persons with alcohol use disorder;
- 45 n. Approve and license public and private facilities in
46 accordance with section 8;

1 o. Promulgate rules and regulations for the exercise of its
2 powers and the performance of its duties under **【this act】** P.L.1975,
3 c.305 (C26:2B-7 et seq.);

4 p. Do all other acts and things necessary or convenient to carry
5 out the powers expressly granted in **【this act】** P.L.1975, c.305
6 (C26:2B-7 et seq.).
7 (cf: P.L.1991, c.91, s.286)

8
9 75. Section 9 of P.L.1975, c.305 (C.26:2B-15) is amended to
10 read as follows:

11 9. Any person who is intoxicated and who voluntarily applies
12 for treatment or is brought to a facility by a police officer or other
13 authorized person in accordance with section 10 of P.L.1975, c.305
14 (C.26:2B-16) may be afforded treatment at an intoxication
15 treatment center or other facility. Any person who is **【an alcoholic】**
16 a person with an alcohol use disorder and who voluntarily applies
17 for treatment may be afforded treatment at an intoxication center or
18 other facility.

19 As soon as possible after the admission of any person, the
20 administrator of the facility shall cause such person to be examined
21 by a physician or by a medically competent individual designated
22 by the department and under the supervision of a physician. If,
23 upon examination, a determination is made that the person is
24 intoxicated or is **【an alcoholic】** a person with an alcohol use
25 disorder, and adequate and appropriate treatment is available, **【he】**
26 the person shall be admitted. If any person is not admitted for the
27 reason that adequate and appropriate treatment is not available at
28 the facility, the administrator of the facility, acting whenever
29 possible with the assistance of the director, shall refer the person to
30 a facility at which adequate and appropriate treatment is available.
31 In the event that a person is not admitted to a facility, and has no
32 funds, the administrator shall arrange for the person to be assisted
33 to **【his】** the person's residence, or, if **【he】** the person has no
34 residence, to a place where shelter will be provided **【him】**.

35 Any person admitted to a facility may receive treatment at the
36 facility for as long as **【he】** the person wishes to remain at the
37 facility or until the administrator determines that treatment will no
38 longer benefit **【him】** the person; provided, however, that any
39 person who at the time of admission is intoxicated and is
40 incapacitated, shall remain at the facility until **【he】** the person is no
41 longer incapacitated, but in no event shall he be required to remain
42 for a period greater than 48 hours.

43 When a person is admitted to a facility, the facility shall provide
44 notice of admission to the person's spouse, parent, legal guardian,
45 designated next of kin, or other designated emergency contact, as
46 soon thereafter as possible, provided that: (1) such notice is
47 provided in a manner that is consistent with federal requirements

1 under 42 CFR Part 2 and federal HIPAA requirements under 45
2 CFR Parts 160 and 164; and (2) the patient, if an adult, has not
3 withheld consent for such notice or expressly requested that
4 notification not be given. If a patient who is not incapacitated
5 withholds consent for such notice, or expressly requests that
6 notification not be given, the patient's wishes shall be respected
7 unless the patient is a minor child or adolescent, in which case, the
8 minor's parent, legal guardian, designated next of kin, or other
9 designated emergency contact shall be notified, provided that such
10 notification is not inconsistent with, and would not violate, federal
11 requirements under 42 CFR Part 2 and federal HIPAA requirements
12 under 45 CFR Parts 160 and 164.

13 The manner in which any person is transported from one facility
14 to another, or from a facility to ~~his~~ the person's residence, and
15 the financing thereof, shall be determined by the director in
16 accordance with rules and regulations promulgated by the
17 department.

18 When a patient is discharged or otherwise released from
19 treatment at a facility, the patient shall be encouraged to consent to
20 appropriate outpatient or residential aftercare treatment.

21 When a patient voluntarily withdraws, or is involuntarily evicted
22 from a transitional sober living home, halfway house, or other
23 residential aftercare facility, the facility shall provide notice of the
24 patient's release from care to the patient's spouse, parent, legal
25 guardian, designated next of kin, or other designated emergency
26 contact, provided that: (1) such notice is provided in a manner that
27 is consistent with federal requirements under 42 CFR Part 2 and
28 federal HIPAA requirements under 45 CFR Parts 160 and 164; and
29 (2) the patient, if an adult, has not withheld consent for such notice,
30 or expressly requested that notification not be given. If a patient
31 who is not incapacitated withholds consent for such notice, or
32 expressly requests that notification not be given, the patient's
33 wishes shall be respected unless the patient is a minor child or
34 adolescent, in which case, the minor's parent, legal guardian,
35 designated next of kin, or other designated emergency contact shall
36 be notified, provided that such notification is not inconsistent with,
37 and would not violate, federal requirements under 42 CFR Part 2
38 and federal HIPAA requirements under 45 CFR Parts 160 and 164.
39 (cf: P.L.2015, c.284, s.1)

40

41 76. Section 11 of P.L.1975, c.305 (C.26:2B-17) is amended to
42 read as follows:

43 11. Any person who is arrested for a violation of a municipal
44 ordinance, or for a disorderly persons offense, and who is not also
45 arrested for a misdemeanor, and who the arresting police officer has
46 reasonable cause to believe is intoxicated, may be taken by a police
47 officer directly to an intoxication treatment center or other
48 appropriate facility. To determine whether or not such person is

1 intoxicated, the police officer may request the person to submit to
2 any reasonable test, including, but not limited to, tests of his
3 coordination, coherency of speech, and breath.

4 The administrator of any intoxication treatment center, or of any
5 other facility, shall cause any such person to be examined by a
6 physician or by a medically competent individual designated by the
7 department and under the supervision of a physician. If the
8 physician or any other medically competent individual designated
9 by the department determines upon examination that such person is
10 intoxicated, and the administrator determines that adequate and
11 appropriate treatment is available, the person shall be admitted.
12 Any such person may be detained at the center or other facility until
13 **[he]** the person is no longer intoxicated, but in any event, not
14 longer than 48 hours from the date of admission. At such time as
15 the person is to be discharged from the facility, **[he]** the person
16 shall be informed by the administrator that if **[he]** the person is **[an**
17 alcoholic] a person with an alcohol use disorder who would benefit
18 by treatment **[he]** the person may, in the discretion of the court, be
19 afforded treatment in lieu of prosecution, and that if **[he]** the person
20 so chooses **[he]** the person may be examined at the facility for the
21 purpose of determining whether **[he]** the person is **[an alcoholic]** a
22 person with an alcohol use disorder who would benefit by
23 treatment. If the person requests an examination, **[he]** the person
24 shall be examined by a physician at the facility during a period of
25 time not to exceed 48 hours. The police shall maintain such
26 security conditions as may be necessary. Prior to releasing the
27 person from the center or other facility, the administrator shall
28 notify the police who shall transport **[him]** the person herefrom for
29 proceedings in the case.

30 When a person who is arrested for a violation of a municipal
31 ordinance, or disorderly persons offense, and who is not also
32 arrested for a misdemeanor, is brought before the court on such
33 charge, the court shall inform **[him]** the person that **[he]** the person
34 is entitled to request a medical examination to determine whether or
35 not **[he is an alcoholic if he]** the person has alcohol use disorder if
36 the person has been admitted to a facility pursuant to the provisions
37 of the preceding paragraph and has not received a medical
38 examination by a physician. The court shall further inform the
39 defendant of the consequences which follow a determination by a
40 physician that **[he]** the person is **[an alcoholic]** a person with an
41 alcohol use disorder who would benefit by treatment. Any request
42 for an examination shall be in writing. If the person makes such
43 request, the proceedings shall be stayed for the period during which
44 the request is under consideration by the court. If the defendant
45 requests an examination, the court shall appoint a physician to
46 conduct the examination at an appropriate location designated by
47 it.

1 In no event shall a request for an examination, any statement
2 made by the defendant during the course of an examination or any
3 finding of a physician pursuant to the provisions of this section be
4 admissible against the defendant in any proceeding.

5 A physician who conducts an examination pursuant to the
6 provisions of this section, shall determine whether or not the
7 defendant is **【an alcoholic】** a person with an alcohol use disorder
8 who would benefit by treatment. The physician shall report **【his】**
9 the findings to the court together with the facts upon which the
10 findings are based and the reasons therefor as soon as possible but
11 in any event not longer than **【3】** three days after the completion of
12 the examination.

13 If the physician reports that the defendant is **【an alcoholic】** a
14 person with an alcohol use disorder who would benefit by
15 treatment, the court shall inform the defendant that **【he】** the
16 defendant may request commitment to the division and advise
17 **【him】** the person of the consequences of the commitment.

18 If the defendant requests commitment, and if the court finds that
19 the defendant is **【an alcoholic】** a person with an alcohol use
20 disorder who would benefit by treatment, the court may stay the
21 criminal proceeding and commit the defendant to the division as an
22 inpatient or as an outpatient, whichever the court deems
23 appropriate, for a specified period. The term of inpatient treatment
24 shall not exceed 30 days, the term of outpatient treatment shall not
25 exceed 60 days, and the total combined period of commitment,
26 including both inpatient and outpatient treatment, if both are
27 ordered, shall not exceed 90 days. The court shall inform the
28 defendant that if he is committed the proceeding will be stayed for
29 the term of the commitment.

30 In determining whether or not to grant the request for
31 commitment, the court shall consider the report of the physician, the
32 nature of the offense with which the defendant is charged, the past
33 criminal record, if any, of the defendant, and any other relevant
34 evidence.

35 If the court decides that the defendant's request for commitment
36 should be granted, the court shall commit the defendant to the
37 division if the division reports that adequate and appropriate
38 treatment is available at a facility; provided, however, that if the
39 court determines that commitment should be granted and the
40 defendant is charged with a first offense, the proceedings shall be
41 stayed until adequate and appropriate treatment is available at a
42 facility. In cases where the defendant is not charged with a first
43 offense and the division reports that adequate and appropriate
44 treatment is not available, the court may, in its discretion, order that
45 the stay of the proceeding remain outstanding until such time as
46 adequate and appropriate treatment is available.

1 As a condition to the issuance of any commitment order by the
2 court pursuant to the provisions of this section, the defendant shall
3 consent in writing to the terms of the commitment.

4 If the physician reports that the defendant is not **【an alcoholic】** a
5 person with an alcohol use disorder who would benefit by
6 treatment, the defendant shall be entitled to request a hearing to
7 determine whether **【he】** the person is **【an alcoholic】** a person with
8 an alcohol use disorder who would benefit by treatment. Thereupon
9 the court may, of its own motion, or shall upon the request of the
10 defendant or **【his】** the person's counsel, appoint an independent
11 physician to examine the defendant and to testify at the hearing. If
12 the court determines that the defendant is **【an alcoholic】** a person
13 with an alcohol use disorder who would benefit by treatment, the
14 procedures and standards applicable to a defendant who is
15 determined by the court, following the report of the first examining
16 physician to be **【an alcoholic】** a person with an alcohol use disorder
17 who would benefit by treatment, shall apply to the defendant.

18 If the court does not order that the defendant shall be afforded
19 treatment in lieu of prosecution pursuant to the provisions of this
20 section, the stay of the proceedings shall be vacated.

21 At any time during the term of commitment, the administrator
22 may transfer any inpatient to an outpatient program if **【he】** the
23 administrator finds that the patient is a proper subject for outpatient
24 treatment; provided, however, that the administrator may retransfer
25 the patient to an inpatient program if **【he】** the administrator finds
26 that the person is not suitable for outpatient treatment.

27 Any patient committed to the division pursuant to this section
28 shall be discharged from the facility to which the division has
29 caused **【him】** the patient to be admitted if at any time the
30 administrator determines that treatment will no longer benefit
31 **【him】** the patient; provided, however, that such patient shall in any
32 event be discharged at the termination of the period of commitment
33 specified in the court order.

34 At the end of the commitment period, when the patient is
35 discharged, or when the patient terminates treatment at the facility,
36 whichever first occurs, the director shall report to the court on
37 whether or not the defendant successfully completed the treatment
38 program, together with a statement of the reasons for **【his】** the
39 director's conclusion. In reaching **【his】** the determination of
40 whether or not the defendant successfully completed the treatment
41 program, the director shall consider, but shall not be limited to,
42 whether the defendant cooperated with the administrator and
43 complied with the terms and conditions imposed on **【him】** the
44 defendant during **【his】** the commitment. If the report states that the
45 defendant successfully completed the treatment program, the court
46 shall dismiss the charges pending against the defendant. If the
47 report does not so state, or if the defendant has not completed the

1 term of commitment ordered by the court, then, based on the report
2 and any other relevant evidence, the court may take such action as it
3 deems appropriate, including the dismissal of the charges or the
4 revocation of the stay of the proceedings. In the event that the court
5 convicts a defendant who has been committed in lieu of prosecution
6 pursuant to the provisions of this section and sentences **him** the
7 defendant to a term of incarceration, the court shall reduce the term
8 of incarceration by the period during which the defendant was
9 afforded treatment in lieu of prosecution pursuant to this section.

10 The State, municipal and local police shall, in cooperation with
11 the department, provide temporary security at facilities to which
12 persons are taken pursuant to this section, where it is necessary that
13 such security be provided for the person arrested.

14 (cf: P.L.1975, c.305, s.11)
15

16 77. Section 15 of P.L.1975, c.305 (C.26:2B-21) is amended to
17 read as follows:

18 15. No person who has received treatment at a facility in
19 accordance with the provisions of **this act** P.L.1975, c.305
20 (C26:2B-7 et seq.) or person who is **an alcoholic** a person with an
21 alcohol use disorder shall be denied any right or privilege under the
22 Constitution of the United States or of the State for the reason that
23 **he** the person has received treatment at a facility or that **he** the
24 person is **an alcoholic** a person with an alcohol use disorder.

25 (cf: P.L.1975, c.305, s.15)
26

27 78. Section 17 of P.L.1975, c.305 (C.26:2B-23) is amended to
28 read as follows:

29 17. The division shall establish and maintain, in cooperation
30 with the office of the Attorney General, the State, municipal and
31 local police, the courts, the Department of Corrections, the
32 Department of **Public Welfare** Human Services, and other public
33 and private agencies, a program for the education of police officers,
34 prosecuting attorneys, court personnel, judges of the Superior
35 Court, probation and parole officers, correctional personnel, other
36 law enforcement personnel, and State welfare and vocational
37 rehabilitation personnel, with respect to the causes, effects, and
38 treatment of intoxication and **alcoholism** alcohol use disorder.

39 The division shall serve in a consulting capacity to such public
40 and private agencies and shall foster and coordinate a full range of
41 services which will be available for diagnosis, counseling and
42 treatment for **alcoholism** alcohol use disorder.

43 (cf: P.L.1991, c.91, s.287)
44

45 79. Section 18 of P.L.1975, c.305 (C.26:2B-24) is amended to
46 read as follows:

1 18. The division shall, in cooperation with the State, municipal
2 and local police, and the **【Division of】** New Jersey Motor
3 **【Vehicles】** Vehicle Commission, conduct tests for alcohol in the
4 bodies of automobile drivers and pedestrians who die as a result of
5 and within **【4】** four hours of a traffic accident, and in automobile
6 drivers who survive traffic accidents fatal to others. The division
7 shall promulgate a written manual to govern the conducting of tests
8 made pursuant to this section, which shall specify the qualifications
9 of personnel to conduct such tests, the methods and related details
10 of specimen selection, collection, preservation and analysis, and the
11 methods of tabulation and reporting of this test data.

12 If a test conducted pursuant to this section discloses alcohol, the
13 division shall insofar as is practicable make a determination
14 whether or not **【alcoholism】** alcohol use disorder was a probable
15 factor in the drinking of the tested individual.

16 Test data collected and determinations made pursuant to this
17 section shall be tabulated, compiled, and published by the division
18 at least semiannually.

19 The division in cooperation with the office of the Attorney
20 General and other interested State departments and agencies shall
21 undertake a detailed and comprehensive review of State and local
22 laws and regulations governing driving under the influence of
23 alcohol. This review shall include, but need not be limited to,
24 consideration of the relation of these laws and regulations to the
25 legislative policies and purposes of this act, and what programs and
26 punishments are appropriate for individuals convicted of drunk
27 driving.

28 Within **【1】** one year from the date of enactment of **【this act】**
29 P.L.1975, c.305 (C26:2B-7 et seq.), the division shall transmit to
30 the Legislature a report on this review. This report shall include
31 specific recommendations for any changes in the present laws and
32 regulations the division deems appropriate.

33 (cf: P.L.1975, c.305, s.18)

34

35 80. Section 21 of P.L.1975, c.305 (C.26:2B-27) is amended to
36 read as follows:

37 21. The Department of Health shall be the single State agency
38 designated by the State as the agency primarily responsible for the
39 treatment of intoxicated persons and **【alcoholics】** persons with
40 alcohol use disorder. All activities, projects or programs for
41 **【alcoholism】** alcohol use disorder treatment and rehabilitation,
42 funded or carried out by any department or political subdivision of
43 the State shall be in compliance with the comprehensive State plan
44 required by section 5 of **【this act】** P.L.1975, c.305 (C26:2B-7 et
45 seq.).

46 (cf: P.L.1975, c.305, s.21)

1 81. Section 4 of P.L.1983, c.531 (C.26:2B-33) is amended to
2 read as follows:

3 4. a. The governing body of each county, in conjunction with
4 the county agency[,] or individual[,] designated by the county
5 with the responsibility for planning services and programs for the
6 care or rehabilitation of **[alcoholics]** persons with alcohol use
7 disorder and **[drug abusers]** persons with a substance use disorder,
8 shall submit to the Deputy Commissioner for the Division of
9 Alcoholism and Drug Abuse and the Governor's Council on
10 Alcoholism and Drug Abuse an annual comprehensive plan for the
11 provision of community services to meet the needs of **[alcoholics]**
12 persons with alcohol use disorder and **[drug abusers]** persons with
13 a substance use disorder.

14 b. The annual comprehensive plan shall address the needs of
15 urban areas with a population of 100,000 or over and shall
16 demonstrate linkage with existing resources which serve
17 **[alcoholics]** persons with alcohol use disorder and **[drug abusers]**
18 persons with a substance use disorder and their families. Special
19 attention in the plan shall be given to **[alcoholism]** alcohol use
20 disorder and **[drug abuse]** substance use disorder and youth;
21 **[drinking]** intoxicated drivers and **[drug abusing]** drivers with
22 substance use disorder; women and **[alcoholism]** alcohol use
23 disorder and **[drug abuse]** substance use disorder; **[the disabled]**
24 persons with disabilities and **[alcoholism]** alcohol use disorder and
25 **[drug abuse]** substance use disorder; **[alcoholism]** alcohol use
26 disorder and **[drug abuse]** substance use disorder on the job;
27 **[alcoholism]** alcohol use disorder and **[drug abuse]** substance use
28 disorder and crime; public information; and educational programs
29 as defined in subsection c. of this section. Each county shall
30 identify, within its annual comprehensive plan, the Intoxicated
31 Driver Resource Center which shall service its population, as is
32 required under subsection (f) of R.S.39:4-50. The plan may involve
33 the provision of programs and services by the county, by an
34 agreement with a State agency, by private organizations, including
35 volunteer groups, or by some specified combination of the above.

36 If the State in any year fails to deposit the amount of tax receipts
37 as is required under section 3 of P.L.1983, c.531 (C.26:2B-32), a
38 county may reduce or eliminate, or both, the operation of existing
39 programs currently being funded from the proceeds deposited in the
40 Alcohol Education, Rehabilitation and Enforcement Fund.

41 c. Programs established with the funding for education from
42 the fund shall include all courses in the public schools required
43 pursuant to P.L.1987, c.389 (C.18A:40A-1 et seq.), programs for
44 students included in the annual comprehensive plan for each county,
45 and in-service training programs for teachers and administrative
46 support staff including nurses, guidance counselors, child study

1 team members, and librarians. All moneys dedicated to education
2 from the fund shall be allocated through the designated county
3 **【alcoholism】** alcohol use disorder and **【drug abuse】** substance use
4 disorder agency and all programs shall be consistent with the annual
5 comprehensive county plan submitted to the Deputy Commissioner
6 for the Division of **【Alcoholism and Drug Abuse】** Mental Health
7 and Addiction Services and the Governor's Council on Alcoholism
8 and Drug Abuse pursuant to this section. Moneys dedicated to
9 education from the fund shall be first allocated in an amount not to
10 exceed 20**【%】** percent of the annual education allotment for the in-
11 service training programs, which shall be conducted in each county
12 through the office of the county **【alcoholism】** alcohol use disorder
13 and **【drug abuse】** substance use disorder coordinator in consultation
14 with the county superintendent of schools, local boards of
15 education, local councils on **【alcoholism】** alcohol use disorder and
16 **【drug abuse】** substance use disorder and institutions of higher
17 learning, including the Rutgers University Center of Alcohol
18 Studies. The remaining money in the education allotment shall be
19 assigned to offset the costs of programs such as those which assist
20 employees, provide intervention for staff members, assist and
21 provide intervention for students and focus on research and
22 **【educate about】** education concerning youth and **【drinking】** alcohol
23 use disorder and **【using drugs】** substance use disorder. These funds
24 shall not replace any funds being currently spent on education and
25 training by the county.

26 d. The governing body of each county, in conjunction with the
27 county agency, or individual, designated by the county with
28 responsibility for services and programs for the care or
29 rehabilitation of **【alcoholics】** persons with alcohol use disorder and
30 **【drug abusers】** persons with substance use disorder, shall establish
31 a Local Advisory Committee on **【Alcoholism】** Alcohol Use
32 Disorder and **【Drug Abuse】** Substance Use Disorder to assist the
33 governing body in development of the annual comprehensive plan.
34 The advisory committee shall consist of no less than 10 nor more
35 than 16 members and shall be appointed by the governing body. At
36 least two of the members shall be persons recovering **【alcoholics】**
37 from alcohol use disorder and at least two of the members shall be
38 persons recovering **【drug abusers】** from substance use disorder.
39 The committee shall include the county prosecutor or his designee,
40 a wide range of public and private organizations involved in the
41 treatment of alcohol use disorders and **【drug-related】** substance use
42 disorder-related problems and other individuals with interest or
43 experience in issues concerning alcohol substance use disorder and
44 **【drug abuse】** substance use disorder. Each committee shall, to the
45 maximum extent feasible, represent the various socioeconomic,
46 racial and ethnic groups of the county in which it serves.

1 Within 60 days of the effective date of P.L.1989, c.51
2 (C.26:2BB-1 et al.), the Local Advisory Committee on
3 **【Alcoholism】** Alcohol Use Disorder and **【Drug Abuse】** Substance
4 Use Disorder shall organize and elect a chairman from among its
5 members.

6 e. The Deputy Commissioner for the Division of **【Alcoholism**
7 **and Drug Abuse】** Mental Health and Addiction Services shall
8 review the county plan pursuant to a procedure developed by the
9 deputy commissioner. In determining whether to approve an annual
10 comprehensive plan under this act, the deputy commissioner shall
11 consider whether the plan is designed to meet the goals and
12 objectives of the "Alcoholism Treatment and Rehabilitation Act,"
13 P.L.1975, c.305 (C.26:2B-7 et seq.) and the "Narcotic and Drug
14 Abuse Control Act of 1969," P.L.1969, c.152 (C.26:2G-1 et seq.)
15 and whether implementation of the plan is feasible. Each county
16 plan submitted to the deputy commissioner shall be presumed valid;
17 provided it is in substantial compliance with the provisions of this
18 act. Where the department fails to approve a county plan, the county
19 may request a court hearing on that determination.

20 (cf: P.L.1990, c.41, s.5)

21
22 82. Section 3 of P.L.1995, c.318, (C.26:2B-38) is amended to
23 read as follows:

24 3. The program shall include, but not be limited to: providing
25 public awareness of, and developing advocacy efforts for~~【.】~~ the
26 deaf, **【and hard of】** persons with hearing impairments, and other
27 **【disabled】** persons with disabilities who are in need of treatment
28 services for **【alcoholism】** alcohol use disorder and **【drug abuse】**
29 substance use disorder, and developing treatment modalities and
30 specialized training programs for this population. The
31 commissioner shall incorporate the services of community-based
32 agencies to develop and implement this program.

33 (cf: P.L.1995, c.318, s.3)

34
35 83. Section 4 of P.L.2006, c.99, (C.26:5C-28) is amended to
36 read as follows:

37 4. a. In accordance with the provisions of section 3 of
38 P.L.2006, c.99 (C.26:5C-27), a municipality may establish or
39 authorize establishment of a sterile syringe access program that is
40 approved by the commissioner to provide for the exchange of
41 hypodermic syringes and needles.

42 (1) A municipality that establishes a sterile syringe access
43 program, at a fixed location or through a mobile access component,
44 may operate the program directly or contract with one or more of
45 the following entities to operate the program: a hospital or other
46 health care facility licensed pursuant to P.L.1971, c.136 (C.26:2H-1
47 et seq.), a federally qualified health center, a public health agency, a

1 substance abuse treatment program, an AIDS service organization,
2 or another nonprofit entity designated by the municipality. These
3 entities shall also be authorized to contract directly with the
4 commissioner in any municipality in which the governing body has
5 authorized the operation of sterile syringe access programs by
6 ordinance pursuant to paragraph (2) of this subsection. The
7 municipality or entity under contract shall implement the sterile
8 syringe access program in consultation with a federally qualified
9 health center and the New Jersey Office on Minority and
10 Multicultural Health in the Department of Health [and Senior
11 Services], and in a culturally competent manner.

12 (2) Pursuant to paragraph (2) of subsection a. of section 3 of
13 P.L.2006, c.99 (C.26:5C-27), a municipality whose governing body
14 has authorized the operation of sterile syringe access programs
15 within the municipality may require within the authorizing
16 ordinance that an entity as described in paragraph (1) of this
17 subsection obtain approval from the municipality, in a manner
18 prescribed by the authorizing ordinance, to operate a sterile syringe
19 access program prior to obtaining approval from the commissioner
20 to operate such a program, or may permit the entity to obtain
21 approval to operate such a program by application directly to the
22 commissioner without obtaining prior approval from the
23 municipality.

24 (3) Two or more municipalities may jointly establish or
25 authorize establishment of a sterile syringe access program that
26 operates within those municipalities pursuant to adoption of an
27 ordinance by each participating municipality pursuant to this
28 section.

29 b. A sterile syringe access program shall comply with the
30 following requirements:

31 (1) Sterile syringes and needles shall be provided at no cost to
32 consumers 18 years of age and older;

33 (2) Program staff shall be trained and regularly supervised in:
34 harm reduction; substance [abuse] use disorder, medical and social
35 service referrals; and infection control procedures, including
36 universal precautions and needle stick injury protocol; and
37 programs shall maintain records of staff and volunteer training and
38 of hepatitis C and tuberculosis screening provided to volunteers and
39 staff;

40 (3) The program shall offer information about HIV, hepatitis C
41 and other bloodborne pathogens and prevention materials at no cost
42 to consumers, and shall seek to educate all consumers about safe
43 and proper disposal of needles and syringes;

44 (4) The program shall provide information and referrals to
45 consumers, including HIV testing options, access to medication-
46 assisted [drug abuse] substance use disorder treatment programs
47 and other substance [abuse] use disorder treatment programs, and

1 available health and social service options relevant to the
2 consumer's needs. The program shall encourage consumers to
3 receive an HIV test, and shall, when appropriate, develop an
4 individualized **【drug abuse】** substance use disorder treatment plan
5 for each participating consumer;

6 (5) The program shall screen out consumers under 18 years of
7 age from access to syringes and needles, and shall refer them to
8 **【drug abuse】** substance use disorder treatment and other
9 appropriate programs for youth;

10 (6) The program shall develop a plan for the handling and
11 disposal of used syringes and needles in accordance with
12 requirements set forth at N.J.A.C.7:26-3A.1 et seq. for regulated
13 medical waste disposal pursuant to the "Comprehensive Regulated
14 Medical Waste Management Act," P.L.1989, c.34 (C.13:1E-48.1 et
15 al.), and shall also develop and maintain protocols for post-
16 exposure treatment;

17 (7) (a) The program may obtain a standing order, pursuant to the
18 "Overdose Prevention Act," P.L.2013, c.46 (C.24:6J-1 et seq.),
19 authorizing program staff to carry and dispense naloxone
20 hydrochloride or another opioid antidote to consumers and the
21 family members and friends thereof;

22 (b) The program shall provide overdose prevention information
23 to consumers, the family members and friends thereof, and other
24 persons associated therewith, as appropriate, in accordance with the
25 provisions of section 5 of the "Overdose Prevention Act," P.L.2013,
26 c.46 (C.24:6J-5);

27 (8) The program shall maintain the confidentiality of consumers
28 by the use of confidential identifiers, which shall consist of the first
29 two letters of the first name of the consumer's mother and the two-
30 digit day of birth and two-digit year of birth of the consumer, or by
31 the use of such other uniform Statewide mechanism as may be
32 approved by the commissioner for this purpose;

33 (9) The program shall provide a uniform identification card that
34 has been approved by the commissioner to consumers and to staff
35 and volunteers involved in transporting, exchanging or possessing
36 syringes and needles, or shall provide for such other uniform
37 Statewide means of identification as may be approved by the
38 commissioner for this purpose;

39 (10) The program shall provide consumers at the time of
40 enrollment with a schedule of program operation hours and
41 locations, in addition to information about prevention and harm
42 reduction and **【drug abuse】** substance use disorder treatment
43 services; and

44 (11) The program shall establish and implement accurate data
45 collection methods and procedures as required by the commissioner
46 for the purpose of evaluating the sterile syringe access programs,
47 including the monitoring and evaluation on a quarterly basis of:

- 1 (a) sterile syringe access program participation rates, including
2 the number of consumers who enter **【drug abuse】** substance use
3 disorder treatment programs and the status of their treatment;
- 4 (b) the effectiveness of the sterile syringe access programs in
5 meeting their objectives, including, but not limited to, return rates
6 of syringes and needles distributed to consumers and the impact of
7 the sterile syringe access programs on intravenous **【drug】** substance
8 use; and
- 9 (c) the number and type of referrals provided by the sterile
10 syringe access programs and the specific actions taken by the sterile
11 syringe access programs on behalf of each consumer.
- 12 c. A municipality may terminate a sterile syringe access
13 program established or authorized pursuant to this act, which is
14 operating within that municipality, if its governing body approves
15 such an action by ordinance, in which case the municipality shall
16 notify the commissioner of its action in a manner prescribed by
17 regulation of the commissioner.
18 (cf: P.L.2015, c.10, s.5)
19
- 20 84. Section 11 of P.L.1981, c.295 (C.26:2D-34) is amended to
21 read as follows:
- 22 11. a. The license of a radiologic technologist may be
23 suspended for a fixed period, or may be revoked, or the technologist
24 may be censured, reprimanded, or otherwise disciplined, in
25 accordance with the provisions and procedures defined in **【this act】**
26 P.L.1981, c.295 (C.26:2D-25 et seq.), if after due hearing it is
27 determined that **【he】** the technologist:
- 28 (1) Is guilty of any fraud or deceit in **【his】** the person's
29 activities as a radiologic technologist or has been guilty of any
30 fraud or deceit in procuring **【his】** a license;
- 31 (2) Has been convicted in a court of competent jurisdiction,
32 either within or without this State, of a crime involving moral
33 turpitude, except that if the conviction has been reversed and the
34 holder of the license discharged or acquitted, or if **【he】** the person
35 has been pardoned or **【his】** the person's civil rights restored, the
36 license may be restored **【to him】**;
- 37 (3) **【Is or has been afflicted with】** Has or had any medical
38 problem, disability, or **【addiction】** substance use disorder which, in
39 the opinion of the board, would impair **【his】** the person's
40 professional competence;
- 41 (4) Has aided and abetted a person who is not a licensed
42 radiologic technologist or otherwise authorized pursuant to section
43 4 of **【this act】** P.L.1981, c.295 (C.26:2D-27) in engaging in the
44 activities of a radiologic technologist;
- 45 (5) Has undertaken or engaged in any practice beyond the scope
46 of the authorized activities of a radiologic technologist pursuant to
47 **【this act】** P.L.1981, c.295 (C.26:2D-24 et seq.);

1 (6) Has falsely impersonated a duly licensed or former duly
2 licensed radiologic technologist or is engaging in the activities of a
3 radiologic technologist under an assumed name;

4 (7) Has been guilty of unethical conduct as defined by rules
5 promulgated by the commission;

6 (8) Has continued to practice without obtaining a license
7 renewal as required by **[this act]** P.L.1981, c.295 (C.26:2D-24 et
8 seq.);

9 (9) Has applied ionizing radiation to a human being without the
10 specific direction of a duly licensed practitioner as defined herein;
11 or to any person or part of the human body outside the scope of
12 **[his]** the specific authorization;

13 (10) Has acted or is acting as an owner, co-owner, or employer
14 in any enterprise engaged in the application of ionizing radiation to
15 human beings for the purpose of diagnostic interpretation,
16 chiropractic analysis, or the treatment of disease;

17 (11) Has expressed to a member of the public an interpretation
18 of a diagnostic x-ray film or fluorescent image;

19 (12) Has used or is using the prefix "Dr.," unless entitled to do
20 so pursuant to a degree granted, the word "doctor" or any suffix or
21 affix to indicate or imply that the radiologic technologist is a duly
22 licensed practitioner as defined herein when not so licensed; or

23 (13) Is or has been guilty of incompetence or negligence in
24 **[his]** the person's activities as a radiologic technologist.

25 b. Proceedings against any radiologic technologist under this
26 section shall be instituted by filing with the board a written charge
27 or charges under oath against the radiologic technologist. The
28 charges may be preferred by any person, corporation, association or
29 public officer, or by the board in the first instance. A copy thereof,
30 together with a report of the investigation as the board shall deem
31 proper, shall be referred to the commission for its recommendation
32 to the commissioner. If the commissioner determines the matter to
33 be a contested case, **[he]** the commissioner shall either designate
34 three or more members of the board as a committee to hear and
35 report on the charges and shall set a time and place for the hearing
36 or shall refer the matter to the Office of Administrative Law for
37 hearing before an administrative law judge, pursuant to the
38 "Administrative Procedure Act," P.L.1968, c. 410 (C. 52:14B-1 et
39 seq.). For the purpose of this section, the board, its committee, or
40 the administrative law judge shall have power to issue subpoenas for
41 the appearance of witnesses, and to take testimony under oath.
42 Upon review of the record of the hearing, the commissioner may
43 affirm, modify, or reject the written report and recommendation of
44 the committee or the administrative law judge. If the commissioner
45 finds that the charges have not been proved, **[he]** the commissioner
46 shall order them dismissed. If the charges are found to be true, the
47 commissioner may, in **[his]** the commissioner's discretion, issue an

1 order suspending or revoking the license of the accused, or
2 otherwise disciplining **him** the accused.

3 c. When the license of any person has been revoked or
4 annulled, as herein provided, the board may, after the expiration of
5 **2** two years, accept an application for restoration of the license.
6 (cf: P.L.1981, c.295, s.11)
7

8 85. Section 1 of P.L.1969, c.152 (C.26:2G-1) is amended to read
9 as follows:

10 1. The act shall be known and may be cited as the "Narcotic
11 and Drug Abuse Control Act of 1969." It shall be the purpose and
12 intent of this act to establish a single agency capable of unifying all
13 efforts in a comprehensive program to control **addictive** drugs
14 that may cause a substance use disorder, and to combat the effects
15 of **the disease of drug addiction** substance use disorders involving
16 drugs.

17 (cf: P.L.1969, c.152, s.1)
18

19 86. Section 3 of P.L.1969, c.152 (C.26:2G-3) is amended to read
20 as follows:

21 3. All the functions, powers, and duties of the Commissioner of
22 **Institutions and Agencies** Human Services and the
23 Commissioner of Community Affairs, in regard to the prevention
24 and control of **drug addiction** substance use disorders and the
25 diagnosis, treatment, rehabilitation, and aftercare of **drug addicts**
26 persons with substance use disorders are hereby transferred to and
27 vested in the Director of **Narcotic and Drug Abuse Control** the
28 Division of Mental Health and Addiction Services in the
29 Department of Human Services. All functions, powers, and duties
30 of the Commissioner of Health in regard to the manufacture, sale,
31 distribution, possession, and use of narcotic, depressant, and
32 stimulant drugs are hereby delegated to the Director of **Narcotic**
33 **and Drug Abuse Control** the Division of Mental Health and
34 Addiction Services in the Department of Human Services.

35 (cf: P.L.1969, c.152, s.3)
36

37 87. Section 5 of P.L.1969, c.152 (C.26:2G-5) is amended to read
38 as follows:

39 5. The director, as head of the division, shall have all of the
40 functions, powers and duties heretofore vested in the Commissioner
41 of **Institutions and Agencies** Human Services, and the
42 Commissioner of Community Affairs when either commissioner
43 was acting with regard to the prevention and control of **drug**
44 **addiction** substance use disorders involving drugs and the
45 treatment of **drug addicts** persons with substance use disorders
46 involving drugs and also, all the functions, powers and duties vested

- 1 in the Commissioner of Health by **chapter 18 of Title 24 of the**
2 **Revised Statutes (Uniform Narcotic Drug Law)]** the “New Jersey
3 Controlled Dangerous Substance Act,” P.L.1970, c.226 (C.24:21-1
4 et seq.); and shall, in addition to the functions, powers, and duties
5 vested in **him]** the commissioner by this act or by any other law:
- 6 a. To survey and analyze the State's need and formulate a
7 comprehensive plan for the long-range development, through the
8 utilization of **Federal]** federal, State, local, and private resources,
9 of adequate services and facilities for the prevention and control of
10 **drug addiction]** substance use disorders involving drugs and the
11 diagnosis, treatment, and rehabilitation of **drug addicts]** persons
12 with substance use disorders involving drugs, and from time to time
13 to revise such plan.
- 14 b. To promote, develop, establish, co-ordinate, and conduct
15 unified programs for education, prevention, diagnosis, treatment,
16 aftercare, community referral, rehabilitation, and control in the field
17 of **drug addiction]** substance use disorders involving drugs, based
18 on the comprehensive plan formulated under paragraph a. of this
19 section, and, in co-operation with such other Federal, State, local,
20 and private agencies as are necessary and within the amount made
21 available by appropriation therefor implement and administer such
22 programs.
- 23 c. To direct and carry on basic, clinical, epidemiological, social
24 science, and statistical research in **drug addiction]** substance use
25 disorders involving drugs either individually or in conjunction with
26 other agencies, public or private and, within the amount made
27 available by appropriation therefor, develop pilot programs. In
28 pursuance of the foregoing and notwithstanding any other provision
29 of law, the director is empowered to establish, direct, and carry on
30 experimental pilot clinic programs for the treatment of **drug**
31 **addiction]** substance use disorders involving drugs and of the
32 condition of **drug addicts]** persons with substance use disorders
33 involving drugs.
- 34 d. To provide education and training in prevention, diagnosis,
35 treatment, rehabilitation, and control of **drug addiction]** substance
36 use disorders involving drugs for medical students, physicians,
37 nurses, teachers, social workers, and others with responsibilities for
38 **drug addicts]** persons with substance use disorders involving
39 drugs, either alone or in conjunction with other agencies, public or
40 private.
- 41 e. To provide public education on the nature and results of
42 **drug addiction]** substance use disorders involving drugs and on
43 the potentialities of prevention and rehabilitation in order to
44 promote public understanding, interest, and support.
- 45 f. To disseminate information relating to public and private
46 services and facilities in the State available for the assistance of

1 **【drug addicts】** persons with substance use disorders involving
2 drugs and persons with potential **【drug addicts】** substance use
3 disorders involving drugs.

4 g. To gather information and maintain statistical and other
5 records relating to **【drug addicts】** persons with substance use
6 disorders involving drugs and **【drug addiction】** substance use
7 disorders involving drugs in the State. It shall be the duty of every
8 physician, dentist, veterinarian, or other person who is authorized to
9 administer or professionally use narcotic, depressant, or stimulant
10 drugs, or hospitals, clinics, dispensaries, or persons authorized to
11 dispense narcotic, depressant, or stimulant drugs and all public
12 officials having duties to perform with respect to such drugs or
13 users of such drugs to report and supply such information in
14 relation thereto as the director shall by rule, regulation, or order
15 require.

16 h. To submit to the Governor, the Legislature and the
17 Commissioner of Health an annual report of the division's
18 operations and specific recommendations pertaining to matters
19 within the scope of its jurisdiction in proper bill form not later than
20 January 15 of each year.

21 i. To provide psychiatric, medical and psychological services
22 to the Department of **【Institutions and Agencies】** Human Services
23 and similar agencies of the political subdivisions of the State with
24 respect to prisoners and parolees who **【are or were at any time**
25 **addicted to morphine, heroin or similar narcotic substance, or to**
26 **depressant or stimulant drugs】** have or had at any time a substance
27 use disorder involving drugs.

28 j. With the approval of the Governor, to accept as agent of the
29 State any gift, grant, devise, or bequest, whether conditional or
30 unconditional, for any of the purposes of **【this act】** P.L.1969, c.152
31 (C.26:2G-1 et seq.). Any moneys so received may be expended by
32 the director to effectuate any purpose of **【this act】** P.L.1969, c.152
33 (C.26:2G-1 et seq.) subject to the same limitations as to approval of
34 expenditures and audit as are prescribed for State moneys
35 appropriated for the purposes of **【this act】** P.L.1969, c.152
36 (C.26:2G-1 et seq.).

37 k. To make agreements with the **【Federal Government】** federal
38 government, political subdivisions, public agencies or private
39 agencies to do or cause to be done that which may be necessary,
40 desirable or proper to carry out the purposes and objectives of this
41 article within the amounts made available therefor by appropriation,
42 gift, grant, devise, or bequest.

43 l. To control and regulate the manufacture, sale, distribution,
44 possession, and use of narcotic, depressant, and stimulant drugs in
45 accordance with the provisions of this act and chapter 18 of Title 24
46 of the Revised Statutes.

1 m. To prescribe, amend, and rescind rules and regulations to
2 effectuate the purposes of **[this act]** P.L.1969, c.152 (C.26:2G-1 et
3 seq.).
4 (cf: P.L.1969, c.152, s.5)

5
6 88. Section 2 of P.L.1970, c.334, (C.26:2G-22) is amended to
7 read as follows:

8 2. As used in this act:

9 **[(a)]** "Narcotic and **[drug abuse]** substance use disorder
10 treatment center" means any establishment, facility or institution,
11 public or private, whether operated for profit or not, which
12 primarily offers, or purports to offer, maintain, or operate facilities
13 for the residential or outpatient diagnosis, care, treatment, or
14 rehabilitation of two or more nonrelated individuals, who are
15 patients as defined herein, excluding, however, any hospital or
16 mental hospital otherwise licensed by Title 30 of the Revised
17 Statutes.

18 **[(b)]** "Patient" means a person who is addicted to, or otherwise
19 **[suffering physically or mentally]** has a physical or mental
20 impairment from the use**[, or abuse]** of**[.]** narcotic drugs and who
21 requires continuing care of a narcotic and **[drug abuse]** substance
22 use disorder treatment center.

23 **[(c)]** "Narcotic drug" means any narcotic, drug, or dangerous
24 controlled substance, as defined in any law of the State of New
25 Jersey or of the United States.

26 **[(d)]** "Commissioner" means the Commissioner of **[the State**
27 **Department of]** Health **[of New Jersey]**.
28 (cf: P.L.1970, c.334, s.2)

29
30 89. Section 3 of P.L.1970, c.334, (C.26:2G-23) is amended to
31 read as follows:

32 3. No narcotic and **[drug abuse]** substance use disorder
33 treatment center shall operate within this State except pursuant to a
34 certificate of approval obtained from the commissioner, upon
35 application made therefor. Such application shall be made upon
36 forms furnished by the commissioner, shall set forth the location of
37 the narcotic and **[drug abuse]** substance use disorder treatment
38 center, the person in charge thereof, and the facilities for caring for
39 patients who may seek treatment therein. The applicant shall be
40 required to furnish evidence of its ability to comply with minimum
41 standards established hereunder and of the good moral character of
42 the applicant and the person in charge of the narcotic and **[drug**
43 **abuse]** substance use disorder treatment center. Any change in the
44 facts set forth in the application shall be reported to the
45 commissioner within 10 days after the occurrence thereof.

46 (cf: P.L.1970, c.334, s.3)

1 90. Section 4 of P.L.1970, c.334 (C.26:2G-24) is amended to
2 read as follows:

3 4. Upon receipt of an application for a certificate of approval,
4 the commissioner shall cause an investigation to be made of the
5 applicant and the facilities, and shall issue a certificate of approval
6 if it is found that the applicant is of good moral character and that
7 the facilities comply with the provisions of this act and with the
8 regulations and standards required by the commissioner pursuant
9 hereto. The certificate of approval shall not be transferable or
10 assignable or applicable to any premises or proprietor other than
11 those specified therein. The certificate shall be conspicuously
12 displayed within the narcotic and **【drug abuse】** substance use
13 disorder treatment center at all times.
14 (cf: P.L.1970, c.334, s.4)
15

16 91. Section 5 of P.L.1970, c.334 (C.26:2G-25) is amended to
17 read as follows:

18 5. The commissioner shall adopt, amend, promulgate and
19 enforce such rules, regulations and minimum standards for the
20 treatment of patients of narcotic and **【drug abuse】** substance use
21 disorder treatment centers as may be reasonably necessary to
22 accomplish the purposes of P.L.1970, c.334 (C.26:2G-21 et seq.).
23 Such narcotic and **【drug abuse】** substance use disorder treatment
24 centers may be classified into two or more classes with appropriate
25 rules, regulations and minimum standards for each such class.

26 The rules and regulations adopted pursuant to this section shall,
27 at a minimum, require a transitional sober living home, halfway
28 house, or other residential aftercare facility to provide notice to a
29 patient's spouse, parent, legal guardian, designated next of kin, or
30 other designated emergency contact, whenever the patient
31 voluntarily withdraws, or is involuntarily evicted from, such
32 facility, provided that: (1) such notice is provided in a manner that
33 is consistent with federal requirements under 42 CFR Part 2 and
34 federal HIPAA requirements under 45 CFR Parts 160 and 164; and
35 (2) the patient, if an adult, has not withheld consent for such notice
36 or expressly requested that notification not be given. If a patient
37 who is not incapacitated withholds consent for such notice, or
38 expressly requests that notification not be given, the department
39 shall require the patient's wishes to be respected unless the patient
40 is a minor child or adolescent, in which case, the department shall
41 require the minor's parent, legal guardian, designated next of kin, or
42 other designated emergency contact to be notified, provided that
43 such notification is not inconsistent with, and would not violate,
44 federal requirements under 42 CFR Part 2 and federal HIPAA
45 requirements under 45 CFR Parts 160 and 164.

46 (cf: P.L.2015, c.284, s.2)

1 92. Section 8 of P.L.1970, c.334 (C.26:2G-28) is amended to
2 read as follows:

3 8. Any person, firm, corporation, partnership, society or
4 association who shall operate or conduct a narcotic and **【drug**
5 **abuse】** substance use disorder treatment center without first
6 obtaining the certificate of approval required by this act, or who
7 shall operate such establishment after revocation or suspension of a
8 certificate of approval, shall be liable to a penalty of **【\$25.00】** \$25
9 for each day of operation in violation hereof for the first offense
10 and for any subsequent offense shall be liable to a penalty of
11 **【\$50.00】** \$50 for each day of operation in violation hereof.

12 The penalties authorized by this section shall be recovered in a
13 summary proceeding instituted by the Attorney General, at the
14 request of the commissioner, pursuant to the Penalty Enforcement
15 Law (N.J.S. 2A:58-1 et seq.). Money penalties, when recovered,
16 shall be payable to the General State Fund.

17 (cf: P.L.1970, c.334, s.8)

18

19 93. Section 9 of P.L.1970, c. 334 (C.26:2G-29) is amended to
20 read as follows:

21 9. The commissioner may, in the manner provided by law,
22 maintain an action in the name of the State of New Jersey for
23 injunctive relief against any person, firm, corporation, partnership,
24 society or association, continuing to conduct, manage, or operate a
25 narcotic and **【drug abuse】** substance use disorder treatment center
26 without a certificate of approval, or after suspension or revocation
27 of such certificate.

28 (cf: P.L.1970, c.334, s.9)

29

30 94. Section 1 of P.L.1971, c.128 (C.26:2G-31) is amended to
31 read as follows:

32 1. It is declared to be the public policy of this State that the
33 prevention of **【drug abuse and addiction】** substance use, substance
34 use disorders and the treatment and rehabilitation of **【victims**
35 **thereof】** persons with substance use disorders is a matter of grave
36 concern to the people of the State and requires that a comprehensive
37 program be established to provide the broadest spectrum of medical
38 and community services possible for local treatment and counseling
39 facilities on a Statewide basis. Further, this Statewide effort must
40 avoid **【devisiveness】** divisiveness, organizational uncertainty,
41 unnecessary duplication of efforts and unproductive controversy
42 and, therefore, will require coordination and supervision of local
43 operations through strategically placed regional centers, all to be
44 administered through the Division of **【Narcotic and Drug Abuse**
45 **Control in the Department of Health】** Mental Health and Addiction
46 Services in the Department of Human Services.

47 (cf: P.L.1971, c.128, s.1)

1 95. Section 4 of P.L.1971, c.128 (C.26:2G-34) is amended to
2 read as follows:

3 4. The clinics, regional centers, and outreach offices
4 established hereunder shall provide a complete program of medical
5 and community services in connection with all aspects of **[the]**
6 substance use, **[and abuse of]** substance use disorder, and related
7 problems, including, but not by way of limitation, the following:
8 educational programs;
9 confidential drug counseling;
10 vocational guidance and job placement;
11 psychiatric, psychological, and social case work services;
12 induction and outreach services;
13 24-hour telephone emergency capability;
14 urine monitoring;
15 detoxification;
16 methadone maintenance;
17 individual and community prevention program;
18 individual self-help and group therapy;
19 referral services for in-patient treatment;
20 all areas of treatment and **[addict]** rehabilitation of persons with
21 substance use disorder;
22 aftercare treatment; and
23 probation services for the courts and correctional systems.
24 (cf: P.L.1971, c.128, s.4)

25
26 96. Section 1 of P.L.1987, c.49 (C.26:2H-12.6) is amended to
27 read as follows:

28 1. The governing body of a health care facility licensed in this
29 State pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.) which
30 provides health care services to newborn children shall adopt
31 policies and procedures which ensure that newborn children,
32 including newborn **[handicapped]** children with disabilities, receive
33 a level of nourishment and medical care consistent with accepted
34 medical standards.

35 If a federal statute or regulation requires that the State submit its
36 regulations and policy to the federal government for approval in
37 order to qualify for federal funding, then the **[State]** Department of
38 Health shall so comply.
39 (cf: P.L.1987, c.49, s.1)

40
41 97. Section 1 of P.L.1977, c.237 (C.26:2H-32) is amended to
42 read as follows:

43 1. The following words or phrases, as used in **[this act]**
44 P.L.1977, c.237 (C.26:2H-32 et seq.), shall have the following
45 meanings, unless the context otherwise requires:

46 a. "Nursing home" means a facility providing therein nursing
47 care to persons who are sick, invalid, **[infirm]**, disabled or

1 convalescent persons] convalescing, or who have a disability, in
2 addition to providing lodging and board or health-related service, or
3 any combination of the foregoing and in addition thereto, providing
4 nursing care and health-related service, or either of them, to persons
5 who are not occupants of the facility.

6 b. "Affiliate" means (1) with respect to a partnership, each
7 partner thereof; (2) with respect to a corporation, each officer,
8 director, principal stockholder, or controlling person thereof; (3)
9 with respect to a natural person, (a) each member of said person's
10 immediate family, (b) each partnership and each partner thereof of
11 which said person or any affiliate of said person is a partner, and (c)
12 each corporation in which said person or any affiliate of said person
13 is an officer, director, principal stockholder, or controlling person.

14 c. "Controlling person" of any corporation, partnership, or
15 other entity means any person who has the ability, directly or
16 indirectly, to direct or cause the direction of the management or
17 policies of said corporation, partnership, or other entity.

18 d. "Immediate family" of any person includes each parent,
19 child, spouse, brother, sister, first cousin, aunt and uncle of such
20 person, whether such relationship arises by birth, marriage or
21 adoption, as well as the person's domestic partner or partner in civil
22 union of that person as defined in section 3 of P.L.2003, c.246
23 (C.26:8A-3) or section 2 of P.L.2006, c.103, (C.37:1-29) and the
24 **domestic** partner's parent and adult child.

25 e. "Principal stockholder" of a corporation means any person
26 who beneficially owns, holds or has the power to vote, 10% or more
27 of any class of securities issued by said corporation.
28 (cf: P.L.2003, c.246, s.27)

29
30 98. Section 3 of P.L.2001, c.357, (C.26:2T-7) is amended to
31 read as follows:

32 3. In consultation with the hepatitis C advisory board
33 established pursuant to section 4 of **this act** P.L.2001, c.357
34 (C.26:2T-5 et seq.), the Commissioner of Health shall establish a
35 hepatitis C education, prevention, and screening program that
36 includes, but is not limited to, measures directed to physicians and
37 other health care workers, police officers, correctional officers,
38 firefighters, emergency services personnel, employees of the State's
39 developmental centers, and the general public. The program shall
40 be established in accordance with accepted public health practice
41 and recommendations of the federal Centers for Disease Control
42 and Prevention, the Surgeon General of the United States, the
43 American Association for the Study of Liver Diseases, the National
44 Institutes of Health and the American Liver Foundation and within
45 the limits of resources available for the purposes thereof.

46 a. For the purposes of this program, the commissioner shall
47 develop and implement the following:

- 1 (1) public education and outreach to raise awareness of hepatitis
2 C among persons at high risk for hepatitis C as described in section
3 2 of P.L.1998, c.116 (C.26:2T-2), which includes police officers,
4 firefighters, persons employed by correctional facilities, emergency
5 response personnel, and other high-risk groups, including, but not
6 limited to, health care professionals and persons employed in
7 primary care settings or health care facilities, which shall include, at
8 a minimum, information on risk factors, the value of early detection
9 and the options available for treating hepatitis C;
- 10 (2) measures to promote public awareness about the availability
11 of hepatitis C screening, prevention and treatment services among
12 persons at high risk for hepatitis C as determined by the
13 commissioner based upon data provided by the federal Centers for
14 Disease Control and Prevention, the Surgeon General of the United
15 States, the American Association for the Study of Liver Diseases,
16 the National Institutes of Health and the American Liver
17 Foundation, and any other nationally recognized liver societies;
- 18 (3) educational activities for health care professionals in regard
19 to the epidemiology, natural history, detection, and treatment of
20 hepatitis C, which shall include information about coinfection with
21 HCV and HIV and the implications of coinfection for HIV or AIDS
22 treatment;
- 23 (4) educational and informational measures targeted at specific
24 groups, including, but not limited to, activities designed to educate
25 youth about the long-term consequences of infection with HCV;
- 26 (5) measures to prevent further transmission of HCV and to
27 prevent onset of chronic liver disease caused by hepatitis C through
28 outreach to detect and treat chronic HCV infection; and
- 29 (6) a collaborative effort with the Department of Corrections to
30 develop screening services to identify inmates at risk for hepatitis C
31 upon admission, and to provide education and counseling about
32 treatment options to reduce the potential health risk to the
33 community from these persons.
- 34 b. The commissioner shall evaluate existing hepatitis C support
35 services in the community and assess the need for improving the
36 quality and accessibility of these services.
- 37 c. The commissioner shall seek to establish public-private
38 partnerships to promote outreach and increase awareness for the
39 purposes of this act among employers, organized labor, health care
40 providers, health insurers, and community-based organizations, and
41 coalitions.
- 42 d. The commissioner shall take such actions as are reasonably
43 necessary to ensure that the program established pursuant to this act
44 provides clear, complete, and accurate hepatitis C education,
45 information, and referral services in a multiculturally competent
46 manner that is designed to provide appropriate linkages to health
47 care services for persons in need thereof.

1 e. The commissioner shall seek to secure the use of such funds
2 or other resources from private nonprofit or for-profit sources or the
3 federal government to effectuate the purposes of this act as may be
4 available therefor, which shall be used to supplement and shall not
5 supplant State funds used to carry out the purposes of this act.

6 f. The commissioner shall seek, to the maximum extent
7 practicable, to coordinate the activities of the program, as
8 applicable, with services provided separately to specific
9 populations, including, but not limited to, veterans of the United
10 States armed forces, persons participating in private or public **[drug**
11 **abuse]** substance or alcohol use disorder treatment programs, and
12 persons with HIV.

13 (cf: P.L.2012, c.17, s.310)

14
15 99. Section 2 of P.L.1989, c.51 (C.26:2BB-2) is amended to read
16 as follows:

17 2. There is created a 26-member council in, but not of, the
18 Department of the Treasury which shall be designated as the
19 Governor's Council on Alcoholism and Drug Abuse. For the
20 purposes of complying with the provisions of Article V, Section IV,
21 paragraph 1 of the New Jersey Constitution, the Governor's Council
22 on Alcoholism and Drug Abuse is allocated to the Department of
23 the Treasury, but, notwithstanding the allocation, the office shall be
24 independent of any supervision or control by the department or by
25 any board or officer thereof.

26 The council shall consist of 12 ex officio members and 14 public
27 members.

28 a. The ex officio members of the council shall be: the Attorney
29 General, the Commissioners of **[the Departments of]** Labor and
30 Workforce Development, Education, Human Services, Health **[and**
31 **Senior Services]**, Children and Families, Community Affairs,
32 Personnel and Corrections, the chair of the executive board of the
33 New Jersey Presidents' Council, the Administrative Director of the
34 Administrative Office of the Courts and the Adjutant General. An
35 ex officio member may designate an officer or employee of the
36 department or office which he heads to serve as his alternate and
37 exercise his functions and duties as a member of the Governor's
38 Council on Alcoholism and Drug Abuse.

39 b. The 14 public members shall be residents of the State who
40 are selected for their knowledge, competence, experience or interest
41 in connection with **[alcoholism]** alcohol or **[drug abuse]** substance
42 use disorder. They shall be appointed as follows: two shall be
43 appointed by the President of the Senate, two shall be appointed by
44 the Speaker of the General Assembly and 10 shall be appointed by
45 the Governor, with the advice and consent of the Senate. At least
46 two of the public members appointed by the Governor shall be
47 persons rehabilitated **[alcoholics]** from alcohol use disorder and at

1 least two of the public members appointed by the Governor shall be
2 persons rehabilitated **【drug abusers】** from substance use disorders.

3 c. The term of office of each public member shall be three
4 years; except that of the first members appointed, four shall be
5 appointed for a term of one year, five shall be appointed for a term
6 of two years and five shall be appointed for a term of three years.
7 Each member shall serve until his successor has been appointed and
8 qualified, and vacancies shall be filled in the same manner as the
9 original appointments for the remainder of the unexpired term. A
10 public member is eligible for reappointment to the council.

11 d. The chairman of the council shall be appointed by the
12 Governor from among the public members of the council and shall
13 serve at the pleasure of the Governor during the Governor's term of
14 office and until the appointment and qualification of the chairman's
15 successor. The members of the council shall elect a vice-chairman
16 from among the members of the council. The Governor may
17 remove any public member for cause, upon notice and opportunity
18 to be heard.

19 e. The council shall meet at least monthly and at such other
20 times as designated by the chairman. Fourteen members of the
21 council shall constitute a quorum. The council may establish any
22 advisory committees it deems advisable and feasible.

23 f. The chairman shall be the request officer for the council
24 within the meaning of such term as defined in section 6 of article 3
25 of P.L.1944, c.112 (C.52:27B-15).

26 g. The public members of the council shall receive no
27 compensation for their services, but shall be reimbursed for their
28 expenses incurred in the discharge of their duties within the limits
29 of funds appropriated or otherwise made available for this purpose.
30 (cf: P.L.2006, c.47, s.107)

31

32 100. R.S.26:4-30 is amended to read as follows:

33 26:4-30. When a local board or health officer receives a report
34 from the director or from any person authorized by the director to
35 make such report, that a person within the jurisdiction of the local
36 board or health officer is, or is suspected to be, **【suffering from or
37 infected with a venereal disease】** a person with a sexually
38 transmitted infection, the board or health officer may cause a
39 medical examination to be made of the person for the purpose of
40 ascertaining whether or not such person is in fact **【suffering from or
41 infected with such disease】** a person with a sexually transmitted
42 infection.

43 (cf: R.S.26:4-30

44

45 101. R.S.26:4-35 is amended to read as follows:

46 26:4-35. If a person in the infectious stage of a **【venereal
47 disease】** sexually transmitted infection shall fail to report as

1 directed to the physician in attendance **【on him】** for treatment, the
2 physician shall report such failure to the local board, or to the **【state**
3 **department】** Department of Health, which shall forward the
4 information to the local board.

5 The local board may require such person to be examined as
6 provided in sections 26:4-30 and 26:4-31 of this title. If upon
7 examination the person is found to **【be suffering from a venereal**
8 **disease】** have a sexually transmitted infection in its infectious stage
9 and does not present evidence to show that **【he】** the person is being
10 regularly treated by a **【reputable】** licensed physician for the
11 disease, **【he】** the person shall be **【isolated】** quarantined as
12 described in sections 26:4-36 and 26:4-37 of this title.
13 (cf: R.S.26:4-35)
14

15 102. R.S.26:4-39 is amended to read as follows:

16 26:4-39. The physician, superintendent, or other person having
17 control or supervision over any **【state】** State, county, or municipal
18 hospital, **【sanatorium,】** or other public or private institution shall
19 report the following cases to the **【state department】** Department of
20 Health immediately after they are received into the institution:

21 a. **【The case of any】** A person **【infected】** with a **【venereal**
22 **disease】** sexually transmitted infection, who enters the institution
23 to receive care or treatment for the **【venereal disease】** infection.

24 b. **【The case of any】** A person **【suffering from】** with any other
25 disease, who enters the institution to receive care or treatment for
26 that disease, but who is found also to be **【infected】** a person with a
27 **【venereal disease】** sexually transmitted infection.

28 (cf: R.S.26:4-39)
29

30 103. Section 3 of P.L.1949, c.196 (C.26:4-71.3) is amended to
31 read as follows:

32 3. If any person **【afflicted with】** who has tuberculosis in a
33 communicable form shall leave any hospital against medical advice,
34 the administrator shall report such person to the local board of
35 health of the municipality in which such patient was residing when
36 admitted to the hospital and to the **【State】** Commissioner of Health
37 within 12 hours. Such report shall be in writing and shall state
38 whether the person **【is afflicted with】** has tuberculosis in a
39 communicable form.

40 (cf: P.L.1977, c.63, s.9)
41

42 104. Section 4 of P.L.2006, c.99 (C.26:5C-28) is amended to
43 read as follows:

44 4. a. In accordance with the provisions of section 3 of P.L.2006,
45 c.99 (C.26:5C-27), a municipality may establish or authorize
46 establishment of a sterile syringe access program that is approved

1 by the commissioner to provide for the exchange of hypodermic
2 syringes and needles.

3 (1) A municipality that establishes a sterile syringe access
4 program, at a fixed location or through a mobile access component,
5 may operate the program directly or contract with one or more of
6 the following entities to operate the program: a hospital or other
7 health care facility licensed pursuant to P.L.1971, c.136 (C.26:2H-1
8 et seq.), a federally qualified health center, a public health agency, a
9 substance abuse treatment program, an AIDS service organization,
10 or another nonprofit entity designated by the municipality. These
11 entities shall also be authorized to contract directly with the
12 commissioner in any municipality in which the governing body has
13 authorized the operation of sterile syringe access programs by
14 ordinance pursuant to paragraph (2) of this subsection. The
15 municipality or entity under contract shall implement the sterile
16 syringe access program in consultation with a federally qualified
17 health center and the New Jersey Office on Minority and
18 Multicultural Health in the Department of Health **and Senior**
19 **Services**], and in a culturally competent manner.

20 (2) Pursuant to paragraph (2) of subsection a. of section 3 of
21 P.L.2006, c.99 (C.26:5C-27), a municipality whose governing body
22 has authorized the operation of sterile syringe access programs
23 within the municipality may require within the authorizing
24 ordinance that an entity as described in paragraph (1) of this
25 subsection obtain approval from the municipality, in a manner
26 prescribed by the authorizing ordinance, to operate a sterile syringe
27 access program prior to obtaining approval from the commissioner
28 to operate such a program, or may permit the entity to obtain
29 approval to operate such a program by application directly to the
30 commissioner without obtaining prior approval from the
31 municipality.

32 (3) Two or more municipalities may jointly establish or
33 authorize establishment of a sterile syringe access program that
34 operates within those municipalities pursuant to adoption of an
35 ordinance by each participating municipality pursuant to this
36 section.

37 b. A sterile syringe access program shall comply with the
38 following requirements:

39 (1) Sterile syringes and needles shall be provided at no cost to
40 consumers 18 years of age and older;

41 (2) Program staff shall be trained and regularly supervised in:
42 harm reduction; substance **abuse** use disorder, medical and social
43 service referrals; and infection control procedures, including
44 universal precautions and needle stick injury protocol; and
45 programs shall maintain records of staff and volunteer training and
46 of hepatitis C and tuberculosis screening provided to volunteers and
47 staff;

- 1 (3) The program shall offer information about HIV, hepatitis C
2 and other bloodborne pathogens and prevention materials at no cost
3 to consumers, and shall seek to educate all consumers about safe
4 and proper disposal of needles and syringes;
- 5 (4) The program shall provide information and referrals to
6 consumers, including HIV testing options, access to medication-
7 assisted **【drug abuse】** substance use disorder treatment programs
8 and other substance **【abuse】** use disorder treatment programs, and
9 available health and social service options relevant to the
10 consumer's needs. The program shall encourage consumers to
11 receive an HIV test, and shall, when appropriate, develop an
12 individualized **【drug abuse】** substance use disorder treatment plan
13 for each participating consumer;
- 14 (5) The program shall screen out consumers under 18 years of
15 age from access to syringes and needles, and shall refer them to
16 **【drug abuse】** substance use disorder treatment and other
17 appropriate programs for youth;
- 18 (6) The program shall develop a plan for the handling and
19 disposal of used syringes and needles in accordance with
20 requirements set forth at N.J.A.C.7:26-3A.1 et seq. for regulated
21 medical waste disposal pursuant to the "Comprehensive Regulated
22 Medical Waste Management Act," P.L.1989, c.34 (C.13:1E-48.1 et
23 al.), and shall also develop and maintain protocols for post-
24 exposure treatment;
- 25 (7) (a) The program may obtain a standing order, pursuant to the
26 "Overdose Prevention Act," P.L.2013, c.46 (C.24:6J-1 et seq.),
27 authorizing program staff to carry and dispense naloxone
28 hydrochloride or another opioid antidote to consumers and the
29 family members and friends thereof;
- 30 (b) The program shall provide overdose prevention information
31 to consumers, the family members and friends thereof, and other
32 persons associated therewith, as appropriate, in accordance with the
33 provisions of section 5 of the "Overdose Prevention Act," P.L.2013,
34 c.46 (C.24:6J-5);
- 35 (8) The program shall maintain the confidentiality of consumers
36 by the use of confidential identifiers, which shall consist of the first
37 two letters of the first name of the consumer's mother and the two-
38 digit day of birth and two-digit year of birth of the consumer, or by
39 the use of such other uniform Statewide mechanism as may be
40 approved by the commissioner for this purpose;
- 41 (9) The program shall provide a uniform identification card that
42 has been approved by the commissioner to consumers and to staff
43 and volunteers involved in transporting, exchanging or possessing
44 syringes and needles, or shall provide for such other uniform
45 Statewide means of identification as may be approved by the
46 commissioner for this purpose;
- 47 (10) The program shall provide consumers at the time of
48 enrollment with a schedule of program operation hours and

1 locations, in addition to information about prevention and harm
2 reduction and **【drug abuse】** substance use disorder treatment
3 services; and

4 (11) The program shall establish and implement accurate data
5 collection methods and procedures as required by the commissioner
6 for the purpose of evaluating the sterile syringe access programs,
7 including the monitoring and evaluation on a quarterly basis of:

8 (a) sterile syringe access program participation rates, including
9 the number of consumers who enter **【drug abuse】** substance use
10 disorder treatment programs and the status of their treatment;

11 (b) the effectiveness of the sterile syringe access programs in
12 meeting their objectives, including, but not limited to, return rates
13 of syringes and needles distributed to consumers and the impact of
14 the sterile syringe access programs on intravenous drug use; and

15 (c) the number and type of referrals provided by the sterile
16 syringe access programs and the specific actions taken by the sterile
17 syringe access programs on behalf of each consumer.

18 c. A municipality may terminate a sterile syringe access
19 program established or authorized pursuant to this act, which is
20 operating within that municipality, if its governing body approves
21 such an action by ordinance, in which case the municipality shall
22 notify the commissioner of its action in a manner prescribed by
23 regulation of the commissioner.

24 (cf: P.L.2015, c.10, s.5)

25

26 105. Section 5 of P.L.2006, c.99 (C.26:5C-29) is amended to
27 read as follows:

28 5. a. (1) The Commissioner of Health **【and Senior Services】**
29 shall report to the Governor and, pursuant to section 2 of P.L.1991,
30 164 (C.52:14-19.1), the Legislature, no later than one year after the
31 effective date of P.L.2006, c.99 (C.26:5C-25 et seq.) and biennially
32 thereafter, on the status of sterile syringe access programs
33 established pursuant to sections 3 and 4 of P.L.2006, c.99 (C.26:5C-
34 27 and C.26:5C-28), and shall include in that report the data
35 provided to the commissioner by each sterile syringe access
36 program pursuant to paragraph (11) of subsection b. of section 4 of
37 P.L.2006, c.99 (C.26:5C-28).

38 (2) For the purpose of each biennial report pursuant to
39 paragraph (1) of this subsection, the commissioner shall:

40 (a) consult with local law enforcement authorities regarding the
41 impact of the sterile syringe access programs on the rate and
42 volume of crime in the affected municipalities and include that
43 information in the report; and

44 (b) seek to obtain data from public safety and emergency
45 medical services providers Statewide regarding the incidence and
46 location of needle stick injuries to their personnel and include that
47 information in the report.

1 b. The commissioner shall report to the Governor and, pursuant
2 to section 2 of P.L.1991, c.164 (C.52:14-19.1), the Legislature, no
3 later than six months after the date that the initial sterile syringe
4 access program, which is approved by the commissioner pursuant to
5 section 3 of P.L.2006, c.99 (C.26:5C-27), commences its
6 operations, and shall include in that report:

7 (1) an assessment of whether an adequate number of **【drug**
8 **abuse】** substance use disorder treatment program slots is available
9 to meet the treatment needs of persons who have been referred to
10 **【drug abuse】** substance use disorder treatment programs by sterile
11 syringe access programs pursuant to paragraph (4) of subsection b.
12 of section 4 of P.L.2006, c.99 (C.26:5C-28); and

13 (2) a recommendation for such appropriation as the
14 commissioner determines necessary to ensure the provision of an
15 adequate number of **【drug abuse】** substance use disorder treatment
16 program slots for those persons.

17 c. The commissioner shall contract with an entity that is
18 independent of the department to prepare a detailed analysis of the
19 sterile syringe access programs, and to report on the results of that
20 analysis to the Governor, the Governor's Advisory Council on
21 HIV/AIDS and Related Blood-Borne Pathogens, and, pursuant to
22 section 2 of P.L.1991, c.164 (C.52:14-19.1), the Legislature, no
23 later than 24 months after the adoption of regulations required
24 pursuant to subsection b. of section 7 of P.L.2006, c.99 (C.26:5C-
25 31) and annually thereafter. The analysis shall include, but not be
26 limited to:

27 (1) any increase or decrease in the spread of HIV, hepatitis C
28 and other blood-borne pathogens that may be transmitted by the use
29 of contaminated syringes and needles;

30 (2) the number of exchanged syringes and needles and an
31 evaluation of the disposal of syringes and needles that are not
32 returned by consumers;

33 (3) the number of consumers participating in the sterile syringe
34 access programs and an assessment of their reasons for participating
35 in the programs;

36 (4) the number of consumers in the sterile syringe access
37 programs who participated in **【drug abuse】** substance use disorder
38 treatment programs; and

39 (5) the number of consumers in the sterile syringe access
40 programs who benefited from counseling and referrals to programs
41 and entities that are relevant to their health, housing, social service,
42 employment and other needs.

43 d. Within 90 days after receipt of the third report pursuant to
44 subsection c. of this section, the commissioner shall submit to the
45 Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-
46 19.1), the Legislature, on a day when both Houses of the
47 Legislature are meeting in the course of a regular or special session,

1 the commissioner's recommendations regarding whether or not to
2 continue the demonstration program established pursuant to this act.
3 The commissioner's recommendations shall be effective unless the
4 Legislature passes a concurrent resolution overriding the
5 commissioner's recommendations no later than the 45th day after its
6 receipt of those recommendations.

7 (cf: P.L.2015, c.10, s.6)

8
9 106. Section 2 of P.L.2008, c.50 (C.26:6-78) is amended to read
10 as follows:

11 2. As used in this act:

12 "Adult" means a person who is at least 18 years of age.

13 "Advance directive for health care" means an advance directive
14 for health care that is executed pursuant to P.L.1991, c.201
15 (C.26:2H-53 et seq.).

16 "Agent" means a person who is authorized to act as a health care
17 representative by an advance directive for health care or is
18 expressly authorized to make an anatomical gift on a donor's behalf
19 by any other record signed by the donor.

20 "Anatomical gift" means a donation of all or part of a human
21 body to take effect after the donor's death for the purpose of
22 transplantation, therapy, research, or education.

23 "Civil union partner" means one partner in a civil union couple
24 as defined in section 2 of P.L.2006, c.103 (C.37:1-29).

25 "Decedent" means a deceased person whose body or part is or
26 may be the source of an anatomical gift, and includes a stillborn
27 infant or fetus.

28 "Designated requester" means a hospital employee who has
29 completed a course offered or approved by an organ procurement
30 organization.

31 "Disinterested witness" means a witness other than: the spouse,
32 civil union partner, domestic partner, child, parent, sibling,
33 grandchild, grandparent, or guardian of the person who makes,
34 amends, revokes, or refuses to make an anatomical gift; another
35 adult who exhibited special care and concern for the decedent; or a
36 person to whom an anatomical gift may pass pursuant to section 10
37 of **[this act]** P.L.2008, c.50 (C.26:6-77 et seq.).

38 "Document of gift" means a donor card or other record used to
39 make an anatomical gift, and includes a statement or symbol on a
40 driver's license, identification card, or donor registry.

41 "Domestic partner" means a domestic partner as defined in
42 section 3 of P.L.2003, c.246 (C.26:8A-3).

43 "Donor" means a person whose body or part is the subject of an
44 anatomical gift.

45 "Donor registry" means a database that contains records of
46 anatomical gifts.

1 "Driver's license" means a license or permit issued by the New
2 Jersey Motor Vehicle Commission to operate a vehicle, whether or
3 not conditions are attached to the license or permit.

4 "Eye bank" means an entity that is licensed, accredited, or
5 regulated under federal or State law to engage in the recovery,
6 screening, testing, processing, storage, or distribution of human
7 eyes or portions of human eyes.

8 "Guardian" means a person appointed by a court to make
9 decisions regarding the support, care, education, health, or welfare
10 of another individual, but does not include a guardian ad litem.

11 "Hospital" means an institution, whether operated for profit or
12 not, whether maintained, supervised, or controlled by an agency of
13 State government or a county or municipality or not, which
14 maintains and operates facilities for the diagnosis, treatment, or care
15 of two or more non-related individuals **【suffering from】** with an
16 illness, injury, or 【deformity】 disability, and where emergency,
17 outpatient, surgical, obstetrical, convalescent, or other medical and
18 nursing care is rendered for periods exceeding 24 hours.

19 "Identification card" means an identification card issued by the
20 New Jersey Motor Vehicle Commission.

21 "Medical examiner" means the State Medical Examiner, a county
22 medical examiner, or another person performing the duties of a
23 medical examiner pursuant to P.L.1967, c.234 (C.52:17B-78 et
24 seq.).

25 "Minor" means a person who is under 18 years of age.

26 "Organ procurement organization" means an entity designated by
27 the United States Secretary of Health and Human Services as an
28 organ procurement organization.

29 "Parent" means a parent whose parental rights have not been
30 terminated.

31 "Part" means an organ, eye, or tissue of a human being, but does
32 not include the whole body.

33 "Physician" means a person authorized to practice medicine or
34 osteopathy under the laws of any state.

35 "Procurement organization" means an eye bank, organ
36 procurement organization, or tissue bank.

37 "Prospective donor" means a person who is dead or whose death
38 is imminent and has been determined by a procurement organization
39 to have a part that could be medically suitable for transplantation,
40 therapy, research, or education, but does not include an individual
41 who has made a refusal.

42 "Reasonably available" means able to be contacted by a
43 procurement organization without undue effort and willing and able
44 to act in a timely manner consistent with existing medical criteria
45 necessary for the making of an anatomical gift.

46 "Recipient" means a person into whose body a decedent's part
47 has been or is intended to be transplanted.

1 "Record" means information that is inscribed on a tangible
2 medium or stored in an electronic or other medium and is
3 retrievable in perceivable form.

4 "Refusal" means a record created pursuant to **[this act]**
5 P.L.2008, c.50 (C.26:6-77 et seq.) that expressly states an intent to
6 bar other persons from making an anatomical gift of a person's body
7 or part.

8 "Sign" means, with the present intent to authenticate or adopt a
9 record, to execute or adopt a tangible symbol, or to attach to or
10 logically associate with the record an electronic symbol, sound, or
11 process.

12 "State" means a state of the United States, the District of
13 Columbia, Puerto Rico, the United States Virgin Islands, or any
14 territory or insular possession subject to the jurisdiction of the
15 United States.

16 "Technician" means a person who is determined to be qualified
17 to remove or process parts by an appropriate organization that is
18 licensed, accredited, or regulated under federal or State law, and
19 includes an enucleator.

20 "Tissue" means a portion of the human body other than an organ
21 or an eye, but does not include blood unless it is needed to facilitate
22 the use of other parts or is donated for the purpose of research or
23 education.

24 "Tissue bank" means an entity that is licensed, accredited, or
25 regulated under federal or State law to engage in the recovery,
26 screening, testing, processing, storage, or distribution of tissue.

27 "Transplant hospital" means a hospital that furnishes organ
28 transplants and other medical and surgical specialty services
29 required for the care of transplant patients.

30 (cf: P.L.2008, c.50, s.2)

31
32 107. Section 2 of P.L.1973, c.126 (C.27:1A-65) is amended to
33 read as follows:

34 2. For the purposes of **[this act]** P.L.1973, c.126 (C.27:1A-64
35 et seq.), unless the context clearly indicates otherwise:

36 a. "Commissioner" means the Commissioner of Transportation;
37 provided, however, that **[he]** the commissioner may delegate any of
38 **[his]** the commissioner's powers or duties under this act to any
39 subordinate division, agency, or employee of the Department of
40 Transportation or to the New Jersey Transit Corporation.

41 b. "Carrier" means any individual, copartnership, association,
42 corporation, joint stock company, public agency, trustee, or receiver
43 operating motor buses or rail passenger service on established
44 routes within this State or between points in this State and points in
45 adjacent states.

46 c. "Motor bus" means "autobus" as defined in R.S.48:4-1, and
47 includes those autobuses, commonly called jitneys, as defined in
48 R.S.48:16-23.

1 d. "Offpeak times" means the hours from 9:30 a.m. to 4 p.m.
2 and from 7 p.m. to 6 a.m. during the weekdays, and all day on
3 Saturdays, Sundays, and holidays.

4 e. "Senior citizen" means any individual 62 years of age or
5 over.

6 f. "**【Handicapped citizen】** Citizen with a disability" means any
7 individual who, by reason of illness, injury, age, congenital
8 **【malfunction】** disability, or other permanent or temporary
9 incapacity or disability, is unable without special facilities or
10 special planning or design to utilize mass transportation facilities
11 and services as effectively as persons who are not so affected.
12 (cf: P.L.1979, c.150, s.25)

13

14 108. Section 3 of P.L.1973, c.126 (C.27:1A-66) is amended to
15 read as follows:

16 3. The Commissioner of Transportation is hereby authorized
17 and directed to establish and implement within 180 days of the
18 effective date of P.L.1999, c.179 (C.27:1A-64 et al.) a program to
19 provide motor bus and rail passenger service for senior citizens
20 during offpeak times and to provide motor bus and rail passenger
21 service for senior citizens age 65 and older and **【handicapped】**
22 citizens with disabilities at all times bus or rail service is offered, on
23 regular routes of carriers within the State or between points in this
24 State and points in adjacent states at one-half of the regular adult
25 rates of fare as set forth in the tariffs of carriers filed with the
26 Interstate Commerce Commission, Board of Public Utilities, or the
27 Department of Transportation, except that the reduced fare shall not
28 be available to senior citizens and **【handicapped】** citizens with
29 disabilities traveling on commuter railroad trains operated during
30 peak times which have been designated by the New Jersey Transit
31 Corporation as ineligible for round trip excursion fares. The
32 commissioner may take such action as **【he】** the commissioner
33 deems necessary to implement this program, including contracts
34 with carriers for the provision of transportation services under this
35 program, purchase of regular tickets and resale to senior citizens
36 and **【handicapped】** citizens with disabilities at one-half the ordinary
37 fare, or direct payments to carriers for services provided to senior
38 citizens and **【handicapped】** citizens with disabilities under this
39 program. Where carriers may be entitled to receive or do receive
40 funds from sources other than the Department of Transportation for
41 provision of service to senior citizens and **【handicapped】** citizens
42 with disabilities, reimbursement payments which may be made by
43 the Department of Transportation to the carriers may be adjusted
44 accordingly.

45 (cf: P.L.1999, c.179, s.2)

1 109. Section 4 of P.L.1973, c.126 (C.27:1A-67) is amended to
2 read as follows:

3 4. In establishing this program, the commissioner shall, after
4 consulting with the Commissioner of Community Affairs, the New
5 Jersey State Commission on Aging, and the Board of Public Utility
6 Commissioners, establish uniform procedures for:

7 a. Determining the eligibility of persons to receive the reduced
8 fares provided pursuant to **[this act]** P.L.1973, c.126 (C.27:1A-64
9 et seq.);

10 b. Making such reduced fares available to eligible persons; and

11 c. Auditing and accounting to insure that no carrier receives
12 payments in excess of the value of services actually rendered to
13 senior citizens and **[handicapped]** citizens with disabilities
14 pursuant to **[this act]** P.L.1973, c.126 (C.27:1A-64 et seq.).

15 (cf: P.L.1975, c.271, s.4)

16

17 110. Section 7 of P.L.1973, c.126 (C.27:1A-70) is amended to
18 read as follows:

19 7. Nothing in **[this act]** P.L.1973, c.126 (C.27:1A-64 et seq.)
20 shall preclude any carrier from providing further fare reductions for
21 senior citizens and **[handicapped]** citizens with disabilities or
22 preclude any municipality from contracting for such further
23 reductions pursuant to P.L.1973, c.67 (**[C.40:58-4.1]** C.40:48-4.1 et
24 seq.), or any other law.

25 (cf: P.L.1975, c.271, s.5)

26

27 111. Section 8 of P.L.1973, c.126 (C.27:1A-71) is amended to
28 read as follows:

29 8. The commissioner is hereby authorized to hire, employ, or
30 assign such secretarial, clerical, and other personnel as shall be
31 required for complying with the provisions of **[this act]** P.L.1973,
32 c.126 (C.27:1A-64 et seq.). The commissioner may also expend a
33 reasonable sum, not to exceed **[\$50,000.00]** \$50,000 annually, for
34 advertising to make senior citizens and **[handicapped]** citizens with
35 disabilities aware of the program and the availability of the reduced
36 fares thereunder.

37 (cf: P.L.1975, c.271, s.6)

38

39 112. Section 9 of P.L.1973, c.126 (C.27:1A-72) is amended to
40 read as follows:

41 9. Notwithstanding any of the provisions of chapter 3 of Title
42 48 of the Revised Statutes or of any other law to the contrary, any
43 eligible senior citizen or **[handicapped]** citizen with a disability
44 may be transported by any motor bus carrier at less than the usual
45 and ordinary fare charged to one person.

46 (cf: P.L.1975, c.271, s.7)

1 113. Section 1 of P.L. 1987, c.99 (C.27:1A-73) is amended to
2 read as follows:

3 1. Notwithstanding the provisions of P.L.1973, c.126 (C.27:1A-
4 64 et seq.) or any other law to the contrary, a **【handicapped】** citizen
5 with a disability and the citizen's travel attendant **【or guide】** shall
6 be transported by any motorbus or rail carrier operated pursuant to
7 the "New Jersey Public Transportation Act of 1979," P.L.1979,
8 c.150 (C.27:25-1 et seq.) at the fare charged to one **【handicapped】**
9 citizen with a disability during peak or offpeak times, as the case
10 may be. For the purposes of this section, a "**【handicapped】** citizen
11 with a disability " is one defined pursuant to section 2 of P.L.1973,
12 c.126 (C.27:1A-65) who requires the assistance of a travel attendant
13 **【or guide】** in order to use public transportation.
14 (cf: P.L.1987, c. 99, s. 1)
15

16 114. Section 2 of P.L.1987, c.99 (C.27:1A-74) is amended to
17 read as follows:

18 2. The Commissioner of Transportation shall, after consulting
19 with other relevant departments and agencies, adopt reasonable
20 regulations necessary to carry out the purposes of this act pursuant
21 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
22 1 et seq.). The regulations shall include a procedure by which the
23 commissioner shall issue an identification card, upon certification
24 of a physician or upon certification of another person as prescribed
25 by the commissioner, that a **【handicapped】** citizen with a disability
26 requires the assistance of a travel attendant **【or guide】** in order to
27 use public transportation.
28 (cf: P.L.1987, c.99, s.2)
29

30 115. R.S.30:4-24 is amended to read as follows:

31 30:4-24. The provisions of Title 30 of the Revised Statutes shall
32 govern the admission and commitment of persons with mental
33 illness, tuberculosis, and developmental disabilities to the several
34 institutions designated therefor and govern and control all phases of
35 the relationship between such patients and such institutions
36 including payments, maintenance, custody, treatment, parole, and
37 discharge as though each provision of Title 30 of the Revised
38 Statutes has been specifically enacted, unless otherwise specified in
39 law, with relation to each institution, its board of managers and
40 officials, and to all other officials, boards, and authorities.

41 Title 30 of the Revised Statutes is to be administered in
42 accordance with the general principles laid down in this section,
43 which are declared to be the public policy of this State that:

44 (1) adequate residential and nonresidential facilities be provided
45 for the prompt and effective diagnosis, care, treatment, training and
46 rehabilitation of individuals **【suffering from】** with diseases and
47 **【dysfunctions】** disorders of the brain, mind, and nervous system,

- 1 including the various forms of mental illness and developmental
2 disability;
- 3 (2) such facilities be closely integrated with other community
4 health, welfare, and social resources;
- 5 (3) the human dignity and the moral and constitutional rights of
6 such individuals be upheld and protected by appropriate statutes;
- 7 (4) family and community ties and mutual responsibilities be
8 reinforced;
- 9 (5) inasmuch as such mental disorders may in some cases
10 substantially impair the individual's ability to guide **【his】** the
11 individual's actions in **【his】** the individual's own best interests or
12 with due regard for the rights of others, provision be made for the
13 due process of law by which such an individual may be placed
14 under protection, treatment, or restraint in **【his】** the individual's
15 own or the public interest;
- 16 (6) the primary responsibility for the costs of services provided
17 to an individual rests with **【him】** the individual and **【his】** the
18 individual's responsible relatives;
- 19 (7) it is in the public interest that facilities be available to all
20 persons without limitation because of economic circumstances, and
21 that extraordinary hardships to any individual or **【his】** the
22 individual's relatives which may result from severe or prolonged
23 disability be mitigated;
- 24 (8) means and facilities be provided by the State for scientific
25 studies directed toward expanding knowledge of the causes,
26 prevention, control, management, and cure of diseases and
27 **【dysfunctions】** disorders of the brain, mind, and nervous system;
28 and
- 29 (9) as an intrinsic part of the program established by the State,
30 provision be made for the instruction of professional and
31 nonprofessional personnel in the skills required for the proper
32 diagnosis, care, training, treatment, and rehabilitation of persons
33 **【suffering from disorders】** with impairments of the brain, mind, and
34 nervous system, and for the pursuit of relevant research.
35 (cf: P.L.2010, c.50, s.30)
36
- 37 116. Section 11 of P.L.1951, c.138 (C.30:4C-11) is amended to
38 read as follows:
- 39 11. Whenever it shall appear that any child within this State is of
40 such circumstances that the child's safety or welfare will be
41 endangered unless proper care or custody is provided, an
42 application setting forth the facts in the case may be filed with the
43 Division of Child Protection and Permanency by a parent or other
44 relative of the child, by a person standing in loco parentis to the
45 child, by a person or association or agency or public official having
46 a special interest in the child, or by the child himself or herself,
47 seeking that the division accept and provide care or custody of the

1 child as the circumstances may require. The application shall be in
2 writing, and shall contain a statement of the relationship to or
3 special interest in the child which justifies the filing of the
4 application. The provisions of this section shall be deemed to
5 include an application on behalf of an unborn child when the
6 prospective mother is within this State at the time of application for
7 services.

8 Upon receipt of an application as provided in this section, the
9 division shall verify the statements set forth in the application and
10 shall investigate all the matters pertaining to the circumstances of
11 the child. If upon such verification and investigation it shall appear
12 (a) that the safety or welfare of the child will be endangered unless
13 proper care or custody is provided; (b) that the needs of the child
14 cannot properly be provided for by financial assistance as made
15 available by the laws of this State; (c) that there is no person legally
16 responsible for the support of the child whose identity and
17 whereabouts are known and who is willing and able to provide for
18 the care and support required by the child; and (d) that the child, if
19 **【suffering from】** the child has a mental or physical disability
20 requiring institutional care, is not immediately admissible to any
21 public institution providing care; then the division may accept and
22 provide care or custody as the circumstances of the child may
23 require.

24 (cf: P.L.2012, c.16, s.61)

25
26 117. Section 6 of P.L.1968, c.413 (C.30:4D-6) is amended to
27 read as follows:

28 6. a. Subject to the requirements of Title XIX of the federal
29 Social Security Act, the limitations imposed by this act and by the
30 rules and regulations promulgated pursuant thereto, the department
31 shall provide medical assistance to qualified applicants, including
32 authorized services within each of the following classifications:

33 (1) Inpatient hospital services;

34 (2) Outpatient hospital services;

35 (3) Other laboratory and X-ray services;

36 (4) (a) Skilled nursing or intermediate care facility services;

37 (b) Early and periodic screening and diagnosis of individuals
38 who are eligible under the program and are under age 21, to
39 ascertain their physical or mental **【defects】** health disabilities and
40 the health care, treatment, and other measures to correct or
41 ameliorate defects and chronic conditions discovered thereby, as
42 may be provided in regulations of the Secretary of the federal
43 Department of Health and Human Services and approved by the
44 commissioner;

45 (5) Physician's services furnished in the office, the patient's
46 home, a hospital, a skilled nursing, or intermediate care facility or
47 elsewhere.

1 As used in this subsection, "laboratory and X-ray services"
2 includes HIV drug resistance testing, including, but not limited to,
3 genotype assays that have been cleared or approved by the federal
4 Food and Drug Administration, laboratory developed genotype
5 assays, phenotype assays, and other assays using phenotype
6 prediction with genotype comparison, for persons diagnosed with
7 HIV infection or AIDS.

8 b. Subject to the limitations imposed by federal law, by this
9 act, and by the rules and regulations promulgated pursuant thereto,
10 the medical assistance program may be expanded to include
11 authorized services within each of the following classifications:

12 (1) Medical care not included in subsection a.(5) above, or any
13 other type of remedial care recognized under State law, furnished
14 by licensed practitioners within the scope of their practice, as
15 defined by State law;

16 (2) Home health care services;

17 (3) Clinic services;

18 (4) Dental services;

19 (5) Physical therapy and related services;

20 (6) Prescribed drugs, dentures, and prosthetic devices; and
21 eyeglasses prescribed by a physician skilled in diseases of the eye
22 or by an optometrist, whichever the individual may select;

23 (7) Optometric services;

24 (8) Podiatric services;

25 (9) Chiropractic services;

26 (10) Psychological services;

27 (11) Inpatient psychiatric hospital services for individuals under
28 21 years of age, or under age 22 if they are receiving such services
29 immediately before attaining age 21;

30 (12) Other diagnostic, screening, preventive, and rehabilitative
31 services, and other remedial care;

32 (13) Inpatient hospital services, nursing facility services, and
33 intermediate care facility services for individuals 65 years of age or
34 over in an institution for mental diseases;

35 (14) Intermediate care facility services;

36 (15) Transportation services;

37 (16) Services in connection with the inpatient or outpatient
38 treatment or care of **【drug abuse】** substance use disorder, when the
39 treatment is prescribed by a physician and provided in a licensed
40 hospital or in a narcotic and **【drug abuse】** substance use disorder
41 treatment center approved by the Department of Health pursuant to
42 P.L.1970, c.334 (C.26:2G-21 et seq.) and whose staff includes a
43 medical director, and limited to those services eligible for federal
44 financial participation under Title XIX of the federal Social
45 Security Act;

46 (17) Any other medical care and any other type of remedial care
47 recognized under State law, specified by the Secretary of the federal

1 Department of Health and Human Services, and approved by the
2 commissioner;

3 (18) Comprehensive maternity care, which may include: the
4 basic number of prenatal and postpartum visits recommended by the
5 American College of Obstetrics and Gynecology; additional
6 prenatal and postpartum visits that are medically necessary;
7 necessary laboratory, nutritional assessment and counseling, health
8 education, personal counseling, managed care, outreach, and
9 follow-up services; treatment of conditions which may complicate
10 pregnancy; and physician or certified nurse-midwife delivery
11 services;

12 (19) Comprehensive pediatric care, which may include:
13 ambulatory, preventive, and primary care health services. The
14 preventive services shall include, at a minimum, the basic number
15 of preventive visits recommended by the American Academy of
16 Pediatrics;

17 (20) Services provided by a hospice which is participating in the
18 Medicare program established pursuant to Title XVIII of the Social
19 Security Act, Pub.L.89-97 (42 U.S.C. s.1395 et seq.). Hospice
20 services shall be provided subject to approval of the Secretary of
21 the federal Department of Health and Human Services for federal
22 reimbursement;

23 (21) Mammograms, subject to approval of the Secretary of the
24 federal Department of Health and Human Services for federal
25 reimbursement, including one baseline mammogram for women
26 who are at least 35 but less than 40 years of age; one mammogram
27 examination every two years or more frequently, if recommended
28 by a physician, for women who are at least 40 but less than 50 years
29 of age; and one mammogram examination every year for women
30 age 50 and over.

31 c. Payments for the foregoing services, goods, and supplies
32 furnished pursuant to this act shall be made to the extent authorized
33 by this act, the rules and regulations promulgated pursuant thereto
34 and, where applicable, subject to the agreement of insurance
35 provided for under this act. The payments shall constitute payment
36 in full to the provider on behalf of the recipient. Every provider
37 making a claim for payment pursuant to this act shall certify in
38 writing on the claim submitted that no additional amount will be
39 charged to the recipient, the recipient's family, the recipient's
40 representative or others on the recipient's behalf for the services,
41 goods, and supplies furnished pursuant to this act.

42 No provider whose claim for payment pursuant to this act has
43 been denied because the services, goods, or supplies were
44 determined to be medically unnecessary shall seek reimbursement
45 from the recipient, his family, his representative or others on his
46 behalf for such services, goods, and supplies provided pursuant to
47 this act; provided, however, a provider may seek reimbursement
48 from a recipient for services, goods, or supplies not authorized by

1 this act, if the recipient elected to receive the services, goods or
2 supplies with the knowledge that they were not authorized.

3 d. Any individual eligible for medical assistance (including
4 drugs) may obtain such assistance from any person qualified to
5 perform the service or services required (including an organization
6 which provides such services, or arranges for their availability on a
7 prepayment basis), who undertakes to provide the individual such
8 services.

9 No copayment or other form of cost-sharing shall be imposed on
10 any individual eligible for medical assistance, except as mandated
11 by federal law as a condition of federal financial participation.

12 e. Anything in this act to the contrary notwithstanding, no
13 payments for medical assistance shall be made under this act with
14 respect to care or services for any individual who:

15 (1) Is an inmate of a public institution (except as a patient in a
16 medical institution); provided, however, that an individual who is
17 otherwise eligible may continue to receive services for the month in
18 which he becomes an inmate, should the commissioner determine to
19 expand the scope of Medicaid eligibility to include such an
20 individual, subject to the limitations imposed by federal law and
21 regulations, or

22 (2) Has not attained 65 years of age and who is a patient in an
23 institution for mental diseases, or

24 (3) Is over 21 years of age and who is receiving inpatient
25 psychiatric hospital services in a psychiatric facility; provided,
26 however, that an individual who was receiving such services
27 immediately prior to attaining age 21 may continue to receive such
28 services until the individual reaches age 22. Nothing in this
29 subsection shall prohibit the commissioner from extending medical
30 assistance to all eligible persons receiving inpatient psychiatric
31 services; provided that there is federal financial participation
32 available.

33 f. (1) A third party as defined in section 3 of P.L.1968, c.413
34 (C.30:4D-3) shall not consider a person's eligibility for Medicaid in
35 this or another state when determining the person's eligibility for
36 enrollment or the provision of benefits by that third party.

37 (2) In addition, any provision in a contract of insurance, health
38 benefits plan, or other health care coverage document, will, trust,
39 agreement, court order, or other instrument which reduces or
40 excludes coverage or payment for health care-related goods and
41 services to or for an individual because of that individual's actual or
42 potential eligibility for or receipt of Medicaid benefits shall be null
43 and void, and no payments shall be made under this act as a result
44 of any such provision.

45 (3) Notwithstanding any provision of law to the contrary, the
46 provisions of paragraph (2) of this subsection shall not apply to a
47 trust agreement that is established pursuant to 42 U.S.C.
48 s.1396p(d)(4)(A) or (C) to supplement and augment assistance

1 provided by government entities to a person who is disabled as
2 defined in section 1614(a)(3) of the federal Social Security Act (42
3 U.S.C. s.1382c (a)(3)).

4 g. The following services shall be provided to eligible
5 medically needy individuals as follows:

6 (1) Pregnant women shall be provided prenatal care and delivery
7 services and postpartum care, including the services cited in
8 subsection a.(1), (3), and (5) of this section and subsection b.(1)-
9 (10), (12), (15), and (17) of this section, and nursing facility
10 services cited in subsection b.(13) of this section.

11 (2) Dependent children shall be provided with services cited in
12 subsection a.(3) and (5) of this section and subsection b.(1), (2), (3),
13 (4), (5), (6), (7), (10), (12), (15), and (17) of this section, and
14 nursing facility services cited in subsection b.(13) of this section.

15 (3) Individuals who are 65 years of age or older shall be
16 provided with services cited in subsection a.(3) and (5) of this
17 section and subsection b.(1)-(5), (6) excluding prescribed drugs, (7),
18 (8), (10), (12), (15), and (17) of this section, and nursing facility
19 services cited in subsection b.(13) of this section.

20 (4) Individuals who are blind or **【disabled】** have a disability
21 shall be provided with services cited in subsection a.(3) and (5) of
22 this section and subsection b.(1)-(5), (6) excluding prescribed
23 drugs, (7), (8), (10), (12), (15), and (17) of this section, and nursing
24 facility services cited in subsection b.(13) of this section.

25 (5) (a) Inpatient hospital services, subsection a.(1) of this
26 section, shall only be provided to eligible medically needy
27 individuals, other than pregnant women, if the federal Department
28 of Health and Human Services discontinues the State's waiver to
29 establish inpatient hospital reimbursement rates for the Medicare
30 and Medicaid programs under the authority of section 601(c)(3) of
31 the Social Security Act Amendments of 1983, Pub.L.98-21 (42
32 U.S.C. s.1395ww(c)(5)). Inpatient hospital services may be
33 extended to other eligible medically needy individuals if the federal
34 Department of Health and Human Services directs that these
35 services be included.

36 (b) Outpatient hospital services, subsection a.(2) of this section,
37 shall only be provided to eligible medically needy individuals if the
38 federal Department of Health and Human Services discontinues the
39 State's waiver to establish outpatient hospital reimbursement rates
40 for the Medicare and Medicaid programs under the authority of
41 section 601(c)(3) of the Social Security Amendments of 1983,
42 Pub.L.98-21 (42 U.S.C. s.1395ww(c)(5)). Outpatient hospital
43 services may be extended to all or to certain medically needy
44 individuals if the federal Department of Health and Human Services
45 directs that these services be included. However, the use of
46 outpatient hospital services shall be limited to clinic services and to
47 emergency room services for injuries and significant acute medical
48 conditions.

1 (c) The division shall monitor the use of inpatient and outpatient
2 hospital services by medically needy persons.

3 h. In the case of a qualified **【disabled】** person with a disability
4 and working individual pursuant to section 6408 of Pub.L.101-239
5 (42 U.S.C. s.1396d), the only medical assistance provided under
6 this act shall be the payment of premiums for Medicare part A
7 under 42 U.S.C. ss.1395i-2 and 1395r.

8 i. In the case of a specified low-income Medicare beneficiary
9 pursuant to 42 U.S.C. s.1396a(a)10(E)iii, the only medical
10 assistance provided under this act shall be the payment of premiums
11 for Medicare part B under 42 U.S.C. s.1395r as provided for in 42
12 U.S.C. s.1396d(p)(3)(A)(ii).

13 j. In the case of a qualified individual pursuant to 42 U.S.C.
14 s.1396a(aa), the only medical assistance provided under this act
15 shall be payment for authorized services provided during the period
16 in which the individual requires treatment for breast or cervical
17 cancer, in accordance with criteria established by the commissioner.
18 (cf: P.L.2012, c.17, s.359)

19
20 118. Section 1 of P.L.1981, c.134 (C.30:4D-6.2) is amended to
21 read as follows:

22 1. For the purposes of this act:

23 a. "Certified trained personnel" means **【that the】** one or more
24 individuals directly providing mobility assistance vehicle services
25 **【shall possess】** possessing and **【carry】** carrying upon **【his person】**
26 their persons a current certificate of completion of an advanced
27 medical training course, as determined by the Commissioner of
28 Health **【and Senior Services】**.

29 b. "Division" means the Division of Medical Assistance and
30 Health Services in the Department of Human Services.

31 c. "Mobility assistance vehicle service" means the provision of
32 nonemergency health care transportation, supervised by certified
33 trained personnel, for Medicaid recipients who are sick, **【infirm】**
34 have an infirmity, or **【otherwise disabled Medicaid recipients】** have
35 a disability, and who are under the care and supervision of a
36 physician and whose medical condition is not of sufficient
37 magnitude or gravity to require transportation by ambulance, but
38 does require transportation from place to place for medical care and
39 whose use of an alternate form of transportation, such as taxicab,
40 bus, other public conveyance or private vehicle might create a
41 serious risk to life and health.

42 d. "Medicaid recipient" means any person who is determined to
43 be eligible to receive mobility assistance vehicle services as
44 provided under **【this act】** P.L.1981, c.134 (C.30:4D-6.2 et seq.) and
45 meets the eligibility requirements pursuant to the "New Jersey
46 Medical Assistance and Health Services Act," P.L.1968, c. 413.

1 e. "Provider" means any person, public or private institution,
2 agency or business concern lawfully providing mobility assistance
3 vehicle services authorized under **[this act]** P.L.1981, c.134
4 (C.30:4D-6.2).

5 (cf: P.L.1997, c.102, s.1)

6

7 119. Section 2 of P.L.2010, c.74 (C.30:4D-17.34) is amended to
8 read as follows:

9 2. The Director of the Division of Medical Assistance and
10 Health Services shall evaluate the demonstration project annually to
11 assess: whether cost savings are achieved through implementation
12 of the medical home project; the rates of health screening; and the
13 outcomes and hospitalization rates for persons with chronic
14 illnesses, and the hospitalization and readmission rates for **[the]**
15 persons who are frail and elderly.

16 (cf: P.L.2010, c.74, s.2)

17

18 120. Section 2 of P.L.1987, c.119 (C.30:4F-8) is amended to
19 read as follows:

20 30:4F-8 Definitions.

21 2. As used in this act:

22 a. "Caregiver" means a spouse, parent, child, relative or other
23 person who is 18 years of age or older and who has the primary
24 responsibility of providing daily care for the eligible person and
25 who does not receive financial remuneration for the care.

26 b. "Commissioner" means the Commissioner of the **[State]**
27 Department of Human Services.

28 c. "Co-payment" means financial participation in service costs
29 by the eligible person according to a sliding fee schedule
30 promulgated by the commissioner.

31 d. "Department" means the **[State]** Department of Human
32 Services.

33 e. "Eligible person" means a **[functionally impaired]** person 18
34 years of age or older with a functional impairment who would
35 become at risk of long-term institutional placement if **[his]** the
36 individual's regular caregiver could not continue in that role
37 without the assistance of temporary home and community support
38 services, including respite care. The term includes an eligible
39 veteran as defined in this section.

40 f. **["Functionally impaired"]** "Functional impairment" means
41 the presence of a chronic physical or mental disease, illness, or
42 disability as certified by the physician or a sponsor-provided
43 assessment team, which causes physical dependence on others, and
44 which leaves a person unable to attend to his or her basic daily
45 needs without the substantial assistance or continuous supervision
46 of a caregiver.

- 1 g. "Provider" means a person, public agency, private nonprofit
2 agency or proprietary agency which is licensed, certified, or
3 otherwise approved by the commissioner to supply any service or
4 combination of services described in subsection h. of this section.
- 5 h. "Respite" or "respite care" means the provision of
6 temporary, short-term care for, or the supervision of, an eligible
7 person on behalf of the caregiver, in emergencies or on an
8 intermittent basis to relieve the daily stresses and demands of caring
9 for **the functionally impaired** an adult with a functional
10 impairment. Respite may be provided hourly, daily, overnight, or on
11 weekends, may be paid or volunteer, but may not exceed service
12 and cost limitations as determined by the commissioner. Respite
13 includes, but is not limited to, the following services:
- 14 (1) companion or sitter services;
 - 15 (2) homemaker and personal care services;
 - 16 (3) adult day care;
 - 17 (4) short-term inpatient care in a facility meeting standards
18 which the commissioner determines to be appropriate to provide the
19 care;
 - 20 (5) emergency care; and
 - 21 (6) peer support and training for caregivers.
- 22 i. "Service plan" means a written document agreed upon by the
23 eligible person, the caregiver, and the sponsor. The service plan
24 shall take into account other services and resources available to the
25 eligible person and his caregiver. Services provided pursuant to
26 **this act** P.L.1987, c.119 (C.30:4F-7 et seq.) shall not be used to
27 duplicate or supplant existing services or resources available to the
28 eligible person and **this** the person's caregiver. The plan shall:
- 29 (1) Document the needs of the eligible person and caregiver for
30 respite care services, using a needs assessment procedure provided
31 or approved by the department;
 - 32 (2) Identify the outcomes to be achieved and the specific respite
33 care services to be provided to the eligible person and the caregiver
34 to meet their identified needs;
 - 35 (3) Estimate the frequency and duration of the respite care
36 services;
 - 37 (4) Estimate the total cost of the plan and the co-payment an
38 eligible person is required to contribute toward the cost of services
39 provided under the plan.
- 40 j. "Sponsor" means the county or regional agency, either
41 public or private nonprofit, which contracts with the department to
42 administer the local respite program, and which is responsible for
43 the recruitment of and payment to providers, the general
44 supervision of the local programs, and the submission of
45 information or reports which may be required by the commissioner.
46 Sponsors shall be selected according to criteria established by the
47 commissioner which shall include demonstrated support from the
48 county government. Criteria shall also include the potential

1 sponsor's demonstrated ability to coordinate the funds available for
 2 this program with other funding sources and to obtain matching or
 3 in kind contributions.

4 k. "Eligible veteran" means a person with a functional
 5 impairment arising out of service in the active military or naval
 6 service of the United States in any war or conflict on or after
 7 September 11, 2001 who has been honorably discharged or released
 8 from that service under conditions other than dishonorable, and
 9 meets the requirements for total disability ratings for compensation
 10 based upon unemployability of the individual as determined by the
 11 United States Department of Veterans Affairs.

12 (cf: P.L.2015, c.289, s.1)

13
 14 121. Section 3 of P.L.1987, c.119, s.3 (C.30:4F-9) is amended to
 15 read as follows:

16 3. The commissioner shall establish a Statewide Respite Care
 17 Program within the Department of Human Services to be
 18 administered by sponsors designated by the commissioner.
 19 Allocations of funds for respite services pursuant to **【this act】**
 20 P.L.1987, c.119 (C.30:4F-7 et seq.) to each county or region shall
 21 be based on its share of the targeted population according to the
 22 following formula:

$$\begin{array}{lcl} \text{County Allocation} & = & C \times (A + B) \\ & & (D + E) \end{array}$$

25 here, A equals the county population of persons age 75 years or
 26 older; B equals the county population of **【functionally impaired】**
 27 adults with functional impairments under the age of 75 according to
 28 the most recent data available to the commissioner; C equals the
 29 annual amount of funds appropriated for the purpose of this act,
 30 minus those funds retained for State administration; D equals the
 31 State population of persons age 75 years or older; and E equals the
 32 State population of **【functionally impaired】** adults with functional
 33 impairments under the age of 75.

34 (cf: P.L.1987, c.119, s.3)

35
 36 122. Section 3 of P.L.1983, c.492 (C.30:5B-3) is amended to
 37 read as follows:

38 3. As used in **【this act】** P.L.1983, c.492 (C.30:5B-1 et seq.):

39 a. "Child" means any person under the age of 13.

40 b. "Child care center" or "center" means any facility which is
 41 maintained for the care, development, or supervision of six or more
 42 children who attend the facility for less than 24 hours a day. In the
 43 case of a center operating in a sponsor's home, children who reside
 44 in the home shall not be included when counting the number of
 45 children being served. This term shall include, but shall not be
 46 limited to, day care centers, drop-in centers, nighttime centers,
 47 recreation centers sponsored and operated by a county or municipal
 48 government recreation or park department or agency, day nurseries,

1 nursery and play schools, cooperative child centers, centers for
2 children with special needs, centers serving sick children, infant-
3 toddler programs, school age child care programs, employer
4 supported centers, centers that had been licensed by the Department
5 of Human Services prior to the enactment of the "Child Care Center
6 Licensing Act," P.L.1983, c.492 (C.30:5B-1 et seq.),₂ and
7 kindergartens that are not an integral part of a private educational
8 institution or system offering elementary education in grades
9 kindergarten through sixth, seventh,₂ or eighth. This term shall not
10 include:

11 (1) (Deleted by amendment, P.L.1992, c.95).

12 (2) A program operated by a private school which is run solely
13 for educational purposes. This exclusion shall include
14 kindergartens, prekindergarten programs **【or】** and child care centers
15 that are an integral part of a private educational institution or
16 system offering elementary education in grades kindergarten
17 through sixth, seventh,₂ or eighth;

18 (3) Centers or special classes operated primarily for religious
19 instruction or for the temporary care of children while persons
20 responsible for such children are attending religious services;

21 (4) A program of specialized activity or instruction for children
22 that is not designed or intended for child care purposes, including,
23 but not limited to, Boy Scouts, Girl Scouts, 4-H clubs, and Junior
24 Achievement, and single activity programs such as athletics,
25 gymnastics, hobbies, art, music, and dance and craft instruction,
26 which are supervised by an adult, agency,₂ or institution;

27 (5) Youth camps required to be licensed under the "New Jersey
28 Youth Camp Safety Act," P.L.1973, c.375 (C.26:12-1 et seq.). To
29 qualify for an exemption from licensing under this provision, a
30 program must have a valid and current license as a youth camp
31 issued by the Department of Health **【and Senior Services】**. A youth
32 camp sponsor who also operates a child care center shall secure a
33 license from the Department of Children and Families for the
34 center;

35 (6) Day training centers operated by or under contract with the
36 Division of Developmental Disabilities within the Department of
37 Human Services;

38 (7) Programs operated by the board of education of the local
39 public school district that is responsible for their implementation
40 and management;

41 (8) A program such as that located in a bowling alley, health
42 spa,₂ or other facility in which each child attends for a limited time
43 period while the parent is present and using the facility;

44 (9) A child care program operating within a geographical area,
45 enclave,₂ or facility that is owned or operated by the federal
46 government;

(10) A family day care home that is registered pursuant to the "Family Day Care Provider Registration Act," P.L.1987, c.27 (C.30:5B-16 et seq.); and

(11) 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 with disabilities, pursuant to N.J.S.18A:46-1 et seq.

c. "Commissioner" means the Commissioner of Children and Families.

d. "Department" means the Department of Children and Families.

e. "Parent" means a natural or adoptive parent, guardian, or any other person having responsibility for, or custody of, a child.

f. "Person" means any individual, corporation, company, association, organization, society, firm, partnership, joint stock company, or the State or any political subdivision thereof.

g. "Sponsor" means any person owning or operating a child care center.

(cf: P.L.2006, c.47, s.161)

123. Section 1 of P.L.1981, c.488 (C.30:6-23) is amended to read as follows:

1. The purpose of **【this act】** P.L.1981, c.488 (C.30:6-23 et seq.) is to further the policy of the State to encourage and assist persons who are blind **【and other severely handicapped persons】** or have a severe disability to achieve maximum personal independence through productive employment by assuring a continuous market for their commodities and services, thereby enhancing their dignity and capacity for self-support and minimizing their dependence on welfare and the need for costly institutionalization.

(cf: P.L.1981, c.488, s.1)

124. Section 2 of P.L.1981, c.488 (C.30:6-24) is amended to read as follows:

2. As used in this act:

a. "Blind person" or "person who is blind" means a person whose vision in the better eye with proper correction does not exceed 20/200 or who has a field defect in the better eye with proper correction which contracts the peripheral field so that the diameter of the visual field subtends an angle no greater than 20 degrees.

b. "Central Nonprofit Agency" means the agency designated by the commissioner pursuant to section 6 of **【this act】** P.L.1981, c.488 (C.30:6-28).

c. "Commissioner" means the Commissioner of Human Services.

d. "Rehabilitation facility" means a rehabilitation facility located in this State which qualifies as a charitable organization or

1 institution under the provisions of section 501(c)(3) of the Internal
2 Revenue Code and is conducted on a nonprofit basis for the purpose
3 of carrying out a recognized program of rehabilitation for
4 individuals whose earning capacity is impaired by age or physical
5 or mental **【deficiency】** disability or injury and of providing these
6 individuals with remunerative employment or other occupational
7 rehabilitative activity of an educational or therapeutic nature as
8 defined in section 525.1 et seq. of the regulations adopted pursuant
9 to the federal "Fair Labor Standards Act of 1938," 29 U.S.C. s. 201
10 et seq. and related codes, and which is engaged in the production of
11 commodities or the provision of services in connection with which
12 not less than **【75%】** 75 percent of the total hours of direct labor is
13 performed by **【blind or other severely handicapped】** persons who
14 are blind or who have a severe disability, excluding any hours of
15 supervision, administration, inspection, or shipping.

16 e. "Person with a severe disability" **【"Severely handicapped**
17 **person"】** means a person with a physical, mental, or emotional
18 disability, other than blindness but including a visual impairment,
19 which **【is a substantial handicap to】** substantially impairs
20 employment and prevents that person from currently engaging in
21 **【normal】** typical competitive employment.

22 f. "State agency" means an agency of State government.
23 (cf: P.L.1991, c.147, s.2)
24

25 125. Section 3 of P.L.1981, c.488 (C.30:6-25) is amended to
26 read as follows:

27 There is established in the Department of Human Services, the
28 Commodities and Services Council for **【blind and other severely**
29 **handicapped】** persons who are blind or who have a severe
30 disability. The council shall consist of the Director of the Division
31 of Vocational Rehabilitation Services; the Director of the Division
32 of Purchase and Property; the Chief of the Bureau of State Use
33 Industries; **【the Director of the Division of Development for Small**
34 **Businesses and Women's and Minority Businesses in the**
35 **Department of Commerce and Economic Development;】** the
36 Director of the Division of Developmental Disabilities in the
37 Department of Human Services; the Executive Director of the
38 Commission for the Blind and Visually Impaired; the President of
39 the New Jersey **【Association of Rehabilitation Facilities】**
40 Association for Choices in Community Supports and Employment
41 Services; or their designees; three citizens as at-large members, at
42 least one of whom shall be a **【blind】** person who is blind, and at
43 least one of whom shall represent the private business sector. The
44 at-large members shall be appointed by the Governor, with the
45 advice and consent of the Senate, for terms of three years, except
46 that of the first at-large members appointed, one shall be appointed

1 for a term of three years, one for a term of two years, and one for a
2 term of one year.

3 (cf: P.L.1999, c.91, s.12)

4

5 126. Section 5 of P.L.1981, c.488 (C.30:6-27) is amended to
6 read as follows:

7 The duties of the council shall include:

8 a. Developing through the Central Nonprofit Agency a list of
9 commodities and services which shall be set aside for purchase
10 through approved rehabilitation facilities and establishing a fair
11 market price for those commodities and services.

12 b. Recommending to the commissioner an agency to be
13 designated as the Central Nonprofit Agency.

14 c. Encouraging the purchase of commodities and services of
15 **【blind and other severely handicapped】** persons who are blind or
16 who have a severe disability by political subdivisions of the State.

17 (cf: P.L.1991, c.147, s.4)

18

19 127. Section 5 of P.L.1964, c.226 (C.30:6C-5) is amended to
20 read as follows:

21 5. A person over the age of 21 years believing himself or
22 herself to be **【addicted to the use of narcotics or drugs】** a person
23 with a substance use disorder involving drugs may be admitted to
24 any State or county institution, hospital, or facility certified by the
25 commissioner as having special facilities for the care and treatment
26 of **【drug addicts】** persons with substance use disorders involving
27 drugs and may receive treatment therein. **【If the individual be】** An
28 application for voluntary admission may be made on behalf of a
29 person who believes himself or herself to be a person with a
30 substance use disorder involving drugs, if the person is under the
31 age of 21 years and unmarried **【then such application for his**
32 **voluntary admission may be made on his behalf】**, by a parent,
33 guardian, next of kin, person standing in loco parentis, or by any
34 person having care, custody, and control of such individual. If the
35 superintendent or physician in charge of such hospital or facility
36 certifies that it is in the best interest of **【any such drug addict】** the
37 person with a substance use disorder involving drugs, **【he】** the
38 person may be retained therein for a period not exceeding 30 days
39 for the purpose of care and treatment and thereafter until 15 days
40 after receipt of notice in writing from such person, if **【he】** the
41 person is over the age of 21 years, or if **【he】** the person is under
42 such age, from the **【person】** individual who applied on **【his】** the
43 person's behalf for **【his】** admission, of intention to leave such
44 hospital or facility. At any time prior thereto the superintendent or
45 physician in charge upon filing **【his】** a written certificate with the
46 commissioner, may discharge **【any such drug addict】** the person
47 with a substance use disorder involving drugs who is recovered, or

1 **【if not recovered, is not suitable】** for whom treatment in such
2 facility or hospital is no longer suitable.

3 (cf: P.L.1964, c.226, s.5)

4

5 128. Section 9 of P.L.1964, c.226 (C.30:6C-9) is amended to
6 read as follows:

7 9. Nothing herein contained shall be deemed to restrict the use
8 of the writ of habeas corpus. If a writ of habeas corpus **【be】** is
9 obtained **【in】** on behalf of any person confined in a hospital or
10 facility **【and】** who is receiving treatment for **【drug addiction】** a
11 substance use disorder involving drugs, and if it appears at the
12 hearing on the return of **【such】** the writ that the condition of **【such】**
13 the person is such as to require further treatment for **【drug**
14 **addiction】** a substance use disorder involving drugs, then **【such】**
15 the person shall be remanded to the care and custody of **【such】** a
16 hospital or facility until such time as it appears that **【such】** the
17 person is no longer in need of institutional care or treatment for
18 **【drug addiction】** a substance use disorder involving drugs as
19 provided in **【this act】** P.L.1964, c.226 (C.30:6C-1 et seq.) and may
20 properly be discharged.

21 (cf: P.L.1964, c.226, s.9)

22

23 129. Section 10 of P.L.1968, c.356 (C.30:11-20) is amended to
24 read as follows:

25 10. The Commissioner of **【the Department of】** Health **【and**
26 **Senior Services】**, subject to the approval of the Governor, shall
27 appoint a Nursing Home Administrator's Licensing Board which
28 shall consist of the Commissioner of the Department of Human
29 Services; the Commissioner of the Department of Health **【and**
30 **Senior Services】**, and seven nursing home administrators of
31 recognized ability, two of whom shall be registered nurses who are
32 graduates of accredited schools of nursing, licensed by the New
33 Jersey State Board of Nursing to practice nursing in this State, one
34 of whom shall be a fellow of the American College of **【Nursing**
35 **Home】** Health Care Administrators, one of whom shall be a
36 member of the American College of **【Nursing Home】** Health Care
37 Administrators, one of whom shall be an administrator of a
38 governmentally operated nursing home, one of whom shall be an
39 administrator of a nonprofit home for the aged with a licensed
40 infirmary, and one of whom shall be an administrator of a
41 proprietary nursing home. There shall be appointed six additional
42 members who shall be representative of the professions and
43 institutions concerned with the care and treatment of **【chronically**
44 **ill or infirm elderly patients】** patients who are elderly and who have
45 a chronic illness or infirmity other than nursing home
46 administrators or persons associated with nursing homes, one of

1 whom shall be a physician licensed to practice medicine in this
2 State, but in no event shall a majority of the board be representative
3 of a single professional or institutional category. Any
4 noninstitutional member of the board, which does not include
5 nursing home administrators, shall have no direct financial interest
6 in nursing homes. Each member of the board who is a nursing
7 home administrator shall have a minimum of not less than five
8 years' experience as an administrator in the supervision of a
9 convalescent home or private nursing home and shall at all times
10 be licensed as a nursing home administrator pursuant to the terms of
11 this act. The board shall be appointed for terms of four years,
12 except when appointed to complete an unexpired term. Members
13 whose terms shall expire shall hold office until appointment of their
14 successors. Members may be reappointed for one additional term.
15 They shall serve without compensation, but shall be reimbursed for
16 actual expenses incurred in the performance of their official duties.
17 (cf: P.L.1997, c.110, s.1)

18

19 130. R.S.30:12-2 is amended to read as follows:

20 30:12-2. No person, corporation, or association, except
21 municipal corporations or corporations not organized for pecuniary
22 profit, shall establish or maintain for profit any hospital **[,]** or other
23 institution for persons **[afflicted with]** who have communicable
24 diseases without first having obtained the consent by resolution or
25 ordinance of the governing board or body of the municipality within
26 which the institution is to be established.

27 Notice of application for such consent, setting forth the time and
28 place at which the application will be presented, the name of the
29 applicant, and the exact location of the proposed institution shall be
30 given by publication for at least **[2]** two weeks in one or more
31 newspapers published and circulated in the municipality, or if none
32 be published therein, by posting in ten of the most public places in
33 such municipality at least 14 days before the meeting at which the
34 application will be presented.

35 (cf: P.L.1977, c.63, s.22)

36

37 131. Section 2 of P.L.1976, c.120 (C.30:13-2) is amended to
38 read as follows:

39 2. For the purposes of this act:

40 a. "Administrator" means any individual who is charged with
41 the general administration or supervision of a nursing home whether
42 or not such individual has an ownership interest in such home and
43 whether or not **[his]** the individual's function and duties are shared
44 with one or more other individuals.

45 b. "Guardian" means a person, appointed by a court of
46 competent jurisdiction, who shall have the right to manage the
47 financial affairs and protect the rights of any nursing home resident
48 who has been declared an incapacitated person. In no case shall the

1 guardian of a nursing home resident be affiliated with a nursing
2 home, its operations, its staff personnel, or a nursing home
3 administrator in any manner whatsoever.

4 c. "Nursing home" means any institution, whether operated for
5 profit or not, which maintains and operates facilities for extended
6 medical and nursing treatment or care for two or more nonrelated
7 individuals **【who are suffering from】** with acute or chronic illness
8 or injury, or **【are crippled, convalescent or infirm】** a physical
9 disability, or who are convalescing, or who are in need of assistance
10 or supervision in bathing, dressing, or some other type of
11 supervision, and are in need of such treatment or care on a
12 continuing basis. **【Infirm is construed to mean that an individual is**
13 **in need of assistance in bathing, dressing or some type of**
14 **supervision.】**

15 d. "Reasonable hour" means any time between the hours of 8
16 a.m. and 8 p.m. daily.

17 e. "Resident" means any individual receiving extended medical
18 or nursing treatment or care at a nursing home.
19 (cf: P.L.1997, c.379, s.8)

20

21 132. Section 1 of P.L.1962, c.91 (C.34:2-21.57) is amended to
22 read as follows:

23 1. As used in this act:

24 a. "Professional employment" means employment for pay as
25 an actor or performer in a theatrical production.

26 b. "Theatrical production" means and includes stage, motion
27 picture and television performances and rehearsals therefor.

28 c. "Prohibited performance" means and includes appearances
29 as a rope or wire walker or rider, gymnast, wrestler, boxer,
30 contortionist, acrobat, rider of a horse or other animal unless the
31 minor is trained to safely ride such horse or animal, or rider of any
32 vehicle other than that generally used by a minor of the same age,
33 or appearance in any illegal, indecent, or immoral exhibition,
34 practice, or theatrical production or in any practice, exhibition, or
35 theatrical production dangerous to the life, limb, health or morals of
36 a minor, or appearance or exhibition of **【any physically deformed or**
37 **mentally deficient minor】** a minor with a physical or mental
38 disability.

39 (cf: P.L.1981, c.331, s.4)

40

41 133. Section 1 of P.L.1955, c.64 (C.34:16-20) is amended to
42 read as follows:

43 1. As used in this chapter:

44 **【"Commission"】** "Division" means the **【State Rehabilitation**
45 **Commission, Department of Labor and Industry】** Division of
46 Vocational Rehabilitation Services in the Department of Labor and

1 Workforce Development, for the rehabilitation of **【handicapped】**
2 persons with disabilities.

3 "Maintenance" means payments to cover the **【handicapped**
4 individual's**】** basic living expenses of a person with a disability,
5 such as: food, shelter, clothing, health maintenance, and other
6 subsistence expenses essential to achievement of the individual's
7 vocational rehabilitation or independent living rehabilitation
8 objective.

9 **【"Handicapped individual"】** "Individual with a disability"
10 means, for the purpose of vocational rehabilitation services, any
11 individual who **【is under】** has a physical or mental disability which
12 constitutes a substantial **【handicap】** impediment to employment,
13 but which is of such a nature that vocational rehabilitation services
14 may reasonably be expected to **【render him fit to engage in a**
15 **gainful occupation】** give the individual suitable skills to achieve
16 gainful employment outcomes.

17 **【"Severely handicapped individual"】** "Individual with a severe
18 disability" means, for the purpose of independent living
19 rehabilitation services, an individual who **【is under such】** has a
20 physical or mental disability, as defined by rules and regulations of
21 the **【commission】** division, as to require institutional care or
22 nursing home care or attendance in **【his】** the individual's household
23 continuously or for a substantial portion of the time, but who
24 reasonably can be expected as a result of independent living
25 rehabilitation services to achieve an independent living status.

26 "Independent living status" means that degree of independence
27 for **【severely handicapped】** individuals with severe disabilities
28 which will eliminate the need for institutional care or nursing home
29 care or eliminate or substantially reduce the need for an attendant's
30 care at home and which may in many instances make such persons
31 capable of achieving vocational rehabilitation.

32 "Prosthetic device" means any appliance designed to support or
33 take the place of a part of the body, or to increase the acuity of a
34 sensory organ.

35 "Vocational rehabilitation services" means diagnostic and related
36 services (including transportation) incidental to the determination of
37 eligibility for and the nature and scope of services to be provided;
38 training, books, and training material, including necessary small
39 tools, such prosthetic devices as are essential to obtaining or
40 retaining employment, occupational licenses, guidance and
41 placement services for **【handicapped】** individuals with disabilities;
42 and in the case of **【any such】** an individual found to require
43 financial assistance with respect **【thereto】** to these services, after
44 full consideration of **【his】** the individual's eligibility for any
45 similar benefit by way of pension, compensation, and insurance,
46 any other goods and services necessary to **【render such individual**

1 fit to engage in a gainful occupation】 give the individual suitable
2 skills to achieve gainful employment outcomes (including gainful
3 homebound work), including but not limited to the following
4 physical 【restoration】 rehabilitation and other goods and services:
5 (1) Corrective surgery or therapeutic treatment to correct or
6 improve a physical or mental condition which constitutes a
7 substantial 【handicap】 impediment to employment;
8 (2) Necessary hospitalization in connection with surgery or
9 treatment specified in paragraph 【1】 (1);
10 (3) Maintenance, not exceeding the estimated cost of
11 subsistence, during rehabilitation;
12 (4) Tools, equipment, initial stocks, and supplies, including
13 equipment and initial stocks and supplies for vending stands;
14 (5) Transportation (except where necessary in connection with
15 determination of eligibility or nature and scope of services).
16 (6) Acquisition of vending stands or other equipment, and initial
17 stocks and supplies for small business enterprises conducted by
18 【severely handicapped】 individuals with severe disabilities under
19 the supervision of the State agency;
20 (7) The establishment of public and other nonprofit
21 rehabilitation facilities to provide services for 【handicapped】
22 individuals with disabilities and the establishment of public and
23 other nonprofit workshops for 【the severely handicapped】
24 individuals with severe disabilities.
25 "Vocational rehabilitation services" (for purposes of the
26 determination of rehabilitation potential) also means【,】: diagnosis
27 and related services (including transportation), training, books, and
28 training material, including necessary small tools, prosthetic
29 devices, and guidance, which are provided to an individual who has
30 a physical or mental disability which constitutes a substantial
31 【handicap】 impediment to employment, during the period specified
32 to be necessary for and which are provided for the purpose of
33 ascertaining whether it may be reasonably expected that 【such】 the
34 individual will be 【rendered fit to engage in a gainful occupation】
35 able to achieve gainful employment through the provision of goods
36 and services described in the preceding paragraph; and in the case
37 of any such individual found to require financial assistance with
38 respect thereto, after full consideration of 【his】 the individual's
39 eligibility for any similar benefit by way of pension, compensation,
40 and insurance, any other goods and services necessary to the
41 determination of a rehabilitation potential, including but not limited
42 to physical 【restoration】 rehabilitation and other goods and
43 services.
44 "Independent living rehabilitation service" means counseling,
45 diagnostic, and related services (including transportation) 【rendered
46 severely handicapped individuals】 provided to individuals with

1 severe disabilities, and needed prosthetic appliances, books **【and】**
2 training materials, and other devices which will contribute to
3 independent living, training in the use **【thereof】** of these devices,
4 and in the case of any **【such】** individual found to require financial
5 assistance with respect thereto, after full consideration of **【his】** the
6 individual's eligibility for any similar benefits by way of pension,
7 compensation, and insurance, such term shall include but shall not
8 be limited to the following: (1) physical **【restoration】** rehabilitation
9 and related services, including corrective surgery, therapeutic
10 treatment, and hospitalization; (2) maintenance needed to assure the
11 availability of such services, not exceeding the estimated cost of
12 subsistence; (3) such rehabilitation services necessary for the
13 achievement of independent living status.

14 "Rehabilitation facility" means a facility operated for the primary
15 purpose of assisting in the vocational rehabilitation and independent
16 living rehabilitation of **【handicapped and severely handicapped**
17 **individuals】** individuals with disabilities and individuals with
18 severe disabilities, (1) which provides one or more of the following
19 types of service: testing, fitting, or training in the use of prosthetic
20 devices; prevocational or conditioning therapy; physical or
21 occupational therapy, adjustment training, evaluation, treatment, or
22 control of **【special】** disabilities; or (2) through which is provided an
23 integrated program of medical, psychological, social and vocational
24 evaluation and services under competent professional supervision;
25 provided, that the major portion of such evaluation and service is
26 furnished within the facility, and that all medical and related health
27 services are prescribed by, or under the formal supervision of,
28 persons licensed to practice medicine or surgery in the State.

29 "Workshop" means a place where any manufacture or handiwork
30 is carried on, and which is operated for the primary purpose of
31 providing gainful employment to **【handicapped】** individuals with
32 disabilities (1) as an interim step in the rehabilitation process for
33 those who cannot be readily absorbed in the competitive labor
34 market; or (2) during such time as employment opportunities for
35 **【them】** individuals with disabilities in the competitive labor market
36 do not exist.

37 "Gainful **【occupation】** employment" includes employment in the
38 competitive labor market; practice of a profession; self-
39 employment; homemaking, farm, or family work (including work
40 for which payment is in kind rather than cash); sheltered
41 employment; and home industries or other homebound work of a
42 gainful nature.

43 (cf: P.L.1969, c.91, s.1)

44

45 134. Section 8 of P.L.1955, c.64 (C.34:16-27) is amended to
46 read as follows:

47 8. The **【commission】** division shall be authorized to:

- 1 (a) Adopt and promulgate such rules and regulations as may be
2 necessary to carry out the provisions of **【this act】** P.L.1955, c.64
3 (C.34:16-20 et seq.).
- 4 (b) Provide vocational rehabilitation and independent living
5 rehabilitation services, directly or through public or private
6 instrumentalities, to eligible **【handicapped】** individuals with
7 disabilities without discrimination as to sex, race, color, creed, or
8 national origin, except that the **【commission】** division shall not
9 duplicate services provided for **【blind】** persons who are blind
10 **【under the care of】** through the **【State commission to ameliorate the**
11 **condition of the blind】** Commission for the Blind and Visually
12 Impaired and **【deaf】** persons who are deaf or hard of hearing
13 **【under the care of the Marie H. Katzenbach】** through the New
14 Jersey School for the Deaf, Katzenbach Campus, nor shall the
15 **【commission】** division provide services for persons who in its
16 judgment **【are not feasible for】** will not benefit from rehabilitation.
17 In case vocational rehabilitation and independent living
18 rehabilitation services cannot be provided to all eligible
19 **【handicapped persons】** individuals with disabilities who apply for
20 such services, the **【commission】** division shall provide, by
21 regulation, the order to be followed in selecting those to whom such
22 services will be provided.
- 23 (c) Construct or establish and operate rehabilitation facilities
24 and workshops, which may include residential accommodations
25 related to the rehabilitation of **【handicapped】** individuals with
26 disabilities and make grants to public and other nonprofit
27 organizations for such purposes.
- 28 (d) Establish and supervise the operation of vending stands and
29 other small businesses established pursuant to **【this act】** P.L.1955,
30 c.64 (C.34:16-20 et seq.) to be conducted by **【severely**
31 **handicapped】** individuals with severe disabilities.
- 32 (e) Make studies, investigations, demonstrations, and reports,
33 and provide training and instruction (including the establishment
34 and maintenance of such research fellowships and traineeships with
35 such stipends and allowances as may be deemed necessary) in
36 matters relating to vocational rehabilitation and independent living
37 rehabilitation.
- 38 (f) Enter into reciprocal agreements with other **【States】** states
39 to provide for the vocational rehabilitation and independent living
40 rehabilitation of residents of the **【States】** states concerned.
- 41 (g) Accept and use gifts made, by will or otherwise, for carrying
42 out the purposes of this chapter. Gifts made under such conditions
43 as in the judgment of the **【commission】** division are proper and
44 consistent with the provisions of this chapter, may be accepted,
45 held, invested, reinvested, or used in accordance with the
46 conditions, if any, of the gift.

1 (h) Take such action as it deems necessary or appropriate to
2 carry out the purposes of **【this act】** P.L.1955, c.64 (C.34:16-20 et
3 seq.).

4 (cf: P.L.2007, c.39, s.4)

5
6 135. Section 2 of P.L.1971, c.272 (C.34:16-40) is amended to
7 read as follows:

8 2. As used in **【this act】** P.L.1971, c.272 (C.34:16-39 et seq.):

9 a. "Sheltered workshop" means an occupation oriented facility
10 operated by a nonprofit agency, public or private, which except for
11 its staff, employs only **【handicapped】** persons with disabilities;

12 b. "Division" means the Division of Vocational Rehabilitation
13 Services in the Department of Labor and **【Industry】** Workforce
14 Development;

15 c. "Commission" means the New Jersey Commission for the
16 Blind and Visually Impaired in the Department of Human Services;

17 d. "Extended employee" means a **【severely handicapped】**
18 person with a severe disability who meets the following
19 requirements: (1) shall have completed a prescribed workshop
20 program; (2) shall have been found, due to the nature and severity
21 of **【his】** the person's disability to be incapable of competing in the
22 open or customary labor market; and (3) shall have been certified as
23 being an extended employee by the staff of the division or the
24 commission; or (4) shall have been certified by the division or the
25 commission as an extended employee qualified to perform
26 industrial homework under the supervision of a sheltered workshop;

27 e. "Extended employment program" means a program
28 designed for those persons with disabilities whose **【handicapped**
29 **conditions fit them only for】** disabilities make sheltered
30 employment in a sheltered workshop or in performance of industrial
31 homework under the supervision of a sheltered workshop, after
32 completion of a certified program of vocational evaluation and
33 training the only suitable form of employment, or for those
34 **【severely handicapped】** persons with severe disabilities who were
35 not eligible for vocational rehabilitation services under laws and
36 regulations in effect at the date of enactment of this act and who
37 could benefit from the provisions of this act.

38 (cf: P.L.1979, c.335, s.1)

39
40 136. Section 4 of P.L.1971, c.272 (C.34:16-42) is amended to
41 read as follows:

42 4. The division is hereby authorized to contract with an
43 approved sheltered workshop for the furnishing of extended
44 employment programs to **【severely handicapped】** persons with
45 severe disabilities when it shall appear to the satisfaction of the
46 division, or upon certification to the division by the commission,
47 that a **【severely handicapped】** person with a severe disability could

1 reasonably be expected to benefit from, or reasonably requires,
2 extended rehabilitation services. The division is authorized to
3 contract for the payment of a sum for each **【severely handicapped】**
4 person with a severe disability not exceeding the amount
5 appropriated for the purposes of **【this act】** P.L.1971, c.272
6 (C.34:16-39 et seq.) toward the cost of providing an extended
7 employment program pursuant to this act.
8 (cf: P.L.1979, c.335, s.3)
9

10 137. Section 5 of P.L.1971, c.272 (C.34:16-43) is amended to
11 read as follows:

12 5. The division and the commission are hereby vested with the
13 authority:

14 a. to determine the eligibility of **【severely handicapped】**
15 persons with severe disabilities for the extended employment
16 program in consultation with the sheltered workshops providing the
17 program;

18 b. to establish standards of staffing, physical plant and services
19 required for the operation of facilities of sheltered workshops
20 furnishing services under **【this act】** P.L.1971, c.272 (C.34:16-39 et
21 seq.) by contract with the State; and

22 c. to require an appropriate progress report on each individual
23 participating in the extended employment program.

24 (cf: P.L.1979, c.335, s.4)
25

26 138. Section 1 of P.L.1975, c.350 (C.34:16-45) is amended to
27 read as follows:

28 1. It is the policy of the State to assist **【handicapped】** persons
29 with disabilities and organizations established to aid **【handicapped】**
30 persons with disabilities in the sale of goods or **【article】** articles
31 which are the product of **【handicapped workers'】** the labor of
32 persons with disabilities by providing a means of authenticating the
33 source of such goods and articles and by preventing
34 misrepresentation as to items offered for sale as the product of
35 **【handicapped】** persons with disabilities.

36 (cf: P.L.1975, c.350, s.1)
37

38 139. Section 2 of P.L.1975, c.350 (C.34:16-46) is amended to
39 read as follows:

40 As used in this act:

41 a. "**【Handicapped person】** Person with a disability" means any
42 individual who is unable to engage in any substantial gainful
43 **【activity】** employment by reason of any medically determinable
44 physical or mental impairment which is of a long-continued or
45 indefinite duration or which can be expected to result in death.

46 b. "Direct labor" means all work required for the preparation,
47 processing, and assembling of goods or articles including the

1 packaging and packing thereof, but not including time spent in the
2 supervision, administration, inspection, and shipping of such
3 operations, or in the production of component materials by other
4 than **【handicapped】** persons with disabilities.

5 (cf: P.L.1975, c.350, s.2)

6
7 140. Section 3 of P.L.1975, c.350 (C.34:16-47) is amended to
8 read as follows:

9 3. To facilitate ready and authoritative identification of goods or
10 articles made by **【handicapped】** persons with disabilities, any
11 **【handicapped】** person with a disability and any public or private
12 institution or agency, firm, association, or corporation engaged in
13 the manufacture or distribution of goods or articles made by
14 **【handicapped】** persons with disabilities shall apply to the division
15 for registration and authorization to use an official imprint, stamp,
16 symbol, or label, designed or approved by the division, to identify
17 goods and articles as made by **【handicapped】** persons with
18 disabilities. Nothing in **【this act】** P.L.1975, c.350 (C.34:16-45 et
19 seq.) shall authorize the identification of goods or articles as made
20 by **【handicapped】** persons with disabilities when the direct labor
21 performed by **【handicapped】** persons with disabilities in connection
22 therewith shall consist solely of the packaging or packing thereof as
23 distinguished from the preparation, processing, or assembling of
24 such goods or articles. The division shall investigate each
25 application, under rules and regulations it shall adopt for the
26 administration of **【this act】** P.L.1975, c.350 (C.34:16-45 et seq.), to
27 assure that such person or organization is actually engaged in the
28 manufacture or distribution of **【handicapped】** goods or articles
29 made by persons with disabilities. The division may register
30 without investigation nonresident individuals and out-of-state
31 agencies, firms, associations, or corporations upon proof that they
32 are recognized and approved by the state of their residence or
33 organized pursuant to a law of such state imposing requirements
34 substantially similar to those prescribed pursuant to **【this act】**
35 P.L.1975, c.350 (C.34:16-45 et seq.).

36 No fee shall be charged for registration of an individual
37 **【handicapped】** person with a disability who manufactures and sells
38 products of **【his】** the person's own labor. A fee of **【\$25.00】** \$25
39 shall be charged and collected for registration of any other person,
40 firm, or corporation. All registrations shall be valid for **【1】** one
41 year from date of issue.

42 (cf: P.L.1979, c.335, s.5)

43
44 141. Section 4 of P.L.1975, c.350 (C.34:16-48) is amended to
45 read as follows:

46 4. No goods or articles made in this or any other state may be
47 displayed, advertised, solicited for sale by telephone, mail or

1 otherwise, offered for sale, or sold in this State upon a
2 representation that such goods or articles are made by
3 **【handicapped】** persons with disabilities unless they are identified as
4 such by label, imprint, stamp, or symbol and no such goods or
5 articles may be so identified unless at least **【75%】** 75 percent of the
6 total hours of direct labor of producing such goods or articles shall
7 have been performed by **【a handicapped person or】** one or more
8 persons with a disability.
9 (cf: P.L.1975, c.350, s.4)

10
11 142. Section 5 of P.L.1975, c.350 (C.34:16-49) is amended to
12 read as follows:

13 5. Any **【handicapped】** worker with a disability, or any public or
14 private institution or agency, corporation, firm, or association,
15 registered with the division pursuant to **【this act】** P.L.1975, c.350
16 (C.34:16-45 et seq.), engaged in the manufacture or distribution of
17 articles of merchandise, made or manufactured by a **【handicapped】**
18 person or persons with a disability, shall imprint or stamp upon
19 such articles of merchandise or affix thereto labels containing the
20 words, "made by a **【handicapped worker】** or "made by the
21 handicapped" or "handicapped made," **【】** worker with a disability,"
22 to which shall be added the name of the manufacturer, the place of
23 manufacture, and such other information as the division may
24 prescribe.
25 (cf: P.L.1979, c.335, s.6)

26
27 143. Section 6 of P.L.1975, c.350 (C.34:16-50) is amended to
28 read as follows:

29 6. Any person, firm, corporation, institution, or association who
30 (a) shall use or employ an imprint, stamp, or symbol or label issued
31 or approved by the division or an imitation thereof without having
32 registered with the division, or (b) who shall directly or indirectly
33 by any means indicate or tend to indicate or represent that the goods
34 or articles were made by a **【handicapped】** person or persons with a
35 disability when in fact such goods or articles were not so made, or
36 (c) who shall directly or indirectly by any means indicate or tend to
37 indicate or represent that the goods or articles were sold by or for
38 the benefit of **【the handicapped】** persons with disabilities when in
39 fact such sale was not by or of substantial benefit to a
40 **【handicapped】** person or persons with a disability is a disorderly
41 person.
42 (cf: P.L.1979, c.335, s.7)

43
44 144. Section 2 of P.L.1987, c.455 (C.34:16-52) is amended to
45 read as follows:

46 2. As used in this act:

- 1 a. "Division" means the Division of Vocational Rehabilitation
2 Services in the Department of Labor and Workforce Development.
- 3 b. **["Handicapped citizen"]** "Citizen with a disability" means
4 any individual who, by reason of illness, injury, age, congenital
5 **【malfunction】** condition, or other permanent or temporary
6 incapacity or disability, is unable without special facilities or
7 special planning or design to utilize mass transportation facilities
8 and services as effectively as persons who are not so affected.
- 9 c. "Paratransit" means and includes any service, other than
10 motorbus regular route service and charter services, including, but
11 not limited to, dial-a-ride, nonregular route, jitney or community
12 minibus, and shared-ride services such as vanpools, limousines, or
13 taxicabs which are regularly available to the public. Paratransit
14 shall not include limousine or taxicab service reserved for the
15 private and exclusive use of individual passengers.
- 16 d. "Public transportation" means all rail passenger service
17 operated by the New Jersey Transit Corporation, and all motorbus
18 regular route service operated pursuant to P.L.1979, c.150 (C.27:25-
19 1 et seq.) or operated pursuant to R.S.48:4-3.
- 20 e. "Sheltered (extended) employment programs" means those
21 programs established pursuant to regulations adopted pursuant to
22 section 8 of P.L.1955, c.64 (C.34:16-27).
- 23 f. "Sheltered workshop" means a facility possessing a valid
24 certificate to vend services to the division issued by the director
25 thereof, in compliance with the rules and regulations governing
26 vocational rehabilitation facilities.
27 (cf: P.L.1987, c.455, s.2)

28
29 145. Section 3 of P.L.1987, c.455 (C.34:16-53) is amended to
30 read as follows:

- 31 3. The Commissioner of Labor and Workforce Development is
32 directed to establish and implement within 120 days of the effective
33 date of this act a program to be administered by the division to
34 defray the public transportation or paratransit expenses of
35 **【handicapped】** citizens with disabilities enrolled in sheltered
36 (extended) employment programs at sheltered workshops. The
37 program may provide for the defraying of these expenses by the
38 purchase of bus cards or other appropriate methods as prescribed by
39 the commissioner.

40 (cf: P.L.1987, c.455, s.3)

41

42 146. Section 2 of P.L.1947, c.263 (C.38:18A-2) is amended to
43 read as follows:

- 44 2. A veteran who served in the active military or naval forces
45 of the United States and who **【is suffering from paraplegia and】** has
46 paraplegia or permanent paralysis of both legs and lower parts of
47 the body, or who **【is suffering from osteochondritis and】** has

1 osteochondritis or permanent loss of the use of both legs, or who **is**
2 suffering from hemiplegia and **has** hemiplegia or permanent
3 paralysis of one leg and one arm or either side of the body, resulting
4 from injury to the spinal cord, skeletal structure, or brain, or who
5 has **suffered amputation of** had both hands, both feet, or one hand
6 and one foot amputated, or who has lost the use of both feet or both
7 legs, due to multiple sclerosis, sustained through enemy action, or
8 accident, or resulting from disease contracted while in **[such]**
9 active military or naval service, shall be paid for the term of **[his]**
10 the veteran's life, and upon **[his]** the veteran's death **[his]** the
11 surviving spouse, domestic partner, or partner in civil union shall be
12 paid, the sum of **[\$750.00]** \$750 annually in monthly payments.
13 Such payments shall be due and payable from the date of discharge
14 or release of the **[soldier]** veteran if application therefor shall be
15 made within one year from the date of such discharge or release. If
16 the application shall be made after one year from the date of
17 discharge or release of the **[soldier]** veteran, such payment shall be
18 due and payable from the date of such application. Accrued
19 payments to the date of certification shall be paid in one lump sum.

20 Nothing in **[this act]** P.L.1947, c.263 (C.38:18A-1 et seq.) shall
21 be intended to include paraplegia or hemiplegia resulting from
22 locomotor ataxia or other forms of syphilis of the central nervous
23 system or from chronic **[alcoholism]** alcohol use disorder, or to
24 include other forms of disease resulting from the veteran's own
25 misconduct which may produce signs and symptoms similar to
26 those resulting from paraplegia, osteochondritis, hemiplegia, or
27 multiple sclerosis.

28 (cf: P.L.1985, c.116, s.3)

29

30 147. Section 14 of P.L.1987, c.444 (C.38A:3-13) is amended to
31 read as follows:

32 14. The plan of veterans' preference in private employment shall
33 provide for the fixing of a quota of veterans by the Adjutant
34 General for all participating employers, but may not require any
35 employed worker to be discharged. The plan shall also provide for
36 the classification of **[disabled]** veterans with disabilities in suitable
37 occupations **[for which they would not be handicapped]**, and for
38 first preference in such occupations **[for such disabled veterans]**.

39 (cf: P.L.1987, c.444, s.14)

40

41 148. Section 110 of P.L.2003, c.13 (C.39:2A-38) is amended to
42 read as follows:

43 110. In addition to the vehicle registration fees imposed pursuant
44 to the provisions of chapters 3, 4, and 8 of Title 39 of the Revised
45 Statutes, the commission shall impose and collect an additional \$7
46 for each new and renewal vehicle registration as a security
47 surcharge, which surcharge shall take effect on the enactment of

1 P.L.2003, c.13 (C.39:2A-1 et al.). The security surcharges collected
2 pursuant to this section shall be revenues of the commission and
3 shall not be subject to the calculation of proportional revenue
4 remitted to the commission pursuant to section 105 of P.L.2003,
5 c.13 (C.39:2A-36). The security surcharge shall not be imposed on
6 the registration of passenger vehicles registered to persons
7 possessing a valid **【handicapped person】** identification card for a
8 person with a disability issued pursuant to section 2 of P.L.1949,
9 c.280 (C.39:4-205) or to persons aged 65 years of age or older at
10 the time of registration or registration renewal. Revenues of the
11 commission shall not be subject to appropriation as direct State
12 services by the Legislature. In addition, the revenues of the
13 commission shall not be restricted from use by the commission in
14 any manner except as provided by law. Revenues of the
15 commission may be used in the furtherance of any purpose of the
16 commission or as otherwise provided for in law.

17 (cf: P.L.2007, c.335, s.17)

18

19 149. R.S.39:3-8 is amended to read as follows:

20 39:3-8. The applicant for registration for any passenger
21 automobile manufactured in any model year prior to the 1971 model
22 year shall pay to the chief administrator for each registration a fee
23 of \$14 for each such vehicle having a manufacturer's shipping
24 weight of less than 2,700 pounds, a fee of \$23 for each such vehicle
25 having a manufacturer's shipping weight of 2,700 pounds or more,
26 but not greater than 3,800 pounds, and a fee of \$44 for each vehicle
27 having a manufacturer's shipping weight in excess of 3,800 pounds;
28 provided, however, an applicant who has been issued **【a**
29 **handicapped person】** an identification card for a person with a
30 disability pursuant to section 2 of P.L.1949, c.280 (C.39:4-205) and
31 is registering a private passenger van manufactured in any model
32 year prior to the 1971 model year which has been equipped with a
33 wheelchair lift **【for the handicapped】**, or any other specially
34 designed mechanical device for **【the handicapped】** persons with
35 disabilities as designated by the chief administrator that specifically
36 requires installation only in a private passenger van because of the
37 device's dimensions, operating characteristics, or manufacturer's
38 installation requirements, shall pay a fee of \$14 for that vehicle.
39 The applicant for registration for any passenger automobile
40 manufactured in model year 1971 and thereafter, except as
41 determined hereinafter, shall pay to the chief administrator for each
42 registration a fee of \$17 for each such vehicle having a
43 manufacturer's shipping weight of less than 2,700 pounds, a fee of
44 \$28 for each such vehicle having a manufacturer's shipping weight
45 of 2,700 pounds or more, but not greater than 3,800 pounds, and a
46 fee of \$51 for each such vehicle having a manufacturer's shipping
47 weight in excess of 3,800 pounds; provided, however, an applicant

1 who has been issued **【a handicapped person】** an identification card
2 for a person with a disability pursuant to section 2 of P.L.1949,
3 c.280 (C.39:4-205) and is registering a private passenger van
4 manufactured in model year 1971 or thereafter, except as
5 determined hereinafter, which has been equipped with a wheelchair
6 lift **【for the handicapped】**, or any other specially designed
7 mechanical device for **【the handicapped】** persons with disabilities
8 as designated by the chief administrator that specifically requires
9 installation only in a private passenger van because of the device's
10 dimensions, operating characteristics, or manufacturer's installation
11 requirements, shall pay a fee of \$17 for that vehicle. The applicant
12 for registration for any 1980 or thereafter model year passenger
13 automobile registered on or after March 1, 1979 shall pay to the
14 chief administrator for each registration a fee of \$25 for each such
15 vehicle having a manufacturer's shipping weight not greater than
16 3,500 pounds and a fee of \$50 for each vehicle having a
17 manufacturer's shipping weight in excess of 3,500 pounds;
18 provided, however, an applicant who has been issued **【a**
19 **handicapped person】** an identification card for a person with a
20 disability pursuant to section 2 of P.L.1949, c.280 (C.39:4-205) and
21 is registering any 1980 or thereafter model year private passenger
22 van which has been equipped with a wheelchair lift **【for the**
23 **handicapped】**, or any other specially designed mechanical device
24 for **【the handicapped】** persons with disabilities as designated by the
25 chief administrator that specifically requires installation only in a
26 private passenger van because of the device's dimensions, operating
27 characteristics, or manufacturer's installation requirements, shall
28 pay a fee of \$25 for that vehicle. Notwithstanding any other
29 provision of law to the contrary, the applicant for registration for
30 any new passenger automobile, for which the registration will
31 expire on the last day of the 48th calendar month following the
32 calendar month in which it was first issued, or for the term of the
33 lease if the new passenger automobile is a leased motor vehicle
34 subject to an extended registration period pursuant to R.S.39:3-4,
35 shall prepay to the chief administrator the full amount due for the
36 48-month term, or the full amount due based upon the term of the
37 lease if the new passenger automobile is a leased motor vehicle,
38 upon the initial registration. The portion of that prepayment that is
39 dedicated to specific purposes in accordance with section 110 of
40 P.L.2003, c.13 (C.39:2A-38) and subsections a. and b. of section 1
41 of P.L.1992, c.87 (C.39:3-8.2) shall be deposited in their respective
42 dedicated accounts. The chief administrator shall determine the
43 manufacturer's shipping weight and model year for each passenger
44 automobile on the basis of the information contained in the
45 certificate of origin, the application for registration or for renewal
46 of registration, or the records of the division, or any or all of these;
47 and any case in which the manufacturer's shipping weight of any

1 particular passenger automobile is unavailable, or in doubt or
2 dispute, the chief administrator may require that such automobile be
3 weighed on a scale designated by **him** the chief administrator,
4 and such actual weight shall be considered the manufacturer's
5 shipping weight for the purposes of this section; but in all cases the
6 chief administrator's determination of the manufacturer's shipping
7 weight of any such automobile shall be final. The applicant for
8 registration for passenger automobile shall also pay to the chief
9 administrator the inspection fee fixed in R.S.39:8-2 in addition to
10 the fees described hereinabove.

11 The chief administrator may also license private utility and house
12 type semitrailers and trailers with a gross load not in excess of
13 2,000 pounds at a fee of **[\$4.00]** \$4 per annum and all other such
14 utility and house-type semitrailers and trailers at **[\$9.00]** \$9 per
15 annum. Application for such registration shall be made on a blank
16 to be furnished by the commission, and the application shall contain
17 a statement to the effect that the vehicle so registered will not be
18 used for the commercial transportation of goods, wares, and
19 merchandise, or for hire.

20 Except as provided in R.S.39:3-84 for recreation vehicles, no
21 private utility or house type semitrailer or trailer with an outside
22 width of more than 96 inches, a maximum height of 13 feet 6
23 inches, a maximum length for a single vehicle of more than 35 feet,
24 a maximum length for a semitrailer and its towing vehicle of more
25 than 45 feet, and a maximum length for a trailer and its towing
26 vehicle of more than 50 feet, shall be operated on any highway in
27 this State, except that a vehicle exceeding the above limitations may
28 be operated when a special permit so to operate is secured in
29 advance from the chief administrator. A house type semitrailer or
30 trailer with an outside width of no more than 16 feet shall be
31 entitled to operate with such a special permit if the vehicle is a
32 manufactured home on a transportation system that is designed in
33 accordance with the "Manufactured Home Construction and Safety
34 Standards," 24 CFR **[part]** section 3280.901 et seq., promulgated
35 by the United States Department of Housing and Urban
36 Development, as amended and supplemented, provided that the
37 operator complies with the provisions of this Title and the rules and
38 regulations issued thereunder. If such a vehicle has an outside
39 width of more than 16 feet, it shall be entitled to operate with such a
40 special permit if it is transported on a commercial type low-bed
41 trailer, semitrailer, or properly registered dolly wheels pursuant to
42 rules and regulations established by the chief administrator. The
43 application for such permit shall be accompanied by a fee fixed by
44 the chief administrator. A special permit issued by the chief
45 administrator shall be in the possession of the operator of the
46 vehicle for which such permit was issued. In computing any
47 dimensions of a vehicle, for the purposes of this section, there shall
48 not be included in the dimensional limitations safety equipment

1 such as mirrors or lights, provided such appliances do not exceed
2 the overall limitations established by the chief administrator by rule
3 or regulation.

4 (cf: P.L.2004, c.64, s.2)

5
6 150. Section 2 of P.L.1968, c.439 (C.39:3-8.1) is amended to
7 read as follows:

8 2. The director may license noncommercial trucks at the same
9 weight fees set forth in **【Revised Statutes】** R.S.39:3-20; provided,
10 however, applicants for registration who have been issued
11 **【handicapped person】** identification cards for persons with
12 disabilities pursuant to section 2 of P.L.1949, c.280 (C.39:4-205)
13 and are registering a noncommercial truck which has been equipped
14 with a wheelchair lift **【for the handicapped】**, or any other specially
15 designed mechanical device for **【the handicapped】** persons with
16 disabilities as designated by the director that specifically requires
17 installation only in a noncommercial truck or van because of the
18 device's dimensions, operating characteristics, or manufacturer's
19 installation requirements, shall pay the same weight fees set forth in
20 R.S.39:3-8 for similarly modified passenger automobiles of the
21 same model year. Application for such registration shall be made
22 on a form to be furnished by the division and the application shall
23 contain a statement to the effect that the vehicle so registered will
24 not be used for the commercial transportation of goods, wares, and
25 merchandise, or for hire, and that vehicles so registered will not
26 contain any advertising, signs, lettering, names, or addresses on its
27 exterior, excepting trademarks and labels of the manufacturer and
28 dealer.

29 (cf: P.L.1999, c.392, s.2)

30
31 151. R.S.39:3-13 is amended to read as follows:

32 39:3-13. The chief administrator may, in the chief administrator's
33 discretion, issue to a person over 17 years of age an examination
34 permit, under the hand and seal of the chief administrator, allowing
35 such person, for the purpose of fitting the person to become a
36 licensed driver, to operate a designated class of motor vehicles
37 other than passenger automobiles and motorcycles for a specified
38 period of not more than 90 days, while in the company and under
39 the supervision of a driver licensed to operate such designated class
40 of motor vehicles.

41 The chief administrator, in the chief administrator's discretion,
42 may issue for a specified period of not less than one year a
43 passenger automobile or motorcycle-only examination permit to a
44 person over 17 years of age regardless of whether a person has
45 completed a course of behind-the-wheel automobile driving
46 education pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1).
47 An examination permit applicant who is under 18 years of age shall
48 obtain the signature of a parent or guardian for submission to the

1 commission on a form prescribed by the chief administrator. The
2 chief administrator shall postpone for six months the driving
3 privileges of any person who submits a fraudulent signature for a
4 parent or guardian.

5 For six months immediately following the validation of an
6 examination permit, and until the holder passes the road test, the
7 holder who is less than 21 years of age shall operate the passenger
8 automobile only when accompanied by, and under the supervision
9 of, a New Jersey licensed driver who is at least 21 years of age and
10 has been licensed to drive a passenger automobile for not less than
11 three years. The holder of an examination permit who is at least 21
12 years of age shall operate the passenger automobile for the first
13 three months under such supervision and until the holder passes the
14 road test. The supervising driver of the passenger automobile shall
15 sit in the front seat of the vehicle. Whenever operating a vehicle
16 while in possession of an examination permit, the holder of the
17 permit shall operate the passenger automobile with only one
18 additional passenger in the vehicle excluding dependents of the
19 permit holder, except that this passenger restriction shall not apply
20 when the permit holder is at least 21 years of age or when the
21 permit holder is accompanied by a parent or guardian. Further, the
22 holder of the passenger automobile permit who is less than 21 years
23 of age shall not drive during the hours between 11:01 p.m. and 5
24 a.m.; provided, however, that this condition may be waived for an
25 emergency which, in the judgment of local police, is of sufficient
26 severity and magnitude to substantially endanger the health, safety,
27 welfare, or property of a person, or for any bona fide employment
28 or religion-related activity if the employer or appropriate religious
29 authority provides written verification of such activity in a manner
30 provided for by the chief administrator. The holder of the
31 examination permit shall not use any hand-held or hands-free
32 interactive wireless communication device, except in an emergency,
33 while operating a moving passenger automobile on a public road or
34 highway. "Use" shall include, but not be limited to, talking or
35 listening on any hand-held or hands-free interactive wireless
36 communication device or operating its keys, buttons, or other
37 controls. The passenger automobile permit holder shall ensure that
38 all occupants of the vehicle are secured in a properly adjusted and
39 fastened seat belt or child restraint system.

40 The holder of an examination permit subject to the provisions of
41 section 1 of P.L.1977, c.23 (C.39:3-10b) shall not operate a
42 motorcycle at any time from a half-hour after sunset to a half-hour
43 before sunrise. A motorcycle operated by the holder of an
44 examination permit shall carry only the operator and shall not be
45 operated on any toll road over which the New Jersey Turnpike
46 Authority or the South Jersey Transportation Authority has
47 jurisdiction or on any limited-access interstate highway.

1 The holder of any examination permit shall not operate a
2 motorcycle having a motor with a maximum piston displacement
3 that is less than 50 cubic centimeters or a motor that is rated at no
4 more than 1.5 brake horsepower with a maximum speed of no more
5 than 35 miles per hour on a flat surface at anytime from a half-hour
6 after sunset to a half-hour before sunrise and shall not operate the
7 motorcycle with any other passenger. The holder of any
8 examination permit shall not operate such a motorcycle upon
9 limited-access interstate highways or public roads or highways with
10 a posted speed limit greater than 35 miles per hour.

11 An applicant for an examination permit subject to the provisions
12 of section 1 of P.L.1977, c.23 (C.39:3-10b), who is less than 18
13 years of age, shall be required to successfully complete a
14 motorcycle safety education course established pursuant to the
15 provisions of section 1 of P.L.1991, c.452 (C.27:5F-36) as a
16 condition for obtaining a motorcycle license or endorsement.

17 The chief administrator shall provide the holder of an
18 examination permit with two removable, transferable, highly
19 visible, reflective decals indicating that the driver of the vehicle
20 may be the holder of an examination permit. The decals shall be
21 designed by the chief administrator, in consultation with the
22 Division of Highway Traffic Safety in the Department of Law and
23 Public Safety. The chief administrator may charge a fee for the
24 decals not to exceed the actual cost of producing and distributing
25 the decals. The decals shall be displayed in a manner prescribed by
26 the chief administrator, in consultation with the Division of
27 Highway Traffic Safety in the Department of Law and Public
28 Safety, and shall be clearly visible to law enforcement officers. The
29 holder of an examination permit shall not operate a vehicle unless
30 the decals are displayed. The decal shall be removed once the
31 driver's examination permit period has ended.

32 When notified by a court of competent jurisdiction that an
33 examination permit holder has been convicted of a violation which
34 causes the permit holder to accumulate more than two motor vehicle
35 points or has been convicted of a violation of R.S.39:4-50; section 2
36 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.189 (C.39:4-50.14);
37 R.S.39:4-129; N.J.S.2C:11-5; subsection c. of N.J.S.2C:12-1; or any
38 other motor vehicle-related law the chief administrator deems
39 significant and applicable pursuant to regulation, in addition to any
40 other penalty that may be imposed, the chief administrator shall,
41 without the exercise of discretion or a hearing, suspend the
42 examination permit holder's examination permit for 90 days. The
43 chief administrator shall restore the permit following the term of the
44 permit suspension if the permit holder satisfactorily completes a
45 remedial training course of not less than four hours which may be
46 given by the commission, a driving school licensed by the chief
47 administrator pursuant to section 2 of P.L.1951, c.216 (C.39:12-2),
48 or any Statewide safety organization approved by the chief

1 administrator. The course shall be subject to oversight by the
2 commission according to its guidelines. The permit holder shall
3 also remit a course fee prior to the commencement of the course.
4 The chief administrator also shall postpone without the exercise of
5 discretion or a hearing the issuance of a basic license for 90 days if
6 the chief administrator is notified by a court of competent
7 jurisdiction that the examination permit holder, after completion of
8 the remedial training course, has been convicted of any motor
9 vehicle violation which results in the imposition of any motor
10 vehicle points or has been convicted of a violation of R.S.39:4-50;
11 section 2 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, **[c.182]**
12 c.189 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5, subsection c. of
13 N.J.S.2C:12-1; or any other motor vehicle-related law the chief
14 administrator deems significant and applicable pursuant to
15 regulation. When the chief administrator is notified by a court of
16 competent jurisdiction that an examination permit holder has been
17 convicted of any alcohol or drug-related offense unrelated to the
18 operation of a motor vehicle and is not otherwise subject to any
19 other suspension penalty therefor, the chief administrator shall,
20 without the exercise of discretion or a hearing, suspend the
21 examination permit for six months.

22 An examination permit for a motorcycle or a commercial motor
23 vehicle issued to a **[handicapped]** person with a disability, as
24 determined by the New Jersey Motor Vehicle Commission after
25 consultation with the Department of Education, shall be valid for
26 nine months or until the completion of the road test portion of **[his]**
27 the license examination, whichever period is shorter.

28 Each permit shall be sufficient license for the person to operate
29 such designated class of motor vehicles in this State during the
30 period specified, while in the company of and under the control of a
31 driver licensed by this State to operate such designated class of
32 motor vehicles, or, in the case of a commercial driver license
33 permit, while in the company of and under the control of a holder of
34 a valid commercial driver license for the appropriate license class
35 and with the appropriate endorsements issued by this or any other
36 state. Such person, as well as the licensed driver, except for a motor
37 vehicle examiner administering a driving skills test, shall be held
38 accountable for all violations of this subtitle committed by such
39 person while in the presence of the licensed driver. In addition to
40 requiring an applicant for an examination permit to submit
41 satisfactory proof of identity and age, the chief administrator also
42 shall require the applicant to provide, as a condition for obtaining
43 the permit, satisfactory proof that the applicant's presence in the
44 United States is authorized under federal law. If the chief
45 administrator has reasonable cause to suspect that any document
46 presented by an applicant as proof of identity, age, or legal
47 residency is altered, false, or otherwise invalid, the chief
48 administrator shall refuse to grant the permit until such time as the

1 document may be verified by the issuing agency to the chief
2 administrator's satisfaction.

3 The holder of an examination permit shall be required to take a
4 road test in order to obtain a probationary license. No road test for
5 any person who has been issued an examination permit to operate a
6 passenger vehicle shall be given unless the person has met the
7 requirements of this section. No road test for a probationary license
8 shall be given unless the applicant has first secured an examination
9 permit and no such road test shall be scheduled for an applicant
10 who has secured an examination permit for a passenger vehicle or a
11 motorcycle for which an endorsement is not required until at least
12 six months for an applicant under 21 years of age or three months
13 for an applicant 21 years of age or older shall have elapsed
14 following the validation of the examination permit for practice
15 driving or, in the case of an examination permit for other vehicles,
16 until 20 days have elapsed. In the case of an omnibus endorsement
17 or school bus, no road test shall be scheduled until at least 10 days
18 shall have elapsed. Every applicant for an examination permit to
19 qualify for an omnibus endorsement or an articulated vehicle
20 endorsement shall be a holder of a valid basic driver's license.

21 The required fees for special learner's permits and examination
22 permits shall be as follows:

23 Basic driver's license.....up to \$10
24 Motorcycle license or endorsement.....\$ 5
25 Omnibus or school bus endorsement.....\$25

26 The chief administrator shall waive the payment of fees for
27 issuance of examination permits for omnibus endorsements
28 whenever the applicant establishes to the chief administrator's
29 satisfaction that said applicant will use the omnibus endorsement
30 exclusively for operating omnibuses owned by a nonprofit
31 organization duly incorporated under Title 15 or 16 of the Revised
32 Statutes or Title 15A of the New Jersey Statutes.

33 The specified period for which a permit is issued may be
34 extended for not more than an additional 60 days, without payment
35 of an added fee, upon application made by the holder thereof, where
36 the holder has applied to take the examination for a driver's license
37 prior to the expiration of the original period for which the permit
38 was issued and the chief administrator was unable to schedule an
39 examination during said period.

40 As a condition for the issuance of an examination permit under
41 this section, the chief administrator shall secure a digitized picture
42 of the applicant. The picture shall be stored in a manner prescribed
43 by the chief administrator and may be displayed on the examination
44 permit.

45 The chief administrator may require that whenever a person to
46 whom an examination permit has been issued has reconstructive or
47 cosmetic surgery which significantly alters the person's facial

1 features, the person shall notify the chief administrator who may
2 require the picture of the person to be updated.

3 Specific use of the examination permit and any information
4 stored or encoded, electronically or otherwise, in relation thereto
5 shall be in accordance with P.L.1997, c.188 (C.39:2-3.3 et seq.) and
6 the federal "Driver's Privacy Protection Act of 1994," Pub.L.103-
7 322. Notwithstanding the provisions of any other law to the
8 contrary, the digitized picture or any access thereto or any use
9 thereof shall not be sold, leased, or exchanged for value.

10 (cf: P.L.2011, c.13, s.3)

11
12 152. Section 2 of P.L.1980, c.47 (C.39:3-29.3) is amended to
13 read as follows:

14 2. a. The New Jersey Motor Vehicle Commission shall issue an
15 identification card to any resident of the State who is 14 years of
16 age or older and who is not the holder of a valid permit or basic
17 driver's license. The identification card shall attest to the true name,
18 correct age, and veteran status, upon submission of satisfactory
19 proof, by any veteran, and shall contain other identifying data as
20 certified by the applicant for such identification card. Every
21 application for an identification card shall be signed and verified by
22 the applicant and shall be accompanied by the written consent of at
23 least one parent or the person's legal guardian if the person is under
24 17 years of age and shall be supported by such documentary
25 evidence of the age, identity, and veteran status, or blindness **[,]** or
26 disability, **[or handicap,]** of such person as the chief administrator
27 may require. In addition to requiring an applicant for an
28 identification card to submit satisfactory proof of identity, age, and,
29 if appropriate, veteran status, the chief administrator also shall
30 require the applicant to provide, as a condition for obtaining the
31 card, satisfactory proof that the applicant's presence in the United
32 States is authorized under federal law. If the chief administrator
33 has reasonable cause to suspect that any document presented by an
34 applicant as proof of identity, age, veteran status, or legal residency
35 is altered, false or otherwise invalid, the chief administrator shall
36 refuse to grant the identification card until such time as the
37 document may be verified by the issuing agency to the chief
38 administrator's satisfaction.

39 b. The designation of veteran status on an identification card
40 shall not be deemed sufficient valid proof of veteran status for
41 official governmental purposes when any other statute, or any
42 regulation or other directive of a governmental entity, requires
43 documentation of veteran status.

44 c. For the purpose of this section:

45 "Veteran" means a person who has been honorably discharged
46 from the active military service of the United States; and

47 "Satisfactory proof" means a copy of form DD-214 or federal
48 activation orders showing service under Title 10, section 672 or

1 section 12301, of the United States Code, or a county veteran
2 identification card only if issuance of the card requires a copy of
3 form DD-214 discharge papers or approved separation forms as
4 outlined by all branches of the military and duly recorded by the
5 county clerk's office.

6 (cf: P.L.2015, c.97, s.2)

7
8 153. Section 4 of P.L.1980, c.47 (C.39:3-29.5) is amended to
9 read as follows:

10 4. a. Except as provided in subsection b. of this section, each
11 original identification card authorized by section 2 of **[this act]**
12 P.L.1980, c.47 (C.39:3-29.3) shall, unless canceled earlier, be valid
13 for 48 calendar months from its date of issuance, and shall be
14 renewable upon the request of the bearer of the card, pursuant to
15 terms of license renewal established by the **[Division of Motor**
16 **Vehicles]** New Jersey Motor Vehicle Commission, and upon
17 payment of a fee as required by section 6 of **[this act]** P.L.1980,
18 c.47 (C.39:3-29.7). An identification card issued pursuant to **[this**
19 **act]** P.L.1980, c.47 (C.39:3-29.2 et seq.) to an applicant who is
20 blind **[, disabled, or handicapped]** or who has a disability shall be
21 valid for the life of the holder unless canceled by the holder. Cards
22 issued prior to October 16, 1989 and valid upon the effective date
23 of **[this amendatory act]** P.L.1990, c.30 shall be valid for the life of
24 the holder unless canceled by the holder. Cards issued to **[blind,**
25 **disabled or handicapped]** persons with blindness or disabilities
26 between October 16, 1989 and the effective date of this amendatory
27 act, and which are valid on the effective date of this act, shall be
28 made valid for the life of the holder unless canceled by the holder,
29 upon presentation of proof that the person's blindness **[,]** or
30 disability **[, or handicap]** existed at the time of the original
31 application. The director is authorized to require periodic
32 verification of information included on any identification card
33 issued for or valid for the life of the holder. Nothing in this section
34 shall be construed to alter or change any expiration date on any
35 New Jersey identification card issued prior to the operative date of
36 P.L.2001, c.391 (C.39:3-10f4 et al.) and any such identification
37 card shall remain valid until its expiration date.

38 b. If the director issues an identification card to a person who
39 has demonstrated authorization to be present in the United States
40 for a period of time shorter than the standard periods of such cards,
41 the director shall fix the expiration date of the identification card at
42 a date based on the period in which the person is authorized to be
43 present in the United States under federal immigration laws. The
44 director may renew such an identification card only if it is
45 demonstrated that the person's continued presence in the United
46 States is authorized under federal law.

47 (cf: P.L.2001, c.391, s.7)

1 154. Section 2 of P.L.1980, c.148 (C.39:3B-9) is amended to
2 read as follows:

3 2. In addition to owner identification, lettering shall be
4 permitted on van type II school vehicles to identify the vehicles as
5 school vehicles and all such vehicles shall be painted school bus
6 yellow and equipped with warning lights.

7 With respect to any such vehicle transporting **【handicapped】**
8 pupils with disabilities, the **【national symbol for the handicapped】**
9 International Symbol of Access may also be imprinted on the lower
10 right side of the rear door.

11 (cf: P.L.1980, c.148, s.2)

12

13 155. Section 1 of P.L.1991, c.285 (C.39:4-8.1) is amended to
14 read as follows:

15 1. Any municipality, which pursuant to the provisions of
16 R.S.39:4-8, R.S.39:4-197, section 1 of P.L.1977, c.202 (C.39:4-
17 197.5) or section 1 of P.L.1977, c.309 (C.39:4-197.6) designates
18 restricted parking spaces for use by **【handicapped】** persons with
19 disabilities, may, in lieu of having the Department of Transportation
20 inspect those parking spaces and any signs erected in association
21 therewith, designate the municipal engineer to determine whether or
22 not those parking spaces and signs conform to the current standards
23 prescribed by the Manual of Uniform Traffic Control Devices for
24 Streets and Highways, adopted by the Commissioner of
25 Transportation, and any other Department of Transportation rules
26 and regulations governing such parking spaces and signs.

27 Any such parking spaces and signs shall be deemed approved
28 and operational, and in need of no additional inspection by the
29 Department of Transportation, when the municipal engineer, under
30 **【his】** the engineer's seal as a licensed professional engineer, shall
31 certify to the commissioner that the parking spaces and signs:

32 a. have been approved by **【him】** the municipal engineer as a
33 licensed professional engineer after investigation; and

34 b. conform to the current standards prescribed by the Manual of
35 Uniform Traffic Control Devices for Streets and Highways, as
36 adopted by the commissioner, and any other Department of
37 Transportation rules and regulations governing such parking spaces
38 and signs.

39 The municipal engineer shall submit to the commissioner,
40 together with **【his】** the engineer's certification, detailed information
41 as to the location and number of parking spaces, a certified copy of
42 the ordinance, resolution or regulation designating the restricted
43 parking spaces, and such other information as the commissioner
44 shall deem necessary.

45 (cf: P.L.1991, c.285, s.1)

- 1 156. Section 2 of P.L.2007, c.21 (C.39:4-14.15) is amended to
2 read as follows:
- 3 2. a. Upon request, the Chief Administrator of the New Jersey
4 Motor Vehicle Commission shall issue to any holder of **[a**
5 **handicapped person]** an identification card for persons with
6 disabilities, a placard or sticker of such size and design as shall be
7 determined by the chief administrator in consultation with the
8 Division of Vocational Rehabilitation Services in the Department of
9 Labor and Workforce Development and the Division of Disability
10 Services in the Department of Human Services, indicating that **[a**
11 **handicapped person]** an identification card for persons with
12 disabilities has been issued to the person designated therein and that
13 the person so designated may operate the motorized scooter on
14 public streets as provided in subsection e. of this section. The
15 placard or sticker shall be displayed in such manner as the chief
16 administrator shall determine on the motorized scooter used by the
17 named individual with a mobility-related disability.
- 18 b. Any motorized scooter operated by a person with a mobility-
19 related disability shall be registered with the municipality in which
20 the operator resides. As a condition for such registration, the owner
21 or operator shall produce or display appropriate proof that a policy
22 of liability insurance is in effect for that motorized scooter. The
23 municipality or county may impose a reasonable fee to cover the
24 costs of registration.
- 25 c. Any person with a mobility-related disability who operates a
26 motorized scooter shall wear a properly fitted and fastened helmet
27 which meets the Consumer Product Safety Commission standard or
28 such other standard, as appropriate.
- 29 d. Any motorized scooter operated by a person with a mobility-
30 related disability shall be equipped with a brake that will enable the
31 operator to stop the scooter in a safe and effective manner.
- 32 e. A properly registered motorized scooter may be operated by
33 a properly designated person with a mobility-related disability on
34 any public street with a posted speed limit not exceeding 25 miles
35 per hour. If the authority having jurisdiction over the public street
36 determines that a properly registered motorized scooter operated by
37 a properly designated person with a mobility-related disability may
38 be operated on a public street with a posted speed limit in excess of
39 25 miles per hour, but not exceeding 35 miles per hour, or any
40 portion thereof, without posing a danger to the safety and well-
41 being of the operator of the motorized scooter or impeding the safe
42 flow and operation of traffic, a properly registered motorized
43 scooter may be operated on that designated public street, or
44 designated portion thereof, by a properly designated person. A
45 municipality or county may make such a determination by
46 ordinance or resolution, as appropriate, but such ordinance or
47 resolution shall not require the approval of the Commissioner of
48 Transportation.

- 1 f. No motorized scooter that is capable of a maximum speed of
2 more than 15 miles per hour shall be registered or operated on a
3 public street under the provisions of this section.
- 4 g. Neither the State nor any municipality or county, nor any
5 agency, official, or employee thereof, shall assume responsibility
6 for or incur liability for any injury to person or property caused by
7 any act of a person with a mobility-related disability who operates a
8 motorized scooter upon its designated municipal, county, or State
9 property.
- 10 h. For the purposes of this section, "motorized scooter" shall
11 mean a gas or electric powered scooter or mini scooter which is
12 capable of a maximum speed of not more than 15 miles per hour on
13 a flat surface. Nothing in this section shall be construed to
14 authorize or permit the registration or operation of any pocket bike,
15 super pocket bike, sport scooter, mini chopper, mini motorcycle, or
16 motorized skateboard on any public street by a person with a
17 mobility-related disability.
18 (cf: P.L.2007, c.21, s.2)
19
- 20 157. R.S.39:4-138 is amended to read as follows:
21 39:4-138. Except when necessary to avoid conflict with other
22 traffic or in compliance with the directions of a traffic or police
23 officer or traffic sign or signal, no operator of a vehicle shall stand
24 or park the vehicle in any of the following places:
- 25 a. Within an intersection;
26 b. On a crosswalk;
27 c. Between a safety zone and the adjacent curb or within at
28 least 20 feet of a point on the curb immediately opposite the end of
29 a safety zone;
30 d. In front of a public or private driveway;
31 e. (1) Within 25 feet of the nearest crosswalk or side line of a
32 street or intersecting highway, except at alleys and as provided in
33 section 2 of P.L.2009, c.257 (C.39:4-138.6); or
34 (2) Within 10 feet of the nearest crosswalk or side line of a
35 street or intersecting highway, if a curb extension or bulbout has
36 been constructed at that crosswalk;
37 f. On a sidewalk;
38 g. In any appropriately marked "No Parking" space established
39 pursuant to the duly promulgated regulations of the Commissioner
40 of Transportation;
41 h. Within 50 feet of a "stop" sign except as provided in section
42 2 of P.L.2009, c.257 (C.39:4-138.6);
43 i. Within 10 feet of a fire hydrant;
44 j. Within 50 feet of the nearest rail of a railroad crossing;
45 k. Within 20 feet of the driveway entrance to any fire station
46 and on the side of a street opposite the entrance to any fire station
47 within 75 feet of said entrance, when properly signposted;

1 1. Alongside or opposite any street excavation or obstruction
2 when stopping, standing, or parking would obstruct traffic, when
3 properly signposted;

4 m. On the roadway side of any vehicle stopped or parked at the
5 edge or curb of a street;

6 n. Upon any bridge or other elevated structure upon a highway,
7 or within a highway tunnel or underpass, or on the immediate
8 approaches thereto except where space for parking is provided;

9 o. In any space on public or private property appropriately
10 marked for vehicles for **【the physically handicapped】** persons with
11 disabilities pursuant to P.L.1977, c.202 (C.39:4-197.5), P.L.1975,
12 c.217 (C.52:27D-119 et seq.) or any other applicable law unless the
13 vehicle is authorized by law to be parked therein and a
14 **【handicapped】** person with a disability is either the driver or a
15 passenger in that vehicle. State, county, or municipal law
16 enforcement officers or parking enforcement authority officers shall
17 enforce the parking restrictions on spaces appropriately marked for
18 vehicles for **【the physically handicapped】** persons with disabilities
19 on both public and private property.

20 No person shall move a vehicle not lawfully under **【his】** the
21 person's control into any such prohibited area or away from a curb
22 such distance as is unlawful.

23 (cf: P.L.2009, c.257, s.1)

24
25 158. Section 1 of P.L.1977, c.309 (C.39:4-197.6) is amended to
26 read as follows:

27 1. Any municipality may, by ordinance, establish a restricted
28 parking zone in front of a residence occupied by a **【handicapped】**
29 person with a disability if a windshield placard or wheelchair
30 symbol license plates have been issued for a vehicle owned by the
31 **【handicapped】** person with a disability, or by another occupant of
32 the residence who is a member of the immediate family of the
33 **【handicapped】** person with a disability, by the Division of Motor
34 Vehicles pursuant to the provisions of P.L.1949, c.280 (C.39:4-204
35 et seq.), provided such parking is not otherwise prohibited and the
36 permitting thereof would not interfere with the normal flow of
37 traffic.

38 (cf: P.L.1991, c.406, s.1)

39
40 159. Section 1 of P.L.1991, c.442 (C.39:4-197.9) is amended to
41 read as follows:

42 1. In order to implement the enforcement of P.L.1977, c.202
43 (C.39:4-197.5) subject to R.S.39:4-138, and of P.L.1975, c.221
44 (C.52:32-11 et seq.) and spaces established pursuant to P.L.1975,
45 c.217 (C.52:27D-119 et seq.) within its jurisdiction, a municipality
46 may establish a **【handicapped】** parking enforcement unit for
47 persons with disabilities under the supervision of the chief law

1 enforcement officer of the municipality. The municipality may, by
2 ordinance or resolution, provide procedures and other guidelines for
3 the program consistent with **【this act】** P.L.1991, c.442 (C.39:4-
4 197.9 et seq.) which may give persons selected and trained for the
5 unit the full power and authority to issue warnings or summonses
6 for violations of any provision of any law, regulation, ordinance, or
7 resolution pertaining to illegal parking in restricted parking spaces
8 for **【the handicapped】** persons with disabilities. The unit shall
9 concentrate its enforcement activity at any shopping centers or
10 malls in the municipality.

11 (cf: P.L.1991, c.442, s.1)

12

13 160. Section 2 of P.L.1991, c.442 (C.39:4-197.10) is amended to
14 read as follows:

15 2. No person shall be appointed to or continue to be eligible for
16 participation in the **【handicapped】** parking enforcement unit for
17 persons with disabilities unless **【he】** the person:

18 a. Evidences no criminal record as a result of a State criminal
19 history record background check through the State Bureau of
20 Identification in the Division of State Police in the Department of
21 Law and Public Safety;

22 b. Is a resident of the municipality in which the unit is
23 established; and

24 c. Is at least 18 years of age.

25 (cf: P.L.1991, c.442, s.2)

26

27 161. Section 3 of P.L.1991, c.442 (C.39:4-197.11) is amended to
28 read as follows:

29 3. Preference for participation in this program may be given to
30 persons **【who are handicapped】** with disabilities as defined in
31 P.L.1949, c.280 (C.39:4-204 et seq.).

32 (cf: P.L.1991, c.442, s.3)

33

34 162. Section 4 of P.L.1991, c.442 (C.39:4-197.12) is amended to
35 read as follows:

36 4. Any person appointed to the municipality's **【handicapped】**
37 parking enforcement unit for persons with disabilities shall be
38 reimbursed for actual expenses of transportation incurred in the
39 course of **【his】** the person's work at a rate at least equal to the rate
40 established by the State and adjusted pursuant to section 2 of
41 P.L.1980, c.19 (C.52:14-17.1a).

42 (cf: P.L.1991, c.442, s.4)

43

44 163. Section 6 of P.L.1991, c.442 (C.39:4-197.14) is amended to
45 read as follows:

46 6. The governing body of a municipality, by ordinance, may
47 appropriate annually sums of money as it shall deem necessary for

1 the purpose of compensating any such person for **【his】** the person's
2 services. The governing body of a municipality may provide the
3 members of the **【handicapped】** parking enforcement unit for
4 persons with disabilities with coverage under chapter 15 of Title 34
5 of the Revised Statutes (Workers' Compensation) or if the
6 governing body chooses not to provide such coverage, it may
7 appropriate annually sums of money as it shall deem necessary for
8 the purpose of compensating such persons for any losses which
9 would otherwise be compensable under chapter 15 of Title 34 of the
10 Revised Statutes (Workers' Compensation). However, neither the
11 municipality nor the State shall be required to provide any benefits
12 thereto whatsoever.

13 (cf: P.L.1991, c.442, s.6)

14
15 164. Section 7 of P.L.1991, c.442 (C.39:4-197.15) is amended to
16 read as follows:

17 7. Any person who is selected for the **【handicapped】** parking
18 enforcement unit for persons with disabilities shall be provided, at
19 the expense of the municipality, with a distinctive uniform on which
20 is affixed a special patch designating **【his】** the person's function
21 and shall be provided with reasonable maintenance thereof.

22 (cf: P.L.1991, c.442, s.7)

23
24 165. R.S.39:4-198 is amended to read as follows:

25 39:4-198. No ordinance, resolution or regulation enacted, passed,
26 or adopted by local authorities nor any regulation adopted by the
27 Commissioner of Transportation under any power given by this
28 chapter or any supplement thereto shall be effective unless due
29 notice thereof is given to the public by placing a sign at the places
30 where the ordinance, resolution, or regulation is effective, and by
31 briefing its provisions on signs according to specifications
32 contained in this chapter or as specified by the current Manual on
33 Uniform Traffic Control Devices for streets and highways. These
34 signs shall be so placed as to be easily read by pedestrians or
35 operators of vehicles. Except, in the case of "No Passing" zones, in
36 lieu of or in addition to signs, notice shall be given to the public by
37 highway pavement markings which conform to the current Manual
38 on Uniform Traffic Control Devices for streets and highways.

39 In addition to the specifications in the Manual on Uniform
40 Traffic Control Devices, any sign erected after the effective date of
41 **【this amendatory and supplementary act】** P.L.1989, c.201 to notify
42 the public that parking in a space is reserved for **【the handicapped】**
43 persons with disabilities shall also state the penalties set forth in
44 paragraph c. of subsection (3) of R.S.39:4-197 which may be
45 imposed for a violation. Signs which were erected prior to the
46 effective date shall be modified within 12 months after the effective
47 date to include the penalty information.

1 It shall not be a defense to the unauthorized use of a parking
2 space reserved for **【the handicapped】** persons with disabilities
3 pursuant to R.S.39:4-138 that the penalties set forth in paragraph c.
4 of subsection (3) of R.S.39:4-197 were not posted or were
5 improperly posted.

6 (cf: P.L.2007, c.164, s.1)

7
8 166. R.S.39:4-201 is amended to read as follows:

9 39:4-201. Except as otherwise provided in R.S.39:4-8, no
10 governing body of any county in this State may adopt resolutions,
11 ordinances, or regulations on a matter covered by or which alters or
12 in any way nullifies the provisions of this chapter or of any
13 supplement thereto, except that, without the approval of the
14 commissioner, and consistent with the current standards prescribed
15 by the Manual on Uniform Traffic Control Devices **【for Streets and**
16 **Highways】** for streets and highways, ordinances, resolutions, or
17 regulations may be passed by a governing body for the supervision
18 and regulation of traffic on any county roads of the county upon the
19 subject matter and within the limitations prescribed in R.S.39:4-
20 197, and the governing body may prescribe penalties for violations
21 of the resolutions, ordinances, or regulations; provided, however,
22 that a fine of not less than **【\$50.00】** \$50 be imposed upon the
23 violator of an ordinance, resolution, or regulation, as the case may
24 be, establishing parking spaces for **【the handicapped】** persons with
25 disabilities.

26 Matters pertaining to the supervision and regulation of traffic, to
27 be established by ordinance, resolution, or regulation pursuant to
28 R.S.39:4-197, shall in counties operating under the "Optional
29 County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.) be
30 established by ordinance.

31 No ordinance, resolution, or regulation adopted pursuant to this
32 section shall be effective unless due notice to the public is given as
33 provided in R.S.39:4-198.

34 The penalties may be enforced by the proper method of
35 procedure before a magistrate. In default of the payment of the
36 penalty, the magistrate may commit the offender to the county jail
37 for a period not exceeding **【5】** five days.

38 (cf: P.L.2008, c.110, s.3)

39
40 167. Section 2 of P.L.1974, c.120 (C.40:9B-4) is amended to
41 read as follows:

42 2. The governing body of any county or municipality may
43 annually appropriate funds to any approved, privately operated,
44 nonprofit narcotic and **【drug abuse】** substance use disorder
45 treatment center certified by the Commissioner of **【the State**
46 **Department of】** Health pursuant to P.L.1970, c. 334 (C. 26:2G-21 et
47 seq.), for the purpose of helping to defray expenses incurred in the

1 provision of facilities to prevent and control **【drug abuse】**
2 substance use disorder, and to provide diagnosis, treatment,
3 rehabilitation and aftercare to **【drug addicts】** persons with
4 substance use disorders who are residents of any county or
5 municipality making such appropriations.

6 (cf: P.L.1974, c.120, s.2)

7
8 168. Section 2 of P.L.1985, c.199 (C.40:48-4.11) is amended to
9 read as follows:

10 2. For the purposes of **【this act】** P.L.1985, c.199 (C.40:48-4.10
11 et seq.), unless the context clearly indicates otherwise:

12 a. "Senior citizen" means any individual 62 years of age or
13 over.

14 b. **【"Handicapped citizen"】** "Citizen with a disability" means
15 any individual who, by reason of illness, injury, age, congenital
16 **【malfunction】** condition, or other permanent or temporary
17 incapacity or disability, is unable without special facilities or
18 special planning or design to utilize mass transportation facilities
19 and services as effectively as persons who are not so affected.

20 (cf: P.L.1985, c.199, s.2)

21
22 169. Section 3 of P.L.1985, c.199 (C.40:48-4.12) is amended to
23 read as follows:

24 3. Notwithstanding any provision of law to the contrary **【in the**
25 **"County Transportation Authorities Act,"** P.L.1980, c.44
26 **(C.40:35B-1 et seq.)】**, any municipality may purchase buses, vans
27 or other motor vehicles for the purpose of providing transportation
28 to senior citizens or **【handicapped】** citizens with disabilities. The
29 municipality may also provide drivers for the motor vehicles and
30 pay all costs of maintenance, including insurance. The
31 transportation shall be provided free of charge or for a nominal fee
32 not to exceed \$0.25 per ride. No transportation service shall be
33 provided pursuant to **【this act】** P.L.1985, c.199 (C.40:48-4.10 et
34 seq.) which duplicates available public transportation service.

35 (cf: P.L.1985, c.199, s.3)

36
37 170. Section 4 of P.L.1985, c.199 (C.40:48-4.13) is amended to
38 read as follows:

39 4. The use of municipally owned buses, vans or other motor
40 vehicles for transportation of senior citizens and **【handicapped】**
41 citizens with disabilities pursuant to **【this act】** P.L.1985, c.199
42 (C.40:48-4.10 et seq.) shall not be construed or used for hire and
43 shall not be subject to regulation by or the jurisdiction of the
44 Department of Transportation.

45 (cf: P.L.1985, c.199, s.4)

1 171. Section 1 of P.L.1975, c.141 (C.40:48-9.4a) is amended to
2 read as follows:

3 1. The governing body of any municipality may appropriate
4 annually to any approved, privately operated, nonprofit organization
5 whose services are nonsectarian, funds for the purpose of defraying
6 the necessary expense incident to the diagnosis, treatment, training,
7 and rehabilitation of persons with intellectual disabilities, persons
8 with a brain injury, persons with mental illness, or persons **【who**
9 **are otherwise mentally or physically handicapped】** with other
10 mental or physical disabilities who are residents of the municipality,
11 at suitable homes, schools, hospitals, day-care centers, residential
12 treatment centers, rehabilitation centers, or sheltered workshops
13 anywhere in the State supported by public funds or private charity,
14 including the cost of transporting such persons to and from, and
15 their support and maintenance at, such homes, schools, hospitals,
16 day-care centers, residential treatment centers, rehabilitation
17 centers, or sheltered workshops for the purpose of diagnosis or
18 while undergoing treatment, training, and rehabilitation, or for the
19 purpose of maintaining an extended employment program.

20 (cf: P.L.2010, c.50, s.67)

21
22 172. Section 1 of P.L.1978, c.159 (C.40:55D-66.1) is amended
23 to read as follows:

24 1. Community residences for **【the developmentally disabled】**
25 persons with developmental disabilities, community shelters for
26 victims of domestic violence, community residences for **【the**
27 **terminally ill】** persons with terminal illnesses, community
28 residences for persons with head injuries, and adult family care
29 homes for **【elderly】** persons who are elderly and **【physically**
30 **disabled】** adults with physical disabilities shall be a permitted use
31 in all residential districts of a municipality, and the requirements
32 therefor shall be the same as for single family dwelling units
33 located within such districts.

34 (cf: P.L.2001, c.304, s.11)

35
36 173. Section 2 of P.L.1978, c.159 (C.40:55D-66.2) is amended
37 to read as follows:

38 2. As used in **【this act】** P.L.1978, c.159 (C.40:55D-66.1 et
39 seq.):

40 a. "Community residence for **【the developmentally disabled】**
41 persons with developmental disabilities" means any community
42 residential facility licensed pursuant to P.L.1977, c.448 (C.30:11B-
43 1 et seq.) providing food, shelter, and personal guidance, under such
44 supervision as required, to not more than 15 **【developmentally**
45 **disabled or mentally ill】** persons with developmental disabilities or
46 with mental illnesses, who require assistance, temporarily or
47 permanently, in order to live in the community, and shall include,

1 but not be limited to: group homes, halfway houses, intermediate
2 care facilities, supervised apartment living arrangements, and
3 hostels. Such a residence shall not be considered a health care
4 facility within the meaning of the "Health Care Facilities Planning
5 Act," P.L.1971, c.136 (C.26:2H-1 et al.). In the case of such a
6 community residence housing **mentally ill** persons with mental
7 illness, **such** the residence shall have been approved for a
8 purchase of service contract or an affiliation agreement pursuant to
9 **such** procedures as shall be established by regulation of the
10 Division of Mental Health and Addiction Services in the
11 Department of Human Services. As used in **this act** P.L.1978,
12 c.159 (C.40:55D-66.1 et seq.), "**developmentally disabled** person
13 with a developmental disability" means a person **who is**
14 **developmentally disabled** with a developmental disability as
15 defined in section 2 of P.L.1977, c.448 (C.30:11B-2), and
16 "**mentally ill** person with a mental illness" means a person **who**
17 **is afflicted** with a mental illness as defined in section **30** 2 of
18 P.L.1987, c.116 (C.30:4-27.2), but shall not include a person who
19 has been committed after having been found not guilty of a criminal
20 offense by reason of insanity or having been found unfit to be tried
21 on a criminal charge.

22 b. "Community shelter for victims of domestic violence" means
23 any shelter approved for a purchase of service contract and certified
24 pursuant to standards and procedures established by regulation of
25 the Department of Human Services pursuant to P.L.1979, c.337
26 (C.30:14-1 et seq.), providing food, shelter, medical care, legal
27 assistance, personal guidance, and other services to not more than
28 15 persons who have been victims of domestic violence, including
29 any children of such victims, who temporarily require shelter and
30 assistance in order to protect their physical or psychological
31 welfare.

32 c. "Community residence for persons with head injuries"
33 means a community residential facility licensed pursuant to
34 P.L.1977, c.448 (C.30:11B-1 et seq.) providing food, shelter, and
35 personal guidance, under such supervision as required, to not more
36 than 15 persons with head injuries, who require assistance,
37 temporarily or permanently, in order to live in the community, and
38 shall include, but not be limited to: group homes, halfway houses,
39 supervised apartment living arrangements, and hostels. Such a
40 residence shall not be considered a health care facility within the
41 meaning of the "Health Care Facilities Planning Act," P.L.1971,
42 c.136 (C.26:2H-1 et al.).

43 d. "Person with head injury" means a person who has sustained
44 an injury, illness, or traumatic changes to the skull, the brain
45 contents, or its coverings which results in a temporary or permanent
46 physiobiological decrease of mental, cognitive, behavioral, social,
47 or physical functioning which causes the person to have a partial or

1 total disability, but excluding a person with Alzheimer's disease and
2 related disorders or other forms of dementia.

3 e. "Community residence for **the terminally ill** persons with
4 terminal illnesses" means any community residential facility
5 operated as a hospice program providing food, shelter, personal
6 guidance, and health care services, under such supervision as
7 required, to not more than 15 **terminally ill** persons with terminal
8 illnesses.

9 f. "Alzheimer's disease and related disorders" means a form of
10 dementia characterized by a general loss of intellectual abilities of
11 sufficient severity to interfere with social or occupational
12 functioning.

13 g. "Dementia" means a chronic or persistent disorder of the
14 mental processes due to organic brain disease, for which no curative
15 treatment is available, and marked by memory disorders, changes in
16 personality, deterioration in personal care, impaired reasoning
17 ability, and disorientation.

18 (cf: P.L.2015, c.125, s.10)

19

20 174. Section 5 of P.L.1971, c.198 (C.40A:11-5) is amended to
21 read as follows:

22 5. Any contract the amount of which exceeds the bid threshold,
23 may be negotiated and awarded by the governing body without
24 public advertising for bids and bidding therefor and shall be
25 awarded by resolution of the governing body if:

26 (1) The subject matter thereof consists of:

27 (a) (i) Professional services. The governing body shall in each
28 instance state supporting reasons for its action in the resolution
29 awarding each contract and shall forthwith cause to be printed once,
30 in the official newspaper, a brief notice stating the nature, duration,
31 service and amount of the contract, and that the resolution and
32 contract are on file and available for public inspection in the office
33 of the clerk of the county or municipality, or, in the case of a
34 contracting unit created by more than one county or municipality, of
35 the counties or municipalities creating the contracting unit; or (ii)
36 Extraordinary unspecifiable services. The application of this
37 exception shall be construed narrowly in favor of open competitive
38 bidding, whenever possible, and the Division of Local Government
39 Services is authorized to adopt and promulgate rules and regulations
40 after consultation with the Commissioner of Education limiting the
41 use of this exception in accordance with the intention herein
42 expressed. The governing body shall in each instance state
43 supporting reasons for its action in the resolution awarding each
44 contract and shall forthwith cause to be printed, in the manner set
45 forth in subsection (1) (a) (i) of this section, a brief notice of the
46 award of the contract;

47 (b) The doing of any work by employees of the contracting unit;

- 1 (c) The printing of legal briefs, records, and appendices to be
- 2 used in any legal proceeding in which the contracting unit may be a
- 3 party;
- 4 (d) The furnishing of a tax map or maps for the contracting unit;
- 5 (e) The purchase of perishable foods as a subsistence supply;
- 6 (f) The supplying of any product or the rendering of any service
- 7 by a public utility, which is subject to the jurisdiction of the Board
- 8 of Public Utilities or the Federal Energy Regulatory Commission or
- 9 its successor, in accordance with tariffs and schedules of charges
- 10 made, charged or exacted, filed with the board or commission;
- 11 (g) The acquisition, subject to prior approval of the Attorney
- 12 General, of special equipment for confidential investigation;
- 13 (h) The printing of bonds and documents necessary to the
- 14 issuance and sale thereof by a contracting unit;
- 15 (i) Equipment repair service if in the nature of an extraordinary
- 16 unspecifiable service and necessary parts furnished in connection
- 17 with the service, which exception shall be in accordance with the
- 18 requirements for extraordinary unspecifiable services;
- 19 (j) The publishing of legal notices in newspapers as required by
- 20 law;
- 21 (k) The acquisition of artifacts or other items of unique intrinsic,
- 22 artistic or historical character;
- 23 (l) Those goods and services necessary or required to prepare
- 24 and conduct an election;
- 25 (m) Insurance, including the purchase of insurance coverage and
- 26 consultant services, which exception shall be in accordance with the
- 27 requirements for extraordinary unspecifiable services;
- 28 (n) The doing of any work by **【handicapped】** persons with
- 29 disabilities employed by a sheltered workshop;
- 30 (o) The provision of any goods or services including those of a
- 31 commercial nature, attendant upon the operation of a restaurant by
- 32 any nonprofit, duly incorporated, historical society at or on any
- 33 historical preservation site;
- 34 (p) (Deleted by amendment, P.L.1999, c.440.)
- 35 (q) Library and educational goods and services;
- 36 (r) (Deleted by amendment, P.L.2005, c.212).
- 37 (s) The marketing of recyclable materials recovered through a
- 38 recycling program, or the marketing of any product intentionally
- 39 produced or derived from solid waste received at a resource
- 40 recovery facility or recovered through a resource recovery program,
- 41 including, but not limited to, refuse-derived fuel, compost materials,
- 42 methane gas, and other similar products;
- 43 (t) (Deleted by amendment, P.L.1999, c.440.)
- 44 (u) Contracting unit towing and storage contracts, provided that
- 45 all of the contracts shall be pursuant to reasonable non-exclusionary
- 46 and non-discriminatory terms and conditions, which may include
- 47 the provision of the services on a rotating basis, at the rates and
- 48 charges set by the municipality pursuant to section 1 of P.L.1979,

1 c.101 (C.40:48-2.49). All contracting unit towing and storage
2 contracts for services to be provided at rates and charges other than
3 those established pursuant to the terms of this paragraph shall only
4 be awarded to the lowest responsible bidder in accordance with the
5 provisions of the "Local Public Contracts Law," P.L.1971, c.198
6 (C.40A:11-1 et seq.) and without regard for the value of the
7 contract therefor;

8 (v) The purchase of steam or electricity from, or the rendering
9 of services directly related to the purchase of steam or electricity
10 from a qualifying small power production facility or a qualifying
11 cogeneration facility as defined pursuant to 16 U.S.C. s.796;

12 (w) The purchase of electricity or administrative or dispatching
13 services directly related to the transmission of purchased electricity
14 by a contracting unit engaged in the generation of electricity;

15 (x) The printing of municipal ordinances or other services
16 necessarily incurred in connection with the revision and
17 codification of municipal ordinances;

18 (y) An agreement for the purchase of an equitable interest in a
19 water supply facility or for the provision of water supply services
20 entered into pursuant to section 2 of P.L.1993, c.381 (C.58:28-2), or
21 an agreement entered into pursuant to **[P.L.1989, c.109**
22 **(N.J.S.40A:31-1 et al.)]**, so long as the agreement is entered into
23 no later than six months after the effective date of P.L.1993, c.381;

24 (z) A contract for the provision of water supply services entered
25 into pursuant to P.L.1995, c.101 (C.58:26-19 et al.);

26 (aa) The cooperative marketing of recyclable materials recovered
27 through a recycling program;

28 (bb) A contract for the provision of wastewater treatment
29 services entered into pursuant to P.L.1995, c.216 (C.58:27-19 et
30 al.);

31 (cc) Expenses for travel and conferences;

32 (dd) The provision or performance of goods or services for the
33 support or maintenance of proprietary computer hardware and
34 software, except that this provision shall not be utilized to acquire
35 or upgrade non-proprietary hardware or to acquire or update non-
36 proprietary software;

37 (ee) The management or operation of an airport owned by the
38 contracting unit pursuant to R.S.40:8-1 et seq.;

39 (ff) Purchases of goods and services at rates set by the Universal
40 Service Fund administered by the Federal Communications
41 Commission;

42 (gg) A contract for the provision of water supply services or
43 wastewater treatment services entered into pursuant to section 2 of
44 P.L.2002, c.47 (C.40A:11-5.1), or the designing, financing,
45 construction, operation, or maintenance, or any combination
46 thereof, of a water supply facility as defined in subsection (16) of
47 section 15 of P.L.1971, c.198 (C.40A:11-15) or a wastewater
48 treatment system as defined in subsection (19) of section 15 of

1 P.L.1971, c.198 (C.40A:11-15), or any component part or parts
2 thereof, including a water filtration system as defined in subsection
3 (16) of section 15 of P.L.1971, c.198 (C.40A:11-15); or
4 (hh) The purchase of electricity generated from a power
5 production facility that is fueled by methane gas extracted from a
6 landfill in the county of the contracting unit.

7 (2) It is to be made or entered into with the United States of
8 America, the State of New Jersey, county, or municipality, or any
9 board, body, officer, agency, or authority thereof, or any other state
10 or subdivision thereof.

11 (3) Bids have been advertised pursuant to section 4 of P.L.1971,
12 c.198 (C.40A:11-4) on two occasions and (a) no bids have been
13 received on both occasions in response to the advertisement, or (b)
14 the governing body has rejected the bids on two occasions because
15 it has determined that they are not reasonable as to price, on the
16 basis of cost estimates prepared for or by the contracting agent prior
17 to the advertising therefor, or have not been independently arrived
18 at in open competition, or (c) on one occasion no bids were received
19 pursuant to (a) and on one occasion all bids were rejected pursuant
20 to (b), in whatever sequence; a contract may then be negotiated and
21 may be awarded upon adoption of a resolution by a two-thirds
22 affirmative vote of the authorized membership of the governing
23 body authorizing the contract; provided, however, that:

24 (i) A reasonable effort is first made by the contracting agent to
25 determine that the same or equivalent goods or services, at a cost
26 which is lower than the negotiated price, are not available from an
27 agency or authority of the United States, the State of New Jersey or
28 of the county in which the contracting unit is located, or any
29 municipality in close proximity to the contracting unit;

30 (ii) The terms, conditions, restrictions, and specifications set
31 forth in the negotiated contract are not substantially different from
32 those which were the subject of competitive bidding pursuant to
33 section 4 of P.L.1971, c.198 (C.40A:11-4); and

34 (iii) Any minor amendment or modification of any of the terms,
35 conditions, restrictions, and specifications, which were the subject
36 of competitive bidding pursuant to section 4 of P.L.1971, c.198
37 (C.40A:11-4), shall be stated in the resolution awarding the
38 contract; provided further, however, that if on the second occasion
39 the bids received are rejected as unreasonable as to price, the
40 contracting agent shall notify each responsible bidder submitting
41 bids on the second occasion of its intention to negotiate, and afford
42 each bidder a reasonable opportunity to negotiate, but the governing
43 body shall not award the contract unless the negotiated price is
44 lower than the lowest rejected bid price submitted on the second
45 occasion by a responsible bidder, is the lowest negotiated price
46 offered by any responsible vendor, and is a reasonable price for
47 goods or services.

1 Whenever a contracting unit shall determine that a bid was not
2 arrived at independently in open competition pursuant to subsection
3 (3) of this section it shall thereupon notify the county prosecutor of
4 the county in which the contracting unit is located and the Attorney
5 General of the facts upon which its determination is based, and
6 when appropriate, it may institute appropriate proceedings in any
7 State or federal court of competent jurisdiction for a violation of
8 any State or federal antitrust law or laws relating to the unlawful
9 restraint of trade.

10 (4) The contracting unit has solicited and received at least three
11 quotations on materials, supplies, or equipment for which a State
12 contract has been issued pursuant to section 12 of P.L.1971, c.198
13 (C.40A:11-12), and the lowest responsible quotation is at least 10
14 percent less than the price the contracting unit would be charged for
15 the identical materials, supplies, or equipment, in the same
16 quantities, under the State contract. A contract entered into
17 pursuant to this subsection may be awarded only upon adoption of a
18 resolution by the affirmative vote of two-thirds of the full
19 membership of the governing body of the contracting unit at a
20 meeting thereof authorizing the contract. A copy of the purchase
21 order relating to the contract, the requisition for purchase order, if
22 applicable, and documentation identifying the price of the materials,
23 supplies or equipment under the State contract and the State
24 contract number shall be filed with the director within five working
25 days of the award of the contract by the contracting unit. The
26 director shall notify the contracting unit of receipt of the material
27 and shall make the material available to the State Treasurer. The
28 contracting unit shall make available to the director upon request
29 any other documents relating to the solicitation and award of the
30 contract, including, but not limited to, quotations, requests for
31 quotations, and resolutions. The director periodically shall review
32 material submitted by contracting units to determine the impact of
33 the contracts on local contracting and shall consult with the State
34 Treasurer on the impact of the contracts on the State procurement
35 process. The director may, after consultation with the State
36 Treasurer, adopt rules in accordance with the "Administrative
37 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to limit the
38 use of this subsection, after considering the impact of contracts
39 awarded under this subsection on State and local contracting, or
40 after considering the extent to which the award of contracts
41 pursuant to this subsection is consistent with and in furtherance of
42 the purposes of the public contracting laws.

43 (5) Notwithstanding any provision of law, rule, or regulation to
44 the contrary, the subject matter consists of the combined collection
45 and marketing, or the cooperative combined collection and
46 marketing of recycled material recovered through a recycling
47 program, or any product intentionally produced or derived from
48 solid waste received at a resource recovery facility or recovered

1 through a resource recovery program including, but not limited to,
2 refuse-derived fuel, compost materials, methane gas, and other
3 similar products, provided that in lieu of engaging in public
4 advertising for bids and the bidding therefor, the contracting unit
5 shall, prior to commencing the procurement process, submit for
6 approval to the Director of the Division of Local Government
7 Services, a written detailed description of the process to be
8 followed in securing the services. Within 30 days after receipt of
9 the written description the director shall, if the director finds that
10 the process provides for fair competition and integrity in the
11 negotiation process, approve, in writing, the description submitted
12 by the contracting unit. If the director finds that the process does
13 not provide for fair competition and integrity in the negotiation
14 process, the director shall advise the contracting unit of the
15 deficiencies that must be remedied. If the director fails to respond
16 in writing to the contracting unit within 30 days, the procurement
17 process as described shall be deemed approved. As used in this
18 section, "collection" means the physical removal of recyclable
19 materials from curbside or any other location selected by the
20 contracting unit.

21 (6) Notwithstanding any provision of law, rule, or regulation to
22 the contrary, the contract is for the provision of electricity by a
23 contracting unit engaged in the distribution of electricity for retail
24 sale, for the provision of wholesale electricity by a municipal
25 shared services energy authority as defined pursuant to section 3 of
26 P.L.2015, c.129 (C.40A:66-3), or for the provision of administrative
27 or dispatching services related to the transmission of electricity,
28 provided that in lieu of engaging in public advertising for bids and
29 the bidding therefor, the contracting unit shall, prior to commencing
30 the procurement process, submit for approval to the Director of the
31 Division of Local Government Services, a written detailed
32 description of the process to be followed in securing these services.
33 The process shall be designed in a way that is appropriate to and
34 commensurate with industry practices, and the integrity of the
35 government contracting process. Within 30 days after receipt of the
36 written description, the director shall, if the director finds that the
37 process provides for fair competition and integrity in the
38 negotiation process, approve, in writing, the description submitted
39 by the contracting unit. If the director finds that the process does
40 not provide for fair competition and integrity in the negotiation
41 process, the director shall advise the contracting unit of the
42 deficiencies that must be remedied. If the director fails to respond
43 in writing to the contracting unit within 30 days, the procurement
44 process, as submitted to the director pursuant to this section, shall
45 be deemed approved.

46 (cf: P.L.2015, c.129, s.28)

1 175. Section 21 of P.L.1971, c.199 (C.40A:12-21) is amended to
2 read as follows:

3 21. When the governing body of any county or municipality
4 shall determine that all or any part of a tract of land, with or without
5 improvements, owned by the county or municipality, is not then
6 needed for county or municipal purposes, as the case may be, said
7 governing body, by resolution or ordinance, may authorize a private
8 sale and conveyance of the same, or any part thereof without
9 compliance with any other law governing disposal of lands by
10 counties and municipalities, for a consideration, which may be
11 nominal, and containing a limitation that such lands or buildings
12 shall be used only for the purposes of such organization or
13 association, and to render such services or to provide such facilities
14 as may be agreed upon, and except as provided in subsection (n) of
15 this section not for commercial business, trade or manufacture, and
16 that, unless waived, released, modified, or subordinated pursuant to
17 P.L.1943, c.33 (C.40:60-51.2), if said lands or buildings are not
18 used in accordance with said limitation, title thereto shall revert to
19 the county or municipality without any entry or reentry made
20 thereon on behalf of such county or municipality, to

21 (a) A duly incorporated volunteer fire company or board of fire
22 commissioners or first aid and emergency or volunteer ambulance
23 or rescue squad association of a municipality within the county, in
24 the case of a county, or of the municipality, in the case of a
25 municipality, for the construction thereon of a firehouse or fire
26 school or a first aid and emergency or volunteer ambulance or
27 rescue squad building or for the use of any existing building for any
28 or all of said purposes and any such land or building sold to any
29 duly incorporated volunteer fire company may be leased by such
30 fire company to any volunteer firemen's association for the use
31 thereof for fire school purposes for the benefit of the members of
32 such association, or

33 (b) Any nationally chartered organization or association of
34 veterans of any war, in which the United States has or shall have
35 been engaged, by a conveyance for consideration, a part of which
36 may be an agreement by the organization or association to render
37 service or to provide facilities for the general public of the county
38 or municipality, of a kind which the county or municipality may
39 furnish to its citizens and to the general public, or

40 (c) A duly incorporated nonprofit hospital association for the
41 construction or maintenance thereon of a general hospital, or

42 (d) Any **【paraplegic】** veteran with paraplegia, that is to say, any
43 officer, soldier, sailor, marine, nurse or other person, regularly
44 enlisted or inducted, who was or shall have been in the active
45 military or naval forces of the United States in any war in which the
46 United States was engaged, including any member of the American
47 Merchant Marine during World War II who is declared by the
48 United States Department of Defense to be eligible for federal

1 veterans' benefits, and who, at the time **【he】** the veteran was
2 commissioned, enlisted, inducted, appointed or mustered into such
3 military or naval service, was a resident of and who continues to
4 reside in this State, and who **【is suffering from】** has paraplegia and
5 **【has】** permanent paralysis of both legs or the lower parts of the
6 body resulting from injuries sustained through enemy action or
7 accident while in such active military or naval service, for the
8 construction of a home to domicile **【him】** the veteran, or to any
9 organization or association of veterans, for the construction of a
10 home or homes to domicile **【paraplegic】** veterans with paraplegia,
11 with powers to convey said lands and premises to the **【paraplegic】**
12 veteran or veterans with paraplegia on whose behalf said
13 organization or association shall acquire title to said land, or

14 (e) Any duly incorporated nonprofit association or any regional
15 commission or authority composed of one or more municipalities or
16 one or more counties for the construction or maintenance thereon of
17 an animal shelter, or

18 (f) Any duly incorporated nonprofit historical society for the
19 acquisition of publicly owned historic sites for their restoration,
20 preservation, improvement, and utilization for the benefit of the
21 general public, or

22 (g) Any duly incorporated nonprofit cemetery organization or
23 association serving the residents of the municipality or county, or

24 (h) Any duly incorporated nonprofit organization for the
25 principal purpose of the education or treatment of persons
26 **【afflicted】** with developmental disabilities including cerebral palsy,
27 or

28 (i) Any county or municipal sewerage authority serving the
29 residents of the county or municipality, for the use thereof for
30 sewerage authority purposes, or

31 (j) Any duly incorporated nonprofit organization for the
32 purpose of building or rehabilitating residential property for resale.
33 Any profits from the resale of the property shall be applied by the
34 nonprofit organization to the costs of acquiring and rehabilitating
35 other residential property in need of rehabilitation owned by the
36 county or municipality, or

37 (k) Any duly incorporated nonprofit organization or association,
38 other than a political, partisan, sectarian, denominational, or
39 religious organization or association, which includes among its
40 principal purposes the provision of educational, gardening,
41 recreational, medical, or social services to the general public,
42 including residents of the county or municipality, or

43 (l) Any duly incorporated **【nonprofit housing corporation or**
44 **any limited-dividend housing corporation or housing association**
45 **organized pursuant to P.L.1949, c.184 (C.55:16-1 et seq.)】** urban
46 renewal corporation organized pursuant to P.L.1991, c.431
47 (C.40A:20-1 et seq.) for the purpose of constructing housing for

1 low or moderate income persons or families or **【handicapped】**
2 persons with disabilities, or

3 (m) Any duly incorporated nonprofit hospice organization whose
4 principal purpose is to provide hospice services to **【the terminally**
5 **ill】** persons with terminal illnesses, or

6 (n) Any duly incorporated nonprofit organization or association
7 for the cultivation and sale of fresh fruits and vegetables on a tract
8 of land of less than five acres within a municipality, provided that
9 the nonprofit organization or association is not controlled, directly
10 or indirectly, by any agricultural, commercial, or other business.
11 The nonprofit organization or association shall be authorized to sell
12 fresh fruits and vegetables either on the land that was conveyed, off
13 that land, or both, provided, that the sales are related and incidental
14 to the non-profit purposes of the organization or association and the
15 net proceeds received by the nonprofit organization or association
16 are used to further the non-profit purposes of the organization or
17 association.

18 Whenever a sale of property is proposed pursuant to subsection
19 (k), for gardening, or subsection (n) of this section, the county or
20 municipality shall comply with all notice requirements for an
21 application for development under section 7.1 of P.L.1975, c.291
22 (C.40:55D-12).

23 (cf: P.L.2011, c.171, s.3)

24

25 176. Section 16 of P.L.1992, c.79 (C.40A:12A-16) is amended
26 to read as follows:

27 16. a. In order to carry out the housing purposes of this act, a
28 municipality, county, or housing authority may exercise the
29 following powers, in addition to those set forth in section 22 of
30 P.L.1992, c.79 (C.40A:12A-22):

31 (1) Plan, construct, own, and operate housing projects; maintain,
32 reconstruct, improve, alter, or repair any housing project or any part
33 thereof; and for these purposes, receive and accept from the State or
34 federal government, or any other source, funds or other financial
35 assistance;

36 (2) Lease or rent any dwelling house, accommodations, lands,
37 buildings, structures or facilities embraced in any housing project;
38 and pursuant to the provisions of this act, establish and revise the
39 rents and charges therefor;

40 (3) Acquire property pursuant to subsection i. of section 22 of
41 P.L.1992, c.79 (C.40A:12A-22);

42 (4) Acquire, by condemnation, any land or building which is
43 necessary for the housing project, pursuant to the provisions of the
44 "Eminent Domain Act of 1971," P.L.1971, c.361 (C.20:3-1 et seq.);

45 (5) Issue bonds in accordance with the provisions of section 29
46 of P.L.1992, c.79 (C.40A:12A-29);

47 (6) Cooperate with any other municipality, private, county, State
48 or federal entity to provide funds to the municipality or other

1 governmental entity and to homeowners, tenant associations,
2 nonprofit or private developers to acquire, construct, rehabilitate or
3 operate publicly assisted housing, and to provide rent subsidies for
4 persons of low and moderate income, including the elderly,
5 pursuant to applicable State or federal programs;

6 (7) Encourage the use of demand side subsidy programs such as
7 certificates and vouchers for low-income families and promote the
8 use of project based certificates which provide subsidies for units in
9 newly constructed and substantially rehabilitated structures, and of
10 tenant based certificates which subsidize rent in existing units;

11 (8) Cooperate with any State or federal entity to secure mortgage
12 assistance for any person of low or moderate income;

13 (9) Provide technical assistance and support to nonprofit
14 organizations and private developers interested in constructing low
15 and moderate income housing;

16 (10) If it owns and operates public housing units, provide to the
17 tenants public safety services, including protection against [drug
18 abuse] substance use disorder, and social services, including
19 counseling and financial management, in cooperation with other
20 agencies;

21 (11) Provide emergency shelters, transitional housing and
22 supporting services to homeless families and individuals.

23 b. All housing projects, programs and actions undertaken
24 pursuant to this act shall accord with the housing element of the
25 master plan of the municipality within which undertaken, and with
26 any fair share housing plan filed by the municipality with the
27 Council on Affordable Housing, based upon the council's criteria
28 and guidelines, pursuant to the "Fair Housing Act," P.L.1985, c.222
29 (C.52:27D-301 et al.), whether or not the municipality has
30 petitioned for substantive certification of the plan.

31 (cf: P.L.1992, c.79, s.16)

32
33 177. Section 6 of P.L.1980, c.86 (C.43:22-15) is amended to
34 read as follows:

35 6. a. All State political subdivisions receiving financial aid, who
36 provide Social Security coverage for their employees pursuant to
37 the provisions of P.L.1951, c.253 (C.43:22-1 et seq.), and any
38 amendments or supplements thereto, and the provisions of the
39 statutes governing the several State-administered retirement
40 systems as authorized by law, shall, in addition to other purposes,
41 utilize all grants-in-aid and other revenue received from the State to
42 pay the employer's share of Social Security contributions; provided,
43 however, that this shall not apply to employees who are enrolled in
44 the Teachers' Pension and Annuity Fund.

45 b. The grants-in-aid and other revenue referred to in subsection
46 a. of this section specifically include, but are not limited to, general
47 formula aid to local school districts (including general assistance
48 programs for public schools, programs for [the handicapped])

1 persons with disabilities, the disadvantaged, teacher training, adult
2 education, school nutrition, career development), aid for school and
3 public libraries, aid for higher education, including county colleges,
4 aid to counties and municipalities (for local highway systems,
5 including county and municipal roads for purposes of construction,
6 operation, and maintenance, aid for medical assistance, old age
7 assistance, general assistance, disability assistance, dependent
8 children assistance, medical assistance for **the aged** persons who
9 are elderly, **the** persons who are blind, families of the working
10 poor, child care, county **mental** psychiatric hospitals, community
11 mental health services), aid to political subdivisions of the State
12 (programs of economic opportunity, training, youth employment,
13 model cities, housing and urban renewal projects, continuing
14 planning assistance, parental and child health services, other local
15 health services, inland waterways, shore protection, and grade
16 crossing elimination), and aid pertaining to tax collections,
17 including a proportion of inheritance taxes, aid in lieu of railroad
18 property taxes, net sales taxes, and reimbursement for senior
19 citizens' tax deductions.

20 (cf: P.L.1980, c.86, s.6)

21
22 178. R.S.44:1-126 is amended to read as follows:

23 44:1-126. No person shall furnish a non-resident who is sick,
24 **aged** elderly, injured, or **crippled** who has a physical disability,
25 with transportation at the cost of the municipality until the
26 **overseer** municipal welfare director has ascertained the legal
27 residence of the person applying. Transportation furnished to a
28 person shall be to **his** the person's legal residence unless it shall
29 appear that the person **in distress** has some valid claim for
30 support or some means of support in some other place to which
31 **he** the person shall ask to be sent.

32 (cf: R.S.44:1-126)

33
34 179. R.S.44:4-81 is amended to read as follows:

35 44:4-81. No person shall furnish a nonresident who is sick,
36 **aged** elderly, injured, or **crippled** who has a physical disability,
37 with transportation at the cost of the county until the director of
38 welfare of the county has ascertained the legal residence of the
39 person applying. Any transportation furnished to such person shall
40 be to **his** the person's legal residence unless it shall appear that
41 **he** the person has some valid claim for support or some means of
42 support in some other place to which **he** the person shall ask to be
43 sent.

44 (cf: R.S.44:4-81)

45
46 180. Section 9 of P.L.1997, c.331 (C.45:2D-9) is amended to
47 read as follows:

1 9. a. Nothing in **【this act】** P.L.1997, c.331 (C.45:2D-1 et seq.)
2 shall be construed to prevent a person from engaging in or offering
3 **【alcohol and drug addiction】** services for alcohol use disorder and
4 substance use disorder involving drugs, such as self-help,
5 sponsorship through alcoholics and narcotics anonymous groups or
6 other uncompensated **【alcohol and drug addiction】** counseling
7 assistance for alcohol use disorder and substance use disorder
8 involving drugs.

9 b. Nothing in **【this act】** P.L.1997, c.331 (C.45:2D-1 et seq.)
10 shall be construed to apply to the activities and services of a
11 designated employee or other agent of a private employer who has
12 been designated to be involved in the evaluation or referral for
13 counseling of employees of the private employer, or an employee or
14 other agent of a recognized academic institution, a federal, State,
15 county, or local government institution, agency, or facility, or a
16 school district, if the individual is performing these activities solely
17 within the company or agency, as the case may be, or under the
18 jurisdiction of that company or agency and if a license granted
19 under **【this act】** P.L.1997, c.331 (C.45:2D-1 et seq.) is not a
20 requirement for employment.

21 c. Nothing in **【this act】** P.L.1997, c.331 (C.45:2D-1 et seq.)
22 shall be construed to apply to the activities and services of a rabbi,
23 priest, minister, Christian Science practitioner or **【clergyman】**
24 member of the clergy of any religious denomination or sect, when
25 engaging in activities~~【.~~ which are within the scope of the
26 performance of the person's regular or specialized ministerial duties
27 and for which no separate charge is made, or when these activities
28 are performed, with or without charge, for or under the auspices or
29 sponsorship, individually or in conjunction with others, of an
30 established and legally cognizable church, denomination, or sect,
31 and when the person rendering services remains accountable to the
32 established authority thereof.

33 d. Nothing in **【this act】** P.L.1997, c.331 (C.45:2D-1 et seq.)
34 shall be construed to apply to the activities and services of a
35 student, intern or trainee in **【alcohol and drug addiction】** counseling
36 for alcohol use disorder and substance use disorder involving drugs
37 pursuing a course of study in counseling in a regionally accredited
38 institution of higher education or training institution, if these
39 activities are performed under supervision and constitute a part of
40 the supervised course of study.

41 e. Nothing in **【this act】** P.L.1997, c.331 (C.45:2D-1 et seq.)
42 shall be construed to prevent a person from doing work of an
43 alcohol or drug counseling nature, or advertising those services,
44 when acting within the scope of the person's profession or
45 occupation and doing work consistent with the person's training,
46 including physicians, clinical social workers, psychologists, nurses,
47 or any other profession or occupation licensed by the State, or

1 students within accredited programs of these professions, if the
2 person does not hold himself or herself out to the public as
3 possessing a license or certification issued pursuant to **【this act】**
4 P.L.1997, c.331 (C.45:2D-1 et seq.).
5 (cf: P.L.1997, c.331, s.9)
6

7 181. Section 2 of P.L.1983, c.420 (C.45:3B-2) is amended to
8 read as follows:

9 2. As used in this act:

10 a. "Audiologist" means any individual who practices
11 audiology and who represents himself or herself to the public by
12 title or by description of services, under any title incorporating such
13 terms as "audiology," "audiologist," "audiological," "audiologic,"
14 "hearing clinic," "hearing clinician," "hearing therapist," or any
15 similar title or descriptions of services, provided that the individual
16 has met the eligibility requirements contained in section 8 of
17 P.L.1983, c.420 (C.45:3B-8) and has been duly licensed under this
18 act.

19 b. "Committee" means the Audiology and Speech-Language
20 Pathology Advisory Committee.

21 c. "Person" means any individual, corporation, partnership,
22 trust, association or other organization, except that only individuals
23 may be licensed under **【this act】** P.L.1983, c.420 (C.45:3B-1 et
24 seq.).

25 d. "Practice of audiology" means the nonmedical and
26 nonsurgical application of principles, methods, and procedures of
27 measurement, testing, evaluation, consultation, counseling,
28 instruction, and habilitation or rehabilitation related to hearing, its
29 disorders, and related communication impairments for the purpose
30 of nonmedical diagnosis, prevention, identification, amelioration, or
31 modification of these disorders and conditions in individuals or
32 groups of individuals with speech, language, or hearing
33 **【handicaps】** disabilities, or to individuals or groups of individuals
34 for whom these **【handicapping】** conditions must be ruled out.

35 e. "Practice of speech-language pathology" means the
36 nonmedical and nonsurgical application of principles, methods, and
37 procedures of measurement, prediction, nonmedical diagnosis,
38 testing, counseling, consultation, habilitation, and rehabilitation and
39 instruction related to the development and disorders of speech,
40 voice, and language for the purpose of preventing, ameliorating,
41 and modifying these disorders and conditions in individuals or
42 groups of individuals with speech, language, or hearing
43 **【handicaps】** disabilities, or to individuals or groups of individuals
44 for whom these **【handicapping】** conditions must be ruled out.

45 f. "Speech-language pathologist" means an individual who
46 practices speech-language pathology and who represents himself or
47 herself to the public by title or by description of services under any

1 title incorporating such terms as "speech-language pathology,"
2 "speech-language pathologist," "speech pathology," "speech
3 pathologist," "speech correction," "speech correctionist," "speech
4 therapy," "speech therapist," "speech clinic," "speech clinician,"
5 "logopedist," "communicologist," "language therapist,"
6 "communication disorders specialist," "communication therapist,"
7 or any similar titles of description of services, provided that the
8 individual has met the eligibility requirements contained in section
9 8 of P.L.1983, c.420 (C.45:3B-8) and has been duly licensed under
10 **【this act】** P.L.1983, c.420 (C.45:3B-1 et seq.).
11 (cf: P.L.1983, c.420, s.2)
12

13 182. Section 3 of P.L.1993, c.85 (C.45:9-37.53) is amended to
14 read as follows:

15 3. As used in **【this act】** P.L.1993, c.85 (45:9-37.51 et seq.):

16 "Council" means the Occupational Therapy Advisory Council
17 established pursuant to section 4 of **【this act】** P.L.1993, c.85 (45:9-
18 37.54).

19 "Director" means the Director of the Division of Consumer
20 Affairs in the Department of Law and Public Safety.

21 "Occupational therapist" means a person licensed to practice
22 occupational therapy pursuant to the provisions of **【this act】**
23 P.L.1993, c.85 (45:9-37.51 et seq.).

24 "Occupational therapy" means the evaluation, planning, and
25 implementation of a program of purposeful activities to develop or
26 maintain functional skills necessary to achieve the maximal
27 physical or mental functioning, or both, of the individual in **【his】**
28 the person's daily occupational performance. The tasks of daily
29 living may be threatened or impaired by physical injury or illness,
30 developmental **【deficits】** disability, sensorimotor **【dysfunction】**
31 disability, psychological and social **【dysfunction】** disability, the
32 aging process, poverty, or cultural deprivation. Occupational
33 therapy utilizes task oriented activities adapted to prevent or correct
34 physical or emotional **【deficits】** disabilities as well as to minimize
35 the disabling effects of those **【deficits】** disabilities on the life of the
36 individual. Occupational therapy services include the use of
37 specific techniques which enhance functional performance and
38 include, but are not limited to, the evaluation and assessment of an
39 individual's self-care, lifestyle performance patterns, work skills,
40 performance related cognitive, sensory, motor, perceptual, affective,
41 interpersonal and social functioning, vocational, and prevocational
42 capacities, the design, fabrication, and application of adaptive
43 equipment or prosthetic or orthotic devices, excluding dental
44 devices, the administration of standardized and nonstandardized
45 assessments, and consultation concerning the adaptation of physical
46 environments for **【the handicapped】** persons with disabilities.

1 These services are provided to individuals or groups through
2 medical, health, educational and social systems.

3 "Occupational therapy assistant" means a person licensed
4 pursuant to the provisions of this act to assist in the practice of
5 occupational therapy under the supervision of or in collaboration
6 with an occupational therapist on a regularly scheduled basis for the
7 purpose of the planning, review, or evaluation of occupational
8 therapy services.

9 "Purposeful activities" means acts and occupations of
10 craftsmanship and workmanship, as well as creative, educational, or
11 other activities, which in whole or in part are used to correct,
12 compensate for, or prevent dysfunction in the tasks and activities of
13 everyday living, and which simultaneously incorporate personally
14 and culturally relevant biological, psychological, and social
15 elements that produce positive adaptation and motivational
16 behavior.

17 "Supervision" means the responsible and direct involvement of a
18 licensed occupational therapist with an occupational therapy
19 assistant for the development of an occupational therapy treatment
20 plan and the periodic review of the implementation of that plan. The
21 form and extent of the supervision shall be determined by the
22 council.

23 "Task oriented activities" means purposeful activities having an
24 explicit, observable, and measurable short-term goal which
25 contributes to the well-being of self or others.

26 (cf: P.L.1993, c.85, s.3)

27

28 183. Section 7 of P.L.1966, c.282 (C.45:14B-7) is amended to
29 read as follows:

30 The exceptions specified in **section 6(d), (e) and (f)**
31 subsections (d), (e) and (f) of section 6 of P.L.1966, c.282
32 (C.45:14B-6) shall not be available to any person who has been
33 found by a court of this or any **[State]** other state of the United
34 States to have been guilty of and who fails to present satisfactory
35 evidence of recovery from or correction of gross immorality,
36 **[habitual intoxication, drug addiction]** alcohol use disorder or
37 substance use disorder involving drugs, criminality involving
38 felonious action or moral turpitude, or dishonorable or
39 unprofessional conduct. An action to determine whether any
40 person asserting an exemption under **section 6(d), (e) or (f)**
41 subsections (d), (e) or (f) of section 6 of P.L.1966, c.282
42 (C.45:14B-6) has committed one or more of the acts listed in this
43 section may be brought by the Attorney General on behalf of the
44 board.

45 (cf: P.L.1966, c.282, s.7)

46

47 184. R.S.48:3-33 is amended to read as follows:

1 48:3-33. Any **【blind】** person who is blind or deaf-blind,
2 accompanied by a dog, known and described as a "seeing-eye dog,"
3 any **【deaf】** person who is deaf or hard of hearing, accompanied by a
4 dog, known and described as a "hearing ear dog," any
5 **【handicapped】** person with a disability, accompanied by a dog,
6 known and described as a "service dog," or any **【blind, handicapped**
7 **or deaf】** person who is blind or deaf-blind, deaf or hard of hearing,
8 or with a disability accompanied by a **【guide or】** service dog
9 trained by a recognized training agency or school, when riding on
10 any bus or other public utility, as defined in R.S. 48:2-13, engaged
11 in transportation of passengers, may keep such animal in his or her
12 immediate custody. The Board of Public Utilities shall prescribe
13 rules and regulations concerning such custody.

14 (cf: P.L.1983, c.485, s.1)

15
16 185. R.S.48:3-34 is amended to read as follows:

17 48:3-34. Any person who is totally blind **【person】** and **【guide】**
18 that person's attendant may be transported by any **【street railway,**
19 **traction railway, autobus company, or railroad company】** form of
20 public transit or transportation at the usual and ordinary fare
21 charged to one person, under such reasonable regulations as may be
22 established by the carrier, anything in this Title to the contrary
23 notwithstanding.

24 (cf: P.L.1962, c.198, s.44)

25
26 186. Section 1 of P.L.1985, c.356 (C.48:5A-11.1) is amended to
27 read as follows:

28 It is declared that many **【elderly and disabled】** persons who are
29 elderly or who have a disability reside in the State whose annual net
30 income from all sources is less than the amount necessary to enable
31 them to maintain decent living conditions and whose income is
32 fixed in whole or in part so as to be not adjusted to increases in the
33 cost of living; that the provision of the service of public utilities,
34 and cable television, at rates reduced or discounted from
35 inflationary levels is a necessity of life for these persons because
36 cable television is a principal source of recreation and entertainment
37 for **【the】** persons who are elderly **【and infirm】** or have an infirmity;
38 that a public exigency exists which makes the provision of reduced
39 or discounted rate services to qualified **【elderly and disabled】**
40 persons who are elderly or who have a disability by cable television
41 companies a public necessity; and that the provision of reduced
42 rates will promote their health and welfare, thereby prolonging their
43 productivity in the interest of the State and nation, and therefore
44 constitutes and is declared to be a public purpose necessary for the
45 preservation of the public convenience.

46 (cf: P.L.1988, c.81, s.1)

187. Section 1 of P.L.2007, c.146 (C.52:17B-9.8d) is amended to read as follows:

1. a. Within 180 days of the effective date of **[this act]** P.L.2007, c.146 (C.52:17B-9.8d), the Missing Persons and Child Exploitation Unit established in the Division of State Police within the Department of Law and Public Safety pursuant to section 2 of P.L.1983, c.467 (C.52:17B-9.7) shall establish minimum uniform guidelines concerning the handling of missing persons cases involving:

(1) persons known to **[be suffering from]** have Alzheimer's disease, and

(2) juveniles, as defined in section 3 of P.L.1982, c.77 (C.2A:4A-22).

b. The Missing Persons and Child Exploitation Unit shall consult with Alzheimer's support and child welfare groups in developing these guidelines.

c. All State or local law enforcement entities shall adhere to the guidelines established pursuant to this section.

(cf: P.L.2007, c.146, s.1)

188. Section 1 of P.L.2009, c.167 (C.52:17B-194.4) is amended to read as follows:

1. a. The Attorney General shall establish a "Silver Alert System" which shall provide a Statewide system for the rapid dissemination of information regarding a missing person who is believed **[to be suffering from]** have dementia or other cognitive impairment. The program shall be a voluntary, cooperative effort between State and local law enforcement agencies and the media, including but not limited to print, radio, and television media outlets.

b. The Attorney General shall notify the media serving the State of New Jersey of the establishment of the Silver Alert System, and invite their voluntary participation.

c. The Missing Persons Investigative Best Practices Protocol Unidentified Deceased Persons Investigative Guidelines, promulgated by the Missing Persons and Child Exploitation Unit in the Division of State Police, shall be revised to incorporate procedures for issuing an alert regarding missing persons believed to **[be suffering from]** have dementia or other cognitive impairment. The guidelines and procedures shall ensure that specific health information about the missing person is not made public through the alert or otherwise.

(cf: P.L.2009, c.167, s.1)

189. Section 2 of P.L.2009, c.167 (C.52:17B-194.5) is amended to read as follows:

2. A Silver Alert authorized under this section may be activated in accordance with the following requirements, which shall be

1 incorporated into the guidelines required by subsection c. of section
2 1 of P.L.2009, c.167 (C.52:17B-194.4).

3 a. The law enforcement agency receiving the missing persons
4 report shall be the lead law enforcement agency.

5 b. The Missing Persons and Child Exploitation Unit in the
6 Division of State Police, upon request, shall assist the lead law
7 enforcement agency in the investigation of a Silver Alert.

8 c. Each of the following criteria shall be met before a Silver
9 Alert may be issued:

10 (1) the person believed to be missing is believed to **【be**
11 **suffering from】** have dementia or **【other】** another cognitive
12 impairment regardless of age;

13 (2) a missing person's report has been submitted to the local law
14 enforcement agency where the person went missing;

15 (3) the person believed to be missing may be in danger of death
16 or serious bodily injury;

17 (4) there is sufficient information available to indicate that a
18 Silver Alert would assist in locating the missing person; and

19 (5) sufficient information is available to disseminate to the
20 public that could assist in locating the person.

21 (cf: P.L.2009, c.167, s.2)

22
23 190. Section 3 of P.L.1979, c.125 (C.52:27D-43.20) is amended
24 to read as follows:

25 3. The Division on Women in the Department of Children and
26 Families shall identify existing displaced homemaker programs and
27 provide technical assistance and encouragement for the expansion
28 of other multi-purpose programs which provide:

29 a. Job counseling services which are specifically designed for
30 displaced homemakers, and which aid them in acquiring knowledge
31 of their talents and skills in relation to existing jobs, and which
32 counsel displaced homemakers with respect to appropriate job
33 opportunities.

34 b. Job training and job placement services which develop, by
35 working with State and local government agencies and private
36 employers, training and placement programs for jobs in the public
37 and private sectors, which assist participants in gaining admission
38 to existing public and private job training programs and
39 opportunities, and which identify community needs and encourage
40 the creation of new jobs in the public and private sectors.

41 c. Health education and counseling services which cooperate
42 with existing health programs to provide counseling on preventive
43 health care, health care consumer education, family health care and
44 nutrition, **【alcohol and drug addiction】** alcohol use disorder and
45 substance use disorder involving drugs, and overcoming health
46 barriers to employment.

47 d. Financial management services which provide information
48 and assistance with respect to credit, insurance, taxes, estate and

1 probate problems, mortgages, loans, and other related financial
2 matters.

3 e. Educational services, including outreach and information
4 about courses offering credit through secondary or post-secondary
5 education programs, and including bilingual programs where
6 appropriate, as well as information about other programs which are
7 determined to be of interest and benefit to displaced homemakers in
8 developing employable skills.

9 f. Legal counseling and referral services.

10 g. Outreach and information services with respect to **【Federal】**
11 federal and State employment, education, health, public assistance,
12 and unemployment assistance programs.
13 (cf: P.L.2012, c.16, s.152)
14

15 191. Section 5 of P.L.1975, c.217 (C.52:27D-123) is amended to
16 read as follows:

17 5. a. The commissioner shall after public hearing pursuant to
18 section 4 of the "Administrative Procedure Act," P.L.1968, c.410
19 (C.52:14B-4) adopt a State Uniform Construction Code for the
20 purpose of regulating the structural design, construction,
21 maintenance, and use of buildings or structures to be erected and
22 alteration, renovation, rehabilitation, repair, maintenance, removal,
23 or demolition of buildings or structures already erected. Prior to the
24 adoption of said code, the commissioner shall consult with the code
25 advisory board and other departments, divisions, bureaus, boards,
26 councils, or other agencies of State Government heretofore
27 authorized to establish or administer construction regulations.

28 Such prior consultations with departments, divisions, bureaus,
29 boards, councils, or other agencies of State Government shall
30 include but not be limited to consultation with the Commissioner of
31 Health **【and Senior Services】** and the Public Health Council prior to
32 adoption of a plumbing subcode pursuant to paragraph b. of this
33 section. Said code shall include any code, rule, or regulation
34 incorporated therein by reference.

35 b. The code shall be divided into subcodes which may be
36 adopted individually by the commissioner as **【he】** the
37 commissioner may from time to time consider appropriate. These
38 subcodes shall include but not be limited to a building code, a
39 plumbing code, an electrical code, an energy code, a fire prevention
40 code, a manufactured or mobile home code, and a mechanical code.

41 These subcodes, except for the energy subcode, shall be
42 adoptions of the model codes of the Building Officials and Code
43 Administrators International, Inc., the National Electrical Code, and
44 the National Standard Plumbing Code, provided that for good
45 reasons, the commissioner may adopt as a subcode, a model code or
46 standard of some other nationally recognized organization upon a
47 finding that such model code or standard promotes the purposes of
48 **【this act】** P.L.1975, c.217 (C.52:27D-119 et seq.). The initial

1 adoption of a model code or standard as a subcode shall constitute
2 adoption of subsequent edition year publications of the model code
3 or standard of such other nationally recognized organization, except
4 as provided for in paragraphs (1) through (4) of this subsection.
5 Adoption of publications shall not occur more frequently than once
6 every three years; provided, however, that a revision or amendment
7 may be adopted at any time in the event that the commissioner finds
8 that there exists an imminent peril to the public health, safety, or
9 welfare.

10 The energy subcode shall be based upon the model codes cited
11 under this subsection or the International Energy Conservation
12 Code. It may be amended or supplemented by the commissioner
13 once before 2012 without regard to intervals between the adoption
14 of the energy subcode in effect on the effective date of P.L.2009,
15 c.106 (C.52:27D-122.2 et al.) and subsequent year revisions of that
16 subcode. In amending or supplementing the energy subcode, the
17 commissioner shall rely upon 10-year energy price projections
18 provided by an institution of higher education within one year
19 following the effective date of P.L.2009, c.106 (C.52:27D-122.2 et
20 al.), and thereafter at three-year intervals. In developing the energy
21 price projections, the institution of higher education shall consult
22 with the Board of Public Utilities. The commissioner shall be
23 authorized to amend the energy subcode to establish enhanced
24 energy conservation construction requirements, the added cost of
25 each of which may reasonably be recovered through energy
26 conservation over a period of not more than seven years. Such
27 requirements shall include provisions to ensure that, in all parts of
28 the State the anticipated energy savings shall be similarly
29 proportionate to the additional costs of energy subcode compliance.

30 (1) Except as otherwise provided in this subsection, the edition
31 of a model code or standard in effect as a subcode as of July 1, 1995
32 shall continue in effect regardless of any publication of a
33 subsequent edition of that model code or standard. Prior to
34 establishing the effective date for any subsequent revision or
35 amendment of any model code or standard adopted as a subcode,
36 the commissioner shall review, in consultation with the code
37 advisory board, the text of the revised or amended model code or
38 standard and determine whether the amended or revised provisions
39 of the model code are essential to carry out the intent and purpose
40 of **【this act】** P.L.1975, c.217 (C.52:27D-119 et seq.) as viewed in
41 contrast to the corresponding provisions of the subcode then
42 currently in effect.

43 (2) In the event that the commissioner, pursuant to paragraph (1)
44 of this subsection, determines that any amended or revised
45 provision of a model code is essential to carry out the intent and
46 purpose of this act as viewed in contrast to any corresponding
47 provision of the subcode then currently in effect, the commissioner

1 may then adopt that provision of the amended or revised model
2 code.

3 (3) The commissioner, in consultation with the code advisory
4 board, shall have the authority to review any model code or
5 standard currently in effect as a subcode of the State Uniform
6 Construction Code and compare it with previously adopted editions
7 of the same model code or standard in order to determine if the
8 subcode currently in effect is at least as consistent with the intent
9 and purpose of this act as were previously adopted editions of the
10 same model code or standard.

11 (4) In the event that the commissioner, after consultation with
12 the code advisory board, determines pursuant to this subsection that
13 a provision of a model code or standard currently in effect as a
14 subcode of the State Uniform Construction Code is less consistent
15 with the intent and purpose of **[this act]** P.L.1975, c.217
16 (C.52:27D-119 et seq.) than was the corresponding provision of a
17 previously adopted edition of the same model code or standard, the
18 commissioner may delete the provision in effect and substitute in its
19 place the corresponding provision of the previously adopted edition
20 of the same model code or standard determined to be more
21 consistent with the intent and purpose of **[this act]** P.L.1975, c.217
22 (C.52:27D-119 et seq.).

23 (5) The commissioner shall be authorized to adopt a barrier free
24 subcode or to supplement or revise any model code adopted
25 hereunder, for the purpose of insuring that adequate and sufficient
26 features are available in buildings or structures so as to make them
27 accessible to and usable by **[the physically handicapped]** persons
28 with disabilities. Multi-family residential buildings with four or
29 more dwelling units in a single structure shall be constructed in
30 accordance with the barrier free subcode; for the purposes of this
31 subsection the term "multi-family residential buildings with four or
32 more dwelling units in a single structure" shall not include
33 buildings constructed as townhouses, which are single dwelling
34 units with two or more stories of living space, exclusive of
35 basement or attic, with most or all of the sleeping areas on one story
36 and with most of the remaining habitable space, such as kitchen,
37 living, and dining areas, on another story, and with an independent
38 entrance at or near grade level.

39 c. Any municipality through its construction official, and any
40 State agency or political subdivision of the State, may submit an
41 application recommending to the commissioner that a State
42 sponsored code change proposal be adopted. Such application shall
43 contain such technical justification and shall be submitted in
44 accordance with such rules of procedure as the commissioner may
45 deem appropriate, except that whenever the State Board of
46 Education shall determine that enhancements to the code are
47 essential to the maintenance of a thorough and efficient system of
48 education, the enhancements shall be made part of the code;

1 provided that the amendments do not result in standards that fall
2 below the adopted subcodes. The Commissioner of [the
3 Department of] Education shall consult with the Commissioner of
4 [the Department of] Community Affairs prior to publishing the
5 intent of the State Board to adopt any amendments to the Uniform
6 Construction Code. Upon adoption of any amendments by the State
7 Board of Education they shall be transmitted forthwith to the
8 Commissioner of [the Department of] Community Affairs who
9 shall publish and incorporate the amendments as part of the
10 Uniform Construction Code and the amendments shall be
11 enforceable as if they had been adopted by the commissioner.

12 At least 45 days prior to the final date for the submission of
13 amendments or code change proposals to the National Model Code
14 Adoption Agency, the code of which has been adopted as a subcode
15 under [this act] P.L.1975, c.217 (C.52:27D-119 et seq.), the
16 commissioner shall hold a public hearing in accordance with the
17 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
18 seq.), at which testimony on any application recommending a State
19 sponsored code change proposal will be heard.

20 The commissioner shall maintain a file of such applications,
21 which shall be made available to the public upon request and upon
22 payment of a fee to cover the cost of copying and mailing.

23 After public hearing, the code advisory board shall review any
24 such applications and testimony and shall within 20 days of such
25 hearing present its own recommendations to the commissioner.

26 The commissioner may adopt, reject, or return such
27 recommendations to the code advisory board for further
28 deliberation. If adopted, any such proposal shall be presented to the
29 subsequent meeting of the National Model Code Agency by the
30 commissioner or by persons designated by the commissioner as a
31 State sponsored code change proposal. Nothing herein, however,
32 shall limit the right of any municipality, the department, or any
33 other person from presenting amendments to the National Model
34 Code Agency on its own initiative.

35 The commissioner may adopt further rules and regulations
36 pursuant to this subsection and may modify the procedures herein
37 described when a model code change hearing has been scheduled so
38 as not to permit adequate time to meet such procedures.

39 d. (Deleted by amendment, P.L.1983, c.496.)
40 (cf: P.L.2009, c.106, s.2)

41
42 192. Section 7 of P.L.1975, c.217 (C.52:27D-125) is amended to
43 read as follows:

44 7. a. To assist and advise the commissioner in the
45 administration of [this act] P.L.1975, c.217 (C.52:27D-119 et seq.)
46 there is hereby created in the Department of Community Affairs a
47 code advisory board to consist of 15 citizens to be appointed by the

1 commissioner for a term of 4 years. The board shall consist of: one
2 architect registered in the State of New Jersey; two professional
3 engineers licensed by the State of New Jersey, one of whom shall
4 be a mechanical engineer and one of whom shall be a structural
5 engineer; one municipal building official; one member of the
6 building industry in the State **【of New Jersey】**; one public health
7 official in the State **【of New Jersey】**; one licensed plumbing
8 inspector in the State **【of New Jersey】**; one licensed electrical
9 inspector in the State **【of New Jersey】**; one fire prevention
10 inspector in the State **【of New Jersey】**; and six members of the
11 public, two of whom shall be experienced in representing
12 consumers and one of whom shall be a representative of **【the**
13 **handicapped】** persons with disabilities who shall serve as
14 **【chairman】** chair of the subcode committee on **【the handicapped】**
15 persons with disabilities. The initial appointment of the
16 representative of **【the handicapped】** persons with disabilities shall
17 be used to fill the first vacancy among the public members of the
18 code advisory board occurring on or after the effective date of **【this**
19 **amendatory and supplementary act】** P.L.1981, c.35. Of the 13
20 members first appointed the commissioner shall designate the
21 appointees' terms so that three shall be appointed for terms of 1
22 year, three for terms of **【2】** two years, three for terms of **【3】** three
23 years and four for terms of **【4】** four years, and that the two
24 additional members first appointed by the commissioner pursuant to
25 **【this amendatory act】** P.L.1976, c.117 shall be appointed for **【2】**
26 two years and **【3】** three years respectively with such terms to be
27 computed from February 4, 1976. Thereafter, members of the code
28 advisory board shall be appointed for terms of **【4】** four years.

29 b. Code advisory board members shall serve without
30 compensation but shall be entitled to reimbursement for expenses
31 incurred in performance of their duties. Vacancies on the advisory
32 board shall be filled for the unexpired term. Members may be
33 removed by the commissioner for cause.

34 c. The code advisory board shall appoint a committee for each
35 subcode and, should a subcode therefor not be adopted, for
36 supplements to or revisions of the barrier free design provisions of
37 any model code adopted pursuant to section 5 of **【this act】**
38 P.L.1975, c.217 (C.52:27D-119 et seq.). Each such committee shall
39 consist of one member of the code advisory board, who shall be
40 **【chairman】** chair, and at least four citizens who are experienced
41 and knowledgeable in matters related to the particular subcode.
42 Each committee shall advise and assist the code advisory board in
43 the performance of its responsibilities under **【this act】** P.L.1975,
44 c.217 (C.52:27D-119 et seq.) for the subcode in question.
45 Committee members shall serve without compensation and at the

1 pleasure of the code advisory board.
2 (cf: P.L.1981, c.35, s.7)

3

4 193. Section 1 of P.L.1989, c.223 (C.52:27D-126e) is amended
5 to read as follows:

6 1. a. Notwithstanding the provisions of the "State Uniform
7 Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), or
8 any rules, regulations, or standards adopted pursuant thereto~~[,]~~ to
9 the contrary, the governing body of any municipality which has
10 appointed an enforcing agency pursuant to the provisions of section
11 8 of P.L.1975, c.217 (C.52:27D-126) may, by ordinance, provide
12 that no person shall be charged a construction permit surcharge fee
13 or enforcing agency fee for any construction, reconstruction,
14 alteration or improvement designed and undertaken solely to
15 promote accessibility by **[disabled]** persons with disabilities to an
16 existing public or private structure or any of the facilities contained
17 therein.

18 The ordinance may further provide that a **[disabled]** person with
19 a disability, or a parent or sibling of a **[disabled]** person with a
20 disability, shall not be required to pay any municipal fee or charge
21 in order to secure a construction permit for any construction,
22 reconstruction, alteration or improvement which promotes
23 accessibility to **[his]** the person's own living unit.

24 For the purposes of this subsection, "**[disabled]** person with a
25 disability" means a person who has the total and permanent inability
26 to engage in any substantial gainful activity by reason of any
27 medically determinable physical, sensory, or mental **[impairment]**
28 disability, including blindness, and shall include, but not be limited
29 to, any resident of this State who **[is disabled]** has a disability as
30 defined pursuant to the federal Social Security Act (42 U.S.C.416),
31 or the federal Railroad Retirement Act of 1974 (45 U.S.C.231 et
32 seq.), or is rated as having a **[60%]** 60 percent disability or higher
33 pursuant to any federal law administered by the United States
34 Veterans' **[Act]** Administration. For purposes of this paragraph
35 "blindness" means central visual acuity of 20/200 or less in the
36 better eye with the use of a correcting lens. An eye which is
37 accompanied by a limitation in the fields of vision such that the
38 widest diameter of the visual field subtends an angle no greater than
39 20 degrees shall be considered as having a central visual acuity of
40 20/200 or less.

41 b. (1) Notwithstanding the provisions of the "State Uniform
42 Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) or
43 any rules, regulations or standards adopted pursuant thereto to the
44 contrary, the governing body of any municipality which has
45 appointed an enforcing agency pursuant to the provisions of section
46 8 of P.L.1975, c.217 (C.52:27D-126) shall not charge a person who
47 has a service-connected disability declared by the United States

1 Department of Veterans Affairs, or its successor, to be a total or
2 **【100%】** 100 percent permanent disability that would entitle them to
3 a property tax exemption under section 1 of P.L.1948, c.259
4 (C.54:4-3.30) or a spouse, parent, sibling, or guardian of the
5 **【disabled】** veteran with a disability, a construction permit
6 surcharge fee or enforcing agency fee for any construction,
7 reconstruction, alteration, or improvement designed and undertaken
8 solely to promote accessibility by the **【disabled】** veteran with a
9 disability to **【his】** the veteran's own living unit.

10 (2) A municipality that has granted an exemption from a
11 construction permit surcharge fee or enforcing agency fee pursuant
12 to paragraph (1) of this subsection may apply to the Department of
13 Community Affairs, in accordance with rules and regulations
14 promulgated by the Commissioner of Community Affairs for this
15 purpose, for reimbursement of those exempt fees.

16 (cf: P.L.2015, c.273)

17

18 194. Section 2 of P.L.1977, c.379 (C.52:27D-171) is amended to
19 read as follows:

20 2. It is hereby declared to be public policy of the State of New
21 Jersey to encourage and support as hereinafter provided the
22 promotion, planning, development, implementation, and
23 maintenance of comprehensive recreation services, by
24 municipalities, counties and nonprofit agencies for **【handicapped】**
25 persons with disabilities.

26 (cf: P.L.1977, c.379, s.2)

27

28 195. Section 3 of P.L.1977, c.379 (C.52:27D-172) is amended to
29 read as follows:

30 3. For the purposes of this act, P.L.1977, c.379 (C.52:27D-170
31 et seq.):

32 a. "Commissioner" means the Commissioner of Community
33 Affairs.

34 b. "**【Handicapped persons】** Persons with disabilities" means
35 persons who have intellectual disabilities or who **【are visually**
36 **handicapped】** have a visual impairment, **【auditorily handicapped】**
37 an auditory impairment, **【communication handicapped】** a
38 communication impairment, **【neurologically or perceptually**
39 **impaired】** a neurological or perceptual impairment, **【orthopedically**
40 **handicapped】** an orthopedic impairment, **【chronically ill】** a chronic
41 illness, **【emotionally disturbed】** an emotional disturbance, **【socially**
42 **maladjusted】** a social impairment, **【multiply handicapped】** multiple
43 disabilities, or **【have】** a developmental disability.

44 (cf: P.L.2010, c.50, s.77)

1 196. Section 4 of P.L.1977, c.379 (C.52:27D-173) is amended to
2 read as follows:

3 4. The commissioner shall, after consultation with experts in the
4 area of recreation, develop a comprehensive program for furnishing
5 recreation for **【handicapped】** persons with disabilities, and shall
6 promulgate rules and regulations for the administration of this
7 program pursuant to the Administrative Procedure Act, P.L.1968, c.
8 410 (C.52:14B-1 et seq.).
9 (cf: P.L.1977, c.379, s.4)

10
11 197. Section 5 of P.L.1977, c.379 (C.52:27D-174) is amended to
12 read as follows:

13 5. a. Any municipality or county planning to provide or to
14 contract with private nonprofit agencies for the provision of
15 recreation services for **【handicapped】** persons with disabilities
16 under **【this act】** P.L.1977, c.379 (C.52:27D-170 et seq.), shall apply
17 to the commissioner for approval. Such application shall be in
18 accordance with rules and regulations promulgated by the
19 commissioner herewith.

20 b. Upon approval of said application by the commissioner, there
21 shall be apportioned and paid annually to each municipality or
22 county a sum not to exceed \$5.00 for each \$1.00 appropriated by
23 said municipality or county for implementation of the provisions of
24 **【this act】** P.L.1977, c.379 (C.52:27D-170 et seq.).
25 (cf: P.L.1977, c.379, s.5)

26
27 198. Section 6 of P.L.1977, c.379 (C.52:27D-175) is amended to
28 read as follows:

29 6. a. The commissioner shall prepare a list of special events
30 deemed appropriate for participation by **【handicapped】** persons
31 with disabilities, such as the Special Olympics and the Tournament
32 of Champions, and shall make this list available to municipalities
33 and counties. Municipalities or counties wishing to operate or
34 participate in a special event listed by the commissioner shall apply
35 to the commissioner for funds for such special events. Such
36 application shall be in accordance with rules and regulations
37 promulgated by the commissioner herewith.

38 b. Upon the approval of such application for special events,
39 there may be apportioned and paid to municipalities and counties
40 sums sufficient to provide training, transportation, and supervision
41 for **【handicapped】** persons with disabilities participating in special
42 recreation events. In no case shall the annual amount appropriated
43 to any one approved municipality exceed **【\$1,000.00】** \$1,000 or to
44 any one approved county exceed **【\$2,500.00】** \$2,500.

45 c. No more than a total of **【\$25,000.00】** \$25,000 of the funds
46 appropriated for **【this act】** P.L.1977, c.379 (C.52:27D-170 et seq.)

1 shall be apportioned to support such special recreational events in
2 any one year.

3 (cf: P.L.1977, c.379, s.6)

4
5 199. Section 4 of P.L.1985, c.222 (C.52:27D-304) is amended
6 to read as follows:

7 4. As used in this act, P.L.1985, c.222 (C.52:27D-301 et al.):

8 a. "Council" means the Council on Affordable Housing
9 established in **[this act]** P.L.1985, c.222 (C.52:27D-301 et al.),
10 which shall have primary jurisdiction for the administration of
11 housing obligations in accordance with sound regional planning
12 considerations in this State.

13 b. "Housing region" means a geographic area of not less than
14 two nor more than four contiguous, whole counties which exhibit
15 significant social, economic and income similarities, and which
16 constitute to the greatest extent practicable the primary metropolitan
17 statistical areas as last defined by the United States Census Bureau
18 prior to the effective date of P.L.1985, c.222 (C.52:27D-301 et al.).

19 c. "Low income housing" means housing affordable according
20 to federal Department of Housing and Urban Development or other
21 recognized standards for home ownership and rental costs and
22 occupied or reserved for occupancy by households with a gross
23 household income equal to **[50%]** 50 percent or less of the median
24 gross household income for households of the same size within the
25 housing region in which the housing is located.

26 d. "Moderate income housing" means housing affordable
27 according to federal Department of Housing and Urban
28 Development or other recognized standards for home ownership
29 and rental costs and occupied or reserved for occupancy by
30 households with a gross household income equal to more than 50%
31 but less than **[80%]** 80 percent of the median gross household
32 income for households of the same size within the housing region in
33 which the housing is located.

34 e. "Resolution of participation" means a resolution adopted by
35 a municipality in which the municipality chooses to prepare a fair
36 share plan and housing element in accordance with **[this act]**
37 P.L.1985, c.222 (C.52:27D-301 et al.).

38 f. "Inclusionary development" means a residential housing
39 development in which a substantial percentage of the housing units
40 are provided for a reasonable income range of low and moderate
41 income households.

42 g. "Conversion" means the conversion of existing commercial,
43 industrial, or residential structures for low and moderate income
44 housing purposes where a substantial percentage of the housing
45 units are provided for a reasonable income range of low and
46 moderate income households.

1 h. "Development" means any development for which
2 permission may be required pursuant to the "Municipal Land Use
3 Law," P.L.1975, c.291 (C.40:55D-1 et seq.).

4 i. "Agency" means the New Jersey Housing and Mortgage
5 Finance Agency established by P.L.1983, c.530 (C.55:14K-1 et
6 seq.).

7 j. "Prospective need" means a projection of housing needs
8 based on development and growth which is reasonably likely to
9 occur in a region or a municipality, as the case may be, as a result
10 of actual determination of public and private entities. In
11 determining prospective need, consideration shall be given to
12 approvals of development applications, real property transfers, and
13 economic projections prepared by the State Planning Commission
14 established by sections 1 through 12 of P.L.1985, c.398 (C.52:18A-
15 196 et seq.).

16 k. **"[Disabled person] Person with a disability"** means a person
17 with a physical or sensory disability, infirmity, malformation, or
18 disfigurement which is caused by bodily injury, birth defect, aging,
19 or illness including epilepsy and other seizure disorders, and which
20 shall include, but not be limited to, any degree of paralysis,
21 amputation, lack of physical coordination, blindness or visual
22 **[impediment] impairment**, deafness or hearing **[impediment]**
23 **impairment**, **[muteness] the inability to speak** or a speech
24 **[impediment] impairment**, or physical reliance on a service **[or**
25 **guide dog] animal**, wheelchair, or other remedial appliance or
26 device.

27 l. "Adaptable" means constructed in compliance with the
28 technical design standards of the barrier free subcode adopted by
29 the Commissioner of Community Affairs pursuant to the "State
30 Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119
31 et seq.) and in accordance with the provisions of section 5 of
32 P.L.2005, c.350 (C.52:27D-123.15).

33 m. "Very low income housing" means housing affordable
34 according to federal Department of Housing and Urban
35 Development or other recognized standards for home ownership
36 and rental costs and occupied or reserved for occupancy by
37 households with a gross household income equal to **[30%] 30**
38 percent or less of the median gross household income for
39 households of the same size within the housing region in which the
40 housing is located.

41 (cf: P.L.2008, c.46, s.5)

42

43 200. Section 20 of P.L.1985, c.222 (C.52:27D-320) is amended
44 to read as follows:

45 20. There is established in the Department of Community
46 Affairs a separate trust fund, to be used for the exclusive purposes
47 as provided in this section, and which shall be known as the "New

1 Jersey Affordable Housing Trust Fund." The fund shall be a non-
2 lapsing, revolving trust fund, and all monies deposited or received
3 for purposes of the fund shall be accounted for separately, by source
4 and amount, and remain in the fund until appropriated for such
5 purposes. The fund shall be the repository of all State funds
6 appropriated for affordable housing purposes, including, but not
7 limited to, the proceeds from the receipts of the additional fee
8 collected pursuant to paragraph (2) of subsection a. of section 3 of
9 P.L.1968, c.49 (C.46:15-7), proceeds from available receipts of the
10 Statewide non-residential development fees collected pursuant to
11 section 35 of P.L.2008, c.46 (C.40:55D-8.4), monies lapsing or
12 reverting from municipal development trust funds, or other monies
13 as may be dedicated, earmarked, or appropriated by the Legislature
14 for the purposes of the fund. All references in any law, order, rule,
15 regulation, contract, loan, document, or otherwise, to the
16 "Neighborhood Preservation Nonlapsing Revolving Fund" shall
17 mean the "New Jersey Affordable Housing Trust Fund." The
18 department shall be permitted to utilize annually up to 7.5 percent
19 of the monies available in the fund for the payment of any
20 necessary administrative costs related to the administration of the
21 "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), or any
22 costs related to administration of P.L.2008, c.46 (C.52:27D-329.1 et
23 al.).

24 a. Except as permitted pursuant to subsection g. of this section,
25 and by section 41 of P.L.2009, c.90 (C.52:27D-320.1), the
26 commissioner shall award grants or loans from this fund for
27 housing projects and programs in municipalities whose housing
28 elements have received substantive certification from the council, in
29 municipalities receiving State aid pursuant to P.L.1978, c.14
30 (C.52:27D-178 et seq.), in municipalities subject to a builder's
31 remedy as defined in section 28 of P.L.1985, c.222 (C.52:27D-328),
32 or in receiving municipalities in cases where the council has
33 approved a regional contribution agreement and a project plan
34 developed by the receiving municipality.

35 Of those monies deposited into the "New Jersey Affordable
36 Housing Trust Fund" that are derived from municipal development
37 fee trust funds, or from available collections of Statewide non-
38 residential development fees, a priority for funding shall be
39 established for projects in municipalities that have petitioned the
40 council for substantive certification.

41 Programs and projects in any municipality shall be funded only
42 after receipt by the commissioner of a written statement in support
43 of the program or project from the municipal governing body.

44 b. The commissioner shall establish rules and regulations
45 governing the qualifications of applicants, the application
46 procedures, and the criteria for awarding grants and loans and the
47 standards for establishing the amount, terms, and conditions of each
48 grant or loan.

1 c. For any period which the council may approve, the
2 commissioner may assist affordable housing programs which are
3 not located in municipalities whose housing elements have been
4 granted substantive certification or which are not in furtherance of a
5 regional contribution agreement; provided that the affordable
6 housing program will meet all or part of a municipal low and
7 moderate income housing obligation.

8 d. Amounts deposited in the "New Jersey Affordable Housing
9 Trust Fund" shall be targeted to regions based on the region's
10 percentage of the State's low and moderate income housing need as
11 determined by the council. Amounts in the fund shall be applied for
12 the following purposes in designated neighborhoods:

13 (1) Rehabilitation of substandard housing units occupied or to
14 be occupied by low and moderate income households;

15 (2) Creation of accessory apartments to be occupied by low and
16 moderate income households;

17 (3) Conversion of non-residential space to residential purposes;
18 provided a substantial percentage of the resulting housing units are
19 to be occupied by low and moderate income households;

20 (4) Acquisition of real property, demolition and removal of
21 buildings, or construction of new housing that will be occupied by
22 low and moderate income households, or any combination thereof;

23 (5) Grants of assistance to eligible municipalities for costs of
24 necessary studies, surveys, plans, and permits; engineering,
25 architectural, and other technical services; costs of land acquisition
26 and any buildings thereon; and costs of site preparation, demolition,
27 and infrastructure development for projects undertaken pursuant to
28 an approved regional contribution agreement;

29 (6) Assistance to a local housing authority, nonprofit or limited
30 dividend housing corporation, or association or a qualified entity
31 acting as a receiver under P.L.2003, c.295 (C.2A:42-114 et al.) for
32 rehabilitation or restoration of housing units which it administers
33 which: (a) are unusable or in a serious state of disrepair; (b) can be
34 restored in an economically feasible and sound manner; and (c) can
35 be retained in a safe, decent, and sanitary manner, upon completion
36 of rehabilitation or restoration; and

37 (7) Other housing programs for low and moderate income
38 housing, including, without limitation, (a) infrastructure projects
39 directly facilitating the construction of low and moderate income
40 housing not to exceed a reasonable percentage of the construction
41 costs of the low and moderate income housing to be provided and
42 (b) alteration of dwelling units occupied or to be occupied by
43 households of low or moderate income and the common areas of the
44 premises in which they are located in order to make them accessible
45 to **【handicapped】** persons with disabilities.

46 e. Any grant or loan agreement entered into pursuant to this
47 section shall incorporate contractual guarantees and procedures by
48 which the division will ensure that any unit of housing provided for

1 low and moderate income households shall continue to be occupied
2 by low and moderate income households for at least 20 years
3 following the award of the loan or grant, except that the division
4 may approve a guarantee for a period of less than 20 years where
5 necessary to ensure project feasibility.

6 f. Notwithstanding the provisions of any other law, rule, or
7 regulation to the contrary, in making grants or loans under this
8 section, the department shall not require that tenants be certified as
9 low or moderate income or that contractual guarantees or deed
10 restrictions be in place to ensure continued low and moderate
11 income occupancy as a condition of providing housing assistance
12 from any program administered by the department, when that
13 assistance is provided for a project of moderate rehabilitation if the
14 project: (1) contains 30 or fewer rental units; and (2) is located in a
15 census tract in which the median household income is 60 percent or
16 less of the median income for the housing region in which the
17 census tract is located, as determined for a three person household
18 by the council in accordance with the latest federal decennial
19 census. A list of eligible census tracts shall be maintained by the
20 department and shall be adjusted upon publication of median
21 income figures by census tract after each federal decennial census.

22 g. In addition to other grants or loans awarded pursuant to this
23 section, and without regard to any limitations on such grants or
24 loans for any other purposes herein imposed, the commissioner
25 shall annually allocate such amounts as may be necessary in the
26 commissioner's discretion, and in accordance with section 3 of
27 P.L.2004, c.140 (C.52:27D-287.3), to fund rental assistance grants
28 under the program created pursuant to P.L.2004, c.140 (C.52:27D-
29 287.1 et al.). Such rental assistance grants shall be deemed
30 necessary and authorized pursuant to P.L.1985, c.222 (C.52:27D-
31 301 et al.), in order to meet the housing needs of certain low income
32 households who may not be eligible to occupy other housing
33 produced pursuant to P.L.1985, c.222 (C.52:27D-301 et al.).

34 h. The department and the State Treasurer shall submit the
35 "New Jersey Affordable Housing Trust Fund" for an audit annually
36 by the State Auditor or State Comptroller, at the discretion of the
37 Treasurer. In addition, the department shall prepare an annual
38 report for each fiscal year, and submit it by November 30th of each
39 year to the Governor and the Legislature, and the Joint Committee
40 on Housing Affordability, or its successor, and post the information
41 to its web site, of all activity of the fund, including details of the
42 grants and loans by number of units, number and income ranges of
43 recipients of grants or loans, location of the housing renovated or
44 constructed using monies from the fund, the number of units upon
45 which affordability controls were placed, and the length of those
46 controls. The report also shall include details pertaining to those
47 monies allocated from the fund for use by the State rental assistance

1 program pursuant to section 3 of P.L.2004, c.140 (C.52:27D-287.3)
2 and subsection g. of this section.

3 i. The commissioner may award or grant the amount of any
4 appropriation deposited in the "New Jersey Affordable Housing
5 Trust Fund" pursuant to section 41 of P.L.2009, c.90 (C.52:27D-
6 320.1) to municipalities pursuant to the provisions of section 39 of
7 P.L.2009, c.90 (C.40:55D-8.8).
8 (cf: P.L.2013, c.253, s.49)
9

10 201. Section 1 of P.L.1971, c.269 (C.52:32-4) is amended to
11 read as follows:

12 1. Except as otherwise provided by law, all plans and
13 specifications for the construction or remodeling of any public
14 building in the State shall provide facilities for **【the physically**
15 **handicapped】** persons with physical disabilities.
16 (cf: P.L.1975, c.220, s.1)
17

18 202. Section 2 of P.L.1971, c.269 (C.52:32-5) is amended to
19 read as follows:

20 2. The Department of Community Affairs shall promulgate
21 regulations which shall prescribe the kinds, types, and quality of
22 facilities in public buildings as defined in section 3 of P.L.1975,
23 c.220 (C.52:32-6) required to provide access for **【the physically**
24 **handicapped】** persons with physical disabilities. The regulations
25 shall differentiate between small public buildings, defined as those
26 with a total gross enclosed floor area of less than 10,000 square
27 feet, and large public buildings, defined as those with a total gross
28 enclosed floor area of 10,000 square feet or more. Small public
29 buildings shall be required to have accessible entrances servicing
30 the first or ground floor areas and facilities for **【the physically**
31 **handicapped】** persons with physical disabilities on all accessible
32 floors, however, the provisions for small public buildings shall not
33 apply to the conversion of a small public building to another use or
34 to renovations or modifications of a small public building if there is
35 insufficient space between the building and its lot lines or between
36 the building and the public way to allow for the installation of an
37 entrance ramp which meets the criteria of the "State Uniform
38 Construction Code" adopted pursuant to the "State Uniform
39 Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.).
40 Large public buildings shall be required to have accessible
41 entrances, facilities for **【the physically handicapped】** persons with
42 physical disabilities on all accessible floors, and elevators or other
43 means of access for **【the physically handicapped】** persons with
44 physical disabilities between floors, except floors which contain
45 only mechanical equipment or floors which contain less than 3,000
46 square feet of total floor area.
47 (cf: P.L.2003, c.72, s.3)

1 203. Section 3 of P.L.1975, c.220 (C.52:32-6) is amended to
2 read as follows:

3 3. As used in this act, P.L.1975, c.220 (C.52:32-4 et seq.):

4 a. "Public building" means any building, structure, facility or
5 complex used by the general public, including, but not limited to,
6 theaters, concert halls, auditoriums, museums, schools, libraries,
7 recreation facilities, public transportation terminals and stations,
8 factories, office buildings, business establishments, passenger
9 vehicle service stations, shopping centers, hotels or motels, and
10 public eating places, constructed by any State, county, or municipal
11 government agency or instrumentality or any private individual,
12 partnership, association, or corporation, with the following
13 exceptions: warehouse storage areas and all buildings classified as
14 hazardous occupancies. As used herein, "hazardous occupancy"
15 means the occupancy or use of a building or structure or any portion
16 thereof that involves highly combustible, highly flammable, or
17 explosive material, or which has inherent characteristics that
18 constitute a special fire hazard. As used in **[this act]** P.L.1975,
19 c.220 (C.52:32-4 et seq.), the term shall not include residential
20 buildings, but shall include hotels and motels. Any **[handicapped]**
21 facility requirements for residential buildings concerning persons
22 with physical disabilities shall be governed by the barrier free
23 subcode promulgated pursuant to section 5 of P.L.1975, c.217
24 (C.52:27D-123).

25 b. "Physical **[handicap]** disability" means a physical
26 impairment for which **[confines]** a person **[to]** uses a wheelchair;
27 or which causes a person to walk with difficulty or **[insecurity]**
28 walk insecurely; affects the sight or hearing of a person to the
29 extent that a person functioning in public areas is insecure or
30 exposed to danger; causes a person to have faulty coordination; or
31 reduces mobility, flexibility, coordination, and perceptiveness of a
32 person to the extent that facilities are needed to provide for the
33 safety of that person.

34 c. "Remodel" means, with respect to an existing public
35 building as defined in **[this act]** P.L.1975, c.220 (C.52:32-4 et
36 seq.), to construct an addition, alter the design or layout of said
37 public building so that a change or modification of the entrance
38 facilities, toilet facilities, or vertical access facilities is achieved, or
39 make substantial repairs or alterations.

40 d. "Office building" means a building or structure which is
41 used for the transaction of business; for the rendering of
42 professional service; for other services that involve stocks of goods,
43 wares, or merchandise in limited quantities for use incidental to
44 office uses or sample purposes; or for display and sale purposes
45 involving stocks of goods, wares, or merchandise incidental to these
46 purposes. This definition is intended to include those buildings or
47 structures classified in Use Groups "B" and "M" of the State

1 Uniform Construction Code within the scope of section 5:23-3.14 of
2 the New Jersey Administrative Code pertaining to building
3 subcodes.

4 e. (Deleted by amendment, P.L.1981, c.35.)

5 f. "Enforcing agency" means the municipal construction
6 official and subcode officials provided for in the "State Uniform
7 Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.).
8 (cf: P.L.2003, c.72, s.4)
9

10 204. Section 5 of P.L.1975, c.220 (C.52:32-8) is amended to
11 read as follows:

12 5. In cases of practical difficulty, the enforcing agency may
13 grant exceptions from the specific requirements of the standards and
14 specifications required by **[this act]** P.L.1975, c.220 (C.52:32-4 et
15 seq.) or permit the use of other methods or materials, but only when
16 it is clearly evident that equivalent facilitation and protection for
17 **[the physically handicapped]** persons with physical disabilities are
18 thereby secured.

19 (cf: P.L.1981, c.35, s.4)
20

21 205. Section 1 of P.L.1975, c.221 (C.52:32-11) is amended to
22 read as follows:

23 1. The State, every board or body having control and regulation
24 of parking facilities in every county and municipality, and every
25 parking authority created pursuant to the "Parking Authority Law,"
26 **[P.L.1948, c.198],** (C.40:11A-1 et seq.), is hereby authorized,
27 empowered, and directed to provide parking spaces for
28 **[handicapped]** persons with physical disabilities in all parking
29 facilities under the jurisdiction of the State or any such board, body,
30 or parking authority.

31 (cf: P.L.1975, c.221, s.1)
32

33 206. Section 2 of P.L.1975, c.221 (C.52:32-12) is amended to
34 read as follows:

35 2. The State and every such board, body, or parking authority
36 shall use the following guidelines when providing said parking
37 spaces for **[the physically handicapped]** persons with physical
38 disabilities:

39 a. A minimum of **[1%]** one percent of the total number of
40 parking spaces, but not less than two parking spaces, shall be
41 provided in an area of the parking facility which is most accessible
42 and approximate to the building or buildings which the facility
43 serves;

44 b. Each space or group of spaces shall be identified with a
45 clearly visible sign displaying the International Symbol of Access
46 along with the following wording: "These spaces reserved for
47 **[physically-handicapped]** drivers with physical disabilities."

1 c. Each space shall be 12 feet wide to allow room for persons
2 **【in】** using wheelchairs **【or on】**, braces, or crutches to get in and out
3 of either side of an automobile onto a level, paved surface suitable
4 for wheeling and walking;

5 d. Where possible, such spaces shall be located so that persons
6 **【in】** using wheelchairs **【or using】**, braces, or crutches are not
7 compelled to wheel or walk behind parked cars; and

8 e. Where applicable, curb ramps shall be provided to permit
9 **【handicapped】** people with physical disabilities access from
10 parking area to sidewalk.

11 (cf: P.L.1975, c.221, s.2)

12
13 207. Section 1 of P.L.1975, c.224 (C.52:32-14) is amended to
14 read as follows:

15 1. A sidewalk hereafter constructed or reconstructed on public
16 or private property for public use within this State, whether
17 constructed by a public agency or a person, firm, corporation,
18 nonprofit corporation, or association, shall be constructed in a
19 manner that will facilitate use by **【physically handicapped】** persons
20 with physical disabilities. At points of intersection between
21 pedestrian and motorized lines of travel, and at other points where
22 necessary to avoid abrupt changes in grade, a sidewalk shall slope
23 gradually to street level so as to provide an uninterrupted line of
24 travel.

25 (cf: P.L.1975, c.224, s.1)

26
27 208. Section 2 of P.L.1975, c.224 (C.52:32-15) is amended to
28 read as follows:

29 2. To carry out the purpose of section 1 of P.L.1975, c.224
30 (C.52:32-14) the Department of Transportation shall, within 30 days
31 of the enactment of P.L.1975, c.224 (C.52:32-14 et seq.), and
32 periodically thereafter as necessary, after consultation with the
33 Director of the Division of Vocational Rehabilitation Services of
34 the Department of Labor and the Director of the **【Office】** Division
35 of Disability Services and the **【chairman】** Executive Director of the
36 State Commission for the Blind and Visually Impaired of the
37 Department of Human Services, prescribe standards, which shall
38 include, but not be limited to, standards of drainage, slope gradient,
39 width, and slip-resistant qualities which will assure that a sidewalk
40 will accommodate a person **【in】** using a wheelchair or other
41 **【handicapped】** persons with physical or sensory disabilities. All
42 agencies and instrumentalities of State and local government, and
43 every other person, firm, corporation or association shall comply
44 with these standards and the provisions of P.L.1975, c.224
45 (C.52:32-14 et seq.) when undertaking construction or
46 reconstruction of streets, curbs, or sidewalks.

47 (cf: P.L.1999, c.91, s.14)

1 209. R.S.54:4-3.15 is amended to read as follows:

2 54:4-3.15. Any personal property or real estate not exceeding
3 **【two hundred and fifty】** 250 acres in extent, owned and actually
4 and exclusively used by any corporation organized under the laws
5 of New Jersey to provide instruction in agricultural pursuits for
6 soldiers and sailors of the United States who have **【been**
7 **permanently crippled】** sustained a permanent physical or sensory
8 disability while in active service in time of war, provided all income
9 derived from the property in excess of the expense of its
10 maintenance and operation, shall be used exclusively for the benefit
11 of **【such crippled】** soldiers and sailors with permanent physical or
12 sensory disabilities, shall be exempt from taxation under this
13 chapter.

14 (cf: R.S.54:4-3.15)

15

16 210. Section 13 of P.L.1980, c.105 (C.54:32B-8.1) is amended
17 to read as follows:

18 13. a. Receipts from sales of the following sold for human use
19 are exempt from the tax imposed under the "Sales and Use Tax
20 Act":

- 21 (1) drugs sold pursuant to a doctor's prescription;
22 (2) over-the-counter drugs;
23 (3) diabetic supplies;
24 (4) prosthetic devices;
25 (5) tampons or like products;
26 (6) medical oxygen;
27 (7) human blood and its derivatives;
28 (8) durable medical equipment for home use;
29 (9) mobility enhancing equipment sold by prescription; and
30 (10) repair and replacement parts for any of the foregoing
31 exempt devices and equipment.

32 b. As used in this section:

33 "Drug" means a compound, substance, or preparation, and any
34 component of a compound, substance, or preparation, other than
35 food and food ingredients, dietary supplements, or alcoholic
36 beverages:

37 (1) recognized in the official United States Pharmacopoeia,
38 official Homeopathic Pharmacopoeia of the United States, or
39 official National Formulary, and supplement to any of them; or

40 (2) intended for use in the diagnosis, cure, mitigation, treatment,
41 or prevention of disease; or

42 (3) intended to affect the structure or any function of the body.

43 "Over-the-counter-drug" means a drug that contains a label
44 which identifies the product as a drug, required by 21 CFR 201.66.

45 The label includes:

46 (1) a "Drug Facts" panel or

47 (2) a statement of the "active ingredient" or "active ingredients"
48 with a list of those ingredients contained in the compound,

1 substance or preparation. "Over-the-counter drug" does not include
2 a grooming and hygiene product.

3 "Grooming and hygiene product" is soap or cleaning solution,
4 shampoo, toothpaste, mouthwash, anti-perspirant, or sun tan lotion
5 or screen, regardless of whether the item meets the definition of
6 "over-the-counter drug."

7 "Prescription" means an order, formula, or recipe issued in any
8 form of oral, written, electronic, or other means of transmission by
9 a duly licensed practitioner authorized by the laws of this State.

10 "Prosthetic device" means a replacement, corrective, or
11 supportive device including repair and replacement parts for same
12 worn on or in the body in order to:

13 (1) artificially replace a missing portion of the body; or

14 (2) prevent or correct a physical **【deformity or malfunction】**
15 disability; or

16 (3) support a weak or **【deformed】** disabled portion of the body.

17 "Durable medical equipment" means equipment, including repair
18 and replacement parts, but not including mobility enhancing
19 equipment, that:

20 (1) can withstand repeated use;

21 (2) is primarily and customarily used to serve a medical
22 purpose;

23 (3) is generally not useful to a person in the absence of illness or
24 injury; and

25 (4) is not worn in or on the body.

26 "Mobility enhancing equipment" means equipment, including
27 repair and replacement parts, other than durable medical equipment,
28 that:

29 (1) is primarily and customarily used to provide or increase the
30 ability to move from one place to another and which is appropriate
31 for use either at home or in a motor vehicle; and

32 (2) is not generally used by persons with **【normal】** typical
33 mobility; and

34 (3) does not include any motor vehicle or equipment on a motor
35 vehicle normally provided by a motor vehicle manufacturer.

36 c. Receipts from sales of supplies purchased for use in
37 providing medical services for compensation, but not transferred to
38 the purchaser of the service in conjunction with the performance of
39 the service, shall be considered taxable receipts from retail sales
40 notwithstanding the exemption from the tax imposed under the
41 "Sales and Use Tax Act" provided under this section.

42 (cf: P.L.2008, c.123, s.6)

43

44 211. Section 1 of P.L.1985, c.280 (C.55:13A-7.3) is amended to
45 read as follows:

46 1. Any owner of a multiple dwelling which, as of the enactment
47 of this act or at any time thereafter, provides parking to the
48 occupants thereof, and in which a **【handicapped】** person with a

1 physical disability resides, shall provide parking spaces for
2 occupants who **【are handicapped】** have a physical disability located
3 at the closest possible proximity to the principal accesses of the
4 multiple dwelling.

5 A minimum of **【1%】** one percent of the total number of parking
6 spaces provided for the occupants of the multiple dwelling, but not
7 less than one parking space, shall be set aside as parking for **【the**
8 **handicapped】** persons with physical disabilities. Each space or
9 group of spaces shall be identified with a clearly visible sign
10 displaying the International Symbol of Access along with the
11 following wording: "This space reserved for **【physically**
12 **handicapped】** drivers with physical disabilities." Where possible,
13 the space shall be 12 feet wide to allow room for a person **【in】**
14 using a wheelchair **【or on】**, braces, or crutches to get in and out of
15 either side of an automobile onto a level, paved surface suitable for
16 wheeling and walking and shall be located so that a person **【in】**
17 using a wheelchair **【or using】**, braces, or crutches is not compelled
18 to wheel or walk behind parked cars. Where applicable, curb ramps
19 shall be provided to permit a **【handicapped】** person with a physical
20 disability access from the parking area to the sidewalk.

21 For purposes of this section **【"handicapped"】** "physical
22 disability" means a physical impairment for which **【confines】** a
23 person **【to】** uses a wheelchair【;】, or which causes a person to walk
24 with difficulty or **【insecurity】** walk insecurely; affects the sight or
25 hearing of a person to the extent that a person functioning in public
26 areas is insecure or exposed to danger; causes a person to have
27 faulty coordination; or reduces mobility, flexibility, coordination,
28 and perceptiveness of a person to the extent that facilities are
29 needed to provide for the safety of that person.

30 (cf: P.L.1985, c.280, s.1)

31

32 212. Section 1 of P.L.1975, c.293 (C.56:8-2.7) is amended to
33 read as follows:

34 1. It shall be an unlawful practice for any person to solicit funds
35 or a contribution of any kind, or to sell or offer for sale any goods,
36 wares, merchandise, or services, by telephone or otherwise, where it
37 has been falsely represented by such person or where the consumer
38 has been falsely led to believe that such person is soliciting by or on
39 behalf of any charitable or nonprofit organization, or that a
40 contribution to or purchase from such person shall substantially
41 benefit **【handicapped】** persons with disabilities.

42 (cf: P.L.1975, c.293, s.1)

43

44 213. Section 1 of P.L.1999, c.129 (C.56:8-14.2) is amended to
45 read as follows:

46 1. As used in this act, P.L.1999, c.129 (C.56:8-14.2 et seq.):

1 "Fund" means the Consumer Fraud Education Fund created
2 pursuant to section 5 of **【this act】** P.L.1999, c.129 (C.56:8-14.6).

3 "Pecuniary injury" shall include, but not be limited to: loss or
4 encumbrance of a primary residence, principal employment, or
5 source of income; loss of property set aside for retirement or for
6 personal or family care and maintenance; loss of payments received
7 under a pension or retirement plan or a government benefits
8 program; or assets essential to the health or welfare of the senior
9 citizen or person with a disability.

10 "Person with a disability" means a natural person who has a
11 physical or sensory disability, infirmity, malformation, or
12 disfigurement which is caused by bodily injury, birth defect, or
13 illness including epilepsy, and which shall include, but not be
14 limited to, any degree of paralysis, amputation, lack of physical
15 coordination, blindness or visual **【impediment】** impairment,
16 deafness or deaf-blindness or hearing **【impediment】** impairment,
17 **【muteness】** inability to speak or speech **【impediment】** impairment,
18 or physical reliance on a service **【or guide】** animal, wheelchair, or
19 other remedial appliance or device, or from any mental,
20 psychological, or developmental disability resulting from
21 anatomical, psychological, physiological, or neurological conditions
22 which prevents the normal exercise of any bodily or mental
23 functions or is demonstrable, medically or psychologically, by
24 accepted clinical or laboratory diagnostic techniques.

25 "Senior citizen" means a natural person 60 years of age or older.
26 (cf: P.L.2001, c.339, s.1)

27

28 214. N.J.S.59:6-5 is amended to read as follows:

29 59:6-5. a. Neither a public entity nor a public employee is liable
30 for injury resulting from diagnosing or failing to diagnose that a
31 person **【is afflicted with】** has a mental illness or is a **【drug**
32 **dependent】** person with a substance use disorder involving drugs or
33 from failing to prescribe for mental illness or **【drug dependence】** a
34 substance use disorder involving drugs; provided, however, that
35 nothing in this subsection exonerates a public entity or a public
36 employee who has undertaken to prescribe for a mental illness or
37 **【drug dependence】** a substance use disorder involving drugs from
38 liability for injury proximately caused by **【his】** negligence or by
39 **【his】** a wrongful act in so prescribing.

40 b. Nothing in subsection a. exonerates a public entity or a public
41 employee from liability for injury proximately caused by a
42 negligent or wrongful act or omission in administering any
43 treatment prescribed for a mental illness or **【drug dependence】** a
44 substance use disorder involving drugs.

45 (cf: N.J.S.59:6-5)

46

47 215. This act shall take effect immediately.