

[First Reprint]

SENATE, No. 2721

STATE OF NEW JERSEY
217th LEGISLATURE

INTRODUCED NOVEMBER 3, 2016

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Co-Sponsored by:

Senator Gordon and 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

As amended by the General Assembly on June 8, 2017.

(Sponsorship Updated As Of: 6/9/2017)

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 ¹physical 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 park
38 or camp, equipped to handle mobile homes sited on a year-round
39 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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly floor amendments adopted June 8, 2017.

- 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
19 to 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
14 to 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
47 performance in, or circumstances flowing from, the specific public
48 office or employment held by the person;

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

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

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

6

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

8 2B:20-10. An excuse from jury service shall be granted only if:

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

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

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

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

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

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

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

23 (c) the expected length of service.

24 (3) The prospective juror has a personal obligation to care for
25 another, including a dependent ¹**【or a minor child】**¹ who is sick,
26 **【aged】** ¹is¹ elderly, or **【infirm dependent or a minor child】** has an
27 infirmity ¹or a minor child¹, who requires the prospective juror's
28 personal care and attention, and no alternative care is available
29 without severe financial hardship on the prospective juror or the
30 person requiring care.

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

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

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

45 (a) the impact on the school considering the number and function
46 of teachers called for jury service during the current academic year;
47 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 construction, renovation, or reconstruction of any structure or facility to be used as an approved hotel or casino, shall accompany **【same】** the plans with a written guaranty that all contracts and

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

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

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

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

41

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

44 136. All hotels and other facilities of a casino licensee, which
45 are public accommodations and are subject to the regulatory powers
46 of the division under **[this act]** P.L.1977, c.110 (C.5:12-1 et seq.),
47 shall be constructed or renovated to conform with the provisions of
48 P.L.1971, c.269, as amended and supplemented (C.52:32-4 et seq.)

1 relating to barrier-free design for providing facilities for **the**
2 physically handicapped **persons with physical disabilities** in public
3 buildings, and the rules, regulations, and codes thereunder
4 promulgated.

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

6
7 7. Section 1 of P.L.1968, c.230 (C.9:17A-4) is amended to read
8 as follows:

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

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

35 b. When a minor believes that he or she is **suffering from the**
36 **use of drugs** adversely affected by a substance use disorder
37 involving drugs or is a **drug dependent** person with a substance
38 use disorder involving drugs as defined in section 2 of P.L.1970,
39 c.226 (C.24:21-2) or is **suffering from alcohol dependency**
40 adversely affected by an alcohol use disorder or is **an alcoholic** a
41 person with an alcohol use disorder as defined in section 2 of
42 P.L.1975, c.305 (C.26:2B-8), the minor's consent to treatment
43 under the supervision of a physician licensed to practice medicine,
44 or an individual licensed or certified to provide treatment for
45 **alcoholism** an alcohol use disorder, or in a facility licensed by the
46 State to provide for the treatment of **alcoholism** an alcohol use
47 disorder, shall be valid and binding as if the minor had achieved the

1 age of majority. Any such consent shall not be subject to later
2 disaffirmance by reason of minority. Treatment for **【drug use, drug**
3 **abuse, alcohol use or alcohol abuse】** an alcohol use disorder or a
4 substance use disorder involving drugs that is consented to by a
5 minor shall be considered confidential information between the
6 physician, the treatment provider, or the treatment facility, as
7 appropriate, and the patient, and neither the minor nor the minor's
8 physician, treatment provider, or treatment facility, as appropriate,
9 shall be required to report such treatment when it is the result of
10 voluntary consent, except as may otherwise be required by law.

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

35 The consent of no other person or persons, including but not
36 limited to, a spouse, parent, custodian, or guardian, shall be
37 necessary in order to authorize a minor to receive such hospital
38 services, facility, or clinical care or services, medical or surgical
39 care or services, or counseling services from a physician licensed to
40 practice medicine, an individual licensed or certified to provide
41 treatment for **【alcoholism】** an alcohol use disorder, an advanced
42 practice nurse, or an individual licensed to provide professional
43 counseling under Title 45 of the Revised Statutes, as appropriate,
44 except that behavioral health care services for the treatment of
45 mental illness or emotional disorders shall be limited to temporary
46 outpatient services only.

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

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

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

5 a. "Person" includes one or more individuals, partnerships,
6 associations, organizations, labor organizations, corporations, legal
7 representatives, trustees, trustees in bankruptcy, receivers, and
8 fiduciaries.

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

11 c. "Labor organization" includes any organization which exists
12 and is constituted for the purpose, in whole or in part, of collective
13 bargaining, or of dealing with employers concerning grievances,
14 terms or conditions of employment, or of other mutual aid or
15 protection in connection with employment.

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

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

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

26 g. "Liability for service in the Armed Forces of the United
27 States" means subject to being ordered as an individual or member
28 of an organized unit into active service in the Armed Forces of the
29 United States by reason of membership in the National Guard, naval
30 militia or a reserve component of the Armed Forces of the United
31 States, or subject to being inducted into such armed forces through
32 a system of national selective service.

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

35 i. "Attorney General" means the Attorney General of the State
36 of New Jersey or **his** the Attorney General's representative or
37 designee.

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

40 k. "Director" means the Director of the Division on Civil
41 Rights.

42 l. "A place of public accommodation" shall include, but not be
43 limited to: any tavern, roadhouse, hotel, motel, trailer camp,
44 summer camp, day camp, or resort camp, whether for entertainment
45 of transient guests or accommodation of those seeking health,
46 recreation, or rest; any producer, manufacturer, wholesaler,
47 distributor, retail shop, store, establishment, or concession dealing
48 with goods or services of any kind; any restaurant, eating house, or

1 place where food is sold for consumption on the premises; any
2 place maintained for the sale of ice cream, ice and fruit preparations
3 or their derivatives, soda water or confections, or where any
4 beverages of any kind are retailed for consumption on the premises;
5 any garage, any public conveyance operated on land or water[,] or
6 in the air[,] or any stations and terminals thereof; any bathhouse,
7 boardwalk, or seashore accommodation; any auditorium, meeting
8 place, or hall; any theatre, motion-picture house, music hall, roof
9 garden, skating rink, swimming pool, amusement and recreation
10 park, fair, bowling alley, gymnasium, shooting gallery, billiard and
11 pool parlor, or other place of amusement; any comfort station; any
12 dispensary, clinic, or hospital; any public library; and any
13 kindergarten, primary and secondary school, trade or business
14 school, high school, academy, college and university, or any
15 educational institution under the supervision of the State Board of
16 Education[,] or the Commissioner of Education of the State of New
17 Jersey. Nothing herein contained shall be construed to include or to
18 apply to any institution, bona fide club, or place of accommodation,
19 which is in its nature distinctly private; nor shall anything herein
20 contained apply to any educational facility operated or maintained
21 by a bona fide religious or sectarian institution, and the right of a
22 natural parent or one in loco parentis to direct the education and
23 upbringing of a child under his control is hereby affirmed; nor shall
24 anything herein contained be construed to bar any private secondary
25 or post-secondary school from using in good faith criteria other than
26 race, creed, color, national origin, ancestry, gender identity, or
27 expression or affectional or sexual orientation in the admission of
28 students.

29 m. "A publicly assisted housing accommodation" shall include
30 all housing built with public funds or public assistance pursuant to
31 P.L.1949, c.300, P.L.1941, c.213, P.L.1944, c.169, P.L.1949, c.303,
32 P.L.1938, c.19, P.L.1938, c.20, P.L.1946, c.52, and P.L.1949,
33 c.184, and all housing financed in whole or in part by a loan,
34 whether or not secured by a mortgage, the repayment of which is
35 guaranteed or insured by the federal government or any agency
36 thereof.

37 n. The term "real property" includes real estate, lands,
38 tenements and hereditaments, corporeal and incorporeal, and
39 leaseholds, provided, however, that, except as to publicly assisted
40 housing accommodations, the provisions of this act shall not apply
41 to the rental: (1) of a single apartment or flat in a two-family
42 dwelling, the other occupancy unit of which is occupied by the
43 owner as a residence; or (2) of a room or rooms to another person or
44 persons by the owner or occupant of a one-family dwelling
45 occupied by the owner or occupant as a residence at the time of
46 such rental. Nothing herein contained shall be construed to bar any
47 religious or denominational institution or organization, or any
48 organization operated for charitable or educational purposes, which

1 is operated, supervised, or controlled by or in connection with a
2 religious organization, in the sale, lease, or rental of real property,
3 from limiting admission to or giving preference to persons of the
4 same religion or denomination or from making such selection as is
5 calculated by such organization to promote the religious principles
6 for which it is established or maintained. Nor does any provision
7 under this act regarding discrimination on the basis of familial
8 status apply with respect to housing for older persons.

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

32 p. "Real estate salesperson" includes any person who, for
33 compensation, valuable consideration or commission, or other thing
34 of value, or by reason of a promise or reasonable expectation
35 thereof, is employed by and operates under the supervision of a
36 licensed real estate broker to sell or offer to sell, buy or offer to buy
37 or negotiate the purchase, sale, or exchange of real estate, or offers
38 or attempts to negotiate a loan secured or to be secured by a
39 mortgage or other encumbrance upon or transfer of real estate, or to
40 lease or rent, or offer to lease or rent any real estate for others, or to
41 collect rents for the use of real estate, or to solicit for prospective
42 purchasers or lessees of real estate, or who is employed by a
43 licensed real estate broker to sell or offer to sell lots or other parcels
44 of real estate, at a stated salary, or upon a commission, or upon a
45 salary and commission, or otherwise to sell real estate, or any parts
46 thereof, in lots or other parcels.

47 q. "Disability" means physical or sensory disability, infirmity,
48 malformation, or disfigurement which is caused by bodily injury,

1 birth defect, or illness including epilepsy and other seizure
2 disorders, and which shall include, but not be limited to, any degree
3 of paralysis, amputation, lack of physical coordination, blindness or
4 visual **【impediment】** impairment, deafness or hearing
5 **【impediment】** impairment, muteness or speech **【impediment】**
6 impairment, or physical reliance on a service **【or guide】** ¹or guide¹
7 dog, wheelchair, or other remedial appliance or device, or any
8 mental, psychological, or developmental disability, including
9 autism spectrum disorders, resulting from anatomical,
10 psychological, physiological, or neurological conditions which
11 prevents the **【normal】** typical exercise of any bodily or mental
12 functions or is demonstrable, medically or psychologically, by
13 accepted clinical or laboratory diagnostic techniques. Disability
14 shall also mean AIDS or HIV infection.

15 r. "Blind person" or "person who is blind" means any
16 individual whose central visual acuity does not exceed 20/200 in the
17 better eye with correcting lens or whose visual acuity is better than
18 20/200 if accompanied by a limit to the field of vision in the better
19 eye to such a degree that its widest diameter subtends an angle of
20 no greater than 20 degrees.

21 s. ¹**【"Guide dog" means a dog used to assist deaf persons or**
22 **which is fitted with a special harness so as to be suitable as an aid to**
23 **the mobility of a blind person, and is used by a blind person who**
24 **has satisfactorily completed a specific course of training in the use**
25 **of such a dog, and has been trained by an organization generally**
26 **recognized by agencies involved in the rehabilitation of the blind or**
27 **deaf as reputable and competent to provide dogs with training of**
28 **this type. (Deleted by amendment, P.L. , c.) (pending before**
29 **the Legislature as this bill)】** "Guide dog" means a dog used to assist
30 persons who are deaf, or which is fitted with a special harness so as
31 to be suitable as an aid to the mobility of a person who is blind, and
32 is used by a person who is blind and has satisfactorily completed a
33 specific course of training in the use of such a dog, and has been
34 trained by an organization generally recognized by agencies
35 involved in the rehabilitation of persons with disabilities, including,
36 but not limited to, those persons who are blind or deaf, as reputable
37 and competent to provide dogs with training of this type.¹

38 t. **【Guide or service】** ¹**【Service】** Guide or service¹ dog
39 trainer" means any person who is employed by an organization
40 generally recognized by agencies involved in the rehabilitation of
41 persons with disabilities, including, but not limited to, those persons
42 who are blind, have visual impairments, or are deaf or have hearing
43 impairments, as reputable and competent to provide dogs with
44 training, as defined in this section, and who is actually involved in
45 the training process.

46 u. "Housing accommodation" means any publicly assisted
47 housing accommodation or any real property, or portion thereof,
48 which is used or occupied, or is intended, arranged, or designed to

1 be used or occupied, as the home, residence, or sleeping place of
2 one or more persons, but shall not include any single family
3 residence the occupants of which rent, lease, or furnish for
4 compensation not more than one room therein.

5 v. "Public facility" means any place of public accommodation
6 and any street, highway, sidewalk, walkway, public building, and
7 any other place or structure to which the general public is regularly,
8 normally, or customarily permitted or invited.

9 w. "Deaf person" or "person who is deaf" means any person
10 whose hearing is so severely impaired that the person is unable to
11 hear and understand **[normal]** conversational speech through the
12 unaided ear alone, and who must depend primarily on **[a**
13 **supportive]** an assistive listening device or visual communication
14 such as writing, lip reading, sign language, and gestures.

15 x. "Atypical hereditary cellular or blood trait" means sickle cell
16 trait, hemoglobin C trait, thalassemia trait, Tay-Sachs trait, or cystic
17 fibrosis trait.

18 y. "Sickle cell trait" means the condition wherein the major
19 natural hemoglobin components present in the blood of the
20 individual are hemoglobin A (normal) and hemoglobin S (sickle
21 hemoglobin) as defined by standard chemical and physical analytic
22 techniques, including electrophoresis; and the proportion of
23 hemoglobin A is greater than the proportion of hemoglobin S or one
24 natural parent of the individual is shown to have only normal
25 hemoglobin components (hemoglobin A, hemoglobin A2,
26 hemoglobin F) in the normal proportions by standard chemical and
27 physical analytic tests.

28 z. "Hemoglobin C trait" means the condition wherein the major
29 natural hemoglobin components present in the blood of the
30 individual are hemoglobin A (normal) and hemoglobin C as defined
31 by standard chemical and physical analytic techniques, including
32 electrophoresis; and the proportion of hemoglobin A is greater than
33 the proportion of hemoglobin C or one natural parent of the
34 individual is shown to have only normal hemoglobin components
35 (hemoglobin A, hemoglobin A2, hemoglobin F) in normal
36 proportions by standard chemical and physical analytic tests.

37 aa. "Thalassemia trait" means the presence of the thalassemia
38 gene which in combination with another similar gene results in the
39 chronic hereditary disease Cooley's anemia.

40 bb. "Tay-Sachs trait" means the presence of the Tay-Sachs gene
41 which in combination with another similar gene results in the
42 chronic hereditary disease Tay-Sachs.

43 cc. "Cystic fibrosis trait" means the presence of the cystic
44 fibrosis gene which in combination with another similar gene
45 results in the chronic hereditary disease cystic fibrosis.

46 dd. "Service dog" means any dog individually trained to the
47 requirements of a person with a disability including, but not limited
48 to minimal protection work, rescue work, pulling a wheelchair or

- 1 retrieving dropped items. This term shall include a "seizure dog"
2 trained to alert or otherwise assist persons **【subject to】** with
3 epilepsy or other seizure disorders.
- 4 ee. "Qualified Medicaid applicant" means an individual who is a
5 qualified applicant pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.).
- 6 ff. "AIDS" means acquired immune deficiency syndrome as
7 defined by the Centers for Disease Control and Prevention of the
8 United States Public Health Service.
- 9 gg. "HIV infection" means infection with the human
10 immunodeficiency virus or any other related virus identified as a
11 probable causative agent of AIDS.
- 12 hh. "Affectional or sexual orientation" means male or female
13 heterosexuality, homosexuality₁ or bisexuality by inclination,
14 practice, identity₁ or expression, having a history thereof or being
15 perceived, presumed₁ or identified by others as having such an
16 orientation.
- 17 ii. "Heterosexuality" means affectional, emotional₁ or physical
18 attraction or behavior which is primarily directed towards persons
19 of the other gender.
- 20 jj. "Homosexuality" means affectional, emotional₁ or physical
21 attraction or behavior which is primarily directed towards persons
22 of the same gender.
- 23 kk. "Bisexuality" means affectional, emotional₁ or physical
24 attraction or behavior which is directed towards persons of either
25 gender.
- 26 ll. "Familial status" means being the natural parent of a child,
27 the adoptive parent of a child, the resource family parent of a child,
28 having a "parent and child relationship" with a child as defined by
29 State law, or having sole or joint legal or physical custody, care,
30 guardianship, or visitation with a child, or any person who is
31 pregnant or is in the process of securing legal custody of any
32 individual who has not attained the age of 18 years.
- 33 mm. "Housing for older persons" means housing:
- 34 (1) provided under any State program that the Attorney General
35 determines is specifically designed and operated to assist **【elderly】**
36 persons who are elderly (as defined in the State program); or
37 provided under any federal program that the United States
38 Department of Housing and Urban Development determines is
39 specifically designed and operated to assist **【elderly】** persons who
40 are elderly (as defined in the federal program); or
- 41 (2) intended for, and solely occupied by₁ persons 62 years of age
42 or older; or
- 43 (3) intended and operated for occupancy by at least one person
44 55 years of age or older per unit. In determining whether housing
45 qualifies as housing for older persons under this **【subsection】**
46 paragraph, the Attorney General shall adopt regulations which
47 require at least the following factors:

1 (a) the existence of significant facilities and services
2 specifically designed to meet the physical or social needs of older
3 persons, or if the provision of such facilities and services is not
4 practicable, that such housing is necessary to provide important
5 housing opportunities for older persons; and

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

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

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

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

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

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

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

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

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

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

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

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

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

2 11A:5-11. **【Veterans】** A veteran **【suffering from】** with any
3 physical **【defect】** disability caused by wounds or injuries received
4 in the line of duty in the military or naval forces of the United
5 States during war service set forth in N.J.S.11A:5-1 shall not be
6 discriminated against in an examination, classification or
7 appointment because of the **【defect】** disability, unless this **【defect】**
8 disability, in the opinion of the Civil Service Commission, would
9 incapacitate the veteran from properly performing the duties of the
10 office, position or employment for which applied.
11 (cf: P.L.2008, c.29, s.46)

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

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

26 The head of each State agency shall explore innovative personnel
27 policies in order to enhance these efforts and where appropriate
28 shall implement them to the fullest extent authorized. Where the
29 implementation of those policies is not authorized, an agency head
30 shall recommend implementation to the appropriate State agency.
31 (cf: P.L.1991, c.519, s.15)

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

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

45 a. Ensure each State agency's compliance with all laws and
46 rules relating to equal employment opportunity and seek correction
47 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
36 read 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);

48 "Bonds" means bonds issued by the trust pursuant to this act;

1 "Commissioner" means the Commissioner of Environmental
2 Protection;

3 "Committee" means the State Agriculture Development
4 Committee established pursuant to section 4 of P.L.1983, c.31
5 (C.4:1C-4);

6 "Constitutionally dedicated moneys" means any moneys made
7 available pursuant to Article VIII, Section II, paragraph 7 of the
8 State Constitution or through the issuance of bonds, notes, or other
9 obligations by the trust, as prescribed by Article VIII, Section II,
10 paragraph 7 of the State Constitution and **[this act]** P.L.1999, c.152
11 (C.13:8C-1 et seq.), or any moneys from other sources deposited in
12 the trust funds established pursuant to sections 19, 20, and 21 of
13 **[this act]** P.L.1999, c.152 (C.13:8C-19, C.13:8C-20, and C.13:8C-
14 21), and appropriated by law, for any of the purposes set forth in
15 Article VIII, Section II, paragraph 7 of the State Constitution or this
16 act;

17 "Convey" or "conveyance" means to sell, donate, exchange,
18 transfer, or lease for a term of 25 years or more;

19 "Cost" means the expenses incurred in connection with: all
20 things deemed necessary or useful and convenient for the
21 acquisition or development of lands for recreation and conservation
22 purposes, the acquisition of development easements or fee simple
23 titles to farmland, or the preservation of historic properties, as the
24 case may be; the execution of any agreements or franchises deemed
25 by the Department of Environmental Protection, State Agriculture
26 Development Committee, or New Jersey Historic Trust, as the case
27 may be, to be necessary or useful and convenient in connection with
28 any project funded in whole or in part using constitutionally
29 dedicated moneys; the procurement or provision of appraisal,
30 archaeological, architectural, conservation, design, engineering,
31 financial, geological, historic research, hydrological, inspection,
32 legal, planning, relocation, surveying, or other professional advice,
33 estimates, reports, services, or studies; the purchase of title
34 insurance; the undertaking of feasibility studies; the establishment
35 of a reserve fund or funds for working capital, operating,
36 maintenance, or replacement expenses and for the payment or
37 security of principal or interest on bonds, as the Director of the
38 **[Division of Budget and Accounting]** Office of Management and
39 Budget in the Department of the Treasury may determine; and
40 reimbursement to any fund of the State of moneys that may have
41 been transferred or advanced therefrom to any fund established by
42 this act, or any moneys that may have been expended therefrom for,
43 or in connection with, this act;

44 "Department" means the Department of Environmental
45 Protection;

46 "Development" or "develop" means, except as used in the
47 definitions of "acquisition" and "development easement" in this
48 section, any improvement made to a land or water area designed to

1 expand and enhance its utilization for recreation and conservation
2 purposes, and shall include the construction, renovation, or repair of
3 any such improvement, but shall not mean shore protection or beach
4 nourishment or replenishment activities;

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

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

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

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

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

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

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

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

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

1 P.L.1975, c.221 (C.52:32-11 et seq.), whether real, personal or
2 mixed, or any interest therein, which is necessary or desirable for
3 center purposes;

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

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

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

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

22 and it may:

23 q. Utilize all available programs, services, and resources of
24 other social agencies, including institutions of higher education and
25 local school districts, to meet the center's plans and objectives.

26 (cf: P.L.1983, c.186, s.9)

27
28 18. Section 8 of P.L.2000, c.72 (C.18A:7G-8) is amended to
29 read as follows:

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

1 replace an existing school facility, which shall accommodate both
 2 the unhoused students and the students in the existing school
 3 facility, the calculation of the number of unhoused students shall
 4 include the number of students currently attending the existing
 5 facility which is to be replaced.

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

$$8 \quad AU = (UEC \times SEC) + (UE \times SE) + (UM \times SM) + (UH \times SH)$$

9 where

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

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

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

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

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

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

34

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

36 18A:18A-17. Every board of education shall require that all
 37 plans and specifications for bids on any contract with the board for
 38 the construction, remodeling, or renovation of any public building
 39 shall provide facilities for **the physically handicapped** persons
 40 with ¹**[a]** ¹physical ¹**[or sensory disability]** disabilities¹.

41 As used in this section, "remodeling or renovation" shall mean to
 42 construct an addition to, or alter the design or layout of **said** a
 43 public building so that a change or modification of the entrance
 44 facilities, toilet facilities, or vertical access is achieved, or makes
 45 substantial repairs or alterations. As used herein, "substantial
 46 repairs or alterations" shall mean that if the costs of making such
 47 repairs or alterations:

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

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

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

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

18 The State Board of Education, by rules and regulations, shall
19 prescribe the kinds, types, and quality of the aforementioned
20 facilities for ~~【the physically handicapped】~~ persons with ~~‘【a】’~~
21 physical ~~‘【or sensory disability】~~ disabilities¹.

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

23

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

25 18A:18A-17.1. The Commissioner of Education is hereby
26 authorized to withhold all or part of any State aid paid to any school
27 district pursuant to chapter 58 of Title 18A of the New Jersey
28 Statutes or any other law, unless and until said school district shall
29 comply with the provisions of N.J.S.18A:18A-17 with respect to
30 facilities for ~~【the physically handicapped】~~ persons with ~~‘【a】’~~
31 physical ~~‘【or sensory disability】~~ disabilities¹.

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

33

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

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

board, be made subject to a condition or limitation that said land shall be used by such nonprofit private school for **the handicapped** students with disabilities and in the event that the property shall cease to be used for the purposes contemplated by this section, such property shall first be offered for resale to the board of education making the conveyance thereof hereunder at the market price current at the time of resale.

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

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

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

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

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

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

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

(a) Total to be raised by local property taxes

(b) Total State aid

(i) Equalization aid

(ii) Special education categorical aid

(iii) Transportation aid

(iv) Preschool education aid

(v) Security aid

(vi) Adjustment aid

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

(c) Total federal aid

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

(ii) **Handicapped** Students with disabilities

(iii) Impact Aid

(iv) Vocational

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

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

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

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

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

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

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

20

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

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

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

35

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

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

46 (cf: P.L.1991, c.488, s.1)

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

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

12
13 26. Section 7 of P.L.1995, c.426 (C.18A:36A-7) is amended to
14 read as follows:

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

26
27 27. Section 11 of P.L.1995, c.426 (C.18A:36A-11) is amended
28 to read as follows:

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

38 b. A charter school shall comply with the provisions of chapter
39 46 of Title 18A of the New Jersey Statutes concerning the provision
40 of services to **【handicapped】** students with disabilities; except that
41 the fiscal responsibility for any student currently enrolled in or
42 determined to require a private day or residential school shall
43 remain with the district of residence.

44 Within 15 days of the signing of the individualized education
45 plan, a charter school shall provide notice to the resident district of
46 any individualized education plan which results in a private day or
47 residential placement. The resident district may challenge the

1 placement within 30 days in accordance with the procedures
2 established by law.

3 c. A charter school shall comply with applicable State and
4 federal anti-discrimination statutes.
5 (cf: P.L.2007, c.260, s.57)
6

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

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

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

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

42 c. A choice district shall not prohibit the enrollment of a
43 student based upon a determination that the additional cost of
44 educating the student would exceed the amount of additional State
45 aid received as a result of the student's enrollment. A choice
46 district may reject the application for enrollment of a student who
47 has been classified as eligible for special education services
48 pursuant to chapter 46 of Title 18A of the New Jersey Statutes if

1 that student's individualized education program could not be
2 implemented in the district, or if the enrollment of that student
3 would require the district to fundamentally alter the nature of its
4 educational program, or would create an undue financial or
5 administrative burden on the district.

6 d. A student whose application is rejected by a choice district
7 shall be provided with a reason for the rejection in the letter of
8 notice. The appeal of a rejection notice may be made to the
9 commissioner.

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

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

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

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

22

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

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

42 (2) A renaissance school project built on land owned by the
43 New Jersey Schools Development Authority or the renaissance
44 school district, shall allow any student who was enrolled in the
45 renaissance school project in the immediately preceding school year
46 to enroll in the renaissance school project in the appropriate grade
47 unless the appropriate grade is not offered; and if a grade is at
48 capacity, a student enrolled in the immediately preceding school

1 year shall have priority for enrollment in that grade over a student
2 who would otherwise be eligible for initial enrollment in the
3 renaissance school project automatically based on the fact that he
4 resides in the attendance area established by the renaissance school
5 project for that property.

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

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

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

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

38
39 30. N.J.S.18A:39-1.2 is amended to read as follows:

40 18A:39-1.2. Whenever the governing body of a municipality
41 finds that for safety reasons it is desirable to provide transportation
42 to and from a school for pupils living within the municipality, other
43 than those living remote from the school or those **【physically**
44 **handicapped or】** with **【an】** a physical or intellectual disability, the
45 governing body and the board of education of the district are
46 authorized to enter into a contract pursuant to **【the "Interlocal**
47 **Services Act," P.L.1973, c.208 (C.40:8A-1 et seq.)】** P.L.2007, c.63
48 (C.40A:65-1 et al.), under the terms of which the board shall

1 provide such transportation. Any funds required to be paid by the
2 municipality to the board of education under such a contract shall
3 be appropriated by the governing body and paid to the secretary or
4 treasurer of school moneys, as appropriate, of the district. The
5 governing body of the municipality may charge the parents or
6 guardians of children who are transported for safety reasons in
7 order to help defray expenses, provided that no charge shall be
8 imposed on the parent or guardian of any child who meets the
9 Statewide eligibility standards established by the State Board of
10 Education for free and reduced price meals under the State school
11 lunch program. The amount of any charges and the method of
12 collection shall be specified in the contract between the municipal
13 governing body and the board of education. Nothing in this section
14 shall prevent a board of education from providing transportation at
15 its own expense.

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

17
18 31. Section 1 of P.L.1977, c.5 (C.18A:39-22) is amended to read
19 as follows:

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

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

38
39 32. Section 1 of P.L.1994, c.172 (C.18A:39-22.1) is amended to
40 read as follows:

41 1. The board of education of a school district may, pursuant to
42 rules adopted by it, permit the use of school buses owned, leased, or
43 contracted by the school district for the purpose of transporting **【a**
44 **handicapped】** an adult with a disability who is a client of the
45 Division of Developmental Disabilities in the Department of
46 Human Services and who is continuing **【his】** the person's education
47 and training following graduation from secondary school.
48 Transportation pursuant to this section will be limited to space

1 availability on vehicles engaged in the transportation of school-age
2 pupils along established routes. The board shall require that the
3 individual transported, or **his** the person's parent or guardian, pay
4 all or part of any costs incurred by the district in providing the
5 transportation, including but not limited to, the costs of fuel, driver
6 salaries, insurance, and depreciation.

7 (cf: P.L.1994, c.172, s.1)

8
9 33. N.J.S.18A:43A-5 is amended to read as follows:

10 18A:43A-5. The bureau may, subject to the approval of the
11 board of education, provide for or administer any or all of the
12 following services:

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

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

19 (c) Maintain a register and classification of children with
20 **intellectual** disabilities **and children with handicaps** pursuant to
21 the provisions of chapter 46 of this title;

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

26 (e) Establish and maintain group and individual child guidance
27 and counseling programs;

28 (f) Establish and operate speech and remedial reading clinics
29 and such other clinics as will promote the **normal** educational
30 development of the children of the district;

31 (g) Arrange with the respective county and municipal authorities
32 concerned with proper juvenile development and particularly with
33 those concerned with juvenile delinquency for mutual cooperation
34 and assistance including service of the children's bureau as a
35 receiving center for juvenile delinquents;

36 (h) Carry out, under guidance, the recommendations of mental
37 health and diagnostic centers and clinics and of family psychiatrists
38 and physicians;

39 (i) Counsel with parent and child;

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

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

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

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

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

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

15
16 35. N.J.S.18A:46-2 is amended to read as follows:

17 18A:46-2. The commissioner shall be responsible for the
18 coordination of the work of the county departments of child study
19 and the general administration of special educational services in the
20 public schools of this State.

21 In order to carry out the provisions of this chapter, **he** the
22 commissioner shall appoint **to his** staff persons qualified to
23 administer educational services in the general field of education for
24 **handicapped** children with disabilities pursuant to N.J.S.18A:46-
25 1, including each of the following disability groups¹: (1)
26 intellectually disabled, (2) orthopedically handicapped, (3)
27 communication handicapped, (4) visually handicapped, (5)
28 neurologically or perceptually impaired, (6) chronically ill, (7)
29 emotionally disturbed, (8) socially maladjusted, (9) auditorily
30 handicapped, (10) autistic and (11) pre-school handicapped²
31 identified in N.J.S.18A:46-1, and a consultant experienced in child
32 psychiatry, and specialists in school psychology, health service,
33 school social work, learning disabilities and special education and
34 such other qualified personnel as **he** the commissioner shall deem
35 necessary and **he** the commissioner shall fix their compensation
36 with the approval of the State board.

37 The commissioner shall appoint biannually an advisory council
38 with the approval of the State board which will consist of not less
39 than seven nor more than 15 members representative of public and
40 private professional and lay interests. The advisory council shall
41 advise in the promulgation of rules, regulations, and the
42 implementation of this chapter and the establishment of standards
43 and qualifications for the professional personnel. The council shall
44 serve without remuneration.

45 (cf: P.L.2010, c.50, s.14)

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

3 2. The Commissioner of **the Department of** Education shall
4 appoint a coordinator of **deaf** education for persons who are deaf
5 or have a hearing impairment.
6 (cf: P.L.1981, c.351, s.2)

7
8 37. Section 3 of P.L.1981, c.351 (C.18A:46-2.3) is amended to
9 read as follows:

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

16
17 38. N.J.S.18A:46-3 is amended to read as follows:

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

32 In addition to the supervisor of child study, the members of each
33 child study team shall include personnel qualified to administer,
34 supervise, or otherwise perform the special education services
35 required under this chapter.

36 The county superintendent of the county, or the county
37 superintendents of the counties served by one child study team
38 jointly, shall, with the approval of the commissioner, designate a
39 member of the child study team to serve as **chairman** chair. **and**
40 **in** In the event that **they** the superintendents cannot agree, the
41 **chairman** chair shall be designated by the commissioner.
42 (cf: N.J.S.18A:46-3)

43
44 39. Section 1 of P.L.1981, c.350 (C.18A:46-3.1) is amended to
45 read as follows:

46 1. The Commissioner **of the Department** of Education shall
47 appoint four regional consultants for **the hearing impaired**

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

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

9
10 40. N.J.S.18A:46-5 is amended to read as follows:

11 18A:46-5. Each county child study team shall function in
12 consultation with the local boards of education in the county or the
13 local boards of education in the counties served by it in the fields
14 pertaining to:

15 a. identification and diagnosis of children needing special
16 educational services,

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

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

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

25 e. social case work and psychological evaluation,

26 f. remedial instruction,

27 g. cooperative action with other state and county departments
28 and lay professional organizations, and

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

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

32
33 41. N.J.S.18A:46-6 is amended to read as follows:

34 18A:46-6. Each board of education, according to uniform rules
35 prescribed by the commissioner with the approval of the State
36 board, shall provide for the identification of any children between
37 the ages of five and 21 residing in the district and enrolled in the
38 public schools of the State or in a nonpublic school located in the
39 district, who cannot be properly accommodated through the school
40 facilities usually provided, because of **【handicaps】** disabilities.

41 For the purposes of **【this act】** N.J.S.18A:46-1 et seq., a child
42 who boards at a school in a district in which **【his】** the child's
43 parents do not maintain a **【resident】** residence shall not be
44 considered a resident of the district.

45 In addition, each board of education shall also identify and
46 ascertain, according to rules promulgated by the commissioner with
47 the approval of the State board, those children between the ages of

1 three and five years who require and who would be benefited by
2 special education programs and services, which may prevent their
3 **【handicaps】** disabilities from becoming more debilitating.

4 Each board of education shall provide information to parents of
5 **【handicapped】** children with disabilities who are below the age of
6 three regarding available services and programs provided by other
7 State, county, or local agencies, which may prevent their
8 **【handicaps】** disabilities from becoming more debilitating.

9 (cf: P.L.1984, c.123, s.1)

10
11 42. Section 2 of P.L.1981, c.415 (C.18A:46-6.1) is amended to
12 read as follows:

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

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

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

27
28 43. N.J.S.18A:46-7 is amended to read as follows:

29 18A:46-7. Each board of education shall report annually to the
30 county superintendent of schools of the county in which the school
31 district is situate, who shall report to the commissioner, the names
32 of all children who are in special education instructional programs
33 and the names and addresses of their parents or persons having
34 control or custody of them, together with the category into which
35 they have been classified. Included in this report shall be the names
36 and addresses of any known **【handicapped】** children with
37 disabilities who are not attending school. The commissioner shall
38 make the information in the reports available to any **【state】** State
39 agency charged with **【the】** providing care and **【restoration of any**
40 **particular category of handicapped】** rehabilitation services for
41 children with disabilities.

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

43
44 44. Section 1 of P.L.1973, c.3 (C.18A:46-7.1) is amended to
45 read as follows:

46 1. In every school district having children who have been
47 classified as **【handicapped】** children with disabilities pursuant to

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

9 Persons requesting copies shall be required to pay a reasonable
10 fee as fixed by the board, to cover the cost of preparing the copies.

11 (cf: P.L.1973, c.3, s.1)

12
13 45. N.J.S.18A:46-8 is amended to read as follows:

14 18A:46-8. Each board of education shall provide for the
15 examination and classification of each child residing in the district
16 and identified pursuant to N.J.S.18A:46-6, except that the board of
17 education of a county vocational school district shall provide for the
18 examination and classification of each child who is attending the
19 county vocational school on a full-time basis and is identified
20 pursuant to N.J.S.18A:46-6. Such examination and classification
21 shall be accomplished according to procedures prescribed by the
22 commissioner and approved by the State board, under one of the
23 **[following]** categories~~]~~: intellectually disabled, visually
24 handicapped, auditorily handicapped, communication handicapped,
25 neurologically or perceptually impaired, orthopedically
26 handicapped, chronically ill, emotionally disturbed, socially
27 maladjusted, autistic, multiply handicapped or pre-school
28 handicapped~~]~~ identified in N.J.S.18A:46-1. The examination and
29 classification of such nonpublic school children shall be in a
30 location determined by the local board of education of the district in
31 which the nonpublic school is located and approved by the
32 commissioner pursuant to rules and regulations promulgated by the
33 State board.

34 The classification of a child with a communication
35 **[handicapped]** impairment shall be made by the basic child study
36 team and an approved speech correctionist or speech pathologist,
37 without child study consultation. Such children shall be reported to
38 the basic child study team. The proposed classification shall be
39 reported to the parent or guardian of the child and an opportunity
40 provided, prior to implementation of the classification, for
41 consultation by such parent or guardian with the appropriate special
42 educational services personnel of the district. Pursuant to rules of
43 the State board, the parent or guardian shall also be provided an
44 opportunity for further review of the classification in the
45 Department of Education.

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

47
48 46. N.J.S.18A:46-10 is amended to read as follows:

1 18A:46-10. Pupils identified as needing special education
2 services to ameliorate or to prevent the development of learning
3 **【handicaps】** disabilities shall be classified according to their ability
4 to benefit from specified types of educational service, and such
5 educational service shall be conducted according to rules and
6 regulations prescribed by the commissioner, with the approval of
7 the **【state】** State board, and may include, but need not be limited to:

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

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

20
21 47. N.J.S.18A:46-13 is amended to read as follows:

22 18A:46-13. It shall be the duty of each board of education to
23 provide suitable facilities and programs of education for all the
24 children who are classified as **【handicapped】** children with
25 disabilities under this chapter. The absence or unavailability of a
26 special class facility in any district shall not be construed as
27 relieving a board of education of the responsibility for providing
28 education for any child who qualifies under this chapter.

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

33 A board of education is not required to provide any further
34 educational program for children who have been admitted to the
35 **【Marie H. Katzenbach】** New Jersey School for the Deaf,
36 Katzenbach Campus, but shall be required to furnish necessary
37 daily transportation Monday through Friday to and from the school
38 for nonboarding pupils when such transportation is approved by the
39 county superintendent of schools in accordance with such rules and
40 regulations as the State board shall promulgate for such
41 transportation. Any special education facility or program
42 authorized and provided for a child attaining age 20 during a school
43 year shall be continued for the remainder of that school year.

44 (cf: P.L.2006, c.47, s.96)

45
46 48. N.J.S.18A:46-14 is amended to read as follows:

1 18A:46-14. The facilities and programs of education required
2 under this chapter shall be provided by one or more of the
3 following:

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

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

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

11 d. A jointure commission program;

12 e. A State of New Jersey operated program;

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

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

25 h. Individual instruction at home or in school whenever, in the
26 judgment of the board of education with the consent of the
27 commissioner, it is impracticable to provide a suitable special
28 education program for a child pursuant to subsection a., b., c., d., e.,
29 f., or g. otherwise.

30 Whenever a child study team determines that a suitable special
31 education program for a child cannot be provided pursuant to
32 subsection a., b., c., d., e., f., g., or h. of this section, and that the
33 most appropriate placement for that child is in an academic program
34 in an accredited nonpublic school within the State or, to meet
35 particular circumstances, in any other state in the United States, the
36 services of which are nonsectarian, and which is not specifically
37 approved for the education of **【handicapped】** pupils with
38 disabilities, that child may be placed in that academic program by
39 the board of education, with the consent of the commissioner, or by
40 order of a court of competent jurisdiction. An academic program
41 which meets the requirements of the child's Individual Education
42 Plan as determined by the child study team and which provides the
43 child with a thorough and efficient education, shall be considered
44 an approved placement for the purposes of chapter 46 of this Title,
45 and the board of education shall be entitled to receive State aid for
46 that child as provided pursuant to P.L.2007, c.260 (C.18A:7F-43 et
47 al.), and all other pertinent statutes.

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

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

14
15 49. N.J.S.18A:46-15 is amended to read as follows:

16 18A:46-15. a. The commissioner with the consent of the State
17 board shall, according to the rules and regulations prescribed by
18 **him** the commissioner and approved by the State board, approve
19 all special facilities and education programs which meet the
20 requirements of this chapter. **He** The commissioner shall **from**
21 **time to time**, by the use of available staff members **of his staff**,
22 by the publication of bulletins, and by any other means available
23 **to him**, assist boards of education in formulating programs
24 required under this chapter.

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

41 c. The commissioner shall continually review the operation of
42 such class or classes, and in case the operation of any of such
43 classes is not satisfactory **to him he** , the commissioner shall,
44 with the consent of the State board, take such steps available under
45 this chapter as may seem necessary to improve such operation
46 including the use of different receiving districts and sending
47 districts and the use of different jointure commissions or the

1 addition or withdrawal of districts to or from existing jointure
2 commissions.

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

4
5 50. Section 2 of P.L.1986, c.32 (C.18A:46-18.3) is amended to
6 read as follows:

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

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

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

46 (cf: P.L.2006, c.47, s.97)

47
48 51. N.J.S.18A:46-21 is amended to read as follows:

1 18A:46-21. Any board of education, jointure commission, or
2 private school for **【the handicapped】** pupils with disabilities which
3 receives pupils from a sending district under this chapter shall
4 determine a tuition rate to be paid by the sending board of
5 education, but in no case shall the tuition rate exceed the actual cost
6 per pupil as determined under rules prescribed by the commissioner
7 and approved by the State Board of Education.

8 (cf: P.L.1986, c.50, s.1)

9
10 52. N.J.S.18A:46-22 is amended to read as follows:

11 18A:46-22. Any board of education which has entered or
12 hereafter shall enter its **【handicapped】** pupils with disabilities in the
13 schools of a receiving district may not withdraw such pupils for the
14 purpose of entering them in the schools of another district unless
15 good and sufficient reason exists for such a change and unless an
16 application therefor is made and approved by the commissioner.
17 Either the receiving or sending board of education, if dissatisfied
18 with the determination of the commissioner on any such
19 application, may appeal to the state board, and, in its discretion, that
20 body may affirm, reverse, or modify **【his】** the commissioner's
21 determination.

22 (cf: N.J.S.18A:46-22)

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

25 18A:46-23. The board of education shall furnish transportation
26 to all children **【found under this chapter to be handicapped】** with
27 disabilities identified pursuant to this chapter who shall qualify
28 therefor pursuant to law and it shall furnish the transportation for a
29 lesser distance also to any **【handicapped】** child with a disability, if
30 **【it】** the board finds upon the advice of the examiner, **【the handicap**
31 **to be such as to make】** that the disability makes transportation
32 necessary or advisable.

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

43 The school district shall be entitled to State aid for the
44 transportation pursuant to section 15 of P.L.2007, c.260 (C.18A:7F-
45 57) when the necessity for the transportation and the cost and
46 method thereof have been approved by the executive county

1 superintendent of the county in which the district paying the cost of
2 the transportation is situated.

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

4
5 54. Section 1 of P.L.1971, c.271 (C.18A:46-29) is amended to
6 read as follows:

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

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

22
23 55. Section 3 of P.L.1978, c.74 (C.18A:58-33.24) is amended to
24 read as follows:

25 3. Additional State school building aid shall be made available
26 to school districts, county special services school districts and
27 county vocational school districts in accordance with the provisions
28 of this act for the payment of debt service (interest and principal) on
29 bonds and notes (as hereinafter defined) entitled to the benefits of
30 this act, provided that the amount of bonds entitled to the benefits
31 of this act shall not exceed **【\$100,000,000.00】** \$100,000,000, and
32 provided further that of the total principal amount of the bonds, no
33 more than **【\$80,000,000.00】** \$80,000,000 shall be allocated to the
34 renovation or replacement of aged and deteriorated school
35 buildings and construction of new facilities in districts with
36 financial need and no more than **【\$40,000,000.00】** \$40,000,000
37 shall be allocated to the expansion and establishment of secondary
38 vocational educational facilities to serve **【handicapped】** students
39 with disabilities between the ages of 13 and 21 who would benefit
40 from vocational education in local school districts, county special
41 services school districts, and county vocational school districts
42 with financial need. The amount of aid payable to any local school
43 district for the renovation or replacement of aged and deteriorated
44 school buildings and construction of new facilities shall not exceed
45 an amount equal to **【20%】** 20 percent of the total aid allocated to
46 this program and in any year such aid shall not exceed an amount
47 equal to **【\$25.00】** \$25 per pupil in resident enrollment in such
48 school district on September 30, 1976. The amount of aid payable

1 in any year to any local school district, county special services
2 school districts, or county vocational school district for the
3 expansion and construction of secondary vocational education
4 facilities to serve **handicapped** students with disabilities between
5 the ages of 13 and 21 shall be no more than **75%** 75 percent of
6 the total debt service of bonds and notes for secondary vocational
7 education projects constructed under the provisions of this act and
8 shall not exceed an amount equal to the number of **handicapped**
9 pupils with disabilities between the ages of 13 and 21 enrolled in
10 such school district whose vocational education needs were not met
11 due to the lack of suitable facilities prior to any application date for
12 funds under this act, multiplied by a standard per student
13 construction cost, established pursuant to guidelines promulgated
14 by the Commissioner of Education.

15 (cf: P.L.1978, c.74, s.3)

16
17 56. Section 4 of P.L.1978, c.74 (C.18A:58-33.25) is amended to
18 read as follows:

19 4. a. Whenever the board of education of a local school district
20 shall determine by resolution that it is unable to provide suitable
21 general purpose educational facilities to comply with the provisions
22 of N.J.S.18A:33-1, it may file an application with the
23 Commissioner of Education for additional State school building aid
24 under this act. Upon the receipt of such application, the
25 Commissioner of Education shall cause an investigation to be made
26 of the conditions in the district, taking into consideration the
27 number of unhoused pupils, number of years on split or curtailed
28 sessions, the rate of pupil population increase, the total tax rate of
29 the municipalities in the district, the school tax rate of the district,
30 the net debt of such municipalities and the school debt, the density
31 of population, the equalized valuations allocable with respect to
32 each child in the school district, the number of children on welfare
33 rolls, effects of judicial determinations prior to the enactment
34 hereof concerning constitutional requirements of equal educational
35 opportunity, existing and proposed educational facilities and all
36 such other factors as said commissioner or the State Board of
37 Education may deem necessary for the purpose of **this act**
38 P.L.1978, c.74 (C.18A:58-33.22 et seq.). The Commissioner of
39 Education shall report the results of such investigation to the State
40 Board of Education and may include therein an evaluation of the
41 ability of such school district to provide suitable educational
42 facilities to comply with the provisions of N.J.S.18A:33-1, and of
43 the need of such school district for additional State school building
44 aid under **this act** P.L.1978, c.74 (C.18A:58-33.22 et seq.), advice
45 as to the resident enrollment in such school district as of September
46 30, 1976 as shown by records with respect thereto on file in **his**
47 the commissioner's office, recommendation as to the amount (if
48 any) of entitlement (as hereinafter defined) proposed with respect to

1 said school district, and such further information with respect to
2 such school district as requested or required by said board.

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

1 P.L.1978, c.74 (C.18A:58-33.22 et seq.). The Commissioner of
2 Education shall report the results of such investigations to the State
3 Board of Education and may include therein an evaluation of the
4 ability of such school district to provide suitable secondary
5 vocational educational facilities for **【handicapped】** pupils with
6 disabilities, and of the need of such school district for additional
7 State school building aid under this act, advice as to the enrollment
8 of **【handicapped】** pupils with disabilities in such school as of the
9 effective date of this act as shown by records with respect thereto
10 on file in **【his】** the commissioner's office, recommendation as to
11 the amount (if any) of entitlement (as hereinafter defined) proposed
12 with respect to said school district, and such further information
13 with respect to such school district as requested or required by said
14 board.

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

16
17 57. N.J.S.18A:71B-3 is amended to read as follows:

18 18A:71B-3. Financial aid under this chapter shall be awarded
19 without regard to race, religion, creed, age, sex, national origin, or
20 **【handicapped status】** disability.

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

22
23 58. Section 3 of P.L.1985, c.493 (C.18A:72H-3) is amended to
24 read as follows:

25 3. As used in this act:

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

43 b. "Competent authority" means any doctor of medicine or any
44 doctor of osteopathy licensed to practice medicine and surgery in
45 this State.

46 c. (Deleted by amendment, P.L.1994, c.48).

47 d. "Eligible student" means any student **【"】**admitted to a public
48 or independent institution of higher education who **【is】** suffering

1 from] has a visual impairment, auditory impairment or [a] specific
2 learning disability within guidelines established by the Commission
3 on Higher Education pursuant to regulations promulgated under
4 [this act] P.L.1985, c.493 (C.18A:72H-1 et seq.).

5 e. "Independent institution of higher education" means a
6 college or university incorporated and located in New Jersey, which
7 by virtue of law or character or license is a nonprofit educational
8 institution authorized to grant academic degrees and which provides
9 a level of education which is equivalent to the education provided
10 by the State's public institutions of higher education, as attested by
11 the receipt of and continuation of regional accreditation by the
12 Middle States Association of Colleges and Schools, and which is
13 eligible to receive State aid under the provisions of the Constitution
14 of the United States and the Constitution of the State of New Jersey,
15 but does not include any educational institution dedicated primarily
16 to the education or training of ministers, priests, rabbis or other
17 professional persons in the field of religion.

18 f. "Learning disability" means a significant barrier to learning
19 caused by a disorder in one or more of the basic psychological
20 processes involved in understanding or in using language, spoken or
21 written, which disorder may manifest itself [in imperfect] as a
22 disability that affects the ability to listen, think, speak, read, write,
23 spell, or do mathematical calculations. The disorder includes
24 conditions such as perceptual [handicap] disability, brain injury,
25 [minimal brain dysfunction] attention deficit hyperactivity
26 disorder, dyslexia, and developmental aphasia. This term shall not
27 include learning problems which are primarily the result of visual,
28 hearing, or motor [handicaps] disabilities, [mental retardation]
29 intellectual disabilities, emotional disturbances, or environmental,
30 cultural, or economic disadvantage.

31 g. "Program" means the Higher Education Services Program
32 for Students with Visual Impairments, Auditory Impairments, and
33 Learning Disabilities [Visually Impaired, Auditorily Impaired, and
34 Learning Disabled Students Program] established pursuant to this
35 act.

36 h. "Public institution of higher education" means Rutgers, The
37 State University, the New Jersey Institute of Technology, Rowan
38 University, the State colleges and the county colleges.

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

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

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

3 6. The Commission on Higher Education shall:

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

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

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

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

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

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

27 g. Foster awareness of, and sensitivity to, the students'
28 **【handicapping conditions】** disabilities through seminars,
29 presentations, bulletins, and other activities for instructional,
30 administrative and other staff of public and independent higher
31 educational institutions.

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

37 i. Annually review and report to the Governor and the State
38 Legislature on the services and activities funded by the department
39 each year under this act.

40 (cf: P.L.1994, c.48, s.284)

41

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

44 7. To assist in fulfilling the duties and responsibilities relating
45 to this act, the commission shall appoint an advisory board, which
46 shall be broadly representative of those individuals and
47 organizations having an active interest in, and academic or practical
48 knowledge and experience in, the abilities and needs of **【visually**

1 impaired, auditorily impaired and learning disabled】 students with
2 visual impairments, auditory impairments, and learning disabilities;
3 the methods and techniques of evaluation of 【handicapping】 the
4 disabling conditions and curricular support development, including,
5 without limitation, representatives from professional organizations,
6 parent/student organizations, institutional administrations, academic
7 personnel, student personnel services staff, and students. A
8 representative from the Departments of Labor and Workforce
9 Development and Human Services shall serve on the advisory
10 board.

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

12

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

15 20. The State Library shall:

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

19 (b) Provide special library services for the legislative, executive
20 and judicial branches of State Government, supplemental library
21 service for New Jersey libraries and citizens and direct library
22 service for 【the handicapped】 persons with disabilities;

23 (c) Purchase or otherwise acquire, and maintain a general
24 collection of books, periodicals, newspapers, maps, slides, films
25 and other library materials for the use of State and local
26 governments, libraries, and the public generally; and exchange,
27 discard, sell, or otherwise dispose of books and library materials as
28 required within the purposes stated herein and all moneys to be
29 secured from such sales shall be paid into the treasury to be used for
30 the benefit of the State Library when appropriated to that purpose;

31 (d) Maintain as part of the State Library, a general reference
32 service; a legislative reference service; a law library service; a
33 documents depository service; an archival service for New Jersey
34 materials; a records management service for State and local
35 governments; a deposit and exchange service for library materials;
36 an interlibrary loan service; an advisory service for public libraries,
37 school libraries, libraries of institutions of higher education,
38 industrial, commercial and other special libraries, State department
39 and agency libraries, and the libraries the State maintains within the
40 institutions carrying out its health, welfare and correctional
41 programs; and a library service for 【the handicapped】 persons with
42 disabilities; and provide such other services as may be required by
43 law;

44 (e) Preserve the records of the history of New Jersey through its
45 official archives and other materials and promote interest and
46 research in the history of the State;

47 (f) Coordinate a Statewide system of libraries in New Jersey,
48 and administer State and federal programs for the development of

1 libraries, library facilities, library resources and library services in
2 New Jersey, and require such reports as are necessary for the proper
3 administration of its duties and for the gathering and publishing of
4 annual and occasional statistics on libraries in the State;

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

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

9
10 62. Section 8 of P.L.1973, c.381 (C.18A:74-21) is amended to
11 read as follows:

12 8. The President shall require that projects constructed with the
13 use of State funds under this act shall, to the extent appropriate, be
14 accessible to and usable by **【handicapped】** persons with disabilities.
15 (cf: P.L.2001, c.137, s.42)

16
17 63. R.S.23:3-4 is amended to read as follows:

18 23:3-4. The licenses issued under this article shall include,
19 among others authorized by law, the following:

20 a. A license issued to a person above 16 years of age, or in the
21 case of an apprentice firearm hunting license or an apprentice bow
22 and arrow license, a license issued to a person above 14 years of
23 age, who has an actual and bona fide domicile in this State at the
24 time of the application for the license and who has had an actual
25 and bona fide domicile in this State for at least six months
26 immediately prior thereto, provided that for a resident's trapping
27 license the person shall be above 12 years of age. These licenses
28 shall be designated as the resident's firearm hunting license, the
29 resident's bow and arrow license, the resident's trapping license, the
30 resident's fishing license, the resident's apprentice firearm hunting
31 license, and the resident's apprentice bow and arrow license.

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

37 (b) The resident's apprentice firearm hunting license shall
38 authorize its holder to hunt only with hounds and firearms and only
39 when accompanied by a holder, above 21 years of age, of a regular
40 resident's or nonresident's firearm hunting license. A fee of \$26.50
41 and an issuance fee of \$1.00 shall be charged for a resident's
42 apprentice firearm hunting license, except that a person above the
43 age of 65 years shall be charged a fee of \$14.50 and an issuance fee
44 of \$1.00. The resident's apprentice firearm hunting license may be
45 issued to a person only twice during the lifetime of the person.

46 (2) (a) The resident's bow and arrow license shall authorize its
47 holder to hunt with bow and arrow only, and a fee of \$30.50 and an
48 issuance fee of \$1.00 shall be charged therefor, except that a person

1 above the age of 65 years shall be charged a fee of \$15.50 and an
2 issuance fee of \$1.00.

3 (b) The resident's apprentice bow and arrow license shall
4 authorize its holder to hunt only with bow and arrow and only when
5 accompanied by a holder, above 21 years of age, of a regular
6 resident's or nonresident's bow and arrow license. A fee of \$30.50
7 and an issuance fee of \$1.00 shall be charged for a resident's
8 apprentice bow and arrow license, except that a person above the
9 age of 65 years shall be charged a fee of \$15.50 and an issuance fee
10 of \$1.00. The resident's apprentice bow and arrow license may be
11 issued to a person only twice during the lifetime of the person.

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

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

25 (5) The resident's fishing buddy license shall authorize its
26 holder to fish only, and can only be obtained through application at
27 the same time with: (a) another resident of this State who applies
28 for a resident's fishing license, is above 16 years of age and below
29 65 years of age, and has not bought a resident's fishing license after
30 2010, or (b) a nonresident who applies for a nonresident's annual
31 fishing license, is above 16 years of age, and has not bought a
32 nonresident's annual fishing license after 2010. The fee for a
33 resident's fishing buddy license and for a resident's fishing license
34 issued pursuant to this paragraph shall each be \$10.75 and an
35 issuance fee of \$1.00. The fee for a nonresident's annual fishing
36 license issued pursuant to this paragraph shall be \$16.50 and an
37 issuance fee of \$1.00.

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

41 b. A license issued to a person above 16 years of age, or in the
42 case of an apprentice firearm hunting license or an apprentice bow
43 and arrow license, a license issued to a person above 14 years of
44 age, not entitled to a resident's license, authorizing **【him】** the
45 person to trap or to hunt, as applicable, except that a nonresident's
46 two-day small game firearm hunting license shall not permit the
47 taking, hunting, or killing of deer or turkey. These licenses shall be
48 designated as the nonresident's firearm hunting license, the

1 nonresident's apprentice firearm hunting license, the nonresident's
2 bow and arrow license, the nonresident's apprentice bow and arrow
3 license, the nonresident's trapping license, and the nonresident's
4 two-day small game firearm hunting license.

5 A nonresident's apprentice firearm hunting license shall
6 authorize its holder to hunt only with hounds and firearms and only
7 when accompanied by a holder, above 21 years of age, of a regular
8 resident's or nonresident's firearm hunting license. A nonresident's
9 apprentice bow and arrow license shall authorize its holder to hunt
10 with bow and arrow only and only when accompanied by a holder,
11 above 21 years of age, of a regular resident's or nonresident's bow
12 and arrow license. The nonresident's apprentice firearm hunting
13 license and the nonresident's apprentice bow and arrow license may
14 each be issued to a person only twice during the lifetime of the
15 person.

16 (1) The fees for the nonresident's firearm hunting license, the
17 nonresident's apprentice firearm hunting license, the nonresident's
18 bow and arrow license, and the nonresident's apprentice bow and
19 arrow license shall each be \$134.50 and an issuance fee of \$1.00.

20 (2) The fee for the nonresident's trapping license shall be
21 \$199.50 and an issuance fee of \$1.00.

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

24 c. A license issued to a person above 16 years of age not
25 entitled to a resident's license, authorizing **him** the person to fish
26 only. These licenses shall be designated as the nonresident's annual
27 fishing license, the nonresident's annual fishing buddy license, the
28 nonresident's two-day fishing license, valid for a period of two
29 consecutive days, and the nonresident's seven-day vacation fishing
30 license, valid for a period of seven consecutive days.

31 The nonresident's annual fishing buddy license can only be
32 obtained through application at the same time with: a resident of
33 this State who applies for a resident's fishing license, is above 16
34 years of age and below 65 years of age, and has not bought a
35 resident's fishing license after 2010; or a nonresident who applies
36 for a nonresident's annual fishing license, is above 16 years of age,
37 and has not bought a nonresident's annual fishing license after 2010.

38 (1) The fee for the nonresident's annual fishing license shall be
39 \$33.00 and an issuance fee of \$1.00, except as otherwise provided
40 pursuant to paragraph (2) of this subsection, paragraph (5) of
41 subsection a. of this section, or paragraph (2) of subsection d. of
42 section 11 of P.L.1982, c.180 (C.23:3-1.1).

43 (2) The fee for a nonresident's annual fishing buddy license
44 shall be \$16.50 and an issuance fee of \$1.00. The fee for a
45 resident's fishing license obtained through application at the same
46 time with an application for a nonresident's annual fishing buddy
47 license in accordance with this subsection shall be \$10.75 and an
48 issuance fee of \$1.00, and the fee for a nonresident's annual fishing

1 license obtained through application at the same time with an
2 application for a nonresident's annual fishing buddy license in
3 accordance with this subsection shall be \$16.50 and an issuance fee
4 of \$1.00.

5 (3) The fee for the nonresident's two-day fishing license shall be
6 \$8.00 and an issuance fee of \$1.00.

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

9 d. Every license issued hereunder shall be void after December
10 31 next succeeding its issuance, except the one-day hunting license,
11 which shall expire on the date of issuance; the nonresident's seven-
12 day fishing license, which is valid only for seven consecutive days
13 after date of issuance; the nonresident's two-day fishing license,
14 which shall expire on the day after the date of issuance; and the
15 nonresident's two-day small game firearm hunting license, which
16 shall expire on the day after the date of issuance.

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

20 e. The fees for licenses set forth in this section may be adjusted
21 by the Fish and Game Council pursuant to section 12 of P.L.1982,
22 c.180 (C.23:3-1a).

23 (cf: P.L.2015, c.99, s.2)

24
25 64. Section 1 of P.L.2006, c.7 (C.23:4-24.5) is amended to read
26 as follows:

27 1. a. No person shall engage in computer-assisted remote
28 hunting or provide or operate facilities for computer-assisted remote
29 hunting in the State.

30 b. As used in this act, "computer-assisted remote hunting"
31 means the use of a computer via an Internet connection or any other
32 device or equipment capable of establishing an Internet connection,
33 or equipment or software capable of being used with an Internet
34 connection, to remotely access and control the aiming and discharge
35 of a firearm, bow and arrow, or any other weapon to hunt any game
36 bird, game animal, or fur-bearing animal in the State, and "facilities
37 for computer-assisted remote hunting" means real property and
38 improvements on the property associated with hunting, including
39 hunting blinds, offices, and rooms equipped to facilitate computer-
40 assisted remote hunting via an Internet connection.

41 c. No provision of this section shall be construed to restrict the
42 use of equipment or devices, approved by the Fish and Game
43 Council, by properly licensed hunters in the act of hunting in the
44 field who require, because of a disability **【, handicap,】** or other
45 physical condition, the assistance of certain equipment or devices
46 that may or may not employ a computer or computerized parts in
47 order to hunt in the field.

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

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

3 2. As used in this act:

4 "Administer" means the direct application of a controlled
5 dangerous substance, whether by injection, inhalation, ingestion, or
6 any other means, to the body of a patient or research subject by: (1)
7 a practitioner (or, in **his** the practitioner's presence, by **his** the
8 practitioner's lawfully authorized agent), or (2) the patient or
9 research subject at the lawful direction and in the presence of the
10 practitioner.

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

15 "Commissioner" means the Commissioner of Health.

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

21 "Counterfeit substance" means a controlled dangerous substance
22 which, or the container or labeling of which, without authorization,
23 bears the trademark, trade name, or other identifying mark, imprint,
24 number or device, or any likeness thereof, of a manufacturer,
25 distributor, or dispenser other than the person or persons who in fact
26 manufactured, distributed, or dispensed such substance and which
27 thereby falsely purports or is represented to be the product of, or to
28 have been distributed by, such other manufacturer, distributor, or
29 dispenser.

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

33 "Director" means the Director of the Division of Consumer
34 Affairs in the Department of Law and Public Safety.

35 "Dispense" means to deliver a controlled dangerous substance to
36 an ultimate user or research subject by or pursuant to the lawful
37 order of a practitioner, including the prescribing, administering,
38 packaging, labeling, or compounding necessary to prepare the
39 substance for that delivery.

40 "Dispenser" means a practitioner who dispenses.

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

43 "Distributor" means a person who distributes.

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

46 "Drug Enforcement Administration" means the Drug
47 Enforcement Administration in the United States Department of
48 Justice.

1 "Drugs" means (a) substances recognized in the official United
2 States Pharmacopoeia, official Homeopathic Pharmacopoeia of the
3 United States, or official National Formulary, or any supplement to
4 any of them; and (b) substances intended for use in the diagnosis,
5 cure, mitigation, treatment, or prevention of disease in man or other
6 animals; and (c) substances (other than food) intended to affect the
7 structure or any function of the body of man or other animals; and
8 (d) substances intended for use as a component of any article
9 specified in subsections (a), (b), and (c) of this section; but does not
10 include devices or their components, parts or accessories.

11 **["Drug dependent person"** means a person who is using a
12 controlled dangerous substance and who is in a state of psychic or
13 physical dependence, or both, arising from the use of that controlled
14 dangerous substance on a continuous basis. Drug dependence is
15 characterized by behavioral and other responses, including but not
16 limited to a strong compulsion to take the substance on a recurring
17 basis in order to experience its psychic effects, or to avoid the
18 discomfort of its absence. **]**

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

22 "Marihuana" means all parts of the plant **【Genus】** genus
23 Cannabis **【L.】**, whether growing or not; the seeds thereof; and
24 every compound, manufacture, salt, derivative, mixture, or
25 preparation of the plant or its seeds, except those containing resin
26 extracted from the plant; but shall not include the mature stalks of
27 the plant, fiber produced from the stalks, oil or cake made from the
28 seeds of the plant, any other compound, manufacture, salt,
29 derivative, mixture, or preparation of such mature stalks, fiber, oil,
30 or cake, or the sterilized seed of the plant which is incapable of
31 germination.

32 "Manufacture" means the production, preparation, propagation,
33 compounding, conversion, or processing of a controlled dangerous
34 substance, either directly or by extraction from substances of
35 natural origin, or independently by means of chemical synthesis, or
36 by a combination of extraction and chemical synthesis, and includes
37 any packaging or repackaging of the substance or labeling or
38 relabeling of its container, except that this term does not include the
39 preparation or compounding of a controlled dangerous substance by
40 an individual for **【his】** the individual's own use or the preparation,
41 compounding, packaging, or labeling of a controlled dangerous
42 substance: (1) by a practitioner as an incident to **【his】** the
43 practitioner's administering or dispensing of a controlled dangerous
44 substance in the course of **【his】** the practitioner's professional
45 practice, or (2) by a practitioner (or under **【his】** the practitioner's
46 supervision) for the purpose of, or as an incident to, research,
47 teaching, or chemical analysis and not for sale.

1 "Narcotic drug" means any of the following, whether produced
2 directly or indirectly by extraction from substances of vegetable
3 origin, or independently by means of chemical synthesis, or by a
4 combination of extraction and chemical synthesis:

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

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

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

14 "Official written order" means an order written on a form
15 provided for that purpose by the Attorney General of the United
16 States or his delegate, under any laws of the United States making
17 provisions therefor, if such order forms are authorized and required
18 by the federal law, and if no such form is provided, then on an
19 official form provided for that purpose by the division. If
20 authorized by the Attorney General of the United States or the
21 division, the term shall also include an order transmitted by
22 electronic means.

23 "Opiate" means any dangerous substance having an addiction-
24 forming or addiction-sustaining liability similar to morphine or
25 being capable of conversion into a drug having such addiction-
26 forming or addiction-sustaining liability. It does not include, unless
27 specifically designated as controlled under section 3 of this act, the
28 dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its
29 salts (dextromethorphan). It does include its racemic and
30 levorotatory forms.

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

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

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

36 "Pharmacy owner" means the owner of a store or other place of
37 business where controlled dangerous substances are compounded or
38 dispensed by a registered pharmacist; but nothing in this chapter
39 contained shall be construed as conferring on a person who is not
40 registered or licensed as a pharmacist any authority, right, or
41 privilege that is not granted to **him** the person by the pharmacy
42 laws of this State.

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

45 "Practitioner" means a physician, dentist, veterinarian, scientific
46 investigator, laboratory, pharmacy, hospital, or other person
47 licensed, registered, or otherwise permitted to distribute, dispense,
48 conduct research with respect to, or administer a controlled

1 dangerous substance in the course of professional practice or
2 research in this State.

3 (a) "Physician" means a physician authorized by law to practice
4 medicine in this or any other state **and any other person authorized**
5 **by law to treat sick and injured human beings in this or any other**
6 **state**.

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

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

11 (d) "Hospital" means any federal institution, or any institution
12 for the care and treatment of the sick and injured, operated or
13 approved by the appropriate State department as proper to be
14 entrusted with the custody and professional use of controlled
15 dangerous substances.

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

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

22 "Immediate precursor" means a substance which the division has
23 found to be and by regulation designates as being the principal
24 compound commonly used or produced primarily for use, and
25 which is an immediate chemical intermediary used or likely to be
26 used in the manufacture of a controlled dangerous substance, the
27 control of which is necessary to prevent, curtail, or limit such
28 manufacture.

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

30 "Substance use disorder involving drugs" means taking or using
31 a drug or controlled dangerous substance, as defined in this chapter,
32 in association with a state of psychic or physical dependence, or
33 both, arising from the use of that drug or controlled dangerous
34 substance on a continuous basis. A substance use disorder is
35 characterized by behavioral and other responses, including, but not
36 limited to, a strong compulsion to take the substance on a recurring
37 basis in order to experience its psychic effects, or to avoid the
38 discomfort of its absence.

39 "Ultimate user" means a person who lawfully possesses a
40 controlled dangerous substance for **[his] the person's** own use or
41 for the use of a member of **[his] the person's** household or for
42 administration to an animal owned by **[him] the person** or by a
43 member of **[his] the person's** household.

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

45

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

1 4. A community based high blood pressure control program
2 shall provide:

- 3 a. Hypertension screening;
- 4 b. Treatment referral;
- 5 c. Counseling for **【victims of】** persons with high blood
6 pressure as to proper diet, weight control, and appropriate care and
7 treatment of the condition; and
- 8 d. Patient follow-up and evaluation of treatment methods.

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

10
11 67. Section 5 of P.L.1985, c.5 (C.26:2-128) is amended to read
12 as follows:

13 The commissioner is authorized to:

14 5. a. Enter into necessary contracts and agreements with
15 counties, municipalities and other units of government, colleges,
16 universities, associations, agencies, corporations, and individuals
17 for the development and expansion of community hypertension
18 programs;

19 b. Gather data relative to the detection of high blood pressure
20 and the incidence of heart disease, kidney disease and stroke;

21 c. Promote programs of professional education for physicians,
22 dentists, nurses, pharmacists, and public health professionals
23 relative to the prevention, detection and control of high blood
24 pressure and the rehabilitation of **【victims of】** persons with heart
25 disease, stroke, and kidney disease which result from uncontrolled
26 hypertension;

27 d. Conduct scientific investigation into the prevention, cause,
28 detection, and control of high blood pressure;

29 e. Develop more effective methods for the screening,
30 evaluation and control of hypertension; and

31 f. Apply for and accept any grant of money from the federal
32 government or any other source available for the purposes of **【this**
33 **act】** P.L.1985, c.5 (C.26:2-124 et seq.).

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

35
36 68. Section 4 of P.L.1987, c.10 (C.26:2-141) is amended to read
37 as follows:

38 4. The commissioner is authorized to:

39 a. Gather data relative to the occurrence of diabetes and its
40 associated complications;

41 b. Enter into necessary contracts and agreements with counties,
42 municipalities, and other units of government, colleges,
43 universities, associations, and agencies;

44 c. Conduct a scientific investigation into the prevention, cause,
45 and control of diabetes and its associated morbidity;

46 d. Develop more effective methods for evaluating diabetes
47 control strategies;

1 e. Promote programs of education for persons **【afflicted】** with
2 diabetes in order to improve their quality of life and reduce the
3 burdens of the disease and its complications;

4 f. Promote programs of professional education for physicians,
5 nurses, dietitians, podiatrists, dentists, physical therapists,
6 pharmacists, and public health professionals relative to the
7 prevention and control of diabetes and the rehabilitation of **【victims**
8 **of】** persons with the complications of diabetes; and

9 g. Apply for and accept any grant of money from the federal
10 government or any other source available for the purposes of **【this**
11 **act】** P.L.1987, c.10 (C.26:2-138 et seq.).
12 (cf: P.L.1987, c.10, s.4)

13
14 69. Section 1 of P.L.1975, c.305 (C.26:2B-7) is amended to read
15 as follows:

16 1. It is the policy of the State of New Jersey that **【alcoholics】**
17 persons with an alcohol use disorder and intoxicated persons may
18 not be subjected to criminal prosecution because of their
19 consumption of alcoholic beverages, but rather should be afforded a
20 continuum of treatment in order that they may lead **【normal】** lives
21 as productive members of society.

22 (cf: P.L.1975, c.305, s.1)

23
24 70. Section 2 of P.L.1975, c.305 (C.26:2B-8) is amended to read
25 as follows:

26 2. The following words as used in **【this act】** P.L.1975, c.305
27 (C.26:2B-7 et seq.) shall, unless the context requires otherwise,
28 have the following meanings:

29 "Administrator" means the person in charge of the operation of a
30 facility, or his designee.

31 "Admitted" means accepted for treatment at a facility.

32 "Alcoholic" means **【any person who chronically, habitually or**
33 **periodically consumes alcoholic beverages to the extent that:** a.
34 such use substantially injures his health or substantially interferes
35 with his social or economic functioning in the community on a
36 continuing basis, or b. he has lost the power of self-control with
37 respect to the use of such beverages **】** a person with an alcohol use
38 disorder, as defined in this section.

39 "Authorized persons" means persons who serve as volunteer first
40 aid or ambulance squad members, para-professional medical
41 personnel, and rehabilitated **【alcoholics】** persons with alcohol use
42 disorder.

43 "Commissioner" means the Commissioner of Health.

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

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

46 "Division" means the Division of Alcoholism.

1 "Facility" means any public, private place, or portion thereof
2 providing services especially designed for the treatment of
3 intoxicated persons or **【alcoholics】** persons with alcohol use
4 disorder; including, but not limited to intoxication treatment
5 centers, inpatient treatment facilities, outpatient facilities, and
6 residential aftercare facilities.

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

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

16 "Intoxicated person" means a person whose mental or physical
17 functioning is substantially impaired as a result of the use of
18 alcoholic beverages.

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

20 "Person with an alcohol use disorder" means any person who
21 chronically, habitually, or periodically consumes alcoholic
22 beverages to the extent that: a. such use substantially injures the
23 person's health or substantially interferes with the person's social or
24 economic functioning in the community on a continuing basis, or b.
25 the person has lost the power of self-control with respect to the use
26 of such beverages.

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

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

32 "Treatment" means services and programs for the care or
33 rehabilitation of intoxicated persons and **【alcoholics】** persons with
34 alcohol use disorder, including, but not limited to, medical,
35 psychiatric, psychological, vocational, educational, recreational,
36 and social services and programs.

37 (cf: P.L.1975, c.305, s.2)

38

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

41 3. There is hereby established in the Department of Health a
42 Division of Alcoholism under the direction of a division director.
43 The director shall be an individual with training and experience in
44 such areas as public administration or public health or rehabilitation
45 and training in the social sciences or a qualified professional with
46 training or experience in the treatment of behavioral disorders or
47 medical-social problems, or in the organization or administration of

1 treatment services for persons **【suffering from】** with behavioral
2 disorders or medical-social problems.

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

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

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

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

30

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

33 5. The department shall prepare and submit to the Governor,
34 and from time to time shall amend, a comprehensive State plan for
35 the treatment of intoxicated persons and **【alcoholics】** persons with
36 an alcohol use disorder, including juveniles and young adults. The
37 department, in developing such plan, shall consult and cooperate
38 with the advisory council, officials of appropriate departments or
39 agencies of the **【Federal Government】** federal government and the
40 State and its political subdivisions, and private organizations and
41 individuals with a view toward providing for coordinated and
42 integrated services on the community level. The plan may provide
43 for services in **【Federal】** federal, public and private facilities. The
44 plan shall include a detailed projection of immediate and long-term
45 need for facilities and personnel and a detailed estimate of the cost
46 thereof, as well as an estimate of the extent to which funds,
47 property, or services may be available from the State or any of its

1 political subdivisions, the **【Federal Government】** federal
2 government or any private source and is to be coordinated with the
3 State Comprehensive Health Planning Agency.
4 (cf: P.L.1975, c.305, s.5)

5
6 73. Section 6 of P.L.1975, c.305 (C.26:2B-12) is amended to
7 read as follows:

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

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

15 a. Intoxication treatment centers, which centers shall render
16 emergency medical care, including detoxification, shall be open 24
17 hours every day, and shall be located conveniently near population
18 centers. Services shall be provided for the immediate physical and
19 social needs, including the needs for medication and shelter, of
20 intoxicated persons, and shall also provide for initial examination,
21 diagnosis and referral. To the extent possible, such treatment
22 centers shall be affiliated with a general or other hospital.

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

27 c. Outpatient facilities.

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

29 The department shall maintain, supervise and control all
30 facilities operated by it pursuant to **【this act】** P.L.1975, c.305
31 (C.26:2B-7 et seq.) and all such facilities shall be staffed with an
32 adequate number of qualified and trained personnel. The
33 administrator of each such facility shall make an annual report of its
34 activities to the director in such manner and form as the director
35 may deem appropriate. All appropriate resources, particularly
36 community mental health centers, shall whenever possible be
37 utilized in and coordinated with the program.

38 Services delivered by the department pursuant to **【this act】**
39 P.L.1975, c.305 (C.26:2B-7 et seq.) may be administered on the
40 premises of institutions operated in whole or in part by the
41 department of institutions and agencies. Such services shall be
42 administered as such services are administered in the other facilities
43 of the department and shall in all respects be therapeutic in nature
44 rather than penal or correctional.

45 The department shall prepare and publish annually a list of all
46 services operating in accordance with **【this act】** P.L.1975, c.305
47 (C.26:2B-7 et seq.) and shall make the list available upon request to
48 members of the public. The department shall notify all law

1 enforcement agencies and judges in the State of the location and
2 capacity of intoxication treatment centers and other services
3 operating in accordance with this act situated in or near their
4 jurisdictions.

5 (cf: P.L.1975, c.305, s.6)

6

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

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

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

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

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

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

29 e. Solicit and accept for use in relation to the purposes of this act
30 any gift of money or property made by will or otherwise, and any
31 grant or loan of money, services or property from the federal
32 government, the State or any political subdivision thereof, or any
33 private source, and do all things necessary to cooperate with the
34 federal government or any of its agencies in connection with the
35 application for any such grant or loan; provided, however, that any
36 money received under this subsection shall be deposited with the
37 State Treasurer to be kept in a separate fund in the treasury for
38 expenditure by the department in accordance with the conditions of
39 the gift, loan or grant without specific appropriation;

40 f. Develop, encourage and foster Statewide, regional and local
41 plans and programs for the prevention, detection, and treatment of
42 **【alcoholism】** alcohol use disorder in cooperation with interested
43 public agencies and private organizations and individuals and
44 provide technical assistance and consultation services for these
45 purposes;

46 g. Coordinate the efforts and enlist the assistance of all public
47 agencies and private organizations and individuals interested in the

- 1 prevention, detection, and treatment of **【alcoholism】** alcohol use
2 disorder;
- 3 h. Cooperate with the Department of Human Services in
4 establishing and conducting a program for the prevention and
5 treatment of **【alcoholism】** alcohol use disorder in penal institutions;
- 6 i. Cooperate with police academies, nursing and medical
7 schools, public agencies and private organizations and individuals
8 in establishing programs for the prevention and treatment of
9 intoxication and **【alcoholism】** alcohol use disorder among juveniles
10 and young adults;
- 11 j. Prepare, publish and disseminate educational materials dealing
12 with the prevention, nature and effects of **【alcoholism】** alcohol use
13 disorder and the benefits of treatment;
- 14 k. Develop and implement an ongoing system of collecting,
15 analyzing and distributing statistics on the incidence and prevalence
16 of **【alcoholism】** alcohol use disorder, alcohol-related problems and
17 alcohol consumption among the citizens of New Jersey, with special
18 emphasis on youth. This system shall include, but is not limited to,
19 studies, surveys, random samplings and assessments, and use as its
20 sources the variety of public agencies and private organizations
21 concerned and connected with the subject, including the ¹**【Division**
22 **of Motor Vehicles】** New Jersey Motor Vehicle Commission¹, the
23 Superior Court, Chancery Division, Family Part, the youth bureaus,
24 alcohol treatment programs, hospitals and mental health centers, the
25 schools, the police departments, and the Division of Alcoholic
26 Beverage Control. Special attention shall be given to the
27 relationship of alcohol to automobile accidents, crime, delinquency
28 and other social problems;
- 29 l. Encourage **【alcoholism】** alcohol use disorder prevention,
30 detection, and treatment programs in government and industry;
- 31 m. Organize and foster training programs for professional and
32 para-professional workers in the treatment of intoxicated persons
33 and **【alcoholics】** persons with alcohol use disorder;
- 34 n. Approve and license public and private facilities in
35 accordance with section 8 ¹of P.L.1975, c.305 (C.26:2B-14)¹;
- 36 o. Promulgate rules and regulations for the exercise of its
37 powers and the performance of its duties under **【this act】** P.L.1975,
38 c.305 (C26:2B-7 et seq.);
- 39 p. Do all other acts and things necessary or convenient to carry
40 out the powers expressly granted in **【this act】** P.L.1975, c.305
41 (C26:2B-7 et seq.).
42 (cf: P.L.1991, c.91, s.286)
43
- 44 75. Section 9 of P.L.1975, c.305 (C.26:2B-15) is amended to
45 read as follows:
- 46 9. Any person who is intoxicated and who voluntarily applies
47 for treatment or is brought to a facility by a police officer or other

1 authorized person in accordance with section 10 of P.L.1975, c.305
2 (C.26:2B-16) may be afforded treatment at an intoxication
3 treatment center or other facility. Any person who is **【an alcoholic】**
4 a person with an alcohol use disorder and who voluntarily applies
5 for treatment may be afforded treatment at an intoxication center or
6 other facility.

7 As soon as possible after the admission of any person, the
8 administrator of the facility shall cause such person to be examined
9 by a physician or by a medically competent individual designated
10 by the department and under the supervision of a physician. If,
11 upon examination, a determination is made that the person is
12 intoxicated or is **【an alcoholic】** a person with an alcohol use
13 disorder, and adequate and appropriate treatment is available, **【he】**
14 the person shall be admitted. If any person is not admitted for the
15 reason that adequate and appropriate treatment is not available at
16 the facility, the administrator of the facility, acting whenever
17 possible with the assistance of the director, shall refer the person to
18 a facility at which adequate and appropriate treatment is available.
19 In the event that a person is not admitted to a facility, and has no
20 funds, the administrator shall arrange for the person to be assisted
21 to **【his】** the person's residence, or, if **【he】** the person has no
22 residence, to a place where shelter will be provided **【him】**.

23 Any person admitted to a facility may receive treatment at the
24 facility for as long as **【he】** the person wishes to remain at the
25 facility or until the administrator determines that treatment will no
26 longer benefit **【him】** the person; provided, however, that any
27 person who at the time of admission is intoxicated and is
28 incapacitated, shall remain at the facility until **【he】** the person is no
29 longer incapacitated, but in no event shall he be required to remain
30 for a period greater than 48 hours.

31 When a person is admitted to a facility, the facility shall provide
32 notice of admission to the person's spouse, parent, legal guardian,
33 designated next of kin, or other designated emergency contact, as
34 soon thereafter as possible, provided that: (1) such notice is
35 provided in a manner that is consistent with federal requirements
36 under 42 CFR Part 2 and federal HIPAA requirements under 45
37 CFR Parts 160 and 164; and (2) the patient, if an adult, has not
38 withheld consent for such notice or expressly requested that
39 notification not be given. If a patient who is not incapacitated
40 withholds consent for such notice, or expressly requests that
41 notification not be given, the patient's wishes shall be respected
42 unless the patient is a minor child or adolescent, in which case, the
43 minor's parent, legal guardian, designated next of kin, or other
44 designated emergency contact shall be notified, provided that such
45 notification is not inconsistent with, and would not violate, federal
46 requirements under 42 CFR Part 2 and federal HIPAA requirements
47 under 45 CFR Parts 160 and 164.

1 The manner in which any person is transported from one facility
2 to another, or from a facility to **【his】** the person's residence, and
3 the financing thereof, shall be determined by the director in
4 accordance with rules and regulations promulgated by the
5 department.

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

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

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

31 11. Any person who is arrested for a violation of a municipal
32 ordinance, or for a disorderly persons offense, and who is not also
33 arrested for a misdemeanor, and who the arresting police officer has
34 reasonable cause to believe is intoxicated, may be taken by a police
35 officer directly to an intoxication treatment center or other
36 appropriate facility. To determine whether or not such person is
37 intoxicated, the police officer may request the person to submit to
38 any reasonable test, including, but not limited to, tests of his
39 coordination, coherency of speech, and breath.

40 The administrator of any intoxication treatment center, or of any
41 other facility, shall cause any such person to be examined by a
42 physician or by a medically competent individual designated by the
43 department and under the supervision of a physician. If the
44 physician or any other medically competent individual designated
45 by the department determines upon examination that such person is
46 intoxicated, and the administrator determines that adequate and
47 appropriate treatment is available, the person shall be admitted.
48 Any such person may be detained at the center or other facility until

1 **【he】** the person is no longer intoxicated, but in any event, not
2 longer than 48 hours from the date of admission. At such time as
3 the person is to be discharged from the facility, **【he】** the person
4 shall be informed by the administrator that if **【he】** the person is **【an**
5 alcoholic】 a person with an alcohol use disorder who would benefit
6 by treatment **【he】** the person may, in the discretion of the court, be
7 afforded treatment in lieu of prosecution, and that if **【he】** the person
8 so chooses **【he】** the person may be examined at the facility for the
9 purpose of determining whether **【he】** the person is **【an alcoholic】** a
10 person with an alcohol use disorder who would benefit by
11 treatment. If the person requests an examination, **【he】** the person
12 shall be examined by a physician at the facility during a period of
13 time not to exceed 48 hours. The police shall maintain such
14 security conditions as may be necessary. Prior to releasing the
15 person from the center or other facility, the administrator shall
16 notify the police who shall transport **【him】** the person herefrom for
17 proceedings in the case.

18 When a person who is arrested for a violation of a municipal
19 ordinance, or disorderly persons offense, and who is not also
20 arrested for a misdemeanor, is brought before the court on such
21 charge, the court shall inform **【him】** the person that **【he】** the person
22 is entitled to request a medical examination to determine whether or
23 not **【he is an alcoholic if he】** the person has alcohol use disorder if
24 the person has been admitted to a facility pursuant to the provisions
25 of the preceding paragraph and has not received a medical
26 examination by a physician. The court shall further inform the
27 defendant of the consequences which follow a determination by a
28 physician that **【he】** the person is **【an alcoholic】** a person with an
29 alcohol use disorder who would benefit by treatment. Any request
30 for an examination shall be in writing. If the person makes such
31 request, the proceedings shall be stayed for the period during which
32 the request is under consideration by the court. If the defendant
33 requests an examination, the court shall appoint a physician to
34 conduct the examination at an appropriate location designated by it.

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

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

1 If the physician reports that the defendant is **【an alcoholic】** a
2 person with an alcohol use disorder who would benefit by
3 treatment, the court shall inform the defendant that **【he】** the
4 defendant may request commitment to the division and advise
5 **【him】** the person of the consequences of the commitment.

6 If the defendant requests commitment, and if the court finds that
7 the defendant is **【an alcoholic】** a person with an alcohol use
8 disorder who would benefit by treatment, the court may stay the
9 criminal proceeding and commit the defendant to the division as an
10 inpatient or as an outpatient, whichever the court deems
11 appropriate, for a specified period. The term of inpatient treatment
12 shall not exceed 30 days, the term of outpatient treatment shall not
13 exceed 60 days, and the total combined period of commitment,
14 including both inpatient and outpatient treatment, if both are
15 ordered, shall not exceed 90 days. The court shall inform the
16 defendant that if he is committed the proceeding will be stayed for
17 the term of the commitment.

18 In determining whether or not to grant the request for
19 commitment, the court shall consider the report of the physician, the
20 nature of the offense with which the defendant is charged, the past
21 criminal record, if any, of the defendant, and any other relevant
22 evidence.

23 If the court decides that the defendant's request for commitment
24 should be granted, the court shall commit the defendant to the
25 division if the division reports that adequate and appropriate
26 treatment is available at a facility; provided, however, that if the
27 court determines that commitment should be granted and the
28 defendant is charged with a first offense, the proceedings shall be
29 stayed until adequate and appropriate treatment is available at a
30 facility. In cases where the defendant is not charged with a first
31 offense and the division reports that adequate and appropriate
32 treatment is not available, the court may, in its discretion, order that
33 the stay of the proceeding remain outstanding until such time as
34 adequate and appropriate treatment is available.

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

38 If the physician reports that the defendant is not **【an alcoholic】** a
39 person with an alcohol use disorder who would benefit by
40 treatment, the defendant shall be entitled to request a hearing to
41 determine whether **【he】** the person is **【an alcoholic】** a person with
42 an alcohol use disorder who would benefit by treatment. Thereupon
43 the court may, of its own motion, or shall upon the request of the
44 defendant or **【his】** the person's counsel, appoint an independent
45 physician to examine the defendant and to testify at the hearing. If
46 the court determines that the defendant is **【an alcoholic】** a person
47 with an alcohol use disorder who would benefit by treatment, the
48 procedures and standards applicable to a defendant who is

1 determined by the court, following the report of the first examining
2 physician to be **【an alcoholic】** a person with an alcohol use disorder
3 who would benefit by treatment, shall apply to the defendant.

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

7 At any time during the term of commitment, the administrator
8 may transfer any inpatient to an outpatient program if **【he】** the
9 administrator finds that the patient is a proper subject for outpatient
10 treatment; provided, however, that the administrator may retransfer
11 the patient to an inpatient program if **【he】** the administrator finds
12 that the person is not suitable for outpatient treatment.

13 Any patient committed to the division pursuant to this section
14 shall be discharged from the facility to which the division has
15 caused **【him】** the patient to be admitted if at any time the
16 administrator determines that treatment will no longer benefit
17 **【him】** the patient; provided, however, that such patient shall in any
18 event be discharged at the termination of the period of commitment
19 specified in the court order.

20 At the end of the commitment period, when the patient is
21 discharged, or when the patient terminates treatment at the facility,
22 whichever first occurs, the director shall report to the court on
23 whether or not the defendant successfully completed the treatment
24 program, together with a statement of the reasons for **【his】** the
25 director's conclusion. In reaching **【his】** the determination of
26 whether or not the defendant successfully completed the treatment
27 program, the director shall consider, but shall not be limited to,
28 whether the defendant cooperated with the administrator and
29 complied with the terms and conditions imposed on **【him】** the
30 defendant during **【his】** the commitment. If the report states that the
31 defendant successfully completed the treatment program, the court
32 shall dismiss the charges pending against the defendant. If the
33 report does not so state, or if the defendant has not completed the
34 term of commitment ordered by the court, then, based on the report
35 and any other relevant evidence, the court may take such action as it
36 deems appropriate, including the dismissal of the charges or the
37 revocation of the stay of the proceedings. In the event that the court
38 convicts a defendant who has been committed in lieu of prosecution
39 pursuant to the provisions of this section and sentences **【him】** the
40 defendant to a term of incarceration, the court shall reduce the term
41 of incarceration by the period during which the defendant was
42 afforded treatment in lieu of prosecution pursuant to this section.

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

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

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

3 15. No person who has received treatment at a facility in
4 accordance with the provisions of **【this act】** P.L.1975, c.305
5 (C.26:2B-7 et seq.) or person who is **【an alcoholic】** a person with
6 an alcohol use disorder shall be denied any right or privilege under
7 the Constitution of the United States or of the State for the reason
8 that **【he】** the person has received treatment at a facility or that **【he】**
9 the person is 【an alcoholic】 a person with an alcohol use disorder.
10 (cf: P.L.1975, c.305, s.15)

11

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

14 17. The division shall establish and maintain, in cooperation
15 with the office of the Attorney General, the State, municipal and
16 local police, the courts, the Department of Corrections, the
17 Department of **【Public Welfare】** Human Services, and other public
18 and private agencies, a program for the education of police officers,
19 prosecuting attorneys, court personnel, judges of the Superior
20 Court, probation and parole officers, correctional personnel, other
21 law enforcement personnel, and State welfare and vocational
22 rehabilitation personnel, with respect to the causes, effects, and
23 treatment of intoxication and **【alcoholism】** alcohol use disorder.

24 The division shall serve in a consulting capacity to such public
25 and private agencies and shall foster and coordinate a full range of
26 services which will be available for diagnosis, counseling and
27 treatment for **【alcoholism】** alcohol use disorder.

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

29

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

32 18. The division shall, in cooperation with the State, municipal
33 and local police, and the **【Division of】** New Jersey Motor
34 **【Vehicles】** Vehicle Commission, conduct tests for alcohol in the
35 bodies of automobile drivers and pedestrians who die as a result of
36 and within **【4】** four hours of a traffic accident, and in automobile
37 drivers who survive traffic accidents fatal to others. The division
38 shall promulgate a written manual to govern the conducting of tests
39 made pursuant to this section, which shall specify the qualifications
40 of personnel to conduct such tests, the methods and related details
41 of specimen selection, collection, preservation and analysis, and the
42 methods of tabulation and reporting of this test data.

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

1 Test data collected and determinations made pursuant to this
2 section shall be tabulated, compiled, and published by the division
3 at least semiannually.

4 The division in cooperation with the office of the Attorney
5 General and other interested State departments and agencies shall
6 undertake a detailed and comprehensive review of State and local
7 laws and regulations governing driving under the influence of
8 alcohol. This review shall include, but need not be limited to,
9 consideration of the relation of these laws and regulations to the
10 legislative policies and purposes of this act, and what programs and
11 punishments are appropriate for individuals convicted of drunk
12 driving.

13 Within **[1]** one year from the date of enactment of **[this act]**
14 P.L.1975, c.305 (C.26:2B-7 et seq.), the division shall transmit to
15 the Legislature a report on this review. This report shall include
16 specific recommendations for any changes in the present laws and
17 regulations the division deems appropriate.

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

19

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

22 21. The Department of Health shall be the single State agency
23 designated by the State as the agency primarily responsible for the
24 treatment of intoxicated persons and **[alcoholics]** persons with
25 alcohol use disorder. All activities, projects or programs for
26 **[alcoholism]** alcohol use disorder treatment and rehabilitation,
27 funded or carried out by any department or political subdivision of
28 the State shall be in compliance with the comprehensive State plan
29 required by section 5 of **[this act]** P.L.1975, c.305 (C.26:2B-7 et
30 seq.).

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

32

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

35 4. a. The governing body of each county, in conjunction with
36 the county agency¹, or individual¹, designated by the county
37 with the responsibility for planning services and programs for the
38 care or rehabilitation of **[alcoholics]** persons with alcohol use
39 disorder and **[drug abusers]** persons with a substance use disorder
40 ¹involving drugs¹, shall submit to the Deputy Commissioner for the
41 Division of ¹**[Alcoholism and Drug Abuse]** Mental Health and
42 Addiction Services¹ and the Governor's Council on Alcoholism and
43 Drug Abuse an annual comprehensive plan for the provision of
44 community services to meet the needs of **[alcoholics]** persons with
45 alcohol use disorder and **[drug abusers]** persons with a substance
46 use disorder ¹involving drugs¹.

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

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

28 c. Programs established with the funding for education from
29 the fund shall include all courses in the public schools required
30 pursuant to P.L.1987, c.389 (C.18A:40A-1 et seq.), programs for
31 students included in the annual comprehensive plan for each county,
32 and in-service training programs for teachers and administrative
33 support staff including nurses, guidance counselors, child study
34 team members, and librarians. All moneys dedicated to education
35 from the fund shall be allocated through the designated county
36 **【alcoholism】** alcohol use disorder and **【drug abuse】** substance use
37 disorder agency and all programs shall be consistent with the annual
38 comprehensive county plan submitted to the Deputy Commissioner
39 for the Division of **【Alcoholism and Drug Abuse】** Mental Health
40 and Addiction Services and the Governor's Council on Alcoholism
41 and Drug Abuse pursuant to this section. Moneys dedicated to
42 education from the fund shall be first allocated in an amount not to
43 exceed 20**【%】** percent of the annual education allotment for the in-
44 service training programs, which shall be conducted in each county
45 through the office of the county **【alcoholism】** alcohol use disorder
46 and **【drug abuse】** substance use disorder coordinator in consultation
47 with the county superintendent of schools, local boards of

1 education, local councils on **【alcoholism】** alcohol use disorder and
2 **【drug abuse】** substance use disorder and institutions of higher
3 learning, including the Rutgers University Center of Alcohol
4 Studies. The remaining money in the education allotment shall be
5 assigned to offset the costs of programs such as those which assist
6 employees, provide intervention for staff members, assist and
7 provide intervention for students and focus on research and
8 **【educate about】** education concerning youth and **【drinking】** alcohol
9 use disorder and **【using drugs】** substance use disorder. These funds
10 shall not replace any funds being currently spent on education and
11 training by the county.

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

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

38 e. The Deputy Commissioner for the Division of **【Alcoholism**
39 **and Drug Abuse】** Mental Health and Addiction Services shall
40 review the county plan pursuant to a procedure developed by the
41 deputy commissioner. In determining whether to approve an annual
42 comprehensive plan under this act, the deputy commissioner shall
43 consider whether the plan is designed to meet the goals and
44 objectives of the "Alcoholism Treatment and Rehabilitation Act,"
45 P.L.1975, c.305 (C.26:2B-7 et seq.) and the "Narcotic and Drug
46 Abuse Control Act of 1969," P.L.1969, c.152 (C.26:2G-1 et seq.)
47 and whether implementation of the plan is feasible. Each county

1 plan submitted to the deputy commissioner shall be presumed valid;
2 provided it is in substantial compliance with the provisions of this
3 act. Where the department fails to approve a county plan, the county
4 may request a court hearing on that determination.

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

6
7 82. Section 3 of P.L.1995, c.318, (C.26:2B-38) is amended to
8 read as follows:

9 3. The program shall include, but not be limited to: providing
10 public awareness of, and developing advocacy efforts for~~[,] the~~
11 deaf, ~~[and hard of]~~ persons with hearing impairments, and other
12 ~~[disabled]~~ persons with disabilities who are in need of treatment
13 services for ~~[alcoholism]~~ alcohol use disorder and ~~[drug abuse]~~
14 substance use disorder, and developing treatment modalities and
15 specialized training programs for this population. The
16 commissioner shall incorporate the services of community-based
17 agencies to develop and implement this program.

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

19
20 83. Section 4 of P.L.2006, c.99, (C.26:5C-28) is amended to
21 read as follows:

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

27 (1) A municipality that establishes a sterile syringe access
28 program, at a fixed location or through a mobile access component,
29 may operate the program directly or contract with one or more of
30 the following entities to operate the program: a hospital or other
31 health care facility licensed pursuant to P.L.1971, c.136 (C.26:2H-1
32 et seq.), a federally qualified health center, a public health agency, a
33 substance abuse treatment program, an AIDS service organization,
34 or another nonprofit entity designated by the municipality. These
35 entities shall also be authorized to contract directly with the
36 commissioner in any municipality in which the governing body has
37 authorized the operation of sterile syringe access programs by
38 ordinance pursuant to paragraph (2) of this subsection. The
39 municipality or entity under contract shall implement the sterile
40 syringe access program in consultation with a federally qualified
41 health center and the New Jersey Office on Minority and
42 Multicultural Health in the Department of Health ~~[and Senior~~
43 ~~Services]~~, and in a culturally competent manner.

44 (2) Pursuant to paragraph (2) of subsection a. of section 3 of
45 P.L.2006, c.99 (C.26:5C-27), a municipality whose governing body
46 has authorized the operation of sterile syringe access programs
47 within the municipality may require within the authorizing
48 ordinance that an entity as described in paragraph (1) of this

1 subsection obtain approval from the municipality, in a manner
2 prescribed by the authorizing ordinance, to operate a sterile syringe
3 access program prior to obtaining approval from the commissioner
4 to operate such a program, or may permit the entity to obtain
5 approval to operate such a program by application directly to the
6 commissioner without obtaining prior approval from the
7 municipality.

8 (3) Two or more municipalities may jointly establish or
9 authorize establishment of a sterile syringe access program that
10 operates within those municipalities pursuant to adoption of an
11 ordinance by each participating municipality pursuant to this
12 section.

13 b. A sterile syringe access program shall comply with the
14 following requirements:

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

17 (2) Program staff shall be trained and regularly supervised in:
18 harm reduction; substance **[abuse]** use disorder, medical and social
19 service referrals; and infection control procedures, including
20 universal precautions and needle stick injury protocol; and
21 programs shall maintain records of staff and volunteer training and
22 of hepatitis C and tuberculosis screening provided to volunteers and
23 staff;

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

28 (4) The program shall provide information and referrals to
29 consumers, including HIV testing options, access to medication-
30 assisted **[drug abuse]** substance use disorder treatment programs
31 and other substance **[abuse]** use disorder treatment programs, and
32 available health and social service options relevant to the
33 consumer's needs. The program shall encourage consumers to
34 receive an HIV test, and shall, when appropriate, develop an
35 individualized **[drug abuse]** substance use disorder treatment plan
36 for each participating consumer;

37 (5) The program shall screen out consumers under 18 years of
38 age from access to syringes and needles, and shall refer them to
39 **[drug abuse]** substance use disorder treatment and other
40 appropriate programs for youth;

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

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

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

11 (8) The program shall maintain the confidentiality of consumers
12 by the use of confidential identifiers, which shall consist of the first
13 two letters of the first name of the consumer's mother and the two-
14 digit day of birth and two-digit year of birth of the consumer, or by
15 the use of such other uniform Statewide mechanism as may be
16 approved by the commissioner for this purpose;

17 (9) The program shall provide a uniform identification card that
18 has been approved by the commissioner to consumers and to staff
19 and volunteers involved in transporting, exchanging or possessing
20 syringes and needles, or shall provide for such other uniform
21 Statewide means of identification as may be approved by the
22 commissioner for this purpose;

23 (10) The program shall provide consumers at the time of
24 enrollment with a schedule of program operation hours and
25 locations, in addition to information about prevention and harm
26 reduction and **[drug abuse]** substance use disorder treatment
27 services; and

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

32 (a) sterile syringe access program participation rates, including
33 the number of consumers who enter **[drug abuse]** substance use
34 disorder treatment programs and the status of their treatment;

35 (b) the effectiveness of the sterile syringe access programs in
36 meeting their objectives, including, but not limited to, return rates
37 of syringes and needles distributed to consumers and the impact of
38 the sterile syringe access programs on intravenous **[drug]**
39 ¹**[substance]** drug¹ use; and

40 (c) the number and type of referrals provided by the sterile
41 syringe access programs and the specific actions taken by the sterile
42 syringe access programs on behalf of each consumer.

43 c. A municipality may terminate a sterile syringe access
44 program established or authorized pursuant to this act, which is
45 operating within that municipality, if its governing body approves
46 such an action by ordinance, in which case the municipality shall
47 notify the commissioner of its action in a manner prescribed by

1 regulation of the commissioner.
2 (cf: P.L.2015, c.10, s.5)

3

4 84. Section 11 of P.L.1981, c.295 (C.26:2D-34) is amended to
5 read as follows:

6 11. a. The license of a radiologic technologist may be suspended
7 for a fixed period, or may be revoked, or the technologist may be
8 censured, reprimanded, or otherwise disciplined, in accordance with
9 the provisions and procedures defined in **[this act]** P.L.1981, c.295
10 (C.26:2D-25 et seq.), if after due hearing it is determined that **[he]**
11 the technologist:

12 (1) Is guilty of any fraud or deceit in **[his]** the person's
13 activities as a radiologic technologist or has been guilty of any
14 fraud or deceit in procuring **[his]** a license;

15 (2) Has been convicted in a court of competent jurisdiction,
16 either within or without this State, of a crime involving moral
17 turpitude, except that if the conviction has been reversed and the
18 holder of the license discharged or acquitted, or if **[he]** the person
19 has been pardoned or **[his]** the person's civil rights restored, the
20 license may be restored **[to him]**;

21 (3) **[Is or has been afflicted with]** Has or had any medical
22 problem, disability, or **[addiction]** substance use disorder which, in
23 the opinion of the board, would impair **[his]** the person's
24 professional competence;

25 (4) Has aided and abetted a person who is not a licensed
26 radiologic technologist or otherwise authorized pursuant to section
27 4 of **[this act]** P.L.1981, c.295 (C.26:2D-27) in engaging in the
28 activities of a radiologic technologist;

29 (5) Has undertaken or engaged in any practice beyond the scope
30 of the authorized activities of a radiologic technologist pursuant to
31 **[this act]** P.L.1981, c.295 (C.26:2D-24 et seq.);

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

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

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

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

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

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

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

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

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

34 c. When the license of any person has been revoked or
35 annulled, as herein provided, the board may, after the expiration of
36 **[2]** two years, accept an application for restoration of the license.
37 (cf: P.L.1981, c.295, s.11)

38
39 85. Section 1 of P.L.1969, c.152 (C.26:2G-1) is amended to read
40 as follows:

41 1. The act shall be known and may be cited as the "Narcotic
42 and Drug Abuse Control Act of 1969." It shall be the purpose and
43 intent of this act to establish a single agency capable of unifying all
44 efforts in a comprehensive program to control **[addictive]** drugs
45 **¹[that]** , the use of which¹ may cause a substance use disorder, and
46 to combat the effects of **[the disease of drug addiction]** substance
47 use disorders involving drugs.

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

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

3 3. All the functions, powers, and duties of the Commissioner of
4 **【Institutions and Agencies】** Human Services and the
5 Commissioner of Community Affairs, in regard to the prevention
6 and control of **【drug addiction】** substance use disorders and the
7 diagnosis, treatment, rehabilitation, and aftercare of **【drug addicts】**
8 persons with substance use disorders are hereby transferred to and
9 vested in the Director of **【Narcotic and Drug Abuse Control】** the
10 Division of Mental Health and Addiction Services in the
11 Department of Human Services. All functions, powers, and duties
12 of the Commissioner of Health in regard to the manufacture, sale,
13 distribution, possession, and use of narcotic, depressant, and
14 stimulant drugs are hereby delegated to the Director of **【Narcotic**
15 **and Drug Abuse Control】** the Division of Mental Health and
16 Addiction Services in the Department of Human Services.

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

18

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

21 5. The director, as head of the division, shall have all of the
22 functions, powers and duties heretofore vested in the Commissioner
23 of **【Institutions and Agencies】** Human Services, and the
24 Commissioner of Community Affairs when either commissioner
25 was acting with regard to the prevention and control of **【drug**
26 **addiction】** substance use disorders involving drugs and the
27 treatment of **【drug addicts】** persons with substance use disorders
28 involving drugs and also, all the functions, powers and duties vested
29 in the Commissioner of Health by **【chapter 18 of Title 24 of the**
30 **Revised Statutes (Uniform Narcotic Drug Law)】** the “New Jersey
31 Controlled Dangerous Substance Act,” P.L.1970, c.226 (C.24:21-1
32 et seq.); and shall, in addition to the functions, powers, and duties
33 vested in **【him】** the commissioner by this act or by any other law:

34 a. To survey and analyze the State's need and formulate a
35 comprehensive plan for the long-range development, through the
36 utilization of **【Federal】** federal, State, local, and private resources,
37 of adequate services and facilities for the prevention and control of
38 **【drug addiction】** substance use disorders involving drugs and the
39 diagnosis, treatment, and rehabilitation of **【drug addicts】** persons
40 with substance use disorders involving drugs, and from time to time
41 to revise such plan.

42 b. To promote, develop, establish, co-ordinate, and conduct
43 unified programs for education, prevention, diagnosis, treatment,
44 aftercare, community referral, rehabilitation, and control in the field
45 of **【drug addiction】** substance use disorders involving drugs, based
46 on the comprehensive plan formulated under paragraph a. of this
47 section, and, in co-operation with such other Federal, State, local,

1 and private agencies as are necessary and within the amount made
2 available by appropriation therefor implement and administer such
3 programs.

4 c. To direct and carry on basic, clinical, epidemiological, social
5 science, and statistical research in **【drug addiction】** substance use
6 disorders involving drugs either individually or in conjunction with
7 other agencies, public or private and, within the amount made
8 available by appropriation therefor, develop pilot programs. In
9 pursuance of the foregoing and notwithstanding any other provision
10 of law, the director is empowered to establish, direct, and carry on
11 experimental pilot clinic programs for the treatment of **【drug**
12 **addiction】** substance use disorders involving drugs and of the
13 condition of **【drug addicts】** persons with substance use disorders
14 involving drugs.

15 d. To provide education and training in prevention, diagnosis,
16 treatment, rehabilitation, and control of **【drug addiction】** substance
17 use disorders involving drugs for medical students, physicians,
18 nurses, teachers, social workers, and others with responsibilities for
19 **【drug addicts】** persons with substance use disorders involving
20 drugs, either alone or in conjunction with other agencies, public or
21 private.

22 e. To provide public education on the nature and results of
23 **【drug addiction】** substance use disorders involving drugs and on
24 the potentialities of prevention and rehabilitation in order to
25 promote public understanding, interest, and support.

26 f. To disseminate information relating to public and private
27 services and facilities in the State available for the assistance of
28 **【drug addicts】** persons with substance use disorders involving
29 drugs and persons with potential **【drug addicts】** substance use
30 disorders involving drugs.

31 g. To gather information and maintain statistical and other
32 records relating to **【drug addicts】** persons with substance use
33 disorders involving drugs and **【drug addiction】** substance use
34 disorders involving drugs in the State. It shall be the duty of every
35 physician, dentist, veterinarian, or other person who is authorized to
36 administer or professionally use narcotic, depressant, or stimulant
37 drugs, or hospitals, clinics, dispensaries, or persons authorized to
38 dispense narcotic, depressant, or stimulant drugs and all public
39 officials having duties to perform with respect to such drugs or
40 users of such drugs to report and supply such information in
41 relation thereto as the director shall by rule, regulation, or order
42 require.

43 h. To submit to the Governor, the Legislature and the
44 Commissioner of Health an annual report of the division's
45 operations and specific recommendations pertaining to matters
46 within the scope of its jurisdiction in proper bill form not later than
47 January 15 of each year.

1 i. To provide psychiatric, medical and psychological services
2 to the Department of **【Institutions and Agencies】** Human Services
3 and similar agencies of the political subdivisions of the State with
4 respect to prisoners and parolees who **【are or were at any time**
5 addicted to morphine, heroin or similar narcotic substance, or to
6 depressant or stimulant drugs**】** have or had at any time a substance
7 use disorder involving drugs.

8 j. With the approval of the Governor, to accept as agent of the
9 State any gift, grant, devise, or bequest, whether conditional or
10 unconditional, for any of the purposes of **【this act】** P.L.1969, c.152
11 (C.26:2G-1 et seq.). Any moneys so received may be expended by
12 the director to effectuate any purpose of **【this act】** P.L.1969, c.152
13 (C.26:2G-1 et seq.) subject to the same limitations as to approval of
14 expenditures and audit as are prescribed for State moneys
15 appropriated for the purposes of **【this act】** P.L.1969, c.152
16 (C.26:2G-1 et seq.).

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

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

27 m. To prescribe, amend, and rescind rules and regulations to
28 effectuate the purposes of **【this act】** P.L.1969, c.152 (C.26:2G-1 et
29 seq.).

30 (cf: P.L.1969, c.152, s.5)

31
32 88. Section 2 of P.L.1970, c.334, (C.26:2G-22) is amended to
33 read as follows:

34 2. As used in this act:

35 **【(a)】** "Narcotic and **【drug abuse】** substance use disorder
36 treatment center" means any establishment, facility or institution,
37 public or private, whether operated for profit or not, which
38 primarily offers, or purports to offer, maintain, or operate facilities
39 for the residential or outpatient diagnosis, care, treatment, or
40 rehabilitation of two or more nonrelated individuals, who are
41 patients as defined herein, excluding, however, any hospital or
42 mental hospital otherwise licensed by Title 30 of the Revised
43 Statutes.

44 **【(b)】** "Patient" means a person who is addicted to, or otherwise
45 **【suffering physically or mentally】** has a physical or mental
46 impairment from the use**【, or abuse】** of**【,】** narcotic drugs and who

1 requires continuing care of a narcotic and **【drug abuse】** substance
2 use disorder treatment center.

3 **【(c)】** "Narcotic drug" means any narcotic, drug, or dangerous
4 controlled substance, as defined in any law of the State of New
5 Jersey or of the United States.

6 **【(d)】** "Commissioner" means the Commissioner of **【the State**
7 **Department of】** Health **【of New Jersey】**.

8 (cf: P.L.1970, c.334, s.2)

9
10 89. Section 3 of P.L.1970, c.334, (C.26:2G-23) is amended to
11 read as follows:

12 3. No narcotic and **【drug abuse】** substance use disorder
13 treatment center shall operate within this State except pursuant to a
14 certificate of approval obtained from the commissioner, upon
15 application made therefor. Such application shall be made upon
16 forms furnished by the commissioner, shall set forth the location of
17 the narcotic and **【drug abuse】** substance use disorder treatment
18 center, the person in charge thereof, and the facilities for caring for
19 patients who may seek treatment therein. The applicant shall be
20 required to furnish evidence of its ability to comply with minimum
21 standards established hereunder and of the good moral character of
22 the applicant and the person in charge of the narcotic and **【drug**
23 **abuse】** substance use disorder treatment center. Any change in the
24 facts set forth in the application shall be reported to the
25 commissioner within 10 days after the occurrence thereof.

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

27
28 90. Section 4 of P.L.1970, c.334 (C.26:2G-24) is amended to
29 read as follows:

30 4. Upon receipt of an application for a certificate of approval,
31 the commissioner shall cause an investigation to be made of the
32 applicant and the facilities, and shall issue a certificate of approval
33 if it is found that the applicant is of good moral character and that
34 the facilities comply with the provisions of this act and with the
35 regulations and standards required by the commissioner pursuant
36 hereto. The certificate of approval shall not be transferable or
37 assignable or applicable to any premises or proprietor other than
38 those specified therein. The certificate shall be conspicuously
39 displayed within the narcotic and **【drug abuse】** substance use
40 disorder treatment center at all times.

41 (cf: P.L.1970, c.334, s.4)

42
43 91. Section 5 of P.L.1970, c.334 (C.26:2G-25) is amended to
44 read as follows:

45 5. The commissioner shall adopt, amend, promulgate and
46 enforce such rules, regulations and minimum standards for the
47 treatment of patients of narcotic and **【drug abuse】** substance use

1 disorder treatment centers as may be reasonably necessary to
2 accomplish the purposes of P.L.1970, c.334 (C.26:2G-21 et seq.).
3 Such narcotic and **【drug abuse】** substance use disorder treatment
4 centers may be classified into two or more classes with appropriate
5 rules, regulations and minimum standards for each such class.

6 The rules and regulations adopted pursuant to this section shall,
7 at a minimum, require a transitional sober living home, halfway
8 house, or other residential aftercare facility to provide notice to a
9 patient's spouse, parent, legal guardian, designated next of kin, or
10 other designated emergency contact, whenever the patient
11 voluntarily withdraws, or is involuntarily evicted from, such
12 facility, provided that: (1) such notice is provided in a manner that
13 is consistent with federal requirements under 42 CFR Part 2 and
14 federal HIPAA requirements under 45 CFR Parts 160 and 164; and
15 (2) the patient, if an adult, has not withheld consent for such notice
16 or expressly requested that notification not be given. If a patient
17 who is not incapacitated withholds consent for such notice, or
18 expressly requests that notification not be given, the department
19 shall require the patient's wishes to be respected unless the patient
20 is a minor child or adolescent, in which case, the department shall
21 require the minor's parent, legal guardian, designated next of kin, or
22 other designated emergency contact to be notified, provided that
23 such notification is not inconsistent with, and would not violate,
24 federal requirements under 42 CFR Part 2 and federal HIPAA
25 requirements under 45 CFR Parts 160 and 164.

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

27
28 92. Section 8 of P.L.1970, c.334 (C.26:2G-28) is amended to
29 read as follows:

30 8. Any person, firm, corporation, partnership, society or
31 association who shall operate or conduct a narcotic and **【drug**
32 **abuse】** substance use disorder treatment center without first
33 obtaining the certificate of approval required by this act, or who
34 shall operate such establishment after revocation or suspension of a
35 certificate of approval, shall be liable to a penalty of **【\$25.00】** \$25
36 for each day of operation in violation hereof for the first offense
37 and for any subsequent offense shall be liable to a penalty of
38 **【\$50.00】** \$50 for each day of operation in violation hereof.

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

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

45
46 93. Section 9 of P.L.1970, c.34 (C.26:2G-29) is amended to read
47 as follows:

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

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

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

12 1. It is declared to be the public policy of this State that the
13 prevention of **【drug abuse and addiction】** substance use, substance
14 use disorders and the treatment and rehabilitation of **【victims**
15 **thereof】** persons with substance use disorders is a matter of grave
16 concern to the people of the State and requires that a comprehensive
17 program be established to provide the broadest spectrum of medical
18 and community services possible for local treatment and counseling
19 facilities on a Statewide basis. Further, this Statewide effort must
20 avoid **【devisiveness】** divisiveness, organizational uncertainty,
21 unnecessary duplication of efforts and unproductive controversy
22 and, therefore, will require coordination and supervision of local
23 operations through strategically placed regional centers, all to be
24 administered through the Division of **【Narcotic and Drug Abuse**
25 **Control in the Department of Health】** Mental Health and Addiction
26 Services in the Department of Human Services.

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

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

31 4. The clinics, regional centers, and outreach offices
32 established hereunder shall provide a complete program of medical
33 and community services in connection with all aspects of **【the】**
34 substance use, 【and abuse of】 substance use disorder, and related
35 problems, including, but not by way of limitation, the following:

- 36 educational programs;
- 37 confidential drug counseling;
- 38 vocational guidance and job placement;
- 39 psychiatric, psychological, and social case work services;
- 40 induction and outreach services;
- 41 24-hour telephone emergency capability;
- 42 urine monitoring;
- 43 detoxification;
- 44 methadone maintenance;
- 45 individual and community prevention program;
- 46 individual self-help and group therapy;
- 47 referral services for in-patient treatment;

1 all areas of treatment and **【addict】** rehabilitation of persons with
2 substance use disorder;
3 aftercare treatment; and
4 probation services for the courts and correctional systems.
5 (cf: P.L.1971, c.128, s.4)

6
7 96. Section 1 of P.L.1987, c.49 (C.26:2H-12.6) is amended to
8 read as follows:

9 1. The governing body of a health care facility licensed in this
10 State pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.) which
11 provides health care services to newborn children shall adopt
12 policies and procedures which ensure that newborn children,
13 including newborn **【handicapped】** children with disabilities, receive
14 a level of nourishment and medical care consistent with accepted
15 medical standards.

16 If a federal statute or regulation requires that the State submit its
17 regulations and policy to the federal government for approval in
18 order to qualify for federal funding, then the **【State】** Department of
19 Health shall so comply.
20 (cf: P.L.1987, c.49, s.1)

21
22 97. Section 1 of P.L.1977, c.237 (C.26:2H-32) is amended to
23 read as follows:

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

27 a. "Nursing home" means a facility providing therein nursing
28 care to persons who are sick, invalid, **【infirm, disabled or**
29 **convalescent persons】** convalescing, or who have ¹**【a disability】**
30 disabilities¹, in addition to providing lodging and board or health-
31 related service, or any combination of the foregoing and in addition
32 thereto, providing nursing care and health-related service, or either
33 of them, to persons who are not occupants of the facility.

34 b. "Affiliate" means (1) with respect to a partnership, each
35 partner thereof; (2) with respect to a corporation, each officer,
36 director, principal stockholder, or controlling person thereof; (3)
37 with respect to a natural person, (a) each member of said person's
38 immediate family, (b) each partnership and each partner thereof of
39 which said person or any affiliate of said person is a partner, and (c)
40 each corporation in which said person or any affiliate of said person
41 is an officer, director, principal stockholder, or controlling person.

42 c. "Controlling person" of any corporation, partnership, or
43 other entity means any person who has the ability, directly or
44 indirectly, to direct or cause the direction of the management or
45 policies of said corporation, partnership, or other entity.

46 d. "Immediate family" of any person includes each parent,
47 child, spouse, brother, sister, first cousin, aunt and uncle of such
48 person, whether such relationship arises by birth, marriage or

1 adoption, as well as the person's domestic partner or partner in civil
2 union of that person as defined in section 3 of P.L.2003, c.246
3 (C.26:8A-3) or section 2 of P.L.2006, c.103, (C.37:1-29) and the
4 **【domestic】** partner's parent and adult child.

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

9
10 98. Section 3 of P.L.2001, c.357, (C.26:2T-7) is amended to
11 read as follows:

12 3. In consultation with the hepatitis C advisory board
13 established pursuant to section 4 of **【this act】** P.L.2001, c.357
14 (C.26:2T-5 et seq.), the Commissioner of Health shall establish a
15 hepatitis C education, prevention, and screening program that
16 includes, but is not limited to, measures directed to physicians and
17 other health care workers, police officers, correctional officers,
18 firefighters, emergency services personnel, employees of the State's
19 developmental centers, and the general public. The program shall
20 be established in accordance with accepted public health practice
21 and recommendations of the federal Centers for Disease Control
22 and Prevention, the Surgeon General of the United States, the
23 American Association for the Study of Liver Diseases, the National
24 Institutes of Health and the American Liver Foundation and within
25 the limits of resources available for the purposes thereof.

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

28 (1) public education and outreach to raise awareness of hepatitis
29 C among persons at high risk for hepatitis C as described in section
30 2 of P.L.1998, c.116 (C.26:2T-2), which includes police officers,
31 firefighters, persons employed by correctional facilities, emergency
32 response personnel, and other high-risk groups, including, but not
33 limited to, health care professionals and persons employed in
34 primary care settings or health care facilities, which shall include, at
35 a minimum, information on risk factors, the value of early detection
36 and the options available for treating hepatitis C;

37 (2) measures to promote public awareness about the availability
38 of hepatitis C screening, prevention and treatment services among
39 persons at high risk for hepatitis C as determined by the
40 commissioner based upon data provided by the federal Centers for
41 Disease Control and Prevention, the Surgeon General of the United
42 States, the American Association for the Study of Liver Diseases,
43 the National Institutes of Health and the American Liver
44 Foundation, and any other nationally recognized liver societies;

45 (3) educational activities for health care professionals in regard
46 to the epidemiology, natural history, detection, and treatment of
47 hepatitis C, which shall include information about coinfection with

1 HCV and HIV and the implications of coinfection for HIV or AIDS
2 treatment;

3 (4) educational and informational measures targeted at specific
4 groups, including, but not limited to, activities designed to educate
5 youth about the long-term consequences of infection with HCV;

6 (5) measures to prevent further transmission of HCV and to
7 prevent onset of chronic liver disease caused by hepatitis C through
8 outreach to detect and treat chronic HCV infection; and

9 (6) a collaborative effort with the Department of Corrections to
10 develop screening services to identify inmates at risk for hepatitis C
11 upon admission, and to provide education and counseling about
12 treatment options to reduce the potential health risk to the
13 community from these persons.

14 b. The commissioner shall evaluate existing hepatitis C support
15 services in the community and assess the need for improving the
16 quality and accessibility of these services.

17 c. The commissioner shall seek to establish public-private
18 partnerships to promote outreach and increase awareness for the
19 purposes of this act among employers, organized labor, health care
20 providers, health insurers, and community-based organizations, and
21 coalitions.

22 d. The commissioner shall take such actions as are reasonably
23 necessary to ensure that the program established pursuant to this act
24 provides clear, complete, and accurate hepatitis C education,
25 information, and referral services in a multiculturally competent
26 manner that is designed to provide appropriate linkages to health
27 care services for persons in need thereof.

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

33 f. The commissioner shall seek, to the maximum extent
34 practicable, to coordinate the activities of the program, as
35 applicable, with services provided separately to specific
36 populations, including, but not limited to, veterans of the United
37 States armed forces, persons participating in private or public **[drug**
38 **abuse]** substance or alcohol use disorder treatment programs, and
39 persons with HIV.

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

41

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

44 2. There is created a 26-member council in, but not of, the
45 Department of the Treasury which shall be designated as the
46 Governor's Council on Alcoholism and Drug Abuse. For the
47 purposes of complying with the provisions of Article V, Section IV,
48 paragraph 1 of the New Jersey Constitution, the Governor's Council

1 on Alcoholism and Drug Abuse is allocated to the Department of
2 the Treasury, but, notwithstanding the allocation, the office shall be
3 independent of any supervision or control by the department or by
4 any board or officer thereof.

5 The council shall consist of 12 ex officio members and 14 public
6 members.

7 a. The ex officio members of the council shall be: the Attorney
8 General, the Commissioners of **the Departments of** Labor and
9 Workforce Development, Education, Human Services, Health **and**
10 Senior Services**],** Children and Families, Community Affairs,
11 Personnel and Corrections, the chair of the executive board of the
12 New Jersey Presidents' Council, the Administrative Director of the
13 Administrative Office of the Courts and the Adjutant General. An
14 ex officio member may designate an officer or employee of the
15 department or office which he heads to serve as his alternate and
16 exercise his functions and duties as a member of the Governor's
17 Council on Alcoholism and Drug Abuse.

18 b. The 14 public members shall be residents of the State who
19 are selected for their knowledge, competence, experience or interest
20 in connection with **alcoholism** alcohol or **drug abuse** substance
21 use disorder. They shall be appointed as follows: two shall be
22 appointed by the President of the Senate, two shall be appointed by
23 the Speaker of the General Assembly and 10 shall be appointed by
24 the Governor, with the advice and consent of the Senate. At least
25 two of the public members appointed by the Governor shall be
26 persons rehabilitated **alcoholics** from alcohol use disorder and at
27 least two of the public members appointed by the Governor shall be
28 persons rehabilitated **drug abusers** from substance use disorders
29 ¹involving drugs¹.

30 c. The term of office of each public member shall be three
31 years; except that of the first members appointed, four shall be
32 appointed for a term of one year, five shall be appointed for a term
33 of two years and five shall be appointed for a term of three years.
34 Each member shall serve until his successor has been appointed and
35 qualified, and vacancies shall be filled in the same manner as the
36 original appointments for the remainder of the unexpired term. A
37 public member is eligible for reappointment to the council.

38 d. The chairman of the council shall be appointed by the
39 Governor from among the public members of the council and shall
40 serve at the pleasure of the Governor during the Governor's term of
41 office and until the appointment and qualification of the chairman's
42 successor. The members of the council shall elect a vice-chairman
43 from among the members of the council. The Governor may
44 remove any public member for cause, upon notice and opportunity
45 to be heard.

46 e. The council shall meet at least monthly and at such other
47 times as designated by the chairman. Fourteen members of the

1 council shall constitute a quorum. The council may establish any
2 advisory committees it deems advisable and feasible.

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

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

11

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

13 26:4-30. When a local board or health officer receives a report
14 from the director or from any person authorized by the director to
15 make such report, that a person within the jurisdiction of the local
16 board or health officer is, or is suspected to be, **【suffering from or**
17 **infected with a venereal disease】** a person with a sexually
18 transmitted infection, the board or health officer may cause a
19 medical examination to be made of the person for the purpose of
20 ascertaining whether or not such person is in fact **【suffering from or**
21 **infected with such disease】** a person with a sexually transmitted
22 infection.

23 (cf: R.S.26:4-30)

24

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

26 26:4-35. If a person in the infectious stage of a **【venereal**
27 **disease】** sexually transmitted infection shall fail to report as
28 directed to the physician in attendance **【on him】** for treatment, the
29 physician shall report such failure to the local board, or to the **【state**
30 **department】** Department of Health, which shall forward the
31 information to the local board.

32 The local board may require such person to be examined as
33 provided in sections 26:4-30 and 26:4-31 of this title. If upon
34 examination the person is found to **【be suffering from a venereal**
35 **disease】** have a sexually transmitted infection in its infectious stage
36 and does not present evidence to show that **【he】** the person is being
37 regularly treated by a **【reputable】** licensed physician for the
38 disease, **【he】** the person shall be **【isolated】** quarantined as
39 described in sections 26:4-36 and 26:4-37 of this title.

40 (cf: R.S.26:4-35)

41

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

43 26:4-39. The physician, superintendent, or other person having
44 control or supervision over any **【state】** State, county, or municipal
45 hospital, **【sanatorium,】** or other public or private institution shall
46 report the following cases to the **【state department】** Department of
47 Health immediately after they are received into the institution:

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

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

8 (cf: R.S.26:4-39)

9
10 103. Section 3 of P.L.1949, c.196 (C.26:4-71.3) is amended to
11 read as follows:

12 3. If any person **【afflicted with】** who has tuberculosis in a
13 communicable form shall leave any hospital against medical advice,
14 the administrator shall report such person to the local board of
15 health of the municipality in which such patient was residing when
16 admitted to the hospital and to the **【State】** Commissioner of Health
17 within 12 hours. Such report shall be in writing and shall state
18 whether the person **【is afflicted with】** has tuberculosis in a
19 communicable form.

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

21
22 104. Section 4 of P.L.2006, c.99 (C.26:5C-28) is amended to
23 read as follows:

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

29 (1) A municipality that establishes a sterile syringe access
30 program, at a fixed location or through a mobile access component,
31 may operate the program directly or contract with one or more of
32 the following entities to operate the program: a hospital or other
33 health care facility licensed pursuant to P.L.1971, c.136 (C.26:2H-1
34 et seq.), a federally qualified health center, a public health agency, a
35 substance abuse treatment program, an AIDS service organization,
36 or another nonprofit entity designated by the municipality. These
37 entities shall also be authorized to contract directly with the
38 commissioner in any municipality in which the governing body has
39 authorized the operation of sterile syringe access programs by
40 ordinance pursuant to paragraph (2) of this subsection. The
41 municipality or entity under contract shall implement the sterile
42 syringe access program in consultation with a federally qualified
43 health center and the New Jersey Office on Minority and
44 Multicultural Health in the Department of Health **【and Senior**
45 **Services】**, and in a culturally competent manner.

46 (2) Pursuant to paragraph (2) of subsection a. of section 3 of
47 P.L.2006, c.99 (C.26:5C-27), a municipality whose governing body

1 has authorized the operation of sterile syringe access programs
2 within the municipality may require within the authorizing
3 ordinance that an entity as described in paragraph (1) of this
4 subsection obtain approval from the municipality, in a manner
5 prescribed by the authorizing ordinance, to operate a sterile syringe
6 access program prior to obtaining approval from the commissioner
7 to operate such a program, or may permit the entity to obtain
8 approval to operate such a program by application directly to the
9 commissioner without obtaining prior approval from the
10 municipality.

11 (3) Two or more municipalities may jointly establish or
12 authorize establishment of a sterile syringe access program that
13 operates within those municipalities pursuant to adoption of an
14 ordinance by each participating municipality pursuant to this
15 section.

16 b. A sterile syringe access program shall comply with the
17 following requirements:

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

20 (2) Program staff shall be trained and regularly supervised in:
21 harm reduction; substance **[abuse]** use disorder, medical and social
22 service referrals; and infection control procedures, including
23 universal precautions and needle stick injury protocol; and
24 programs shall maintain records of staff and volunteer training and
25 of hepatitis C and tuberculosis screening provided to volunteers and
26 staff;

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

31 (4) The program shall provide information and referrals to
32 consumers, including HIV testing options, access to medication-
33 assisted **[drug abuse]** substance use disorder treatment programs
34 and other substance **[abuse]** use disorder treatment programs, and
35 available health and social service options relevant to the
36 consumer's needs. The program shall encourage consumers to
37 receive an HIV test, and shall, when appropriate, develop an
38 individualized **[drug abuse]** substance use disorder treatment plan
39 for each participating consumer;

40 (5) The program shall screen out consumers under 18 years of
41 age from access to syringes and needles, and shall refer them to
42 **[drug abuse]** substance use disorder treatment and other
43 appropriate programs for youth;

44 (6) The program shall develop a plan for the handling and
45 disposal of used syringes and needles in accordance with
46 requirements set forth at N.J.A.C.7:26-3A.1 et seq. for regulated
47 medical waste disposal pursuant to the "Comprehensive Regulated
48 Medical Waste Management Act," P.L.1989, c.34 (C.13:1E-48.1 et

1 al.), and shall also develop and maintain protocols for post-
2 exposure treatment;

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

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

13 (8) The program shall maintain the confidentiality of consumers
14 by the use of confidential identifiers, which shall consist of the first
15 two letters of the first name of the consumer's mother and the two-
16 digit day of birth and two-digit year of birth of the consumer, or by
17 the use of such other uniform Statewide mechanism as may be
18 approved by the commissioner for this purpose;

19 (9) The program shall provide a uniform identification card that
20 has been approved by the commissioner to consumers and to staff
21 and volunteers involved in transporting, exchanging or possessing
22 syringes and needles, or shall provide for such other uniform
23 Statewide means of identification as may be approved by the
24 commissioner for this purpose;

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

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

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

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

41 (c) the number and type of referrals provided by the sterile
42 syringe access programs and the specific actions taken by the sterile
43 syringe access programs on behalf of each consumer.

44 c. A municipality may terminate a sterile syringe access
45 program established or authorized pursuant to this act, which is
46 operating within that municipality, if its governing body approves
47 such an action by ordinance, in which case the municipality shall

1 notify the commissioner of its action in a manner prescribed by
2 regulation of the commissioner.

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

4
5 105. Section 5 of P.L.2006, c.99 (C.26:5C-29) is amended to
6 read as follows:

7 5. a. (1) The Commissioner of Health **and Senior Services**
8 shall report to the Governor and, pursuant to section 2 of P.L.1991,
9 164 (C.52:14-19.1), the Legislature, no later than one year after the
10 effective date of P.L.2006, c.99 (C.26:5C-25 et seq.) and biennially
11 thereafter, on the status of sterile syringe access programs
12 established pursuant to sections 3 and 4 of P.L.2006, c.99 (C.26:5C-
13 27 and C.26:5C-28), and shall include in that report the data
14 provided to the commissioner by each sterile syringe access
15 program pursuant to paragraph (11) of subsection b. of section 4 of
16 P.L.2006, c.99 (C.26:5C-28).

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

19 (a) consult with local law enforcement authorities regarding the
20 impact of the sterile syringe access programs on the rate and
21 volume of crime in the affected municipalities and include that
22 information in the report; and

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

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

33 (1) an assessment of whether an adequate number of **drug**
34 **abuse** substance use disorder treatment program slots is available
35 to meet the treatment needs of persons who have been referred to
36 **drug abuse** substance use disorder treatment programs by sterile
37 syringe access programs pursuant to paragraph (4) of subsection b.
38 of section 4 of P.L.2006, c.99 (C.26:5C-28); and

39 (2) a recommendation for such appropriation as the
40 commissioner determines necessary to ensure the provision of an
41 adequate number of **drug abuse** substance use disorder treatment
42 program slots for those persons.

43 c. The commissioner shall contract with an entity that is
44 independent of the department to prepare a detailed analysis of the
45 sterile syringe access programs, and to report on the results of that
46 analysis to the Governor, the Governor's Advisory Council on
47 HIV/AIDS and Related Blood-Borne Pathogens, and, pursuant to
48 section 2 of P.L.1991, c.164 (C.52:14-19.1), the Legislature, no

1 later than 24 months after the adoption of regulations required
2 pursuant to subsection b. of section 7 of P.L.2006, c.99 (C.26:5C-
3 31) and annually thereafter. The analysis shall include, but not be
4 limited to:

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

8 (2) the number of exchanged syringes and needles and an
9 evaluation of the disposal of syringes and needles that are not
10 returned by consumers;

11 (3) the number of consumers participating in the sterile syringe
12 access programs and an assessment of their reasons for participating
13 in the programs;

14 (4) the number of consumers in the sterile syringe access
15 programs who participated in **[drug abuse]** substance use disorder
16 treatment programs; and

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

21 d. Within 90 days after receipt of the third report pursuant to
22 subsection c. of this section, the commissioner shall submit to the
23 Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-
24 19.1), the Legislature, on a day when both Houses of the
25 Legislature are meeting in the course of a regular or special session,
26 the commissioner's recommendations regarding whether or not to
27 continue the demonstration program established pursuant to this act.
28 The commissioner's recommendations shall be effective unless the
29 Legislature passes a concurrent resolution overriding the
30 commissioner's recommendations no later than the 45th day after its
31 receipt of those recommendations.

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

33

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

36 2. As used in this act:

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

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

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

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

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

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

6 "Designated requester" means a hospital employee who has
7 completed a course offered or approved by an organ procurement
8 organization.

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

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

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

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

23 "Donor registry" means a database that contains records of
24 anatomical gifts.

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

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

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

35 "Hospital" means an institution, whether operated for profit or
36 not, whether maintained, supervised, or controlled by an agency of
37 State government or a county or municipality or not, which
38 maintains and operates facilities for the diagnosis, treatment, or care
39 of two or more non-related individuals **[suffering from]** with an
40 illness, injury, or [deformity] disability, and where emergency,
41 outpatient, surgical, obstetrical, convalescent, or other medical and
42 nursing care is rendered for periods exceeding 24 hours.

43 "Identification card" means an identification card issued by the
44 New Jersey Motor Vehicle Commission.

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

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

2 "Organ procurement organization" means an entity designated by
3 the United States Secretary of Health and Human Services as an
4 organ procurement organization.

5 "Parent" means a parent whose parental rights have not been
6 terminated.

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

9 "Physician" means a person authorized to practice medicine or
10 osteopathy under the laws of any state.

11 "Procurement organization" means an eye bank, organ
12 procurement organization, or tissue bank.

13 "Prospective donor" means a person who is dead or whose death
14 is imminent and has been determined by a procurement organization
15 to have a part that could be medically suitable for transplantation,
16 therapy, research, or education, but does not include an individual
17 who has made a refusal.

18 "Reasonably available" means able to be contacted by a
19 procurement organization without undue effort and willing and able
20 to act in a timely manner consistent with existing medical criteria
21 necessary for the making of an anatomical gift.

22 "Recipient" means a person into whose body a decedent's part
23 has been or is intended to be transplanted.

24 "Record" means information that is inscribed on a tangible
25 medium or stored in an electronic or other medium and is
26 retrievable in perceivable form.

27 "Refusal" means a record created pursuant to **[this act]**
28 P.L.2008, c.50 (C.26:6-77 et seq.) that expressly states an intent to
29 bar other persons from making an anatomical gift of a person's body
30 or part.

31 "Sign" means, with the present intent to authenticate or adopt a
32 record, to execute or adopt a tangible symbol, or to attach to or
33 logically associate with the record an electronic symbol, sound, or
34 process.

35 "State" means a state of the United States, the District of
36 Columbia, Puerto Rico, the United States Virgin Islands, or any
37 territory or insular possession subject to the jurisdiction of the
38 United States.

39 "Technician" means a person who is determined to be qualified
40 to remove or process parts by an appropriate organization that is
41 licensed, accredited, or regulated under federal or State law, and
42 includes an enucleator.

43 "Tissue" means a portion of the human body other than an organ
44 or an eye, but does not include blood unless it is needed to facilitate
45 the use of other parts or is donated for the purpose of research or
46 education.

1 "Tissue bank" means an entity that is licensed, accredited, or
2 regulated under federal or State law to engage in the recovery,
3 screening, testing, processing, storage, or distribution of tissue.

4 "Transplant hospital" means a hospital that furnishes organ
5 transplants and other medical and surgical specialty services
6 required for the care of transplant patients.

7 (cf: P.L.2008, c.50, s.2)

8

9 107. Section 2 of P.L.1973, c.126 (C.27:1A-65) is amended to
10 read as follows:

11 2. For the purposes of **[this act]** P.L.1973, c.126 (C.27:1A-64
12 et seq.), unless the context clearly indicates otherwise:

13 a. "Commissioner" means the Commissioner of Transportation;
14 provided, however, that **[he]** the commissioner may delegate any of
15 **[his]** the commissioner's powers or duties under this act to any
16 subordinate division, agency, or employee of the Department of
17 Transportation or to the New Jersey Transit Corporation.

18 b. "Carrier" means any individual, copartnership, association,
19 corporation, joint stock company, public agency, trustee, or receiver
20 operating motor buses or rail passenger service on established
21 routes within this State or between points in this State and points in
22 adjacent states.

23 c. "Motor bus" means "autobus" as defined in R.S.48:4-1, and
24 includes those autobuses, commonly called jitneys, as defined in
25 R.S.48:16-23.

26 d. "Offpeak times" means the hours from 9:30 a.m. to 4 p.m.
27 and from 7 p.m. to 6 a.m. during the weekdays, and all day on
28 Saturdays, Sundays, and holidays.

29 e. "Senior citizen" means any individual 62 years of age or
30 over.

31 f. **"[Handicapped citizen]** Citizen with a disability" means any
32 individual who, by reason of illness, injury, age, congenital
33 **[malfunction]** disability, or other permanent or temporary
34 incapacity or disability, is unable without special facilities or
35 special planning or design to utilize mass transportation facilities
36 and services as effectively as persons who are not so affected.

37 (cf: P.L.1979, c.150, s.25)

38

39 108. Section 3 of P.L.1973, c.126 (C.27:1A-66) is amended to
40 read as follows:

41 3. The Commissioner of Transportation is hereby authorized
42 and directed to establish and implement within 180 days of the
43 effective date of P.L.1999, c.179 (C.27:1A-64 et al.) a program to
44 provide motor bus and rail passenger service for senior citizens
45 during offpeak times and to provide motor bus and rail passenger
46 service for senior citizens age 65 and older and **[handicapped]**
47 citizens with disabilities at all times bus or rail service is offered, on
48 regular routes of carriers within the State or between points in this

1 State and points in adjacent states at one-half of the regular adult
2 rates of fare as set forth in the tariffs of carriers filed with the
3 Interstate Commerce Commission, Board of Public Utilities, or the
4 Department of Transportation, except that the reduced fare shall not
5 be available to senior citizens and **【handicapped】** citizens with
6 disabilities traveling on commuter railroad trains operated during
7 peak times which have been designated by the New Jersey Transit
8 Corporation as ineligible for round trip excursion fares. The
9 commissioner may take such action as **【he】** the commissioner
10 deems necessary to implement this program, including contracts
11 with carriers for the provision of transportation services under this
12 program, purchase of regular tickets and resale to senior citizens
13 and **【handicapped】** citizens with disabilities at one-half the ordinary
14 fare, or direct payments to carriers for services provided to senior
15 citizens and **【handicapped】** citizens with disabilities under this
16 program. Where carriers may be entitled to receive or do receive
17 funds from sources other than the Department of Transportation for
18 provision of service to senior citizens and **【handicapped】** citizens
19 with disabilities, reimbursement payments which may be made by
20 the Department of Transportation to the carriers may be adjusted
21 accordingly.

22 (cf: P.L.1999, c.179, s.2)

23
24 109. Section 4 of P.L.1973, c.126 (C.27:1A-67) is amended to
25 read as follows:

26 4. In establishing this program, the commissioner shall, after
27 consulting with the Commissioner of Community Affairs, the New
28 Jersey State Commission on Aging, and the Board of Public Utility
29 Commissioners, establish uniform procedures for:

30 a. Determining the eligibility of persons to receive the reduced
31 fares provided pursuant to **【this act】** P.L.1973, c.126 (C.27:1A-64
32 et seq.);

33 b. Making such reduced fares available to eligible persons; and

34 c. Auditing and accounting to insure that no carrier receives
35 payments in excess of the value of services actually rendered to
36 senior citizens and **【handicapped】** citizens with disabilities
37 pursuant to **【this act】** P.L.1973, c.126 (C.27:1A-64 et seq.).

38 (cf: P.L.1975, c.271, s.4)

39
40 110. Section 7 of P.L.1973, c.126 (C.27:1A-70) is amended to
41 read as follows:

42 7. Nothing in **【this act】** P.L.1973, c.126 (C.27:1A-64 et seq.)
43 shall preclude any carrier from providing further fare reductions for
44 senior citizens and **【handicapped】** citizens with disabilities or
45 preclude any municipality from contracting for such further
46 reductions pursuant to P.L.1973, c.67 (**【C.40:58-4.1】** C.40:48-4.1 et

1 seq.), or any other law.
2 (cf: P.L.1975, c.271, s.5)

3
4 111. Section 8 of P.L.1973, c.126 (C.27:1A-71) is amended to
5 read as follows:

6 8. The commissioner is hereby authorized to hire, employ, or
7 assign such secretarial, clerical, and other personnel as shall be
8 required for complying with the provisions of **【this act】** P.L.1973,
9 c.126 (C.27:1A-64 et seq.). The commissioner may also expend a
10 reasonable sum, not to exceed **【\$50,000.00】** \$50,000 annually, for
11 advertising to make senior citizens and **【handicapped】** citizens with
12 disabilities aware of the program and the availability of the reduced
13 fares thereunder.
14 (cf: P.L.1975, c.271, s.6)

15
16 112. Section 9 of P.L.1973, c.126 (C.27:1A-72) is amended to
17 read as follows:

18 9. Notwithstanding any of the provisions of chapter 3 of Title
19 48 of the Revised Statutes or of any other law to the contrary, any
20 eligible senior citizen or **【handicapped】** citizen with a disability
21 may be transported by any motor bus carrier at less than the usual
22 and ordinary fare charged to one person.
23 (cf: P.L.1975, c.271, s.7)

24
25 113. Section 1 of P.L. 1987, c.99 (C.27:1A-73) is amended to
26 read as follows:

27 1. Notwithstanding the provisions of P.L.1973, c.126 (C.27:1A-
28 64 et seq.) or any other law to the contrary, a **【handicapped】** citizen
29 with a disability and the citizen's travel attendant **【or guide】** shall
30 be transported by any motorbus or rail carrier operated pursuant to
31 the "New Jersey Public Transportation Act of 1979," P.L.1979,
32 c.150 (C.27:25-1 et seq.) at the fare charged to one **【handicapped】**
33 citizen with a disability during peak or offpeak times, as the case
34 may be. For the purposes of this section, a "**【handicapped】** citizen
35 with a disability " is one defined pursuant to section 2 of P.L.1973,
36 c.126 (C.27:1A-65) who requires the assistance of a travel attendant
37 **【or guide】** in order to use public transportation.
38 (cf: P.L.1987, c.99, s.1)

39
40 114. Section 2 of P.L.1987, c.99 (C.27:1A-74) is amended to
41 read as follows:

42 2. The Commissioner of Transportation shall, after consulting
43 with other relevant departments and agencies, adopt reasonable
44 regulations necessary to carry out the purposes of this act pursuant
45 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
46 1 et seq.). The regulations shall include a procedure by which the
47 commissioner shall issue an identification card, upon certification
48 of a physician or upon certification of another person as prescribed

1 by the commissioner, that a **【handicapped】** citizen with a disability
2 requires the assistance of a travel attendant **【or guide】** in order to
3 use public transportation.

4 (cf: P.L.1987, c.99, s.2)

5
6 115. R.S.30:4-24 is amended to read as follows:

7 30:4-24. The provisions of Title 30 of the Revised Statutes shall
8 govern the admission and commitment of persons with mental
9 illness, tuberculosis, and developmental disabilities to the several
10 institutions designated therefor and govern and control all phases of
11 the relationship between such patients and such institutions
12 including payments, maintenance, custody, treatment, parole, and
13 discharge as though each provision of Title 30 of the Revised
14 Statutes has been specifically enacted, unless otherwise specified in
15 law, with relation to each institution, its board of managers and
16 officials, and to all other officials, boards, and authorities.

17 Title 30 of the Revised Statutes is to be administered in
18 accordance with the general principles laid down in this section,
19 which are declared to be the public policy of this State that:

20 (1) adequate residential and nonresidential facilities be provided
21 for the prompt and effective diagnosis, care, treatment, training and
22 rehabilitation of individuals **【suffering from】** with diseases and
23 **【dysfunctions】** disorders of the brain, mind, and nervous system,
24 including the various forms of mental illness and developmental
25 disability;

26 (2) such facilities be closely integrated with other community
27 health, welfare, and social resources;

28 (3) the human dignity and the moral and constitutional rights of
29 such individuals be upheld and protected by appropriate statutes;

30 (4) family and community ties and mutual responsibilities be
31 reinforced;

32 (5) inasmuch as such mental disorders may in some cases
33 substantially impair the individual's ability to guide **【his】** the
34 individual's actions in **【his】** the individual's own best interests or
35 with due regard for the rights of others, provision be made for the
36 due process of law by which such an individual may be placed
37 under protection, treatment, or restraint in **【his】** the individual's
38 own or the public interest;

39 (6) the primary responsibility for the costs of services provided
40 to an individual rests with **【him】** the individual and **【his】** the
41 individual's responsible relatives;

42 (7) it is in the public interest that facilities be available to all
43 persons without limitation because of economic circumstances, and
44 that extraordinary hardships to any individual or **【his】** the
45 individual's relatives which may result from severe or prolonged
46 disability be mitigated;

47 (8) means and facilities be provided by the State for scientific
48 studies directed toward expanding knowledge of the causes,

1 prevention, control, management, and cure of diseases and
2 **【dysfunctions】 disorders** of the brain, mind, and nervous system;
3 and

4 (9) as an intrinsic part of the program established by the State,
5 provision be made for the instruction of professional and
6 nonprofessional personnel in the skills required for the proper
7 diagnosis, care, training, treatment, and rehabilitation of persons
8 **【suffering from disorders】 with impairments** of the brain, mind, and
9 nervous system, and for the pursuit of relevant research.

10 (cf: P.L.2010, c.50, s.30)

11
12 116. Section 11 of P.L.1951, c.138 (C.30:4C-11) is amended to
13 read as follows:

14 11. Whenever it shall appear that any child within this State is of
15 such circumstances that the child's safety or welfare will be
16 endangered unless proper care or custody is provided, an
17 application setting forth the facts in the case may be filed with the
18 Division of Child Protection and Permanency by a parent or other
19 relative of the child, by a person standing in loco parentis to the
20 child, by a person or association or agency or public official having
21 a special interest in the child, or by the child himself or herself,
22 seeking that the division accept and provide care or custody of the
23 child as the circumstances may require. The application shall be in
24 writing, and shall contain a statement of the relationship to or
25 special interest in the child which justifies the filing of the
26 application. The provisions of this section shall be deemed to
27 include an application on behalf of an unborn child when the
28 prospective mother is within this State at the time of application for
29 services.

30 Upon receipt of an application as provided in this section, the
31 division shall verify the statements set forth in the application and
32 shall investigate all the matters pertaining to the circumstances of
33 the child. If upon such verification and investigation it shall appear
34 (a) that the safety or welfare of the child will be endangered unless
35 proper care or custody is provided; (b) that the needs of the child
36 cannot properly be provided for by financial assistance as made
37 available by the laws of this State; (c) that there is no person legally
38 responsible for the support of the child whose identity and
39 whereabouts are known and who is willing and able to provide for
40 the care and support required by the child; and (d) that the child, if
41 **【suffering from】 the child has** a mental or physical disability
42 requiring institutional care, is not immediately admissible to any
43 public institution providing care; then the division may accept and
44 provide care or custody as the circumstances of the child may
45 require.

46 (cf: P.L.2012, c.16, s.61)

1 117. Section 6 of P.L.1968, c.413 (C.30:4D-6) is amended to
2 read as follows:

3 6. a. Subject to the requirements of Title XIX of the federal
4 Social Security Act, the limitations imposed by this act and by the
5 rules and regulations promulgated pursuant thereto, the department
6 shall provide medical assistance to qualified applicants, including
7 authorized services within each of the following classifications:

8 (1) Inpatient hospital services;

9 (2) Outpatient hospital services;

10 (3) Other laboratory and X-ray services;

11 (4) (a) Skilled nursing or intermediate care facility services;

12 (b) Early and periodic screening and diagnosis of individuals
13 who are eligible under the program and are under age 21, to
14 ascertain their physical or mental **【defects】** health ¹**【disabilities】**
15 status¹ and the health care, treatment, and other measures to correct
16 or ameliorate defects and chronic conditions discovered thereby, as
17 may be provided in regulations of the Secretary of the federal
18 Department of Health and Human Services and approved by the
19 commissioner;

20 (5) Physician's services furnished in the office, the patient's
21 home, a hospital, a skilled nursing, or intermediate care facility or
22 elsewhere.

23 As used in this subsection, "laboratory and X-ray services"
24 includes HIV drug resistance testing, including, but not limited to,
25 genotype assays that have been cleared or approved by the federal
26 Food and Drug Administration, laboratory developed genotype
27 assays, phenotype assays, and other assays using phenotype
28 prediction with genotype comparison, for persons diagnosed with
29 HIV infection or AIDS.

30 b. Subject to the limitations imposed by federal law, by this
31 act, and by the rules and regulations promulgated pursuant thereto,
32 the medical assistance program may be expanded to include
33 authorized services within each of the following classifications:

34 (1) Medical care not included in subsection a.(5) above, or any
35 other type of remedial care recognized under State law, furnished
36 by licensed practitioners within the scope of their practice, as
37 defined by State law;

38 (2) Home health care services;

39 (3) Clinic services;

40 (4) Dental services;

41 (5) Physical therapy and related services;

42 (6) Prescribed drugs, dentures, and prosthetic devices; and
43 eyeglasses prescribed by a physician skilled in diseases of the eye
44 or by an optometrist, whichever the individual may select;

45 (7) Optometric services;

46 (8) Podiatric services;

47 (9) Chiropractic services;

48 (10) Psychological services;

- 1 (11) Inpatient psychiatric hospital services for individuals under
- 2 21 years of age, or under age 22 if they are receiving such services
- 3 immediately before attaining age 21;
- 4 (12) Other diagnostic, screening, preventive, and rehabilitative
- 5 services, and other remedial care;
- 6 (13) Inpatient hospital services, nursing facility services, and
- 7 intermediate care facility services for individuals 65 years of age or
- 8 over in an institution for mental diseases;
- 9 (14) Intermediate care facility services;
- 10 (15) Transportation services;
- 11 (16) Services in connection with the inpatient or outpatient
- 12 treatment or care of **【drug abuse】** substance use disorder, when the
- 13 treatment is prescribed by a physician and provided in a licensed
- 14 hospital or in a narcotic and **【drug abuse】** substance use disorder
- 15 treatment center approved by the Department of Health pursuant to
- 16 P.L.1970, c.334 (C.26:2G-21 et seq.) and whose staff includes a
- 17 medical director, and limited to those services eligible for federal
- 18 financial participation under Title XIX of the federal Social
- 19 Security Act;
- 20 (17) Any other medical care and any other type of remedial care
- 21 recognized under State law, specified by the Secretary of the federal
- 22 Department of Health and Human Services, and approved by the
- 23 commissioner;
- 24 (18) Comprehensive maternity care, which may include: the
- 25 basic number of prenatal and postpartum visits recommended by the
- 26 American College of Obstetrics and Gynecology; additional
- 27 prenatal and postpartum visits that are medically necessary;
- 28 necessary laboratory, nutritional assessment and counseling, health
- 29 education, personal counseling, managed care, outreach, and
- 30 follow-up services; treatment of conditions which may complicate
- 31 pregnancy; and physician or certified nurse-midwife delivery
- 32 services;
- 33 (19) Comprehensive pediatric care, which may include:
- 34 ambulatory, preventive, and primary care health services. The
- 35 preventive services shall include, at a minimum, the basic number
- 36 of preventive visits recommended by the American Academy of
- 37 Pediatrics;
- 38 (20) Services provided by a hospice which is participating in the
- 39 Medicare program established pursuant to Title XVIII of the Social
- 40 Security Act, Pub.L.89-97 (42 U.S.C. s.1395 et seq.). Hospice
- 41 services shall be provided subject to approval of the Secretary of
- 42 the federal Department of Health and Human Services for federal
- 43 reimbursement;
- 44 (21) Mammograms, subject to approval of the Secretary of the
- 45 federal Department of Health and Human Services for federal
- 46 reimbursement, including one baseline mammogram for women
- 47 who are at least 35 but less than 40 years of age; one mammogram
- 48 examination every two years or more frequently, if recommended

1 by a physician, for women who are at least 40 but less than 50 years
2 of age; and one mammogram examination every year for women
3 age 50 and over.

4 c. Payments for the foregoing services, goods, and supplies
5 furnished pursuant to this act shall be made to the extent authorized
6 by this act, the rules and regulations promulgated pursuant thereto
7 and, where applicable, subject to the agreement of insurance
8 provided for under this act. The payments shall constitute payment
9 in full to the provider on behalf of the recipient. Every provider
10 making a claim for payment pursuant to this act shall certify in
11 writing on the claim submitted that no additional amount will be
12 charged to the recipient, the recipient's family, the recipient's
13 representative or others on the recipient's behalf for the services,
14 goods, and supplies furnished pursuant to this act.

15 No provider whose claim for payment pursuant to this act has
16 been denied because the services, goods, or supplies were
17 determined to be medically unnecessary shall seek reimbursement
18 from the recipient, his family, his representative or others on his
19 behalf for such services, goods, and supplies provided pursuant to
20 this act; provided, however, a provider may seek reimbursement
21 from a recipient for services, goods, or supplies not authorized by
22 this act, if the recipient elected to receive the services, goods or
23 supplies with the knowledge that they were not authorized.

24 d. Any individual eligible for medical assistance (including
25 drugs) may obtain such assistance from any person qualified to
26 perform the service or services required (including an organization
27 which provides such services, or arranges for their availability on a
28 prepayment basis), who undertakes to provide the individual such
29 services.

30 No copayment or other form of cost-sharing shall be imposed on
31 any individual eligible for medical assistance, except as mandated
32 by federal law as a condition of federal financial participation.

33 e. Anything in this act to the contrary notwithstanding, no
34 payments for medical assistance shall be made under this act with
35 respect to care or services for any individual who:

36 (1) Is an inmate of a public institution (except as a patient in a
37 medical institution); provided, however, that an individual who is
38 otherwise eligible may continue to receive services for the month in
39 which he becomes an inmate, should the commissioner determine to
40 expand the scope of Medicaid eligibility to include such an
41 individual, subject to the limitations imposed by federal law and
42 regulations, or

43 (2) Has not attained 65 years of age and who is a patient in an
44 institution for mental diseases, or

45 (3) Is over 21 years of age and who is receiving inpatient
46 psychiatric hospital services in a psychiatric facility; provided,
47 however, that an individual who was receiving such services
48 immediately prior to attaining age 21 may continue to receive such

1 services until the individual reaches age 22. Nothing in this
2 subsection shall prohibit the commissioner from extending medical
3 assistance to all eligible persons receiving inpatient psychiatric
4 services; provided that there is federal financial participation
5 available.

6 f. (1) A third party as defined in section 3 of P.L.1968, c.413
7 (C.30:4D-3) shall not consider a person's eligibility for Medicaid in
8 this or another state when determining the person's eligibility for
9 enrollment or the provision of benefits by that third party.

10 (2) In addition, any provision in a contract of insurance, health
11 benefits plan, or other health care coverage document, will, trust,
12 agreement, court order, or other instrument which reduces or
13 excludes coverage or payment for health care-related goods and
14 services to or for an individual because of that individual's actual or
15 potential eligibility for or receipt of Medicaid benefits shall be null
16 and void, and no payments shall be made under this act as a result
17 of any such provision.

18 (3) Notwithstanding any provision of law to the contrary, the
19 provisions of paragraph (2) of this subsection shall not apply to a
20 trust agreement that is established pursuant to 42 U.S.C.
21 s.1396p(d)(4)(A) or (C) to supplement and augment assistance
22 provided by government entities to a person who is disabled as
23 defined in section 1614(a)(3) of the federal Social Security Act (42
24 U.S.C. s.1382c (a)(3)).

25 g. The following services shall be provided to eligible
26 medically needy individuals as follows:

27 (1) Pregnant women shall be provided prenatal care and delivery
28 services and postpartum care, including the services cited in
29 subsection a.(1), (3), and (5) of this section and subsection b.(1)-
30 (10), (12), (15), and (17) of this section, and nursing facility
31 services cited in subsection b.(13) of this section.

32 (2) Dependent children shall be provided with services cited in
33 subsection a.(3) and (5) of this section and subsection b.(1), (2), (3),
34 (4), (5), (6), (7), (10), (12), (15), and (17) of this section, and
35 nursing facility services cited in subsection b.(13) of this section.

36 (3) Individuals who are 65 years of age or older shall be
37 provided with services cited in subsection a.(3) and (5) of this
38 section and subsection b.(1)-(5), (6) excluding prescribed drugs, (7),
39 (8), (10), (12), (15), and (17) of this section, and nursing facility
40 services cited in subsection b.(13) of this section.

41 (4) Individuals who are blind or **disabled** ¹**have a disability**
42 **disabled**¹ shall be provided with services cited in subsection a.(3)
43 and (5) of this section and subsection b.(1)-(5), (6) excluding
44 prescribed drugs, (7), (8), (10), (12), (15), and (17) of this section,
45 and nursing facility services cited in subsection b.(13) of this
46 section.

47 (5) (a) Inpatient hospital services, subsection a.(1) of this
48 section, shall only be provided to eligible medically needy

1 individuals, other than pregnant women, if the federal Department
2 of Health and Human Services discontinues the State's waiver to
3 establish inpatient hospital reimbursement rates for the Medicare
4 and Medicaid programs under the authority of section 601(c)(3) of
5 the Social Security Act Amendments of 1983, Pub.L.98-21 (42
6 U.S.C. s.1395ww(c)(5)). Inpatient hospital services may be
7 extended to other eligible medically needy individuals if the federal
8 Department of Health and Human Services directs that these
9 services be included.

10 (b) Outpatient hospital services, subsection a.(2) of this section,
11 shall only be provided to eligible medically needy individuals if the
12 federal Department of Health and Human Services discontinues the
13 State's waiver to establish outpatient hospital reimbursement rates
14 for the Medicare and Medicaid programs under the authority of
15 section 601(c)(3) of the Social Security Amendments of 1983,
16 Pub.L.98-21 (42 U.S.C. s.1395ww(c)(5)). Outpatient hospital
17 services may be extended to all or to certain medically needy
18 individuals if the federal Department of Health and Human Services
19 directs that these services be included. However, the use of
20 outpatient hospital services shall be limited to clinic services and to
21 emergency room services for injuries and significant acute medical
22 conditions.

23 (c) The division shall monitor the use of inpatient and outpatient
24 hospital services by medically needy persons.

25 h. In the case of a qualified **disabled** ¹person with a
26 disability ¹disabled and working individual pursuant to section
27 6408 of Pub.L.101-239 (42 U.S.C. s.1396d), the only medical
28 assistance provided under this act shall be the payment of premiums
29 for Medicare part A under 42 U.S.C. ss.1395i-2 and 1395r.

30 i. In the case of a specified low-income Medicare beneficiary
31 pursuant to 42 U.S.C. s.1396a(a)(10)(E)iii, the only medical
32 assistance provided under this act shall be the payment of premiums
33 for Medicare part B under 42 U.S.C. s.1395r as provided for in 42
34 U.S.C. s.1396d(p)(3)(A)(ii).

35 j. In the case of a qualified individual pursuant to 42 U.S.C.
36 s.1396a(aa), the only medical assistance provided under this act
37 shall be payment for authorized services provided during the period
38 in which the individual requires treatment for breast or cervical
39 cancer, in accordance with criteria established by the commissioner.
40 (cf: P.L.2012, c.17, s.359)

41
42 118. Section 1 of P.L.1981, c.134 (C.30:4D-6.2) is amended to
43 read as follows:

44 1. For the purposes of this act:

45 a. "Certified trained personnel" means **that the** one or more
46 individuals directly providing mobility assistance vehicle services
47 **shall possess** possessing and **carry** carrying upon **his person**
48 their persons a current certificate of completion of an advanced

1 medical training course, as determined by the Commissioner of
2 Health **and Senior Services**.

3 b. "Division" means the Division of Medical Assistance and
4 Health Services in the Department of Human Services.

5 c. "Mobility assistance vehicle service" means the provision of
6 nonemergency health care transportation, supervised by certified
7 trained personnel, for Medicaid recipients who are sick, **infirm**
8 have an infirmity, or **otherwise disabled Medicaid recipients** have
9 a disability, and who are under the care and supervision of a
10 physician and whose medical condition is not of sufficient
11 magnitude or gravity to require transportation by ambulance, but
12 does require transportation from place to place for medical care and
13 whose use of an alternate form of transportation, such as taxicab,
14 bus, other public conveyance or private vehicle might create a
15 serious risk to life and health.

16 d. "Medicaid recipient" means any person who is determined to
17 be eligible to receive mobility assistance vehicle services as
18 provided under **this act** P.L.1981, c.134 (C.30:4D-6.2 et seq.) and
19 meets the eligibility requirements pursuant to the "New Jersey
20 Medical Assistance and Health Services Act," P.L.1968, c. 413.

21 e. "Provider" means any person, public or private institution,
22 agency or business concern lawfully providing mobility assistance
23 vehicle services authorized under **this act** P.L.1981, c.134
24 (C.30:4D-6.2).

25 (cf: P.L.1997, c.102, s.1)

26

27 119. Section 2 of P.L.2010, c.74 (C.30:4D-17.34) is amended to
28 read as follows:

29 2. The Director of the Division of Medical Assistance and
30 Health Services shall evaluate the demonstration project annually to
31 assess: whether cost savings are achieved through implementation
32 of the medical home project; the rates of health screening; and the
33 outcomes and hospitalization rates for persons with chronic
34 illnesses, and the hospitalization and readmission rates for **the**
35 persons who are frail and elderly.

36 (cf: P.L.2010, c.74, s.2)

37

38 120. Section 2 of P.L.1987, c.119 (C.30:4F-8) is amended to
39 read as follows:

40 30:4F-8 Definitions.

41 2. As used in this act:

42 a. "Caregiver" means a spouse, parent, child, relative or other
43 person who is 18 years of age or older and who has the primary
44 responsibility of providing daily care for the eligible person and
45 who does not receive financial remuneration for the care.

46 b. "Commissioner" means the Commissioner of the **State**
47 Department of Human Services.

- 1 c. "Co-payment" means financial participation in service costs
2 by the eligible person according to a sliding fee schedule
3 promulgated by the commissioner.
- 4 d. "Department" means the **【State】** Department of Human
5 Services.
- 6 e. "Eligible person" means a **【functionally impaired】** person 18
7 years of age or older with a functional impairment who would
8 become at risk of long-term institutional placement if **【his】** the
9 individual's regular caregiver could not continue in that role
10 without the assistance of temporary home and community support
11 services, including respite care. The term includes an eligible
12 veteran as defined in this section.
- 13 f. **【"Functionally impaired"】** "Functional impairment" means
14 the presence of a chronic physical or mental disease, illness, or
15 disability as certified by the physician or a sponsor-provided
16 assessment team, which causes physical dependence on others, and
17 which leaves a person unable to attend to his or her basic daily
18 needs without the substantial assistance or continuous supervision
19 of a caregiver.
- 20 g. "Provider" means a person, public agency, private nonprofit
21 agency or proprietary agency which is licensed, certified, or
22 otherwise approved by the commissioner to supply any service or
23 combination of services described in subsection h. of this section.
- 24 h. "Respite" or "respite care" means the provision of
25 temporary, short-term care for, or the supervision of, an eligible
26 person on behalf of the caregiver, in emergencies or on an
27 intermittent basis to relieve the daily stresses and demands of caring
28 for **【the functionally impaired】** an adult with a functional
29 impairment. Respite may be provided hourly, daily, overnight, or on
30 weekends, may be paid or volunteer, but may not exceed service
31 and cost limitations as determined by the commissioner. Respite
32 includes, but is not limited to, the following services:
- 33 (1) companion or sitter services;
34 (2) homemaker and personal care services;
35 (3) adult day care;
36 (4) short-term inpatient care in a facility meeting standards
37 which the commissioner determines to be appropriate to provide the
38 care;
39 (5) emergency care; and
40 (6) peer support and training for caregivers.
- 41 i. "Service plan" means a written document agreed upon by the
42 eligible person, the caregiver, and the sponsor. The service plan
43 shall take into account other services and resources available to the
44 eligible person and his caregiver. Services provided pursuant to
45 **【this act】** P.L.1987, c.119 (C.30:4F-7 et seq.) shall not be used to
46 duplicate or supplant existing services or resources available to the
47 eligible person and **【his】** the person's caregiver. The plan shall:

1 (1) Document the needs of the eligible person and caregiver for
 2 respite care services, using a needs assessment procedure provided
 3 or approved by the department;

4 (2) Identify the outcomes to be achieved and the specific respite
 5 care services to be provided to the eligible person and the caregiver
 6 to meet their identified needs;

7 (3) Estimate the frequency and duration of the respite care
 8 services;

9 (4) Estimate the total cost of the plan and the co-payment an
 10 eligible person is required to contribute toward the cost of services
 11 provided under the plan.

12 j. "Sponsor" means the county or regional agency, either
 13 public or private nonprofit, which contracts with the department to
 14 administer the local respite program, and which is responsible for
 15 the recruitment of and payment to providers, the general
 16 supervision of the local programs, and the submission of
 17 information or reports which may be required by the commissioner.
 18 Sponsors shall be selected according to criteria established by the
 19 commissioner which shall include demonstrated support from the
 20 county government. Criteria shall also include the potential
 21 sponsor's demonstrated ability to coordinate the funds available for
 22 this program with other funding sources and to obtain matching or
 23 in kind contributions.

24 k. "Eligible veteran" means a person with a functional
 25 impairment arising out of service in the active military or naval
 26 service of the United States in any war or conflict on or after
 27 September 11, 2001 who has been honorably discharged or released
 28 from that service under conditions other than dishonorable, and
 29 meets the requirements for total disability ratings for compensation
 30 based upon unemployability of the individual as determined by the
 31 United States Department of Veterans Affairs.

32 (cf: P.L.2015, c.289, s.1)

33
 34 121. Section 3 of P.L.1987, c.119, s.3 (C.30:4F-9) is amended to
 35 read as follows:

36 3. The commissioner shall establish a Statewide Respite Care
 37 Program within the Department of Human Services to be
 38 administered by sponsors designated by the commissioner.
 39 Allocations of funds for respite services pursuant to **[this act]**
 40 P.L.1987, c.119 (C.30:4F-7 et seq.) to each county or region shall
 41 be based on its share of the targeted population according to the
 42 following formula:

$$\begin{aligned} \text{County Allocation} &= C \times (A + B) \\ &\quad (D + E) \end{aligned}$$

45 here, A equals the county population of persons age 75 years or
 46 older; B equals the county population of **[functionally impaired]**
 47 adults with functional impairments under the age of 75 according to
 48 the most recent data available to the commissioner; C equals the

1 annual amount of funds appropriated for the purpose of this act,
2 minus those funds retained for State administration; D equals the
3 State population of persons age 75 years or older; and E equals the
4 State population of **functionally impaired** adults with functional
5 impairments under the age of 75.

6 (cf: P.L.1987, c.119, s.3)

7
8 122. Section 3 of P.L.1983, c.492 (C.30:5B-3) is amended to
9 read as follows:

10 3. As used in **this act** P.L.1983, c.492 (C.30:5B-1 et seq.):

11 a. "Child" means any person under the age of 13.

12 b. "Child care center" or "center" means any facility which is
13 maintained for the care, development, or supervision of six or more
14 children who attend the facility for less than 24 hours a day. In the
15 case of a center operating in a sponsor's home, children who reside
16 in the home shall not be included when counting the number of
17 children being served. This term shall include, but shall not be
18 limited to, day care centers, drop-in centers, nighttime centers,
19 recreation centers sponsored and operated by a county or municipal
20 government recreation or park department or agency, day nurseries,
21 nursery and play schools, cooperative child centers, centers for
22 children with special needs, centers serving sick children, infant-
23 toddler programs, school age child care programs, employer
24 supported centers, centers that had been licensed by the Department
25 of Human Services prior to the enactment of the "Child Care Center
26 Licensing Act," P.L.1983, c.492 (C.30:5B-1 et seq.), and
27 kindergartens that are not an integral part of a private educational
28 institution or system offering elementary education in grades
29 kindergarten through sixth, seventh, or eighth. This term shall not
30 include:

31 (1) (Deleted by amendment, P.L.1992, c.95).

32 (2) A program operated by a private school which is run solely
33 for educational purposes. This exclusion shall include
34 kindergartens, prekindergarten programs **or** and child care centers
35 that are an integral part of a private educational institution or
36 system offering elementary education in grades kindergarten
37 through sixth, seventh, or eighth;

38 (3) Centers or special classes operated primarily for religious
39 instruction or for the temporary care of children while persons
40 responsible for such children are attending religious services;

41 (4) A program of specialized activity or instruction for children
42 that is not designed or intended for child care purposes, including,
43 but not limited to, Boy Scouts, Girl Scouts, 4-H clubs, and Junior
44 Achievement, and single activity programs such as athletics,
45 gymnastics, hobbies, art, music, and dance and craft instruction,
46 which are supervised by an adult, agency, or institution;

47 (5) Youth camps required to be licensed under the "New Jersey
48 Youth Camp Safety Act," P.L.1973, c.375 (C.26:12-1 et seq.). To

1 qualify for an exemption from licensing under this provision, a
2 program must have a valid and current license as a youth camp
3 issued by the Department of Health **and Senior Services**. A youth
4 camp sponsor who also operates a child care center shall secure a
5 license from the Department of Children and Families for the
6 center;

7 (6) Day training centers operated by or under contract with the
8 Division of Developmental Disabilities within the Department of
9 Human Services;

10 (7) Programs operated by the board of education of the local
11 public school district that is responsible for their implementation
12 and management;

13 (8) A program such as that located in a bowling alley, health
14 spa, or other facility in which each child attends for a limited time
15 period while the parent is present and using the facility;

16 (9) A child care program operating within a geographical area,
17 enclave, or facility that is owned or operated by the federal
18 government;

19 (10) A family day care home that is registered pursuant to the
20 "Family Day Care Provider Registration Act," P.L.1987, c.27
21 (C.30:5B-16 et seq.); and

22 (11) Privately operated infant and preschool programs that are
23 approved by the Department of Education to provide services
24 exclusively to local school districts for **handicapped** children with
25 disabilities, pursuant to N.J.S.18A:46-1 et seq.

26 c. "Commissioner" means the Commissioner of Children and
27 Families.

28 d. "Department" means the Department of Children and
29 Families.

30 e. "Parent" means a natural or adoptive parent, guardian, or any
31 other person having responsibility for, or custody of, a child.

32 f. "Person" means any individual, corporation, company,
33 association, organization, society, firm, partnership, joint stock
34 company, or the State or any political subdivision thereof.

35 g. "Sponsor" means any person owning or operating a child
36 care center.

37 (cf: P.L.2006, c.47, s.161)

38
39 123. Section 1 of P.L.1981, c.488 (C.30:6-23) is amended to
40 read as follows:

41 1. The purpose of **this act** P.L.1981, c.488 (C.30:6-23 et
42 seq.) is to further the policy of the State to encourage and assist
43 persons who are blind **and other severely handicapped persons** or
44 have a severe disability to achieve maximum personal independence
45 through productive employment by assuring a continuous market
46 for their commodities and services, thereby enhancing their dignity
47 and capacity for self-support and minimizing their dependence on

1 welfare and the need for costly institutionalization.

2 (cf: P.L.1981, c.488, s.1)

3
4 124. Section 2 of P.L.1981, c.488 (C.30:6-24) is amended to
5 read as follows:

6 2. As used in this act:

7 a. "Blind person" or "person who is blind" means a person
8 whose vision in the better eye with proper correction does not
9 exceed 20/200 or who has a field defect in the better eye with
10 proper correction which contracts the peripheral field so that the
11 diameter of the visual field subtends an angle no greater than 20
12 degrees.

13 b. "Central Nonprofit Agency" means the agency designated by
14 the commissioner pursuant to section 6 of **【this act】** P.L.1981,
15 c.488 (C.30:6-28).

16 c. "Commissioner" means the Commissioner of Human
17 Services.

18 d. "Rehabilitation facility" means a rehabilitation facility
19 located in this State which qualifies as a charitable organization or
20 institution under the provisions of section 501(c)(3) of the Internal
21 Revenue Code and is conducted on a nonprofit basis for the purpose
22 of carrying out a recognized program of rehabilitation for
23 individuals whose earning capacity is impaired by age or physical
24 or mental **【deficiency】** disability or injury and of providing these
25 individuals with remunerative employment or other occupational
26 rehabilitative activity of an educational or therapeutic nature as
27 defined in section 525.1 et seq. of the regulations adopted pursuant
28 to the federal "Fair Labor Standards Act of 1938," 29 U.S.C. s. 201
29 et seq. and related codes, and which is engaged in the production of
30 commodities or the provision of services in connection with which
31 not less than **【75%】** 75 percent of the total hours of direct labor is
32 performed by **【blind or other severely handicapped】** persons who
33 are blind or who have a severe disability, excluding any hours of
34 supervision, administration, inspection, or shipping.

35 e. "Person with a severe disability" **【"Severely handicapped**
36 **person"】** means a person with a physical, mental, or emotional
37 disability, other than blindness but including a visual impairment,
38 which **【is a substantial handicap to】** substantially impairs
39 employment and prevents that person from currently engaging in
40 **【normal】** typical competitive employment.

41 f. "State agency" means an agency of State government.

42 (cf: P.L.1991, c.147, s.2)

43
44 125. Section 3 of P.L.1981, c.488 (C.30:6-25) is amended to
45 read as follows:

46 There is established in the Department of Human Services, the
47 Commodities and Services Council for **【blind and other severely**

1 handicapped】 persons who are blind or who have a severe
2 disability. The council shall consist of the Director of the Division
3 of Vocational Rehabilitation Services; the Director of the Division
4 of Purchase and Property; the Chief of the Bureau of State Use
5 Industries; 【the Director of the Division of Development for Small
6 Businesses and Women's and Minority Businesses in the
7 Department of Commerce and Economic Development;】 the
8 Director of the Division of Developmental Disabilities in the
9 Department of Human Services; the Executive Director of the
10 Commission for the Blind and Visually Impaired; the President of
11 the New Jersey 【Association of Rehabilitation Facilities】
12 Association for Choices in Community Supports and Employment
13 Services; or their designees; three citizens as at-large members, at
14 least one of whom shall be a 【blind】 person who is blind, and at
15 least one of whom shall represent the private business sector. The
16 at-large members shall be appointed by the Governor, with the
17 advice and consent of the Senate, for terms of three years, except
18 that of the first at-large members appointed, one shall be appointed
19 for a term of three years, one for a term of two years, and one for a
20 term of one year.

21 (cf: P.L.1999, c.91, s.12)

22

23 126. Section 5 of P.L.1981, c.488 (C.30:6-27) is amended to
24 read as follows:

25 The duties of the council shall include:

26 a. Developing through the Central Nonprofit Agency a list of
27 commodities and services which shall be set aside for purchase
28 through approved rehabilitation facilities and establishing a fair
29 market price for those commodities and services.

30 b. Recommending to the commissioner an agency to be
31 designated as the Central Nonprofit Agency.

32 c. Encouraging the purchase of commodities and services of
33 【blind and other severely handicapped】 persons who are blind or
34 who have a severe disability by political subdivisions of the State.

35 (cf: P.L.1991, c.147, s.4)

36

37 127. Section 5 of P.L.1964, c.226 (C.30:6C-5) is amended to
38 read as follows:

39 5. A person over the age of 21 years believing himself or
40 herself to be 【addicted to the use of narcotics or drugs】 a person
41 with a substance use disorder involving drugs may be admitted to
42 any State or county institution, hospital, or facility certified by the
43 commissioner as having special facilities for the care and treatment
44 of 【drug addicts】 persons with substance use disorders involving
45 drugs and may receive treatment therein. 【If the individual be】 An
46 application for voluntary admission may be made on behalf of a
47 person who believes himself or herself to be a person with a
48 substance use disorder involving drugs, if the person is under the

1 age of 21 years and unmarried **【then such application for his**
2 voluntary admission may be made on his behalf**】**, by a parent,
3 guardian, next of kin, person standing in loco parentis, or by any
4 person having care, custody, and control of such individual. If the
5 superintendent or physician in charge of such hospital or facility
6 certifies that it is in the best interest of **【any such drug addict】** the
7 person with a substance use disorder involving drugs, **【he】** the
8 person may be retained therein for a period not exceeding 30 days
9 for the purpose of care and treatment and thereafter until 15 days
10 after receipt of notice in writing from such person, if **【he】** the
11 person is over the age of 21 years, or if **【he】** the person is under
12 such age, from the **【person】** individual who applied on **【his】** the
13 person's behalf for **【his】** admission, of intention to leave such
14 hospital or facility. At any time prior thereto the superintendent or
15 physician in charge upon filing **【his】** a written certificate with the
16 commissioner, may discharge **【any such drug addict】** the person
17 with a substance use disorder involving drugs who is recovered, or
18 **【if not recovered, is not suitable】** for whom treatment in such
19 facility or hospital is no longer suitable.

20 (cf: P.L.1964, c.226, s.5)

21
22 128. Section 9 of P.L.1964, c.226 (C.30:6C-9) is amended to
23 read as follows:

24 9. Nothing herein contained shall be deemed to restrict the use
25 of the writ of habeas corpus. If a writ of habeas corpus **【be】** is
26 obtained **【in】** on behalf of any person confined in a hospital or
27 facility **【and】** who is receiving treatment for **【drug addiction】** a
28 substance use disorder involving drugs, and if it appears at the
29 hearing on the return of **【such】** the writ that the condition of **【such】**
30 the person is such as to require further treatment for **【drug**
31 **addiction】** a substance use disorder involving drugs, then **【such】**
32 the person shall be remanded to the care and custody of **【such】** a
33 hospital or facility until such time as it appears that **【such】** the
34 person is no longer in need of institutional care or treatment for
35 **【drug addiction】** a substance use disorder involving drugs as
36 provided in **【this act】** P.L.1964, c.226 (C.30:6C-1 et seq.) and may
37 properly be discharged.

38 (cf: P.L.1964, c.226, s.9)

39
40 129. Section 10 of P.L.1968, c.356 (C.30:11-20) is amended to
41 read as follows:

42 10. The Commissioner of **【the Department of】** Health **【and**
43 **Senior Services】**, subject to the approval of the Governor, shall
44 appoint a Nursing Home Administrator's Licensing Board which
45 shall consist of the Commissioner of the Department of Human
46 Services; the Commissioner of the Department of Health **【and**

1 Senior Services], and seven nursing home administrators of
2 recognized ability, two of whom shall be registered nurses who are
3 graduates of accredited schools of nursing, licensed by the New
4 Jersey State Board of Nursing to practice nursing in this State, one
5 of whom shall be a fellow of the American College of [Nursing
6 Home] Health Care Administrators, one of whom shall be a
7 member of the American College of [Nursing Home] Health Care
8 Administrators, one of whom shall be an administrator of a
9 governmentally operated nursing home, one of whom shall be an
10 administrator of a nonprofit home for the aged with a licensed
11 infirmary, and one of whom shall be an administrator of a
12 proprietary nursing home. There shall be appointed six additional
13 members who shall be representative of the professions and
14 institutions concerned with the care and treatment of [chronically
15 ill or infirm elderly patients] patients who are elderly and who have
16 a chronic illness or infirmity other than nursing home
17 administrators or persons associated with nursing homes, one of
18 whom shall be a physician licensed to practice medicine in this
19 State, but in no event shall a majority of the board be representative
20 of a single professional or institutional category. Any
21 noninstitutional member of the board, which does not include
22 nursing home administrators, shall have no direct financial interest
23 in nursing homes. Each member of the board who is a nursing
24 home administrator shall have a minimum of not less than five
25 years' experience as an administrator in the supervision of a
26 convalescent home or private nursing home and shall at all times
27 be licensed as a nursing home administrator pursuant to the terms of
28 this act. The board shall be appointed for terms of four years,
29 except when appointed to complete an unexpired term. Members
30 whose terms shall expire shall hold office until appointment of their
31 successors. Members may be reappointed for one additional term.
32 They shall serve without compensation, but shall be reimbursed for
33 actual expenses incurred in the performance of their official duties.
34 (cf: P.L.1997, c.110, s.1)

35
36 130. R.S.30:12-2 is amended to read as follows:

37 30:12-2. No person, corporation, or association, except
38 municipal corporations or corporations not organized for pecuniary
39 profit, shall establish or maintain for profit any hospital [,] or other
40 institution for persons [afflicted with] who have communicable
41 diseases without first having obtained the consent by resolution or
42 ordinance of the governing board or body of the municipality within
43 which the institution is to be established.

44 Notice of application for such consent, setting forth the time and
45 place at which the application will be presented, the name of the
46 applicant, and the exact location of the proposed institution shall be
47 given by publication for at least [2] two weeks in one or more
48 newspapers published and circulated in the municipality, or if none

1 be published therein, by posting in ten of the most public places in
2 such municipality at least 14 days before the meeting at which the
3 application will be presented.

4 (cf: P.L.1977, c.63, s.22)

5
6 131. Section 2 of P.L.1976, c.120 (C.30:13-2) is amended to
7 read as follows:

8 2. For the purposes of this act:

9 a. "Administrator" means any individual who is charged with
10 the general administration or supervision of a nursing home whether
11 or not such individual has an ownership interest in such home and
12 whether or not ~~his~~ the individual's function and duties are shared
13 with one or more other individuals.

14 b. "Guardian" means a person, appointed by a court of
15 competent jurisdiction, who shall have the right to manage the
16 financial affairs and protect the rights of any nursing home resident
17 who has been declared an incapacitated person. In no case shall the
18 guardian of a nursing home resident be affiliated with a nursing
19 home, its operations, its staff personnel, or a nursing home
20 administrator in any manner whatsoever.

21 c. "Nursing home" means any institution, whether operated for
22 profit or not, which maintains and operates facilities for extended
23 medical and nursing treatment or care for two or more nonrelated
24 individuals ~~who are suffering from~~ with acute or chronic illness
25 or injury, or ~~are crippled, convalescent or infirm~~ a physical
26 disability, or who are convalescing, or who are in need of assistance
27 '[or supervision]' in bathing, dressing, or some other type of
28 supervision, and are in need of such treatment or care on a
29 continuing basis. ~~Infirm is construed to mean that an individual is~~
30 ~~in need of assistance in bathing, dressing or some type of~~
31 ~~supervision.~~

32 d. "Reasonable hour" means any time between the hours of 8
33 a.m. and 8 p.m. daily.

34 e. "Resident" means any individual receiving extended medical
35 or nursing treatment or care at a nursing home.

36 (cf: P.L.1997, c.379, s.8)

37
38 132. Section 1 of P.L.1962, c.91 (C.34:2-21.57) is amended to
39 read as follows:

40 1. As used in this act:

41 a. "Professional employment" means employment for pay as an
42 actor or performer in a theatrical production.

43 b. "Theatrical production" means and includes stage, motion
44 picture and television performances and rehearsals therefor.

45 c. "Prohibited performance" means and includes appearances
46 as a rope or wire walker or rider, gymnast, wrestler, boxer,
47 contortionist, acrobat, rider of a horse or other animal unless the
48 minor is trained to safely ride such horse or animal, or rider of any

1 vehicle other than that generally used by a minor of the same age,
2 or appearance in any illegal, indecent, or immoral exhibition,
3 practice, or theatrical production or in any practice, exhibition, or
4 theatrical production dangerous to the life, limb, health or morals of
5 a minor, or appearance or exhibition of **any physically deformed or**
6 **mentally deficient minor** a minor with a physical or mental
7 disability.

8 (cf: P.L.1981, c.331, s.4)

10 133. Section 1 of P.L.1955, c.64 (C.34:16-20) is amended to
11 read as follows:

12 1. As used in this chapter:

13 **["Commission"]** "Division" means the **State Rehabilitation**
14 **Commission, Department of Labor and Industry** Division of
15 Vocational Rehabilitation Services in the Department of Labor and
16 Workforce Development, for the rehabilitation of **handicapped**
17 persons with disabilities.

18 "Maintenance" means payments to cover the **handicapped**
19 **individual's** basic living expenses of a person with a disability,
20 such as: food, shelter, clothing, health maintenance, and other
21 subsistence expenses essential to achievement of the individual's
22 vocational rehabilitation or independent living rehabilitation
23 objective.

24 **["Handicapped individual"]** "Individual with a disability"
25 means, for the purpose of vocational rehabilitation services, any
26 individual who **is under** has a physical or mental disability which
27 constitutes a substantial **handicap** impediment to employment,
28 but which is of such a nature that vocational rehabilitation services
29 may reasonably be expected to **render him fit to engage in a**
30 **gainful occupation** give the individual suitable skills to achieve
31 gainful employment outcomes.

32 **["Severely handicapped individual"]** "Individual with a severe
33 disability" means, for the purpose of independent living
34 rehabilitation services, an individual who **is under such** has a
35 physical or mental disability, as defined by rules and regulations of
36 the **commission** division, as to require institutional care or
37 nursing home care or attendance in **his** the individual's household
38 continuously or for a substantial portion of the time, but who
39 reasonably can be expected as a result of independent living
40 rehabilitation services to achieve an independent living status.

41 "Independent living status" means that degree of independence
42 for **severely handicapped** individuals with severe disabilities
43 which will eliminate the need for institutional care or nursing home
44 care or eliminate or substantially reduce the need for an attendant's
45 care at home and which may in many instances make such persons
46 capable of achieving vocational rehabilitation.

1 "Prosthetic device" means any appliance designed to support or
2 take the place of a part of the body, or to increase the acuity of a
3 sensory organ.

4 "Vocational rehabilitation services" means diagnostic and related
5 services (including transportation) incidental to the determination of
6 eligibility for and the nature and scope of services to be provided;
7 training, books, and training material, including necessary small
8 tools, such prosthetic devices as are essential to obtaining or
9 retaining employment, occupational licenses, guidance and
10 placement services for **【handicapped】** individuals with disabilities;
11 and in the case of **【any such】** an individual found to require
12 financial assistance with respect **【thereto】** to these services, after
13 full consideration of **【his】** the individual's eligibility for any
14 similar benefit by way of pension, compensation, and insurance,
15 any other goods and services necessary to **【render such individual**
16 **fit to engage in a gainful occupation】** give the individual suitable
17 skills to achieve gainful employment outcomes (including gainful
18 homebound work), including but not limited to the following
19 physical **【restoration】** rehabilitation and other goods and services:

20 (1) Corrective surgery or therapeutic treatment to correct or
21 improve a physical or mental condition which constitutes a
22 substantial **【handicap】** impediment to employment;

23 (2) Necessary hospitalization in connection with surgery or
24 treatment specified in paragraph **【1】** (1);

25 (3) Maintenance, not exceeding the estimated cost of
26 subsistence, during rehabilitation;

27 (4) Tools, equipment, initial stocks, and supplies, including
28 equipment and initial stocks and supplies for vending stands;

29 (5) Transportation (except where necessary in connection with
30 determination of eligibility or nature and scope of services).

31 (6) Acquisition of vending stands or other equipment, and initial
32 stocks and supplies for small business enterprises conducted by
33 **【severely handicapped】** individuals with severe disabilities under
34 the supervision of the State agency;

35 (7) The establishment of public and other nonprofit
36 rehabilitation facilities to provide services for **【handicapped】**
37 individuals with disabilities and the establishment of public and
38 other nonprofit workshops for **【the severely handicapped】**
39 individuals with severe disabilities.

40 "Vocational rehabilitation services" (for purposes of the
41 determination of rehabilitation potential) also means~~【,】~~: diagnosis
42 and related services (including transportation), training, books, and
43 training material, including necessary small tools, prosthetic
44 devices, and guidance, which are provided to an individual who has
45 a physical or mental disability which constitutes a substantial
46 **【handicap】** impediment to employment, during the period specified
47 to be necessary for and which are provided for the purpose of

1 ascertaining whether it may be reasonably expected that **【such】** the
2 individual will be **【rendered fit to engage in a gainful occupation】**
3 able to achieve gainful employment through the provision of goods
4 and services described in the preceding paragraph; and in the case
5 of any such individual found to require financial assistance with
6 respect thereto, after full consideration of **【his】** the individual's
7 eligibility for any similar benefit by way of pension, compensation,
8 and insurance, any other goods and services necessary to the
9 determination of a rehabilitation potential, including but not limited
10 to physical **【restoration】** rehabilitation and other goods and
11 services.

12 "Independent living rehabilitation service" means counseling,
13 diagnostic, and related services (including transportation) **【rendered**
14 severely handicapped individuals**】** provided to individuals with
15 severe disabilities, and needed prosthetic appliances, books **【and】**
16 training materials, and other devices which will contribute to
17 independent living, training in the use **【thereof】** of these devices,
18 and in the case of any **【such】** individual found to require financial
19 assistance with respect thereto, after full consideration of **【his】** the
20 individual's eligibility for any similar benefits by way of pension,
21 compensation, and insurance, such term shall include but shall not
22 be limited to the following: (1) physical **【restoration】** rehabilitation
23 and related services, including corrective surgery, therapeutic
24 treatment, and hospitalization; (2) maintenance needed to assure the
25 availability of such services, not exceeding the estimated cost of
26 subsistence; (3) such rehabilitation services necessary for the
27 achievement of independent living status.

28 "Rehabilitation facility" means a facility operated for the primary
29 purpose of assisting in the vocational rehabilitation and independent
30 living rehabilitation of **【handicapped and severely handicapped**
31 individuals**】** individuals with disabilities and individuals with
32 severe disabilities, (1) which provides one or more of the following
33 types of service: testing, fitting, or training in the use of prosthetic
34 devices; prevocational or conditioning therapy; physical or
35 occupational therapy, adjustment training, evaluation, treatment, or
36 control of **【special】** disabilities; or (2) through which is provided an
37 integrated program of medical, psychological, social and vocational
38 evaluation and services under competent professional supervision;
39 provided, that the major portion of such evaluation and service is
40 furnished within the facility, and that all medical and related health
41 services are prescribed by, or under the formal supervision of,
42 persons licensed to practice medicine or surgery in the State.

43 "Workshop" means a place where any manufacture or handiwork
44 is carried on, and which is operated for the primary purpose of
45 providing gainful employment to **【handicapped】** individuals with
46 disabilities (1) as an interim step in the rehabilitation process for
47 those who cannot be readily absorbed in the competitive labor

1 market; or (2) during such time as employment opportunities for
2 **【them】 individuals with disabilities** in the competitive labor market
3 do not exist.

4 "Gainful **【occupation】 employment**" includes employment in the
5 competitive labor market; practice of a profession; self-
6 employment; homemaking, farm, or family work (including work
7 for which payment is in kind rather than cash); sheltered
8 employment; and home industries or other homebound work of a
9 gainful nature.

10 (cf: P.L.1969, c.91, s.1)

11
12 134. Section 8 of P.L.1955, c.64 (C.34:16-27) is amended to
13 read as follows:

14 8. The **【commission】 division** shall be authorized to:

15 (a) Adopt and promulgate such rules and regulations as may be
16 necessary to carry out the provisions of **【this act】 P.L.1955, c.64**
17 **(C.34:16-20 et seq.)**.

18 (b) Provide vocational rehabilitation and independent living
19 rehabilitation services, directly or through public or private
20 instrumentalities, to eligible **【handicapped】 individuals with**
21 **disabilities** without discrimination as to sex, race, color, creed, or
22 national origin, except that the **【commission】 division** shall not
23 duplicate services provided for **【blind】 persons who are blind**
24 **【under the care of】 through the 【State commission to ameliorate the**
25 **condition of the blind】 Commission for the Blind and Visually**
26 **Impaired** and **【deaf】 persons who are deaf or hard of hearing**
27 **【under the care of the Marie H. Katzenbach】 through the New**
28 **Jersey School for the Deaf, Katzenbach Campus,** nor shall the
29 **【commission】 division** provide services for persons who in its
30 judgment **【are not feasible for】 will not benefit from** rehabilitation.
31 In case vocational rehabilitation and independent living
32 rehabilitation services cannot be provided to all eligible
33 **【handicapped persons】 individuals with disabilities** who apply for
34 such services, the **【commission】 division** shall provide, by
35 regulation, the order to be followed in selecting those to whom such
36 services will be provided.

37 (c) Construct or establish and operate rehabilitation facilities
38 and workshops, which may include residential accommodations
39 related to the rehabilitation of **【handicapped】 individuals with**
40 **disabilities** and make grants to public and other nonprofit
41 organizations for such purposes.

42 (d) Establish and supervise the operation of vending stands and
43 other small businesses established pursuant to **【this act】 P.L.1955,**
44 **c.64 (C.34:16-20 et seq.)** to be conducted by **【severely**
45 **handicapped】 individuals with severe disabilities**.

46 (e) Make studies, investigations, demonstrations, and reports,
47 and provide training and instruction (including the establishment

1 and maintenance of such research fellowships and traineeships with
2 such stipends and allowances as may be deemed necessary) in
3 matters relating to vocational rehabilitation and independent living
4 rehabilitation.

5 (f) Enter into reciprocal agreements with other **【States】** states
6 to provide for the vocational rehabilitation and independent living
7 rehabilitation of residents of the **【States】** states concerned.

8 (g) Accept and use gifts made, by will or otherwise, for carrying
9 out the purposes of this chapter. Gifts made under such conditions
10 as in the judgment of the **【commission】** division are proper and
11 consistent with the provisions of this chapter, may be accepted,
12 held, invested, reinvested, or used in accordance with the
13 conditions, if any, of the gift.

14 (h) Take such action as it deems necessary or appropriate to
15 carry out the purposes of **【this act】** P.L.1955, c.64 (C.34:16-20 et
16 seq.).

17 (cf: P.L.2007, c.39, s.4)

18
19 135. Section 2 of P.L.1971, c.272 (C.34:16-40) is amended to
20 read as follows:

21 2. As used in **【this act】** P.L.1971, c.272 (C.34:16-39 et seq.):

22 a. "Sheltered workshop" means an occupation oriented facility
23 operated by a nonprofit agency, public or private, which except for
24 its staff, employs only **【handicapped】** persons with disabilities;

25 b. "Division" means the Division of Vocational Rehabilitation
26 Services in the Department of Labor and **【Industry】** Workforce
27 Development;

28 c. "Commission" means the New Jersey Commission for the
29 Blind and Visually Impaired in the Department of Human Services;

30 d. "Extended employee" means a **【severely handicapped】**
31 person with a severe disability who meets the following
32 requirements: (1) shall have completed a prescribed workshop
33 program; (2) shall have been found, due to the nature and severity
34 of **【his】** the person's disability to be incapable of competing in the
35 open or customary labor market; and (3) shall have been certified as
36 being an extended employee by the staff of the division or the
37 commission; or (4) shall have been certified by the division or the
38 commission as an extended employee qualified to perform
39 industrial homework under the supervision of a sheltered workshop;

40 e. "Extended employment program" means a program
41 designed for those persons with disabilities whose **【handicapped**
42 **conditions fit them only for】** disabilities make sheltered
43 employment in a sheltered workshop or in performance of industrial
44 homework under the supervision of a sheltered workshop, after
45 completion of a certified program of vocational evaluation and
46 training the only suitable form of employment, or for those
47 **【severely handicapped】** persons with severe disabilities who were

1 not eligible for vocational rehabilitation services under laws and
2 regulations in effect at the date of enactment of this act and who
3 could benefit from the provisions of this act.

4 (cf: P.L.1979, c.335, s.1)

5
6 136. Section 4 of P.L.1971, c.272 (C.34:16-42) is amended to
7 read as follows:

8 4. The division is hereby authorized to contract with an
9 approved sheltered workshop for the furnishing of extended
10 employment programs to **【severely handicapped】** persons with
11 severe disabilities when it shall appear to the satisfaction of the
12 division, or upon certification to the division by the commission,
13 that a **【severely handicapped】** person with a severe disability could
14 reasonably be expected to benefit from, or reasonably requires,
15 extended rehabilitation services. The division is authorized to
16 contract for the payment of a sum for each **【severely handicapped】**
17 person with a severe disability not exceeding the amount
18 appropriated for the purposes of **【this act】** P.L.1971, c.272
19 (C.34:16-39 et seq.) toward the cost of providing an extended
20 employment program pursuant to this act.

21 (cf: P.L.1979, c.335, s.3)

22
23 137. Section 5 of P.L.1971, c.272 (C.34:16-43) is amended to
24 read as follows:

25 5. The division and the commission are hereby vested with the
26 authority:

27 a. to determine the eligibility of **【severely handicapped】**
28 persons with severe disabilities for the extended employment
29 program in consultation with the sheltered workshops providing the
30 program;

31 b. to establish standards of staffing, physical plant and services
32 required for the operation of facilities of sheltered workshops
33 furnishing services under **【this act】** P.L.1971, c.272 (C.34:16-39 et
34 seq.) by contract with the State; and

35 c. to require an appropriate progress report on each individual
36 participating in the extended employment program.

37 (cf: P.L.1979, c.335, s.4)

38
39 138. Section 1 of P.L.1975, c.350 (C.34:16-45) is amended to
40 read as follows:

41 1. It is the policy of the State to assist **【handicapped】** persons
42 with disabilities and organizations established to aid **【handicapped】**
43 persons with disabilities in the sale of goods or **【article】** articles
44 which are the product of **【handicapped workers'】** the labor of
45 persons with disabilities by providing a means of authenticating the
46 source of such goods and articles and by preventing

1 misrepresentation as to items offered for sale as the product of
2 **【handicapped】** persons with disabilities.

3 (cf: P.L.1975, c.350, s.1)
4

5 139. Section 2 of P.L.1975, c.350 (C.34:16-46) is amended to
6 read as follows:

7 As used in this act:

8 a. "**【Handicapped person】** Person with a disability" means any
9 individual who is unable to engage in any substantial gainful
10 **【activity】** employment by reason of any medically determinable
11 physical or mental impairment which is of a long-continued or
12 indefinite duration or which can be expected to result in death.

13 b. "Direct labor" means all work required for the preparation,
14 processing, and assembling of goods or articles including the
15 packaging and packing thereof, but not including time spent in the
16 supervision, administration, inspection, and shipping of such
17 operations, or in the production of component materials by other
18 than **【handicapped】** persons with disabilities.

19 (cf: P.L.1975, c.350, s.2)
20

21 140. Section 3 of P.L.1975, c.350 (C.34:16-47) is amended to
22 read as follows:

23 3. To facilitate ready and authoritative identification of goods or
24 articles made by **【handicapped】** persons with disabilities, any
25 **【handicapped】** person with a disability and any public or private
26 institution or agency, firm, association, or corporation engaged in
27 the manufacture or distribution of goods or articles made by
28 **【handicapped】** persons with disabilities shall apply to the division
29 for registration and authorization to use an official imprint, stamp,
30 symbol, or label, designed or approved by the division, to identify
31 goods and articles as made by **【handicapped】** persons with
32 disabilities. Nothing in **【this act】** P.L.1975, c.350 (C.34:16-45 et
33 seq.) shall authorize the identification of goods or articles as made
34 by **【handicapped】** persons with disabilities when the direct labor
35 performed by **【handicapped】** persons with disabilities in connection
36 therewith shall consist solely of the packaging or packing thereof as
37 distinguished from the preparation, processing, or assembling of
38 such goods or articles. The division shall investigate each
39 application, under rules and regulations it shall adopt for the
40 administration of **【this act】** P.L.1975, c.350 (C.34:16-45 et seq.), to
41 assure that such person or organization is actually engaged in the
42 manufacture or distribution of **【handicapped】** goods or articles
43 made by persons with disabilities. The division may register
44 without investigation nonresident individuals and out-of-state
45 agencies, firms, associations, or corporations upon proof that they
46 are recognized and approved by the state of their residence or
47 organized pursuant to a law of such state imposing requirements

1 substantially similar to those prescribed pursuant to **[this act]**
2 P.L.1975, c.350 (C.34:16-45 et seq.).

3 No fee shall be charged for registration of an individual
4 **[handicapped]** person with a disability who manufactures and sells
5 products of **[his]** the person's own labor. A fee of **[\$25.00]** \$25
6 shall be charged and collected for registration of any other person,
7 firm, or corporation. All registrations shall be valid for **[1]** one
8 year from date of issue.

9 (cf: P.L.1979, c.335, s.5)

10
11 141. Section 4 of P.L.1975, c.350 (C.34:16-48) is amended to
12 read as follows:

13 4. No goods or articles made in this or any other state may be
14 displayed, advertised, solicited for sale by telephone, mail or
15 otherwise, offered for sale, or sold in this State upon a
16 representation that such goods or articles are made by
17 **[handicapped]** persons with disabilities unless they are identified as
18 such by label, imprint, stamp, or symbol and no such goods or
19 articles may be so identified unless at least **[75%]** 75 percent of the
20 total hours of direct labor of producing such goods or articles shall
21 have been performed by **[a handicapped person or]** one or more
22 persons with a disability.

23 (cf: P.L.1975, c.350, s.4)

24
25 142. Section 5 of P.L.1975, c.350 (C.34:16-49) is amended to
26 read as follows:

27 5. Any **[handicapped]** worker with a disability, or any public or
28 private institution or agency, corporation, firm, or association,
29 registered with the division pursuant to **[this act]** P.L.1975, c.350
30 (C.34:16-45 et seq.), engaged in the manufacture or distribution of
31 articles of merchandise, made or manufactured by a **[handicapped]**
32 person or persons with a disability, shall imprint or stamp upon
33 such articles of merchandise or affix thereto labels containing the
34 words, "made by a **[handicapped worker]** or "made by the
35 handicapped" or "handicapped made," **[]** worker with a disability,"
36 to which shall be added the name of the manufacturer, the place of
37 manufacture, and such other information as the division may
38 prescribe.

39 (cf: P.L.1979, c.335, s.6)

40
41 143. Section 6 of P.L.1975, c.350 (C.34:16-50) is amended to
42 read as follows:

43 6. Any person, firm, corporation, institution, or association who
44 (a) shall use or employ an imprint, stamp, or symbol or label issued
45 or approved by the division or an imitation thereof without having
46 registered with the division, or (b) who shall directly or indirectly
47 by any means indicate or tend to indicate or represent that the goods

1 or articles were made by a **【handicapped】** person or persons with a
2 disability when in fact such goods or articles were not so made, or
3 (c) who shall directly or indirectly by any means indicate or tend to
4 indicate or represent that the goods or articles were sold by or for
5 the benefit of **【the handicapped】** persons with disabilities when in
6 fact such sale was not by or of substantial benefit to a
7 **【handicapped】** person or persons with a disability is a disorderly
8 person.

9 (cf: P.L.1979, c.335, s.7)

10
11 144. Section 2 of P.L.1987, c.455 (C.34:16-52) is amended to
12 read as follows:

13 2. As used in this act:

14 a. "Division" means the Division of Vocational Rehabilitation
15 Services in the Department of Labor and Workforce Development.

16 b. **【"Handicapped citizen"】** "Citizen with a disability" means
17 any individual who, by reason of illness, injury, age, congenital
18 **【malfunction】** condition, or other permanent or temporary
19 incapacity or disability, is unable without special facilities or
20 special planning or design to utilize mass transportation facilities
21 and services as effectively as persons who are not so affected.

22 c. "Paratransit" means and includes any service, other than
23 motorbus regular route service and charter services, including, but
24 not limited to, dial-a-ride, nonregular route, jitney or community
25 minibus, and shared-ride services such as vanpools, limousines, or
26 taxicabs which are regularly available to the public. Paratransit
27 shall not include limousine or taxicab service reserved for the
28 private and exclusive use of individual passengers.

29 d. "Public transportation" means all rail passenger service
30 operated by the New Jersey Transit Corporation, and all motorbus
31 regular route service operated pursuant to P.L.1979, c.150 (C.27:25-
32 1 et seq.) or operated pursuant to R.S.48:4-3.

33 e. "Sheltered (extended) employment programs" means those
34 programs established pursuant to regulations adopted pursuant to
35 section 8 of P.L.1955, c.64 (C.34:16-27).

36 f. "Sheltered workshop" means a facility possessing a valid
37 certificate to vend services to the division issued by the director
38 thereof, in compliance with the rules and regulations governing
39 vocational rehabilitation facilities.

40 (cf: P.L.1987, c.455, s.2)

41
42 145. Section 3 of P.L.1987, c.455 (C.34:16-53) is amended to
43 read as follows:

44 3. The Commissioner of Labor and Workforce Development is
45 directed to establish and implement within 120 days of the effective
46 date of this act a program to be administered by the division to
47 defray the public transportation or paratransit expenses of
48 **【handicapped】** citizens with disabilities enrolled in sheltered

1 (extended) employment programs at sheltered workshops. The
2 program may provide for the defraying of these expenses by the
3 purchase of bus cards or other appropriate methods as prescribed by
4 the commissioner.

5 (cf: P.L.1987, c.455, s.3)

6
7 146. Section 2 of P.L.1947, c.263 (C.38:18A-2) is amended to
8 read as follows:

9 2. A veteran who served in the active military or naval forces
10 of the United States and who **[is suffering from paraplegia and]** has
11 paraplegia **'[or] and'** permanent paralysis of both legs and lower
12 parts of the body, or who **[is suffering from osteochondritis and]**
13 has osteochondritis **'[or] and'** permanent loss of the use of both
14 legs, or who **[is suffering from hemiplegia and]** has hemiplegia
15 **'[or] and'** permanent paralysis of one leg and one arm or either
16 side of the body, resulting from injury to the spinal cord, skeletal
17 structure, or brain, or who has **[suffered amputation of]** had both
18 hands, both feet, or one hand and one foot amputated, or who has
19 lost the use of both feet or both legs, due to multiple sclerosis,
20 sustained through enemy action, or accident, or resulting from
21 disease contracted while in **[such]** active military or naval service,
22 shall be paid for the term of **[his]** the veteran's life, and upon **[his]**
23 the veteran's death **[his]** the surviving spouse, domestic partner, or
24 partner in civil union shall be paid, the sum of **[\$750.00]** \$750
25 annually in monthly payments. Such payments shall be due and
26 payable from the date of discharge or release of the **[soldier]**
27 veteran if application therefor shall be made within one year from
28 the date of such discharge or release. If the application shall be
29 made after one year from the date of discharge or release of the
30 **[soldier]** veteran, such payment shall be due and payable from the
31 date of such application. Accrued payments to the date of
32 certification shall be paid in one lump sum.

33 Nothing in **[this act]** P.L.1947, c.263 (C.38:18A-1 et seq.) shall
34 be intended to include paraplegia or hemiplegia resulting from
35 locomotor ataxia or other forms of syphilis of the central nervous
36 system or from chronic **[alcoholism]** alcohol use disorder, or to
37 include other forms of disease resulting from the veteran's own
38 misconduct which may produce signs and symptoms similar to
39 those resulting from paraplegia, osteochondritis, hemiplegia,
40 or multiple sclerosis.

41 (cf: P.L.1985, c.116, s.3)

42
43 147. Section 14 of P.L.1987, c.444 (C.38A:3-13) is amended to
44 read as follows:

45 14. The plan of veterans' preference in private employment shall
46 provide for the fixing of a quota of veterans by the Adjutant
47 General for all participating employers, but may not require any

1 employed worker to be discharged. The plan shall also provide for
2 the classification of **disabled** ¹disabled veterans ¹**[with**
3 disabilities]¹ in suitable occupations **[for which they would not be**
4 handicapped], and for first preference in such occupations **[for**
5 such disabled veterans].

6 (cf: P.L.1987, c.444, s.14)

7
8 148. Section 110 of P.L.2003, c.13 (C.39:2A-38) is amended to
9 read as follows:

10 110. In addition to the vehicle registration fees imposed
11 pursuant to the provisions of chapters 3, 4, and 8 of Title 39 of the
12 Revised Statutes, the commission shall impose and collect an
13 additional \$7 for each new and renewal vehicle registration as a
14 security surcharge, which surcharge shall take effect on the
15 enactment of P.L.2003, c.13 (C.39:2A-1 et al.). The security
16 surcharges collected pursuant to this section shall be revenues of the
17 commission and shall not be subject to the calculation of
18 proportional revenue remitted to the commission pursuant to section
19 105 of P.L.2003, c.13 (C.39:2A-36). The security surcharge shall
20 not be imposed on the registration of passenger vehicles registered
21 to persons possessing a valid **[handicapped person]** identification
22 card for a person with a disability issued pursuant to section 2 of
23 P.L.1949, c.280 (C.39:4-205) or to persons aged 65 years of age or
24 older at the time of registration or registration renewal. Revenues
25 of the commission shall not be subject to appropriation as direct
26 State services by the Legislature. In addition, the revenues of the
27 commission shall not be restricted from use by the commission in
28 any manner except as provided by law. Revenues of the
29 commission may be used in the furtherance of any purpose of the
30 commission or as otherwise provided for in law.

31 (cf: P.L.2007, c.335, s.17)

32
33 149. R.S.39:3-8 is amended to read as follows:

34 39:3-8. The applicant for registration for any passenger
35 automobile manufactured in any model year prior to the 1971 model
36 year shall pay to the chief administrator for each registration a fee
37 of \$14 for each such vehicle having a manufacturer's shipping
38 weight of less than 2,700 pounds, a fee of \$23 for each such vehicle
39 having a manufacturer's shipping weight of 2,700 pounds or more,
40 but not greater than 3,800 pounds, and a fee of \$44 for each vehicle
41 having a manufacturer's shipping weight in excess of 3,800 pounds;
42 provided, however, an applicant who has been issued **[a**
43 handicapped person] an identification card for a person with a
44 disability pursuant to section 2 of P.L.1949, c.280 (C.39:4-205) and
45 is registering a private passenger van manufactured in any model
46 year prior to the 1971 model year which has been equipped with a
47 wheelchair lift **[for the handicapped]**, or any other specially
48 designed mechanical device for **[the handicapped]** persons with

1 disabilities as designated by the chief administrator that specifically
2 requires installation only in a private passenger van because of the
3 device's dimensions, operating characteristics, or manufacturer's
4 installation requirements, shall pay a fee of \$14 for that vehicle.
5 The applicant for registration for any passenger automobile
6 manufactured in model year 1971 and thereafter, except as
7 determined hereinafter, shall pay to the chief administrator for each
8 registration a fee of \$17 for each such vehicle having a
9 manufacturer's shipping weight of less than 2,700 pounds, a fee of
10 \$28 for each such vehicle having a manufacturer's shipping weight
11 of 2,700 pounds or more, but not greater than 3,800 pounds, and a
12 fee of \$51 for each such vehicle having a manufacturer's shipping
13 weight in excess of 3,800 pounds; provided, however, an applicant
14 who has been issued **【a handicapped person】** an identification card
15 for a person with a disability pursuant to section 2 of P.L.1949,
16 c.280 (C.39:4-205) and is registering a private passenger van
17 manufactured in model year 1971 or thereafter, except as
18 determined hereinafter, which has been equipped with a wheelchair
19 lift **【for the handicapped】**, or any other specially designed
20 mechanical device for **【the handicapped】** persons with disabilities
21 as designated by the chief administrator that specifically requires
22 installation only in a private passenger van because of the device's
23 dimensions, operating characteristics, or manufacturer's installation
24 requirements, shall pay a fee of \$17 for that vehicle. The applicant
25 for registration for any 1980 or thereafter model year passenger
26 automobile registered on or after March 1, 1979 shall pay to the
27 chief administrator for each registration a fee of \$25 for each such
28 vehicle having a manufacturer's shipping weight not greater than
29 3,500 pounds and a fee of \$50 for each vehicle having a
30 manufacturer's shipping weight in excess of 3,500 pounds;
31 provided, however, an applicant who has been issued **【a**
32 **handicapped person】** an identification card for a person with a
33 disability pursuant to section 2 of P.L.1949, c.280 (C.39:4-205) and
34 is registering any 1980 or thereafter model year private passenger
35 van which has been equipped with a wheelchair lift **【for the**
36 **handicapped】**, or any other specially designed mechanical device
37 for **【the handicapped】** persons with disabilities as designated by the
38 chief administrator that specifically requires installation only in a
39 private passenger van because of the device's dimensions, operating
40 characteristics, or manufacturer's installation requirements, shall
41 pay a fee of \$25 for that vehicle. Notwithstanding any other
42 provision of law to the contrary, the applicant for registration for
43 any new passenger automobile, for which the registration will
44 expire on the last day of the 48th calendar month following the
45 calendar month in which it was first issued, or for the term of the
46 lease if the new passenger automobile is a leased motor vehicle
47 subject to an extended registration period pursuant to R.S.39:3-4,
48 shall prepay to the chief administrator the full amount due for the

1 48-month term, or the full amount due based upon the term of the
2 lease if the new passenger automobile is a leased motor vehicle,
3 upon the initial registration. The portion of that prepayment that is
4 dedicated to specific purposes in accordance with section 110 of
5 P.L.2003, c.13 (C.39:2A-38) and subsections a. and b. of section 1
6 of P.L.1992, c.87 (C.39:3-8.2) shall be deposited in their respective
7 dedicated accounts. The chief administrator shall determine the
8 manufacturer's shipping weight and model year for each passenger
9 automobile on the basis of the information contained in the
10 certificate of origin, the application for registration or for renewal
11 of registration, or the records of the division, or any or all of these;
12 and any case in which the manufacturer's shipping weight of any
13 particular passenger automobile is unavailable, or in doubt or
14 dispute, the chief administrator may require that such automobile be
15 weighed on a scale designated by **him** the chief administrator,
16 and such actual weight shall be considered the manufacturer's
17 shipping weight for the purposes of this section; but in all cases the
18 chief administrator's determination of the manufacturer's shipping
19 weight of any such automobile shall be final. The applicant for
20 registration for passenger automobile shall also pay to the chief
21 administrator the inspection fee fixed in R.S.39:8-2 in addition to
22 the fees described hereinabove.

23 The chief administrator may also license private utility and house
24 type semitrailers and trailers with a gross load not in excess of
25 2,000 pounds at a fee of **[\$4.00]** \$4 per annum and all other such
26 utility and house-type semitrailers and trailers at **[\$9.00]** \$9 per
27 annum. Application for such registration shall be made on a blank
28 to be furnished by the commission, and the application shall contain
29 a statement to the effect that the vehicle so registered will not be
30 used for the commercial transportation of goods, wares, and
31 merchandise, or for hire.

32 Except as provided in R.S.39:3-84 for recreation vehicles, no
33 private utility or house type semitrailer or trailer with an outside
34 width of more than 96 inches, a maximum height of 13 feet 6
35 inches, a maximum length for a single vehicle of more than 35 feet,
36 a maximum length for a semitrailer and its towing vehicle of more
37 than 45 feet, and a maximum length for a trailer and its towing
38 vehicle of more than 50 feet, shall be operated on any highway in
39 this State, except that a vehicle exceeding the above limitations may
40 be operated when a special permit so to operate is secured in
41 advance from the chief administrator. A house type semitrailer or
42 trailer with an outside width of no more than 16 feet shall be
43 entitled to operate with such a special permit if the vehicle is a
44 manufactured home on a transportation system that is designed in
45 accordance with the "Manufactured Home Construction and Safety
46 Standards," 24 CFR **[part]** section 3280.901 et seq., promulgated
47 by the United States Department of Housing and Urban
48 Development, as amended and supplemented, provided that the

operator complies with the provisions of this Title and the rules and regulations issued thereunder. If such a vehicle has an outside width of more than 16 feet, it shall be entitled to operate with such a special permit if it is transported on a commercial type low-bed trailer, semitrailer, or properly registered dolly wheels pursuant to rules and regulations established by the chief administrator. The application for such permit shall be accompanied by a fee fixed by the chief administrator. A special permit issued by the chief administrator shall be in the possession of the operator of the vehicle for which such permit was issued. In computing any dimensions of a vehicle, for the purposes of this section, there shall not be included in the dimensional limitations safety equipment such as mirrors or lights, provided such appliances do not exceed the overall limitations established by the chief administrator by rule or regulation.

(cf: P.L.2004, c.64, s.2)

150. Section 2 of P.L.1968, c.439 (C.39:3-8.1) is amended to read as follows:

2. The director may license noncommercial trucks at the same weight fees set forth in **【Revised Statutes】** R.S.39:3-20; provided, however, applicants for registration who have been issued **【handicapped person】** identification cards for persons with disabilities pursuant to section 2 of P.L.1949, c.280 (C.39:4-205) and are registering a noncommercial truck which has been equipped with a wheelchair lift **【for the handicapped】**, or any other specially designed mechanical device for **【the handicapped】** persons with disabilities as designated by the director that specifically requires installation only in a noncommercial truck or van because of the device's dimensions, operating characteristics, or manufacturer's installation requirements, shall pay the same weight fees set forth in R.S.39:3-8 for similarly modified passenger automobiles of the same model year. Application for such registration shall be made on a form to be furnished by the division and the application shall contain a statement to the effect that the vehicle so registered will not be used for the commercial transportation of goods, wares, and merchandise, or for hire, and that vehicles so registered will not contain any advertising, signs, lettering, names, or addresses on its exterior, excepting trademarks and labels of the manufacturer and dealer.

(cf: P.L.1999, c.392, s.2)

151. R.S.39:3-13 is amended to read as follows:

39:3-13. The chief administrator may, in the chief administrator's discretion, issue to a person over 17 years of age an examination permit, under the hand and seal of the chief administrator, allowing such person, for the purpose of fitting the person to become a licensed driver, to operate a designated class of motor vehicles

1 other than passenger automobiles and motorcycles for a specified
2 period of not more than 90 days, while in the company and under
3 the supervision of a driver licensed to operate such designated class
4 of motor vehicles.

5 The chief administrator, in the chief administrator's discretion,
6 may issue for a specified period of not less than one year a
7 passenger automobile or motorcycle-only examination permit to a
8 person over 17 years of age regardless of whether a person has
9 completed a course of behind-the-wheel automobile driving
10 education pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1).
11 An examination permit applicant who is under 18 years of age shall
12 obtain the signature of a parent or guardian for submission to the
13 commission on a form prescribed by the chief administrator. The
14 chief administrator shall postpone for six months the driving
15 privileges of any person who submits a fraudulent signature for a
16 parent or guardian.

17 For six months immediately following the validation of an
18 examination permit, and until the holder passes the road test, the
19 holder who is less than 21 years of age shall operate the passenger
20 automobile only when accompanied by, and under the supervision
21 of, a New Jersey licensed driver who is at least 21 years of age and
22 has been licensed to drive a passenger automobile for not less than
23 three years. The holder of an examination permit who is at least 21
24 years of age shall operate the passenger automobile for the first
25 three months under such supervision and until the holder passes the
26 road test. The supervising driver of the passenger automobile shall
27 sit in the front seat of the vehicle. Whenever operating a vehicle
28 while in possession of an examination permit, the holder of the
29 permit shall operate the passenger automobile with only one
30 additional passenger in the vehicle excluding dependents of the
31 permit holder, except that this passenger restriction shall not apply
32 when the permit holder is at least 21 years of age or when the
33 permit holder is accompanied by a parent or guardian. Further, the
34 holder of the passenger automobile permit who is less than 21 years
35 of age shall not drive during the hours between 11:01 p.m. and 5
36 a.m.; provided, however, that this condition may be waived for an
37 emergency which, in the judgment of local police, is of sufficient
38 severity and magnitude to substantially endanger the health, safety,
39 welfare, or property of a person, or for any bona fide employment
40 or religion-related activity if the employer or appropriate religious
41 authority provides written verification of such activity in a manner
42 provided for by the chief administrator. The holder of the
43 examination permit shall not use any hand-held or hands-free
44 interactive wireless communication device, except in an emergency,
45 while operating a moving passenger automobile on a public road or
46 highway. "Use" shall include, but not be limited to, talking or
47 listening on any hand-held or hands-free interactive wireless
48 communication device or operating its keys, buttons, or other

1 controls. The passenger automobile permit holder shall ensure that
2 all occupants of the vehicle are secured in a properly adjusted and
3 fastened seat belt or child restraint system.

4 The holder of an examination permit subject to the provisions of
5 section 1 of P.L.1977, c.23 (C.39:3-10b) shall not operate a
6 motorcycle at any time from a half-hour after sunset to a half-hour
7 before sunrise. A motorcycle operated by the holder of an
8 examination permit shall carry only the operator and shall not be
9 operated on any toll road over which the New Jersey Turnpike
10 Authority or the South Jersey Transportation Authority has
11 jurisdiction or on any limited-access interstate highway.

12 The holder of any examination permit shall not operate a
13 motorcycle having a motor with a maximum piston displacement
14 that is less than 50 cubic centimeters or a motor that is rated at no
15 more than 1.5 brake horsepower with a maximum speed of no more
16 than 35 miles per hour on a flat surface at anytime from a half-hour
17 after sunset to a half-hour before sunrise and shall not operate the
18 motorcycle with any other passenger. The holder of any
19 examination permit shall not operate such a motorcycle upon
20 limited-access interstate highways or public roads or highways with
21 a posted speed limit greater than 35 miles per hour.

22 An applicant for an examination permit subject to the provisions
23 of section 1 of P.L.1977, c.23 (C.39:3-10b), who is less than 18
24 years of age, shall be required to successfully complete a
25 motorcycle safety education course established pursuant to the
26 provisions of section 1 of P.L.1991, c.452 (C.27:5F-36) as a
27 condition for obtaining a motorcycle license or endorsement.

28 The chief administrator shall provide the holder of an
29 examination permit with two removable, transferable, highly
30 visible, reflective decals indicating that the driver of the vehicle
31 may be the holder of an examination permit. The decals shall be
32 designed by the chief administrator, in consultation with the
33 Division of Highway Traffic Safety in the Department of Law and
34 Public Safety. The chief administrator may charge a fee for the
35 decals not to exceed the actual cost of producing and distributing
36 the decals. The decals shall be displayed in a manner prescribed by
37 the chief administrator, in consultation with the Division of
38 Highway Traffic Safety in the Department of Law and Public
39 Safety, and shall be clearly visible to law enforcement officers. The
40 holder of an examination permit shall not operate a vehicle unless
41 the decals are displayed. The decal shall be removed once the
42 driver's examination permit period has ended.

43 When notified by a court of competent jurisdiction that an
44 examination permit holder has been convicted of a violation which
45 causes the permit holder to accumulate more than two motor vehicle
46 points or has been convicted of a violation of R.S.39:4-50; section 2
47 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.189 (C.39:4-50.14);
48 R.S.39:4-129; N.J.S.2C:11-5; subsection c. of N.J.S.2C:12-1; or any

1 other motor vehicle-related law the chief administrator deems
2 significant and applicable pursuant to regulation, in addition to any
3 other penalty that may be imposed, the chief administrator shall,
4 without the exercise of discretion or a hearing, suspend the
5 examination permit holder's examination permit for 90 days. The
6 chief administrator shall restore the permit following the term of the
7 permit suspension if the permit holder satisfactorily completes a
8 remedial training course of not less than four hours which may be
9 given by the commission, a driving school licensed by the chief
10 administrator pursuant to section 2 of P.L.1951, c.216 (C.39:12-2),
11 or any Statewide safety organization approved by the chief
12 administrator. The course shall be subject to oversight by the
13 commission according to its guidelines. The permit holder shall
14 also remit a course fee prior to the commencement of the course.
15 The chief administrator also shall postpone without the exercise of
16 discretion or a hearing the issuance of a basic license for 90 days if
17 the chief administrator is notified by a court of competent
18 jurisdiction that the examination permit holder, after completion of
19 the remedial training course, has been convicted of any motor
20 vehicle violation which results in the imposition of any motor
21 vehicle points or has been convicted of a violation of R.S.39:4-50;
22 section 2 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, **[c.182]**
23 c.189 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5, subsection c. of
24 N.J.S.2C:12-1; or any other motor vehicle-related law the chief
25 administrator deems significant and applicable pursuant to
26 regulation. When the chief administrator is notified by a court of
27 competent jurisdiction that an examination permit holder has been
28 convicted of any alcohol or drug-related offense unrelated to the
29 operation of a motor vehicle and is not otherwise subject to any
30 other suspension penalty therefor, the chief administrator shall,
31 without the exercise of discretion or a hearing, suspend the
32 examination permit for six months.

33 An examination permit for a motorcycle or a commercial motor
34 vehicle issued to a **[handicapped]** person with a disability, as
35 determined by the New Jersey Motor Vehicle Commission after
36 consultation with the Department of Education, shall be valid for
37 nine months or until the completion of the road test portion of **[his]**
38 the license examination, whichever period is shorter.

39 Each permit shall be sufficient license for the person to operate
40 such designated class of motor vehicles in this State during the
41 period specified, while in the company of and under the control of a
42 driver licensed by this State to operate such designated class of
43 motor vehicles, or, in the case of a commercial driver license
44 permit, while in the company of and under the control of a holder of
45 a valid commercial driver license for the appropriate license class
46 and with the appropriate endorsements issued by this or any other
47 state. Such person, as well as the licensed driver, except for a motor
48 vehicle examiner administering a driving skills test, shall be held

1 accountable for all violations of this subtitle committed by such
2 person while in the presence of the licensed driver. In addition to
3 requiring an applicant for an examination permit to submit
4 satisfactory proof of identity and age, the chief administrator also
5 shall require the applicant to provide, as a condition for obtaining
6 the permit, satisfactory proof that the applicant's presence in the
7 United States is authorized under federal law. If the chief
8 administrator has reasonable cause to suspect that any document
9 presented by an applicant as proof of identity, age, or legal
10 residency is altered, false, or otherwise invalid, the chief
11 administrator shall refuse to grant the permit until such time as the
12 document may be verified by the issuing agency to the chief
13 administrator's satisfaction.

14 The holder of an examination permit shall be required to take a
15 road test in order to obtain a probationary license. No road test for
16 any person who has been issued an examination permit to operate a
17 passenger vehicle shall be given unless the person has met the
18 requirements of this section. No road test for a probationary license
19 shall be given unless the applicant has first secured an examination
20 permit and no such road test shall be scheduled for an applicant
21 who has secured an examination permit for a passenger vehicle or a
22 motorcycle for which an endorsement is not required until at least
23 six months for an applicant under 21 years of age or three months
24 for an applicant 21 years of age or older shall have elapsed
25 following the validation of the examination permit for practice
26 driving or, in the case of an examination permit for other vehicles,
27 until 20 days have elapsed. In the case of an omnibus endorsement
28 or school bus, no road test shall be scheduled until at least 10 days
29 shall have elapsed. Every applicant for an examination permit to
30 qualify for an omnibus endorsement or an articulated vehicle
31 endorsement shall be a holder of a valid basic driver's license.

32 The required fees for special learner's permits and examination
33 permits shall be as follows:

34 Basic driver's license.....up to \$10
35 Motorcycle license or endorsement.....\$ 5
36 Omnibus or school bus endorsement.....\$25

37 The chief administrator shall waive the payment of fees for
38 issuance of examination permits for omnibus endorsements
39 whenever the applicant establishes to the chief administrator's
40 satisfaction that said applicant will use the omnibus endorsement
41 exclusively for operating omnibuses owned by a nonprofit
42 organization duly incorporated under Title 15 or 16 of the Revised
43 Statutes or Title 15A of the New Jersey Statutes.

44 The specified period for which a permit is issued may be
45 extended for not more than an additional 60 days, without payment
46 of an added fee, upon application made by the holder thereof, where
47 the holder has applied to take the examination for a driver's license
48 prior to the expiration of the original period for which the permit

1 was issued and the chief administrator was unable to schedule an
2 examination during said period.

3 As a condition for the issuance of an examination permit under
4 this section, the chief administrator shall secure a digitized picture
5 of the applicant. The picture shall be stored in a manner prescribed
6 by the chief administrator and may be displayed on the examination
7 permit.

8 The chief administrator may require that whenever a person to
9 whom an examination permit has been issued has reconstructive or
10 cosmetic surgery which significantly alters the person's facial
11 features, the person shall notify the chief administrator who may
12 require the picture of the person to be updated.

13 Specific use of the examination permit and any information
14 stored or encoded, electronically or otherwise, in relation thereto
15 shall be in accordance with P.L.1997, c.188 (C.39:2-3.3 et seq.) and
16 the federal "Driver's Privacy Protection Act of 1994," Pub.L.103-
17 322. Notwithstanding the provisions of any other law to the
18 contrary, the digitized picture or any access thereto or any use
19 thereof shall not be sold, leased, or exchanged for value.
20 (cf: P.L.2011, c.13, s.3)

21

22 152. Section 2 of P.L.1980, c.47 (C.39:3-29.3) is amended to
23 read as follows:

24 2. a. The New Jersey Motor Vehicle Commission shall issue an
25 identification card to any resident of the State who is 14 years of
26 age or older and who is not the holder of a valid permit or basic
27 driver's license. The identification card shall attest to the true name,
28 correct age, and veteran status, upon submission of satisfactory
29 proof, by any veteran, and shall contain other identifying data as
30 certified by the applicant for such identification card. Every
31 application for an identification card shall be signed and verified by
32 the applicant and shall be accompanied by the written consent of at
33 least one parent or the person's legal guardian if the person is under
34 17 years of age and shall be supported by such documentary
35 evidence of the age, identity, and veteran status, or blindness **[,]** or
36 disability, **[or handicap,]** of such person as the chief administrator
37 may require. In addition to requiring an applicant for an
38 identification card to submit satisfactory proof of identity, age, and,
39 if appropriate, veteran status, the chief administrator also shall
40 require the applicant to provide, as a condition for obtaining the
41 card, satisfactory proof that the applicant's presence in the United
42 States is authorized under federal law. If the chief administrator
43 has reasonable cause to suspect that any document presented by an
44 applicant as proof of identity, age, veteran status, or legal residency
45 is altered, false or otherwise invalid, the chief administrator shall
46 refuse to grant the identification card until such time as the
47 document may be verified by the issuing agency to the chief
48 administrator's satisfaction.

1 b. The designation of veteran status on an identification card
2 shall not be deemed sufficient valid proof of veteran status for
3 official governmental purposes when any other statute, or any
4 regulation or other directive of a governmental entity, requires
5 documentation of veteran status.

6 c. For the purpose of this section:

7 "Veteran" means a person who has been honorably discharged
8 from the active military service of the United States; and

9 "Satisfactory proof" means a copy of form DD-214 or federal
10 activation orders showing service under Title 10, section 672 or
11 section 12301, of the United States Code, or a county veteran
12 identification card only if issuance of the card requires a copy of
13 form DD-214 discharge papers or approved separation forms as
14 outlined by all branches of the military and duly recorded by the
15 county clerk's office.

16 (cf: P.L.2015, c.97, s.2)

17
18 153. Section 4 of P.L.1980, c.47 (C.39:3-29.5) is amended to
19 read as follows:

20 4. a. Except as provided in subsection b. of this section, each
21 original identification card authorized by section 2 of **[this act]**
22 P.L.1980, c.47 (C.39:3-29.3) shall, unless canceled earlier, be valid
23 for 48 calendar months from its date of issuance, and shall be
24 renewable upon the request of the bearer of the card, pursuant to
25 terms of license renewal established by the **[Division of Motor**
26 **Vehicles]** New Jersey Motor Vehicle Commission, and upon
27 payment of a fee as required by section 6 of **[this act]** P.L.1980,
28 c.47 (C.39:3-29.7). An identification card issued pursuant to **[this**
29 **act]** P.L.1980, c.47 (C.39:3-29.2 et seq.) to an applicant who is
30 blind **[, disabled, or handicapped]** or who has a disability shall be
31 valid for the life of the holder unless canceled by the holder. Cards
32 issued prior to October 16, 1989 and valid upon the effective date
33 of **[this amendatory act]** P.L.1990, c.30 shall be valid for the life of
34 the holder unless canceled by the holder. Cards issued to **[blind,**
35 **disabled or handicapped]** persons with blindness or disabilities
36 between October 16, 1989 and the effective date of this amendatory
37 act, and which are valid on the effective date of this act, shall be
38 made valid for the life of the holder unless canceled by the holder,
39 upon presentation of proof that the person's blindness **[,]** or
40 disability **[, or handicap]** existed at the time of the original
41 application. The director is authorized to require periodic
42 verification of information included on any identification card
43 issued for or valid for the life of the holder. Nothing in this section
44 shall be construed to alter or change any expiration date on any
45 New Jersey identification card issued prior to the operative date of
46 P.L.2001, c.391 (C.39:3-10f4 et al.) and any such identification
47 card shall remain valid until its expiration date.

1 b. If the director issues an identification card to a person who
2 has demonstrated authorization to be present in the United States
3 for a period of time shorter than the standard periods of such cards,
4 the director shall fix the expiration date of the identification card at
5 a date based on the period in which the person is authorized to be
6 present in the United States under federal immigration laws. The
7 director may renew such an identification card only if it is
8 demonstrated that the person's continued presence in the United
9 States is authorized under federal law.

10 (cf: P.L.2001, c.391, s.7)

11
12 154. Section 2 of P.L.1980, c.148 (C.39:3B-9) is amended to
13 read as follows:

14 2. In addition to owner identification, lettering shall be
15 permitted on van type II school vehicles to identify the vehicles as
16 school vehicles and all such vehicles shall be painted school bus
17 yellow and equipped with warning lights.

18 With respect to any such vehicle transporting **【handicapped】**
19 pupils with disabilities, the **【national symbol for the handicapped】**
20 International Symbol of Access may also be imprinted on the lower
21 right side of the rear door.

22 (cf: P.L.1980, c.148, s.2)

23
24 155. Section 1 of P.L.1991, c.285 (C.39:4-8.1) is amended to
25 read as follows:

26 1. Any municipality, which pursuant to the provisions of
27 R.S.39:4-8, R.S.39:4-197, section 1 of P.L.1977, c.202 (C.39:4-
28 197.5) or section 1 of P.L.1977, c.309 (C.39:4-197.6) designates
29 restricted parking spaces for use by **【handicapped】** persons with
30 disabilities, may, in lieu of having the Department of Transportation
31 inspect those parking spaces and any signs erected in association
32 therewith, designate the municipal engineer to determine whether or
33 not those parking spaces and signs conform to the current standards
34 prescribed by the Manual of Uniform Traffic Control Devices for
35 Streets and Highways, adopted by the Commissioner of
36 Transportation, and any other Department of Transportation rules
37 and regulations governing such parking spaces and signs.

38 Any such parking spaces and signs shall be deemed approved
39 and operational, and in need of no additional inspection by the
40 Department of Transportation, when the municipal engineer, under
41 **【his】** the engineer's seal as a licensed professional engineer, shall
42 certify to the commissioner that the parking spaces and signs:

43 a. have been approved by **【him】** the municipal engineer as a
44 licensed professional engineer after investigation; and

45 b. conform to the current standards prescribed by the Manual of
46 Uniform Traffic Control Devices for Streets and Highways, as
47 adopted by the commissioner, and any other Department of

1 Transportation rules and regulations governing such parking spaces
2 and signs.

3 The municipal engineer shall submit to the commissioner,
4 together with **his** the engineer's certification, detailed information
5 as to the location and number of parking spaces, a certified copy of
6 the ordinance, resolution or regulation designating the restricted
7 parking spaces, and such other information as the commissioner
8 shall deem necessary.

9 (cf: P.L.1991, c.285, s.1)

10

11 156. Section 2 of P.L.2007, c.21 (C.39:4-14.15) is amended to
12 read as follows:

13 2. a. Upon request, the Chief Administrator of the New Jersey
14 Motor Vehicle Commission shall issue to any holder of **a**
15 **handicapped person** an identification card for persons with
16 disabilities, a placard or sticker of such size and design as shall be
17 determined by the chief administrator in consultation with the
18 Division of Vocational Rehabilitation Services in the Department of
19 Labor and Workforce Development and the Division of Disability
20 Services in the Department of Human Services, indicating that **a**
21 **handicapped person** an identification card for persons with
22 disabilities has been issued to the person designated therein and that
23 the person so designated may operate the motorized scooter on
24 public streets as provided in subsection e. of this section. The
25 placard or sticker shall be displayed in such manner as the chief
26 administrator shall determine on the motorized scooter used by the
27 named individual with a mobility-related disability.

28 b. Any motorized scooter operated by a person with a mobility-
29 related disability shall be registered with the municipality in which
30 the operator resides. As a condition for such registration, the owner
31 or operator shall produce or display appropriate proof that a policy
32 of liability insurance is in effect for that motorized scooter. The
33 municipality or county may impose a reasonable fee to cover the
34 costs of registration.

35 c. Any person with a mobility-related disability who operates a
36 motorized scooter shall wear a properly fitted and fastened helmet
37 which meets the Consumer Product Safety Commission standard or
38 such other standard, as appropriate.

39 d. Any motorized scooter operated by a person with a mobility-
40 related disability shall be equipped with a brake that will enable the
41 operator to stop the scooter in a safe and effective manner.

42 e. A properly registered motorized scooter may be operated by
43 a properly designated person with a mobility-related disability on
44 any public street with a posted speed limit not exceeding 25 miles
45 per hour. If the authority having jurisdiction over the public street
46 determines that a properly registered motorized scooter operated by
47 a properly designated person with a mobility-related disability may
48 be operated on a public street with a posted speed limit in excess of

1 25 miles per hour, but not exceeding 35 miles per hour, or any
2 portion thereof, without posing a danger to the safety and well-
3 being of the operator of the motorized scooter or impeding the safe
4 flow and operation of traffic, a properly registered motorized
5 scooter may be operated on that designated public street, or
6 designated portion thereof, by a properly designated person. A
7 municipality or county may make such a determination by
8 ordinance or resolution, as appropriate, but such ordinance or
9 resolution shall not require the approval of the Commissioner of
10 Transportation.

11 f. No motorized scooter that is capable of a maximum speed of
12 more than 15 miles per hour shall be registered or operated on a
13 public street under the provisions of this section.

14 g. Neither the State nor any municipality or county, nor any
15 agency, official, or employee thereof, shall assume responsibility
16 for or incur liability for any injury to person or property caused by
17 any act of a person with a mobility-related disability who operates a
18 motorized scooter upon its designated municipal, county, or State
19 property.

20 h. For the purposes of this section, "motorized scooter" shall
21 mean a gas or electric powered scooter or mini scooter which is
22 capable of a maximum speed of not more than 15 miles per hour on
23 a flat surface. Nothing in this section shall be construed to
24 authorize or permit the registration or operation of any pocket bike,
25 super pocket bike, sport scooter, mini chopper, mini motorcycle, or
26 motorized skateboard on any public street by a person with a
27 mobility-related disability.

28 (cf: P.L.2007, c.21, s.2)

29

30 157. R.S.39:4-138 is amended to read as follows:

31 39:4-138. Except when necessary to avoid conflict with other
32 traffic or in compliance with the directions of a traffic or police
33 officer or traffic sign or signal, no operator of a vehicle shall stand
34 or park the vehicle in any of the following places:

35 a. Within an intersection;

36 b. On a crosswalk;

37 c. Between a safety zone and the adjacent curb or within at
38 least 20 feet of a point on the curb immediately opposite the end of
39 a safety zone;

40 d. In front of a public or private driveway;

41 e. (1) Within 25 feet of the nearest crosswalk or side line of a
42 street or intersecting highway, except at alleys and as provided in
43 section 2 of P.L.2009, c.257 (C.39:4-138.6); or

44 (2) Within 10 feet of the nearest crosswalk or side line of a
45 street or intersecting highway, if a curb extension or bulbout has
46 been constructed at that crosswalk;

47 f. On a sidewalk;

1 g. In any appropriately marked "No Parking" space established
2 pursuant to the duly promulgated regulations of the Commissioner
3 of Transportation;

4 h. Within 50 feet of a "stop" sign except as provided in section
5 2 of P.L.2009, c.257 (C.39:4-138.6);

6 i. Within 10 feet of a fire hydrant;

7 j. Within 50 feet of the nearest rail of a railroad crossing;

8 k. Within 20 feet of the driveway entrance to any fire station
9 and on the side of a street opposite the entrance to any fire station
10 within 75 feet of said entrance, when properly signposted;

11 l. Alongside or opposite any street excavation or obstruction
12 when stopping, standing, or parking would obstruct traffic, when
13 properly signposted;

14 m. On the roadway side of any vehicle stopped or parked at the
15 edge or curb of a street;

16 n. Upon any bridge or other elevated structure upon a highway,
17 or within a highway tunnel or underpass, or on the immediate
18 approaches thereto except where space for parking is provided;

19 o. In any space on public or private property appropriately
20 marked for vehicles for **【the physically handicapped】** persons with
21 disabilities pursuant to P.L.1977, c.202 (C.39:4-197.5), P.L.1975,
22 c.217 (C.52:27D-119 et seq.) or any other applicable law unless the
23 vehicle is authorized by law to be parked therein and a
24 **【handicapped】** person with a disability is either the driver or a
25 passenger in that vehicle. State, county, or municipal law
26 enforcement officers or parking enforcement authority officers shall
27 enforce the parking restrictions on spaces appropriately marked for
28 vehicles for **【the physically handicapped】** persons with disabilities
29 on both public and private property.

30 No person shall move a vehicle not lawfully under **【his】** the
31 person's control into any such prohibited area or away from a curb
32 such distance as is unlawful.

33 (cf: P.L.2009, c.257, s.1)
34

35 158. Section 1 of P.L.1977, c.309 (C.39:4-197.6) is amended to
36 read as follows:

37 1. Any municipality may, by ordinance, establish a restricted
38 parking zone in front of a residence occupied by a **【handicapped】**
39 person with a disability if a windshield placard or wheelchair
40 symbol license plates have been issued for a vehicle owned by the
41 **【handicapped】** person with a disability, or by another occupant of
42 the residence who is a member of the immediate family of the
43 **【handicapped】** person with a disability, by the ¹**【Division of Motor**
44 **Vehicles】** New Jersey Motor Vehicle Commission¹ pursuant to the
45 provisions of P.L.1949, c.280 (C.39:4-204 et seq.), provided such
46 parking is not otherwise prohibited and the permitting thereof
47 would not interfere with the normal flow of traffic.

48 (cf: P.L.1991, c.406, s.1)

1 159. Section 1 of P.L.1991, c.442 (C.39:4-197.9) is amended to
2 read as follows:

3 1. In order to implement the enforcement of P.L.1977, c.202
4 (C.39:4-197.5) subject to R.S.39:4-138, and of P.L.1975, c.221
5 (C.52:32-11 et seq.) and spaces established pursuant to P.L.1975,
6 c.217 (C.52:27D-119 et seq.) within its jurisdiction, a municipality
7 may establish a **【handicapped】** parking enforcement unit for
8 persons with disabilities under the supervision of the chief law
9 enforcement officer of the municipality. The municipality may, by
10 ordinance or resolution, provide procedures and other guidelines for
11 the program consistent with **【this act】** P.L.1991, c.442 (C.39:4-
12 197.9 et seq.) which may give persons selected and trained for the
13 unit the full power and authority to issue warnings or summonses
14 for violations of any provision of any law, regulation, ordinance, or
15 resolution pertaining to illegal parking in restricted parking spaces
16 for **【the handicapped】** persons with disabilities. The unit shall
17 concentrate its enforcement activity at any shopping centers or
18 malls in the municipality.
19 (cf: P.L.1991, c.442, s.1)

20

21 160. Section 2 of P.L.1991, c.442 (C.39:4-197.10) is amended to
22 read as follows:

23 2. No person shall be appointed to or continue to be eligible for
24 participation in the **【handicapped】** parking enforcement unit for
25 persons with disabilities unless **【he】** the person:

26 a. Evidences no criminal record as a result of a State criminal
27 history record background check through the State Bureau of
28 Identification in the Division of State Police in the Department of
29 Law and Public Safety;

30 b. Is a resident of the municipality in which the unit is
31 established; and

32 c. Is at least 18 years of age.

33 (cf: P.L.1991, c.442, s.2)

34

35 161. Section 3 of P.L.1991, c.442 (C.39:4-197.11) is amended to
36 read as follows:

37 3. Preference for participation in this program may be given to
38 persons **【who are handicapped】** with disabilities as defined in
39 P.L.1949, c.280 (C.39:4-204 et seq.).

40 (cf: P.L.1991, c.442, s.3)

41

42 162. Section 4 of P.L.1991, c.442 (C.39:4-197.12) is amended to
43 read as follows:

44 4. Any person appointed to the municipality's **【handicapped】**
45 parking enforcement unit for persons with disabilities shall be
46 reimbursed for actual expenses of transportation incurred in the
47 course of **【his】** the person's work at a rate at least equal to the rate

1 established by the State and adjusted pursuant to section 2 of
2 P.L.1980, c.19 (C.52:14-17.1a).

3 (cf: P.L.1991, c.442, s.4)

4
5 163. Section 6 of P.L.1991, c.442 (C.39:4-197.14) is amended to
6 read as follows:

7 6. The governing body of a municipality, by ordinance, may
8 appropriate annually sums of money as it shall deem necessary for
9 the purpose of compensating any such person for **【his】** the person's
10 services. The governing body of a municipality may provide the
11 members of the **【handicapped】** parking enforcement unit for
12 persons with disabilities with coverage under chapter 15 of Title 34
13 of the Revised Statutes (Workers' Compensation) or if the
14 governing body chooses not to provide such coverage, it may
15 appropriate annually sums of money as it shall deem necessary for
16 the purpose of compensating such persons for any losses which
17 would otherwise be compensable under chapter 15 of Title 34 of the
18 Revised Statutes (Workers' Compensation). However, neither the
19 municipality nor the State shall be required to provide any benefits
20 thereto whatsoever.

21 (cf: P.L.1991, c.442, s.6)

22
23 164. Section 7 of P.L.1991, c.442 (C.39:4-197.15) is amended to
24 read as follows:

25 7. Any person who is selected for the **【handicapped】** parking
26 enforcement unit for persons with disabilities shall be provided, at
27 the expense of the municipality, with a distinctive uniform on which
28 is affixed a special patch designating **【his】** the person's function
29 and shall be provided with reasonable maintenance thereof.

30 (cf: P.L.1991, c.442, s.7)

31
32 165. R.S.39:4-198 is amended to read as follows:

33 39:4-198. No ordinance, resolution or regulation enacted, passed,
34 or adopted by local authorities nor any regulation adopted by the
35 Commissioner of Transportation under any power given by this
36 chapter or any supplement thereto shall be effective unless due
37 notice thereof is given to the public by placing a sign at the places
38 where the ordinance, resolution, or regulation is effective, and by
39 briefing its provisions on signs according to specifications
40 contained in this chapter or as specified by the current Manual on
41 Uniform Traffic Control Devices for streets and highways. These
42 signs shall be so placed as to be easily read by pedestrians or
43 operators of vehicles. Except, in the case of "No Passing" zones, in
44 lieu of or in addition to signs, notice shall be given to the public by
45 highway pavement markings which conform to the current Manual
46 on Uniform Traffic Control Devices for streets and highways.

47 In addition to the specifications in the Manual on Uniform
48 Traffic Control Devices, any sign erected after the effective date of

1 **【this amendatory and supplementary act】** P.L.1989, c.201 to notify
2 the public that parking in a space is reserved for **【the handicapped】**
3 persons with disabilities shall also state the penalties set forth in
4 paragraph c. of subsection (3) of R.S.39:4-197 which may be
5 imposed for a violation. Signs which were erected prior to the
6 effective date shall be modified within 12 months after the effective
7 date to include the penalty information.

8 It shall not be a defense to the unauthorized use of a parking
9 space reserved for **【the handicapped】** persons with disabilities
10 pursuant to R.S.39:4-138 that the penalties set forth in paragraph c.
11 of subsection (3) of R.S.39:4-197 were not posted or were
12 improperly posted.

13 (cf: P.L.2007, c.164, s.1)

14
15 166. R.S.39:4-201 is amended to read as follows:

16 39:4-201. Except as otherwise provided in R.S.39:4-8, no
17 governing body of any county in this State may adopt resolutions,
18 ordinances, or regulations on a matter covered by or which alters or
19 in any way nullifies the provisions of this chapter or of any
20 supplement thereto, except that, without the approval of the
21 commissioner, and consistent with the current standards prescribed
22 by the Manual on Uniform Traffic Control Devices **【for Streets and**
23 **Highways】** for streets and highways, ordinances, resolutions, or
24 regulations may be passed by a governing body for the supervision
25 and regulation of traffic on any county roads of the county upon the
26 subject matter and within the limitations prescribed in R.S.39:4-
27 197, and the governing body may prescribe penalties for violations
28 of the resolutions, ordinances, or regulations; provided, however,
29 that a fine of not less than **【\$50.00】** \$50 be imposed upon the
30 violator of an ordinance, resolution, or regulation, as the case may
31 be, establishing parking spaces for **【the handicapped】** persons with
32 disabilities.

33 Matters pertaining to the supervision and regulation of traffic, to
34 be established by ordinance, resolution, or regulation pursuant to
35 R.S.39:4-197, shall in counties operating under the "Optional
36 County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.) be
37 established by ordinance.

38 No ordinance, resolution, or regulation adopted pursuant to this
39 section shall be effective unless due notice to the public is given as
40 provided in R.S.39:4-198.

41 The penalties may be enforced by the proper method of
42 procedure before a magistrate. In default of the payment of the
43 penalty, the magistrate may commit the offender to the county jail
44 for a period not exceeding **【5】** five days.

45 (cf: P.L.2008, c.110, s.3)

46
47 167. Section 2 of P.L.1974, c.120 (C.40:9B-4) is amended to
48 read as follows:

1 2. The governing body of any county or municipality may
2 annually appropriate funds to any approved, privately operated,
3 nonprofit narcotic and **【drug abuse】** substance use disorder
4 treatment center certified by the Commissioner of **【the State**
5 **Department of】** Health pursuant to P.L.1970, c.334 (C.26:2G-21 et
6 seq.), for the purpose of helping to defray expenses incurred in the
7 provision of facilities to prevent and control **【drug abuse】**
8 substance use disorder, and to provide diagnosis, treatment,
9 rehabilitation and aftercare to **【drug addicts】** persons with
10 substance use disorders who are residents of any county or
11 municipality making such appropriations.
12 (cf: P.L.1974, c.120, s.2)

13
14 168. Section 2 of P.L.1985, c.199 (C.40:48-4.11) is amended to
15 read as follows:

16 2. For the purposes of **【this act】** P.L.1985, c.199 (C.40:48-4.10
17 et seq.), unless the context clearly indicates otherwise:

18 a. "Senior citizen" means any individual 62 years of age or
19 over.

20 b. **【"Handicapped citizen"】** "Citizen with a disability" means
21 any individual who, by reason of illness, injury, age, congenital
22 **【malfunction】** condition, or other permanent or temporary
23 incapacity or disability, is unable without special facilities or
24 special planning or design to utilize mass transportation facilities
25 and services as effectively as persons who are not so affected.
26 (cf: P.L.1985, c.199, s.2)

27
28 169. Section 3 of P.L.1985, c.199 (C.40:48-4.12) is amended to
29 read as follows:

30 3. Notwithstanding any provision of law to the contrary **【in the**
31 **"County Transportation Authorities Act,"** P.L.1980, c.44
32 **(C.40:35B-1 et seq.)】**, any municipality may purchase buses, vans
33 or other motor vehicles for the purpose of providing transportation
34 to senior citizens or **【handicapped】** citizens with disabilities. The
35 municipality may also provide drivers for the motor vehicles and
36 pay all costs of maintenance, including insurance. The
37 transportation shall be provided free of charge or for a nominal fee
38 not to exceed \$0.25 per ride. No transportation service shall be
39 provided pursuant to **【this act】** P.L.1985, c.199 (C.40:48-4.10 et
40 seq.) which duplicates available public transportation service.
41 (cf: P.L.1985, c.199, s.3)

42
43 170. Section 4 of P.L.1985, c.199 (C.40:48-4.13) is amended to
44 read as follows:

45 4. The use of municipally owned buses, vans or other motor
46 vehicles for transportation of senior citizens and **【handicapped】**
47 citizens with disabilities pursuant to **【this act】** P.L.1985, c.199

1 (C.40:48-4.10 et seq.) shall not be construed or used for hire and
2 shall not be subject to regulation by or the jurisdiction of the
3 Department of Transportation.

4 (cf: P.L.1985, c.199, s.4)

5
6 171. Section 1 of P.L.1975, c.141 (C.40:48-9.4a) is amended to
7 read as follows:

8 1. The governing body of any municipality may appropriate
9 annually to any approved, privately operated, nonprofit organization
10 whose services are nonsectarian, funds for the purpose of defraying
11 the necessary expense incident to the diagnosis, treatment, training,
12 and rehabilitation of persons with intellectual disabilities, persons
13 with a brain injury, persons with mental illness, or persons **【who**
14 **are otherwise mentally or physically handicapped】** with other
15 mental or physical disabilities who are residents of the municipality,
16 at suitable homes, schools, hospitals, day-care centers, residential
17 treatment centers, rehabilitation centers, or sheltered workshops
18 anywhere in the State supported by public funds or private charity,
19 including the cost of transporting such persons to and from, and
20 their support and maintenance at, such homes, schools, hospitals,
21 day-care centers, residential treatment centers, rehabilitation
22 centers, or sheltered workshops for the purpose of diagnosis or
23 while undergoing treatment, training, and rehabilitation, or for the
24 purpose of maintaining an extended employment program.

25 (cf: P.L.2010, c.50, s.67)

26
27 172. Section 1 of P.L.1978, c.159 (C.40:55D-66.1) is amended
28 to read as follows:

29 1. Community residences for **【the developmentally disabled】**
30 persons with developmental disabilities, community shelters for
31 victims of domestic violence, community residences for **【the**
32 **terminally ill】** persons with terminal illnesses, community
33 residences for persons with head injuries, and adult family care
34 homes for **【elderly】** persons who are elderly and **【physically**
35 **disabled】** adults with physical disabilities shall be a permitted use
36 in all residential districts of a municipality, and the requirements
37 therefor shall be the same as for single family dwelling units
38 located within such districts.

39 (cf: P.L.2001, c.304, s.11)

40
41 173. Section 2 of P.L.1978, c.159 (C.40:55D-66.2) is amended
42 to read as follows:

43 2. As used in **【this act】** P.L.1978, c.159 (C.40:55D-66.1 et
44 seq.):

45 a. "Community residence for **【the developmentally disabled】**
46 persons with developmental disabilities" means any community
47 residential facility licensed pursuant to P.L.1977, c.448 (C.30:11B-
48 1 et seq.) providing food, shelter, and personal guidance, under such

1 supervision as required, to not more than 15 **【developmentally**
2 **disabled or mentally ill】** persons with developmental disabilities or
3 with mental illnesses, who require assistance, temporarily or
4 permanently, in order to live in the community, and shall include,
5 but not be limited to: group homes, halfway houses, intermediate
6 care facilities, supervised apartment living arrangements, and
7 hostels. Such a residence shall not be considered a health care
8 facility within the meaning of the "Health Care Facilities Planning
9 Act," P.L.1971, c.136 (C.26:2H-1 et al.). In the case of such a
10 community residence housing **【mentally ill】** persons with mental
11 illness, **【such】** the residence shall have been approved for a
12 purchase of service contract or an affiliation agreement pursuant to
13 **【such】** procedures as shall be established by regulation of the
14 Division of Mental Health and Addiction Services in the
15 Department of Human Services. As used in **【this act】** P.L.1978,
16 c.159 (C.40:55D-66.1 et seq.), "**【developmentally disabled】** person
17 with a developmental disability" means a person **【who is**
18 **developmentally disabled】** with a developmental disability as
19 defined in section 2 of P.L.1977, c.448 (C.30:11B-2), and
20 "**【mentally ill】** person with a mental illness" means a person **【who**
21 **is afflicted】** with a mental illness as defined in section **【30】** 2 of
22 P.L.1987, c.116 (C.30:4-27.2), but shall not include a person who
23 has been committed after having been found not guilty of a criminal
24 offense by reason of insanity or having been found unfit to be tried
25 on a criminal charge.

26 b. "Community shelter for victims of domestic violence" means
27 any shelter approved for a purchase of service contract and certified
28 pursuant to standards and procedures established by regulation of
29 the Department of Human Services pursuant to P.L.1979, c.337
30 (C.30:14-1 et seq.), providing food, shelter, medical care, legal
31 assistance, personal guidance, and other services to not more than
32 15 persons who have been victims of domestic violence, including
33 any children of such victims, who temporarily require shelter and
34 assistance in order to protect their physical or psychological
35 welfare.

36 c. "Community residence for persons with head injuries"
37 means a community residential facility licensed pursuant to
38 P.L.1977, c.448 (C.30:11B-1 et seq.) providing food, shelter, and
39 personal guidance, under such supervision as required, to not more
40 than 15 persons with head injuries, who require assistance,
41 temporarily or permanently, in order to live in the community, and
42 shall include, but not be limited to: group homes, halfway houses,
43 supervised apartment living arrangements, and hostels. Such a
44 residence shall not be considered a health care facility within the
45 meaning of the "Health Care Facilities Planning Act," P.L.1971,
46 c.136 (C.26:2H-1 et al.).

1 d. "Person with head injury" means a person who has sustained
2 an injury, illness, or traumatic changes to the skull, the brain
3 contents, or its coverings which results in a temporary or permanent
4 physiobiological decrease of mental, cognitive, behavioral, social,
5 or physical functioning which causes the person to have a partial or
6 total disability, but excluding a person with Alzheimer's disease and
7 related disorders or other forms of dementia.

8 e. "Community residence for **the terminally ill** persons with
9 terminal illnesses" means any community residential facility
10 operated as a hospice program providing food, shelter, personal
11 guidance, and health care services, under such supervision as
12 required, to not more than 15 **terminally ill** persons with terminal
13 illnesses.

14 f. "Alzheimer's disease and related disorders" means a form of
15 dementia characterized by a general loss of intellectual abilities of
16 sufficient severity to interfere with social or occupational
17 functioning.

18 g. "Dementia" means a chronic or persistent disorder of the
19 mental processes due to organic brain disease, for which no curative
20 treatment is available, and marked by memory disorders, changes in
21 personality, deterioration in personal care, impaired reasoning
22 ability, and disorientation.

23 (cf: P.L.2015, c.125, s.10)

24
25 174. Section 5 of P.L.1971, c.198 (C.40A:11-5) is amended to
26 read as follows:

27 5. Any contract the amount of which exceeds the bid threshold,
28 may be negotiated and awarded by the governing body without
29 public advertising for bids and bidding therefor and shall be
30 awarded by resolution of the governing body if:

31 (1) The subject matter thereof consists of:

32 (a) (i) Professional services. The governing body shall in each
33 instance state supporting reasons for its action in the resolution
34 awarding each contract and shall forthwith cause to be printed once,
35 in the official newspaper, a brief notice stating the nature, duration,
36 service and amount of the contract, and that the resolution and
37 contract are on file and available for public inspection in the office
38 of the clerk of the county or municipality, or, in the case of a
39 contracting unit created by more than one county or municipality, of
40 the counties or municipalities creating the contracting unit; or (ii)
41 Extraordinary unspecifiable services. The application of this
42 exception shall be construed narrowly in favor of open competitive
43 bidding, whenever possible, and the Division of Local Government
44 Services is authorized to adopt and promulgate rules and regulations
45 after consultation with the Commissioner of Education limiting the
46 use of this exception in accordance with the intention herein
47 expressed. The governing body shall in each instance state
48 supporting reasons for its action in the resolution awarding each

- 1 contract and shall forthwith cause to be printed, in the manner set
2 forth in subsection (1) (a) (i) of this section, a brief notice of the
3 award of the contract;
- 4 (b) The doing of any work by employees of the contracting unit;
- 5 (c) The printing of legal briefs, records, and appendices to be
6 used in any legal proceeding in which the contracting unit may be a
7 party;
- 8 (d) The furnishing of a tax map or maps for the contracting unit;
- 9 (e) The purchase of perishable foods as a subsistence supply;
- 10 (f) The supplying of any product or the rendering of any service
11 by a public utility, which is subject to the jurisdiction of the Board
12 of Public Utilities or the Federal Energy Regulatory Commission or
13 its successor, in accordance with tariffs and schedules of charges
14 made, charged or exacted, filed with the board or commission;
- 15 (g) The acquisition, subject to prior approval of the Attorney
16 General, of special equipment for confidential investigation;
- 17 (h) The printing of bonds and documents necessary to the
18 issuance and sale thereof by a contracting unit;
- 19 (i) Equipment repair service if in the nature of an extraordinary
20 unspecifiable service and necessary parts furnished in connection
21 with the service, which exception shall be in accordance with the
22 requirements for extraordinary unspecifiable services;
- 23 (j) The publishing of legal notices in newspapers as required by
24 law;
- 25 (k) The acquisition of artifacts or other items of unique intrinsic,
26 artistic or historical character;
- 27 (l) Those goods and services necessary or required to prepare
28 and conduct an election;
- 29 (m) Insurance, including the purchase of insurance coverage and
30 consultant services, which exception shall be in accordance with the
31 requirements for extraordinary unspecifiable services;
- 32 (n) The doing of any work by **【handicapped】** persons with
33 disabilities employed by a sheltered workshop;
- 34 (o) The provision of any goods or services including those of a
35 commercial nature, attendant upon the operation of a restaurant by
36 any nonprofit, duly incorporated, historical society at or on any
37 historical preservation site;
- 38 (p) (Deleted by amendment, P.L.1999, c.440.)
- 39 (q) Library and educational goods and services;
- 40 (r) (Deleted by amendment, P.L.2005, c.212).
- 41 (s) The marketing of recyclable materials recovered through a
42 recycling program, or the marketing of any product intentionally
43 produced or derived from solid waste received at a resource
44 recovery facility or recovered through a resource recovery program,
45 including, but not limited to, refuse-derived fuel, compost materials,
46 methane gas, and other similar products;
- 47 (t) (Deleted by amendment, P.L.1999, c.440.)

1 (u) Contracting unit towing and storage contracts, provided that
2 all of the contracts shall be pursuant to reasonable non-exclusionary
3 and non-discriminatory terms and conditions, which may include
4 the provision of the services on a rotating basis, at the rates and
5 charges set by the municipality pursuant to section 1 of P.L.1979,
6 c.101 (C.40:48-2.49). All contracting unit towing and storage
7 contracts for services to be provided at rates and charges other than
8 those established pursuant to the terms of this paragraph shall only
9 be awarded to the lowest responsible bidder in accordance with the
10 provisions of the "Local Public Contracts Law," P.L.1971, c.198
11 (C.40A:11-1 et seq.) and without regard for the value of the
12 contract therefor;

13 (v) The purchase of steam or electricity from, or the rendering
14 of services directly related to the purchase of steam or electricity
15 from a qualifying small power production facility or a qualifying
16 cogeneration facility as defined pursuant to 16 U.S.C. s.796;

17 (w) The purchase of electricity or administrative or dispatching
18 services directly related to the transmission of purchased electricity
19 by a contracting unit engaged in the generation of electricity;

20 (x) The printing of municipal ordinances or other services
21 necessarily incurred in connection with the revision and
22 codification of municipal ordinances;

23 (y) An agreement for the purchase of an equitable interest in a
24 water supply facility or for the provision of water supply services
25 entered into pursuant to section 2 of P.L.1993, c.381 (C.58:28-2), or
26 an agreement entered into pursuant to **[P.L.1989, c.109**
27 **(N.J.S.40A:31-1 et al.)]**, so long as the agreement is entered into
28 no later than six months after the effective date of P.L.1993, c.381;

29 (z) A contract for the provision of water supply services entered
30 into pursuant to P.L.1995, c.101 (C.58:26-19 et al.);

31 (aa) The cooperative marketing of recyclable materials recovered
32 through a recycling program;

33 (bb) A contract for the provision of wastewater treatment
34 services entered into pursuant to P.L.1995, c.216 (C.58:27-19 et
35 al.);

36 (cc) Expenses for travel and conferences;

37 (dd) The provision or performance of goods or services for the
38 support or maintenance of proprietary computer hardware and
39 software, except that this provision shall not be utilized to acquire
40 or upgrade non-proprietary hardware or to acquire or update non-
41 proprietary software;

42 (ee) The management or operation of an airport owned by the
43 contracting unit pursuant to R.S.40:8-1 et seq.;

44 (ff) Purchases of goods and services at rates set by the Universal
45 Service Fund administered by the Federal Communications
46 Commission;

47 (gg) A contract for the provision of water supply services or
48 wastewater treatment services entered into pursuant to section 2 of

1 P.L.2002, c.47 (C.40A:11-5.1), or the designing, financing,
2 construction, operation, or maintenance, or any combination
3 thereof, of a water supply facility as defined in subsection (16) of
4 section 15 of P.L.1971, c.198 (C.40A:11-15) or a wastewater
5 treatment system as defined in subsection (19) of section 15 of
6 P.L.1971, c.198 (C.40A:11-15), or any component part or parts
7 thereof, including a water filtration system as defined in subsection
8 (16) of section 15 of P.L.1971, c.198 (C.40A:11-15); or

9 (hh) The purchase of electricity generated from a power
10 production facility that is fueled by methane gas extracted from a
11 landfill in the county of the contracting unit.

12 (2) It is to be made or entered into with the United States of
13 America, the State of New Jersey, county, or municipality, or any
14 board, body, officer, agency, or authority thereof, or any other state
15 or subdivision thereof.

16 (3) Bids have been advertised pursuant to section 4 of P.L.1971,
17 c.198 (C.40A:11-4) on two occasions and (a) no bids have been
18 received on both occasions in response to the advertisement, or (b)
19 the governing body has rejected the bids on two occasions because
20 it has determined that they are not reasonable as to price, on the
21 basis of cost estimates prepared for or by the contracting agent prior
22 to the advertising therefor, or have not been independently arrived
23 at in open competition, or (c) on one occasion no bids were received
24 pursuant to (a) and on one occasion all bids were rejected pursuant
25 to (b), in whatever sequence; a contract may then be negotiated and
26 may be awarded upon adoption of a resolution by a two-thirds
27 affirmative vote of the authorized membership of the governing
28 body authorizing the contract; provided, however, that:

29 (i) A reasonable effort is first made by the contracting agent to
30 determine that the same or equivalent goods or services, at a cost
31 which is lower than the negotiated price, are not available from an
32 agency or authority of the United States, the State of New Jersey or
33 of the county in which the contracting unit is located, or any
34 municipality in close proximity to the contracting unit;

35 (ii) The terms, conditions, restrictions, and specifications set
36 forth in the negotiated contract are not substantially different from
37 those which were the subject of competitive bidding pursuant to
38 section 4 of P.L.1971, c.198 (C.40A:11-4); and

39 (iii) Any minor amendment or modification of any of the terms,
40 conditions, restrictions, and specifications, which were the subject
41 of competitive bidding pursuant to section 4 of P.L.1971, c.198
42 (C.40A:11-4), shall be stated in the resolution awarding the
43 contract; provided further, however, that if on the second occasion
44 the bids received are rejected as unreasonable as to price, the
45 contracting agent shall notify each responsible bidder submitting
46 bids on the second occasion of its intention to negotiate, and afford
47 each bidder a reasonable opportunity to negotiate, but the governing
48 body shall not award the contract unless the negotiated price is

1 lower than the lowest rejected bid price submitted on the second
2 occasion by a responsible bidder, is the lowest negotiated price
3 offered by any responsible vendor, and is a reasonable price for
4 goods or services.

5 Whenever a contracting unit shall determine that a bid was not
6 arrived at independently in open competition pursuant to subsection
7 (3) of this section it shall thereupon notify the county prosecutor of
8 the county in which the contracting unit is located and the Attorney
9 General of the facts upon which its determination is based, and
10 when appropriate, it may institute appropriate proceedings in any
11 State or federal court of competent jurisdiction for a violation of
12 any State or federal antitrust law or laws relating to the unlawful
13 restraint of trade.

14 (4) The contracting unit has solicited and received at least three
15 quotations on materials, supplies, or equipment for which a State
16 contract has been issued pursuant to section 12 of P.L.1971, c.198
17 (C.40A:11-12), and the lowest responsible quotation is at least 10
18 percent less than the price the contracting unit would be charged for
19 the identical materials, supplies, or equipment, in the same
20 quantities, under the State contract. A contract entered into
21 pursuant to this subsection may be awarded only upon adoption of a
22 resolution by the affirmative vote of two-thirds of the full
23 membership of the governing body of the contracting unit at a
24 meeting thereof authorizing the contract. A copy of the purchase
25 order relating to the contract, the requisition for purchase order, if
26 applicable, and documentation identifying the price of the materials,
27 supplies or equipment under the State contract and the State
28 contract number shall be filed with the director within five working
29 days of the award of the contract by the contracting unit. The
30 director shall notify the contracting unit of receipt of the material
31 and shall make the material available to the State Treasurer. The
32 contracting unit shall make available to the director upon request
33 any other documents relating to the solicitation and award of the
34 contract, including, but not limited to, quotations, requests for
35 quotations, and resolutions. The director periodically shall review
36 material submitted by contracting units to determine the impact of
37 the contracts on local contracting and shall consult with the State
38 Treasurer on the impact of the contracts on the State procurement
39 process. The director may, after consultation with the State
40 Treasurer, adopt rules in accordance with the "Administrative
41 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to limit the
42 use of this subsection, after considering the impact of contracts
43 awarded under this subsection on State and local contracting, or
44 after considering the extent to which the award of contracts
45 pursuant to this subsection is consistent with and in furtherance of
46 the purposes of the public contracting laws.

47 (5) Notwithstanding any provision of law, rule, or regulation to
48 the contrary, the subject matter consists of the combined collection

1 and marketing, or the cooperative combined collection and
2 marketing of recycled material recovered through a recycling
3 program, or any product intentionally produced or derived from
4 solid waste received at a resource recovery facility or recovered
5 through a resource recovery program including, but not limited to,
6 refuse-derived fuel, compost materials, methane gas, and other
7 similar products, provided that in lieu of engaging in public
8 advertising for bids and the bidding therefor, the contracting unit
9 shall, prior to commencing the procurement process, submit for
10 approval to the Director of the Division of Local Government
11 Services, a written detailed description of the process to be
12 followed in securing the services. Within 30 days after receipt of
13 the written description the director shall, if the director finds that
14 the process provides for fair competition and integrity in the
15 negotiation process, approve, in writing, the description submitted
16 by the contracting unit. If the director finds that the process does
17 not provide for fair competition and integrity in the negotiation
18 process, the director shall advise the contracting unit of the
19 deficiencies that must be remedied. If the director fails to respond
20 in writing to the contracting unit within 30 days, the procurement
21 process as described shall be deemed approved. As used in this
22 section, "collection" means the physical removal of recyclable
23 materials from curbside or any other location selected by the
24 contracting unit.

25 (6) Notwithstanding any provision of law, rule, or regulation to
26 the contrary, the contract is for the provision of electricity by a
27 contracting unit engaged in the distribution of electricity for retail
28 sale, for the provision of wholesale electricity by a municipal
29 shared services energy authority as defined pursuant to section 3 of
30 P.L.2015, c.129 (C.40A:66-3), or for the provision of administrative
31 or dispatching services related to the transmission of electricity,
32 provided that in lieu of engaging in public advertising for bids and
33 the bidding therefor, the contracting unit shall, prior to commencing
34 the procurement process, submit for approval to the Director of the
35 Division of Local Government Services, a written detailed
36 description of the process to be followed in securing these services.
37 The process shall be designed in a way that is appropriate to and
38 commensurate with industry practices, and the integrity of the
39 government contracting process. Within 30 days after receipt of the
40 written description, the director shall, if the director finds that the
41 process provides for fair competition and integrity in the
42 negotiation process, approve, in writing, the description submitted
43 by the contracting unit. If the director finds that the process does
44 not provide for fair competition and integrity in the negotiation
45 process, the director shall advise the contracting unit of the
46 deficiencies that must be remedied. If the director fails to respond
47 in writing to the contracting unit within 30 days, the procurement

1 process, as submitted to the director pursuant to this section, shall
2 be deemed approved.

3 (cf: P.L.2015, c.129, s.28)

4
5 175. Section 21 of P.L.1971, c.199 (C.40A:12-21) is amended to
6 read as follows:

7 21. When the governing body of any county or municipality
8 shall determine that all or any part of a tract of land, with or without
9 improvements, owned by the county or municipality, is not then
10 needed for county or municipal purposes, as the case may be, said
11 governing body, by resolution or ordinance, may authorize a private
12 sale and conveyance of the same, or any part thereof without
13 compliance with any other law governing disposal of lands by
14 counties and municipalities, for a consideration, which may be
15 nominal, and containing a limitation that such lands or buildings
16 shall be used only for the purposes of such organization or
17 association, and to render such services or to provide such facilities
18 as may be agreed upon, and except as provided in subsection (n) of
19 this section not for commercial business, trade or manufacture, and
20 that, unless waived, released, modified, or subordinated pursuant to
21 P.L.1943, c.33 (C.40:60-51.2), if said lands or buildings are not
22 used in accordance with said limitation, title thereto shall revert to
23 the county or municipality without any entry or reentry made
24 thereon on behalf of such county or municipality, to

25 (a) A duly incorporated volunteer fire company or board of fire
26 commissioners or first aid and emergency or volunteer ambulance
27 or rescue squad association of a municipality within the county, in
28 the case of a county, or of the municipality, in the case of a
29 municipality, for the construction thereon of a firehouse or fire
30 school or a first aid and emergency or volunteer ambulance or
31 rescue squad building or for the use of any existing building for any
32 or all of said purposes and any such land or building sold to any
33 duly incorporated volunteer fire company may be leased by such
34 fire company to any volunteer firemen's association for the use
35 thereof for fire school purposes for the benefit of the members of
36 such association, or

37 (b) Any nationally chartered organization or association of
38 veterans of any war, in which the United States has or shall have
39 been engaged, by a conveyance for consideration, a part of which
40 may be an agreement by the organization or association to render
41 service or to provide facilities for the general public of the county
42 or municipality, of a kind which the county or municipality may
43 furnish to its citizens and to the general public, or

44 (c) A duly incorporated nonprofit hospital association for the
45 construction or maintenance thereon of a general hospital, or

46 (d) Any **【paraplegic】** veteran with paraplegia, that is to say, any
47 officer, soldier, sailor, marine, nurse or other person, regularly
48 enlisted or inducted, who was or shall have been in the active

1 military or naval forces of the United States in any war in which the
2 United States was engaged, including any member of the American
3 Merchant Marine during World War II who is declared by the
4 United States Department of Defense to be eligible for federal
5 veterans' benefits, and who, at the time **【he】** the veteran was
6 commissioned, enlisted, inducted, appointed or mustered into such
7 military or naval service, was a resident of and who continues to
8 reside in this State, and who **【is suffering from】** has paraplegia and
9 **【has】** permanent paralysis of both legs or the lower parts of the
10 body resulting from injuries sustained through enemy action or
11 accident while in such active military or naval service, for the
12 construction of a home to domicile **【him】** the veteran, or to any
13 organization or association of veterans, for the construction of a
14 home or homes to domicile **【paraplegic】** veterans with paraplegia,
15 with powers to convey said lands and premises to the **【paraplegic】**
16 veteran or veterans with paraplegia on whose behalf said
17 organization or association shall acquire title to said land, or

18 (e) Any duly incorporated nonprofit association or any regional
19 commission or authority composed of one or more municipalities or
20 one or more counties for the construction or maintenance thereon of
21 an animal shelter, or

22 (f) Any duly incorporated nonprofit historical society for the
23 acquisition of publicly owned historic sites for their restoration,
24 preservation, improvement, and utilization for the benefit of the
25 general public, or

26 (g) Any duly incorporated nonprofit cemetery organization or
27 association serving the residents of the municipality or county, or

28 (h) Any duly incorporated nonprofit organization for the
29 principal purpose of the education or treatment of persons
30 **【afflicted】** with developmental disabilities including cerebral palsy,
31 or

32 (i) Any county or municipal sewerage authority serving the
33 residents of the county or municipality, for the use thereof for
34 sewerage authority purposes, or

35 (j) Any duly incorporated nonprofit organization for the
36 purpose of building or rehabilitating residential property for resale.
37 Any profits from the resale of the property shall be applied by the
38 nonprofit organization to the costs of acquiring and rehabilitating
39 other residential property in need of rehabilitation owned by the
40 county or municipality, or

41 (k) Any duly incorporated nonprofit organization or association,
42 other than a political, partisan, sectarian, denominational, or
43 religious organization or association, which includes among its
44 principal purposes the provision of educational, gardening,
45 recreational, medical, or social services to the general public,
46 including residents of the county or municipality, or

47 (l) Any duly incorporated **【nonprofit housing corporation or**
48 **any limited-dividend housing corporation or housing association**

1 organized pursuant to P.L.1949, c.184 (C.55:16-1 et seq.) **】** urban
2 renewal corporation organized pursuant to P.L.1991, c.431
3 (C.40A:20-1 et seq.) for the purpose of constructing housing for
4 low or moderate income persons or families or **【handicapped】**
5 persons with disabilities, or

6 (m) Any duly incorporated nonprofit hospice organization whose
7 principal purpose is to provide hospice services to **【the terminally**
8 **ill】** persons with terminal illnesses, or

9 (n) Any duly incorporated nonprofit organization or association
10 for the cultivation and sale of fresh fruits and vegetables on a tract
11 of land of less than five acres within a municipality, provided that
12 the nonprofit organization or association is not controlled, directly
13 or indirectly, by any agricultural, commercial, or other business.
14 The nonprofit organization or association shall be authorized to sell
15 fresh fruits and vegetables either on the land that was conveyed, off
16 that land, or both, provided, that the sales are related and incidental
17 to the non-profit purposes of the organization or association and the
18 net proceeds received by the nonprofit organization or association
19 are used to further the non-profit purposes of the organization or
20 association.

21 Whenever a sale of property is proposed pursuant to subsection
22 (k), for gardening, or subsection (n) of this section, the county or
23 municipality shall comply with all notice requirements for an
24 application for development under section 7.1 of P.L.1975, c.291
25 (C.40:55D-12).

26 (cf: P.L.2011, c.171, s.3)

27

28 176. Section 16 of P.L.1992, c.79 (C.40A:12A-16) is amended
29 to read as follows:

30 16. a. In order to carry out the housing purposes of this act, a
31 municipality, county, or housing authority may exercise the
32 following powers, in addition to those set forth in section 22 of
33 P.L.1992, c.79 (C.40A:12A-22):

34 (1) Plan, construct, own, and operate housing projects; maintain,
35 reconstruct, improve, alter, or repair any housing project or any part
36 thereof; and for these purposes, receive and accept from the State or
37 federal government, or any other source, funds or other financial
38 assistance;

39 (2) Lease or rent any dwelling house, accommodations, lands,
40 buildings, structures or facilities embraced in any housing project;
41 and pursuant to the provisions of this act, establish and revise the
42 rents and charges therefor;

43 (3) Acquire property pursuant to subsection i. of section 22 of
44 P.L.1992, c.79 (C.40A:12A-22);

45 (4) Acquire, by condemnation, any land or building which is
46 necessary for the housing project, pursuant to the provisions of the
47 "Eminent Domain Act of 1971," P.L.1971, c.361 (C.20:3-1 et seq.);

1 (5) Issue bonds in accordance with the provisions of section 29
2 of P.L.1992, c.79 (C.40A:12A-29);

3 (6) Cooperate with any other municipality, private, county, State
4 or federal entity to provide funds to the municipality or other
5 governmental entity and to homeowners, tenant associations,
6 nonprofit or private developers to acquire, construct, rehabilitate or
7 operate publicly assisted housing, and to provide rent subsidies for
8 persons of low and moderate income, including the elderly,
9 pursuant to applicable State or federal programs;

10 (7) Encourage the use of demand side subsidy programs such as
11 certificates and vouchers for low-income families and promote the
12 use of project based certificates which provide subsidies for units in
13 newly constructed and substantially rehabilitated structures, and of
14 tenant based certificates which subsidize rent in existing units;

15 (8) Cooperate with any State or federal entity to secure
16 mortgage assistance for any person of low or moderate income;

17 (9) Provide technical assistance and support to nonprofit
18 organizations and private developers interested in constructing low
19 and moderate income housing;

20 (10) If it owns and operates public housing units, provide to the
21 tenants public safety services, including protection against [drug
22 abuse] substance use disorder, and social services, including
23 counseling and financial management, in cooperation with other
24 agencies;

25 (11) Provide emergency shelters, transitional housing and
26 supporting services to homeless families and individuals.

27 b. All housing projects, programs and actions undertaken
28 pursuant to this act shall accord with the housing element of the
29 master plan of the municipality within which undertaken, and with
30 any fair share housing plan filed by the municipality with the
31 Council on Affordable Housing, based upon the council's criteria
32 and guidelines, pursuant to the "Fair Housing Act," P.L.1985, c.222
33 (C.52:27D-301 et al.), whether or not the municipality has
34 petitioned for substantive certification of the plan.

35 (cf: P.L.1992, c.79, s.16)

36
37 177. Section 6 of P.L.1980, c.86 (C.43:22-15) is amended to
38 read as follows:

39 6. a. All State political subdivisions receiving financial aid,
40 who provide Social Security coverage for their employees pursuant
41 to the provisions of P.L.1951, c.253 (C.43:22-1 et seq.), and any
42 amendments or supplements thereto, and the provisions of the
43 statutes governing the several State-administered retirement
44 systems as authorized by law, shall, in addition to other purposes,
45 utilize all grants-in-aid and other revenue received from the State to
46 pay the employer's share of Social Security contributions; provided,
47 however, that this shall not apply to employees who are enrolled in
48 the Teachers' Pension and Annuity Fund.

1 b. The grants-in-aid and other revenue referred to in subsection
2 a. of this section specifically include, but are not limited to, general
3 formula aid to local school districts (including general assistance
4 programs for public schools, programs for **the handicapped**
5 persons with disabilities, the disadvantaged, teacher training, adult
6 education, school nutrition, career development), aid for school and
7 public libraries, aid for higher education, including county colleges,
8 aid to counties and municipalities (for local highway systems,
9 including county and municipal roads for purposes of construction,
10 operation, and maintenance, aid for medical assistance, old age
11 assistance, general assistance, disability assistance, dependent
12 children assistance, medical assistance for **the aged** persons who
13 are elderly, **the** persons who are blind, families of the working
14 poor, child care, county **mental** psychiatric hospitals, community
15 mental health services), aid to political subdivisions of the State
16 (programs of economic opportunity, training, youth employment,
17 model cities, housing and urban renewal projects, continuing
18 planning assistance, parental and child health services, other local
19 health services, inland waterways, shore protection, and grade
20 crossing elimination), and aid pertaining to tax collections,
21 including a proportion of inheritance taxes, aid in lieu of railroad
22 property taxes, net sales taxes, and reimbursement for senior
23 citizens' tax deductions.

24 (cf: P.L.1980, c.86, s.6)

25
26 178. R.S.44:1-126 is amended to read as follows:

27 44:1-126. No person shall furnish a non-resident who is sick,
28 **aged** elderly, injured, or **crippled** who has a physical disability,
29 with transportation at the cost of the municipality until the
30 **overseer** municipal welfare director has ascertained the legal
31 residence of the person applying. Transportation furnished to a
32 person shall be to **his** the person's legal residence unless it shall
33 appear that the person **in distress** has some valid claim for
34 support or some means of support in some other place to which
35 **he** the person shall ask to be sent.

36 (cf: R.S.44:1-126)

37
38 179. R.S.44:4-81 is amended to read as follows:

39 44:4-81. No person shall furnish a nonresident who is sick,
40 **aged** elderly, injured, or **crippled** who has a physical disability,
41 with transportation at the cost of the county until the director of
42 welfare of the county has ascertained the legal residence of the
43 person applying. Any transportation furnished to such person shall
44 be to **his** the person's legal residence unless it shall appear that
45 **he** the person has some valid claim for support or some means of

1 support in some other place to which **【he】** the person shall ask to be
2 sent.

3 (cf: R.S.44:4-81)
4

5 180. Section 9 of P.L.1997, c.331 (C.45:2D-9) is amended to
6 read as follows:

7 9. a. Nothing in **【this act】** P.L.1997, c.331 (C.45:2D-1 et seq.)
8 shall be construed to prevent a person from engaging in or offering
9 **【alcohol and drug addiction】** services for alcohol use disorder and
10 substance use disorder involving drugs, such as self-help,
11 sponsorship through alcoholics and narcotics anonymous groups or
12 other uncompensated **【alcohol and drug addiction】** counseling
13 assistance for alcohol use disorder and substance use disorder
14 involving drugs.

15 b. Nothing in **【this act】** P.L.1997, c.331 (C.45:2D-1 et seq.)
16 shall be construed to apply to the activities and services of a
17 designated employee or other agent of a private employer who has
18 been designated to be involved in the evaluation or referral for
19 counseling of employees of the private employer, or an employee or
20 other agent of a recognized academic institution, a federal, State,
21 county, or local government institution, agency, or facility, or a
22 school district, if the individual is performing these activities solely
23 within the company or agency, as the case may be, or under the
24 jurisdiction of that company or agency and if a license granted
25 under **【this act】** P.L.1997, c.331 (C.45:2D-1 et seq.) is not a
26 requirement for employment.

27 c. Nothing in **【this act】** P.L.1997, c.331 (C.45:2D-1 et seq.)
28 shall be construed to apply to the activities and services of a rabbi,
29 priest, minister, Christian Science practitioner or **【clergyman】**
30 member of the clergy of any religious denomination or sect, when
31 engaging in activities**【,】** which are within the scope of the
32 performance of the person's regular or specialized ministerial duties
33 and for which no separate charge is made, or when these activities
34 are performed, with or without charge, for or under the auspices or
35 sponsorship, individually or in conjunction with others, of an
36 established and legally cognizable church, denomination, or sect,
37 and when the person rendering services remains accountable to the
38 established authority thereof.

39 d. Nothing in **【this act】** P.L.1997, c.331 (C.45:2D-1 et seq.)
40 shall be construed to apply to the activities and services of a
41 student, intern or trainee in **【alcohol and drug addiction】** counseling
42 for alcohol use disorder and substance use disorder involving drugs
43 pursuing a course of study in counseling in a regionally accredited
44 institution of higher education or training institution, if these
45 activities are performed under supervision and constitute a part of
46 the supervised course of study.

1 e. Nothing in **【this act】** P.L.1997, c.331 (C.45:2D-1 et seq.)
2 shall be construed to prevent a person from doing work of an
3 alcohol or drug counseling nature, or advertising those services,
4 when acting within the scope of the person's profession or
5 occupation and doing work consistent with the person's training,
6 including physicians, clinical social workers, psychologists, nurses,
7 or any other profession or occupation licensed by the State, or
8 students within accredited programs of these professions, if the
9 person does not hold himself or herself out to the public as
10 possessing a license or certification issued pursuant to **【this act】**
11 P.L.1997, c.331 (C.45:2D-1 et seq.).
12 (cf: P.L.1997, c.331, s.9)
13

14 181. Section 2 of P.L.1983, c.420 (C.45:3B-2) is amended to
15 read as follows:

16 2. As used in this act:

17 a. "Audiologist" means any individual who practices
18 audiology and who represents himself or herself to the public by
19 title or by description of services, under any title incorporating such
20 terms as "audiology," "audiologist," "audiological," "audiologic,"
21 "hearing clinic," "hearing clinician," "hearing therapist," or any
22 similar title or descriptions of services, provided that the individual
23 has met the eligibility requirements contained in section 8 of
24 P.L.1983, c.420 (C.45:3B-8) and has been duly licensed under this
25 act.

26 b. "Committee" means the Audiology and Speech-Language
27 Pathology Advisory Committee.

28 c. "Person" means any individual, corporation, partnership,
29 trust, association or other organization, except that only individuals
30 may be licensed under **【this act】** P.L.1983, c.420 (C.45:3B-1 et
31 seq.).

32 d. "Practice of audiology" means the nonmedical and
33 nonsurgical application of principles, methods, and procedures of
34 measurement, testing, evaluation, consultation, counseling,
35 instruction, and habilitation or rehabilitation related to hearing, its
36 disorders, and related communication impairments for the purpose
37 of nonmedical diagnosis, prevention, identification, amelioration, or
38 modification of these disorders and conditions in individuals or
39 groups of individuals with speech, language, or hearing
40 **【handicaps】** disabilities, or to individuals or groups of individuals
41 for whom these **【handicapping】** conditions must be ruled out.

42 e. "Practice of speech-language pathology" means the
43 nonmedical and nonsurgical application of principles, methods, and
44 procedures of measurement, prediction, nonmedical diagnosis,
45 testing, counseling, consultation, habilitation, and rehabilitation and
46 instruction related to the development and disorders of speech,
47 voice, and language for the purpose of preventing, ameliorating,
48 and modifying these disorders and conditions in individuals or

1 groups of individuals with speech, language, or hearing
2 **【handicaps】 disabilities**, or to individuals or groups of individuals
3 for whom these **【handicapping】** conditions must be ruled out.

4 f. "Speech-language pathologist" means an individual who
5 practices speech-language pathology and who represents himself or
6 herself to the public by title or by description of services under any
7 title incorporating such terms as "speech-language pathology,"
8 "speech-language pathologist," "speech pathology," "speech
9 pathologist," "speech correction," "speech correctionist," "speech
10 therapy," "speech therapist," "speech clinic," "speech clinician,"
11 "logopedist," "communicologist," "language therapist,"
12 "communication disorders specialist," "communication therapist,"
13 or any similar titles of description of services, provided that the
14 individual has met the eligibility requirements contained in section
15 8 of P.L.1983, c.420 (C.45:3B-8) and has been duly licensed under
16 **【this act】** P.L.1983, c.420 (C.45:3B-1 et seq.).

17 (cf: P.L.1983, c.420, s.2)

18
19 182. Section 3 of P.L.1993, c.85 (C.45:9-37.53) is amended to
20 read as follows:

21 3. As used in **【this act】** P.L.1993, c.85 (45:9-37.51 et seq.):

22 "Council" means the Occupational Therapy Advisory Council
23 established pursuant to section 4 of **【this act】** P.L.1993, c.85
24 (C.45:9-37.54).

25 "Director" means the Director of the Division of Consumer
26 Affairs in the Department of Law and Public Safety.

27 "Occupational therapist" means a person licensed to practice
28 occupational therapy pursuant to the provisions of **【this act】**
29 P.L.1993, c.85 (C.45:9-37.51 et seq.).

30 "Occupational therapy" means the evaluation, planning, and
31 implementation of a program of purposeful activities to develop or
32 maintain functional skills necessary to achieve the maximal
33 physical or mental functioning, or both, of the individual in **【his】**
34 the person's daily occupational performance. The tasks of daily
35 living may be threatened or impaired by physical injury or illness,
36 developmental **【deficits】 disability**, sensorimotor **【dysfunction】**
37 disability, psychological and social **【dysfunction】 disability**, the
38 aging process, poverty, or cultural deprivation. Occupational
39 therapy utilizes task oriented activities adapted to prevent or correct
40 physical or emotional **【deficits】 disabilities** as well as to minimize
41 the disabling effects of those **【deficits】 disabilities** on the life of the
42 individual. Occupational therapy services include the use of
43 specific techniques which enhance functional performance and
44 include, but are not limited to, the evaluation and assessment of an
45 individual's self-care, lifestyle performance patterns, work skills,
46 performance related cognitive, sensory, motor, perceptual, affective,
47 interpersonal and social functioning, vocational, and prevocational

1 capacities, the design, fabrication, and application of adaptive
2 equipment or prosthetic or orthotic devices, excluding dental
3 devices, the administration of standardized and nonstandardized
4 assessments, and consultation concerning the adaptation of physical
5 environments for **the handicapped** persons with disabilities.
6 These services are provided to individuals or groups through
7 medical, health, educational and social systems.

8 "Occupational therapy assistant" means a person licensed
9 pursuant to the provisions of this act to assist in the practice of
10 occupational therapy under the supervision of or in collaboration
11 with an occupational therapist on a regularly scheduled basis for the
12 purpose of the planning, review, or evaluation of occupational
13 therapy services.

14 "Purposeful activities" means acts and occupations of
15 craftsmanship and workmanship, as well as creative, educational, or
16 other activities, which in whole or in part are used to correct,
17 compensate for, or prevent dysfunction in the tasks and activities of
18 everyday living, and which simultaneously incorporate personally
19 and culturally relevant biological, psychological, and social
20 elements that produce positive adaptation and motivational
21 behavior.

22 "Supervision" means the responsible and direct involvement of a
23 licensed occupational therapist with an occupational therapy
24 assistant for the development of an occupational therapy treatment
25 plan and the periodic review of the implementation of that plan. The
26 form and extent of the supervision shall be determined by the
27 council.

28 "Task oriented activities" means purposeful activities having an
29 explicit, observable, and measurable short-term goal which
30 contributes to the well-being of self or others.

31 (cf: P.L.1993, c.85, s.3)

32
33 183. Section 7 of P.L.1966, c.282 (C.45:14B-7) is amended to
34 read as follows:

35 The exceptions specified in **section 6(d), (e) and (f)**
36 subsections (d), (e) and (f) of section 6 of P.L.1966, c.282
37 (C.45:14B-6) shall not be available to any person who has been
38 found by a court of this or any **State** other state of the United
39 States to have been guilty of and who fails to present satisfactory
40 evidence of recovery from or correction of gross immorality,
41 **habitual intoxication, drug addiction** alcohol use disorder or
42 substance use disorder involving drugs, criminality involving
43 felonious action or moral turpitude, or dishonorable or
44 unprofessional conduct. An action to determine whether any
45 person asserting an exemption under **section 6(d), (e) or (f)**
46 subsections (d), (e) or (f) of section 6 of P.L.1966, c.282
47 (C.45:14B-6) has committed one or more of the acts listed in this

1 section may be brought by the Attorney General on behalf of the
2 board.

3 (cf: P.L.1966, c.282, s.7)

4

5 184. R.S.48:3-33 is amended to read as follows:

6 48:3-33. Any **【blind】** person who is blind or deaf-blind,
7 accompanied by a dog, known and described as a "seeing-eye dog,"
8 any **【deaf】** person who is deaf or hard of hearing, accompanied by a
9 dog, known and described as a "hearing ear dog," any
10 **【handicapped】** person with a disability, accompanied by a dog,
11 known and described as a "service dog," or any **【blind, handicapped**
12 **or deaf】** person who is blind or deaf-blind, deaf or hard of hearing,
13 or with a disability accompanied by a **【guide or】** service dog
14 trained by a recognized training agency or school, when riding on
15 any bus or other public utility, as defined in R.S. 48:2-13, engaged
16 in transportation of passengers, may keep such animal in his or her
17 immediate custody. The Board of Public Utilities shall prescribe
18 rules and regulations concerning such custody.

19 (cf: P.L.1983, c.485, s.1)

20

21 185. R.S.48:3-34 is amended to read as follows:

22 48:3-34. Any person who is totally blind **【person】** and **【guide】**
23 that person's attendant may be transported by any **【street railway,**
24 **traction railway, autobus company, or railroad company】** form of
25 public transit or transportation at the usual and ordinary fare
26 charged to one person, under such reasonable regulations as may be
27 established by the carrier, anything in this Title to the contrary
28 notwithstanding.

29 (cf: P.L.1962, c.198, s.44)

30

31 186. Section 1 of P.L.1985, c.356 (C.48:5A-11.1) is amended to
32 read as follows:

33 It is declared that many **【elderly and disabled】** persons who are
34 elderly or who have a disability reside in the State whose annual net
35 income from all sources is less than the amount necessary to enable
36 them to maintain decent living conditions and whose income is
37 fixed in whole or in part so as to be not adjusted to increases in the
38 cost of living; that the provision of the service of public utilities,
39 and cable television, at rates reduced or discounted from
40 inflationary levels is a necessity of life for these persons because
41 cable television is a principal source of recreation and entertainment
42 for **【the】** persons who are elderly 【and infirm】 or have an infirmity;
43 that a public exigency exists which makes the provision of reduced
44 or discounted rate services to qualified **【elderly and disabled】**
45 persons who are elderly or who have a disability by cable television
46 companies a public necessity; and that the provision of reduced
47 rates will promote their health and welfare, thereby prolonging their

1 productivity in the interest of the State and nation, and therefore
2 constitutes and is declared to be a public purpose necessary for the
3 preservation of the public convenience.

4 (cf: P.L.1988, c.81, s.1)

5
6 187. Section 1 of P.L.2007, c.146 (C.52:17B-9.8d) is amended
7 to read as follows:

8 1. a. Within 180 days of the effective date of **[this act]**
9 P.L.2007, c.146 (C.52:17B-9.8d), the Missing Persons and Child
10 Exploitation Unit established in the Division of State Police within
11 the Department of Law and Public Safety pursuant to section 2 of
12 P.L.1983, c.467 (C.52:17B-9.7) shall establish minimum uniform
13 guidelines concerning the handling of missing persons cases
14 involving:

15 (1) persons known to **[be suffering from]** have Alzheimer's
16 disease, and

17 (2) juveniles, as defined in section 3 of P.L.1982, c.77
18 (C.2A:4A-22).

19 b. The Missing Persons and Child Exploitation Unit shall
20 consult with Alzheimer's support and child welfare groups in
21 developing these guidelines.

22 c. All State or local law enforcement entities shall adhere to the
23 guidelines established pursuant to this section.

24 (cf: P.L.2007, c.146, s.1)

25
26 188. Section 1 of P.L.2009, c.167 (C.52:17B-194.4) is amended
27 to read as follows:

28 1. a. The Attorney General shall establish a "Silver Alert
29 System" which shall provide a Statewide system for the rapid
30 dissemination of information regarding a missing person who is
31 believed **[to be suffering from]** ¹to¹ have dementia or other
32 cognitive impairment. The program shall be a voluntary,
33 cooperative effort between State and local law enforcement
34 agencies and the media, including but not limited to print, radio,
35 and television media outlets.

36 b. (1) The Attorney General shall notify the media serving the
37 State of New Jersey of the establishment of the Silver Alert System,
38 and invite their voluntary participation.

39 (2) The Attorney General, in consultation with the Division of
40 State Police, shall develop and establish a plan to disseminate Silver
41 Alert information through social media accounts maintained by the
42 Division of State Police. The Silver Alert information required to
43 be disseminated shall include, but not be limited to, a description of
44 the missing person, any known details of the disappearance, and a
45 recognizable photograph of the missing person. The Office of the
46 Governor, the Department of Children and Families, the
47 Department of Health, and the Department of Human Services shall,
48 and any other appropriate State, county, or municipal entity may,

1 disseminate Silver Alert information made available by the Division
2 of State Police on their respective social media accounts.

3 c. The Missing Persons Investigative Best Practices Protocol
4 Unidentified Deceased Persons Investigative Guidelines,
5 promulgated by the Missing Persons and Child Exploitation Unit in
6 the Division of State Police, shall be revised to incorporate
7 procedures for issuing an alert regarding missing persons believed
8 to **【be suffering from】** have dementia or other cognitive
9 impairment. The guidelines and procedures shall ensure that
10 specific health information about the missing person is not made
11 public through the alert or otherwise.

12 (cf: P.L.2016, c.78, s.2)

13
14 189. Section 2 of P.L.2009, c.167 (C.52:17B-194.5) is amended
15 to read as follows:

16 2. A Silver Alert authorized under this section may be activated
17 in accordance with the following requirements, which shall be
18 incorporated into the guidelines required by subsection c. of section
19 1 of P.L.2009, c.167 (C.52:17B-194.4).

20 a. The law enforcement agency receiving the missing persons
21 report shall be the lead law enforcement agency.

22 b. The Missing Persons and Child Exploitation Unit in the
23 Division of State Police, upon request, shall assist the lead law
24 enforcement agency in the investigation of a Silver Alert.

25 c. Each of the following criteria shall be met before a Silver
26 Alert may be issued:

27 (1) the person believed to be missing is believed to **【be**
28 **suffering from】** have dementia or **【other】** another cognitive
29 impairment regardless of age;

30 (2) a missing person's report has been submitted to the local law
31 enforcement agency where the person went missing;

32 (3) the person believed to be missing may be in danger of death
33 or serious bodily injury;

34 (4) there is sufficient information available to indicate that a
35 Silver Alert would assist in locating the missing person; and

36 (5) sufficient information is available to disseminate to the
37 public that could assist in locating the person.

38 (cf: P.L.2009, c.167, s.2)

39
40 190. Section 3 of P.L.1979, c.125 (C.52:27D-43.20) is amended
41 to read as follows:

42 3. The Division on Women in the Department of Children and
43 Families shall identify existing displaced homemaker programs and
44 provide technical assistance and encouragement for the expansion
45 of other multi-purpose programs which provide:

46 a. Job counseling services which are specifically designed for
47 displaced homemakers, and which aid them in acquiring knowledge
48 of their talents and skills in relation to existing jobs, and which

1 counsel displaced homemakers with respect to appropriate job
2 opportunities.

3 b. Job training and job placement services which develop, by
4 working with State and local government agencies and private
5 employers, training and placement programs for jobs in the public
6 and private sectors, which assist participants in gaining admission
7 to existing public and private job training programs and
8 opportunities, and which identify community needs and encourage
9 the creation of new jobs in the public and private sectors.

10 c. Health education and counseling services which cooperate
11 with existing health programs to provide counseling on preventive
12 health care, health care consumer education, family health care and
13 nutrition, **[alcohol and drug addiction]** alcohol use disorder and
14 substance use disorder involving drugs, and overcoming health
15 barriers to employment.

16 d. Financial management services which provide information
17 and assistance with respect to credit, insurance, taxes, estate and
18 probate problems, mortgages, loans, and other related financial
19 matters.

20 e. Educational services, including outreach and information
21 about courses offering credit through secondary or post-secondary
22 education programs, and including bilingual programs where
23 appropriate, as well as information about other programs which are
24 determined to be of interest and benefit to displaced homemakers in
25 developing employable skills.

26 f. Legal counseling and referral services.

27 g. Outreach and information services with respect to **[Federal]**
28 federal and State employment, education, health, public assistance,
29 and unemployment assistance programs.

30 (cf: P.L.2012, c.16, s.152)

31

32 191. Section 5 of P.L.1975, c.217 (C.52:27D-123) is amended to
33 read as follows:

34 5. a. The commissioner shall after public hearing pursuant to
35 section 4 of the "Administrative Procedure Act," P.L.1968, c.410
36 (C.52:14B-4) adopt a State Uniform Construction Code for the
37 purpose of regulating the structural design, construction,
38 maintenance, and use of buildings or structures to be erected and
39 alteration, renovation, rehabilitation, repair, maintenance, removal,
40 or demolition of buildings or structures already erected. Prior to the
41 adoption of said code, the commissioner shall consult with the code
42 advisory board and other departments, divisions, bureaus, boards,
43 councils, or other agencies of State Government heretofore
44 authorized to establish or administer construction regulations.

45 Such prior consultations with departments, divisions, bureaus,
46 boards, councils, or other agencies of State Government shall
47 include but not be limited to consultation with the Commissioner of
48 Health **[and Senior Services]** and the Public Health Council prior to

1 adoption of a plumbing subcode pursuant to paragraph b. of this
2 section. Said code shall include any code, rule, or regulation
3 incorporated therein by reference.

4 b. The code shall be divided into subcodes which may be
5 adopted individually by the commissioner as **the** commissioner
6 may from time to time consider appropriate. These
7 subcodes shall include but not be limited to a building code, a
8 plumbing code, an electrical code, an energy code, a fire prevention
9 code, a manufactured or mobile home code, and a mechanical code.

10 These subcodes, except for the energy subcode, shall be
11 adoptions of the model codes of the Building Officials and Code
12 Administrators International, Inc., the National Electrical Code, and
13 the National Standard Plumbing Code, provided that for good
14 reasons, the commissioner may adopt as a subcode, a model code or
15 standard of some other nationally recognized organization upon a
16 finding that such model code or standard promotes the purposes of
17 **this act** P.L.1975, c.217 (C.52:27D-119 et seq.). The initial
18 adoption of a model code or standard as a subcode shall constitute
19 adoption of subsequent edition year publications of the model code
20 or standard of such other nationally recognized organization, except
21 as provided for in paragraphs (1) through (4) of this subsection.
22 Adoption of publications shall not occur more frequently than once
23 every three years; provided, however, that a revision or amendment
24 may be adopted at any time in the event that the commissioner finds
25 that there exists an imminent peril to the public health, safety, or
26 welfare.

27 The energy subcode shall be based upon the model codes cited
28 under this subsection or the International Energy Conservation
29 Code. It may be amended or supplemented by the commissioner
30 once before 2012 without regard to intervals between the adoption
31 of the energy subcode in effect on the effective date of P.L.2009,
32 c.106 (C.52:27D-122.2 et al.) and subsequent year revisions of that
33 subcode. In amending or supplementing the energy subcode, the
34 commissioner shall rely upon 10-year energy price projections
35 provided by an institution of higher education within one year
36 following the effective date of P.L.2009, c.106 (C.52:27D-122.2 et
37 al.), and thereafter at three-year intervals. In developing the energy
38 price projections, the institution of higher education shall consult
39 with the Board of Public Utilities. The commissioner shall be
40 authorized to amend the energy subcode to establish enhanced
41 energy conservation construction requirements, the added cost of
42 each of which may reasonably be recovered through energy
43 conservation over a period of not more than seven years. Such
44 requirements shall include provisions to ensure that, in all parts of
45 the State the anticipated energy savings shall be similarly
46 proportionate to the additional costs of energy subcode compliance.

47 (1) Except as otherwise provided in this subsection, the edition
48 of a model code or standard in effect as a subcode as of July 1, 1995

1 shall continue in effect regardless of any publication of a
2 subsequent edition of that model code or standard. Prior to
3 establishing the effective date for any subsequent revision or
4 amendment of any model code or standard adopted as a subcode,
5 the commissioner shall review, in consultation with the code
6 advisory board, the text of the revised or amended model code or
7 standard and determine whether the amended or revised provisions
8 of the model code are essential to carry out the intent and purpose
9 of **【this act】** P.L.1975, c.217 (C.52:27D-119 et seq.) as viewed in
10 contrast to the corresponding provisions of the subcode then
11 currently in effect.

12 (2) In the event that the commissioner, pursuant to paragraph (1)
13 of this subsection, determines that any amended or revised
14 provision of a model code is essential to carry out the intent and
15 purpose of this act as viewed in contrast to any corresponding
16 provision of the subcode then currently in effect, the commissioner
17 may then adopt that provision of the amended or revised model
18 code.

19 (3) The commissioner, in consultation with the code advisory
20 board, shall have the authority to review any model code or
21 standard currently in effect as a subcode of the State Uniform
22 Construction Code and compare it with previously adopted editions
23 of the same model code or standard in order to determine if the
24 subcode currently in effect is at least as consistent with the intent
25 and purpose of this act as were previously adopted editions of the
26 same model code or standard.

27 (4) In the event that the commissioner, after consultation with
28 the code advisory board, determines pursuant to this subsection that
29 a provision of a model code or standard currently in effect as a
30 subcode of the State Uniform Construction Code is less consistent
31 with the intent and purpose of **【this act】** P.L.1975, c.217
32 (C.52:27D-119 et seq.) than was the corresponding provision of a
33 previously adopted edition of the same model code or standard, the
34 commissioner may delete the provision in effect and substitute in its
35 place the corresponding provision of the previously adopted edition
36 of the same model code or standard determined to be more
37 consistent with the intent and purpose of **【this act】** P.L.1975, c.217
38 (C.52:27D-119 et seq.).

39 (5) The commissioner shall be authorized to adopt a barrier free
40 subcode or to supplement or revise any model code adopted
41 hereunder, for the purpose of insuring that adequate and sufficient
42 features are available in buildings or structures so as to make them
43 accessible to and usable by **【the physically handicapped】** persons
44 with 'physical' disabilities. Multi-family residential buildings with
45 four or more dwelling units in a single structure shall be constructed
46 in accordance with the barrier free subcode; for the purposes of this
47 subsection the term "multi-family residential buildings with four or
48 more dwelling units in a single structure" shall not include

1 buildings constructed as townhouses, which are single dwelling
2 units with two or more stories of living space, exclusive of
3 basement or attic, with most or all of the sleeping areas on one story
4 and with most of the remaining habitable space, such as kitchen,
5 living, and dining areas, on another story, and with an independent
6 entrance at or near grade level.

7 c. Any municipality through its construction official, and any
8 State agency or political subdivision of the State, may submit an
9 application recommending to the commissioner that a State
10 sponsored code change proposal be adopted. Such application shall
11 contain such technical justification and shall be submitted in
12 accordance with such rules of procedure as the commissioner may
13 deem appropriate, except that whenever the State Board of
14 Education shall determine that enhancements to the code are
15 essential to the maintenance of a thorough and efficient system of
16 education, the enhancements shall be made part of the code;
17 provided that the amendments do not result in standards that fall
18 below the adopted subcodes. The Commissioner of [the
19 Department of] Education shall consult with the Commissioner of
20 [the Department of] Community Affairs prior to publishing the
21 intent of the State Board to adopt any amendments to the Uniform
22 Construction Code. Upon adoption of any amendments by the State
23 Board of Education they shall be transmitted forthwith to the
24 Commissioner of [the Department of] Community Affairs who
25 shall publish and incorporate the amendments as part of the
26 Uniform Construction Code and the amendments shall be
27 enforceable as if they had been adopted by the commissioner.

28 At least 45 days prior to the final date for the submission of
29 amendments or code change proposals to the National Model Code
30 Adoption Agency, the code of which has been adopted as a subcode
31 under [this act] P.L.1975, c.217 (C.52:27D-119 et seq.), the
32 commissioner shall hold a public hearing in accordance with the
33 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
34 seq.), at which testimony on any application recommending a State
35 sponsored code change proposal will be heard.

36 The commissioner shall maintain a file of such applications,
37 which shall be made available to the public upon request and upon
38 payment of a fee to cover the cost of copying and mailing.

39 After public hearing, the code advisory board shall review any
40 such applications and testimony and shall within 20 days of such
41 hearing present its own recommendations to the commissioner.

42 The commissioner may adopt, reject, or return such
43 recommendations to the code advisory board for further
44 deliberation. If adopted, any such proposal shall be presented to the
45 subsequent meeting of the National Model Code Agency by the
46 commissioner or by persons designated by the commissioner as a
47 State sponsored code change proposal. Nothing herein, however,
48 shall limit the right of any municipality, the department, or any

1 other person from presenting amendments to the National Model
2 Code Agency on its own initiative.

3 The commissioner may adopt further rules and regulations
4 pursuant to this subsection and may modify the procedures herein
5 described when a model code change hearing has been scheduled so
6 as not to permit adequate time to meet such procedures.

7 d. (Deleted by amendment, P.L.1983, c.496.)
8 (cf: P.L.2009, c.106, s.2)
9

10 192. Section 7 of P.L.1975, c.217 (C.52:27D-125) is amended to
11 read as follows:

12 7. a. To assist and advise the commissioner in the
13 administration of **[this act]** P.L.1975, c.217 (C.52:27D-119 et seq.)
14 there is hereby created in the Department of Community Affairs a
15 code advisory board to consist of 15 citizens to be appointed by the
16 commissioner for a term of 4 years. The board shall consist of: one
17 architect registered in the State of New Jersey; two professional
18 engineers licensed by the State of New Jersey, one of whom shall
19 be a mechanical engineer and one of whom shall be a structural
20 engineer; one municipal building official; one member of the
21 building industry in the State **[of New Jersey]**; one public health
22 official in the State **[of New Jersey]**; one licensed plumbing
23 inspector in the State **[of New Jersey]**; one licensed electrical
24 inspector in the State **[of New Jersey]**; one fire prevention
25 inspector in the State **[of New Jersey]**; and six members of the
26 public, two of whom shall be experienced in representing
27 consumers and one of whom shall be a representative of **[the**
28 **handicapped]** persons with disabilities who shall serve as
29 **[chairman]** chair of the subcode committee on **[the handicapped]**
30 persons with disabilities. The initial appointment of the
31 representative of **[the handicapped]** persons with disabilities shall
32 be used to fill the first vacancy among the public members of the
33 code advisory board occurring on or after the effective date of **[this**
34 **amendatory and supplementary act]** P.L.1981, c.35. Of the 13
35 members first appointed the commissioner shall designate the
36 appointees' terms so that three shall be appointed for terms of 1
37 year, three for terms of **[2]** two years, three for terms of **[3]** three
38 years and four for terms of **[4]** four years, and that the two
39 additional members first appointed by the commissioner pursuant to
40 **[this amendatory act]** P.L.1976, c.117 shall be appointed for **[2]**
41 two years and **[3]** three years respectively with such terms to be
42 computed from February 4, 1976. Thereafter, members of the code
43 advisory board shall be appointed for terms of **[4]** four years.

44 b. Code advisory board members shall serve without
45 compensation but shall be entitled to reimbursement for expenses
46 incurred in performance of their duties. Vacancies on the advisory

1 board shall be filled for the unexpired term. Members may be
2 removed by the commissioner for cause.

3 c. The code advisory board shall appoint a committee for each
4 subcode and, should a subcode therefor not be adopted, for
5 supplements to or revisions of the barrier free design provisions of
6 any model code adopted pursuant to section 5 of **[this act]**
7 P.L.1975, c.217 (C.52:27D-119 et seq.). Each such committee shall
8 consist of one member of the code advisory board, who shall be
9 **[chairman]** chair, and at least four citizens who are experienced
10 and knowledgeable in matters related to the particular subcode.
11 Each committee shall advise and assist the code advisory board in
12 the performance of its responsibilities under **[this act]** P.L.1975,
13 c.217 (C.52:27D-119 et seq.) for the subcode in question.
14 Committee members shall serve without compensation and at the
15 pleasure of the code advisory board.

16 (cf: P.L.1981, c.35, s.7)

17
18 193. Section 1 of P.L.1989, c.223 (C.52:27D-126e) is amended
19 to read as follows:

20 1. a. Notwithstanding the provisions of the "State Uniform
21 Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), or
22 any rules, regulations, or standards adopted pursuant thereto~~[,]~~, to
23 the contrary, the governing body of any municipality which has
24 appointed an enforcing agency pursuant to the provisions of section
25 8 of P.L.1975, c.217 (C.52:27D-126) may, by ordinance, provide
26 that no person shall be charged a construction permit surcharge fee
27 or enforcing agency fee for any construction, reconstruction,
28 alteration or improvement designed and undertaken solely to
29 promote accessibility by **[disabled]** persons with disabilities to an
30 existing public or private structure or any of the facilities contained
31 therein.

32 The ordinance may further provide that a **[disabled]** person with
33 a disability, or a parent or sibling of a **[disabled]** person with a
34 disability, shall not be required to pay any municipal fee or charge
35 in order to secure a construction permit for any construction,
36 reconstruction, alteration or improvement which promotes
37 accessibility to **[his]** the person's own living unit.

38 For the purposes of this subsection, "**[disabled]** person with a
39 disability" means a person who has the total and permanent inability
40 to engage in any substantial gainful activity by reason of any
41 medically determinable physical ¹[, sensory.]¹ or mental
42 **[impairment]** disability, including blindness, and shall include, but
43 not be limited to, any resident of this State who **[is disabled]** has a
44 disability as defined pursuant to the federal Social Security Act (42
45 U.S.C.416), or the federal Railroad Retirement Act of 1974 (45
46 U.S.C.231 et seq.), or is rated as having a **[60%]** 60 percent
47 disability or higher pursuant to any federal law administered by the

1 United States Veterans' **【Act】** Administration. For purposes of this
2 paragraph "blindness" means central visual acuity of 20/200 or less
3 in the better eye with the use of a correcting lens. An eye which is
4 accompanied by a limitation in the fields of vision such that the
5 widest diameter of the visual field subtends an angle no greater than
6 20 degrees shall be considered as having a central visual acuity of
7 20/200 or less.

8 b. (1) Notwithstanding the provisions of the "State Uniform
9 Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) or
10 any rules, regulations or standards adopted pursuant thereto to the
11 contrary, the governing body of any municipality which has
12 appointed an enforcing agency pursuant to the provisions of section
13 8 of P.L.1975, c.217 (C.52:27D-126) shall not charge a person who
14 has a service-connected disability declared by the United States
15 Department of Veterans Affairs, or its successor, to be a total or
16 **【100%】** 100 percent permanent disability that would entitle them to
17 a property tax exemption under section 1 of P.L.1948, c.259
18 (C.54:4-3.30) or a spouse, parent, sibling, or guardian of the
19 **【disabled】** veteran with a disability, a construction permit
20 surcharge fee or enforcing agency fee for any construction,
21 reconstruction, alteration, or improvement designed and undertaken
22 solely to promote accessibility by the **【disabled】** veteran with a
23 disability to **【his】** the veteran's own living unit.

24 (2) A municipality that has granted an exemption from a
25 construction permit surcharge fee or enforcing agency fee pursuant
26 to paragraph (1) of this subsection may apply to the Department of
27 Community Affairs, in accordance with rules and regulations
28 promulgated by the Commissioner of Community Affairs for this
29 purpose, for reimbursement of those exempt fees.

30 (cf: P.L.2015, c.273, s.1)

31
32 194. Section 2 of P.L.1977, c.379 (C.52:27D-171) is amended to
33 read as follows:

34 2. It is hereby declared to be public policy of the State of New
35 Jersey to encourage and support as hereinafter provided the
36 promotion, planning, development, implementation, and
37 maintenance of comprehensive recreation services, by
38 municipalities, counties and nonprofit agencies for **【handicapped】**
39 persons with disabilities.

40 (cf: P.L.1977, c.379, s.2)

41
42 195. Section 3 of P.L.1977, c.379 (C.52:27D-172) is amended to
43 read as follows:

44 3. For the purposes of this act, P.L.1977, c.379 (C.52:27D-170
45 et seq.):

46 a. "Commissioner" means the Commissioner of Community
47 Affairs.

1 b. "**【Handicapped persons】** Persons with disabilities" means
2 persons who have intellectual disabilities or who **【are visually**
3 **handicapped】** have a visual impairment, **【auditorily handicapped】**
4 an auditory impairment, **【communication handicapped】** a
5 communication impairment, **【neurologically or perceptually**
6 **impaired】** a neurological or perceptual impairment, **【orthopedically**
7 **handicapped】** an orthopedic impairment, **【chronically ill】** a chronic
8 illness, **【emotionally disturbed】** an emotional disturbance, **【socially**
9 **maladjusted】** a social impairment, **【multiply handicapped】** multiple
10 disabilities, or **【have】** a developmental disability.
11 (cf: P.L.2010, c.50, s.77)

12
13 196. Section 4 of P.L.1977, c.379 (C.52:27D-173) is amended to
14 read as follows:

15 4. The commissioner shall, after consultation with experts in the
16 area of recreation, develop a comprehensive program for furnishing
17 recreation for **【handicapped】** persons with disabilities, and shall
18 promulgate rules and regulations for the administration of this
19 program pursuant to the Administrative Procedure Act, P.L.1968, c.
20 410 (C.52:14B-1 et seq.).
21 (cf: P.L.1977, c.379, s.4)

22
23 197. Section 5 of P.L.1977, c.379 (C.52:27D-174) is amended to
24 read as follows:

25 5. a. Any municipality or county planning to provide or to
26 contract with private nonprofit agencies for the provision of
27 recreation services for **【handicapped】** persons with disabilities
28 under **【this act】** P.L.1977, c.379 (C.52:27D-170 et seq.), shall apply
29 to the commissioner for approval. Such application shall be in
30 accordance with rules and regulations promulgated by the
31 commissioner herewith.

32 b. Upon approval of said application by the commissioner, there
33 shall be apportioned and paid annually to each municipality or
34 county a sum not to exceed \$5.00 for each \$1.00 appropriated by
35 said municipality or county for implementation of the provisions of
36 **【this act】** P.L.1977, c.379 (C.52:27D-170 et seq.).
37 (cf: P.L.1977, c.379, s.5)

38
39 198. Section 6 of P.L.1977, c.379 (C.52:27D-175) is amended to
40 read as follows:

41 6. a. The commissioner shall prepare a list of special events
42 deemed appropriate for participation by **【handicapped】** persons
43 with disabilities, such as the Special Olympics and the Tournament
44 of Champions, and shall make this list available to municipalities
45 and counties. Municipalities or counties wishing to operate or
46 participate in a special event listed by the commissioner shall apply
47 to the commissioner for funds for such special events. Such

1 application shall be in accordance with rules and regulations
2 promulgated by the commissioner herewith.

3 b. Upon the approval of such application for special events,
4 there may be apportioned and paid to municipalities and counties
5 sums sufficient to provide training, transportation, and supervision
6 for **【handicapped】** persons with disabilities participating in special
7 recreation events. In no case shall the annual amount appropriated
8 to any one approved municipality exceed **【\$1,000.00】** \$1,000 or to
9 any one approved county exceed **【\$2,500.00】** \$2,500.

10 c. No more than a total of **【\$25,000.00】** \$25,000 of the funds
11 appropriated for **【this act】** P.L.1977, c.379 (C.52:27D-170 et seq.)
12 shall be apportioned to support such special recreational events in
13 any one year.

14 (cf: P.L.1977, c.379, s.6)

15

16 199. Section 4 of P.L.1985, c.222 (C.52:27D-304) is amended
17 to read as follows:

18 4. As used in **1【this act,】1** P.L.1985, c.222 (C.52:27D-301 et
19 al.):

20 a. "Council" means the Council on Affordable Housing
21 established in **【this act】** P.L.1985, c.222 (C.52:27D-301 et al.),
22 which shall have primary jurisdiction for the administration of
23 housing obligations in accordance with sound regional planning
24 considerations in this State.

25 b. "Housing region" means a geographic area of not less than
26 two nor more than four contiguous, whole counties which exhibit
27 significant social, economic and income similarities, and which
28 constitute to the greatest extent practicable the primary metropolitan
29 statistical areas as last defined by the United States Census Bureau
30 prior to the effective date of P.L.1985, c.222 (C.52:27D-301 et al.).

31 c. "Low income housing" means housing affordable according
32 to federal Department of Housing and Urban Development or other
33 recognized standards for home ownership and rental costs and
34 occupied or reserved for occupancy by households with a gross
35 household income equal to **【50%】** 50 percent or less of the median
36 gross household income for households of the same size within the
37 housing region in which the housing is located.

38 d. "Moderate income housing" means housing affordable
39 according to federal Department of Housing and Urban
40 Development or other recognized standards for home ownership
41 and rental costs and occupied or reserved for occupancy by
42 households with a gross household income equal to more than 50%
43 but less than **【80%】** 80 percent of the median gross household
44 income for households of the same size within the housing region in
45 which the housing is located.

46 e. "Resolution of participation" means a resolution adopted by
47 a municipality in which the municipality chooses to prepare a fair

- 1 share plan and housing element in accordance with **[this act]**
2 P.L.1985, c.222 (C.52:27D-301 et al.).
- 3 f. "Inclusionary development" means a residential housing
4 development in which a substantial percentage of the housing units
5 are provided for a reasonable income range of low and moderate
6 income households.
- 7 g. "Conversion" means the conversion of existing commercial,
8 industrial, or residential structures for low and moderate income
9 housing purposes where a substantial percentage of the housing
10 units are provided for a reasonable income range of low and
11 moderate income households.
- 12 h. "Development" means any development for which
13 permission may be required pursuant to the "Municipal Land Use
14 Law," P.L.1975, c.291 (C.40:55D-1 et seq.).
- 15 i. "Agency" means the New Jersey Housing and Mortgage
16 Finance Agency established by P.L.1983, c.530 (C.55:14K-1 et
17 seq.).
- 18 j. "Prospective need" means a projection of housing needs
19 based on development and growth which is reasonably likely to
20 occur in a region or a municipality, as the case may be, as a result
21 of actual determination of public and private entities. In
22 determining prospective need, consideration shall be given to
23 approvals of development applications, real property transfers, and
24 economic projections prepared by the State Planning Commission
25 established by sections 1 through 12 of P.L.1985, c.398 (C.52:18A-
26 196 et seq.).
- 27 k. **"[Disabled person] Person with a disability"** means a person
28 with a physical **'[or sensory]'** disability, infirmity, malformation,
29 or disfigurement which is caused by bodily injury, birth defect,
30 aging, or illness including epilepsy and other seizure disorders, and
31 which shall include, but not be limited to, any degree of paralysis,
32 amputation, lack of physical coordination, blindness or visual
33 **[impediment] impairment**, deafness or hearing **[impediment]**
34 **impairment**, **[muteness] the inability to speak** or a speech
35 **[impediment] impairment**, or physical reliance on a service **[or**
36 **guide dog] animal**, wheelchair, or other remedial appliance or
37 device.
- 38 l. "Adaptable" means constructed in compliance with the
39 technical design standards of the barrier free subcode adopted by
40 the Commissioner of Community Affairs pursuant to the "State
41 Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119
42 et seq.) and in accordance with the provisions of section 5 of
43 P.L.2005, c.350 (C.52:27D-123.15).
- 44 m. "Very low income housing" means housing affordable
45 according to federal Department of Housing and Urban
46 Development or other recognized standards for home ownership
47 and rental costs and occupied or reserved for occupancy by
48 households with a gross household income equal to **[30%] 30**

1 percent or less of the median gross household income for
2 households of the same size within the housing region in which the
3 housing is located.

4 (cf: P.L.2008, c.46, s.5)

5
6 200. Section 20 of P.L.1985, c.222 (C.52:27D-320) is amended
7 to read as follows:

8 20. There is established in the Department of Community
9 Affairs a separate trust fund, to be used for the exclusive purposes
10 as provided in this section, and which shall be known as the "New
11 Jersey Affordable Housing Trust Fund." The fund shall be a non-
12 lapsing, revolving trust fund, and all monies deposited or received
13 for purposes of the fund shall be accounted for separately, by source
14 and amount, and remain in the fund until appropriated for such
15 purposes. The fund shall be the repository of all State funds
16 appropriated for affordable housing purposes, including, but not
17 limited to, the proceeds from the receipts of the additional fee
18 collected pursuant to paragraph (2) of subsection a. of section 3 of
19 P.L.1968, c.49 (C.46:15-7), proceeds from available receipts of the
20 Statewide non-residential development fees collected pursuant to
21 section 35 of P.L.2008, c.46 (C.40:55D-8.4), monies lapsing or
22 reverting from municipal development trust funds, or other monies
23 as may be dedicated, earmarked, or appropriated by the Legislature
24 for the purposes of the fund. All references in any law, order, rule,
25 regulation, contract, loan, document, or otherwise, to the
26 "Neighborhood Preservation Nonlapsing Revolving Fund" shall
27 mean the "New Jersey Affordable Housing Trust Fund." The
28 department shall be permitted to utilize annually up to 7.5 percent
29 of the monies available in the fund for the payment of any
30 necessary administrative costs related to the administration of the
31 "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), or any
32 costs related to administration of P.L.2008, c.46 (C.52:27D-329.1 et
33 al.).

34 a. Except as permitted pursuant to subsection g. of this section,
35 and by section 41 of P.L.2009, c.90 (C.52:27D-320.1), the
36 commissioner shall award grants or loans from this fund for
37 housing projects and programs in municipalities whose housing
38 elements have received substantive certification from the council, in
39 municipalities receiving State aid pursuant to P.L.1978, c.14
40 (C.52:27D-178 et seq.), in municipalities subject to a builder's
41 remedy as defined in section 28 of P.L.1985, c.222 (C.52:27D-328),
42 or in receiving municipalities in cases where the council has
43 approved a regional contribution agreement and a project plan
44 developed by the receiving municipality.

45 Of those monies deposited into the "New Jersey Affordable
46 Housing Trust Fund" that are derived from municipal development
47 fee trust funds, or from available collections of Statewide non-
48 residential development fees, a priority for funding shall be

1 established for projects in municipalities that have petitioned the
2 council for substantive certification.

3 Programs and projects in any municipality shall be funded only
4 after receipt by the commissioner of a written statement in support
5 of the program or project from the municipal governing body.

6 b. The commissioner shall establish rules and regulations
7 governing the qualifications of applicants, the application
8 procedures, and the criteria for awarding grants and loans and the
9 standards for establishing the amount, terms, and conditions of each
10 grant or loan.

11 c. For any period which the council may approve, the
12 commissioner may assist affordable housing programs which are
13 not located in municipalities whose housing elements have been
14 granted substantive certification or which are not in furtherance of a
15 regional contribution agreement; provided that the affordable
16 housing program will meet all or part of a municipal low and
17 moderate income housing obligation.

18 d. Amounts deposited in the "New Jersey Affordable Housing
19 Trust Fund" shall be targeted to regions based on the region's
20 percentage of the State's low and moderate income housing need as
21 determined by the council. Amounts in the fund shall be applied for
22 the following purposes in designated neighborhoods:

23 (1) Rehabilitation of substandard housing units occupied or to
24 be occupied by low and moderate income households;

25 (2) Creation of accessory apartments to be occupied by low and
26 moderate income households;

27 (3) Conversion of non-residential space to residential purposes;
28 provided a substantial percentage of the resulting housing units are
29 to be occupied by low and moderate income households;

30 (4) Acquisition of real property, demolition and removal of
31 buildings, or construction of new housing that will be occupied by
32 low and moderate income households, or any combination thereof;

33 (5) Grants of assistance to eligible municipalities for costs of
34 necessary studies, surveys, plans, and permits; engineering,
35 architectural, and other technical services; costs of land acquisition
36 and any buildings thereon; and costs of site preparation, demolition,
37 and infrastructure development for projects undertaken pursuant to
38 an approved regional contribution agreement;

39 (6) Assistance to a local housing authority, nonprofit or limited
40 dividend housing corporation, or association or a qualified entity
41 acting as a receiver under P.L.2003, c.295 (C.2A:42-114 et al.) for
42 rehabilitation or restoration of housing units which it administers
43 which: (a) are unusable or in a serious state of disrepair; (b) can be
44 restored in an economically feasible and sound manner; and (c) can
45 be retained in a safe, decent, and sanitary manner, upon completion
46 of rehabilitation or restoration; and

47 (7) Other housing programs for low and moderate income
48 housing, including, without limitation, (a) infrastructure projects

1 directly facilitating the construction of low and moderate income
2 housing not to exceed a reasonable percentage of the construction
3 costs of the low and moderate income housing to be provided and
4 (b) alteration of dwelling units occupied or to be occupied by
5 households of low or moderate income and the common areas of the
6 premises in which they are located in order to make them accessible
7 to **【handicapped】** persons with disabilities.

8 e. Any grant or loan agreement entered into pursuant to this
9 section shall incorporate contractual guarantees and procedures by
10 which the division will ensure that any unit of housing provided for
11 low and moderate income households shall continue to be occupied
12 by low and moderate income households for at least 20 years
13 following the award of the loan or grant, except that the division
14 may approve a guarantee for a period of less than 20 years where
15 necessary to ensure project feasibility.

16 f. Notwithstanding the provisions of any other law, rule, or
17 regulation to the contrary, in making grants or loans under this
18 section, the department shall not require that tenants be certified as
19 low or moderate income or that contractual guarantees or deed
20 restrictions be in place to ensure continued low and moderate
21 income occupancy as a condition of providing housing assistance
22 from any program administered by the department, when that
23 assistance is provided for a project of moderate rehabilitation if the
24 project: (1) contains 30 or fewer rental units; and (2) is located in a
25 census tract in which the median household income is 60 percent or
26 less of the median income for the housing region in which the
27 census tract is located, as determined for a three person household
28 by the council in accordance with the latest federal decennial
29 census. A list of eligible census tracts shall be maintained by the
30 department and shall be adjusted upon publication of median
31 income figures by census tract after each federal decennial census.

32 g. In addition to other grants or loans awarded pursuant to this
33 section, and without regard to any limitations on such grants or
34 loans for any other purposes herein imposed, the commissioner
35 shall annually allocate such amounts as may be necessary in the
36 commissioner's discretion, and in accordance with section 3 of
37 P.L.2004, c.140 (C.52:27D-287.3), to fund rental assistance grants
38 under the program created pursuant to P.L.2004, c.140 (C.52:27D-
39 287.1 et al.). Such rental assistance grants shall be deemed
40 necessary and authorized pursuant to P.L.1985, c.222 (C.52:27D-
41 301 et al.), in order to meet the housing needs of certain low income
42 households who may not be eligible to occupy other housing
43 produced pursuant to P.L.1985, c.222 (C.52:27D-301 et al.).

44 h. The department and the State Treasurer shall submit the
45 "New Jersey Affordable Housing Trust Fund" for an audit annually
46 by the State Auditor or State Comptroller, at the discretion of the
47 Treasurer. In addition, the department shall prepare an annual
48 report for each fiscal year, and submit it by November 30th of each

1 year to the Governor and the Legislature, and the Joint Committee
2 on Housing Affordability, or its successor, and post the information
3 to its web site, of all activity of the fund, including details of the
4 grants and loans by number of units, number and income ranges of
5 recipients of grants or loans, location of the housing renovated or
6 constructed using monies from the fund, the number of units upon
7 which affordability controls were placed, and the length of those
8 controls. The report also shall include details pertaining to those
9 monies allocated from the fund for use by the State rental assistance
10 program pursuant to section 3 of P.L.2004, c.140 (C.52:27D-287.3)
11 and subsection g. of this section.

12 i. The commissioner may award or grant the amount of any
13 appropriation deposited in the "New Jersey Affordable Housing
14 Trust Fund" pursuant to section 41 of P.L.2009, c.90 (C.52:27D-
15 320.1) to municipalities pursuant to the provisions of section 39 of
16 P.L.2009, c.90 (C.40:55D-8.8).

17 (cf: P.L.2013, c.253, s.49)

18

19 ¹201. Section 2 of P.L.1977, c.239 (C.52:27G-2) is amended to
20 read as follows:

21 2. As used in this act, unless the context clearly indicates
22 otherwise:

23 a. "Abuse" means the willful infliction of physical pain, injury,
24 or mental anguish; unreasonable confinement; or the willful
25 deprivation of services which are necessary to maintain a person's
26 physical and mental health. However, no person shall be deemed to
27 be abused for the sole reason he is being furnished nonmedical
28 remedial treatment by spiritual means through prayer alone, in
29 accordance with a recognized religious method of healing, in lieu of
30 medical treatment;

31 b. An "act" of any facility or government agency shall be
32 deemed to include any failure or refusal to act by such facility or
33 government agency;

34 c. "Administrator" means any person who is charged with the
35 general administration or supervision of a facility, whether or not
36 such person has an ownership interest in such facility, and whether
37 or not such person's functions and duties are shared with one or
38 more other persons;

39 d. "Caretaker" means a person employed by a facility to
40 provide care or services to an elderly person, and includes, but is
41 not limited to, the administrator of a facility;

42 e. "Exploitation" means the act or process of using a person or
43 his resources for another person's profit or advantage without legal
44 entitlement to do so;

45 f. "Facility" means any facility or institution, whether public or
46 private, offering health or health related services for the
47 institutionalized elderly, and which is subject to regulation,
48 visitation, inspection, or supervision by any government agency.

1 Facilities include, but are not limited to, nursing homes, skilled
 2 nursing homes, intermediate care facilities, extended care facilities,
 3 convalescent homes, rehabilitation centers, residential health care
 4 facilities, dementia care homes, special hospitals, veterans'
 5 hospitals, chronic disease hospitals, psychiatric hospitals, mental
 6 hospitals, developmental centers or facilities, continuing care
 7 retirement communities, including independent living sections
 8 thereof, day care facilities for the elderly and medical day care
 9 centers;

10 g. "Government agency" means any department, division,
 11 office, bureau, board, commission, authority, or any other agency or
 12 instrumentality created by the State or to which the State is a party,
 13 or by any county or municipality, which is responsible for the
 14 regulation, visitation, inspection, or supervision of facilities, or
 15 which provides services to patients, residents, or clients of
 16 facilities;

17 h. "Guardian" means any person with the legal right to manage
 18 the financial affairs and protect the rights of any patient, resident, or
 19 client of a facility, who has been declared an incapacitated person
 20 by a court of competent jurisdiction;

21 i. **["Institutionalized elderly,"]** "Long-term care resident,"
 22 "elderly" or "elderly person" means any person 60 years of age or
 23 older, who is a patient, resident, or client of any facility;

24 j. "Office" means the Office of the **【Ombudsman for the**
 25 **Institutionalized Elderly】** State Long-Term Care Ombudsman
 26 established herein;

27 k. "State Long-Term Care Ombudsman" means the
 28 administrator and chief executive officer of the **【Ombudsman for**
 29 **the Institutionalized Elderly】** Office of the State Long-Term Care
 30 Ombudsman;

31 l. "Patient, resident or client" means any elderly person who is
 32 receiving treatment or care in any facility in all its aspects,
 33 including, but not limited to, admission, retention, confinement,
 34 commitment, period of residence, transfer, discharge, and any
 35 instances directly related to such status.

36 (cf: P.L.2015, c.125, s.11)¹

37

38 ¹202. Section 3 of P.L.1977, c.239 (C.52:27G-3) is amended to
 39 read as follows:

40 3. There is established the **【Ombudsperson for the**
 41 **Institutionalized Elderly】** State Long-Term Care Ombudsman. For
 42 the purposes of complying with the provisions of Article V, Section
 43 IV, paragraph 1 of the New Jersey Constitution, the Office of the
 44 **【Ombudsperson for the Institutionalized Elderly】** State Long-Term
 45 Care Ombudsman is hereby allocated to the Department of the
 46 Treasury, but, notwithstanding this allocation, the ombudsperson

1 shall be independent of any supervision or control by the
2 department or by any board or officer thereof.

3 As of the effective date of P.L. c. (C.), (pending before the
4 Legislature as this bill) the Office of the Ombudsman for the
5 Institutionalized Elderly, or the ombudsman thereof, shall be named
6 the Office of the State Long-Term Care Ombudsman or the
7 ombudsman thereof. All references in any law, order, rule,
8 regulation, contract, document, judicial, or administrative
9 proceeding, or otherwise, to the Office of the Ombudsman for the
10 Institutionalized Elderly, or the ombudsman thereof, shall mean the
11 Office of the State Long-Term Care Ombudsman or the ombudsman
12 thereof.

13 (cf: P.L.2010, c.34, s.41)¹

14
15 ¹203. Section 26 of P.L.1991, c.201 (C.52:27G-5.1) is amended
16 to read as follows:

17 26. The Office of the **【Ombudsman for the Institutionalized**
18 **Elderly】** State Long-Term Care Ombudsman shall conform and
19 implement procedures necessary to comply with the requirements of
20 P.L.1991, c.201 (C.26:2H-53 et al.), and shall make a written
21 statement of its obligations under that act available to the public.

22 (cf: P.L.1991, c.201, s.26)¹

23
24 ¹204. Section 6 of P. L.1977, c.239 (C.52:27G-6) is amended to
25 read as follows:

26 6. The Office of the **【Ombudsman for the Institutionalized**
27 **Elderly】** State Long-Term Care Ombudsman shall have as its basic
28 objective that of promoting, advocating and insuring, as a whole
29 and in particular cases, the adequacy of the care received, and the
30 quality of life experienced, by elderly patients, residents and clients
31 of facilities within this State. In determining what elements are
32 essential to adequate care and quality of life, the ombudsman shall
33 consider the unique medical, social and economic needs and
34 problems of the elderly as patients, residents and clients of facilities
35 and as citizens and community members.

36 (cf:P.L.1977, c.239, s.6)¹

37
38 ¹**【201.】 205.**¹ Section 1 of P.L.1971, c.269 (C.52:32-4) is
39 amended to read as follows:

40 1. Except as otherwise provided by law, all plans and
41 specifications for the construction or remodeling of any public
42 building in the State shall provide facilities for **【the physically**
43 **handicapped】** persons with physical disabilities.

44 (cf: P.L.1975, c.220, s.1)

45
46 ¹**【202.】 206.**¹ Section 2 of P.L.1971, c.269 (C.52:32-5) is
47 amended to read as follows:

1 2. The Department of Community Affairs shall promulgate
2 regulations which shall prescribe the kinds, types, and quality of
3 facilities in public buildings as defined in section 3 of P.L.1975,
4 c.220 (C.52:32-6) required to provide access for **the physically**
5 **handicapped** persons with physical disabilities. The regulations
6 shall differentiate between small public buildings, defined as those
7 with a total gross enclosed floor area of less than 10,000 square
8 feet, and large public buildings, defined as those with a total gross
9 enclosed floor area of 10,000 square feet or more. Small public
10 buildings shall be required to have accessible entrances servicing
11 the first or ground floor areas and facilities for **the physically**
12 **handicapped** persons with physical disabilities on all accessible
13 floors, however, the provisions for small public buildings shall not
14 apply to the conversion of a small public building to another use or
15 to renovations or modifications of a small public building if there is
16 insufficient space between the building and its lot lines or between
17 the building and the public way to allow for the installation of an
18 entrance ramp which meets the criteria of the "State Uniform
19 Construction Code" adopted pursuant to the "State Uniform
20 Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.).
21 Large public buildings shall be required to have accessible
22 entrances, facilities for **the physically handicapped** persons with
23 physical disabilities on all accessible floors, and elevators or other
24 means of access for **the physically handicapped** persons with
25 physical disabilities between floors, except floors which contain
26 only mechanical equipment or floors which contain less than 3,000
27 square feet of total floor area.

28 (cf: P.L.2003, c.72, s.3)

29
30 ¹**[203.] 207.**¹ Section 3 of P.L.1975, c.220 (C.52:32-6) is
31 amended to read as follows:

32 3. As used in this act, P.L.1975, c.220 (C.52:32-4 et seq.):

33 a. "Public building" means any building, structure, facility or
34 complex used by the general public, including, but not limited to,
35 theaters, concert halls, auditoriums, museums, schools, libraries,
36 recreation facilities, public transportation terminals and stations,
37 factories, office buildings, business establishments, passenger
38 vehicle service stations, shopping centers, hotels or motels, and
39 public eating places, constructed by any State, county, or municipal
40 government agency or instrumentality or any private individual,
41 partnership, association, or corporation, with the following
42 exceptions: warehouse storage areas and all buildings classified as
43 hazardous occupancies. As used herein, "hazardous occupancy"
44 means the occupancy or use of a building or structure or any portion
45 thereof that involves highly combustible, highly flammable, or
46 explosive material, or which has inherent characteristics that
47 constitute a special fire hazard. As used in **this act** P.L.1975,
48 c.220 (C.52:32-4 et seq.), the term shall not include residential

1 buildings, but shall include hotels and motels. Any **【handicapped】**
2 facility requirements for residential buildings concerning persons
3 with physical disabilities shall be governed by the barrier free
4 subcode promulgated pursuant to section 5 of P.L.1975, c.217
5 (C.52:27D-123).

6 b. "Physical **【handicap】** disability" means a physical
7 impairment for which **【confines】** a person **【to】** uses a wheelchair;
8 or which causes a person to walk with difficulty or **【insecurity】**
9 walk insecurely; affects the sight or hearing of a person to the
10 extent that a person functioning in public areas is insecure or
11 exposed to danger; causes a person to have faulty coordination; or
12 reduces mobility, flexibility, coordination, and perceptiveness of a
13 person to the extent that facilities are needed to provide for the
14 safety of that person.

15 c. "Remodel" means, with respect to an existing public
16 building as defined in **【this act】** P.L.1975, c.220 (C.52:32-4 et
17 seq.), to construct an addition, alter the design or layout of said
18 public building so that a change or modification of the entrance
19 facilities, toilet facilities, or vertical access facilities is achieved, or
20 make substantial repairs or alterations.

21 d. "Office building" means a building or structure which is
22 used for the transaction of business; for the rendering of
23 professional service; for other services that involve stocks of goods,
24 wares, or merchandise in limited quantities for use incidental to
25 office uses or sample purposes; or for display and sale purposes
26 involving stocks of goods, wares, or merchandise incidental to these
27 purposes. This definition is intended to include those buildings or
28 structures classified in Use Groups "B" and "M" of the State
29 Uniform Construction Code within the scope of section 5:23-3.14 of
30 the New Jersey Administrative Code pertaining to building
31 subcodes.

32 e. (Deleted by amendment, P.L.1981, c.35.)

33 f. "Enforcing agency" means the municipal construction
34 official and subcode officials provided for in the "State Uniform
35 Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.).

36 (cf: P.L.2003, c.72, s.4)

37
38 ¹**【204.】** 208.¹ Section 5 of P.L.1975, c.220 (C.52:32-8) is
39 amended to read as follows:

40 5. In cases of practical difficulty, the enforcing agency may
41 grant exceptions from the specific requirements of the standards and
42 specifications required by **【this act】** P.L.1975, c.220 (C.52:32-4 et
43 seq.) or permit the use of other methods or materials, but only when
44 it is clearly evident that equivalent facilitation and protection for
45 **【the physically handicapped】** persons with physical disabilities are
46 thereby secured.

47 (cf: P.L.1981, c.35, s.4)

1 ¹**[205.] 209.**¹ Section 1 of P.L.1975, c.221 (C.52:32-11) is
2 amended to read as follows:

3 1. The State, every board or body having control and regulation
4 of parking facilities in every county and municipality, and every
5 parking authority created pursuant to the "Parking Authority Law,"
6 **[(P.L.1948, c.198[,] (C.40:11A-1 et seq.), is hereby authorized,**
7 empowered, and directed to provide parking spaces for
8 **[handicapped]** persons with physical disabilities in all parking
9 facilities under the jurisdiction of the State or any such board, body,
10 or parking authority.
11 (cf: P.L.1975, c.221, s.1)

12
13 ¹**[206.] 210.**¹ Section 2 of P.L.1975, c.221 (C.52:32-12) is
14 amended to read as follows:

15 2. The State and every such board, body, or parking authority
16 shall use the following guidelines when providing said parking
17 spaces for **[the physically handicapped]** persons with physical
18 disabilities:

19 a. A minimum of **[1%]** one percent of the total number of
20 parking spaces, but not less than two parking spaces, shall be
21 provided in an area of the parking facility which is most accessible
22 and approximate to the building or buildings which the facility
23 serves;

24 b. Each space or group of spaces shall be identified with a
25 clearly visible sign displaying the International Symbol of Access
26 along with the following wording: "These spaces reserved for
27 **[physically-handicapped]** drivers with physical disabilities."

28 c. Each space shall be 12 feet wide to allow room for persons
29 **[in]** using wheelchairs **[or on]**, braces, or crutches to get in and out
30 of either side of an automobile onto a level, paved surface suitable
31 for wheeling and walking;

32 d. Where possible, such spaces shall be located so that persons
33 **[in]** using wheelchairs **[or using]**, braces, or crutches are not
34 compelled to wheel or walk behind parked cars; and

35 e. Where applicable, curb ramps shall be provided to permit
36 **[handicapped]** people with physical disabilities access from
37 parking area to sidewalk.

38 (cf: P.L.1975, c.221, s.2)

39
40 ¹**[207.] 211.**¹ Section 1 of P.L.1975, c.224 (C.52:32-14) is
41 amended to read as follows:

42 1. A sidewalk hereafter constructed or reconstructed on public
43 or private property for public use within this State, whether
44 constructed by a public agency or a person, firm, corporation,
45 nonprofit corporation, or association, shall be constructed in a
46 manner that will facilitate use by **[physically handicapped]** persons
47 with physical disabilities. At points of intersection between

1 pedestrian and motorized lines of travel, and at other points where
2 necessary to avoid abrupt changes in grade, a sidewalk shall slope
3 gradually to street level so as to provide an uninterrupted line of
4 travel.

5 (cf: P.L.1975, c.224, s.1)

6
7 ¹**[208.] 212.**¹ Section 2 of P.L.1975, c.224 (C.52:32-15) is
8 amended to read as follows:

9 2. To carry out the purpose of section 1 of P.L.1975, c.224
10 (C.52:32-14) the Department of Transportation shall, within 30 days
11 of the enactment of P.L.1975, c.224 (C.52:32-14 et seq.), and
12 periodically thereafter as necessary, after consultation with the
13 Director of the Division of Vocational Rehabilitation Services of
14 the Department of Labor and the Director of the **[Office]** Division
15 of Disability Services and the **[chairman]** Executive Director of the
16 State Commission for the Blind and Visually Impaired of the
17 Department of Human Services, prescribe standards, which shall
18 include, but not be limited to, standards of drainage, slope gradient,
19 width, and slip-resistant qualities which will assure that a sidewalk
20 will accommodate a person **[in]** using a wheelchair or other
21 **[handicapped]** persons with ¹**[physical or sensory]**¹ disabilities.
22 All agencies and instrumentalities of State and local government,
23 and every other person, firm, corporation or association shall
24 comply with these standards and the provisions of P.L.1975, c.224
25 (C.52:32-14 et seq.) when undertaking construction or
26 reconstruction of streets, curbs, or sidewalks.

27 (cf: P.L.1999, c.91, s.14)

28
29 ¹**[209.] 213.**¹ R.S.54:4-3.15 is amended to read as follows:

30 54:4-3.15. Any personal property or real estate not exceeding
31 **[two hundred and fifty]** 250 acres in extent, owned and actually
32 and exclusively used by any corporation organized under the laws
33 of New Jersey to provide instruction in agricultural pursuits for
34 soldiers and sailors of the United States who have **[been**
35 **permanently crippled]** sustained a permanent ¹**[physical or**
36 **sensory]**¹ disability while in active service in time of war, provided
37 all income derived from the property in excess of the expense of its
38 maintenance and operation, shall be used exclusively for the benefit
39 of **[such crippled]** soldiers and sailors with permanent ¹**[physical**
40 **or sensory]**¹ disabilities, shall be exempt from taxation under this
41 chapter.

42 (cf: R.S.54:4-3.15)

43
44 ¹**[210.] 214.**¹ Section 13 of P.L.1980, c.105 (C.54:32B-8.1) is
45 amended to read as follows:

1 13. a. Receipts from sales of the following sold for human use
2 are exempt from the tax imposed under the "Sales and Use Tax
3 Act":

- 4 (1) drugs sold pursuant to a doctor's prescription;
5 (2) over-the-counter drugs;
6 (3) diabetic supplies;
7 (4) prosthetic devices;
8 (5) tampons or like products;
9 (6) medical oxygen;
10 (7) human blood and its derivatives;
11 (8) durable medical equipment for home use;
12 (9) mobility enhancing equipment sold by prescription; and
13 (10) repair and replacement parts for any of the foregoing
14 exempt devices and equipment.

15 b. As used in this section:

16 "Drug" means a compound, substance, or preparation, and any
17 component of a compound, substance, or preparation, other than
18 food and food ingredients, dietary supplements, or alcoholic
19 beverages:

20 (1) recognized in the official United States Pharmacopoeia,
21 official Homeopathic Pharmacopoeia of the United States, or
22 official National Formulary, and supplement to any of them; or

23 (2) intended for use in the diagnosis, cure, mitigation, treatment,
24 or prevention of disease; or

25 (3) intended to affect the structure or any function of the body.

26 "Over-the-counter-drug" means a drug that contains a label
27 which identifies the product as a drug, required by 21 CFR 201.66.
28 The label includes:

29 (1) a "Drug Facts" panel or

30 (2) a statement of the "active ingredient" or "active ingredients"
31 with a list of those ingredients contained in the compound,
32 substance or preparation. "Over-the-counter drug" does not include
33 a grooming and hygiene product.

34 "Grooming and hygiene product" is soap or cleaning solution,
35 shampoo, toothpaste, mouthwash, anti-perspirant, or sun tan lotion
36 or screen, regardless of whether the item meets the definition of
37 "over-the-counter drug."

38 "Prescription" means an order, formula, or recipe issued in any
39 form of oral, written, electronic, or other means of transmission by
40 a duly licensed practitioner authorized by the laws of this State.

41 "Prosthetic device" means a replacement, corrective, or
42 supportive device including repair and replacement parts for same
43 worn on or in the body in order to:

44 (1) artificially replace a missing portion of the body; or

45 (2) prevent or correct a physical **【deformity or malfunction】**
46 disability; or

47 (3) support a weak or **【deformed】** disabled portion of the body.

1 "Durable medical equipment" means equipment, including repair
2 and replacement parts, but not including mobility enhancing
3 equipment, that:

4 (1) can withstand repeated use;

5 (2) is primarily and customarily used to serve a medical
6 purpose;

7 (3) is generally not useful to a person in the absence of illness or
8 injury; and

9 (4) is not worn in or on the body.

10 "Mobility enhancing equipment" means equipment, including
11 repair and replacement parts, other than durable medical equipment,
12 that:

13 (1) is primarily and customarily used to provide or increase the
14 ability to move from one place to another and which is appropriate
15 for use either at home or in a motor vehicle; and

16 (2) is not generally used by persons with **normal** typical
17 mobility; and

18 (3) does not include any motor vehicle or equipment on a motor
19 vehicle normally provided by a motor vehicle manufacturer.

20 c. Receipts from sales of supplies purchased for use in
21 providing medical services for compensation, but not transferred to
22 the purchaser of the service in conjunction with the performance of
23 the service, shall be considered taxable receipts from retail sales
24 notwithstanding the exemption from the tax imposed under the
25 "Sales and Use Tax Act" provided under this section.

26 (cf: P.L.2008, c.123, s.6)

27

28 ¹**[211.] 215.**¹ Section 1 of P.L.1985, c.280 (C.55:13A-7.3) is
29 amended to read as follows:

30 1. Any owner of a multiple dwelling which, as of the enactment
31 of this act or at any time thereafter, provides parking to the
32 occupants thereof, and in which a **handicapped** person with a
33 physical disability resides, shall provide parking spaces for
34 occupants who **are handicapped** have ¹**[a]**¹ physical ¹**[disability]**
35 disabilities¹ located at the closest possible proximity to the principal
36 accesses of the multiple dwelling.

37 A minimum of **1%** one percent of the total number of parking
38 spaces provided for the occupants of the multiple dwelling, but not
39 less than one parking space, shall be set aside as parking for **the**
40 **handicapped** persons with physical disabilities. Each space or
41 group of spaces shall be identified with a clearly visible sign
42 displaying the International Symbol of Access along with the
43 following wording: "This space reserved for **physically**
44 **handicapped** drivers with physical disabilities." Where possible,
45 the space shall be 12 feet wide to allow room for a person **in**
46 using a wheelchair **or on**, braces, or crutches to get in and out of
47 either side of an automobile onto a level, paved surface suitable for

1 wheeling and walking and shall be located so that a person **[in]**
 2 using a wheelchair **[or using]**, braces, or crutches is not compelled
 3 to wheel or walk behind parked cars. Where applicable, curb ramps
 4 shall be provided to permit a **[handicapped]** person with a physical
 5 disability access from the parking area to the sidewalk.

6 For purposes of this section **["handicapped"]** **“physical**
 7 **disability”** means a physical impairment for which **[confines]** a
 8 person **[to]** uses a wheelchair~~;~~, or which causes a person to walk
 9 with difficulty or **[insecurity]** walk insecurely; affects the sight or
 10 hearing of a person to the extent that a person functioning in public
 11 areas is insecure or exposed to danger; causes a person to have
 12 faulty coordination; or reduces mobility, flexibility, coordination,
 13 and perceptiveness of a person to the extent that facilities are
 14 needed to provide for the safety of that person.

15 (cf: P.L.1985, c.280, s.1)

16

17 ¹**[212.] 216.**¹ Section 1 of P.L.1975, c.293 (C.56:8-2.7) is
 18 amended to read as follows:

19 1. It shall be an unlawful practice for any person to solicit funds
 20 or a contribution of any kind, or to sell or offer for sale any goods,
 21 wares, merchandise, or services, by telephone or otherwise, where it
 22 has been falsely represented by such person or where the consumer
 23 has been falsely led to believe that such person is soliciting by or on
 24 behalf of any charitable or nonprofit organization, or that a
 25 contribution to or purchase from such person shall substantially
 26 benefit **[handicapped]** persons with disabilities.

27 (cf: P.L.1975, c.293, s.1)

28

29 ¹**[213.] 217.**¹ Section 1 of P.L.1999, c.129 (C.56:8-14.2) is
 30 amended to read as follows:

31 1. As used in ¹**[this act,]**¹ P.L.1999, c.129 (C.56:8-14.2 et
 32 seq.):

33 "Fund" means the Consumer Fraud Education Fund created
 34 pursuant to section 5 of **[this act]** P.L.1999, c.129 (C.56:8-14.6).

35 "Pecuniary injury" shall include, but not be limited to: loss or
 36 encumbrance of a primary residence, principal employment, or
 37 source of income; loss of property set aside for retirement or for
 38 personal or family care and maintenance; loss of payments received
 39 under a pension or retirement plan or a government benefits
 40 program; or assets essential to the health or welfare of the senior
 41 citizen or person with a disability.

42 "Person with a disability" means a natural person who has a
 43 physical ¹**[or sensory]**¹ disability, infirmity, malformation, or
 44 disfigurement which is caused by bodily injury, birth defect, or
 45 illness including epilepsy, and which shall include, but not be
 46 limited to, any degree of paralysis, amputation, lack of physical
 47 coordination, blindness or visual **[impediment]** impairment,

1 deafness or deaf-blindness or hearing **【impediment】** impairment,
2 **【muteness】** inability to speak or speech **【impediment】** impairment,
3 or physical reliance on a service **【or guide】** animal, wheelchair, or
4 other remedial appliance or device, or from any mental,
5 psychological, or developmental disability resulting from
6 anatomical, psychological, physiological, or neurological conditions
7 which prevents the normal exercise of any bodily or mental
8 functions or is demonstrable, medically or psychologically, by
9 accepted clinical or laboratory diagnostic techniques.

10 "Senior citizen" means a natural person 60 years of age or older.
11 (cf: P.L.2001, c.339, s.1)

12
13 ¹**【214.】** 218.¹ N.J.S.59:6-5 is amended to read as follows:

14 59:6-5. a. Neither a public entity nor a public employee is liable
15 for injury resulting from diagnosing or failing to diagnose that a
16 person **【is afflicted with】** has a mental illness or is a **【drug**
17 **dependent】** person with a substance use disorder involving drugs or
18 from failing to prescribe for mental illness or **【drug dependence】** a
19 substance use disorder involving drugs; provided, however, that
20 nothing in this subsection exonerates a public entity or a public
21 employee who has undertaken to prescribe for a mental illness or
22 **【drug dependence】** a substance use disorder involving drugs from
23 liability for injury proximately caused by **【his】** negligence or by
24 **【his】** a wrongful act in so prescribing.

25 b. Nothing in subsection a. exonerates a public entity or a public
26 employee from liability for injury proximately caused by a
27 negligent or wrongful act or omission in administering any
28 treatment prescribed for a mental illness or **【drug dependence】** a
29 substance use disorder involving drugs.

30 (cf: N.J.S.59:6-5)

31
32 ¹**【215.】** 219.¹ This act shall take effect immediately.