



**NEW JERSEY LAW REVISION COMMISSION**

**Final Report**

**Relating to**

**Pejorative Terms Regarding Persons with Physical or Sensory Disabilities**

**November 27, 2013**

The work of the New Jersey Law Revision Commission is only a recommendation until enacted. Please consult the New Jersey statutes in order to determine the law of the State.

Please send comments concerning this Report or direct any related inquiries, to:

Jayne J. Johnson, Esq., Counsel  
Marna Brown, Esq., Counsel  
NEW JERSEY LAW REVISION COMMISSION  
153 Halsey Street, 7th Fl., Box 47016  
Newark, New Jersey 07102  
973-648-4575  
(Fax) 973-648-3123  
Email: [jjj@njlrc.org](mailto:jjj@njlrc.org)  
Web site: <http://www.njlrc.org>

## Introduction

This Report seeks to eliminate from the New Jersey statutes demeaning, disparaging, and archaic terminology used when referring to persons with a physical or sensory disability. The New Jersey Law Revision Commission (“NJLRC”) released two Final Reports dealing with this terminology as it related to persons with developmental, cognitive or psychiatric disabilities. The first in 2008 was in direct response to the amendment to Article II, Section I, Paragraph 6 of the New Jersey Constitution. The second in 2011 was released after the enactment of P.L. 2010, c. 50<sup>1</sup> and was the basis of bill A-3357/S-2224, which received bipartisan support and passed both houses of the Legislature unanimously. In August 2013, the governor signed the bill into law.<sup>2</sup>

This Report is consistent with the Legislative goal expressed in P.L. 2010, c.50 to “ensure that the statutes and regulations of the State do not contain language that is outdated and disrespectful to persons with a disability.” This Report expands the scope of previous NJLRC Reports by identifying pejorative terminology relating to persons with a physical or sensory disability. A person with a sensory disability is an individual who has a substantial limitation of one of the senses. While the term is used primarily with regard to hearing and sight, other senses may also be included. Mild hearing loss or the need for corrective lenses may not be considered a disability.

The terminology addressed in this Report was first brought to the attention of the NJLRC by the Education Law Center (“ELC”), the Essex County Bar Association Committee on the Rights of Persons with Disabilities, and the New Jersey Special Education Practitioners (“NJSEP”), a group of over 100 attorneys and non-attorney advocates. Their comment primarily centered on offensive terminology found in case law and court orders, but they also identified terms in statutory language that they considered pejorative when used to describe or identify persons with physical or sensory disabilities. NJLRC Staff researched the state statutes and discovered additional language that is also recommended for removal in this Report. NJLRC Staff reached out to numerous entities, including the following, who provided input and comment to this Report: the New Jersey Division of Disability Services; the New Jersey Division

---

<sup>1</sup> In 2007, the New Jersey Constitution was amended to remove pejorative language referring to individuals with an intellectual or developmental disability. The amendment to Article II, Section I, paragraph 6 to read as follows:

6. No [idiot or insane] person who has been adjudicated by a court of competent jurisdiction to lack the capacity to understand the act of voting shall enjoy the right of suffrage.

In December 2008, the NJLRC first issued a Final Report to recommend eliminating pejorative language relating to mental capacity found in the New Jersey statutes.

The Legislature enacted P.L. 2010, c. 50 which calls for the use, in the New Jersey statutes, of the terms “intellectual disability” or “developmental disability”, as appropriate, in place of the terms “mental retardation”, “mentally retarded”, “idiot” and “feeble-minded.”

<sup>2</sup> P.L.2013, c. 103, eff. August 7, 2013.

of the Deaf and Hard of Hearing, the New Jersey School for the Deaf, Katzenbach Campus; the New Jersey Commission for the Blind and Visually Impaired; Disability Rights New Jersey; the Arc of New Jersey; the New Jersey Hospital Association; the State of New Jersey Department of Human Services; the New Jersey Department of Labor & Workforce Development, Division of Vocational Rehabilitation Services; Rutgers University School of Law-Newark, Education and Health Law Clinic; the New Jersey Association of Mental Health and Addition Agencies (NJAMHAA); and the Drug Policy Alliance.

In this Report, the terms “disabled” or “handicapped” have been recommended for elimination and references to these terms have been replaced with the term “person with a disability.”<sup>3</sup> The terms “afflicted with” or “victim of” are considered demeaning when discussing persons with a disability and are also recommended for elimination. An effort was made to choose replacement terms consistent with the terms used in prior NJLRC Reports.

The NJLRC recognizes that the titles of statutory sections are not enacted, but proposes that a recommendation by the Legislature for a change to the titles might result in the responsible entities taking action to remove terms that are deemed pejorative to the individuals affected by the statute. The NJLRC also suggests updating the Legislative Findings to eliminate terms that are deemed pejorative by the individuals affected by the provisions.<sup>4</sup>

In keeping with prior NJLRC Reports and with P.L. 2010, c. 50, this Report replaces existing statutory language with “person-first” language when referring to persons with physical or sensory disabilities to emphasize each person’s value, individuality, dignity and capabilities.<sup>5</sup> The replacement terms offered in the Report are based on the input of knowledgeable commenters in the field or practice area at issue.

In addition to recommending changes to pejorative terminology, this Report proposes the following:

- (1) incorporating gender neutral language, where possible;
- (2) eliminating or refining other unclear or anachronistic language; and
- (3) updating the names of institutions and agencies.

---

<sup>3</sup> This Report does not recommend a definition or removal of the terms “vegetative state” or “persistent vegetative state.” A difference of opinion exists regarding the standards for determination of this medical condition. But, the term itself is a distinct medical term, recognized for purposes of insurance and other benefits, as well as medical decision-making. Replacing this term could cause significant consequences beyond the scope of this Report. Consequently, the NJLRC does not recommend changes to these references at this time.

<sup>4</sup> A list of the legislative findings may be found in a separate table accompanying this Report.

<sup>5</sup> In some instances, it was advisable to retain the existing statutory language, for example, the preamble of the *Social Security Act*; which is quoted, verbatim, in N.J.S. 26:2-60; references to an established entity or organization, like the *State Crippled Children’s Commission*, or references to existing federal law.

Anachronistic statutes involving individuals with a physical or sensory disability are also recommended for repeal and appear at the end of this Report. The references to pejorative terms along with recommended replacement language and revised terms are set forth below.<sup>6</sup> Comments appear after each statutory provision.

---

<sup>6</sup> In this Final Report, changes to statutory provisions that did not alter pejorative or anachronistic language were removed to direct the focus of the Legislature to the pejorative language concerning persons with a disability.

**DRAFT**

**TITLE 2A: PROVISIONS RELATING TO ADMINISTRATION OF CIVIL AND CRIMINAL JUSTICE**

**2A:18-61.7. Definitions for Anti-Eviction Act**

**2A:168A-8. Issuance of Certificate; Conditions (Certificate of Rehabilitation for Persons with Criminal Records)**

**2A:18-61.7. Definitions (Landlord and Tenant- Anti-Eviction Act)**

As used in this act:

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

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

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

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

**COMMENT**

Pejorative terms are replaced with person-first language.

## 2A:168A-8. Issuance of Certificate; Conditions

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

a. (1) A court, in its discretion, may issue a certificate at the time of sentencing if the applicant:

(A) is a qualified offender, who is being sentenced to a non-incarcerative sentence for a second, third or fourth degree crime;

(B) has established that a specific licensing or employment disqualification, forfeiture or bar, will apply to ~~him~~ the applicant, and may endanger ~~his~~ the applicant's ability to maintain existing public employment or employment for which ~~he~~ the applicant has made application, or to engage in a business enterprise for which a license or certification is required;

(C) has no pending criminal charges, and there is no information presented that such a charge is imminent; and

(D) has established that the relief is consistent with the public interest.

(2) A certificate issued under this subsection shall apply only to the specific disability, forfeiture or bar that is affected, which must be specifically described in the certificate document.

b. (1) A supervising authority may issue a certificate in regard to a qualified offender who is, or had previously been, under supervision by the supervising authority if the supervising authority determines that:

(A) the applicant is convicted of a second, third or fourth degree offense and is eligible for relief under subsection c. of this section;

(B) the applicant has not been convicted of a crime since the conviction for which ~~he~~ the applicant is under supervision, has no pending criminal charge, and there is no information presented that such a charge is imminent;

(C) issuing the certificate will not pose a substantial risk to public safety; and

(D) issuing the certificate will assist in the successful reintegration of the offender and is consistent with the public interest.

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

c. A qualified offender is eligible for relief under subsection b. of this section if the offender has not been convicted of:

(1) a first degree crime;

- (2) an offense to which section 2 of P.L.1997, c.117 (C.2C:43-7.2) applies;
- (3) a second degree offense defined in chapters 13, 14, 15, 16, 24, 27, 30, 33, 38 of Title 2C of the New Jersey Statutes;
- (4) a violation of subsection a. of N.J.S. 2C:24-4 or paragraph (4) of subsection b. of N.J.S. 2C:24-4;
- (5) a crime requiring registration pursuant to section 2 of P.L.1994, c.133 (C.2C:7-2);
- (6) a crime committed against a public entity or against a public officer;
- (7) a crime enumerated in subsection b. of section 2 of P.L.2007, c.49 (C.43:13.1) committed by a public employee, which involves or touches upon the employee's office, position or employment, such that the crime was related directly to the person's performance in, or circumstances flowing from, the specific public office or employment held by the person;
- (8) any crime committed against a person 16 years of age or younger, or a ~~disabled or handicapped~~ person with a disability; or
- (9) a conspiracy or attempt to commit any of the crimes described in this subsection.

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

- (A) the applicant is eligible for such relief as defined in subsection e. of this section;
- (B) issuing the certificate does not pose a substantial risk to public safety; and
- (C) issuing the certificate will assist in the successful reintegration of the offender and is consistent with the public interest.

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

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

- (1) a first degree crime;

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

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

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

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

(6) a crime committed against a person 16 years of age or younger, or a ~~disabled or handicapped~~ person with a disability; or

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

#### COMMENT

Pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.



## TITLE 2B: PROVISION RELATING TO COURT ORGANIZATION

### 2B:20-10. Grounds for Excuse From Jury Service

An excuse from jury service shall be granted only if:

- a. The prospective juror is 75 years of age or older;
- b. The prospective juror has served as a juror within the last three years in the county to which the juror is being summoned;
- c. Jury service will impose a severe hardship due to circumstances which are not likely to change within the following year. Severe hardship includes the following circumstances:

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

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

- (A) the sources of the prospective juror's household income; and
- (B) the availability and extent of income reimbursement; and
- (C) the expected length of service.

(3) The prospective juror has a personal obligation to care for another, including a sick, ~~or aged elderly or infirm~~ dependent or a minor child, who requires the prospective juror's personal care and attention, and no alternative care is available without severe financial hardship on the prospective juror or the person requiring care.

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

(5) The prospective juror is a health care worker directly involved in the care of a person with a mentally or physically handicapped person disability, and the prospective juror's continued presence is essential to the ~~regular and~~ personal treatment of that person.

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

- (a) the impact on the school considering the number and function of teachers called for jury service during the current academic year; and
- (b) the special role of certified special education teachers in providing continuity of instruction to ~~handicapped~~ students with a disability;
- 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.

COMMENT

Pejorative terms are replaced with person-first language. In subsection c.2(C)(5), the word “regular” was considered pejorative in this context by a commenter who proposed that it could be removed without changing the meaning of the statutory language. The NJLRC makes the recommendation to remove the word “regular” but does not seek to change the meaning of the language in this subsection.

## TITLE 4: PROVISION CONCERNING DOMESTIC ANIMALS

### 4:19-15.3. Application, Renewal of Dog License; Fee; Exemptions

a. The person applying for the license and registration tag shall pay the fee fixed or authorized to be fixed in section 12 of this act, and ~~the sum of~~ \$1.00 for a one-year registration tag or \$3.00 for a three-year registration tag for each dog; ~~and .~~ For each renewal, the fee for the license and for the registration tag shall be the same as for the original license and tag; ~~and said .~~

b. ~~The~~ licenses, registration tags and renewals thereof shall expire no later than June 30 in the year stated on the license; except that this expiration date shall not require a municipality to alter its schedule for administering rabies inoculations to any dog to be licensed and registered; nor shall this expiration date require a municipality to alter its schedule for renewing licenses and registration tags, provided that the registration period precedes June 30. The governing body of a municipality may stagger the expiration of such annual licenses so long as all expirations occur no later than June 30 in the calendar year stated on the license.

c. Only one license and registration tag shall be required in any licensing year for any dog owned in New Jersey, and such license and tag shall be accepted by all municipalities as evidence of compliance with this section.

d. Dogs used as ~~guides for~~ to assist blind persons who are blind and commonly known as "seeing-eye" dogs, dogs used to assist ~~handicapped~~ persons with a disability and commonly known as "service dogs," or dogs used to assist ~~deaf~~ persons who are deaf or hard of hearing and commonly known as "hearing ear" dogs shall be licensed and registered as other dogs hereinabove provided for, except that the owner or keeper of such dog shall not be required to pay any fee therefor.

e. License forms and uniform official metal registration tags designed by the State Department of Health shall be furnished by the municipality and shall be numbered serially and shall bear the year of issuance and the name of the municipality.

#### COMMENT

Pejorative terms are replaced with person-first language.

**TITLE 5: PROVISIONS CONCERNING AMUSEMENTS/CASINOS)**

**5:5-44.4. Determination of Organizations to Receive Moneys by Developmental Disabilities Council**

**5:12-134. Equal Employment Opportunity; Requirements for License for Hotel/Casino**

**5:12-136. Facilities for Handicapped Persons with a Disability; Casino Licensee**

**5:5-44.4. Determination of Organizations to Receive Moneys by Council on Developmental Disabilities Council**

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; 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~~ with a developmentally disability, 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 disability” means a person with 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~~ disability to such person's ability to function ~~normally~~ in society.

COMMENT

Pejorative terms are replaced with person-first language. The word “normally” in subsection c.4 was considered pejorative by a commenter who proposed that it could be removed without changing the meaning of the statutory language. The NJLRC makes the recommendation to remove the word “normally” but does not seek to increase or diminish the number of individuals currently covered under the statute.

This Report reflects the organization of the statute in its current form.

## **5:12-134. Equal Employment Opportunity; Requirements for License**

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

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

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

d. Any license issued by the commission in violation of this section shall be null and void.

### **COMMENT**

Pejorative terms are replaced with person-first language.

The language deleted from subsection c. was removed pursuant to the "Law Against Discrimination" provision N.J.S. 10:5-29-1 which states "[u]nless it can be clearly shown" that a person's disability "would prevent such a person from performing a particular job, it is an unlawful employment practice to deny an otherwise qualified" person with a disability the opportunity to "maintain employment . . . solely because" the individual is a person with a disability.

**5:12-136. Facilities for ~~the Handicapped~~ Persons with a Disability**

All hotels and other facilities of a casino licensee, which are public accommodations and are subject to the regulatory powers of the division under this act, shall be constructed or renovated to conform with the provisions of P.L.1971, c.269, as amended and supplemented (C.52:32-4 et seq.) relating to barrier-free design for providing facilities for persons with a physically ~~handicapped~~ disability in public buildings, and the rules, regulations and codes thereunder promulgated.

Pejorative terms are replaced with person-first language. COMMENT

## TITLE 9:

### PROVISION RELATING TO CHILDREN

#### **9:17A-4. Consent by Minor to Medical Care or Treatment; ~~Venereal Disease~~ Sexually Transmitted Disease, HIV/AIDS, Sexual Assault, ~~Drug Use or Alcoholism~~ Substance Use Disorder; Notice and of Treatment; Confidentiality**

The consent to the provision of medical or surgical care or services by a hospital, public clinic, or the performance of medical or surgical care or services by a physician, licensed to practice medicine, when executed by a minor who is or believes that he or she may ~~be afflicted with~~ have a ~~venereal disease sexually transmitted disease~~, or who is at least 13 years of age and is or believes that ~~he~~ the minor may ~~be infected with~~ have the human immunodeficiency virus or have acquired immune deficiency syndrome, or by a minor who, in the judgment of a treating physician, appears to have been sexually assaulted, shall be valid and binding as if the minor had achieved ~~his~~ majority, as the case may be. Any such consent shall not be subject to later disaffirmance by reason of minority. In the case of a minor who appears to have been sexually assaulted, the minor's parents or guardian shall be notified immediately, unless the attending physician believes that it is in the best interests of the patient not to do so; however, inability of the treating physician, hospital or clinic to locate or notify the parents or guardian shall not preclude the provision of any necessary emergency medical or surgical care to the minor.

When a minor believes that he or she is ~~suffering adversely affected from~~ adversely affected ~~from by the use of~~ drugs a substance use disorder involving drugs or is a ~~drug dependent~~ person with a substance use disorder involving drugs or is ~~suffering adversely affected from~~ adversely affected ~~from by alcohol dependency~~ a substance use disorder involving alcohol or is ~~an alcoholic~~ a person with a substance use disorder involving alcohol as defined in section 2 of P.L.1975, c. 305 (C.26:2B-8), ~~his~~ the minor's consent to treatment under the supervision of a physician licensed to practice medicine, or an individual licensed or certified to provide treatment for ~~alcoholism~~ a substance use disorder involving alcohol or in a facility licensed by the State to provide for the treatment of ~~alcoholism~~ a substance use disorder involving alcohol shall be valid and binding as if the minor had ~~achieved his or her~~ reached the age of majority, as the case may be. Any such consent shall not be subject to later disaffirmance by reason of minority. Treatment for a substance use disorder involving alcohol or drugs use, drug abuse, alcohol use or alcohol abuse that is consented to by a minor shall be considered confidential information between the physician, the treatment provider or the treatment facility, as appropriate, and ~~his~~ the patient, and neither the minor nor ~~his~~ the physician, treatment provider or treatment facility, as appropriate, shall be required to Report such treatment when it is the result of voluntary consent, except as may otherwise be required by law.

The consent of no other person or persons, including but not limited to a spouse, parent, custodian or guardian, shall be necessary in order to authorize such hospital, facility or clinical

care or services or medical or surgical care or services to be provided by a physician licensed to practice medicine or by an individual licensed or certified to provide treatment for ~~alcoholism~~ a substance use disorder involving alcohol to such a minor.

#### COMMENT

Pejorative terms are replaced with person-first language. The proposed changes to this section include, adding gender-neutral terms and updating the language to reflect current medical terminology/usage.

The term “substance use disorder involving alcohol” which includes the misuse or abuse of alcohol replaces the term “alcoholism” based on the recommendation of several commenters who proposed language that reflects current clinical terminology/usage. Similarly, the term “alcoholic” was replaced with the term “a person with a substance use disorder involving alcohol” to reflect current clinical terminology/usage.

The term “substance use disorder involving drugs” which includes the misuse or abuse of drugs replaces the term “drug abuse” based on the recommendation of several commenters who proposed language that reflects current clinical terminology/usage.



## **TITLE 10: PROVISION RELATING TO CIVIL RIGHTS**

### **10:5-5. Definitions (Law Against Discrimination)**

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

a. “Person” includes one or more individuals, partnerships, associations, organizations, labor organizations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers, and fiduciaries.

b. “Employment agency” includes any person undertaking to procure employees or opportunities for others to work.

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

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

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

f. “Employee” does not include any individual employed in the domestic service of any person.

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

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

i. “Attorney General” means the Attorney General of the State of New Jersey or ~~his~~ the Attorney General’s representative or designee.

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

k. “Director” means the Director of the Division on Civil Rights.

l. “A place of public accommodation” shall include, but not be limited to: any tavern, roadhouse, hotel, motel, trailer camp, summer camp, day camp, or resort camp, whether for entertainment of transient guests or accommodation of those seeking health, recreation or rest; any producer, manufacturer, wholesaler, distributor, retail shop, store, establishment, or concession dealing with goods or services of any kind; any restaurant, eating house, or place where food is sold for consumption on the premises; any place maintained for the sale of ice cream, ice and fruit preparations or their derivatives, soda water or confections; or where any beverages of any kind are retailed for consumption on the premises; any garage, any public conveyance operated on land or water, or in the air, any stations and terminals thereof; any bathhouse, boardwalk, or seashore accommodation; any auditorium, meeting place, or hall; any theatre, motion-picture house, music hall, roof garden, skating rink, swimming pool, amusement and recreation park, fair, bowling alley, gymnasium, shooting gallery, billiard and pool parlor, or other place of amusement; any comfort station; any dispensary, clinic or hospital; any public library; any kindergarten, primary and secondary school, trade or business school, high school, academy, college and university, or any educational institution under the supervision of the State Board of Education, or the Commissioner of Education of the State of New Jersey. Nothing herein contained shall be construed to include or to apply to any institution, bona fide club, or place of accommodation, which is in its nature distinctly private; nor shall anything herein contained apply to any educational facility operated or maintained by a bona fide religious or sectarian institution, and the right of a natural parent or one in loco parentis to direct the education and upbringing of a child under ~~his~~ that person’s control is hereby affirmed; nor shall anything herein contained be construed to bar any private secondary or post-secondary school from using in good faith criteria other than race, creed, color, national origin, ancestry, gender identity or expression or affectional or sexual orientation in the admission of students.

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

n. The term “real property” includes real estate, lands, tenements and hereditaments, corporeal and incorporeal, and leaseholds, provided, however, that, except as to publicly assisted housing accommodations, the provisions of this act shall not apply to the rental: (1) of a single apartment or flat in a two-family dwelling, the other occupancy unit of which is occupied by the owner as a residence; or (2) of a room or rooms to another person or persons by the owner or occupant of a one-family dwelling occupied by the owner or occupant as a residence at the time of such rental. Nothing herein contained shall be construed to bar any religious or denominational institution or organization, or any organization operated for charitable or educational purposes, which is operated, supervised or controlled by or in connection with a religious organization, in the sale, lease or rental of real property, from limiting admission to or giving preference to persons of the same religion or denomination or from making such selection

as is calculated by such organization to promote the religious principles for which it is established or maintained. Nor does any provision under this act regarding discrimination on the basis of familial status apply with respect to housing for older persons.

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

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

q. “Disability” means:

(1) a physical or sensory disability, ~~infirmity~~, malformation or disfigurement which is caused by:

(A) bodily injury; or

(B) birth defect; or

(C) illness including epilepsy and other seizure disorders, and which shall include, but not be limited to;

- (i) any degree of paralysis; or
- (ii) amputation; or
- (iii) lack of physical coordination; or
- (iv) blindness or visual ~~impediment~~ impairment; or
- (v) deafness or hearing ~~impediment~~ impairment; or
- (vi) muteness or inability to speak or speech ~~impediment~~ impairment; or
- (vii) physical reliance on a service ~~or guide~~ dog, wheelchair, or other remedial appliance or device; or
- (viii) any mental, psychological or developmental disability, including autism spectrum disorders, resulting from anatomical, psychological, physiological or neurological conditions which prevents the normal exercise of any bodily or mental functions or is demonstrable, medically or psychologically, by accepted clinical or laboratory diagnostic techniques.

(2) ~~Disability shall also mean~~ AIDS or HIV.

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

s. ~~“Guide Service dog” means a any dog used to assist deaf persons or which is fitted with a special harness so as to be suitable as an aid to the mobility of a blind person, and is used by a blind person who has satisfactorily completed a specific course of training in the use of such a dog, and has been trained by an organization generally recognized by agencies involved in the rehabilitation of the blind or deaf as reputable and competent to provide dogs with training of this type.~~ individually trained to the requirements of a person with a disability including, but not limited to minimal protection work, rescue work, pulling a wheelchair or retrieving dropped items. This term shall include a dog that assists persons who are blind or visually impaired and is commonly known as "seeing-eye" dog; a “hearing ear dog” trained to alert persons to environmental sounds and dangers; and a “seizure dog” trained to alert or otherwise assist persons with epilepsy or other seizure disorders.

t. ~~“Guide or sService dog trainer”~~ means any person who is employed by an organization generally recognized by agencies involved in the rehabilitation of persons with a disability, including but not limited to those persons who are blind, or deaf, or hard of hearing, as reputable and competent to provide dogs with training, as defined in this section, and who is actually involved in the training process.

u. “Housing accommodation” means any publicly assisted housing accommodation or any real property, or portion thereof, which is used or occupied, or is intended, arranged, or designed to be used or occupied, as the home, residence or sleeping place of one or more persons, but shall not include any single family residence the occupants of which rent, lease, or furnish for compensation not more than one room therein.

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

w. “Deaf person or person who is deaf or hard of hearing” means any person whose hearing is so severely impaired that the person is unable to hear and understand ~~normal~~ conversational speech through the unaided ear alone, and who must depend primarily on an ~~supportive~~ assistive listening device or visual communication such as writing, lip reading, sign language, and gestures.

x. “Atypical hereditary cellular or blood trait” means sickle cell trait, hemoglobin C trait, thalassemia trait, Tay-Sachs trait, or cystic fibrosis trait.

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

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

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

bb. “Tay-Sachs trait” means the presence of the Tay-Sachs gene which in combination with another similar gene results in the chronic hereditary disease Tay-Sachs.

cc. “Cystic fibrosis trait” means the presence of the cystic fibrosis gene which in combination with another similar gene results in the chronic hereditary disease cystic fibrosis.

dd. “Service dog” means a dog as defined by section s. of this act.

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

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

gg. “HIV infection” means infection with the human immunodeficiency virus or any other related virus identified as a probable causative agent of AIDS.

hh. “Affectional or sexual orientation” means male or female heterosexuality, homosexuality or bisexuality by inclination, practice, identity or expression, having a history thereof or being perceived, presumed or identified by others as having such an orientation.

ii. “Heterosexuality” means affectional, emotional or physical attraction or behavior which is primarily directed towards persons of the other gender.

jj. “Homosexuality” means affectional, emotional or physical attraction or behavior which is primarily directed towards persons of the same gender.

kk. “Bisexuality” means affectional, emotional or physical attraction or behavior which is directed towards persons of either gender.

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

mm. “Housing for older persons” means housing:

(1) provided under any State program that the Attorney General determines is specifically designed and operated to assist elderly persons (as defined in the State program); or provided under any federal program that the United States Department of Housing and Urban Development determines is specifically designed and operated to assist elderly persons (as defined in the federal program); or

(2) intended for, and solely occupied by persons 62 years of age or older; or

(3) intended and operated for occupancy by at least one person 55 years of age or older per unit. In determining whether housing qualifies as housing for older persons under this subsection, the Attorney General shall adopt regulations which require at least the following factors:

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

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

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

Housing shall not fail to meet the requirements for housing for older persons by reason of: persons residing in such housing as of September 13, 1988 not meeting the age

requirements of this subsection, provided that new occupants of such housing meet the age requirements of this subsection; or unoccupied units, provided that such units are reserved for occupancy by persons who meet the age requirements of this subsection.

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

oo. “Genetic information” means the information about genes, gene products or inherited characteristics that may derive from an individual or family member.

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

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

rr. “Gender identity or expression” means having or being perceived as having a gender related identity or expression whether or not stereotypically associated with a person's assigned sex at birth.

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

tt. “Premium wages” means additional remuneration for night, weekend or holiday work, or for standby or irregular duty.

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

#### COMMENT

Pejorative terms are replaced with person-first language.

The proposed language added to the current “Guide dog” definition in subsection s. was adapted from the definition of “Service dog” provided in subsection dd. The language from subsection dd. is shaded and underlined.

In subsection q., the word “normal” in the “Disability” definition was deemed pejorative in this context by a commenter who proposed replacing “normal” with “typical” which has a less demeaning connotation. The NJLRC makes the recommendation to replace the word “normal” but does not seek to increase or diminish the number of individuals currently covered under the statute.

## **TITLE 11A: PROVISIONS RELATING TO CIVIL SERVICE**

- 11A:5-11. Discrimination Against Veterans with a Physical Defects Disability**
- 11A:7-1. Equal Employment Opportunity; State Agencies**
- 11A:7-3. Affirmative Action**
- 11A:7-5. Department Responsibilities**
- 11A:7-12. Equal Employment Opportunity Advisory Commission**
- 11A:7-13. Accommodation for Handicapped Persons with a Disability and Exam Waiver**

### **11A:5-11. Veterans Not to be Discriminated Against Because of a Physical Defects Disability**

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

#### COMMENT

Pejorative terms are replaced with person-first language.

### **11A:7-1. Equal Employment Opportunity**

The head of each State agency shall ensure equality of opportunity for all of its employees and applicants seeking employment. Equal employment opportunity includes, but is not limited to, the following areas: recruitment, selection, hiring, training, promotion, transfer, layoff, return from layoff, compensation and fringe benefits. Equal employment opportunity further includes policies, procedures, and programs for recruitment, employment, training, promotion, and retention of minorities, women and ~~handicapped~~ persons with a disability. Equal employment opportunity but not affirmative action is required with respect to persons identified solely by their affectional or sexual orientation.

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

#### COMMENT

Pejorative terms are replaced with person-first language.

### **11A:7-3. Equal Employment Opportunity and Affirmative Action Program**

The division shall develop, implement and administer an equal employment opportunity and affirmative action program for all State agencies. The program shall consider the particular



personnel requirements that are reasonably related to job performance of each State agency. The director of the division shall ensure that the affirmative action and equal employment goals of each State agency for minorities, women and ~~handicapped~~ persons with a disability shall be reasonably related to their population in the relevant surrounding labor market areas. The director, in accordance with applicable federal and State guidelines, shall:

- a. Ensure each State agency's compliance with all laws and rules relating to equal employment opportunity and seek correction of discriminatory practices, policies and procedures;
- b. Recommend appropriate sanctions for noncompliance to the State Treasurer who, with the concurrence of the Governor, is authorized to implement sanctions;
- c. Review State personnel practices, policies and procedures, inclusive of recruitment, selection, and promotion, in order to identify and eliminate artificial barriers to equal employment opportunity;
- d. Act as liaison with federal, State, and local enforcement agencies;
- e. Recommend appropriate legislation to the State Treasurer and perform other actions deemed necessary by the State Treasurer to implement this chapter; and
- f. Provide, under rules adopted by the Department of the Treasury, for review of equal employment complaints.

COMMENT

Pejorative terms are replaced with person-first language.

### **11A:7-5. Department Responsibilities**

The department, through the Division of Equal Employment Opportunity and Affirmative Action, shall:

- a. Ensure that the pool of applicants for all vacant positions in State agencies includes minorities, women and ~~handicapped~~ persons with a disability so that affirmative action goals are attainable through agency selection decisions;
- b. Undertake a comprehensive review of its rules, regulations and testing procedures in order to amend or eliminate those which serve to discriminate against minorities, women and ~~handicapped~~ persons with a disability;
- c. Ensure that selection devices do not discriminate against minorities, women and ~~handicapped~~ persons with a disability;
- d. Analyze job specifications to isolate and eliminate prerequisites that are artificial barriers to employment;

e. Review all discrimination complaints under Title VII of the Civil Rights Act of 1964, Pub.L. 88-352 (42 U.S.C. s. 2000e et seq.), evaluate trends, and recommend appropriate policy changes; and

f. Receive, analyze and transmit to the Governor, at least semi-annually, progress Reports on affirmative action in all State agencies.

COMMENT

Pejorative terms are replaced with person-first language.

**11A:7-12. Equal Employment Opportunity Advisory Commission; Membership; Term; Vacancy; Meetings; Executive Secretary**

The Equal Employment Opportunity Advisory Commission shall consist of 11 members appointed by the Governor, at least six of whom shall be minorities, women and ~~handicapped~~ persons with a disability. Consideration shall be given to appropriate representation of each group. The remaining members of the commission may be comprised of State agency heads or their designated representatives. All members of the commission shall be residents of the State. Members shall be appointed for staggered terms of four years but members appointed under section 10 of P.L. 1981, c. 124 (C. 11:2D-10) shall continue on the commission for the duration of their respective terms. Each member shall hold office for the term of the appointment and until a successor is appointed. Members may not serve more than two consecutive terms. A vacancy in the membership of the commission shall be filled by appointment by the Governor for the remainder of the term. The commission shall meet at least quarterly to review implementation of this chapter. The Director of the Division of Equal Employment Opportunity and Affirmative Action shall serve as executive secretary.

COMMENT

Pejorative terms are replaced with person-first language.

**11A:7-13. Accommodation for the ~~Handicapped~~ Persons with a Disability and Examination Waiver**

The commission may establish procedures for the reasonable accommodation of ~~handicapped~~ persons with a disability in the employee selection process for the State and the political subdivisions covered by this title. Pursuant to rules adopted by the Civil Service Commission, the commission may waive an examination for an applicant ~~who suffers from~~ with a physical, mental or emotional ~~affliction, injury, dysfunction, disorder,~~ impairment, or disability which:

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

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

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

COMMENT

Pejorative terms are replaced with person-first language.

## **TITLE 13: PROVISIONS RELATING TO CONSERVATION AND DEVELOPMENT**

### **13:1C-16. Grounds for Refusal of Application, Issuance or Revocation of Certificate** **13:8C-3. Definitions Relative to Open Space, Farmland, and Historic Preservation**

#### **13:1C-16. Grounds for Refusal of Application, Issuance or Revocation of Certificate**

The board may refuse the application of any applicant for an examination or, after due notice and public hearing, refuse to issue a certificate, or revoke any certificate issued by it, if the applicant for, or holder of, such a certificate:

a. has been convicted of an offense involving moral turpitude, is a ~~drug addict~~ person with a substance use disorder involving drugs or alcoholic, a person with a substance use disorder involving alcohol, or is a person who is mentally ~~incompetent~~ incapacitated, or

b. advocates the overthrow of the Government of the United States by force and violence or other unlawful means, or

c. has made any willful statement or impersonated any other person or permitted or aided any other person to impersonate him or her in connection with any application or examination for certification and registration, or

d. has been found to be inefficient in performing the duties of any position held by ~~him~~ the person, on the basis of the holding of which experience qualifications are offered on ~~his~~ the person's behalf.

#### COMMENT

Pejorative terms were replaced with person-first language. The proposed changes to this section also include adding gender neutral language.

The term “a person with a substance use disorder involving drugs” replaces the term “drug addict” based on the recommendation of several commenters who proposed language that reflects current clinical terminology/usage. Similarly, the term “a person with a substance use disorder involving alcohol” replaces the term “alcoholic” to reflect current clinical terminology/usage.

#### **13:8C-3. Definitions Relative to Open Space, Farmland, and Historic Preservation**

As used in sections 1 through 42 of this act:

"Acquisition" or "acquire" means the obtaining of a fee simple or lesser interest in land, including but not limited to a development easement, a conservation restriction or easement, or any other restriction or easement permanently restricting development, by purchase, installment purchase agreement, gift, donation, eminent domain by the State or a local government unit, or devise; except that any acquisition of lands by the State for recreation and conservation purposes by eminent domain shall be only as authorized pursuant to section 28 of this act;

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

"Commissioner" means the Commissioner of Environmental Protection;

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

"Constitutionally dedicated moneys" means any moneys made available pursuant to Article VIII, Section II, paragraph 7 of the State Constitution or through the issuance of bonds, notes or other obligations by the trust, as prescribed by Article VIII, Section II, paragraph 7 of the State Constitution and this act, or any moneys from other sources deposited in the trust funds established pursuant to sections 19, 20, and 21 of this act, and appropriated by law, for any of the purposes set forth in Article VIII, Section II, paragraph 7 of the State Constitution or this act;

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

"Cost" means the expenses incurred in connection with: all things deemed necessary or useful and convenient for the acquisition or development of lands for recreation and conservation purposes, the acquisition of development easements or fee simple titles to farmland, or the preservation of historic properties, as the case may be; the execution of any agreements or franchises deemed by the Department of Environmental Protection, State Agriculture Development Committee, or New Jersey Historic Trust, as the case may be, to be necessary or useful and convenient in connection with any project funded in whole or in part using constitutionally dedicated moneys; the procurement or provision of appraisal, archaeological, architectural, conservation, design, engineering, financial, geological, historic research, hydrological, inspection, legal, planning, relocation, surveying, or other professional advice, estimates, Reports, services, or studies; the purchase of title insurance; the undertaking of feasibility studies; the establishment of a reserve fund or funds for working capital, operating, maintenance, or replacement expenses and for the payment or security of principal or interest on bonds, as the Director of the Division of Budget and Accounting in the Department of the Treasury may determine; and reimbursement to any fund of the State of moneys that may have been transferred or advanced therefrom to any fund established by this act, or any moneys that may have been expended therefrom for, or in connection with, this act;

"Department" means the Department of Environmental Protection;

"Development" or "develop" means, except as used in the definitions of "acquisition" and "development easement" in this section, any improvement made to a land or water area designed to expand and enhance its utilization for recreation and conservation purposes, and shall include the construction, renovation, or repair of any such improvement, but shall not mean shore protection or beach nourishment or replenishment activities;

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

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

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

"Garden State Farmland Preservation Trust Fund" means the Garden State Farmland Preservation Trust Fund established pursuant to section 20 of this act;

"Garden State Green Acres Preservation Trust Fund" means the Garden State Green Acres Preservation Trust Fund established pursuant to section 19 of this act; "Garden State Historic Preservation Trust Fund" means the Garden State Historic Preservation Trust Fund established pursuant to section 21 of this act;

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

"Historic preservation," "historic preservation purposes," or "preservation of historic properties" means any work relating to the conservation, improvement, interpretation, preservation, protection, rehabilitation, renovation, repair, restoration, or stabilization of any historic property, and shall include any work related to providing access thereto for ~~disabled or~~ handicapped persons with a disability;

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

"Indoor recreation" means active recreation that otherwise is or may be pursued outdoors but, for reasons of extending the season or avoiding inclement weather, is or may be pursued indoors within a fully or partially enclosed building or other structure, and includes basketball,

ice skating, racquet sports, roller skating, swimming, and similar recreational activities and sports as determined by the Department of Environmental Protection;

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

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

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

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

"Permitted investments" means any of the following securities:

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

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

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

(4) Repurchase agreements or investment agreements issued by (i) a commercial bank or trust company or a national banking association, each having a capital stock and surplus of more than \$100,000,000, or (ii) an insurance company with the highest rating provided by a nationally recognized insurance company rating agency, or (iii) a broker/dealer, or (iv) a corporation; provided that the credit of such commercial bank or trust company or national banking association or insurance company or broker/dealer or corporation, as the case may be, is rated (or, in the case of a broker/dealer or corporation,

whose obligations thereunder are guaranteed by a commercial bank or trust company or a national banking association or insurance company with the highest rating provided by a nationally recognized insurance company rating agency or corporation whose credit is rated) not lower than the "AA" category without regard to rating subcategories (derogation) of any two nationally recognized investment rating agencies then rating the State; provided that any such agreement shall provide for the investment of funds and shall be collateralized by obligations described in paragraph 1 or paragraph 2 or paragraph 3 above at a level of at least one hundred and two (102) percent in principal amount of those obligations;

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

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

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

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

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

"Qualifying tax exempt nonprofit organization" means a nonprofit organization that is exempt from federal taxation pursuant to section 501 (c)(3) of the federal Internal Revenue



Code, 26 U.S.C. §501 (c)(3), and which qualifies for a grant pursuant to section 27, 39, or 41 of this act;

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

"Trust" means the Garden State Preservation Trust established pursuant to section 4 of this act.

COMMENT

Pejorative terms are replaced with person-first language.

**TITLE 18: PROVISIONS RELATING TO EDUCATION**

18A:4-35.	Directors, Inspectors and Assistants; Public School System
18A:6-100.	Powers and Duties; Board of Directors of Education Information and Resource Center
18A:7G-8.	Calculation of Number of Unhoused Students
18A:18A-17.	Facilities for <del>Handicapped</del> Persons <u>with a Disability</u> ; Board of Education
18A:18A-17.1.	Commissioner of Education Authorized to Withhold State Aid
18A:20-9.2.	Sale of School Property to Nonprofit School for <del>Handicapped</del> <u>Persons with a Disability</u>
18A:22-8.	Contents of Budget; Internet Posting
18A:35-4.8.	Medical Treatment or Examination; Objection of Parent
18A:35-5.1.	Lyme Disease Prevention
18A:36-5.	“Special Education Week” Designated
18A:36A-7.	Student Admissions to Charter School
18A:36A-11.	Operation of Charter School
18A:36B-20.	Applications by Student to Choice District
18A:36C-8.	Enrollment in Renaissance School
18A:39-1.2.	Provision of Transportation for Certain Pupils
18A:39-22.	Permission to Use School Buses for Transporting Senior Citizens, <del>Handicapped</del> <u>Persons with a Disability</u>
18A:39-22.1.	School Bus Used to Transport Developmental Disabilities Client
18A:43A-5.	Services That May Be Provided or Administered
18A:46-1.	Definitions (Classes and Facilities for <del>Handicapped</del> Children <u>with a Disability</u> )
18A:46-2.	Special Educational Services; Appointment of Professional Personnel
18A:46-2.2.	Coordinator of Deaf Education; Appointment
18A:46-2.3.	Duties (An Act Concerning Education and Supp. Chapter 46 of Title 18A)
18A:46-3.	County Departments of Child Study
18A:46-3.1.	Regional Consultants for Hearing Impaired
18A:46-5.	Functions of Child Study Teams
18A:46-6.	<del>Handicapped</del> Children <u>with a Disability</u> and Children who Require Special Education Programs
18A:46-6.1.	Providers of Programs and Services for 3 to 5 year olds
18A:46-7.	Reports of <del>Handicapped</del> Children <u>with a Disability</u>
18A:46-7.1.	Laws, Rule and Regulations; Distribution to Parents
18A:46-8.	Classification of <del>Disabled, Handicapped</del> Children <u>with a Disability</u>
18A:46-10.	Classification According to Ability; Scope of Educational Service
18A:46-13.	Types of Facilities and Programs
18A: 46-14.	Enumeration of Facilities and Programs
18A:46-15.	Facilities and Programs; Approval by Commissioner; Special Classes

<b>18A:46-18.3.</b>	<b>Notice to Parents or Legal Guardian of Child 18 or Over in State Facility of Nonentitlement to Tuition Free Education Services After 21; Recommendation for Adult Educational Services; Consent; Report</b>
<b>18A:46-21.</b>	<b>Tuition for <del>Handicapped</del> <u>Persons with a Disability</u></b>
<b>18A:46-22.</b>	<b>Withdrawal of Pupils by Sending Districts</b>
<b>18A:46-23.</b>	<b>Transportation of Pupils; Special Classes</b>
<b>18A:46-29.</b>	<b>County Special Services School District</b>
<b>18A:58-33.24.</b>	<b>Renovation, Replacement or New Construction of Facilities</b>
<b>18A:58-33.25.</b>	<b>Resolution of Need</b>
<b>18A:71B-3.</b>	<b>Discrimination Forbidden</b>
<b>18A:72H-3 .</b>	<b>Definitions</b>
<b>18A:73-35.</b>	<b>Duties of State Library</b>
<b>18A:74-21.</b>	<b>Projects to be Accessible; Usable by <del>Handicapped</del> <u>Persons with a Disability</u></b>

**18A:4-35. Directors, Inspectors and Assistants**

The commissioner may assign an assistant commissioner or, subject to approval of the state board, may appoint and fix the compensation of directors, inspectors and assistants to act as secretary of the state board of examiners and to act in connection with the issuance of qualifying academic certificates and, so far as they relate to the public school system of the state, to perform one or more of the following services:

- a. Inspection of buildings;
- b. Inspection of accounts;
- c. Research;
- d. Supervision of health education;
- e. Supervision of adult education;
- f. Supervision of ~~special~~ classes for ~~subnormal~~, children with a disability and ~~physically handicapped children~~; and
- g. Such other special services as the state board may deem necessary.

COMMENT

Pejorative terms are replaced with person-first language.

The words “special” and “subnormal” in subsection f. were considered pejorative by a commenter who proposed that the words could be removed without changing the meaning of the statutory language. The NJLRC makes the recommendation to remove the word “special” and “subnormal” but does not seek to increase or diminish the number of children currently covered under the statute.

## **18A:6-100. Powers and Duties**

The board of directors of the educational information and resource center, within the general rules and regulations set by the State Board of Education, shall have the general supervision over and be vested with the conduct of the center. It shall have the power and duty to:

- a. Adopt and use a corporate seal;
- b. Determine policies for the organization, administration, and development of the center;
- c. Sue or be sued by its corporate name;
- d. (Deleted by amendment, P.L. [1983], c. [186] );
- e. Prepare an annual budget, as determined by the board of directors, to carry out the programs and services described in section 1 of this amendatory and supplementary act, and present the annual budget to the Governor and the Legislature;
- f. Disburse all monies appropriated to the center by the State and all monies received from grants, fees, auxiliary services and other sources;
- g. Direct and control expenditures of the center pursuant to all provisions of law governing local school districts, as set forth in Title 18A, and in accordance with the terms of any applicable trusts, bequests, or other special provisions. A system of bookkeeping and accounting shall be adopted and instituted as prescribed by the State board. The board shall cause an annual audit of the center's accounts and financial transactions in the manner provided by N.J.S. 18A:23-1 et seq. All accounts of the center shall be subject to audit by the State at any time;
- h. Appoint and fix compensation, terms and conditions of employment of an executive director. The executive director shall be secretary to the board of directors and shall serve at the pleasure of the board of directors;
- i. Upon nomination by the executive director, appoint, remove, promote and transfer such other staff as may be required to carry out the provisions of the chapter, assign their duties, determine their salaries and prescribe qualifications for all positions;
- j. Enter into contracts and agreements with the State or any of its political subdivisions or with the United States, or any public body, department or any agency of the State or the United States or with any individual, firm, or corporation, subject to the bidding requirements set forth in the "Public School Contracts Law," N.J.S. 18A:18A-1, et seq., which are deemed necessary or advisable by the board for carrying out the provisions of this chapter;
- k. Accept from any governmental department, agency or other public or private body, or from any other source grants or contributions of money or property which the board may use for any of its purposes;

l. Acquire, own, lease, use and operate property, subject to the ~~facilities for the handicapped~~ provisions regarding facilities for persons with a disability set forth in N.J.S. 18A:18A-17 and P.L.1975, c. 221 (C. 52:32-11 et seq.), whether real, personal or mixed, or any interest therein, which is necessary or desirable for center purposes;

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

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

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

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

and it may:

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

#### COMMENT

Pejorative terms are replaced with person-first language. This Final Report reflects the organization of the statute in its current form.

### **18A:7G-8. Calculation of Number of Unhoused Students**

The number of unhoused students shall be calculated as the number of FTE students who are projected to be enrolled in preschool ~~handicapped~~ for children with a disability, preschool, kindergarten, grades 1 through 12, and special education services pupil educational programs provided in a district within five years, which are in excess of the functional capacity of the district's current school facilities or the functional capacity of the school facilities which will be available within five years other than the school facilities for which the preliminary eligible costs are determined, based upon the district's long-range facilities plan. The determination of unhoused capacity shall separately consider projected enrollments and functional capacities at the early childhood and elementary (preschool through grade 5), middle (grades 6 through 8), and high school (grades 9 through 12) levels. For the purpose of calculating the district's unhoused students, special education services students shall be considered part of the grade level

to which the students' chronological age corresponds. In the event that the commissioner approves a school facilities project which involves the construction of a new school facility to replace an existing school facility, which shall accommodate both the unhoused students and the students in the existing school facility, the calculation of the number of unhoused students shall include the number of students currently attending the existing facility which is to be replaced.

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

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

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

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

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

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

The commissioner, in consultation with the State Treasurer and the Commissioner of the Department of Community Affairs, shall adopt regulations that establish a process for the consideration of special circumstances, in addition to those provided in section 5 of this act, in which the area allowances per FTE student established pursuant to this subsection may be adjusted. Any decision made by the commissioner pursuant to those regulations shall be made in consultation with the State Treasurer and the Commissioner of the Department of Community Affairs.

#### COMMENT

Pejorative terms are replaced with person-first language.

### **18A:18A-17. Facilities for ~~Handicapped~~ Persons with a Disability**

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

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

alterations. As used herein, "substantial repairs or alterations" shall mean that if the costs of making such repairs or alterations:

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

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

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

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

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

COMMENT

Pejorative terms are replaced with person-first language.

### **18A:18A-17.1. Commissioner of Education Authorized to Withhold State Aid**

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

COMMENT

Pejorative terms are replaced with person-first language.

### **18A:20-9.2. Sale of School Property to Nonprofit Private School for ~~the Handicapped~~ Persons with a Disability**

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

shall be authorized to execute and deliver a conveyance for the same in the name and under the 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 persons with a disability 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.

COMMENT

Pejorative terms are replaced with person-first language.

**18A:22-8. Contents of Budget; Format**

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 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. §§ 2701 et seq.)

(ii) ~~Handicapped~~ Students with a disability

(iii) Impact Aid

(iv) Vocational

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

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

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

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

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

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

COMMENT

Pejorative terms are replaced with person-first language.

### **18A:35-4.8. Medical Treatment or Examination; Objection of Parent or Guardian**

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

COMMENT

Pejorative terms are replaced with person-first language.

**18A:35-5.1. Lyme Disease Prevention; Public School Health Curriculum**

The Commissioner of Education, in consultation with the Commissioner of Health, shall develop curriculum guidelines for the teaching of information on the prevention of Lyme Disease within the public school health curriculum. The guidelines shall emphasize disease prevention and sensitivity for ~~victims of~~ persons with the disease. The Commissioner of Education shall periodically review and update the guidelines to insure that the curriculum reflects the most current information available.

COMMENT

Pejorative terms are replaced with person-first language.

**18A:36-5. "Special Education Week" Designated**

The week beginning with the second Sunday in May of each year is designated as "Special Education Week" in the State of New Jersey in order to give the citizens of this State the opportunity to recognize the contribution of public school board members, schools and agencies for ~~the handicapped~~ students with a disability, educators, parents, and the students themselves, and to commend them for their dedication to ensuring quality education for ~~exceptional citizens~~ students with a disability in this State.

COMMENT

Pejorative terms are replaced with person-first language. The NJLRC joins a commenter who applauds the Legislature for recognizing and honoring students with a disability, their parents, and the dedicated individuals and agencies who work to ensure quality education for students with a disability. The commenter suggested changing the language in the last sentence of the statute from "exceptional citizens" which has pejorative connotations to "students with a disability" to best effectuate the goals of the Legislature in establishing "Special Education Week."

**18A:36A-7. Student Admissions to Charter School**

A charter school shall be open to all students on a space available basis and shall not discriminate in its admission policies or practices on the basis of intellectual or athletic ability, measures of achievement or aptitude, status as a ~~handicapped~~ person with a disability, proficiency in the English language, or any other basis that would be illegal if used by a school district; however, a charter school may limit admission to a particular grade level or to areas of concentration of the school, such as mathematics, science, or the arts. A charter school may establish reasonable criteria to evaluate prospective students which shall be outlined in the school's charter.

COMMENT

Pejorative terms are replaced with person-first language.

### **18A:36A-11. Operation of Charter School**

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

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

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

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

#### COMMENT

Pejorative terms are replaced with person-first language.

### **18A:36B-20. Applications by Student to Choice District**

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

If there is an opening in a designated school of a choice district and there is no student who is enrolled in a sending district who meets the attendance requirements of this subsection, including a student who has been placed on a waiting list based on a lottery held in the choice

district, then the choice district may fill that opening with a public school student who does not meet the attendance requirements of this subsection or a nonpublic school student.

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

c. A choice district shall not prohibit the enrollment of a student based upon a determination that the additional cost of educating the student would exceed the amount of additional State aid received as a result of the student's enrollment. A choice district may reject the application for enrollment of a student who has been classified as eligible for special education services pursuant to chapter 46 of Title 18A of the New Jersey Statutes if that student's individualized education program could not be implemented in the district, or if the enrollment of that student would require the district to fundamentally alter the nature of its educational program, or would create an undue financial or administrative burden on the district.

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

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

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

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

#### COMMENT

Pejorative terms are replaced with person-first language.

### **18A:36C-8. Enrollment in Renaissance School**

a. (1) In the case of a renaissance school project built on land owned by the New Jersey Schools Development Authority or the renaissance school district, students residing in the attendance area established by the renaissance school district for that property shall be automatically enrolled in the renaissance school project, except as otherwise provided in paragraph (2) of this subsection. The parent or guardian of the student may determine not to enroll the student in the renaissance school project, and in that case the student shall be eligible for enrollment in another school in the renaissance school district. If spaces remain available in

the renaissance school project, students shall be selected for the remaining spaces through a lottery system. The first lottery shall include students who reside in the renaissance school district but outside the attendance area of the renaissance school. If space remains available, a second lottery shall be conducted that may include students who reside outside of the renaissance school district.

(2) A renaissance school project built on land owned by the New Jersey Schools Development Authority or the renaissance school district, shall allow any student who was enrolled in the renaissance school project in the immediately preceding school year to enroll in the renaissance school project in the appropriate grade unless the appropriate grade is not offered; and if a grade is at capacity, a student enrolled in the immediately preceding school year shall have priority for enrollment in that grade over a student who would otherwise be eligible for initial enrollment in the renaissance school project automatically based on the fact that he resides in the attendance area established by the renaissance school project for that property.

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

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

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

#### COMMENT

Pejorative terms are replaced with person-first language. This provision was enacted by L.2011, c. 176, § 8, eff. Jan. 12, 2012, amended by L.2013, c. 149, § 4, eff. Aug. 19, 2013.

### **18A:39-1.2. Provision of Transportation for Certain Pupils; Contracts; Charges, Method of Collection**

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

#### COMMENT

Pejorative terms are replaced with person-first language. The Interlocal Services Act, N.J.S. 40:8A-1 et seq. was repealed in 2007.

### **18A:39-22. Permission to Use School Buses for Transporting Senior Citizens, Handicapped Citizens with a Disability, Children and Adults in Recreation or Other Programs**

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

#### COMMENT

Pejorative terms are replaced with person-first language.

### **18A:39-22.1. School Bus Used to Transport Developmental Disabilities Client; Permitted**

The board of education of a school district may, pursuant to rules adopted by it, permit the use of school buses owned, leased or contracted by the school district for the purpose of transporting an ~~handicapped~~ adult with a disability and who is a client of the Division of Developmental Disabilities in the Department of Human Services and who is continuing ~~his~~ education and training following graduation from secondary school. Transportation pursuant to this section will be limited to space availability on vehicles engaged in the transportation of school-age pupils along established routes. The board shall require that the individual transported, or ~~his~~ the person's parent or guardian, pay all or part of any costs incurred by the district in providing the transportation, including but not limited to, the costs of fuel, driver salaries, insurance and depreciation.

#### COMMENT

Pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

### **18A:43A-5. Services that May be Provided or Administered**

The bureau may, subject to the approval of the board of education, provide for or administer any or all of the following services:

- a. Take, keep and maintain a census of all children residing in the district pursuant to the provisions of section 18A:11-2;
- b. Supervise and maintain a school attendance service to carry out the provisions of article 3 of chapter 38 of this title, Compulsory Education;
- c. Maintain a register and classification of children with ~~intellectual a disabilities and children with handicaps~~ intellectual a disabilities and pursuant to the provisions of chapter 46 of this title;
- d. Supervise the issuance of employment certificates, age certificates and special permits pursuant to the provisions of chapter 153 of the Laws of 1940, the law limiting and regulating child labor;
- e. Establish and maintain group and individual child guidance and counseling programs;
- f. Establish and operate speech and remedial reading clinics and such other clinics as will promote the ~~normal~~ educational development of the children of the district;
- g. Arrange with the respective county and municipal authorities concerned with proper juvenile development and particularly with those concerned with juvenile delinquency for mutual cooperation and assistance including service of the children's bureau as a receiving center for juvenile delinquents;
- h. Carry out, under guidance, the recommendations of mental health and diagnostic centers and clinics and of family psychiatrists and physicians;
- i. Counsel with parent and child;

j. Cooperate in providing long- or short-term supervision of any child in connection with any of the services authorized by this section;

k. Assist in the promotion of the ~~normal~~ development of youth and their proper adjustment in society.

COMMENT

Pejorative terms are replaced with person-first language. The use of the word “normal” in subsection f. and k. was considered pejorative by a commenter who proposed that it could be removed without changing the meaning of the statutory language. The NJLRC makes the recommendation to remove the word “normal” but does not seek to increase or diminish the children currently covered under the statute.

**18A:46-1. Definitions. (Special Schools, Classes and Facilities)**

As used in this chapter a ~~handicapped~~ “child with a disability” shall mean and include any child who:

- a. has an intellectual disability; or
- b. has a ~~is~~ visually ~~handicapped~~ impairment; or
- c. has an auditorily ~~handicapped~~ impairment; or
- d. has a communication ~~handicapped~~ impairment; or
- e. has a neurologically or perceptually ~~impaired~~ impairment; or
- f. has an orthopedically ~~handicapped~~ impairment; or
- g. has a chronically illness; or
- h. has an emotionally ~~disturbed~~ impairment; or
- i. has a socially ~~maladjusted~~ impairment; or
- j. has multiply ~~handicapped~~ disabilities; or
- k. has autistism; or
- l. has a traumatic brain injury; or
- m. has other health impairments; or
- n. has a specific learning disability; or
- o. has deaf-blindness; or
- p. is a ~~pre-school~~ preschooler ~~handicapped~~ with a disability.

COMMENT

Pejorative terms are replaced with person-first language, other changes are recommended for clarity. Subsections l. to o., were added to include the categories of disability covered under N.J.A.C. 6A:14-3.5c; 20 U.S.C. §1401; and 34 C.F.R. §300.8.



## **18A:46-2. Special Educational Services; Appointment of Professional Personnel; Advisory Council; Membership; No Compensation**

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

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

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

### COMMENT

Pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

## **18A:46-2.2. Coordinator of Deaf Education; Appointment**

The Commissioner of the Department of Education shall appoint a coordinator of ~~deaf~~ education for persons who are deaf or hard of hearing.

### COMMENT

Pejorative terms are replaced with person-first language.

## **18A:46-2.3. Duties**

The duties of the coordinator of ~~deaf~~ education for persons who are deaf or hard of hearing shall include evaluating, coordinating and developing local, county, regional and State-operated educational programs and services for ~~hearing-impaired~~ children who are deaf or hard of hearing.

### COMMENT

Pejorative terms are replaced with person-first language.

### **18A:46-3. County Departments of Child Study; Duty; Membership; Qualification; Designating Chairman**

When the results of a survey of ~~handicapped~~ children with a disability in any county, in the opinion of the commissioner warrants it, ~~he~~ the commissioner shall, with the approval of the state board, establish a department of child study which shall be charged with the duty of performing the services required to be performed at the county level under this chapter. ~~He~~ The commissioner shall appoint for each county department of child study or, with the approval of the state board, for one or more county departments of child study, a supervisor, whose duties shall include the coordination of the special education services in the county, and ~~he shall appoint~~, such additional personnel, constituting a child study team as ~~he~~ the commissioner deems necessary to perform such services for ~~handicapped~~ children with a disability.

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

The county superintendent of the county, or the county superintendents of the counties served by one child study team jointly, shall, with the approval of the commissioner, designate a member of the child study team to serve as chairman, ~~and~~ in the event that they the superintendents cannot agree the chairman shall be designated by the commissioner.

COMMENT

Pejorative terms are replaced with person-first language.

### **18A:46-3.1. Regional Consultants for Persons who are Deaf or Hard of Hearing Impaired; Appointment; Duties**

The Commissioner of the Department of Education shall appoint four regional consultants for ~~the children who are deaf or hard of hearing~~ hearing impaired. The duties of these consultants shall include assisting the child study teams in the educational evaluation and placement of ~~hearing handicapped~~ children who are deaf or hard of hearing and the development of appropriate individual educational programs, for each ~~handicapped~~ child with a disability and with significant hearing loss.

COMMENT

Pejorative terms are replaced with person-first language.

### **18A:46-5. Functions of Child Study Teams**

Each county child study team shall function in consultation with the local boards of education in the county or the local boards of education in the counties served by it in the fields pertaining to:

- a. identification and diagnosis of children needing special educational services,
- b. development and approval of public school programs for ~~handicapped~~ pupils with a disability,
- c. supervision and coordination of public school programs for ~~handicapped~~ pupils with a disability,
- d. Reporting and referral of children with ~~handicaps~~ a disability, of such severity as to indicate the necessity of residential placement, medical or psychological treatment, or care, to the appropriate agency for such purpose,
- e. social case work and psychological evaluation,
- f. remedial instruction,
- g. cooperative action with other state and county departments and lay professional organizations, and
- h. additional responsibilities as determined by the commissioner with the approval of the state board.

COMMENT

Pejorative terms are replaced with person-first language.

**18A:46-6. ~~Handicapped~~ Children with a Disability and Children Who Require and are Benefited by Special Education Programs and Services; Identification**

Each board of education, according to uniform rules prescribed by the commissioner with the approval of the State board, shall provide for the identification of any children between the ages of five and 21 residing in the district and enrolled in the public schools of the State or in a nonpublic school located in the district, who cannot be properly accommodated through the school facilities usually provided, because of ~~handicaps~~ a disability.

For the purposes of this act, a child who boards at a school in a district in which ~~his~~ the child's parents do not maintain a residence shall not be considered a resident of the district.

In addition, each board of education shall also identify and ascertain, according to rules promulgated by the commissioner with the approval of the State board, those children between the ages of three and five years who require and who would be benefited by special education programs and services, which may prevent their ~~handicaps~~ disability from becoming more debilitating.

Each board of education shall provide information to parents of ~~handicapped~~ children with a disability and who are below the age of three regarding available services and programs provided by other State, county or local agencies, which may prevent their ~~handicaps~~ disability from becoming more debilitating.

COMMENT

Pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

### **18A:46-6.1. Providers of Programs and Services for 3 to 5 year olds**

The programs and services required pursuant to N.J.S. 18A:46-1 et seq. for ~~handicapped~~ children with a disability between the ages of 3 and 5 shall be provided by one or more of the following:

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

#### COMMENT

Pejorative terms are replaced with person-first language.

### **18A:46-7. Reports of Handicapped Children with a Disability**

Each board of education shall Report annually to the county superintendent of schools of the county in which the school district is situate, who shall Report to the commissioner, the names of all children who are in special education instructional programs and the names and addresses of their parents or persons having control or custody of them, together with the category into which they have been classified. Included in this Report shall be the names and addresses of any known ~~handicapped~~ children who with a disability who are not attending school. The commissioner shall make the information in the Reports available to any state agency charged with ~~the care and restoration~~ providing care and rehabilitation services of any particular category of handicapped for children with a disability.

#### COMMENT

Pejorative terms are replaced with person-first language.

### **18A:46-7.1. Laws, Rules and Regulations; Distribution to Parents of Children Classified as ~~Handicapped~~ a Child with a Disability**

In every school district ~~having~~ with children who have been classified as ~~handicapped~~ a child with a disability pursuant to the provisions of chapter 46 (Classes and Facilities for

~~Handicapped~~ Children with a Disability) of Title 18A of the New Jersey Statutes, the board of education of the district shall, annually, cause copies of said chapter 46, as amended and supplemented, together with all current rules and regulations of the commissioner relating thereto, to be prepared for distribution to parents of children classified as ~~handicapped children~~ with a disability or the persons having control or custody of such children who request copies thereof.

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

COMMENT

Pejorative terms are replaced with person-first language.

**18A:46-8. Classification of ~~Disabled, Handicapped~~ Children with a Disability; Report to Parent or Guardian**

Each board of education shall provide for the examination and classification of each child residing in the district and identified pursuant to N.J.S. 18A:46-6, except that the board of education of a county vocational school district shall provide for the examination and classification of each child who is attending the county vocational school on a full-time basis and is identified pursuant to N.J.S. 18A:46-6. Such examination and classification shall be accomplished according to procedures prescribed by the commissioner and approved by the State board, in one of the categories of disability identified pursuant to in N.J.S. 18A:46-1: ~~intellectually disabled, visually handicapped, auditory handicapped, communication handicapped, neurologically or perceptually impaired, orthopedically handicapped, chronically ill, emotionally disturbed, socially maladjusted, autistic, multiple handicapped or pre-school handicapped.~~ The examination and classification of such nonpublic school children shall be in a location determined by the local board of education of the district in which the nonpublic school is located and approved by the commissioner pursuant to rules and regulations promulgated by the State board.

The classification of a child with a communication ~~handicapped~~ impairment shall be made by the basic child study team and an approved speech correctionist or speech pathologist, without child study consultation. Such children shall be reported to the basic child study team. The proposed classification shall be reported to the parent or guardian of the child and an opportunity provided, prior to implementation of the classification, for consultation by such parent or guardian with the appropriate special educational services personnel of the district. Pursuant to rules of the State board, the parent or guardian shall also be provided an opportunity for further review of the classification in the Department of Education.

COMMENT

Pejorative terms are replaced with person-first language.

### **18A:46-10. Classification According to Ability; Scope of Educational Service**

Pupils identified as needing special education services to ameliorate or to prevent the development of a learning ~~handicaps~~ disability shall be classified according to their ability to benefit from specified types of educational service, and such educational service shall be conducted according to rules and regulations prescribed by the commissioner, with the approval of the state board, and may include, but need not be limited to:

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

#### COMMENT

Pejorative terms are replaced with person-first language. The word “regular” in subsections d. and f., was considered pejorative by a commenter and replaced with the term “general” which has a less pejorative connotation. The NJLRC recommends the change but did not seek to increase or diminish the number of individuals currently covered under the statute.

### **18A:46-13. Types of Facilities and Programs**

It shall be the duty of each board of education to provide suitable facilities and programs of education for all the children who are classified as ~~handicapped~~ children with a disability under this chapter. The absence or unavailability of a special class facility in any district shall not be construed as relieving a board of education of the responsibility for providing education for any child who qualifies under this chapter.

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

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

as the State board shall promulgate for such transportation. Any special education facility or program authorized and provided for a child attaining age 20 during a school year shall be continued for the remainder of that school year.

COMMENT

Pejorative terms are replaced with person-first language.

### **18A:46-14. Enumeration of Facilities and Programs**

The facilities and programs of education required under this chapter shall be provided by one or more of the following:

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

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

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

d. A jointure commission program;

e. A State of New Jersey operated program;

f. Instruction at school supplementary to the other programs in the school, whenever, in the judgment of the board of education with the consent of the commissioner, the ~~handicapped~~ pupil with a disability will be best served thereby;

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

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

Whenever a child study team determines that a suitable special education program for a child cannot be provided pursuant to subsection a., b., c., d., e., f., g. or h. of this section, and that the most appropriate placement for that child is in an academic program in an accredited nonpublic school within the State or, to meet particular circumstances, in any other state in the United States, the services of which are nonsectarian, and which is not specifically approved for the education of ~~handicapped~~ pupils with a disability, that child may be placed in that academic

program by the board of education, with the consent of the commissioner, or by order of a court of competent jurisdiction. An academic program which meets the requirements of the child's Individual Education Plan as determined by the child study team and which provides the child with a thorough and efficient education, shall be considered an approved placement for the purposes of chapter 46 of this Title, and the board of education shall be entitled to receive State aid for that child as provided pursuant to P.L.2007, c.260 (C.18A:7F-43 et al.), and all other pertinent statutes.

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

COMMENT

Pejorative terms are replaced with person-first language.

**18A:46-15. Facilities and Programs; Approval by Commissioner; Special Classes for ~~Handicapped~~ Children with a Disability; Review; Improvement**

a. The commissioner with the consent of the State board shall, according to the rules and regulations prescribed by him or her and approved by the State board, approve all special facilities and education programs which meet the requirements of this chapter. ~~He~~ The commissioner shall from time to time, by the use of available members of ~~his~~ the commissioner's staff, by the publication of bulletins, and by any other means available ~~to him~~ assist boards of education in formulating programs required under this chapter.

b. The commissioner shall continually review the operation of the programs of special education required under this chapter and whenever in any area or region of this State, in ~~his~~ the commissioner's judgment, ~~handicapped~~ children of one or more disability groups, as classified under N.J.S. 18A:46-8, are not receiving satisfactory education programs, despite the operation of facilities and programs approved ~~by him~~ pursuant to subsection a of this section, ~~he~~ the commissioner shall, with the consent of the State board, order the establishment of a special class or classes for such group or groups in such area or region, either using the facilities to be provided by one or more boards of education, pursuant to N.J.S. 18A:46-20b, or the facilities of one or more jointure commissions by directing one or more boards of education not members to become contracting districts of any thereof under N.J.S. 18A:46-28c.



c. The commissioner shall continually review the operation of such class or classes and in case the operation of any of such classes is not satisfactory ~~to him, he~~ the commissioner shall, with the consent of the State board, take such steps available under this chapter as may seem necessary to improve such operation including the use of different receiving districts and sending districts and the use of different jointure commissions or the addition or withdrawal of districts to or from existing jointure commissions.

COMMENT

Pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

**18A:46-18.3. Notice to Parents or Legal Guardian of Child 18 or over in State Facility of Nonentitlement to Tuition Free Education Services after 21; Recommendation for Adult Educational Services; Consent; Report**

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

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

c. Upon the written consent of the parent or legal guardian, the multidisciplinary treatment team shall forward the child's name and other relevant information in a Report to the Commissioner of Human Services, the Commissioner of Children and Families, or the Commissioner of Corrections, as appropriate, for the development of a recommendation for adult

educational services. A copy of the Report shall also be submitted to the Commissioner of Education at the same time that the Report is submitted to the Commissioner of Human Services, the Commissioner of Children and Families or the Commissioner of Corrections, as applicable.

COMMENT

Pejorative terms are replaced with person-first language.

**18A:46-21. Tuition for ~~Handicapped~~ Children with a Disability**

Any board of education, jointure commission, or private school for ~~the handicapped~~ pupils with a disability which receives pupils from a sending district under this chapter shall determine a tuition rate to be paid by the sending board of education, but in no case shall the tuition rate exceed the actual cost per pupil as determined under rules prescribed by the commissioner and approved by the State Board of Education.

COMMENT

Pejorative terms are replaced with person-first language.

**18A:46-22. Withdrawal of Pupils by Sending Districts**

Any board of education which has entered or hereafter shall enter its ~~handicapped~~ pupils with a disability in the schools of a receiving district may not withdraw such pupils for the purpose of entering them in the schools of another district unless good and sufficient reason exists for such a change and unless an application therefor is made and approved by the commissioner. Either the receiving or sending board of education, if dissatisfied with the determination of the commissioner on any such application, may appeal to the state board, and, in its discretion, that body may affirm, reverse, or modify ~~his~~ the commissioner's determination.

COMMENT

Pejorative terms are replaced with person-first language.

**18A:46-23. Transportation of Pupils; Special Classes; ~~Handicapped~~ Children with a Disability; State Aid**

The board of education shall furnish transportation to all children ~~found under this chapter to be handicapped~~ with a disability identified pursuant to this chapter who shall qualify therefor pursuant to law and it shall furnish the transportation for a lesser distance also to any ~~handicapped~~ child with a disability, if ~~it~~ the board finds upon the advice of the examiner, that the ~~handicap~~ disability ~~to be such as to make~~ transportation necessary or advisable.

The board of education shall furnish transportation to all children being sent by local boards of education to an approved 12-month program pursuant to N.J.S. 18A:46-14, or any other program approved pursuant to N.J.S. 18A:46-14 and who qualify therefor pursuant to law,

during the entire time the child is attending the program. The board shall furnish transportation for a lesser distance also to a ~~handicapped~~ child with a disability, if ~~it~~ the board finds upon the advice of the examiner, ~~his handicap~~ that the disability to be such as to make the transportation necessary or advisable.

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

COMMENT

Pejorative terms are replaced with person-first language.

**18A:46-29. County Special Services School District; Finding of Need; Hearing; Establishment; Name**

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

COMMENT

Pejorative terms are replaced with person-first language.

**18A:58-33.24. Renovation, Replacement or New Construction of Facilities and Capital Projects for Secondary Level Vocational Facilities for ~~Handicapped~~ Persons with a Disability; Additional Aid for Payment of Debt Service on Bonds and Notes; Limitations**

Additional State school building aid shall be made available to school districts, county special services school districts and county vocational school districts in accordance with the provisions of this act for the payment of debt service (interest and principal) on bonds and notes (as hereinafter defined) entitled to the benefits of this act, provided that the amount of bonds entitled to the benefits of this act shall not exceed \$100,000,000.00, and provided further that of the total principal amount of the bonds, no more than \$80,000,000.00 shall be allocated to the renovation or replacement of aged and deteriorated school buildings and construction of new

facilities in districts with financial need and no more than \$40,000,000.00 shall be allocated to the expansion and establishment of secondary vocational educational facilities to serve ~~handicapped~~ children with a disability between the ages of 13 and 21 who would benefit from vocational education in local school districts, county special services school districts and county vocational school districts with financial need. The amount of aid payable to any local school district for the renovation or replacement of aged and deteriorated school buildings and construction of new facilities shall not exceed an amount equal to 20% of the total aid allocated to this program and in any year such aid shall not exceed an amount equal to \$25.00 per pupil in resident enrollment in such school district on September 30, 1976. The amount of aid payable in any year to any local school district, county special services school districts or county vocational school district for the expansion and construction of secondary vocational education facilities to serve ~~handicapped~~ pupils with disability between the ages of 13 and 21 shall be no more than 75% of the total debt service of bonds and notes for secondary vocational education projects constructed under the provisions of this act and shall not exceed an amount equal to the number of ~~handicapped~~ pupils with disability between the ages of 13 and 21 enrolled in such school district whose vocational education needs were not met due to the lack of suitable facilities prior to any application date for funds under this act, multiplied by a standard per student construction cost, established pursuant to guidelines promulgated by the Commissioner of Education.

COMMENT

Pejorative terms are replaced with person-first language.

**18A:58-33.25. Resolution of Need; Application by Board of Education; Investigation; Report**

a. Whenever the board of education of a local school district shall determine by resolution that it is unable to provide suitable general purpose educational facilities to comply with the provisions of N.J.S. 18A:33-1, it may file an application with the Commissioner of Education for additional State school building aid under this act. Upon the receipt of such application, the Commissioner of Education shall cause an investigation to be made of the conditions in the district, taking into consideration the number of unhoused pupils, number of years on split or curtailed sessions, the rate of pupil population increase, the total tax rate of the municipalities in the district, the school tax rate of the district, the net debt of such municipalities and the school debt, the density of population, the equalized valuations allocable with respect to each child in the school district, the number of children on welfare rolls, effects of judicial determinations prior to the enactment hereof concerning constitutional requirements of equal educational opportunity, existing and proposed educational facilities and all such other factors as said commissioner or the State Board of Education may deem necessary for the purpose of this act. The Commissioner of Education shall Report the results of such investigation to the State Board of Education and may include therein an evaluation of the ability of such school district to provide suitable educational facilities to comply with the provisions of N.J.S. 18A:33-1, and of

the need of such school district for additional State school building aid under this act, advice as to the resident enrollment in such school district as of September 30, 1976 as shown by records with respect thereto on file in ~~his~~ the commissioner's office, recommendation as to the amount (if any) of entitlement (as hereinafter defined) proposed with respect to said school district, and such further information with respect to such school district as requested or required by said board.

b. Whenever the board of education of a local school district, county special services school district or county vocational school district shall determine by resolution that there are ~~handicapped~~ pupils with a disability between the ages of 13 and 21 who would benefit from vocational education but are not enrolled in such a program and that ~~it~~ the board is unable to provide suitable facilities for such pupils, ~~it~~ the board may file an application with the Commissioner of Education for additional State school building aid under this act and forward its plan to provide secondary vocational facilities for ~~handicapped~~ pupils with a disability to the County Career Education Coordinating Council. Upon the receipt of such application the County Career Education Coordinating Council shall review the facilities plan as soon as possible and forward its recommendations to the Commissioner of Education forthwith. Upon the receipt of such application from a local school district, the Commissioner of Education shall cause an investigation to be made of the conditions of the district, taking into consideration the number of ~~handicapped~~ pupils with a disability between the ages of 13 and 21 who would benefit from such a program and are not presently enrolled in vocational programs due to the lack of facilities, the projected increase or decrease of such pupils in future years, the total tax rate of the municipalities in the district, the school tax rate of the district, the net debt of such municipalities and the school debt, the equalized valuations allocable with respect to each child in the school district, effects of judicial determinations prior to the enactment hereof concerning constitutional requirements of equal educational opportunity, existing and proposed education facilities, the recommendations of the County Career Education Coordinating Council and all such other factors as said commissioner or State Board of Education may deem necessary for the purpose of this act. Upon the receipt of such application from a county special services school district or a county vocational school district, the Commissioner of Education shall cause an investigation to be made of the conditions of the district, taking into consideration the number of ~~handicapped~~ pupils with a disability between the ages of 13 and 21 who would benefit from such a program and are not presently enrolled in vocational programs due to the lack of facilities, the projected increase of such pupils in future years, the county vocational school debt, the county debt, the total tax rate of the county, the county average equalized valuations per pupil, existing and proposed educational facilities, the recommendations of the County Career Education Coordinating Council and all such factors as said commissioner or State Board of Education may deem necessary for the purpose of this act. The Commissioner of Education shall Report the results of such investigations to the State Board of Education and may include therein an evaluation of the ability of such school district to provide suitable secondary vocational educational facilities for ~~handicapped~~ pupils with a disability, and of the need of such school

district for additional State school building aid under this act, advice as to the enrollment of ~~handicapped~~ pupils with a disability in such school as of the effective date of this act as shown by records with respect thereto on file in ~~his~~ the Commissioner's office, recommendation as to the amount (if any) of entitlement (as hereinafter defined) proposed with respect to said school district, and such further information with respect to such school district as requested or required by said board.

COMMENT

Pejorative terms are replaced with person-first language.

### **18A:71B-3. Discrimination Forbidden**

Financial aid under this chapter shall be awarded without regard to race, religion, creed, age, sex, national origin or ~~handicapped status~~ disability.

COMMENT

Pejorative terms are replaced with person-first language.

### **18A:72H-3. Definitions**

As used in this act:

a. ~~"Auditorily impaired" means a hearing impairment of such severity that the individual depends primarily upon visual communication.~~ an inability to hear within normal limits due to a physical impairment or dysfunction of auditory mechanisms characterized by: (i) deafness or (ii) hearing impairment. "Deaf" means the auditory impairment is so severe that the individual does not process linguistic information through hearing, with or without amplification, and the student's educational performance is adversely affected. "Hearing impairment" means an impairment in hearing, whether permanent or fluctuating, which adversely affects the individual's educational performance. "Hard of hearing" means hearing loss, whether permanent or fluctuating, which adversely affects the individual's educational performance. "Deaf-blind" means concomitant hearing and visual disabilities, the combination of which causes such severe communication and other developmental and educational needs that the child cannot be accommodated in special education programs solely for children with deafness or children with blindness.

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

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

d. "Eligible student" means any student admitted to a public or independent institution of higher education who is ~~has suffering from~~ a visual impairment, auditory impairment or a specific learning disability within guidelines established by the Commission on Higher Education pursuant to regulations promulgated under this act.

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

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

g. "Program" means the Higher Education Services for Visually Impaired, Auditorily Impaired ~~and~~ and Learning Disabled Students Program established pursuant to this act.

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

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

j. "Visually ~~impaired~~ impaired" means a vision impairment where the better eye with correction does not exceed 20/200 or where there is a field defect in the better eye in which the diameter of the field is no greater than 20 degrees.

#### COMMENT

Pejorative terms are replaced with person-first language. A state agency recommended using the definition for "auditorily handicapped" found in N.J.A.C. 6A:14 to define "auditory impairment" in this chapter. The proposed changes are adapted from the language in N.J.A.C. 6A:14.

### **18A:72H-6. Powers and Duties of Department**

The Commission on Higher Education shall:

a. Enter into agreements with any individual, agency or public or independent institution of higher education in this State, under which the individual, agency or institution shall

undertake to provide direct support services to eligible students, provided these services do not duplicate or replace any services for which these students are currently eligible.

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

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

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

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

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

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

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

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

#### COMMENT

Pejorative terms are replaced with person-first language.

### **18A:72H-7. Advisory Board**

To assist in fulfilling the duties and responsibilities relating to this act, the commission shall appoint an advisory board, which shall be broadly representative of those individuals and organizations having an active interest in, and academic or practical knowledge and experience in, the abilities and needs of persons with a visually impaired, an auditorily impaired and learning disabled students; the methods and techniques of evaluation of ~~handicapping the disabling~~ conditions and curricular support development, including, without limitation, representatives from professional organizations, parent/student organizations, institutional administrations, academic personnel, student personnel services staff, and students. A



representative from the Departments of Labor and Workforce Development and of Human Services shall serve on the advisory board.

COMMENT

Pejorative terms are replaced with person-first language.

### **18A:73-35. Duties of State Library**

The State Library shall:

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

(b) Provide special library services for the legislative, executive and judicial branches of State Government, supplemental library service for New Jersey libraries and citizens and direct library service for the handicapped persons with a disability;

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

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

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

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

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

COMMENT

Pejorative terms are replaced with person-first language. The proposed changes made were requested by the State Library and are consistent with the practice of the Library of Congress.

**18A:74-21. Projects to be Accessible, Usable by ~~Handicapped~~ Persons with a Disability**

The President shall require that projects constructed with the use of State funds under this act shall, to the extent appropriate be accessible to and usable by ~~handicapped~~ persons with a disability.

COMMENT

Pejorative terms are replaced with person-first language.

**TITLE 23: PROVISIONS RELATING TO FISH AND GAME, WILD BIRDS AND ANIMALS**

**23:3-4. License for Firearms, Trapping, Hunting, Fishing**

**23:4-24.5. Computer-assisted Remote Hunting Prohibited; Definitions; Exception for Certain Hunters**

**23:3-4. Licenses; Residents' and Nonresidents'; Fees; Term of Licenses**

The licenses issued under this article shall be as follows:

a. A license issued to a person above 16 years of age, who has an actual and bona fide domicile in this State at the time of the application for the license and who has had an actual and bona fide domicile in this State for at least six months immediately prior thereto, provided that for a resident's trapping license the person shall be above 12 years of age. These licenses shall be designated as the resident's firearm hunting license, the resident's bow and arrow license, the resident's trapping license, and the resident's fishing license.

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

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

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

(4) The resident's fishing license shall authorize its holder to fish only, and a fee of \$21.50 and an issuance fee of \$1.00 shall be charged therefor, except that (a) in any case where the applicant is above 70 years of age and is otherwise qualified, no license shall be required, and (b) a person above 65 years and under 70 years of age, or a person who is totally disabled, shall be charged a fee of \$11.50 and an issuance fee of \$1.00.

(5) Any resident of this State who ~~is afflicted with~~ is totally blindness, upon application to the division, shall be entitled to a resident's fishing license without fee or charge.

b. A license issued to a person above 16 years of age not entitled to a resident's license, authorizing ~~him~~ the person to trap or to hunt, except that a nonresident's two-day small game firearm hunting license shall not permit the taking, hunting, or killing of deer or turkey. These

licenses shall be designated as the nonresident's firearm hunting license, the nonresident's bow and arrow license, the nonresident's trapping license, and the nonresident's two-day small game firearm hunting license.

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

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

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

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

(1) The fee for the nonresident's annual fishing license shall be \$33.00 and an issuance fee of \$1.00.

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

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

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

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

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

COMMENT

Pejorative terms are replaced with person-first language.

#### **23:4-24.5. Computer-Assisted Remote Hunting Prohibited; Definitions; Exception for Certain Hunters**

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

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

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

#### COMMENT

Pejorative terms are replaced with person-first language.

**TITLE 24: PROVISION FOR DEFINITIONS FOR NEW JERSEY CONTROLLED DANGEROUS SUBSTANCES ACT**

**24:21-2. Definitions**

As used in this act:

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

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

"Commissioner" means the Commissioner of Health.

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

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

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

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

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

"Dispenser" means a practitioner who dispenses.

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

"Distributor" means a person who distributes.

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

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

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

~~"Drug dependent person"~~ "Person with a substance use disorder" means a person ~~who is using a controlled dangerous substance and who is in a state of psychic or physical dependence, or both, arising from the use of that controlled dangerous substance on a continuous basis. Drug dependence is characterized by behavioral and other responses, including but not limited to a strong compulsion to take the substance on a recurring basis in order to experience its psychic effects, or to avoid the discomfort of its absence~~ who has a substance use disorder as defined in this section.

~~"Drug dependence"~~ "Substance use disorder" means ~~a person~~ taking or using a drug or controlled dangerous substance, as defined in this chapter, in association with a state of psychic or physical dependence, or both, arising from the use of that drug or controlled dangerous substance on a continuous basis. Substance use disorder is characterized by behavioral and other responses, including but not limited to a strong compulsion to take the substance on a recurring basis in order to experience its psychic effects, or to avoid the discomfort of its absence.

"Hashish" means the resin extracted from any part of the plant Genus Cannabis L. and any compound, manufacture, salt, derivative, mixture, or preparation of such resin.

"Marihuana" means all parts of the plant Genus Cannabis L., whether growing or not; the seeds thereof; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant; but shall not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

"Manufacture" means the production, preparation, propagation, compounding, conversion, or processing of a controlled dangerous substance, either directly or by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled dangerous substance by an individual for the

individual's ~~his~~ own use or the preparation, compounding, packaging, or labeling of a controlled dangerous substance: (1) by a practitioner as an incident to ~~his~~ administering or dispensing of a controlled dangerous substance in the course of ~~his~~ the practitioner's professional practice, or (2) by a practitioner (or under ~~his~~ the practitioner's supervision) for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

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

(a) Opium, coca leaves, and opiates;

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

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

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

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

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

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

"Pharmacist" means a registered pharmacist of this State.

"Pharmacy owner" means the owner of a store or other place of business where controlled dangerous substances are compounded or dispensed by a registered pharmacist; but nothing in this chapter contained shall be construed as conferring on a person who is not



registered or licensed as a pharmacist any authority, right, or privilege that is not granted to ~~him~~ the pharmacist by the pharmacy laws of this State.

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

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

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

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

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

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

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

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

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

"State" means the State of New Jersey.

"Ultimate user" means a person who lawfully possesses a controlled dangerous substance for ~~his~~ the person's own use or for the use of a member of ~~his~~ the person's household or for administration to an animal owned by ~~him~~ the person or by a member of ~~his~~ the person's household.

#### COMMENT

Pejorative terms are replaced with person-first language and gender-neutral terms were added.

The term "substance use disorder" was recommended by several commenters to replace the term "drug dependence" and the term "drug dependent person" replaces the term "a person with a substance use disorder involving drugs" to reflect current clinical terminology/usage

**TITLE 26: PROVISIONS RELATING TO HEALTH**

- 26:2-127. High Blood Pressure Control Program**
- 26:2-128. Power of Commissioner**
- 26:2-141. Commissioner of State Department of Health**
- 26:2B-6. Public Policy**
- 26:2B-8. Definitions**
- 26:2B-9. Division of Addiction Services**
- 26:2D-34. License of Radiologic Technologist, Suspension**
- 26:2G-1. Short title; Purpose (Narcotic and Drug Abuse Control Act)**
- 26:2G-3. Certain functions, Powers and Duties of Commissioners of Institutions and Agencies, Community Affairs and Health Transferred to Director**
- 26:2G-5. Additional Powers of Director**
- 26:2G-34. Program of Medical and Community Services**
- 26:2H-12.6. Care of Newborn Children**
- 26:2H-32. Licensing and Regulation of Nursing Homes**
- 26:4-30. Examination of Suspected Person**
- 26:4-35. Examination and Isolation of Infected Person**
- 26:4-39. Report of Institutional Cases**
- 26:4-53. Warrant and Commitment**
- 26:4-71.3. Tuberculosis Patient Leaving Hospital Against Medical Advice**
- 26:6-78. Anatomical Gifts**

**26:2-127. Community based high blood pressure control program; provisions**

A community based high blood pressure control program shall provide:

- a. Hypertension screening;
- b. Treatment referral;
- c. Counseling for ~~victims~~ persons with high blood pressure as to proper diet, weight control and appropriate care and treatment of the condition; and
- d. Patient follow-up and evaluation of treatment methods.

**COMMENT**

Pejorative terms are replaced with person-first language.

**26:2-128. Powers of Commissioner**

The commissioner is authorized to:

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

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

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

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

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

f. Apply for and accept any grant of money from the federal government or any other source available for the purposes of this act.

COMMENT

Pejorative terms are replaced with person-first language.

**26:2-141. Authority of Commissioner**

The commissioner is authorized to:

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

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

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

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

e. Promote programs of education for persons ~~afflicted~~ with diabetes in order to improve their quality of life and reduce the burdens of the disease and its complications;

f. Promote programs of professional education for physicians, nurses, dietitians, podiatrists, dentists, physical therapists, pharmacists, and public health professionals relative to the prevention and control of diabetes and the rehabilitation of ~~victims of~~ persons with the complications of diabetes; and

g. Apply for and accept any grant of money from the federal government or any other source available for the purposes of this act.

COMMENT

Pejorative terms are replaced with person-first language.

## 26:2B-7. Public Policy

It is the policy of the State of New Jersey that ~~alcoholics~~ persons with a substance abuse disorder involving alcohol and intoxicated persons may not be subjected to criminal prosecution because of their consumption of alcoholic beverages, but rather should be afforded a continuum of treatment in order that they may lead ~~normal~~ lives as productive members of society.

### COMMENT

Pejorative terms are replaced with person-first language.

The term “a person with a substance use disorder involving alcohol” replaces the term “alcoholic” based on the recommendation of several commenters who proposed language that reflects current clinical terminology/usage.

The word “normal” in this subsection was considered pejorative by a commenter who proposed that it could be removed without changing the meaning of the statutory language. The NJLRC makes the recommendation to remove the word “normal” but does not seek to increase or diminish the number of individuals currently covered under the statute.

## 26:2B-8. Definitions

The following words as used in this act shall, unless the context requires otherwise, have the following meanings:

"Administrator" means the person in charge of the operation of a facility, or ~~his~~ the person's designee.

"Admitted" means accepted for treatment at a facility.

"~~Alcoholic~~ Person with a substance use disorder involving alcohol" means any person who chronically, habitually or periodically consumes alcoholic beverages to the extent that:

a. such use substantially injures ~~his~~ the person's health or substantially interferes with ~~his~~ the person's social or economic functioning in the community on a continuing basis, or

b. ~~he~~ the person has lost the power of self-control with respect to the use of such beverages.

"Authorized persons" means persons who serve as volunteer first aid or ambulance squad members, para-professional medical personnel and rehabilitated ~~alcoholics~~ persons with a substance use disorder involving alcohol.

"Commissioner" means the Commissioner of the State of New Jersey Department of Health Human Services.

"Department" means the State of New Jersey Department of Health Human Services.

"Director" means the ~~Director of the Division of Alcoholism~~ Assistant Commissioner of the Division of Mental Health and Addiction Services.

"Division" means the Division of ~~Alcoholism~~ Mental Health and Addiction Services.

"Facility" means any public, private place, or portion thereof providing services especially designed for the treatment of intoxicated persons; ~~alcoholics~~ persons with substance use disorders involving alcohol; including, but not limited to intoxication treatment centers, inpatient treatment facilities, outpatient facilities, and residential aftercare facilities.

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

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

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

"Patient" means any person admitted to a facility.

"Private facility" means a facility other than one operated by the Federal Government, the State of New Jersey or any political subdivision thereof.

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

"Treatment" means services and programs for the care or rehabilitation of; intoxicated persons; ~~alcoholics~~ persons with a substance use disorder involving alcohol, including, but not limited to, medical, psychiatric, psychological, vocational, educational, recreational, and social services and programs.

#### COMMENT

Pejorative terms are replaced with person-first language and gender-neutral language was added.

The term "a person with a substance use disorder involving alcohol" replaces the term "alcoholic" based on the recommendation of several commenters who proposed language that reflects current clinical terminology/usage.

### **26:2B-9. Division of Alcoholism; Establishment; Director; Assistant; Officers and Employees**

There is hereby established in the Department of Health a Division of Alcoholism, (formerly know as the Department of Human Services, and called the Division of Mental Health and Addiction Services), under the direction of ~~a division director~~ an assistant commissioner. The ~~director~~ assistant commissioner shall be an individual with training and experience in such areas as public administration or public health or rehabilitation and training in the social sciences or a qualified professional with training or experience in the treatment of behavioral disorders or

medical-social problems, or in the organization or administration of treatment services for persons ~~suffering from~~ with behavioral disorders or medical-social problems.

There shall be an assistant to the director, who shall have experience in the field of ~~alcoholism~~ substance use disorders involving alcohol. The director and ~~his~~ the director's assistant shall be appointed by the commissioner, with the consent of the public health council.

The commissioner shall appoint and may remove such officers and employees of the division as ~~he~~ the commissioner may deem necessary. There shall be an administrator of each facility operated by the department pursuant to this act. Each such administrator shall be a person qualified by training and experience to operate a facility for the treatment of ~~alcoholics~~ persons with a substance use disorder involving alcohol, intoxicated persons. The commissioner may establish such other positions in the division and employ such consultants as ~~he~~ the commissioner may deem appropriate. Except as otherwise provided by law, all offices and positions in the division shall be subject to the provisions of Title 11, Civil Service; provided, however, that the provisions of said title shall not apply to the director, physicians and psychiatrists who have full medical-psychiatric, as opposed to administrative responsibility; and provided, further, and notwithstanding the preceding proviso or any other provision of law, that all offices and positions, which as a condition of receiving Federal grants for programs and activities to which Federal standards for a merit system of personnel administration relate and make necessary the application of provisions of the Civil Service law, shall be subject to the provisions of Title 11, Civil Service, if such Federal standards are uniform in all states.

#### COMMENT

Pejorative terms are replaced with person-first language.

The term "substance use disorder involving alcohol" replaces the term "alcoholism" based on the recommendation of several commenters who proposed language that reflects current clinical terminology/usage. Similarly, the term "a person with a substance use disorder involving alcohol" replaces the term "alcoholic" to reflect current clinical terminology/usage.

### **26:2D-34. Suspension, Revocation, Censure or Other Discipline**

a. The license of a radiologic technologist may be suspended for a fixed period, or may be revoked, or the technologist may be censured, reprimanded or otherwise disciplined, in accordance with the provisions and procedures defined in this act, if after due hearing it is determined that ~~he~~ the technologist:

(1) Is guilty of any fraud or deceit in ~~his~~ the person's activities as a radiologic technologist or has been guilty of any fraud or deceit in procuring ~~his~~ the license;

(2) Has been convicted in a court of competent jurisdiction, either within or without this State, of a crime involving moral turpitude, except that if the conviction has been reversed and the holder of the license discharged or acquitted, or if ~~he~~ the person

has been pardoned or ~~his~~ the person's civil rights restored, the license may be restored to ~~him~~;

(3) ~~Is or h~~Has been afflicted with any medical problem, disability, or ~~addiction~~ substance use disorder which, in the opinion of the board, would impair ~~his~~ the person's professional competence;

(4) Has aided and abetted a person who is not a licensed radiologic technologist or otherwise authorized pursuant to section 4 of this act in engaging in the activities of a radiologic technologist;

(5) Has undertaken or engaged in any practice beyond the scope of the authorized activities of a radiologic technologist pursuant to this act;

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

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

(8) Has continued to practice without obtaining a license renewal as required by this act;

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

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

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

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

(13) Is or has been guilty of incompetence or negligence in ~~his~~ activities as a radiologic technologist.

b. Proceedings against any radiologic technologist under this section shall be instituted by filing with the board a written charge or charges under oath against the radiologic technologist. The charges may be preferred by any person, corporation, association or public officer, or by the board in the first instance. A copy thereof, together with a Report of the investigation as the board shall deem proper, shall be referred to the commission for its recommendation to the

commissioner. If the commissioner determines the matter to be a contested case, ~~he~~ the commissioner shall either designate three or more members of the board as a committee to hear and Report on the charges and shall set a time and place for the hearing or shall refer the matter to the Office of Administrative Law for hearing before an administrative law judge, pursuant to the “Administrative Procedure Act,” P.L.1968, c. 410 (C. 52:14B-1 et seq.). For the purpose of this section, the board, its committee or the administrative law judge shall have power to issue subpoenas for the appearance of witnesses, and to take testimony under oath. Upon review of the record of the hearing, the commissioner may affirm, modify or reject the written Report and recommendation of the committee or the administrative law judge. If the commissioner finds that the charges have not been proved, ~~he~~ the commissioner shall order them dismissed. If the charges are found to be true, the commissioner may, in ~~his~~ the commissioner’s discretion, issue an order suspending or revoking the license of the accused, or otherwise impose discipline ~~ing him~~.

c. When the license of any person has been revoked or annulled, as herein provided, the board may, after the expiration of 2 years, accept an application for restoration of the license.

#### COMMENT

Pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

The term “addiction” was replaced with the term “substance use disorder” based on the recommendation of several commenters who proposed language that reflects current clinical terminology/usage.

### **26:2G-1. Short title; Purpose (Narcotic and Drug Abuse Control Act)**

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

#### COMMENT

Pejorative terms are replaced with person-first language.

The term “substance use disorder involving drugs” replaces the term “disease of drug addiction” based on the recommendation of several commenters who proposed language that reflects current clinical terminology/usage.

### **26:2G-3. Certain Functions, Powers and Duties of Commissioners of Institutions and Agencies, Community Affairs and Health transferred to Director**

All the functions, powers and duties of the Commissioner of ~~Institutions and Agencies~~ the Department of Human Services and the Commissioner of Community Affairs, in regard to the prevention and control of ~~drug addiction~~ substance use disorders involving drugs and the diagnosis, treatment, rehabilitation and aftercare of ~~drug addicts~~ persons with a substance use



disorders involving drugs are hereby transferred to and vested in the ~~Director Assistant Commissioner of Narcotic and Drug Abuse Control~~ the Division of Mental Health and Addiction Services. All functions, powers and duties of the Commissioner of Health in regard to the manufacture, sale, distribution, possession and use of narcotic, depressant and stimulant drugs are hereby delegated to the ~~Director Assistant Commissioner of Narcotic and Drug Abuse Control~~ the Division of Mental Health and Addiction Services.

#### COMMENT

Pejorative terms are replaced with person-first language.

The term “substance use disorder involving drugs” replaces the term “drug addiction” based on the recommendation of several commenters who proposed language that reflects current clinical terminology/usage. Similarly, the term “persons with a substance use disorder involving drugs” replaces the term “drug addicts” to reflect current clinical terminology/usage.

### **26:2G-5. Additional Powers of Director**

The director, as head of the division, shall have all of the functions, powers and duties heretofore vested in the Commissioner of ~~Institutions and Agencies~~ the Department of Human Services, and the Commissioner of Community Affairs when either commissioner was acting with regard to the prevention and control of ~~drug addiction~~ a substance use disorders involving drugs, and the treatment of ~~drug addicts~~ persons with a substance use disorders involving drugs and also, all the functions, powers and duties vested in the Commissioner of Health by chapter 18 of Title 24 of the Revised Statutes (Uniform Narcotic Drug Law); and shall, in addition to the functions, powers and duties vested in him or her by this act or by any other law:

a. To survey and analyze the State's need and formulate a comprehensive plan for the long-range development, through the utilization of Federal, State, local and private resources, of adequate services and facilities for the prevention and control of ~~drug addiction~~ substance use disorders involving drugs and the diagnosis, treatment and rehabilitation of ~~drug addicts~~ persons with a substance use disorders involving drugs, and from time to time to revise such plan.

b. To promote, develop, establish, co-ordinate and conduct unified programs for education, prevention, diagnosis, treatment, aftercare, community referral, rehabilitation and control in the field of ~~drug addiction~~ substance use disorders involving drugs, based on the comprehensive plan formulated under paragraph a. of this section, and, in cooperation with such other Federal, State, local and private agencies as are necessary and within the amount made available by appropriation therefor implement and administer such programs.

c. To direct and carry on basic, clinical, epidemiological, social science and statistical research in ~~drug addiction~~ substance use disorders involving drugs either individually or in conjunction with other agencies, public or private and, within the amount made available by appropriation therefor develop pilot programs. In pursuance of the foregoing and notwithstanding any other provision of law, the director is empowered to establish, direct and carry on experimental pilot clinic programs for the treatment of ~~drug addiction~~ substance use

disorder and of the condition of ~~drug-addicts~~ persons with a substance use disorders involving drugs.

d. To provide education and training in prevention, diagnosis, treatment, rehabilitation and control of ~~drug-addiction~~ substance use disorders involving drugs for medical students, physicians, nurses, teachers, social workers and others with responsibilities for ~~drug-addicts~~ persons with a substance use disorders involving drugs either alone or in conjunction with other agencies, public or private.

e. To provide public education on the nature and results of ~~drug-addiction~~ substance use disorders involving drugs and on the potentialities of prevention and rehabilitation in order to promote public understanding, interest and support.

f. To disseminate information relating to public and private services and facilities in the State available for the assistance of ~~drug-addicts~~ persons with a substance use disorders involving drugs and ~~potential drug-addicts~~ persons who potentially may be a person with a substance use disorders involving drugs.

g. To gather information and maintain statistical and other records relating to ~~drug-addicts and drug-addiction~~ persons with a substance use disorders involving drugs and substance use disorders involving drugs in the State. It shall be the duty of every physician, dentist, veterinarian or other person who is authorized to administer or professionally use narcotic, depressant or stimulant drugs, or hospitals, clinics, dispensaries or persons authorized to dispense narcotic, depressant or stimulant drugs and all public officials having duties to perform with respect to such drugs or users of such-drugs to Report and supply such information in relation thereto as the director shall by rule, regulation or order require.

h. To submit to the Governor, the Legislature and the Commissioner of ~~Health and Human Services~~ Human Services an annual Report of the division's operations and specific recommendations pertaining to matters within the scope of its jurisdiction in proper bill form not later than January 15 of each year.

i. To provide psychiatric, medical and psychological services to the Department of ~~Institutions and Agencies~~ Human Services and similar agencies of the political subdivisions of the State with respect to prisoners and parolees who ~~are or~~ were at any time ~~addicted to a person~~ with a substance use disorder involving morphine, heroin or similar narcotic substance, or ~~to~~ depressant or stimulant drugs.

j. With the approval of the Governor, to accept as agent of the State any gift, grant, devise or bequest, whether conditional or unconditional for any of the purposes of this act. Any moneys so received may be expended by the director to effectuate any purpose of this act subject to the same limitations as to approval of expenditures and audit as are prescribed for State moneys appropriated for the purposes of this act.

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

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

m. To prescribe, amend and rescind rules and regulations to effectuate the purposes of this act.

#### COMMENT

Pejorative terms are replaced with person-first language.

The term “substance use disorder involving drugs” replaces the term “drug addiction” based on the recommendation of several commenters who proposed language that reflects current clinical terminology/usage. Similarly, the term “persons with a substance use disorder involving drugs” replaces the term “drug addicts” to reflect current clinical terminology/usage.

### **26:2G-34. Program of Medical and Community Services**

The clinics, regional centers, and outreach offices established hereunder shall provide a complete program of medical and community services in connection with all aspects of the use of drugs and ~~abuse of substance use disorders involving~~ drugs and related problems, including, but not by way of limitation, the following:

- educational programs;
- confidential drug counseling;
- vocational guidance and job placement;
- psychiatric, psychological and social case work services;
- induction and outreach services;
- 24-hour telephone emergency capability;
- urine monitoring;
- detoxification;
- methadone maintenance;
- individual and community prevention program;
- individual self-help and group therapy;
- referral services for in-patient treatment;
- all areas of treatment and ~~addict~~ rehabilitation;

aftercare treatment;  
probation services for the courts and correctional systems.

COMMENT

Pejorative terms are replaced with person-first language.

The term “substance use disorder involving drugs” replaces the term “drug abuse” based on the recommendation of several commenters who proposed language that reflects current clinical terminology/usage..

### **26:2H-12.6. Care of Newborn Children**

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

If a federal statute or regulation requires that the State submit its regulations and policy to the federal government for approval in order to qualify for federal funding, then the State Department of Health shall so comply.

COMMENT

Pejorative terms are replaced with person-first language.

### **26:2H-32. Definitions (Licensing and Regulation of Nursing Homes/Boarding Homes)**

The following words or phrases, as used in this act, shall have the following meanings, unless the context otherwise requires:

a. “Nursing home” means a facility providing therein nursing care to persons who are sick, ~~invalid, infirm,~~ persons with a disability, or who are convalescing persons in addition to providing lodging and board or health-related service, or any combination of the foregoing and in addition thereto, providing nursing care and health-related service, or either of them, to persons who are not occupants of the facility.

b. “Affiliate” means (1) with respect to a partnership, each partner thereof; (2) with respect to a corporation, each officer, director, principal stockholder or controlling person thereof; (3) with respect to a natural person (a) each member of said person's immediate family, (b) each partnership and each partner thereof of which said person or any affiliate of said person is a partner, and (c) each corporation in which said person or any affiliate of said person is an officer, director, principal stockholder or controlling person.

c. “Controlling person” of any corporation, partnership or other entity means any person who has the ability, directly or indirectly, to direct or cause the direction of the management or policies of said corporation, partnership or other entity.

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

e. “Principal stockholder” of a corporation means any person who beneficially owns, holds or has the power to vote, 10% or more of any class of securities issued by said corporation.

COMMENT

Pejorative terms are replaced with person-first language.

### **26:4-30. Examination of Suspected Person on Report From Director**

When a local board or health officer receives a Report from the director or from any person authorized by the director to make such Report, that a person within the jurisdiction of the local board or health officer is, or is suspected to be, ~~suffering from or infected with a person with a venereal disease~~ sexually transmitted disease, the board or health officer may cause a medical examination to be made of the person for the purpose of ascertaining whether or not such person is in fact ~~suffering from or infected with a person with~~ such disease.

COMMENT

Pejorative terms are replaced with person-first language. The language in this section was also updated to reflect current medical terminology/usage.

### **26:4-35. Examination and Isolation of Infected Person Failing to Report to Attending Physician**

If a person in the infectious stage of a ~~venereal disease or~~ sexually transmitted disease shall fail to Report as directed to the physician in attendance ~~on him~~ for treatment, the physician shall Report such failure to the local board, or to the state department which shall forward the information to the local board.

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

COMMENT

Pejorative terms are replaced with person-first language. The proposed changes to this section include, adding gender-neutral terms and updating the language to reflect current medical terminology/usage.

### **26:4-39. Report of Institutional Cases to State Department**

The physician, superintendent, or other person having control or supervision over any state, county, or municipal hospital, ~~sanatorium~~ psychiatric facility, or other public or private institution shall report the following cases to the state department immediately after they are received into the institution:

a. ~~The case of any A person infected with a venereal disease~~ sexually transmitted disease, who enters the institution to receive care or treatment for the ~~venereal~~ disease.

b. ~~The case of any A person suffering from with~~ any other disease, who enters the institution to receive care or treatment for that disease, but who is found also to be ~~infected a person~~ with a ~~venereal disease~~ sexually transmitted disease.

#### COMMENT

Pejorative terms are replaced with person-first language. The language in this section was also updated to reflect current medical terminology/usage.

### **26:4-53. Warrant, Trial and Commitment**

A warrant may issue, and the matter may be disposed of without a jury, but upon oral testimony, if the court finds that the person is the carrier of ~~such infective agent~~ a communicable disease, and that ~~he the person~~ neglects or is unable ~~so to conduct himself~~ behave so as not to expose the public to ~~infection the disease~~, it the court may commit the person to a ~~county or municipal~~ hospital or to any other suitable place or institution for the care of persons ~~suffering from with~~ such disease. The court may also make any order for the care or treatment of the person which may be proper.

#### COMMENT

Pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

County hospitals or facilities no longer exist for the care and treatment of disease other than psychiatric hospitals and a facility that treats persons with AIDS/HIV. Consequently, this anachronistic provision is included in the list of statutes recommended for repeal at the end of this Report.

### **26:4-71.3. Leaving Hospital Against Medical Advice; Report to Local Board of Health**

If ~~any person afflicted~~ with tuberculosis in a communicable form shall leave any hospital against medical advice, the administrator shall report such person to the local board of health of the municipality in which such patient was residing when admitted to the hospital and to the State Commissioner of Health within 12 hours. Such report shall be in writing and shall state whether the person is ~~afflicted with~~ has tuberculosis in a communicable form.

COMMENT

Pejorative terms are replaced with person-first language

**26:6-78. Definitions Relative to Anatomical Gifts**

As used in this act:

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

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

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

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

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

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

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

"Disinterested witness" means a witness other than: the spouse, civil union partner, domestic partner, child, parent, sibling, grandchild, grandparent, or guardian of the person who makes, amends, revokes, or refuses to make an anatomical gift; another adult who exhibited special care and concern for the decedent; or a person to whom an anatomical gift may pass pursuant to section 10 of this act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

"Refusal" means a record created pursuant to this act that expressly states an intent to bar other persons from making an anatomical gift of a person's body or part.

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

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

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

"Tissue" means a portion of the human body other than an organ or an eye, but does not include blood unless it is needed to facilitate the use of other parts or is donated for the purpose of research or education.

"Tissue bank" means an entity that is licensed, accredited, or regulated under federal or State law to engage in the recovery, screening, testing, processing, storage, or distribution of tissue.

"Transplant hospital" means a hospital that furnishes organ transplants and other medical and surgical specialty services required for the care of transplant patients.

COMMENT

Pejorative terms are replaced with person-first language.

**TITLE 27: PROVISIONS RELATING TO HIGHWAYS**

- 27:1A-65. Definitions for Act Authorizing Intrastate and Interstate Bus/Rail Services**
- 27:1A-66. Motorbus, Rail Passenger Service for Seniors/~~Handicapped~~ Persons with a Disability**
- 27:1A-67. Procedures for Establishment of Program**
- 27:1A-70. Further Reductions in Fares by Carrier or Law**
- 27:1A-71. Employees; Advertisement of Program**
- 27:1A-72. Authorization for Reduced Rate for ~~Handicapped~~ Persons with a Disability or Senior Citizens**
- 27:1A-73. Free Transportation for Travel Attendant, Guide**
- 27:1A-74. Regulations**

**27:1A-65. Definitions (An Act Authorizing the Commissioner of Transportation to Establish a Program to Provide Intrastate and Interstate Motor Bus and Rail Transportation Services to Senior Citizens and ~~Handicapped~~ Citizens with a Disability at Reduced Fares, and Making an Appropriation Therefor)**

For the purposes of this act, unless the context clearly indicates otherwise:

a. "Commissioner" means the Commissioner of Transportation; provided, however, that he or she may delegate any of ~~his~~ the Commissioner's powers or duties under this act to any subordinate division, agency or employee of the Department of Transportation or to the New Jersey Transit Corporation.

b. "Carrier" means any individual, copartnership, association, corporation, joint stock company, public agency, trustee or receiver operating motor buses or rail passenger service on established routes within this State or between points in this State and points in adjacent states.

c. "Motor bus" means "autobus" as defined in R.S. 48:4-1, and includes those autobuses, commonly called jitneys, as defined in R.S. 48:16-23.

d. "Offpeak times" means the hours from 9:30 a.m. to 4 p.m. and from 7 p.m. to 6 a.m. during the weekdays, and all day on Saturdays, Sundays and holidays.

e. "Senior citizen" means any individual 62 years of age or over.

f. "~~Handicapped~~ Citizen with a disability" means any individual who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, is unable without special facilities or special planning or design to utilize mass transportation facilities and services as effectively as persons who are not so affected.

**COMMENT**

Pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

**27:1A-66. Motorbus, Rail Passenger Service for Senior, ~~Handicapped~~ Citizens with a Disability at All Times; Exceptions**

The Commissioner of Transportation is hereby authorized and directed to establish and implement within 180 days of the effective date of P.L.1999, c.179 (C.27:1A-64 et al.) a program to provide motor bus and rail passenger service for senior citizens during offpeak times and to provide motor bus and rail passenger service for senior citizens age 65 and older and ~~handicapped~~ citizens with a disability at all times bus or rail service is offered, on regular routes of carriers within the State or between points in this State and points in adjacent states at one-half of the regular adult rates of fare as set forth in the tariffs of carriers filed with the Interstate Commerce Commission, Board of Public Utilities or the Department of Transportation, except that the reduced fare shall not be available to senior citizens and ~~handicapped~~ citizens with a disability traveling on commuter railroad trains operated during peak times which have been designated by the New Jersey Transit Corporation as ineligible for round trip excursion fares. The commissioner may take such action as he or she deems necessary to implement this program, including contracts with carriers for the provision of transportation services under this program, purchase of regular tickets and resale to senior citizens and ~~handicapped~~ citizens with a disability at one-half the ordinary fare, or direct payments to carriers for services provided to senior citizens and ~~handicapped~~ citizens with a disability under this program. Where carriers may be entitled to receive or do receive funds from sources other than the Department of Transportation for provision of service to senior citizens and ~~handicapped~~ citizens with a disability, reimbursement payments which may be made by the Department of Transportation to the carriers may be adjusted accordingly.

COMMENT

Pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

**27:1A-67. Procedures for Establishment of Program**

In establishing this program, the commissioner shall, after consulting with the Commissioner of Community Affairs, the New Jersey State Commission on Aging and the Board of Public Utility Commissioners, establish uniform procedures for:

- a. Determining the eligibility of persons to receive the reduced fares provided pursuant to this act;
- b. Making such reduced fares available to eligible persons; and
- c. Auditing and accounting to insure that no carrier receives payments in excess of the value of services actually rendered to senior citizens and ~~handicapped~~ citizens with a disability pursuant to this act.

COMMENT

Pejorative terms are replaced with person-first language.

### **27:1A-70. Further Reductions in Fares by Carrier or Law**

Nothing in this act shall preclude any carrier from providing further fare reductions for senior citizens and ~~handicapped~~ citizens with a disability or preclude any municipality from contracting for such further reductions pursuant to P.L.1973, c. 67 (C. 40:58-4.1 et seq.), or any other law.

#### COMMENT

Pejorative terms are replaced with person-first language.

### **27:1A-71. Employees; Advertisement of Program**

The commissioner is hereby authorized to hire, employ or assign such secretarial, clerical and other personnel as shall be required for complying with the provisions of this act. The commissioner may also expend a reasonable sum, not to exceed \$50,000.00 annually, for advertising to make senior citizens and ~~handicapped~~ citizens with a disability aware of the program and the availability of the reduced fares ~~thereunder~~.

#### COMMENT

Pejorative terms are replaced with person-first language.

### **27:1A-72. Authorization for Reduced Rate for ~~Handicapped~~ Persons with a Disability or Senior Citizens**

Notwithstanding any of the provisions of chapter 3 of Title 48 of the Revised Statutes or of any other law to the contrary, any eligible senior citizen or ~~handicapped~~ citizen with a disability may be transported by any motor bus carrier at less than the usual and ordinary fare charged to one person.

#### COMMENT

Pejorative terms are replaced with person-first language.

### **27:1A-73. Free Transportation for Travel Attendant, Guide**

Notwithstanding the provisions of P.L. 1973, c. 126 (C. 27:1A-64 et seq.) or any other law to the contrary, a ~~handicapped~~ citizen with a disability and the citizen's travel ~~attendant or guide assistant~~ shall be transported by any motorbus or rail carrier operated pursuant to the "New Jersey Public Transportation Act of 1979," P.L. 1979, c. 150 (C. 27:25-1 et seq.) at the fare charged to one ~~handicapped~~ citizen with a disability during peak or offpeak times, as the case may be. For the purposes of this section, a "~~handicapped~~ citizen with a disability" is one defined pursuant to section 2 of P.L. 1973, c. 126 (C. 27:1A-65) who requires the assistance of a travel ~~attendant or guide assistant~~ in order to use public transportation.

#### COMMENT

Pejorative terms are replaced with person-first language.

## **27:1A-74. Regulations**

The Commissioner of Transportation shall, after consulting with other relevant departments and agencies, adopt reasonable regulations necessary to carry out the purposes of this act pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.). The regulations shall include a procedure by which the commissioner shall issue an identification card, upon certification of a physician or upon certification of another person as prescribed by the commissioner, that a ~~handicapped~~ citizen with a disability requires the assistance of a travel ~~attendant or guide~~ assistant in order to use public transportation.

### COMMENT

Pejorative terms are replaced with person-first language.

<b>TITLE 30:</b>	<b>PROVISIONS RELATING TO INSTITUTIONS AND AGENCIES</b>
<b>30:4-24.</b>	<b>General Principles; Applicability</b>
<b>30:4C-11.</b>	<b>Application for Care and Custody; Verification, Investigation</b>
<b>30:4D-6.2.</b>	<b>Definitions (New Jersey Medical Assistance Health Services Act)</b>
<b>30:4D-17.34.</b>	<b>Annual Evaluation</b>
<b>30:4F-8.</b>	<b>Definitions</b>
<b>30:4F-9.</b>	<b>Allocation of Funds</b>
<b>30:5B-3.</b>	<b>Definitions (Child Care Licensing Act)</b>
<b>30:6-23.</b>	<b>Purpose (Rehabilitation Facilities Set Aside Act)</b>
<b>30:6-24.</b>	<b>Definitions (Program of Respite Care for Elderly)</b>
<b>30:6-25.</b>	<b>Commodities and Services Council Established</b>
<b>30:6-27.</b>	<b>Duties of the Council</b>
<b>30:6C-5.</b>	<b>Admission for Treatment; Application; Discharge</b>
<b>30:6C-9.</b>	<b>Habeas Corpus; Effect of Act on Use of Writ</b>
<b>30:11-20.</b>	<b>Nursing Home Administrator's Licensing Board; Appointment; Membership</b>
<b>30:12-2.</b>	<b>Consent of Municipality for Certain Hospitals for Communicable Disease</b>
<b>30:13-2.</b>	<b>Nursing Home Responsibilities and Right of Residents Act</b>

### **30:4-24. General Principles, Applicability**

The provisions of Title 30 of the Revised Statutes shall govern the admission and commitment of persons with mental illness, tuberculosis, and developmental disabilities to the several institutions designated therefor and govern and control all phases of the relationship between such patients and such institutions including payments, maintenance, custody, treatment, parole and discharge as though each provision of Title 30 of the Revised Statutes has been specifically enacted, unless otherwise specified in law, with relation to each institution, its board of managers and officials, and to all other officials, boards and authorities.

Title 30 of the Revised Statutes is to be administered in accordance with the general principles laid down in this section, which are declared to be the public policy of this State that:

(1) adequate residential and nonresidential facilities be provided for the prompt and effective diagnosis, care, treatment, training and rehabilitation of individuals ~~suffering from~~ with diseases and ~~dysfunctions~~ disorders of the brain, mind and nervous system, including the various forms of mental illness and developmental disability;

(2) such facilities be closely integrated with other community health, welfare and social resources;

(3) the human dignity and the moral and constitutional rights of such individuals be upheld and protected by appropriate statutes;

(4) family and community ties and mutual responsibilities be reinforced;

(5) inasmuch as such mental disorders may in some cases substantially impair the individual's ability to guide his or her actions in his or her own best interests or with due regard for the rights of others, provision be made for the due process of law by which such an individual may be placed under protection, treatment or restraint in ~~his~~ the individual's own or the public interest;

(6) the primary responsibility for the costs of services provided to an individual rests with ~~him~~ the individual and ~~his~~ the individual's responsible relatives;

(7) it is in the public interest that facilities be available to all persons without limitation because of economic circumstances, and that extraordinary hardships to any individual or ~~his~~ the individual's relatives which may result from severe or prolonged disability be mitigated;

(8) means and facilities be provided by the State for scientific studies directed toward expanding knowledge of the causes, prevention, control, management and cure of diseases and ~~dysfunctions~~ disorders of the brain, mind and nervous system; and

(9) as an intrinsic part of the program established by the State, provision be made for the instruction of professional and nonprofessional personnel in the skills required for the proper diagnosis, care, training, treatment and rehabilitation of persons suffering from with disorders of the brain, mind and nervous system, and for the pursuit of relevant research.

#### COMMENT

Pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

### **30:4C-11. Application for Care and Custody; Verification, Investigation**

Whenever it shall appear that any child within this State is of such circumstances that the child's safety or welfare will be endangered unless proper care or custody is provided, an application setting forth the facts in the case may be filed with the Division of Child Protection and Permanency by a parent or other relative of the child, by a person standing in loco parentis to the child, by a person or association or agency or public official having a special interest in the child, or by the child himself or herself, seeking that the division accept and provide care or custody of the child as the circumstances may require. The application shall be in writing, and shall contain a statement of the relationship to or special interest in the child which justifies the filing of the application. The provisions of this section shall be deemed to include an application on behalf of an unborn child when the prospective mother is within this State at the time of application for services.

Upon receipt of an application as provided in this section, the division shall verify the statements set forth in the application and shall investigate all the matters pertaining to the circumstances of the child. If upon such verification and investigation it shall appear (a) that the safety or welfare of the child will be endangered unless proper care or custody is provided; (b) that the needs of the child cannot properly be provided for by financial assistance as made available by the laws of this State; (c) that there is no person legally responsible for the support of the child whose identity and whereabouts are known and who is willing and able to provide for the care and support required by the child; and (d) that the child, if ~~suffering from~~ the child has a mental or physical disability requiring institutional care, is not immediately admissible to any public institution providing care; then the division may accept and provide care or custody as the circumstances of the child may require.

COMMENT

Pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

**30:4D-6.2. Definitions (New Jersey Medical Assistance Health Services Act)**

For the purposes of this act:

a. “Certified trained personnel” means that the one or more individuals directly providing mobility assistance vehicle services shall possess and carry upon his person a current certificate of completion of an advanced medical training course, as determined by the Commissioner of Health ~~and Senior Services~~.

b. “Division” means the Division of Medical Assistance and Health Services in the Department of Human Services.

c. “Mobility assistance vehicle service” means the provision of nonemergency health care transportation, supervised by certified trained personnel, for Medicaid recipients who are sick, infirm ill or otherwise disabled Medicaid recipients have a disability and who are under the care and supervision of a physician and whose medical condition is not of sufficient magnitude or gravity to require transportation by ambulance, but does require transportation from place to place for medical care and whose use of an alternate form of transportation, such as taxicab, bus, other public conveyance or private vehicle might create a serious risk to life and health.

d. “Medicaid recipient” means any person who is determined to be eligible to receive mobility assistance vehicle services as provided under this act and meets the eligibility requirements pursuant to the “New Jersey Medical Assistance and Health Services Act,” P.L.1968, c. 413.

e. “Provider” means any person, public or private institution, agency or business concern lawfully providing mobility assistance vehicle services authorized under this act.

COMMENT



Pejorative terms are replaced with person-first language.

### **30:4D-17.34. Annual Evaluation**

The Director of the Division of Medical Assistance and Health Services shall evaluate the demonstration project annually to assess: whether cost savings are achieved through implementation of the medical home project; the rates of health screening; and the outcomes and hospitalization rates for persons with chronic illnesses, and the hospitalization and readmission rates for ~~the persons who are~~ frail and elderly.

#### COMMENT

Pejorative terms are replaced with person-first language.

### **30:4F-8. Definitions**

As used in this act:

a. “Caregiver” means a spouse, parent, child, relative or other person who is 18 years of age or older and who has the primary responsibility of providing daily care for the eligible person and who does not receive financial remuneration for the care.

b. “Commissioner” means the Commissioner of the State Department of Human Services.

c. “Co-payment” means financial participation in service costs by the eligible person according to a sliding fee schedule promulgated by the commissioner.

d. “Department” means the State Department of Human Services.

e. “Eligible person” means a ~~functionally impaired~~ person 18 years of age or older with a functional impairment who would become at risk of long-term institutional placement if ~~his~~ the individual’s regular caregiver could not continue in that role without the assistance of temporary home and community support services, including respite care.

f. “~~Functionally Impaired~~ment” means the presence of a chronic physical or mental disease, illness, or disability as certified by the physician or a sponsor-provided assessment team, which causes physical dependence on others, and which leaves a person unable to attend to his or her basic daily needs without the substantial assistance or continuous supervision of a caregiver.

g. “Provider” means a person, public agency, private nonprofit agency or proprietary agency which is licensed, certified, or otherwise approved by the commissioner to supply any service or combination of services described in subsection h. of this section.

h. “Respite” or “respite care” means the provision of temporary, short-term care for, or the supervision of, an eligible person on behalf of the caregiver, in emergencies or on an intermittent basis to relieve the daily stresses and demands of caring for ~~the~~ an adult with a functionally impaired ~~adult~~. Respite may be provided hourly, daily, overnight or on

weekends, may be paid or volunteer, but may not exceed service and cost limitations as determined by the commissioner. Respite includes, but is not limited to, the following services:

- (1) companion or sitter services;
- (2) homemaker and personal care services;
- (3) adult day care;
- (4) short-term inpatient care in a facility meeting standards which the commissioner determines to be appropriate to provide the care;
- (5) emergency care; and
- (6) peer support and training for caregivers.

i. “Service plan” means a written document agreed upon by the eligible person, the caregiver and the sponsor. The service plan shall take into account other services and resources available to the eligible person and his caregiver. Services provided pursuant to this act shall not be used to duplicate or supplant existing services or resources available to the eligible person and his caregiver. The plan shall:

- (1) Document the needs of the eligible person and caregiver for respite care services, using a needs assessment procedure provided or approved by the department;
- (2) Identify the outcomes to be achieved and the specific respite care services to be provided to the eligible person and the caregiver to meet their identified needs;
- (3) Estimate the frequency and duration of the respite care services;
- (4) Estimate the total cost of the plan and the co-payment an eligible person is required to contribute toward the cost of services provided under the plan.

j. “Sponsor” means the county or regional agency, either public or private nonprofit, which contracts with the department to administer the local respite program, and which is responsible for the recruitment of and payment to providers, the general supervision of the local programs, and the submission of information or Reports which may be required by the commissioner. Sponsors shall be selected according to criteria established by the commissioner which shall include demonstrated support from the county government. Criteria shall also include the potential sponsor's demonstrated ability to coordinate the funds available for this program with other funding sources and to obtain matching or in kind contributions.

#### COMMENT

Pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

**30:4F-9. Statewide Respite Care Program; Establishment; Allocation of Funds**

The commissioner shall establish a Statewide Respite Care Program within the Department of Human Services to be administered by sponsors designated by the commissioner. Allocations of funds for respite services pursuant to this act to each county or region shall be based on its share of the targeted population according to the following formula:

$$\text{County Allocation} = \frac{C \times (A + B)}{(D + E)}$$

where, A equals the county population of persons age 75 years or older; B equals the county population of ~~functionally impaired~~ adults under the age of 75 with a functional impairment, according to the most recent data available to the commissioner; C equals the annual amount of funds appropriated for the purpose of this act, minus those funds retained for State administration; D equals the State population of persons age 75 years or older; and E equals the State population of ~~functionally impaired~~ adults under the age of 75 with a functional impairment.

COMMENT

Pejorative terms are replaced with person-first language. This Final Report does not include references to expired Chapter 4G provisions, N.J.S. 30:4G-1 to 12.

**30:5B-3. Definitions (Child Care Licensing Act)**

As used in this act:

a. "Child" means any person under the age of 13.

b. "Child care center" or "center" means any facility which is maintained for the care, development or supervision of six or more children who attend the facility for less than 24 hours a day. In the case of a center operating in a sponsor's home, children who reside in the home shall not be included when counting the number of children being served. This term shall include, but shall not be limited to, day care centers, drop-in centers, nighttime centers, recreation centers sponsored and operated by a county or municipal government recreation or park department or agency, day nurseries, nursery and play schools, cooperative child centers, centers for children with special needs, centers serving sick children, infant-toddler programs, school age child care programs, employer supported centers, centers that had been licensed by the Department of Human Services prior to the enactment of the "Child Care Center Licensing Act," P.L.1983, c.492 (C.30:5B-1 et seq.) and kindergartens that are not an integral part of a private educational institution or system offering elementary education in grades kindergarten through sixth, seventh or eighth. This term shall not include:

(1) (Deleted by amendment, P.L.1992, c.95).

(2) A program operated by a private school which is run solely for educational purposes. This exclusion shall include kindergartens, prekindergarten programs or child care centers that are an integral part of a private educational institution or system offering elementary education in grades kindergarten through sixth, seventh or eighth;

(3) Centers or special classes operated primarily for religious instruction or for the temporary care of children while persons responsible for such children are attending religious services;

(4) A program of specialized activity or instruction for children that is not designed or intended for child care purposes, including, but not limited to, Boy Scouts, Girl Scouts, 4-H clubs, and Junior Achievement, and single activity programs such as athletics, gymnastics, hobbies, art, music, and dance and craft instruction, which are supervised by an adult, agency or institution;

(5) Youth camps required to be licensed under the "New Jersey Youth Camp Safety Act," P.L.1973, c.375 (C.26:12-1 et seq.). To qualify for an exemption from licensing under this provision, a program must have a valid and current license as a youth camp issued by the Department of Health and Senior Services. A youth camp sponsor who also operates a child care center shall secure a license from the Department of Children and Families for the center;

(6) Day training centers operated by or under contract with the Division of Developmental Disabilities within the Department of Human Services;

(7) Programs operated by the board of education of the local public school district that is responsible for their implementation and management;

(8) A program such as that located in a bowling alley, health spa or other facility in which each child attends for a limited time period while the parent is present and using the facility;

(9) A child care program operating within a geographical area, enclave or facility that is owned or operated by the federal government;

(10) A family day care home that is registered pursuant to the "Family Day Care Provider Registration Act," P.L.1987, c.27 (C.30:5B-16 et seq.); and

(11) Privately operated infant and preschool programs that are approved by the Department of Education to provide services exclusively to local school districts for ~~handicapped~~ children with a disability, pursuant to N.J.S. 18A:46-1 et seq.

c. "Commissioner" means the Commissioner of Children and Families.

d. "Department" means the Department of Children and Families.

e. "Parent" means a natural or adoptive parent, guardian, or any other person having responsibility for, or custody of, a child.

f. "Person" means any individual, corporation, company, association, organization, society, firm, partnership, joint stock company, the State or any political subdivision thereof.

g. "Sponsor" means any person owning or operating a child care center.

COMMENT

Pejorative terms are replaced with person-first language.

### **30:6-23. Purpose (Rehabilitation Facilities Set Aside Act)**

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

COMMENT

Pejorative terms are replaced with person-first language.

### **30:6-24. Definitions (Rehabilitation Facilities Set Aside Act)**

As used in this act:

a. "Blind person or a person who is blind" means a person whose vision in the better eye with proper correction does not exceed 20/200 or who has a field defect in the better eye with proper correction which contracts the peripheral field so that the diameter of the visual field subtends an angle no greater than 20 degrees.

b. "Central Nonprofit Agency" means the agency designated by the commissioner pursuant to section 6 of this act.

c. "Commissioner" means the Commissioner of Human Services.

d. "Rehabilitation facility" means a rehabilitation facility located in this State which qualifies as a charitable organization or institution under the provisions of section 501(c)(3) of the Internal Revenue Code and is conducted on a nonprofit basis for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental ~~deficiency~~ disability or injury and of providing these individuals with remunerative employment or other occupational rehabilitative activity of an educational or therapeutic nature as defined in section 525.1 et seq. of the regulations adopted pursuant to the federal "Fair Labor Standards Act of 1938," 29 U.S.C. s. 201 et seq. and related codes, and which is engaged in the production of commodities or the provision of services in connection with which not less than 75% of the total hours of direct labor is performed by ~~blind or other~~

~~severely handicapped~~ persons who are blind or have a severe disability excluding any hours of supervision, administration, inspection or shipping.

e. "~~Severely handicapped~~ Person with a severe disability" means a person with a physical, mental or emotional disability, other than blindness but including a visual impairment, which ~~is a substantial handicap to~~ substantially impairs employment and prevents that person from currently engaging in normal competitive employment.

f. "State agency" means an agency of State government.

COMMENT

Pejorative terms are replaced with person-first language.

### **30:6-25. Commodities and Services Council Established**

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

COMMENT

Pejorative terms are replaced with person-first language.

### **30:6-27. Duties of the Council**

The duties of the council shall include:

a. Developing through the Central Nonprofit Agency a list of commodities and services which shall be set aside for purchase through approved rehabilitation facilities and establishing a fair market price for those commodities and services.

b. Recommending to the commissioner an agency to be designated as the Central Nonprofit Agency.

c. Encouraging the purchase of commodities and services of ~~blind and other severely handicapped~~ persons who are blind or have a severe disability by political subdivisions of the State.

COMMENT

Pejorative terms are replaced with person-first language.

### **30:6C-5. Admission for Treatment; Application; Discharge**

a. A person over the age of 21 years ~~who is believed~~ believing himself to be addicted to the use of narcotics or drugs have a substance use disorder involving narcotics or drugs, may be admitted to any State or county institution, hospital or facility certified by the commissioner as having special facilities for the care and treatment of ~~drug addicts~~ persons with a substance use disorder involving drugs and may receive treatment therein.

b. ~~If the individual be~~ An application for voluntary admission of a person under the age of 21 years and unmarried ~~then such application for his voluntary admission~~ may be made on his behalf of the person who believes he or she has a substance use disorder, by a parent, guardian, next of kin, person standing in loco parentis or by any person having care, custody and control of such individual.

c. If the superintendent or physician in charge of such hospital or facility certifies that it is in the best interest of ~~any such drug addict~~, the person with a substance use disorder involving drugs, ~~he~~ the person may be retained therein for treatment for a period not exceeding 30 days for the purpose of care and treatment and thereafter until 15 days after receipt of notice in writing from such person, if he is over the age of 21 years, or, if the person is under such age, from the applicant ~~person who applied on his behalf for his admission, of intention to leave such hospital or facility~~. At any time prior thereto the superintendent or physician in charge upon filing his a written certificate with the commissioner, may discharge ~~any such drug addict~~ the person with a substance use disorder involving drugs who is recovered, or ~~if not recovered, is not suitable for whom~~ is no longer suitable for treatment in such facility or hospital.

COMMENT

Pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

The term “person with a substance use disorder involving drugs” replaces the term “drug addict” based on the language proposed by several commenters to reflect current clinical terminology/usage.

### **30:6C-9. Habeas Corpus; Effect of Act on Use of Writ**

Nothing herein contained shall be deemed to restrict the use of the writ of habeas corpus. If a writ of habeas corpus ~~be~~ is obtained ~~in~~ on behalf of ~~any~~ any person ~~confined~~ in a hospital or facility ~~and~~ who is receiving treatment for ~~drug addiction~~ substance use disorders involving drugs, and if it appears at the hearing on the return of ~~such~~ the writ that the condition of ~~such~~ the

person is such as to require further treatment for ~~drug addiction~~ a substance use disorder involving drugs, then ~~such the~~ person shall be remanded to the care and custody of such hospital or facility until such time as it appears that ~~such the~~ person is no longer in need of institutional care or treatment for ~~drug addiction~~ a substance use disorder involving drugs as provided in this act and may properly be discharged.

COMMENT

Pejorative terms are replaced with person-first language.

The term “substance use disorder involving drugs” replaces the term “drug addiction” based on the language proposed by several commenters to reflect current clinical terminology/usage.

### **30:11-20. Nursing Home Administrator's Licensing Board; Appointment; Membership**

The Commissioner of the Department of Health ~~and Senior Services~~ subject to the approval of the Governor, shall appoint a Nursing Home Administrator's Licensing Board which shall consist of the Commissioner of the Department of Human Services; the Commissioner of the Department of Health ~~and Senior Services~~, and seven nursing home administrators of recognized ability, two of whom shall be registered nurses who are graduates of accredited schools of nursing, licensed by the New Jersey State Board of Nursing to practice nursing in this State, one of whom shall be a fellow of the American College of ~~Nursing Home~~ Health Care Administrators, one of whom shall be a member of the American College of ~~Nursing Home~~ Health Care Administrators, one of whom shall be an administrator of a governmentally operated nursing home, one of whom shall be an administrator of a nonprofit home for the aged with a licensed infirmary, and one of whom shall be an administrator of a proprietary nursing home. There shall be appointed six additional members who shall be representative of the professions and institutions concerned with the care and treatment of elderly patients with illness or chronically illness ~~or infirm elderly patients~~ other than nursing home administrators or persons associated with nursing homes, one of whom shall be a physician licensed to practice medicine in this State, but in no event shall a majority of the board be representative of a single professional or institutional category. Any noninstitutional member of the board, which does not include nursing home administrators, shall have no direct financial interest in nursing homes. Each member of the board who is a nursing home administrator shall have a minimum of not less than five years experience as an administrator in the supervision of a convalescent home or private nursing home and shall at all times be licensed as a nursing home administrator pursuant to the terms of this act. The board shall be appointed for terms of four years, except when appointed to complete an unexpired term. Members whose terms shall expire shall hold office until appointment of their successors. Members may be reappointed for one additional term. They shall serve without compensation, but shall be reimbursed for actual expenses incurred in the performance of their official duties.

COMMENT

Pejorative terms are replaced with person-first language.



### **30:12-2. Consent of Municipality to Location of Communicable Disease Institution for Profit**

No person, corporation or association, except municipal corporations or corporations not organized for pecuniary profit shall establish or maintain for profit any hospital, or other institution for persons ~~affiliated~~ with communicable diseases without first having obtained the consent by resolution or ordinance of the governing board or body of the municipality within which the institution is to be established.

Notice of application for such consent, setting forth the time and place at which the application will be presented, the name of the applicant, and the exact location of the proposed institution shall be given by publication for at least 2 weeks in one or more newspapers published and circulated in the municipality, or if none be published therein, by posting in ten of the most public places in such municipality at least 14 days before the meeting at which the application will be presented.

#### COMMENT

Pejorative terms are replaced with person-first language.

### **30:13-2. Definitions (Part of Nursing Home Responsibilities and Right of Residents Act, N.J.S. 30:13-1 et seq.)**

For the purposes of this act:

a. “Administrator” means any individual who is charged with the general administration or supervision of a nursing home whether or not such individual has an ownership interest in such home and whether or not his function and duties are shared with one or more other individuals.

b. “Guardian” means a person, appointed by a court of competent jurisdiction, who shall have the right to manage the financial affairs and protect the rights of any nursing home resident who has been declared an incapacitated person. In no case shall the guardian of a nursing home resident be affiliated with a nursing home, its operations, its staff personnel or a nursing home administrator in any manner whatsoever.

c. “Nursing home” means any institution, whether operated for profit or not, which maintains and operates facilities for extended medical and nursing treatment or care for two or more nonrelated individuals ~~who are suffering from~~ with acute or chronic illness or injury, or ~~are~~ cripple physical disabilities, or ~~who are~~ convalescenting or ~~infirm~~ in need of assistance or supervision in bathing, dressing, or some other type of supervision and are in need of such treatment or care on a continuing basis. ~~Infirm is construed to mean that an individual is in need of assistance in bathing, dressing or some type of supervision.~~

d. “Reasonable hour” means any time between the hours of 8 a. m. and 8 p. m. daily.

e. “Resident” means any individual receiving extended medical or nursing treatment or care at a nursing home.

COMMENT

Pejorative terms are replaced with person-first language.

## **TITLE 32: PROVISION RELATING TO INTERSTATE AND PORT AUTHORITIES AND COMMISSIONS**

### **32:2-23.28. Definitions (An Act Relating to the Acquisition, Development, Financing and Transfer of Buses and Related Facilities by the Port Authority of New York and New Jersey)**

For the purpose of this act:

a. "Ancillary bus facilities" means any facilities useful in the provision of service on line haul regional or feeder bus routes, including but not limited to (1) fare collection, communication, signal and identification equipment, (2) equipment to aid in the provision of bus service to ~~the elderly and handicapped~~ persons who are elderly or persons with a disability, (3) maintenance, repair and storage facilities and equipment, and (4) bus stations for use primarily by passengers traveling between New York and New Jersey; automobile parking lots for use by people who transfer to buses on line haul regional bus routes or feeder bus routes; and shelters at roadside bus stops to afford waiting bus passengers protection from precipitation and wind;

b. "Buses" means vehicles containing seats for 12 or more passengers which are designed for and regularly used in scheduled common carrier passenger mass transportation service on streets, highways and exclusive busways and which are not designed or used for railroad purposes;

c. "Consolidated bonds" shall mean consolidated bonds of the issue established by the resolution of the port authority, adopted October 9, 1952.

d. "Develop" means plan, design, construct, improve or rehabilitate;

e. "Feeder bus routes" means those bus routes entirely within the regional bus area which connect within the port district with a bus stop on a line haul regional bus route, a passenger ferry, or a railroad station;

f. "Line haul regional bus routes" means bus routes which are entirely within the regional bus area and which extend from a point outside the county in which the bus terminal is located to a point in such county;

g. "Municipality" means a county, city, borough, village, town, township, or other similar political subdivision of New York or New Jersey;

h. "Person" means any person, including individuals, firms, partnerships, associations, societies, trusts, public utilities, public or private corporations, or other legal entities, including public or governmental bodies, which may include the port authority, as well as natural persons;

i. "Railroad station" means a stop on a rail or subway system at which passengers embark or disembark; and

j. "Regional bus area" means that area in the states of New York and New Jersey which lies within a radius of 75 miles of the bus terminal.

COMMENT

Pejorative terms are replaced with person-first language.

**TITLE 34: PROVISIONS RELATING TO LABOR AND WORKERS  
COMPENSATION**

- 34:2-21.57. Regulation of Child Labor**  
**34:16-20. Definitions (Vocational Rehabilitation Act of 1955)**  
**34:16-27. Powers of Commission**  
**34:16-40. Definitions (Sheltered Workshop Act of 1971)**  
**34:16-42. Contracts with Approved Sheltered Workshops**  
**34:16-43. Determination of Eligibility for Extended Employment Program**  
**34:16-45. Handicapped Workers Labor**  
**34:16-46. Definitions (Sheltered Workshop Act of 1971)**  
**34:16-47. Manufacturer or Distributor of Goods Made by Handicapped Persons with a Disability**  
**34:16-48. Sale of goods made by Handicapped Persons with a Disability; Label; Necessity**  
**34:16-49. Labels or Stamps; Contents**  
**34:16-50. Violations**  
**34:16-52. Definitions (Sheltered Employment Programs Transportation Expenses)**  
**34:16-53. Transportation expense program**

**34:2-21.57. Definitions (an act to limit and regulate child labor)**

As used in this act:

a. “Professional employment” means employment for pay as an actor or performer in a theatrical production.

b. “Theatrical production” means and includes stage, motion picture and television performances and rehearsals therefor.

c. “Prohibited performance” means and includes appearances as a rope or wire walker or rider, gymnast, wrestler, boxer, contortionist, acrobat, rider of a horse or other animal unless the minor is trained to safely ride such horse or animal or rider of any vehicle other than that generally used by a minor of the same age, or appearance in any illegal, indecent or immoral exhibition, practice, or theatrical production or in any practice, exhibition or theatrical production dangerous to the life, limb, health or morals of a minor, or appearance or exhibition of any minor with a physically deformed disability or mentally deficient disability.

COMMENT

Pejorative terms are replaced with person-first language.

**34:16-20. Definitions (Vocational Rehabilitation Act of 1955)**

As used in this chapter:

~~"Commission Division" means the State Rehabilitation Commission, Department of Labor and Industry, New Jersey Division of Vocational Rehabilitation Services, Department of Labor and Workforce Development, for the rehabilitation of handicapped persons with a disability.~~

"Maintenance" means payments to cover the ~~handicapped individual's~~ basic living expenses of the individual with a disability, such as: food, shelter, clothing, health maintenance, and other subsistence expenses essential to achievement of the individual's vocational rehabilitation or independent living rehabilitation objective.

~~"Handicapped individual" Individual with a disability~~ means, for the purpose of vocational rehabilitation services, any individual who ~~is under~~ has a physical or mental disability which constitutes a substantial ~~handicap~~ impediment to employment, but which is of such a nature that vocational rehabilitation services may reasonably be expected to ~~render him fit to give the individual suitable skills to engage in a gainful occupation~~ to be able to achieve gainful employment outcomes.

~~"Severely handicapped individual with a severe disability"~~ means, for the purpose of independent living rehabilitation services, an individual who is under such physical or mental disability, as defined by rules and regulations of the ~~commission~~ Division, as to require institutional care or nursing home care or attendance in his household continuously or for a substantial portion of the time, but who reasonably can be expected as a result of independent living rehabilitation services to achieve an independent living status.

"Independent living status" means that degree of independence for ~~severely handicapped~~ individuals with a severe disability which will eliminate the need for institutional care or nursing home care or eliminate or substantially reduce the need for an attendant's care at home and which may in many instances make such persons capable of achieving vocational rehabilitation.

"Prosthetic device" means any appliance designed to support or take the place of a part of the body, or to increase the acuity of a sensory organ.

"Vocational rehabilitation services" means diagnostic and related services (including transportation) incidental to the determination of eligibility for and the nature and scope of services to be provided; training, books and training material, including necessary small tools, such prosthetic devices as are essential to obtaining or retaining employment, occupational licenses, guidance and placement services for ~~handicapped~~ individuals with a disability; and in the case of ~~any such an~~ individual found to require financial assistance with respect thereto to these services, after full consideration of ~~his~~ eligibility for any similar benefit by way of pension, compensation, and insurance, any other goods and services necessary to ~~render such individual fit to engage in a gainful occupation~~ able to give the individual suitable skills to be able to achieve gainful employment outcomes (including gainful homebound work), including but not limited to the following physical ~~restoration~~ rehabilitation and other goods and services:

(1) Corrective surgery or therapeutic treatment to correct or improve a physical or mental condition which constitutes a substantial ~~handicap~~ impediment to employment;

(2) Necessary hospitalization in connection with surgery or treatment specified in paragraph 1;

(3) Maintenance, not exceeding the estimated cost of subsistence, during rehabilitation;

(4) Tools, equipment, initial stocks and supplies, including equipment and initial stocks and supplies for vending stands;

(5) Transportation (except where necessary in connection with determination of eligibility or nature and scope of services).

(6) Acquisition of vending stands or other equipment, and initial stocks and supplies for small business enterprises conducted by ~~severely handicapped~~ individuals with a severe disability under the supervision of the State agency;

(7) The establishment of public and other nonprofit rehabilitation facilities to provide services for ~~handicapped~~ individuals with a disability and the establishment of public and other nonprofit workshops for ~~the severely handicapped individuals~~ persons with a severe disability.

"Vocational rehabilitation services" (for purposes of the determination of rehabilitation potential) also means, diagnosis and related services (including transportation), training, books and training material, including necessary small tools, prosthetic devices, and guidance, which are provided to an individual who has a physical or mental disability which constitutes a substantial ~~handicap~~ impediment to employment, during the period specified to be necessary for and which are provided for the purpose of ascertaining whether it may be reasonably expected that ~~such the~~ individual will be ~~rendered fit to engage in a gainful occupation~~ able to achieve gainful employment outcomes through the provision of goods and services described in the preceding paragraph; and in the case of any such individual found to require financial assistance with respect thereto, after full consideration of ~~his~~ eligibility for any similar benefit by way of pension, compensation and insurance, any other goods and services necessary to the determination of a rehabilitation potential, including but not limited to physical ~~restoration~~ rehabilitation and other goods and services.

"Independent living rehabilitation service" means counseling, diagnostic and related services (including transportation) ~~rendered severely handicapped~~ given to individuals with a severe disability, and needed prosthetic appliances, books and training materials and other devices which will contribute to independent living, training in the use thereof of these devices, and in the case of any ~~such~~ individual found to require financial assistance with respect thereto, after full consideration of ~~his~~ eligibility for any similar benefits by way of pension, compensation and insurance, such term shall include but shall not be limited to the following: (1)

physical restoration and related services, including corrective surgery, therapeutic treatment, and hospitalization; (2) maintenance needed to assure the availability of such services, not exceeding the estimated cost of subsistence; (3) such rehabilitation services necessary for the achievement of independent living status.

"Rehabilitation facility" means a facility operated for the primary purpose of assisting in the vocational rehabilitation and independent living rehabilitation of ~~handicapped and severely handicapped individuals~~ persons with a disability and ~~individuals~~ persons with a severe disability, (1) which provides one or more of the following types of service: testing, fitting, or training in the use of prosthetic devices; prevocational or conditioning therapy; physical or occupational therapy, adjustment training, evaluation, treatment, or control of ~~special~~ disabilities or (2) through which is provided an integrated program of medical, psychological, social and vocational evaluation and services under competent professional supervision; provided, that the major portion of such evaluation and service is furnished within the facility, and that all medical and related health services are prescribed by, or under the formal supervision of, persons licensed to practice medicine or surgery in the State.

"Workshop" means a place where any manufacture or handiwork is carried on, and which is operated for the primary purpose of providing gainful employment to ~~handicapped individuals~~ persons with a disability (1) as an interim step in the rehabilitation process for those who cannot be readily absorbed in the competitive labor market; or (2) during such time as employment opportunities for them in the competitive labor market do not exist.

"Gainful ~~occupation~~ employment" includes employment in the competitive labor market; practice of a profession; self-employment; homemaking, farm or family work (including work for which payment is in kind rather than cash); sheltered employment; and home industries or other homebound work of a gainful nature.

#### COMMENT

Pejorative terms are replaced with person-first language. In the definition of "Rehabilitation facility," the word "special" was recommended by a commenter to be removed from the phrase "special disabilities." The NJLRC makes the recommendation to remove the word "special" in an effort to refer to disabilities consistently throughout the title.

### **34:16-27. Powers of Commission**

The ~~commission~~ division shall be authorized to:

a. Adopt and promulgate such rules and regulations as may be necessary to carry out the provisions of this act.

b. Provide vocational rehabilitation and independent living rehabilitation services, directly or through public or private instrumentalities to eligible ~~handicapped individuals~~ persons with a disability without discrimination as to sex, race, color, creed or national origin, except that the ~~commission~~ division shall not duplicate services provided for ~~blind~~ persons who are blind



~~under the care of~~ through the State Commission for the Blind and Visually Impaired, and persons who are deaf or hard of hearing through the ~~to ameliorate the condition of the blind and deaf persons under the care of the Marie H. Katzenbach~~ New Jersey School for the Deaf, Katzenbach Campus, nor shall the ~~commission~~ division provide services for persons who in its judgment ~~are not feasible for~~ will not benefit from rehabilitation. In case vocational rehabilitation and independent living rehabilitation services cannot be provided to all eligible ~~handicapped persons~~ with a disability who apply for such services, the ~~commission~~ division shall provide, by regulation, the order to be followed in selecting those to whom such services will be provided.

c. Construct or establish and operate rehabilitation facilities and workshops, which may include residential accommodations related to the rehabilitation of ~~handicapped individuals~~ persons with a disability and make grants to public and other nonprofit organizations for such purposes.

d. Establish and supervise the operation of vending stands and other small businesses established pursuant to this act to be conducted by ~~severely handicapped individuals~~ persons with a severe disability.

e. Make studies, investigations, demonstrations, and Reports, and provide training and instruction (including the establishment and maintenance of such research fellowships and traineeships with such stipends and allowances as may be deemed necessary) in matters relating to vocational rehabilitation and independent living rehabilitation.

f. Enter into reciprocal agreements with other States to provide for the vocational rehabilitation and independent living rehabilitation of residents of the States concerned.

g. Accept and use gifts made, by will or otherwise, for carrying out the purposes of this chapter. Gifts made under such conditions as in the judgment of the ~~commission~~ division are proper and consistent with the provisions of this chapter, may be accepted, held, invested, reinvested, or used in accordance with the conditions, if any, of the gift.

h. Take such action as it deems necessary or appropriate to carry out the purposes of this act.

#### COMMENT

Pejorative terms are replaced with person-first language.

### **34:16-40. Definitions (Sheltered Workshop Act of 1971)**

As used in this act:

a. "Sheltered workshop" means an occupation oriented facility operated by a nonprofit agency, public or private, which except for its staff, employs only ~~handicapped~~ persons with a disability;

b. "Division" means the Division of Vocational Rehabilitation Services in the Department of Labor and ~~Industry~~ Workforce Development;

c. "Commission" means the New Jersey Commission for the Blind and Visually Impaired in the Department of Human Services;

d. "Extended employee" means a ~~severely handicapped~~ person with a severe disability who meets the following requirements: (1) shall have completed a prescribed workshop program; (2) shall have been found, due to the nature and severity of the disability to be incapable of competing in the open or customary labor market; and (3) shall have been certified as being an extended employee by the staff of the division or the commission or (4) shall have been certified by the division or the commission as an extended employee qualified to perform industrial homework under the supervision of a sheltered workshop;

e. "Extended employment program" means a program designed for (1) those persons with a disability whose ~~handicapped conditions fit~~ disability makes ~~only for~~ sheltered employment in a sheltered workshop or performance of industrial homework under the supervision of a sheltered workshop, after completion of a certified program of vocational evaluation and training the only suitable forms of employment, or (2) those persons with a severe disability ~~for those severely handicapped persons~~ who were not eligible for vocational rehabilitation services under laws and regulations in effect at the date of enactment of this act and who could benefit from the provisions of this act.

#### COMMENT

Pejorative terms are replaced with person-first language. The changes to subsection e. were proposed by a commenter who wanted to ensure that the statutory language focused on whether an individual could participate in sheltered employment and did not imply that persons with a disability were not able to engage in life activities or experiences beyond the extended employment program.

### **34:16-42. Contracts with Approved Sheltered Workshops; Amount Payable**

The division is hereby authorized to contract with an approved sheltered workshop for the furnishing of extended employment programs to ~~severely handicapped~~ persons with a severe disability when it shall appear to the satisfaction of the division, or upon certification to the division by the commission, that a ~~severely handicapped~~ person with a severe disability could reasonably be expected to benefit from, or reasonably requires extended rehabilitation services. The division is authorized to contract for the payment of a sum for each ~~severely handicapped~~ person with a severe disability not exceeding the amount appropriated for the purposes of this act toward the cost of providing an extended employment program pursuant to this act.

#### COMMENT

Pejorative terms are replaced with person-first language.

### **34:16-43. Determination of Eligibility for Extended Employment Program; Standards for Operation of Sheltered workshop; Progress Reports**

The division and the commission are hereby vested with the authority: a. to determine the eligibility of ~~severely handicapped~~ persons with a severe disability for the extended employment program in consultation with the sheltered workshops providing the program; b. to establish

standards of staffing, physical plant and services required for the operation of facilities of sheltered workshops furnishing services under this act by contract with the State; and c. to require an appropriate progress Report on each individual participating in the extended employment program.

COMMENT

Pejorative terms are replaced with person-first language.

**34:16-45. ~~Handicapped~~ Workers Labor for Persons with a Disability; Policy of Authentication of Source of Goods**

It is the policy of the State to assist ~~handicapped~~ persons with a disability and organizations established to aid ~~handicapped~~ these persons in the sale of goods or articles which are the product of ~~handicapped workers'~~ the labor of persons with a disability by providing a means of authenticating the source of such goods and articles and by preventing misrepresentation as to items offered for sale as the product of ~~handicapped~~ persons with a disability.

COMMENT

Pejorative terms are replaced with person-first language.

**34:16-46. Definitions (Sheltered Workshop Act of 1971)**

As used in this act:

a. "~~Handicapped~~ Person with a disability" means any individual who is unable to engage in any substantial gainful ~~activity~~ employment by reason of any medically determinable physical or mental impairment which is of a long-continued or indefinite duration or which can be expected to result in death.

b. "Direct labor" means all work required for the preparation, processing and assembling of goods or articles including ~~the~~ packaging and packing thereof, but not including time spent in the supervision, administration, inspection, and shipping of such operations, or in the production of component materials by other than ~~handicapped~~ persons with a disability.

COMMENT

Pejorative terms are replaced with person-first language.

**34:16-47. Manufacturer or Distributor of Goods Made by ~~Handicapped~~ Persons with a Disability; Registration; Identification Labels; Fees; Duration**

To facilitate ready and authoritative identification of goods or articles made by ~~handicapped~~ persons with a disability, any ~~handicapped~~ person with a disability and any public or private institution or agency, firm, association or corporation engaged in the manufacture or distribution of goods or articles made by ~~handicapped~~ persons with a disability shall apply to the division for registration and authorization to use an official imprint, stamp, symbol, or label, designed or approved by the division to identify goods and articles as made by ~~handicapped~~ persons with a disability. Nothing in this act shall authorize the identification of goods or articles

as made by ~~handicapped~~ persons with a disability when the direct labor performed by ~~handicapped~~ persons with a disability in connection therewith shall consist solely of the packaging or packing thereof as distinguished from the preparation, processing or assembling of such goods or articles. The division shall investigate each application, under rules and regulations it shall adopt for the administration of this act, to assure that such person or organization is actually engaged in the manufacture or distribution of ~~handicapped~~ goods or articles made by persons with a disability. The division may register without investigation nonresident individuals and out-of-state agencies, firms, associations, or corporations upon proof that they are recognized and approved by the state of their residence or organized pursuant to a law of such state imposing requirements substantially similar to those prescribed pursuant to this act.

No fee shall be charged for registration of ~~an individual handicapped~~ person with a disability who manufactures and sells products of ~~his~~ the person's own labor. A fee of \$25.00 shall be charged and collected for registration of any other person, firm or corporation. All registrations shall be valid for 1 year from date of issue.

COMMENT

Pejorative terms are replaced with person-first language.

### **34:16-48. Sale of Goods Made by ~~Handicapped~~ Persons with a Disability; Label; Necessity; Requirements**

No goods or articles made in this or any other state may be displayed, advertised, solicited for sale by telephone, mail or otherwise, offered for sale or sold in this State upon a representation that such goods or articles are made by ~~handicapped~~ persons with a disability unless they are identified as such by label, imprint, stamp, or symbol and no such goods or articles may be so identified unless at least 75% of the total hours of direct labor of producing such goods or articles shall have been performed by a ~~handicapped person or~~ one or more persons with a disability.

COMMENT

Pejorative terms are replaced with person-first language.

### **34:16-49. Labels or Stamps; Contents**

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

COMMENT

Pejorative terms are replaced with person-first language.

### 34:16-50. Violations

Any person, firm, corporation, institution, or association ~~is a disorderly person who~~ if the person or entity (a) shall use or employ an imprint, stamp, or symbol or label issued or approved by the division or an imitation thereof without having registered with the division, or (b) who shall directly or indirectly by any means ~~indicates~~ or ~~tends~~ to indicate or represent that the goods or articles were made by a ~~handicapped~~ person or persons with a disability when in fact such goods or articles were not so made, or (c) who shall directly or indirectly by any means indicate or tend to indicate or represent that the goods or articles were sold by or for the benefit of ~~the handicapped persons with a disability~~ when in fact such sale was not by or of substantial benefit to a ~~handicapped person who has~~ or persons with a disability ~~is a disorderly person~~.

#### COMMENT

Pejorative terms are replaced with person-first language.

### 34:16-52. Definitions

As used in this act:

a. "Division" means the Division of Vocational Rehabilitation Services in the Department of Labor and Workforce Development.

b. "~~Handicapped~~ Citizen with a disability" means any individual who, by reason of illness, injury, age, congenital ~~malfunction~~ conditions, or other permanent or temporary incapacity or disability, is unable without special facilities or special planning or design to utilize mass transportation facilities and services as effectively as persons who are not so affected.

c. "Paratransit" means and includes any service, other than motorbus regular route service and charter services, including, but not limited to, dial-a-ride, nonregular route, jitney or community minibus, and shared-ride services such as vanpools, limousines or taxicabs which are regularly available to the public. Paratransit shall not include limousine or taxicab service reserved for the private and exclusive use of individual passengers.

d. "Public transportation" means all rail passenger service operated by the New Jersey Transit Corporation, and all motorbus regular route service operated pursuant to P.L. 1979, c. 150 (C. 27:25-1 et seq.) or operated pursuant to R.S. 48:4-3.

e. "Sheltered (extended) employment programs" means those programs established pursuant to regulations adopted pursuant to section 8 of P.L. 1955, c. 64 (C. 34:16-27).

f. "Sheltered workshop" means a facility possessing a valid certificate to vend services to the division issued by ~~the~~ its director thereof, in compliance with the rules and regulations governing vocational rehabilitation facilities.

#### COMMENT

Pejorative terms are replaced with person-first language.

### **34:16-53. Transportation Expense Program**

The Commissioner of Labor and Workforce Development is directed to establish and implement within 120 days of the effective date of this act a program to be administered by the division to defray the public transportation or paratransit expenses of ~~handicapped~~ citizens with a disability enrolled in sheltered (extended) employment programs at sheltered workshops. The program may provide for the defraying of these expenses by the purchase of bus cards or other appropriate methods as prescribed by the commissioner.

COMMENT

Pejorative terms are replaced with person-first language.

## **TITLE 38:**

### **PROVISION RELATING TO MILITARY AND VETERANS LAW**

#### **38:18A-2. Compensation to Disabled Veterans, Spouses**

A veteran who served in the active military or naval forces of the United States and who ~~is suffering from paraplegia and~~ has paraplegia or permanent paralysis of both legs and lower parts of the body, or who ~~is suffering from osteochondritis and~~ has osteochondritis or permanent loss of the use of both legs, or who ~~is suffering from hemiplegia and~~ has hemiplegia or permanent paralysis of one leg and one arm or either side of the body, resulting from injury to the spinal cord, skeletal structure, or brain or who has ~~suffered amputation of~~ both hands, both feet or one hand and one foot amputated, or who has lost the use of both feet or both legs, due to multiple sclerosis, sustained through enemy action, or accident, or resulting from disease contracted while in ~~such~~ active military or naval service, shall be paid for the term of ~~his~~ the person's life, and upon ~~his~~ the person's death ~~his~~ the surviving spouse, domestic partner or partner in civil union shall be paid, the sum of \$750.00 annually in monthly payments. The payments shall be due and payable from the date of discharge or release of the soldier if application therefor shall be made within one year from the date of such discharge or release. If the application shall be made after one year from the date of discharge or release of the soldier, such payment shall be due and payable from the date of such application. Accrued payments to the date of certification shall be paid in one lump sum.

Nothing in this act shall be intended to include paraplegia or hemiplegia resulting from locomotor ataxia or other forms of syphilis of the central nervous system or from chronic alcoholism, or to include other forms of disease resulting from the veteran's own misconduct which may produce signs and symptoms similar to those resulting from paraplegia, osteochondritis, hemiplegia or multiple sclerosis.

#### **COMMENT**

Pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

## **TITLE 38A:**

### **PROVISION RELATING TO MILITIA**

#### **38A:3-13. Quota; Disabled Veterans**

The plan of veterans' preference in private employment shall provide for the fixing of a quota of veterans by the Adjutant General for all participating employers, but may not require any employed worker to be discharged. The plan shall also provide for the classification of ~~disabled~~ veterans with a disability in suitable occupations ~~for which they would not be handicapped~~, and for first preference in such occupations ~~for such disabled veterans~~.

#### COMMENT

Pejorative terms are replaced with person-first language.



## TITLE 39:

### PROVISIONS RELATING TO MOTOR VEHICLES AND TRAFFIC REGULATION

39:2A-38.	Additional Fees as Security Surcharge; Commission Revenue
39:3-8.	Registration Fee for Passenger Automobile; Other Vehicles
39:3-8-1.	Licensing of Noncommercial Trucks
39:3-13.	Examination Permits
39:3-29.3.	Eligibility for ID card; Application; Contents
39:3-29.5.	Expiration of card; Renewal Cards for <u>Blind, Handicapped Persons with a Disability</u> Valid for Life, Authorized Presence in U.S. Required for Renewal
39:3B-9.	Identification Lettering, Color and Warning Lights
39:4-8.1.	<u>Handicapped Parking Spaces and Signs for Persons with a Disability</u> ; Inspection by Municipal Engineer
39:4-14.15.	Conditions for Operation of Motor Scooter on Public Streets
39:4-138.	Places where parking prohibited; exceptions
39:4-197.6.	Restricted Parking Zones in Front of Residences Occupied by <u>Handicapped Persons with a Disability</u> ; Ordinance; Conditions
39:4-197.9.	<u>Parking for Persons with a Disability</u> Municipal <u>Handicapped Parking</u> Enforcement Unit; Creation; Purpose
39:4-197.10.	Eligibility for Participation
39:4-197.11.	Preference for Participation by <u>Handicapped Persons with a Disability</u>
39:4-197.12.	Reimbursement for Actual Expenses
39:4-197.14.	Permissive Benefits
39:4-197.15.	Uniform and Patch
39:4-198.	Notice of Ordinance
39:4-201.	Resolutions or Ordinances Regulating Traffic

#### 39:2A-38. Additional Fees as Security Surcharge; Commission Revenue

In addition to the vehicle registration fees imposed pursuant to the provisions of chapters 3, 4, and 8 of Title 39 of the Revised Statutes, the commission shall impose and collect an additional \$7 for each new and renewal vehicle registration as a security surcharge, which surcharge shall take effect on the enactment of P.L.2003, c.13 (C.39:2A-1 et al.). The security surcharges collected pursuant to this section shall be revenues of the commission and shall not be subject to the calculation of proportional revenue remitted to the commission pursuant to section 105 of P.L.2003, c.13 (C.39:2A-36). The security surcharge shall not be imposed on the registration of passenger vehicles registered to persons possessing a valid handicapped person person with a disability identification card issued pursuant to section 2 of P.L.1949, c.280 (C.39:4-205) or to persons aged 65 years of age or older at the time of registration or registration

renewal. Revenues of the commission shall not be subject to appropriation as direct State services by the Legislature. In addition, the revenues of the commission shall not be restricted from use by the commission in any manner except as provided by law. Revenues of the commission may be used in the furtherance of any purpose of the commission or as otherwise provided for in law.

#### COMMENT

Pejorative terms are replaced with person-first language.

### **39:3-8.Registration Fee for Passenger Automobile; Other Vehicles**

The applicant for registration for any passenger automobile manufactured in any model year prior to the 1971 model year shall pay to the chief administrator for each registration a fee of \$14 for each such vehicle having a manufacturer's shipping weight of less than 2,700 pounds, a fee of \$23 for each such vehicle having a manufacturer's shipping weight of 2,700 pounds or more, but not greater than 3,800 pounds, and a fee of \$44 for each vehicle having a manufacturer's shipping weight in excess of 3,800 pounds; provided, however, an applicant who has been issued a ~~handicapped~~ person with a disability identification card pursuant to section 2 of P.L.1949, c.280 (C.39:4-205) and is registering a private passenger van manufactured in any model year prior to the 1971 model year which has been equipped with a wheelchair lift ~~for the handicapped~~, or any other specially designed mechanical device for ~~the handicapped persons~~ with a disability as designated by the chief administrator that specifically requires installation only in a private passenger van because of the device's dimensions, operating characteristics or manufacturer's installation requirements, shall pay a fee of \$14 for that vehicle. The applicant for registration for any passenger automobile manufactured in model year 1971 and thereafter, except as determined hereinafter, shall pay to the chief administrator for each registration a fee of \$17 for each such vehicle having a manufacturer's shipping weight of less than 2,700 pounds, a fee of \$28 for each such vehicle having a manufacturer's shipping weight of 2,700 pounds or more, but not greater than 3,800 pounds, and a fee of \$51 for each such vehicle having a manufacturer's shipping weight in excess of 3,800 pounds; provided, however, an applicant who has been issued a ~~handicapped~~ person with a disability identification card pursuant to section 2 of P.L.1949, c.280 (C.39:4-205) and is registering a private passenger van manufactured in model year 1971 or thereafter, except as determined hereinafter, which has been equipped with a wheelchair lift ~~for the handicapped~~, or any other specially designed mechanical device for ~~the handicapped~~ persons with a disability as designated by the chief administrator that specifically requires installation only in a private passenger van because of the device's dimensions, operating characteristics or manufacturer's installation requirements, shall pay a fee of \$17 for that vehicle. The applicant for registration for any 1980 or thereafter model year passenger automobile registered on or after March 1, 1979 shall pay to the chief administrator for each registration a fee of \$25 for each such vehicle having a manufacturer's shipping weight not greater than 3,500 pounds and a fee of \$50 for each vehicle having a manufacturer's shipping weight in excess of 3,500 pounds; provided, however, an applicant who has been issued a

~~handicapped person~~ an identification card pursuant to section 2 of P.L.1949, c.280 (C.39:4-205) and is registering any 1980 or thereafter model year private passenger van which has been equipped with a wheelchair lift ~~for the handicapped~~, or any other specially designed mechanical device ~~for the handicapped persons with a disability~~ as designated by the chief administrator that specifically requires installation only in a private passenger van because of the device's dimensions, operating characteristics or manufacturer's installation requirements, shall pay a fee of \$25 for that vehicle. Notwithstanding any other provision of law to the contrary, the applicant for registration for any new passenger automobile, for which the registration will expire on the last day of the 48th calendar month following the calendar month in which it was first issued, or for the term of the lease if the new passenger automobile is a leased motor vehicle subject to an extended registration period pursuant to R.S.39:3-4, shall prepay to the chief administrator the full amount due for the 48-month term, or the full amount due based upon the term of the lease if the new passenger automobile is a leased motor vehicle, upon the initial registration. The portion of that prepayment that is dedicated to specific purposes in accordance with section 110 of P.L.2003, c.13 (C.39:2A-38) and subsections a. and b. of section 1 of P.L.1992, c.87 (C.39:3-8.2) shall be deposited in their respective dedicated accounts. The chief administrator shall determine manufacturer's shipping weight and model year for each passenger automobile on the basis of the information contained in the certificate of origin, the application for registration or for renewal of registration, or the records of the division, or any or all of these; and any case in which the manufacturer's shipping weight of any particular passenger automobile is unavailable, or in doubt or dispute, the chief administrator may require that such automobile be weighed on a scale designated by him, and such actual weight shall be considered the manufacturer's shipping weight for the purposes of this section; but in all cases the chief administrator's determination of the manufacturer's shipping weight of any such automobile shall be final. The applicant for registration for passenger automobile shall also pay to the chief administrator the inspection fee fixed in R.S.39:8-2 in addition to the fees described hereinabove.

The chief administrator may also license private utility and house type semitrailers and trailers with a gross load not in excess of 2,000 pounds at a fee of \$4.00 per annum and all other such utility and house-type semitrailers and trailers at \$9.00 per annum. Application for such registration shall be made on a blank to be furnished by the commission 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.

Except as provided in R.S.39:3-84 for recreation vehicles, no private utility or house type semitrailer or trailer with an outside width of more than 96 inches, a maximum height of 13 feet 6 inches, a maximum length for a single vehicle of more than 35 feet, a maximum length for a semitrailer and its towing vehicle of more than 45 feet, and a maximum length for a trailer and its towing vehicle of more than 50 feet, shall be operated on any highway in this State, except that a vehicle exceeding the above limitations may be operated when a special permit so to operate is secured in advance from the chief administrator. A house type semitrailer or trailer with an outside width of no more than 16 feet shall be entitled to operate with such a special

permit if the vehicle is a manufactured home on a transportation system that is designed in accordance with the "Manufactured Home Construction and Safety Standards," 24 CFR part 3280.901 et seq., promulgated by the United States Department of Housing and Urban 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.

COMMENT

Pejorative terms are replaced with person-first language.

### **39:3-8-1. Licensing of Noncommercial Trucks**

The director may license noncommercial trucks at the same weight fees set forth in Revised Statutes 39:3-20; provided, however, applicants for registration who have been issued ~~handicapped~~ a person with a disability identification cards 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~~ person with a disability 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.

COMMENT

Pejorative terms are replaced with person-first language.

### **39:3-13. Examination Permits**

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 other than passenger automobiles and motorcycles for a specified period of not more than 90 days, while in the company and under the supervision of a driver licensed to operate such designated class of motor vehicles.

The chief administrator, in the chief administrator's discretion, may issue for a specified period of not less than one year a passenger automobile or motorcycle-only examination permit to a person over 17 years of age regardless of whether a person has completed a course of behind-the-wheel automobile driving education pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1). An examination permit applicant who is under 18 years of age shall obtain the signature of a parent or guardian for submission to the commission on a form prescribed by the chief administrator. The chief administrator shall postpone for six months the driving privileges of any person who submits a fraudulent signature for a parent or guardian.

For six months immediately following the validation of an examination permit, and until the holder passes the road test, the holder who is less than 21 years of age shall operate the passenger automobile only when accompanied by, and under the supervision of, a New Jersey licensed driver who is at least 21 years of age and has been licensed to drive a passenger automobile for not less than three years. The holder of an examination permit who is at least 21 years of age shall operate the passenger automobile for the first three months under such supervision and until the holder passes the road test. The supervising driver of the passenger automobile shall sit in the front seat of the vehicle. Whenever operating a vehicle while in possession of an examination permit, the holder of the permit shall operate the passenger automobile with only one additional passenger in the vehicle excluding dependents of the permit holder, except that this passenger restriction shall not apply when the permit holder is at least 21 years of age or when the permit holder is accompanied by a parent or guardian. Further, the holder of the passenger automobile permit who is less than 21 years of age shall not drive during the hours between 11:01 p.m. and 5 a.m.; provided, however, that this condition may be waived for an emergency which, in the judgment of local police, is of sufficient severity and magnitude to substantially endanger the health, safety, welfare, or property of a person, or for any bona fide employment or religion-related activity if the employer or appropriate religious authority provides written verification of such activity in a manner provided for by the chief administrator. The holder of the examination permit shall not use any hand-held or hands-free interactive wireless communication device, except in an emergency, while operating a moving passenger automobile on a public road or highway. "Use" shall include, but not be limited to, talking or listening on any hand-held or hands-free interactive wireless communication device or operating its keys, buttons, or other controls. The passenger automobile permit holder shall ensure that all occupants of the vehicle are secured in a properly adjusted and fastened seat belt or child restraint system.

The holder of an examination permit subject to the provisions of section 1 of P.L.1977, c.23 (C.39:3-10b) shall not operate a motorcycle at any time from a half-hour after sunset to a half-hour before sunrise. A motorcycle operated by the holder of an examination permit shall

carry only the operator and shall not be operated on any toll road over which the New Jersey Turnpike Authority or the South Jersey Transportation Authority has jurisdiction or on any limited-access interstate highway.

The holder of any examination permit shall not operate a motorcycle having a motor with a maximum piston displacement that is less than 50 cubic centimeters or a motor that is rated at no more than 1.5 brake horsepower with a maximum speed of no more than 35 miles per hour on a flat surface at any time from a half-hour after sunset to a half-hour before sunrise and shall not operate the motorcycle with any other passenger. The holder of any examination permit shall not operate such a motorcycle upon limited-access interstate highways or public roads or highways with a posted speed limit greater than 35 miles per hour.

An applicant for an examination permit subject to the provisions of section 1 of P.L.1977, c.23 (C.39:3-10b), who is less than 18 years of age, shall be required to successfully complete a motorcycle safety education course established pursuant to the provisions of section 1 of P.L.1991, c.452 (C.27:5F-36) as a condition for obtaining a motorcycle license or endorsement.

The chief administrator shall provide the holder of an examination permit with two removable, transferable, highly visible, reflective decals indicating that the driver of the vehicle may be the holder of an examination permit. The decals shall be designed by the chief administrator, in consultation with the Division of Highway Traffic Safety in the Department of Law and Public Safety. The chief administrator may charge a fee for the decals not to exceed the actual cost of producing and distributing the decals. The decals shall be displayed in a manner prescribed by the chief administrator, in consultation with the Division of Highway Traffic Safety in the Department of Law and Public Safety, and shall be clearly visible to law enforcement officers. The holder of an examination permit shall not operate a vehicle unless the decals are displayed. The decal shall be removed once the driver's examination permit period has ended.

When notified by a court of competent jurisdiction that an examination permit holder has been convicted of a violation which causes the permit holder to accumulate more than two motor vehicle points or has been convicted of a violation of R.S.39:4-50; section 2 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.189 (C.39:4-50.14); R.S.39:4-129; N.J.S. 2C:11-5; subsection c. of N.J.S. 2C:12-1; or any other motor vehicle-related law the chief administrator deems significant and applicable pursuant to regulation, in addition to any other penalty that may be imposed, the chief administrator shall, without the exercise of discretion or a hearing, suspend the examination permit holder's examination permit for 90 days. The chief administrator shall restore the permit following the term of the permit suspension if the permit holder satisfactorily completes a remedial training course of not less than four hours which may be given by the commission, a driving school licensed by the chief administrator pursuant to section 2 of P.L.1951, c.216 (C.39:12-2), or any Statewide safety organization approved by the chief administrator. The course shall be subject to oversight by the commission according to its guidelines. The permit holder shall also remit a course fee prior to the commencement of the course. The chief

administrator also shall postpone without the exercise of discretion or a hearing the issuance of a basic license for 90 days if the chief administrator is notified by a court of competent jurisdiction that the examination permit holder, after completion of the remedial training course, has been convicted of any motor vehicle violation which results in the imposition of any motor vehicle points or has been convicted of a violation of R.S.39:4-50; section 2 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.182 (C.39:4-50.14); R.S.39:4-129; N.J.S. 2C:11-5, subsection c. of N.J.S. 2C:12-1 or any other motor vehicle-related law the chief administrator deems significant and applicable pursuant to regulation. When the chief administrator is notified by a court of competent jurisdiction that an examination permit holder has been convicted of any alcohol or drug-related offense unrelated to the operation of a motor vehicle and is not otherwise subject to any other suspension penalty therefor, the chief administrator shall, without the exercise of discretion or a hearing, suspend the examination permit for six months.

An examination permit for a motorcycle or a commercial motor vehicle issued to a ~~handicapped~~ person with a disability, as determined by the New Jersey Motor Vehicle Commission after consultation with the Department of Education, shall be valid for nine months or until the completion of the road test portion of his license examination, whichever period is shorter.

Each permit shall be sufficient license for the person to operate such designated class of motor vehicles in this State during the period specified, while in the company of and under the control of a driver licensed by this State to operate such designated class of motor vehicles, or, in the case of a commercial driver license permit, while in the company of and under the control of a holder of a valid commercial driver license for the appropriate license class and with the appropriate endorsements issued by this or any other state. Such person, as well as the licensed driver, except for a motor vehicle examiner administering a driving skills test, shall be held accountable for all violations of this subtitle committed by such person while in the presence of the licensed driver. In addition to requiring an applicant for an examination permit to submit satisfactory proof of identity and age, the chief administrator also shall require the applicant to provide, as a condition for obtaining the permit, satisfactory proof that the applicant's presence in the United States is authorized under federal law. If the chief administrator has reasonable cause to suspect that any document presented by an applicant as proof of identity, age, or legal residency is altered, false, or otherwise invalid, the chief administrator shall refuse to grant the permit until such time as the document may be verified by the issuing agency to the chief administrator's satisfaction.

The holder of an examination permit shall be required to take a road test in order to obtain a probationary license. No road test for any person who has been issued an examination permit to operate a passenger vehicle shall be given unless the person has met the requirements of this section. No road test for a probationary license shall be given unless the applicant has first secured an examination permit and no such road test shall be scheduled for an applicant who has secured an examination permit for a passenger vehicle or a motorcycle for which an endorsement

is not required until at least six months for an applicant under 21 years of age or three months for an applicant 21 years of age or older shall have elapsed following the validation of the examination permit for practice driving or, in the case of an examination permit for other vehicles, until 20 days have elapsed. In the case of an omnibus endorsement or school bus, no road test shall be scheduled until at least 10 days shall have elapsed. Every applicant for an examination permit to qualify for an omnibus endorsement or an articulated vehicle endorsement shall be a holder of a valid basic driver's license.

The required fees for special learner's permits and examination permits shall be as follows:

Basic driver's license.....	up to \$10
Motorcycle license or endorsement.....	\$ 5
Omnibus or school bus endorsement.....	\$25

The chief administrator shall waive the payment of fees for issuance of examination permits for omnibus endorsements whenever the applicant establishes to the chief administrator's satisfaction that said applicant will use the omnibus endorsement exclusively for operating omnibuses owned by a nonprofit organization duly incorporated under Title 15 or 16 of the Revised Statutes or Title 15A of the New Jersey Statutes.

The specified period for which a permit is issued may be extended for not more than an additional 60 days, without payment of an added fee, upon application made by the holder thereof, where the holder has applied to take the examination for a driver's license prior to the expiration of the original period for which the permit was issued and the chief administrator was unable to schedule an examination during said period.

As a condition for the issuance of an examination permit under this section, the chief administrator shall secure a digitized picture of the applicant. The picture shall be stored in a manner prescribed by the chief administrator and may be displayed on the examination permit.

The chief administrator may require that whenever a person to whom an examination permit has been issued has reconstructive or cosmetic surgery which significantly alters the person's facial features, the person shall notify the chief administrator who may require the picture of the person to be updated.

Specific use of the examination permit and any information stored or encoded, electronically or otherwise, in relation thereto shall be in accordance with P.L.1997, c.188 (C.39:2-3.3 et seq.) and the federal Driver's Privacy Protection Act of 1994, Pub.L.103-322. Notwithstanding the provisions of any other law to the contrary, the digitized picture or any access thereto or any use thereof shall not be sold, leased, or exchanged for value.

#### COMMENT

Pejorative terms are replaced with person-first language.



### **39:3-29.3. Eligibility for ID Card; Application; Contents**

The New Jersey Motor Vehicle Commission shall issue an identification card to any resident of the State who is 14 years of age or older and who is not the holder of a valid permit or basic driver's license. The identification card shall attest to the true name, correct age, and other identifying data as certified by the applicant for such identification card. Every application for an identification card shall be signed and verified by the applicant and shall be accompanied by the written consent of at least one parent or the person's legal guardian if the person is under 17 years of age and shall be supported by such documentary evidence of the age and identity, or blindness, disability, ~~or handicap~~, of such person as the chief administrator may require. In addition to requiring an applicant for an identification card to submit satisfactory proof of identity and age, the chief administrator also shall require the applicant to provide, as a condition for obtaining the card, satisfactory proof that the applicant's presence in the United States is authorized under federal law. If the chief administrator has reasonable cause to suspect that any document presented by an applicant as proof of identity, age or legal residency is altered, false or otherwise invalid, the chief administrator shall refuse to grant the identification card until such time as the document may be verified by the issuing agency to the chief administrator's satisfaction.

#### COMMENT

Pejorative terms are replaced with person-first language. In this Final Report, the language of this section reflects the current text of the provision effective until March 1, 2015, at which time the amended language enacted by P.L.2013, c. 165, approved September 29, 2013 will take effect.

### **39:3-29.5. Expiration of Card; Renewal Cards for Blind, ~~Handicapped~~ Persons with a Disability Valid for Life, Authorized Presence in U.S. Required for Renewal**

a. Except as provided in subsection b. of this section, each original identification card authorized by section 2 of this act shall, unless canceled earlier, be valid for 48 calendar months from its date of issuance, and shall be renewable upon the request of the bearer of the card, pursuant to terms of license renewal established by the ~~Division of New Jersey Motor Vehicles Commission~~, and upon payment of a fee as required by section 6 of this act. An identification card issued pursuant to this act to an applicant ~~who is with~~ with ~~blindness, or a disability disabled, or handicapped~~ shall be valid for the life of the holder unless canceled by the holder. Cards issued prior to October 16, 1989 and valid upon the effective date of this amendatory act shall be valid for the life of the holder unless canceled by the holder. Cards issued to persons with ~~persons~~ blindness, or a disability disabled or handicapped between October 16, 1989 and the effective date of this amendatory act, and which are valid on the effective date of this act, shall be made valid for the life of the holder unless canceled by the holder, upon presentation of proof that the person's ~~person's~~ blindness, or disability, or handicap existed at the time of the original application. The director is

authorized to require periodic verification of information included on any identification card issued for or valid for the life of the holder. Nothing in this section shall be construed to alter or change any expiration date on any New Jersey identification card issued prior to the operative date of P.L.2001, c.391 (C.39:3-10f4 et al.) and any such identification card shall remain valid until its expiration date.

b. If the director issues an identification card to a person who has demonstrated authorization to be present in the United States for a period of time shorter than the standard periods of such cards, the director shall fix the expiration date of the identification card at a date based on the period in which the person is authorized to be present in the United States under federal immigration laws. The director may renew such an identification card only if it is demonstrated that the person's continued presence in the United States is authorized under federal law.

COMMENT

Pejorative terms are replaced with person-first language.

**39:3B-9. Identification Lettering, Color and Warning Lights**

In addition to owner identification, lettering shall be permitted on van type II school vehicles to identify the vehicles as school vehicles and all such vehicles shall be painted school bus yellow and equipped with warning lights.

With respect to any such vehicle transporting ~~handicapped pupils~~ pupils with a disability, the ~~national symbol for the handicapped~~ International Symbol of Access may also be imprinted on the lower right side of the rear door.

COMMENT

Pejorative terms are replaced with person-first language.

**39:4-8.1. ~~Handicapped~~ Parking Spaces and Signs for Persons with a Disability; Inspection by Municipal Engineer**

Any municipality, which pursuant to the provisions of R.S. 39:4-8, R.S. 39:4-197, section 1 of P.L.1977, c. 202 (C. 39:4-197.5) or section 1 of P.L.1977, c. 309 (C. 39:4-197.6) designates restricted parking spaces for use by ~~handicapped~~ persons with a disability, may, in lieu of having the Department of Transportation inspect those parking spaces and any signs erected in association therewith, designate the municipal engineer to determine whether or not those parking spaces and signs conform to the current standards prescribed by the Manual of Uniform Traffic Control Devices for Streets and Highways, adopted by the Commissioner of Transportation, and any other Department of Transportation rules and regulations governing such parking spaces and signs.

Any such parking spaces and signs shall be deemed approved and operational, and in need of no additional inspection by the Department of Transportation, when the municipal engineer, under ~~his~~ seal as a licensed professional engineer, shall certify to the commissioner that the parking spaces and signs:

a. have been approved by ~~him~~ the licensed professional engineer after investigation; and

b. conform to the current standards prescribed by the Manual of Uniform Traffic Control Devices for Streets and Highways, as adopted by the commissioner, and any other Department of Transportation rules and regulations governing such parking spaces and signs.

The municipal engineer shall submit to the commissioner, together with ~~his~~ a certification, detailed information as to the location and number of parking spaces, a certified copy of the ordinance, resolution or regulation designating the restricted parking spaces, and such other information as the commissioner shall deem necessary.

#### COMMENT

Pejorative terms are replaced with person-first language.

### **39:4-14.15. Conditions for Operation of Motor Scooter on Public Streets**

a. Upon request, the Chief Administrator of the New Jersey Motor Vehicle Commission shall issue to any holder of a ~~handicapped~~ person with a disability identification card, a placard or sticker of such size and design as shall be determined by the chief administrator in consultation with the Division of Vocational Rehabilitation Services in the Department of Labor and Workforce Development and the Division of Disability Services in the Department of Human Services, indicating that ~~a handicapped person~~ the identification card has been issued to the person designated therein and that the person so designated may operate the motorized scooter on public streets as provided in subsection e. of this section. The placard or sticker shall be displayed in such manner as the chief administrator shall determine on the motorized scooter used by the named individual with a mobility-related disability.

b. Any motorized scooter operated by a person with a mobility-related disability shall be registered with the municipality in which the operator resides. As a condition for such registration, the owner or operator shall produce or display appropriate proof that a policy of liability insurance is in effect for that motorized scooter. The municipality or county may impose a reasonable fee to cover the costs of registration.

c. Any person with a mobility-related disability who operates a motorized scooter shall wear a properly fitted and fastened helmet which meets the Consumer Product Safety Commission standard or such other standard, as appropriate.

d. Any motorized scooter operated by a person with a mobility-related disability shall be equipped with a brake that will enable the operator to stop the scooter in a safe and effective manner.

e. A properly registered motorized scooter may be operated by a properly designated person with a mobility-related disability on any public street with a posted speed limit not exceeding 25 miles per hour. If the authority having jurisdiction over the public street determines that a properly registered motorized scooter operated by a properly designated person with a mobility-related disability may be operated on a public street with a posted speed limit in excess of 25 miles per hour, but not exceeding 35 miles per hour, or any portion thereof, without posing a danger to the safety and well-being of the operator of the motorized scooter or impeding the safe flow and operation of traffic, a properly registered motorized scooter may be operated on that designated public street, or designated portion thereof, by a properly designated person. A municipality or county may make such a determination by ordinance or resolution, as appropriate, but such ordinance or resolution shall not require the approval of the Commissioner of Transportation.

f. No motorized scooter that is capable of a maximum speed of more than 15 miles per hour shall be registered or operated on a public street under the provisions of this section.

g. Neither the State nor any municipality or county, nor any agency, official or employee thereof, shall assume responsibility for or incur liability for any injury to person or property caused by any act of a person with a mobility-related disability who operates a motorized scooter upon its designated municipal, county or State property.

h. For the purposes of this section, “motorized scooter” shall mean a gas or electric powered scooter or mini scooter which is capable of a maximum speed of not more than 15 miles per hour on a flat surface. Nothing in this section shall be construed to authorize or permit the registration or operation of any pocket bike, super pocket bike, sport scooter, mini chopper, mini motorcycle, or motorized skateboard on any public street by a person with a mobility-related disability.

#### COMMENT

Pejorative terms are replaced with person-first language.

### **39:4-138. Places where Parking Prohibited; Exceptions; Moving Vehicle Not Under One's Control into Prohibited Area**

Except when necessary to avoid conflict with other traffic or in compliance with the directions of a traffic or police officer or traffic sign or signal, no operator of a vehicle shall stand or park the vehicle in any of the following places:

- a. Within an intersection;
- b. On a crosswalk;
- c. Between a safety zone and the adjacent curb or within at least 20 feet of a point on the curb immediately opposite the end of a safety zone;
- d. In front of a public or private driveway;

e. (1) Within 25 feet of the nearest crosswalk or side line of a street or intersecting highway except at alleys and as provided in section 2 of P.L. 2009, c. 257 (C.39:4-138.6); or

(2) Within 10 feet of the nearest crosswalk or side line of a street or intersecting highway, if a curb extension or bulbout has been constructed at that crosswalk;

f. On a sidewalk;

g. In any appropriately marked “No Parking” space established pursuant to the duly promulgated regulations of the Commissioner of Transportation;

h. Within 50 feet of a “stop” sign except as provided in section 2 of P.L.2009, c. 257 (C.39:4-138.6);

i. Within 10 feet of a fire hydrant;

j. Within 50 feet of the nearest rail of a railroad crossing;

k. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance, when properly signposted;

l. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic, when properly signposted;

m. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

n. Upon any bridge or other elevated structure upon a highway, or within a highway tunnel or underpass, or on the immediate approaches thereto except where space for parking is provided;

o. In any space on public or private property appropriately marked for vehicles for ~~the physically handicapped persons with a disability~~ pursuant to P.L.1977, c. 202 (C.39:4-197.5), P.L.1975, c. 217 (C.52:27D-119 et seq.) or any other applicable law unless the vehicle is authorized by law to be parked therein and ~~a handicapped~~ the person with the disability is either the driver or a passenger in that vehicle. State, county or municipal law enforcement officers or parking enforcement authority officers shall enforce the parking restrictions on spaces appropriately marked for vehicles for ~~the physically handicapped persons with a disability~~ on both public and private property.

No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

#### COMMENT

Pejorative terms are replaced with person-first language.

**39:4-197.6. Restricted Parking Zones in Front of Residences Occupied by ~~Handicapped~~ Persons with a Disability; Ordinance; Conditions**

Any municipality may, by ordinance, establish a restricted parking zone in front of a residence occupied by a ~~handicapped~~ person with a disability if a windshield placard or ~~wheelchair~~ International Access Symbol license plates have been issued for a vehicle owned by the ~~handicapped~~ person with a disability, or by another occupant of the residence who is a member of the immediate family of the ~~handicapped~~ person with the disability, by the ~~Division~~ of New Jersey Motor Vehicles Commission pursuant to the provisions of P.L.1949, c. 280 (C. 39:4-204 et seq.), provided such parking is not otherwise prohibited and the permitting thereof would not interfere with the normal flow of traffic.

COMMENT

Pejorative terms are replaced with person-first language.

**39:4-197.9. Parking for Persons with a Disability Municipal ~~Handicapped~~ parking Enforcement Unit; Creation; Purpose**

In order to implement the enforcement of P.L.1977, c. 202 (C. 39:4-197.5) subject to R.S. 39:4-138, and of P.L.1975, c. 221 (C. 52:32-11 et seq.) and spaces established pursuant to P.L.1975, c. 217 (C. 52:27D-119 et seq.) within its jurisdiction, a municipality may establish a ~~handicapped parking enforcement~~ parking for persons with a disability enforcement unit under the supervision of the chief law enforcement officer of the municipality. The municipality may, by ordinance or resolution, provide procedures and other guidelines for the program consistent with this act which may give persons selected and trained for the unit the full power and authority to issue warnings or summonses for violations of any provision of any law, regulation, ordinance or resolution pertaining to illegal parking in restricted parking spaces for ~~the~~ handicapped persons with a disability. The unit shall concentrate its enforcement activity at any shopping centers or malls in the municipality.

COMMENT

Pejorative terms are replaced with person-first language.

**39:4-197.10. Eligibility for Participation**

No person shall be appointed to or continue to be eligible for participation in the ~~handicapped~~ parking enforcement unit for persons with a disability unless ~~he~~ the person:

- a. Evidences no criminal record as a result of a State criminal history record background check through the State Bureau of Identification in the Division of State Police in the Department of Law and Public Safety;
- b. Is a resident of the municipality in which the unit is established; and
- c. Is at least 18 years of age.

COMMENT

Pejorative terms are replaced with person-first language.

### **39:4-197.11. Preference for Participation by ~~Handicapped~~ Persons with a Disability**

Preference for participation in this program may be given to persons ~~who are handicapped~~ with a disability as defined in P.L.1949, c. 280 (C. 39:4-204 et seq.).

COMMENT

Pejorative terms are replaced with person-first language.

### **39:4-197.12. Reimbursement for Actual Expenses**

Any person appointed to the municipality's ~~handicapped~~ parking enforcement unit for persons with a disability shall be reimbursed for actual expenses of transportation incurred in the course of ~~his~~ the person's work at a rate at least equal to the rate established by the State and adjusted pursuant to section 2 of P.L.1980, c. 19 (C. 52:14-17.1a).

COMMENT

Pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

### **39:4-197.14. Permissive Benefits**

The governing body of a municipality, by ordinance, may appropriate annually sums of money as it shall deem necessary for the purpose of compensating any such person for his or her services. The governing body of a municipality may provide the members of the ~~handicapped~~ parking for persons with a disability enforcement unit with coverage under chapter 15 of Title 34 of the Revised Statutes (Workers' Compensation) or if the governing body chooses not to provide such coverage, it may appropriate annually sums of money as it shall deem necessary for the purpose of compensating such persons for any losses which would otherwise be compensable under chapter 15 of Title 34 of the Revised Statutes (Workers' Compensation). However, neither the municipality nor the State shall be required to provide any benefits thereto whatsoever.

COMMENT

Pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

### **39:4-197.15. Uniform and Patch**

Any person who is selected for the ~~handicapped~~ parking for persons with a disability enforcement unit shall be provided, at the expense of the municipality, with a distinctive uniform on which is affixed a special patch designating ~~his~~ the person's function and shall be provided with reasonable maintenance thereof.

COMMENT

Pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

### **39:4-198. Notice of Ordinance, Resolution or Regulation by Signs; ~~Handicapped~~ Parking Signs for Persons with a Disability**

No ordinance, resolution or regulation enacted, passed, or adopted by local authorities nor any regulation adopted by the Commissioner of Transportation under any power given by this chapter or any supplement thereto shall be effective unless due notice thereof is given to the public by placing a sign at the places where the ordinance, resolution or regulation is effective, and by briefing its provisions on signs according to specifications contained in this chapter or as specified by the current Manual on Uniform Traffic Control Devices for streets and highways. These signs shall be so placed as to be easily read by pedestrians or operators of vehicles. Except, in the case of “No Passing” zones, in lieu of or in addition to signs, notice shall be given to the public by highway pavement markings which conform to the current Manual on Uniform Traffic Control Devices for streets and highways.

In addition to the specifications in the Manual on Uniform Traffic Control Devices, any sign erected after the effective date of this amendatory and supplementary act to notify the public that parking in a space is reserved for ~~the handicapped~~ persons with a disability shall also state the penalties set forth in paragraph c. of subsection (3) of R.S.39:4-197 which may be imposed for a violation. Signs which were erected prior to the effective date shall be modified within 12 months after the effective date to include the penalty information.

It shall not be a defense to the unauthorized use of a parking space reserved for ~~the handicapped~~ persons with a disability pursuant to R.S.39:4-138 that the penalties set forth in paragraph c. of subsection (3) of R.S.39:4-197 were not posted or were improperly posted.

#### COMMENT

Pejorative terms are replaced with person-first language. References to the Manual on Uniform Traffic Control Devices are outside of the scope of this Report. Therefore, changes to the terms in the Manual were not recommended.

### **39:4-201. Resolutions or Ordinances Regulating Traffic on County Roads; Notice; Penalties**

Except as otherwise provided in R.S.39:4-8, no governing body of any county in this State may adopt resolutions, ordinances, or regulations on a matter covered by or which alters or in any way nullifies the provisions of this chapter or of any supplement thereto, except that, without the approval of the commissioner, and consistent with the current standards prescribed by the Manual on Uniform Traffic Control Devices for Streets and Highways, ordinances, resolutions, or regulations may be passed by a governing body for the supervision and regulation of traffic on any county roads of the county upon the subject matter and within the limitations prescribed in R.S.39:4-197, and the governing body may prescribe penalties for violations of the



resolutions, ordinances, or regulations; provided, however, that a fine of not less than \$50.00 be imposed upon the violator of an ordinance, resolution, or regulation, as the case may be, establishing parking spaces for ~~the handicapped~~ persons with a disability.

Matters pertaining to the supervision and regulation of traffic, to be established by ordinance, resolution, or regulation pursuant to R.S.39:4-197, shall in counties operating under the “Optional County Charter Law,” P.L.1972, c. 154 (C.40:41A-1 et seq.) be established by ordinance.

No ordinance, resolution, or regulation adopted pursuant to this section shall be effective unless due notice to the public is given as provided in R.S.39:4-198.

The penalties may be enforced by the proper method of procedure before a magistrate. In default of the payment of the penalty, the magistrate may commit the offender to the county jail for a period not exceeding 5 days.

COMMENT

Pejorative terms are replaced with person-first language.

## TITLE 40:

### PROVISIONS RELATING TO MUNICIPALITIES AND COUNTIES

- 40:48-4.11. Definitions (An act for low cost transportation to seniors)  
40:48-4.12. Municipal Conveyances for Seniors/~~Handicapped~~ Persons with a Disability  
40:48-4.13. Construction as for Hire Vehicles  
40:48-9.4a. Annual Appropriation for Nonprofit Organizations for Treatment of ~~Handicapped~~ Persons with a Disability  
40:55D-66.1. Community Residences and Shelters  
40:55D-66.2. Definitions

#### 40:48-4.11. Definitions

For the purposes of this act, unless the context clearly indicates otherwise:

- a. "Senior citizen" means any individual 62 years of age or over.
- b. "~~Handicapped~~ citizen with a disability" means any individual who, by reason of illness, injury, age, congenital ~~malfunction~~ condition or other permanent or temporary incapacity or disability, is unable without special facilities or special planning or design to utilize mass transportation facilities and services as effectively as persons who are not so affected.

#### COMMENT

Pejorative terms are replaced with person-first language.

#### 40:48-4.12. Municipal Conveyances for Senior Citizens or ~~Handicapped~~ Persons with a Disability; Authorization; Fees

~~Notwithstanding any provision to the contrary in the "County Transportation Authorities Act," P.L. 1980, c. 44 (C. 40:35B-1 et seq.),~~ any municipality may purchase buses, vans or other motor vehicles for the purpose of providing transportation to senior citizens or ~~handicapped~~ citizens with a disability. The municipality may also provide drivers for the motor vehicles and pay all costs of maintenance, including insurance. The transportation shall be provided free of charge or for a nominal fee not to exceed \$0.25 per ride. No transportation service shall be provided pursuant to this act which duplicates available public transportation service.

#### COMMENT

Pejorative terms are replaced with person-first language. The reference to N.J.S. 40:35B-1 et seq. was deleted as N.J.S. 40:35B-1 to 40:35B-52 were repealed by L. 1991, c. 252, §45.

#### **40:48-4.13. Construction as for Hire Vehicles; Jurisdiction of Department of Transportation**

The use of municipally owned buses, vans or other motor vehicles for transportation of senior citizens ~~and handicapped~~ or citizens with a disability pursuant to this act shall not be construed or used for hire and shall not be subject to regulation by or the jurisdiction of the Department of Transportation.

##### COMMENT

Pejorative terms are replaced with person-first language.

#### **40:48-9.4a. Annual Appropriation to Nonprofit Organizations for Treatment and Rehabilitation of ~~Mentally or Physically Handicapped~~ Persons with a Disability (An Act Authorizing Governing Bodies of Municipalities to Make Appropriations for the Benefit of ~~Mentally Retarded, Brain-Injured, Mentally Ill or Handicapped~~ Persons with a Disability, and Supplementing Title 40 of the Revised Statutes. L.1975).**

The governing body of any municipality may appropriate annually to any approved, privately operated, nonprofit organization whose services are nonsectarian, funds for the purpose of defraying the necessary expense incident to the diagnosis, treatment, training and rehabilitation of persons with an intellectual disabilities, persons with a brain injury, persons with mental illness, or persons ~~who are otherwise mentally or physically handicapped~~ with other mental or physical disability who are residents of the municipality, at suitable homes, schools, hospitals, day-care centers, residential treatment centers, rehabilitation centers or sheltered workshops anywhere in the State supported by public funds or private charity, including the cost of transporting such persons to and from, and their support and maintenance at, such homes, schools, hospitals, day-care centers, residential treatment centers, rehabilitation centers or sheltered workshops for the purpose of diagnosis or while undergoing treatment, training and rehabilitation, or for the purpose of maintaining an extended employment program.

##### COMMENT

Pejorative terms are replaced with person-first language.

#### **40:55D-66.1. Community Residences, Shelters, Adult Family Care Homes; Permitted Use in Residential Districts**

Community residences for persons with ~~the developmentally disabled~~ disabilities, community shelters for victims of domestic violence, community residences for persons with a ~~the terminally illness~~, community residences for persons with head injuries, and adult family care homes for elderly persons and ~~physically disabled~~ adults with a physical disability shall be a permitted use in all residential districts of a municipality, and the requirements therefor shall be the same as for single family dwelling units located within such districts.

##### COMMENT

Pejorative terms are replaced with person-first language.

## 40:55D-66.2. Definitions

As used in this act:

a. “Community residence for ~~persons with the developmentally disabilities~~ persons with a developmental disability or mentally ill persons” means any community residential facility licensed pursuant to P.L.1977, c. 448 (C.30:11B-1 et seq.) providing food, shelter and personal guidance, under such supervision as required, to not more than 15 persons with a developmental disability or mentally ill persons, who require assistance, temporarily or permanently, in order to live in the community, and shall include, but not be limited to: group homes, halfway houses, intermediate care facilities, supervised apartment living arrangements, and hostels. Such a residence shall not be considered a health care facility within the meaning of the “Health Care Facilities Planning Act,” P.L.1971, c. 136 (C.26:2H-1 et al.). In the case of ~~such a~~ community residence housing ~~mentally ill~~ persons with mental illness, ~~such the~~ residence shall have been approved for a purchase of service contract or an affiliation agreement pursuant to ~~such~~ procedures as shall be established by regulation of the Division of Mental Health ~~and Hospitals and Addiction Services~~ of the Department of Human Services. As used in this act, “~~person with a developmentally disability~~ person” means a person ~~who is with a~~ developmentally disabled as defined in section 2 of P.L.1977, c. 448 (C.30:11B-2), and “mentally ill person” means a person ~~who is afflicted with a~~ mental illness as defined in R.S.30:4-23, but shall not include a person who has been committed after having been found not guilty of a criminal offense by reason of insanity or having been found unfit to be tried on a criminal charge.

b. “Community shelter for victims of domestic violence” means any shelter approved for a purchase of service contract and certified pursuant to standards and procedures established by regulation of the Department of Human Services pursuant to P.L.1979, c. 337 (C.30:14-1 et seq.), providing food, shelter, medical care, legal assistance, personal guidance, and other services to not more than 15 persons who have been victims of domestic violence, including any children of such victims, who temporarily require shelter and assistance in order to protect their physical or psychological welfare.

c. “Community residence for persons with head injuries” means a community residential facility licensed pursuant to P.L.1977, c. 448 (C.30:11B-1 et seq.) providing food, shelter and personal guidance, under such supervision as required, to not more than 15 persons with head injuries, who require assistance, temporarily or permanently, in order to live in the community, and shall include, but not be limited to: group homes, halfway houses, supervised apartment living arrangements, and hostels. Such a residence shall not be considered a health care facility within the meaning of the “Health Care Facilities Planning Act,” P.L.1971, c. 136 (C.26:2H-1 et al.).

d. “Person with head injury” means a person who has sustained an injury, illness or traumatic changes to the skull, the brain contents or its coverings which results in a temporary or

permanent physiobiological decrease of mental, cognitive, behavioral, social or physical functioning which causes partial or total disability.

e. “Community residence for persons ~~the~~ with ~~terminally~~ illness” means any community residential facility operated as a hospice program providing food, shelter, personal guidance and health care services, under such supervision as required, to not more than 15 persons with terminally illness ~~persons~~.

COMMENT

Pejorative terms are replaced with person-first language.

## **TITLE 40A:**

### **PROVISIONS RELATING TO MUNICIPALITIES AND COUNTIES**

#### **40A:11-5. Exceptions**

#### **40A:12-21. Private Sales to Certain Organizations Upon Nominal Consideration**

#### **40A:11-5. Exceptions**

Any contract the amount of which exceeds the bid threshold, may be negotiated and awarded by the governing body without public advertising for bids and bidding therefor and shall be awarded by resolution of the governing body if:

(1) The subject matter thereof consists of:

(a) (i) Professional services. The governing body shall in each instance state supporting reasons for its action in the resolution awarding each contract and shall forthwith cause to be printed once, in the official newspaper, a brief notice stating the nature, duration, service and amount of the contract, and that the resolution and contract are on file and available for public inspection in the office of the clerk of the county or municipality, or, in the case of a contracting unit created by more than one county or municipality, of the counties or municipalities creating such contracting unit; or (ii) Extraordinary unspecifiable services. The application of this exception shall be construed narrowly in favor of open competitive bidding, whenever possible, and the Division of Local Government Services is authorized to adopt and promulgate rules and regulations after consultation with the Commissioner of Education limiting the use of this exception in accordance with the intention herein expressed. The governing body shall in each instance state supporting reasons for its action in the resolution awarding each contract and shall forthwith cause to be printed, in the manner set forth in subsection (1) (a) (i) of this section, a brief notice of the award of such contract;

(b) The doing of any work by employees of the contracting unit;

(c) The printing of legal briefs, records and appendices to be used in any legal proceeding in which the contracting unit may be a party;

(d) The furnishing of a tax map or maps for the contracting unit;

(e) The purchase of perishable foods as a subsistence supply;

(f) The supplying of any product or the rendering of any service by a public utility, which is subject to the jurisdiction of the Board of Public Utilities or the Federal Energy Regulatory Commission or its successor, in accordance with tariffs and schedules of charges made, charged or exacted, filed with the board or commission;

(g) The acquisition, subject to prior approval of the Attorney General, of special equipment for confidential investigation;

(h) The printing of bonds and documents necessary to the issuance and sale thereof by a contracting unit;

(i) Equipment repair service if in the nature of an extraordinary unspecifiable service and necessary parts furnished in connection with such service, which exception shall be in accordance with the requirements for extraordinary unspecifiable services;

(j) The publishing of legal notices in newspapers as required by law;

(k) The acquisition of artifacts or other items of unique intrinsic, artistic or historical character;

(l) Those goods and services necessary or required to prepare and conduct an election;

(m) Insurance, including the purchase of insurance coverage and consultant services, which exception shall be in accordance with the requirements for extraordinary unspecifiable services;

(n) The doing of any work by ~~handicapped~~ persons with a disability who are employed by a sheltered workshop;

(o) The provision of any goods or services including those of a commercial nature, attendant upon the operation of a restaurant by any nonprofit, duly incorporated, historical society at or on any historical preservation site;

(p) (Deleted by amendment, P.L.1999, c. 440.)

(q) Library and educational goods and services;

(r) (Deleted by amendment, P.L.2005, c. 212).

(s) The marketing of recyclable materials recovered through a recycling program, or the marketing of any product intentionally produced or derived from solid waste received at a resource recovery facility or recovered through a resource recovery program, including, but not limited to, refuse-derived fuel, compost materials, methane gas, and other similar products;

(t) (Deleted by amendment, P.L.1999, c. 440.)

(u) Contracting unit towing and storage contracts, provided that all such contracts shall be pursuant to reasonable non-exclusionary and non-discriminatory terms and conditions, which may include the provision of such services on a rotating basis, at the rates and charges set by the municipality pursuant to section 1 of P.L.1979, c. 101 (C.40:48-2.49). All contracting unit towing and storage contracts for services to be provided at rates and charges other than those established pursuant to the terms of this paragraph shall only be awarded to the lowest responsible bidder in accordance with the provisions of the "Local Public Contracts Law" and without regard for the value of the contract therefor;

(v) The purchase of steam or electricity from, or the rendering of services directly related to the purchase of such steam or electricity from a qualifying small power production facility or a qualifying cogeneration facility as defined pursuant to 16 U.S.C. §796;

(w) The purchase of electricity or administrative or dispatching services directly related to the transmission of such purchased electricity by a contracting unit engaged in the generation of electricity;

(x) The printing of municipal ordinances or other services necessarily incurred in connection with the revision and codification of municipal ordinances;

(y) An agreement for the purchase of an equitable interest in a water supply facility or for the provision of water supply services entered into pursuant to section 2 of P.L.1993, c. 381 (C.58:28-2), or an agreement entered into pursuant to P.L.1989, c. 109 (N.J.S. 40A:31-1 et al.), so long as such agreement is entered into no later than six months after the effective date of P.L.1993, c. 381;

(z) A contract for the provision of water supply services entered into pursuant to P.L.1995, c. 101 (C.58:26-19 et al.);

(aa) The cooperative marketing of recyclable materials recovered through a recycling program;

(bb) A contract for the provision of wastewater treatment services entered into pursuant to P.L.1995, c. 216 (C.58:27-19 et al.);

(cc) Expenses for travel and conferences;

(dd) The provision or performance of goods or services for the support or maintenance of proprietary computer hardware and software, except that this provision shall not be utilized to acquire or upgrade non-proprietary hardware or to acquire or update non-proprietary software;

(ee) The management or operation of an airport owned by the contracting unit pursuant to R.S.40:8-1 et seq.;

(ff) Purchases of goods and services at rates set by the Universal Service Fund administered by the Federal Communications Commission;

(gg) A contract for the provision of water supply services or wastewater treatment services entered into pursuant to section 2 of P.L.2002, c. 47 (C.40A:11-5.1), or the designing, financing, construction, operation, or maintenance, or any combination thereof, of a water supply facility as defined in subsection (16) of section 15 of P.L.1971, c. 198 (C.40A:11-15) or a wastewater treatment system as defined in subsection (19) of section 15 of P.L.1971, c. 198 (C.40A:11-15), or any component part or parts thereof, including a water filtration system as defined in subsection (16) of section 15 of P.L.1971, c. 198 (C.40A:11-15);

(hh) The purchase of electricity generated from a power production facility that is fueled by methane gas extracted from a landfill in the county of the contracting unit.



(2) It is to be made or entered into with the United States of America, the State of New Jersey, county or municipality or any board, body, officer, agency or authority thereof or any other state or subdivision thereof.

(3) Bids have been advertised pursuant to section 4 of P.L.1971, c. 198 (C.40A:11-4) on two occasions and (a) no bids have been received on both occasions in response to the advertisement, or (b) the governing body has rejected such bids on two occasions because it has determined that they are not reasonable as to price, on the basis of cost estimates prepared for or by the contracting agent prior to the advertising therefor, or have not been independently arrived at in open competition, or (c) on one occasion no bids were received pursuant to (a) and on one occasion all bids were rejected pursuant to (b), in whatever sequence; any such contract may then be negotiated and may be awarded upon adoption of a resolution by a two-thirds affirmative vote of the authorized membership of the governing body authorizing such contract; provided, however, that:

(i) A reasonable effort is first made by the contracting agent to determine that the same or equivalent goods or services, at a cost which is lower than the negotiated price, are not available from an agency or authority of the United States, the State of New Jersey or of the county in which the contracting unit is located, or any municipality in close proximity to the contracting unit;

(ii) The terms, conditions, restrictions and specifications set forth in the negotiated contract are not substantially different from those which were the subject of competitive bidding pursuant to section 4 of P.L.1971, c. 198 (C.40A:11-4); and

(iii) Any minor amendment or modification of any of the terms, conditions, restrictions and specifications, which were the subject of competitive bidding pursuant to section 4 of P.L.1971, c. 198 (C.40A:11-4), shall be stated in the resolution awarding such contract; provided further, however, that if on the second occasion the bids received are rejected as unreasonable as to price, the contracting agent shall notify each responsible bidder submitting bids on the second occasion of its intention to negotiate, and afford each bidder a reasonable opportunity to negotiate, but the governing body shall not award such contract unless the negotiated price is lower than the lowest rejected bid price submitted on the second occasion by a responsible bidder, is the lowest negotiated price offered by any responsible vendor, and is a reasonable price for such goods or services.

Whenever a contracting unit shall determine that a bid was not arrived at independently in open competition pursuant to subsection (3) of this section it shall thereupon notify the county prosecutor of the county in which the contracting unit is located and the Attorney General of the facts upon which its determination is based, and when appropriate, it may institute appropriate proceedings in any State or federal court of competent jurisdiction for a violation of any State or federal antitrust law or laws relating to the unlawful restraint of trade.

(4) The contracting unit has solicited and received at least three quotations on materials, supplies or equipment for which a State contract has been issued pursuant to section 12 of P.L.1971, c. 198 (C.40A:11-12), and the lowest responsible quotation is at least 10% less than the price the contracting unit would be charged for the identical materials, supplies or equipment, in the same quantities, under the State contract. Any such contract entered into pursuant to this subsection may be awarded only upon adoption of a resolution by the affirmative vote of two-thirds of the full membership of the governing body of the contracting unit at a meeting thereof authorizing such a contract. A copy of the purchase order relating to any such contract, the requisition for purchase order, if applicable, and documentation identifying the price of the materials, supplies or equipment under the State contract and the State contract number shall be filed with the director within five working days of the award of any such contract by the contracting unit. The director shall notify the contracting unit of receipt of the material and shall make the material available to the State Treasurer. The contracting unit shall make available to the director upon request any other documents relating to the solicitation and award of the contract, including, but not limited to, quotations, requests for quotations, and resolutions. The director periodically shall review material submitted by contracting units to determine the impact of such contracts on local contracting and shall consult with the State Treasurer on the impact of such contracts on the State procurement process. The director may, after consultation with the State Treasurer, adopt rules in accordance with the “Administrative Procedure Act,” P.L.1968, c. 410 (C.52:14B-1 et seq.) to limit the use of this subsection, after considering the impact of contracts awarded under this subsection on State and local contracting, or after considering the extent to which the award of contracts pursuant to this subsection is consistent with and in furtherance of the purposes of the public contracting laws.

(5) Notwithstanding any provision of law, rule or regulation to the contrary, the subject matter consists of the combined collection and marketing, or the cooperative combined collection and marketing of recycled material recovered through a recycling program, or any product intentionally produced or derived from solid waste received at a resource recovery facility or recovered through a resource recovery program including, but not limited to, refuse-derived fuel, compost materials, methane gas, and other similar products, provided that in lieu of engaging in such public advertising for bids and the bidding therefor, the contracting unit shall, prior to commencing the procurement process, submit for approval to the Director of the Division of Local Government Services, a written detailed description of the process to be followed in securing said services. Within 30 days after receipt of the written description the director shall, if the director finds that the process provides for fair competition and integrity in the negotiation process, approve, in writing, the description submitted by the contracting unit. If the director finds that the process does not provide for fair competition and integrity in the negotiation process, the director shall advise the contracting unit of the deficiencies that must be remedied. If the director fails to respond in writing to the contracting unit within 30 days, the procurement process as described shall be deemed approved. As used in this section, “collection”

means the physical removal of recyclable materials from curbside or any other location selected by the contracting unit.

(6) Notwithstanding any provision of law, rule or regulation to the contrary, the contract is for the provision of electricity by a contracting unit engaged in the distribution of electricity for retail sale, or for the provision of administrative or dispatching services related to the transmission of such electricity, provided that in lieu of engaging in public advertising for bids and the bidding therefor, the contracting unit shall, prior to commencing the procurement process, submit for approval to the Director of the Division of Local Government Services, a written detailed description of the process to be followed in securing such services. Such process shall be designed in a way that is appropriate to and commensurate with industry practices, and the integrity of the government contracting process. Within 30 days after receipt of the written description, the director shall, if the director finds that the process provides for fair competition and integrity in the negotiation process, approve, in writing, the description submitted by the contracting unit. If the director finds that the process does not provide for fair competition and integrity in the negotiation process, the director shall advise the contracting unit of the deficiencies that must be remedied. If the director fails to respond in writing to the contracting unit within 30 days, the procurement process, as submitted to the director pursuant to this section, shall be deemed approved.

#### COMMENT

Pejorative terms are replaced with person-first language.

### **40A:12-21. Private Sales to Certain Organizations Upon Nominal Consideration**

When the governing body of any county or municipality shall determine that all or any part of a tract of land, with or without improvements, owned by the county or municipality, is not then needed for county or municipal purposes, as the case may be, said governing body, by resolution or ordinance, may authorize a private sale and conveyance of the same, or any part thereof, without compliance with any other law governing disposal of lands by counties and municipalities, for a consideration, which may be nominal, and the agreement of sale may contain a limitation that such lands or buildings shall be used only for the purposes of such organization or association, and to render such services or to provide such facilities as may be agreed upon, and except as provided in subsection (n) of this section for commercial business, trade or manufacture, and that, unless waived, released, modified, or subordinated pursuant to P.L.1943, c. 33 (C.40:60-51.2), if said lands or buildings are not used in accordance with said limitation, title thereto shall revert to the county or municipality without any entry or reentry made thereon on behalf of such county or municipality,

a. A duly incorporated volunteer fire company or board of fire commissioners or first aid and emergency or volunteer ambulance or rescue squad association of a municipality within the county, in the case of a county, or of the municipality, in the case of a municipality, for the construction thereon of a firehouse or fire school or a first aid and emergency or volunteer

ambulance or rescue squad building or for the use of any existing building for any or all of said purposes and any such land or building sold to any duly incorporated volunteer fire company may be leased by such fire company to any volunteer firemen's association for the use thereof for fire school purposes for the benefit of the members of such association, or

b. Any nationally chartered organization or association of veterans of any war, in which the United States has or shall have been engaged, by a conveyance for consideration, a part of which may be an agreement by the organization or association to render service or to provide facilities for the general public of the county or municipality, of a kind which the county or municipality may furnish to its citizens and to the general public, or

c. A duly incorporated nonprofit hospital association for the construction or maintenance thereon of a general hospital, or

d. Any ~~paraplegic veteran, that is to say, any~~ officer, soldier, sailor, marine, nurse or other person, regularly enlisted or inducted, who was or shall have been in the active military or naval forces of the United States in any war in which the United States was engaged, including any member of the American Merchant Marine during World War II who is declared by the United States Department of Defense to be eligible for federal veterans' benefits, and who, at the time ~~he~~ the veteran was commissioned, enlisted, inducted, appointed into or mustered into such military or naval service, was a resident ~~of~~ and ~~who~~ continues to reside in this State, and who ~~is suffering from~~ has paraplegia and ~~has~~ permanent paralysis of both legs or the lower parts of the body resulting from injuries sustained through enemy action or accident while in such active military or naval service, for the construction of a home to domicile ~~him~~ the veteran, or to any organization or association of veterans, for the construction of a home or homes to domicile ~~paraplegic veterans~~ with paraplegia, with powers to convey said lands and premises to the ~~paraplegic one or more veteran or veterans~~ on whose behalf said organization or association shall acquire title to said land, or

e. Any duly incorporated nonprofit association or any regional commission or authority composed of one or more municipalities or one or more counties for the construction or maintenance thereon of an animal shelter, or

f. Any duly incorporated nonprofit historical society for the acquisition of publicly owned historic sites for their restoration, preservation, improvement and utilization for the benefit of the general public, or

g. Any duly incorporated nonprofit cemetery organization or association serving the residents of the municipality or county, or

h. Any duly incorporated nonprofit organization for the principal purpose of the education or treatment of persons afflicted with developmental disabilities including cerebral palsy, or

i. Any county or municipal sewerage authority serving the residents of the county or municipality, for the use thereof for sewerage authority purposes, or

j. Any duly incorporated nonprofit organization for the purpose of building or rehabilitating residential property for resale. Any profits from the resale of the property shall be applied by the nonprofit organization to the costs of acquiring and rehabilitating other residential property in need of rehabilitation owned by the county or municipality, or

k. Any duly incorporated nonprofit organization or association, other than a political, partisan, sectarian, denominational or religious organization or association, which includes among its principal purposes the provision of educational, gardening, recreational, medical or social services to the general public, including residents of the county or municipality, or

l. Any duly incorporated nonprofit housing corporation or any limited-dividend housing corporation or housing association organized pursuant to P.L.1949, c. 184 (C.55:16-1 et seq.) for the purpose of constructing housing for low or moderate income persons or families or ~~handicapped~~ persons with a disability, or

m. Any duly incorporated nonprofit hospice organization whose principal purpose is to provide hospice services to persons with ~~the~~ terminally illness, or

n. Any duly incorporated nonprofit organization or association for the cultivation and sale of fresh fruits and vegetables on a tract of land of less than five acres within a municipality, provided that the nonprofit organization or association is not controlled, directly or indirectly, by any agricultural, commercial, or other business. The nonprofit organization or association shall be authorized to sell fresh fruits and vegetables either on the land that was conveyed, off that land, or both, provided, that the sales are related and incidental to the non-profit purposes of the organization or association and the net proceeds received by the nonprofit organization or association are used to further the non-profit purposes of the organization or association.

Whenever a sale of property is proposed pursuant to subsection (k), for gardening, or subsection (n) of this section, the county or municipality shall comply with all notice requirements for an application for development under section 7.1 of P.L.1975, c. 291 (C.40:55D-12).

#### COMMENT

Pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

## TITLE 43:

### PROVISION RELATING TO PENSIONS AND RETIREMENT AND UNEMPLOYMENT COMPENSATION

#### 43:22-15. Grants-in-Aid and Other Revenue from State Utilized to Pay Employer's Contributions; Types of Aid

a. All State political subdivisions receiving financial aid, who provide Social Security coverage for their employees pursuant to the provisions of P.L.1951, c. 253, and any amendments or supplements thereto, and the provisions of the statutes governing the several State-administered retirement systems as authorized by law, shall, in addition to other purposes, utilize all grants-in-aid and other revenue received from the State to pay the employer's share of Social Security contributions; provided, however, that this shall not apply to employees who are enrolled in the Teachers' Pension and Annuity Fund.

b. The grants-in-aid and other revenue referred to in subsection a. of this section specifically include, but are not limited to, general formula aid to local school districts (including general assistance programs for public schools, programs for ~~the handicapped~~ persons with a disability, the disadvantaged, teacher training, adult education, school nutrition, career development), aid for school and public libraries, aid for higher education, including county colleges, aid to counties and municipalities (for local highway systems, including county and municipal roads for purposes of construction, operation, and maintenance, aid for medical assistance, old age assistance, general assistance, disability assistance, dependent children assistance, medical assistance for the aged, ~~the persons who are blind~~, families of the working poor, child care, county ~~mental~~ psychiatric hospitals, community mental health services), aid to political subdivisions of the State (programs of economic opportunity, training, youth employment, model cities, housing and urban renewal projects, continuing planning assistance, parental and child health services, other local health services, inland waterways, shore protection, and grade crossing elimination), and aid pertaining to tax collections, including a proportion of inheritance taxes, aid in lieu of railroad property taxes, net sales taxes, and reimbursement for senior citizens' tax deductions.

#### COMMENT

Pejorative terms are replaced with person-first language.

## **TITLE 44:**

### **PROVISIONS RELATING TO PUBLIC ASSISTANCE**

#### **44:1-126. Transportation to Non-Resident Poor**

#### **44:4-81. Transportation to Non-Resident Poor**

#### **44:1-126. Furnishing Transportation to Non-Resident Poor**

No person shall furnish a non-resident who is sick, ~~aged~~ elderly, injured or ~~crippled~~ has a physical disability, with transportation at the cost of the municipality until the ~~overseer~~ municipal director of welfare has ascertained the legal residence of the person applying. ~~The~~ Transportation furnished to a person shall be to ~~his~~ the person's legal residence unless it shall appear that the person ~~in distress~~ has some a valid claim for support or some means of support in some other place to which ~~he~~ that person shall ask to be sent.

#### **COMMENT**

Pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

Pursuant to N.J.S. 44:1-73.2 “[w]henver the terms “overseer of the poor,” “overseer,” “deputy overseer of the poor,” and “deputy overseer,” occur or any reference is made to any of said terms, in any law, they, and each of them, shall be deemed to mean or refer to the municipal director of welfare appointed.”

A commenter suggested that while the term “in distress” may apply to an individual who is sick or injured but it is broadly used in this context and recommended removing the term because it has a demeaning connotation when used in reference to an individual who has a physical disability or is elderly.

#### **44:4-81. Furnishing Transportation to Nonresident Poor**

No person shall furnish a nonresident who is sick, ~~aged~~ elderly, injured or ~~crippled~~ has a physical disability, with transportation at the cost of the county until the director of welfare of the county has ascertained the legal residence of the person applying. Any transportation furnished to such person shall be to ~~his~~ the person's legal residence unless it shall appear that ~~he~~ the person has some valid claim for support or some means of support in some other place to which ~~he~~ that person shall ask to be sent.

#### **COMMENT**

Pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

## **TITLE 45: PROVISIONS RELATING TO PROFESSIONS AND OCCUPATIONS**

- 45:2D-9. Construction of act**
- 45:3B-2. Definitions**
- 45:5B-8. Premises exemptions**
- 45:9-37.53. Definitions (Occupational Therapy Licensing Act)**
- 45:14B-7. Exceptions not available to certain persons**

### **45:2D-9. Construction of act**

a. Nothing in this act shall be construed to prevent a person from engaging in or offering ~~alcohol and drug addiction~~ services for persons with a substance use disorder involving alcohol and for persons with a substance use disorder involving drugs such as self-help, sponsorship through alcoholics and narcotics anonymous groups or other uncompensated ~~alcohol and drug addiction~~ counseling assistance for persons with a substance use disorder involving alcohol and for persons with a substance use disorder involving drugs.

b. Nothing in this act shall be construed to apply to the activities and services of a designated employee or other agent of a private employer who has been designated to be involved in the evaluation or referral for counseling of employees of the private employer, or an employee or other agent of a recognized academic institution, a federal, State, county or local government institution, agency or facility, or a school district, if the individual is performing these activities solely within the company or agency, as the case may be, or under the jurisdiction of that company or agency and if a license granted under this act is not a requirement for employment.

c. Nothing in this act shall be construed to apply to the activities and services of a rabbi, priest, minister, Christian Science practitioner or clergyman of any religious denomination or sect, when engaging in activities, which are within the scope of the performance of the person's regular or specialized ministerial duties and for which no separate charge is made, or when these activities are performed, with or without charge, for or under the auspices or sponsorship, individually or in conjunction with others, of an established and legally cognizable church, denomination, or sect, and when the person rendering services remains accountable to the established authority thereof.

d. Nothing in this act shall be construed to apply to the activities and services of a student, intern or trainee in ~~alcohol and drug addiction~~ counseling for persons with a substance use disorder involving alcohol and for persons with a substance use disorder involving drugs pursuing a course of study in counseling in a regionally accredited institution of higher education or training institution, if these activities are performed under supervision and constitute a part of the supervised course of study.

e. Nothing in this act shall be construed to prevent a person from doing work of an alcohol or drug counseling nature, or advertising those services, when acting within the scope of



the person's profession or occupation and doing work consistent with the person's training, including physicians, clinical social workers, psychologists, nurses or any other profession or occupation licensed by the State, or students within accredited programs of these professions, if the person does not hold ~~himself~~ out to the public that the person as possessing a license or certification issued pursuant to this act.

#### COMMENT

Pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

The term “substance use disorder involving alcohol” was recommended by several commenters to replace the term “alcohol addiction” and the term “drug addiction” replaces the term “substance use disorder involving drugs” to reflect current clinical terminology/usage

### **45:3B-2. Definitions**

As used in this act:

a. “Audiologist” means any individual who practices audiology and who represents ~~himself~~ or herself to the public by title or by description of services, under any title incorporating such terms as “audiology,” “audiologist,” “audiological,” “audiologic,” “hearing clinic,” “hearing clinician,” “hearing therapist,” or any similar title or description of services, provided that the individual has met the eligibility requirements contained in section 8 and has been duly licensed under this act.

b. “Committee” means the Audiology and Speech-Language Pathology Advisory Committee.

c. “Person” means any individual, corporation, partnership, trust, association or other organization, except that only individuals may be licensed under this act.

d. “Practice of audiology” means the nonmedical and nonsurgical application of principles, methods, and procedures of measurement, testing, evaluation, consultation, counseling, instruction, and habilitation or rehabilitation related to hearing, its disorders and related communication impairments for the purpose of nonmedical diagnosis, prevention, identification, amelioration or modification of these disorders and conditions in individuals or groups of individuals with speech, language or hearing ~~handicaps~~ disabilities, or to individuals or groups of individuals for whom these ~~handicapping~~ conditions must be ruled out.

e. “Practice of speech-language pathology” means the nonmedical and nonsurgical application of principles, methods and procedures of measurement, prediction, nonmedical diagnosis, testing, counseling, consultation, habilitation and rehabilitation and instruction related to the development and disorders of speech, voice, and language for the purpose of preventing, ameliorating and modifying these disorders and conditions in individuals or groups of individuals with speech, language, or hearing ~~handicaps~~ disabilities, or to individuals or groups of individuals for whom these ~~handicapping~~ conditions must be ruled out.

f. “Speech-language pathologist” means an individual who practices speech-language pathology and who represents himself or herself to the public by title or by description of services under any title incorporating such terms as “speech-language pathology,” “speech-language pathologist,” “speech pathology,” “speech pathologist,” “speech correction,” “speech correctionist,” “speech therapy,” “speech therapist,” “speech clinic,” “speech clinician,” “logopedist,” “communicologist,” “language therapist,” “communication disorders specialist,” “communication therapist,” or any similar title or description of services, provided that the individual has met the eligibility requirements contained in section 8 and has been duly licensed under this act.

#### COMMENT

Pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

### **45:5B-8. Premises Exemptions**

No person shall offer or render any of the services encompassed within the definition of cosmetology and hairstyling, beauty culture, barbering, manicuring and skin care specialty services, in a place which is not licensed as a shop or school, except that a practicing licensee, duly licensed pursuant to this act, may render the services which ~~he~~ the person is licensed to offer:

- a. Upon patients in hospitals, nursing homes, and other licensed health care facilities;
- b. Upon inmates and residents of institutions of the Department of Corrections or the Department of Human Services;
- c. Upon an ~~invalid or handicapped~~ person with a disability in the person's place of residence, if the practicing licensee is sponsored by a licensed shop and a record of those services is maintained by that shop;
- d. Upon performers or models, prior to, in anticipation of or during a performance; or
- e. Upon potential consumers of cosmetic preparations, lotions, creams, makeup or perfume which are intended for home use if the application of the product is made for the purposes of effecting a retail sale and the person neither accepts payment from the consumer for the service, nor makes the provision of the service contingent upon the purchase of any product or service.

Nothing contained in this section shall be construed to preclude a student enrolled in a school of cosmetology and hairstyling licensed in this State, or in a public school approved by the State Board of Education to offer a vocational program in cosmetology and hairstyling, or a student enrolled in a cosmetology and hairstyling program approved by the State Board of Education, from engaging in any activities incident to the instruction provided in such school or program.

## COMMENT

Pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

### **45:9-37.53. Definitions (Occupational Therapy Licensing Act)**

As used in this act:

"Council" means the Occupational Therapy Advisory Council established pursuant to section 4 of this act.

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

"Occupational therapist" means a person licensed to practice occupational therapy pursuant to the provisions of this act.

"Occupational therapy" means the evaluation, planning and implementation of a program of purposeful activities to develop or maintain functional skills necessary to achieve the maximal physical or mental functioning, or both, of the individual in ~~his~~ daily occupational performance. The tasks of daily living may be threatened or impaired by physical injury or illness, developmental ~~deficits~~ disabilities, sensorimotor ~~dysfunction~~ disability, psychological and social ~~dysfunction~~ impairment, the aging process, poverty, or cultural deprivation. Occupational therapy utilizes task oriented activities adapted to prevent or correct physical or emotional ~~deficits~~ impairments as well as to minimize the ~~disabling~~ effects of those ~~deficits~~ impairments on the life of the individual. Occupational therapy services include the use of specific techniques which enhance functional performance and include, but are not limited to, the evaluation and assessment of an individual's self care, lifestyle performance patterns, work skills, performance related cognitive, sensory, motor, perceptual, affective, interpersonal and social functioning, vocational and prevocational capacities, the design, fabrication and application of adaptive equipment or prosthetic or orthotic devices, excluding dental devices, the administration of standardized and nonstandardized assessments, and consultation concerning the adaptation of physical environments for ~~the handicapped~~ persons with a disability. These services are provided to individuals or groups through medical, health, educational and social systems.

"Occupational therapy assistant" means a person licensed pursuant to the provisions of this act to assist in the practice of occupational therapy under the supervision of or in collaboration with an occupational therapist on a regularly scheduled basis for the purpose of the planning, review or evaluation of occupational therapy services.

"Purposeful activities" means acts and occupations of craftsmanship and workmanship, as well as creative, educational, or other activities, which in whole or in part are used to correct, compensate for or prevent dysfunction in the tasks and activities of everyday living, and which simultaneously incorporate personally and culturally relevant biological, psychological and social elements that produce positive adaptation and motivational behavior.

"Supervision" means the responsible and direct involvement of a licensed occupational therapist with an occupational therapy assistant for the development of an occupational therapy treatment plan and the periodic review of the implementation of that plan. The form and extent of the supervision shall be determined by the council.

"Task oriented activities" means purposeful activities having an explicit, observable and measurable short-term goal which contributes to the well-being of self or others.

COMMENT

Pejorative terms are replaced with person-first language.

**45:14B-7. Exceptions Not Available to Certain Persons (Practicing Psychology Licensing Act)**

The exceptions specified in section 6(d), (e) and (f) shall not be available to any person who has been found by a court of this or any State of the United States to have been guilty of and who fails to present satisfactory evidence of recovery from or correction of gross immorality, ~~habitual intoxication, drug addiction~~ substance use disorder involving alcohol or drugs, criminality involving felonious action or moral turpitude, or dishonorable or unprofessional conduct. An action to determine whether any person asserting an exemption under section 6(d), (e) or (f) has committed one or more of the acts listed in this section may be brought by the Attorney General on behalf of the board.

COMMENT

Pejorative terms are replaced with person-first language.

The term "substance use disorder involving alcohol" was recommended by several commenters to replace the term "habitual intoxication" and the term "drug addiction" replaces the term "substance use disorder involving drugs" to reflect current clinical terminology/usage

## TITLE 48:

### PROVISIONS RELATING TO PUBLIC UTILITIES

**48:3-33. Dog May Accompany Person Who is Blind, Deaf, Hard of Hearing or with a Disability on Buses 48:3-34 – Transportation of blind person and guide for one fare**

**48:3-34. Transportation of Blind Person and Guide for One Fare**

**48:5A-11.1. Cable Television Company Rate Reductions**

**48:3-33. Dog May Accompany Person Who is Blind, Deaf, Hard of Hearing or with a Disability on Buses or Other Public Utilities**

Any ~~blind~~ person who is blind or deaf-blind and is accompanied by a dog, known and described as a "seeing-eye dog," or any deaf person who is deaf or hard of hearing and, accompanied by a dog, known and described as a "hearing ear dog," or any handicapped person with a disability and is accompanied by a dog, known and described as a "service dog," or any ~~blind, handicapped or deaf~~ person who is blind or deaf-blind, deaf or hard of hearing, or with a disability and is accompanied by a ~~guide or~~ service dog trained by a recognized training agency or school, when riding on any bus or other public utility, as defined in R.S. 48:2-13, engaged in transportation of passengers, may keep ~~such the~~ animal in ~~his~~ the person's immediate custody. The Board of Public Utilities shall prescribe rules and regulations concerning such custody.

#### COMMENT

Pejorative terms are replaced with person-first language.

**48:3-34. Transportation of Blind Person and Guide for One Fare**

Any ~~totally blind~~ person who is legally blind, and that person's guide assistant, may be transported by any ~~street railway, traction railway, autobus company, or railroad company~~ form of public transit or transportation at the usual and ordinary fare charged to one person, under such reasonable regulations as may be established by the carrier, anything in this Title to the contrary notwithstanding.

#### COMMENT

Pejorative terms are replaced with person-first language.

**48:5A-11.1. Reduced or Discounted Rate services to Elderly and ~~Disabled~~ Persons with a Disability by Cable Television Companies; Public Necessity**

It is declared that many ~~elderly and disabled~~ persons who are elderly and have a disability and reside in the State whose annual net income from all sources is less than the amount necessary to enable them to maintain decent living conditions and whose income is fixed in whole or in part so as to not be adjusted to increases in the cost of living; that the provision of the service of public utilities, and cable television, at rates reduced or discounted from inflationary levels is a necessity of life for these persons because cable television is a principal source of recreation and entertainment for ~~the persons who are elderly and have a disability~~ elderly and infirm; that a public exigency exists which makes the provision of reduced or discounted rate services to qualified ~~elderly and disabled~~ persons who are elderly and have a disability by cable television companies a public necessity; and that the provision of reduced rates will promote their health and welfare, thereby prolonging their productivity in the interest of the State and nation, and therefore constitutes and is declared to be a public purpose necessary for the preservation of the public convenience.

COMMENT

Pejorative terms are replaced with person-first language.

## TITLE 52: PROVISIONS RELATING TO STATE GOVERNMENT

52:17B-9.8d.	Guidelines for Missing Persons
52:17B-194.4.	Silver Alert System
52:17B-194.5.	Silver Alert System, Activation
52:27D-43.20.	Displaced Homemaker Programs, Duties of Division
52:27D-123.	Adoption of a State Uniform Construction Code.
52:27D-125.	Code Advisory Board
52:27D-126e.	Waiver of Construction Permit Surcharge or Enforcing Agency Fee for Construction to Promote Accessibility by <u>Handicapped Persons with a Disability</u> to Existing Structure or Facilities Therein
52:27D-171.	Public Policy
52:27D-172.	Definitions
52:27D-173.	Comprehensive Programs
52:27D-174.	Application by Municipality or County to Provide Services
52:27D-175.	Special Events
52:27D-304.	Definitions (Fair Housing Act)
52:27D-320.	“NJ Affordable Housing Trust Fund”
52:32-4.	Facilities for <u>Physically Handicapped Persons with a Disability</u>
52:32-5.	Regulations Relative to Access for <u>Physically Handicapped Persons with a Disability</u>
52:32-6.	Definitions (An Act to Provide Facilities for the <u>Physically Handicapped Persons with a Disability</u> in Public Buildings
52:32-8.	Exceptions from Specific Requirements
52:32-11.	Parking Facilities
52:32-12.	Parking Spaces
52:32-14.	Sidewalks
52:32-15.	Standards; Establishment

### 52:17B-9.8d. Guidelines Concerning the Handling of Missing Persons Cases

a. Within 180 days of the effective date of this act, the Missing Persons Unit established in the Division of State Police within the Department of Law and Public Safety pursuant to section 2 of P.L.1983, c. 467 (C.52:17B-9.7) shall establish minimum uniform guidelines concerning the handling of missing persons cases involving:

- (1) persons known to be ~~suffering from~~ a person with Alzheimer's disease, and
- (2) juveniles, as defined in section 3 of P.L.1982, c. 77 (C.2A:4A-22).

b. The Missing Persons Unit shall consult with Alzheimer's support and child welfare groups in developing these guidelines.

c. All State or local law enforcement entities shall adhere to the guidelines established pursuant to this section.

#### COMMENT

Pejorative terms are replaced with person-first language.

#### **52:17B-194.4. "Silver Alert System" Established**

a. The Attorney General shall establish a "Silver Alert System" which shall provide a Statewide system for the rapid dissemination of information regarding a missing person who is believed to be ~~suffering from~~ a person with dementia or other cognitive impairment. The program shall be a voluntary, cooperative effort between State and local law enforcement agencies and the media, including but not limited to print, radio, and television media outlets.

b. The Attorney General shall notify the media serving the State of New Jersey of the establishment of the Silver Alert System, and invite their voluntary participation.

c. The Missing Persons Investigative Best Practices Protocol Unidentified Deceased Persons Investigative Guidelines, promulgated by the Missing Persons and Child Exploitation Unit in the Division of State Police, shall be revised to incorporate procedures for issuing an alert regarding missing persons believed to be ~~suffering from~~ a person with dementia or other cognitive impairment. The guidelines and procedures shall ensure that specific health information about the missing person is not made public through the alert or otherwise.

#### COMMENT

Pejorative terms are replaced with person-first language.

#### **52:17B-194.5. Activation of Silver Alert; Requirements**

A Silver Alert authorized under this section may be activated in accordance with the following requirements, which shall be incorporated into the guidelines required by subsection c. of section 1 of P.L.2009, c.167 (C.52:17B-194.4).

a. The law enforcement agency receiving the missing persons Report shall be the lead law enforcement agency.

b. The Missing Persons and Child Exploitation Unit in the Division of State Police, upon request, shall assist the lead law enforcement agency in the investigation of a Silver Alert.

c. Each of the following criteria shall be met before a Silver Alert may be issued:

(1) the person believed to be missing is believed to be ~~suffering from~~ a person with dementia or other cognitive impairment regardless of age;

(2) a missing person's Report has been submitted to the local law enforcement agency where the person went missing;

(3) the person believed to be missing may be in danger of death or serious bodily injury;

(4) there is sufficient information available to indicate that a Silver Alert would assist in locating the missing person; and



(5) sufficient information is available to disseminate to the public that could assist in locating the person.

COMMENT

Pejorative terms are replaced with person-first language.

### **52:27D-43.20. Displaced Homemaker Programs, Duties of Division**

The Division on Women in the Department of Children and Families shall identify existing displaced homemaker programs and provide technical assistance and encouragement for the expansion of other multi-purpose programs which provide:

a. Job counseling services which are specifically designed for displaced homemakers, and which aid them in acquiring knowledge of their talents and skills in relation to existing jobs, and which counsel displaced homemakers with respect to appropriate job opportunities.

b. Job training and job placement services which develop, by working with State and local government agencies and private employers, training and placement programs for jobs in the public and private sectors, which assist participants in gaining admission to existing public and private job training programs and opportunities, and which identify community needs and encourage the creation of new jobs in the public and private sectors.

c. Health education and counseling services which cooperate with existing health programs to provide counseling on preventive health care, health care consumer education, family health care and nutrition, ~~alcohol and drug addiction~~ substance use disorders involving alcohol and drugs, and overcoming health barriers to employment.

d. Financial management services which provide information and assistance with respect to credit, insurance, taxes, estate and probate problems, mortgages, loans, and other related financial matters.

e. Educational services, including outreach and information about courses offering credit through secondary or post-secondary education programs, and including bilingual programs where appropriate, as well as information about other programs which are determined to be of interest and benefit to displaced homemakers in developing employable skills.

f. Legal counseling and referral services.

g. Outreach and information services with respect to Federal and State employment, education, health, public assistance, and unemployment assistance programs.

COMMENT

Pejorative terms are replaced with appropriate person-first language.

The term “substance use disorder involving alcohol” was recommended by several commenters to replace the term “alcohol addiction” and the term “drug addiction” replaces the term “substance use disorder involving drugs” to reflect current clinical terminology/usage

### **52:27D-123. Adoption of a State Uniform Construction Code.**

a. The commissioner shall after public hearing pursuant to section 4 of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-4) adopt a State Uniform Construction Code for the purpose of regulating the structural design, construction, maintenance and use of buildings or structures to be erected and alteration, renovation, rehabilitation, repair, maintenance, removal or demolition of buildings or structures already erected. Prior to the adoption of said code, the commissioner shall consult with the code advisory board and other departments, divisions, bureaus, boards, councils or other agencies of State Government heretofore authorized to establish or administer construction regulations. Such prior consultations with departments, divisions, bureaus, boards, councils, or other agencies of State Government shall include but not be limited to consultation with the Commissioner of Health ~~and Senior Services~~ and the Public Health Council prior to adoption of a plumbing subcode pursuant to paragraph b. of this section. Said code shall include any code, rule or regulation incorporated therein by reference.

b. The code shall be divided into subcodes which may be adopted individually by the commissioner as ~~he~~ the commissioner may from time to time consider appropriate. These subcodes shall include but not be limited to a building code, a plumbing code, an electrical code, an energy code, a fire prevention code, a manufactured or mobile home code and mechanical code.

These subcodes, except for the energy subcode, shall be adoptions of the model codes of the Building Officials and Code Administrators International, Inc., the National Electrical Code, and the National Standard Plumbing Code, provided that for good reasons, the commissioner may adopt as a subcode, a model code or standard of some other nationally recognized organization upon a finding that such model code or standard promotes the purposes of this act. The initial adoption of a model code or standard as a subcode shall constitute adoption of subsequent edition year publications of the model code or standard of such other nationally recognized organization, except as provided for in paragraphs (1) through (4) of this subsection. Adoption of publications shall not occur more frequently than once every three years; provided, however, that a revision or amendment may be adopted at any time in the event that the commissioner finds that there exists an imminent peril to the public health, safety or welfare.

The energy subcode shall be based upon the model codes cited under this subsection or the International Energy Conservation Code. It may be amended or supplemented by the commissioner once before 2012 without regard to intervals between the adoption of the energy subcode in effect on the effective date of P.L.2009, c.106 (C.52:27D-122.2 et al.) and subsequent year revisions of that subcode. In amending or supplementing the energy subcode, the commissioner shall rely upon 10-year energy price projections provided by an institution of higher education within one year following the effective date of P.L.2009, c.106 (C.52:27D-122.2 et al.), and thereafter at three-year intervals. In developing the energy price projections, the institution of higher education shall consult with the Board of Public Utilities. The commissioner

shall be authorized to amend the energy subcode to establish enhanced energy conservation construction requirements, the added cost of each of which may reasonably be recovered through energy conservation over a period of not more than seven years. Such requirements shall include provisions to ensure that, in all parts of the State the anticipated energy savings shall be similarly proportionate to the additional costs of energy subcode compliance.

(1) Except as otherwise provided in this subsection, the edition of a model code or standard in effect as a subcode as of July 1, 1995 shall continue in effect regardless of any publication of a subsequent edition of that model code or standard. Prior to establishing the effective date for any subsequent revision or amendment of any model code or standard adopted as a subcode, the commissioner shall review, in consultation with the code advisory board, the text of the revised or amended model code or standard and determine whether the amended or revised provisions of the model code are essential to carry out the intent and purpose of this act as viewed in contrast to the corresponding provisions of the subcode then currently in effect.

(2) In the event that the commissioner, pursuant to paragraph (1) of this subsection, determines that any amended or revised provision of a model code is essential to carry out the intent and purpose of this act as viewed in contrast to any corresponding provision of the subcode then currently in effect, the commissioner may then adopt that provision of the amended or revised model code.

(3) The commissioner, in consultation with the code advisory board, shall have the authority to review any model code or standard currently in effect as a subcode of the State Uniform Construction Code and compare it with previously adopted editions of the same model code or standard in order to determine if the subcode currently in effect is at least as consistent with the intent and purpose of this act as were previously adopted editions of the same model code or standard.

(4) In the event that the commissioner, after consultation with the code advisory board, determines pursuant to this subsection that a provision of a model code or standard currently in effect as a subcode of the State Uniform Construction Code is less consistent with the intent and purpose of this act than was the corresponding provision of a previously adopted edition of the same model code or standard, the commissioner may delete the provision in effect and substitute in its place the corresponding provision of the previously adopted edition of the same model code or standard determined to be more consistent with the intent and purpose of this act.

(5) The commissioner shall be authorized to adopt a barrier free subcode or to supplement or revise any model code adopted hereunder, for the purpose of insuring that adequate and sufficient features are available in buildings or structures so as to make them accessible to and usable by ~~the physically handicapped~~ persons with a physical disability. Multi-family residential buildings with four or more dwelling units in a single structure shall be constructed in accordance with the barrier free subcode; for the

purposes of this subsection the term "multi-family residential buildings with four or more dwelling units in a single structure" shall not include buildings constructed as townhouses, which are single dwelling units with two or more stories of living space, exclusive of basement or attic, with most or all of the sleeping areas on one story and with most of the remaining habitable space, such as kitchen, living and dining areas, on another story, and with an independent entrance at or near grade level.

c. Any municipality through its construction official, and any State agency or political subdivision of the State may submit an application recommending to the commissioner that a State sponsored code change proposal be adopted. Such application shall contain such technical justification and shall be submitted in accordance with such rules of procedure as the commissioner may deem appropriate, except that whenever the State Board of Education shall determines that enhancements to the code are essential to the maintenance of a thorough and efficient system of education, the enhancements shall be made part of the code; provided that the amendments do not result in standards that fall below the adopted subcodes. The Commissioner of the Department of Education shall consult with the Commissioner of the Department of Community Affairs prior to publishing the intent of the State Board to adopt any amendments to the Uniform Construction Code. Upon adoption of any amendments by the State Board of Education they shall be transmitted forthwith to the Commissioner of the Department of Community Affairs who shall publish and incorporate the amendments as part of the Uniform Construction Code and the amendments shall be enforceable as if they had been adopted by the commissioner.

At least 45 days prior to the final date for the submission of amendments or code change proposals to the National Model Code Adoption Agency, the code of which has been adopted as a subcode under this act, the commissioner shall hold a public hearing in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), at which testimony on any application recommending a State sponsored code change proposal will be heard.

The commissioner shall maintain a file of such applications, which shall be made available to the public upon request and upon payment of a fee to cover the cost of copying and mailing.

After public hearing, the code advisory board shall review any such applications and testimony and shall within 20 days of such hearing present its own recommendations to the commissioner.

The commissioner may adopt, reject or return such recommendations to the code advisory board for further deliberation. If adopted, any proposal shall be presented to the subsequent meeting of the National Model Code Agency by the commissioner or by persons designated by the commissioner as a State sponsored code change proposal. Nothing herein, however, shall limit the right of any municipality, the department, or any other person from presenting amendments to the National Model Code Agency on its own initiative.

The commissioner may adopt further rules and regulations pursuant to this subsection and may modify the procedures herein described when a model code change hearing has been scheduled so as not to permit adequate time to meet such procedures.

d. (Deleted by amendment, P.L.1983, c.496.)

COMMENT

Pejorative terms are replaced with person-first language.

### **52:27D-125. Code Advisory Board**

a. To assist and advise the commissioner in the administration of this act there is hereby created in the Department of Community Affairs a code advisory board to consist of 15 citizens to be appointed by the commissioner for a term of 4 years. The board shall consist of: one architect registered in the State of New Jersey; two professional engineers licensed by the State of New Jersey, one of whom shall be a mechanical engineer and one of whom shall be a structural engineer; one municipal building official; one member of the building industry in the State of New Jersey; one public health official in the State of New Jersey; one licensed plumbing inspector in the State of New Jersey; one licensed electrical inspector in the State of New Jersey; one fire prevention inspector in the State of New Jersey and six members of the public, two of whom shall be experienced in representing consumers and one of whom shall be a representative of ~~the handicapped persons with a disability~~ who shall serve as chairman of the subcode committee on ~~the handicapped persons with a disability~~.

The initial appointment of the representative of ~~the handicapped persons with a disability~~ shall be used to fill the first vacancy among the public members of the code advisory board occurring on or after the effective date of this amendatory and supplementary act. Of the 13 members first appointed the commissioner shall designate the appointees' terms so that three shall be appointed for terms of 1 year, three for terms of 2 years, three for terms of 3 years and four for terms of 4 years, and that the two additional members first appointed by the commissioner pursuant to this amendatory act shall be appointed for 2 years and 3 years respectively with such the terms to be computed from February 4, 1976. Thereafter, members of the code advisory board shall be appointed for terms of 4 years.

b. Code advisory board members shall serve without compensation but shall be entitled to reimbursement for expenses incurred in performance of their duties. Vacancies on the advisory board shall be filled for the unexpired term. Members may be removed by the commissioner for cause.

c. The code advisory board shall appoint a committee for each subcode and, should a subcode therefor not be adopted, for supplements to or revisions of the barrier free design provisions of any model code adopted pursuant to section 5 of this act. Each such committee shall consist of one member of the code advisory board, who shall be chairman, and at least four

citizens who are experienced and knowledgeable in matters related to the particular subcode. Each committee shall advise and assist the code advisory board in the performance of its responsibilities under this act for the subcode in question. Committee members shall serve without compensation and at the pleasure of the code advisory board.

COMMENT

Pejorative terms are replaced with person-first language.

**52:27D-126e. Waiver of Construction Permit Surcharge or Enforcing Agency Fee for Construction to Promote Accessibility by ~~Handicapped~~ Persons with a Disability to Existing Structure or Facilities Therein**

Notwithstanding the provisions of the “State Uniform Construction Code Act,” P.L.1975, c. 217 (C. 52:27D-119 et seq.), or any rules, regulations or standards adopted pursuant thereto, to the contrary, the governing body of any municipality which has appointed an enforcing agency pursuant to the provisions of section 8 of P.L.1975, c. 217 (C. 52:27D-126) may, by ordinance, provide that no person shall be charged a construction permit surcharge fee or enforcing agency fee for any construction, reconstruction, alteration or improvement designed and undertaken solely to promote accessibility by ~~disabled~~ persons with a disability to an existing public or private structure or any of the facilities contained therein.

The ordinance may further provide that a ~~disabled~~ person with a disability, or a parent or sibling of a ~~disabled~~ person with a disability, shall not be required to pay any municipal fee or charge in order to secure a construction permit for any construction, reconstruction, alteration or improvement which promotes accessibility to ~~his~~ the person's own living unit.

For the purposes of this section, “~~disabled~~ person with a disability” means a person who has the total and permanent inability to engage in any substantial gainful activity by reason of any medically determinable physical, sensory or mental ~~impairment~~ disability, including blindness, and shall include, but not be limited to, any resident of this State who is disabled pursuant to the federal Social Security Act (42 U.S.C. § 416), or the federal Railroad Retirement Act of 1974 (45 U.S.C. § 231 et seq.), or is rated as having a 60% disability or higher pursuant to any federal law administered by the United States Veterans' Act. For purposes of this paragraph “blindness” means central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered as having a central visual acuity of 20/200 or less.

COMMENT

Pejorative terms are replaced with person-first language.

**52:27D-171. Public Policy (~~Handicapped~~ Persons with a Disability's Recreational Opportunities Act of 1978)**

It is hereby declared to be public policy of the State of New Jersey to encourage and support as hereinafter provided the promotion, planning, development, implementation and maintenance of comprehensive recreation services, by municipalities, counties and nonprofit agencies for ~~handicapped~~ persons with a disability.

COMMENT

Pejorative terms are replaced with person-first language.

**52:27D-172. Definitions**

For the purposes of this act:

- a. "Commissioner" means the Commissioner of Community Affairs.
- b. "~~Handicapped p~~Persons with a disability" means persons who have:
  - (1) an intellectual disabilities; or
  - (2) ~~who are a~~ visually handicapped impairment; or
  - (3) an auditorily handicapped impairment; or
  - (4) a communication handicapped impairment; or
  - (5) a neurologically or perceptually impairedment; or
  - (6) a orthopedically handicapped disability; or
  - (7) a chronically illness; or
  - (8) a emotionally disturbed; or
  - (9) a socially maladies impairments; or
  - (10) multiply handicapped disabilities; or ~~have~~
  - (11) a developmental disability.

COMMENT

Pejorative terms are replaced with person-first language.

**52:27D-173. Comprehensive Program; Development; Rules and Regulations**

The commissioner shall, after consultation with experts in the area of recreation, develop a comprehensive program for furnishing recreation for ~~handicapped~~ persons with a disability, and shall promulgate rules and regulations for the administration of this program pursuant to the Administrative Procedure Act, P.L.1968, c. 410 (C. 52:14B-1 et seq.).

COMMENT

Pejorative terms are replaced with person-first language.

**52:27D-174. Application by Municipality or County to Provide or to Contract for Provision of Services; Annual Payments Upon Approval**

a. Any municipality or county planning to provide or to contract with private nonprofit agencies for the provision of recreation services for ~~handicapped~~ persons with a disability under this act, shall apply to the commissioner for approval. Such application shall be in accordance with rules and regulations promulgated by the commissioner herewith.

b. Upon approval of said application by the commissioner, there shall be apportioned and paid annually to each municipality or county a sum not to exceed \$5.00 for each \$1.00 appropriated by said municipality or county for implementation of the provisions of this act.

COMMENT

Pejorative terms are replaced with person-first language.

**52:27D-175. Special Events; List; Application for Funds to Operate or Participate; Payments**

a. The commissioner shall prepare a list of special events deemed appropriate for participation by handicapped persons with a disability, such as the Special Olympics and the Tournament of Champions, and shall make this list available to municipalities and counties. Municipalities or counties wishing to operate or participate in a special event listed by the commissioner shall apply to the commissioner for funds for such special events. Such application shall be in accordance with rules and regulations promulgated by the commissioner herewith.

b. Upon the approval of such application for special events, there may be apportioned and paid to municipalities and counties sums sufficient to provide training, transportation and supervision for ~~handicapped~~ persons with a disability participating in special recreation events. In no case shall the annual amount appropriated to any one approved municipality exceed \$1,000.00 or to any one approved county exceed \$2,500.00.

c. No more than a total of \$25,000.00 of the funds appropriated for this act shall be apportioned to support such special recreational events in any one year.

COMMENT

Pejorative terms are replaced with person-first language.

**52:27D-304. Definitions (Fair Housing Act)**

As used in this act:

a. "Council" means the Council on Affordable Housing established in this act, which shall have primary jurisdiction for the administration of housing obligations in accordance with sound regional planning considerations in this State.

b. "Housing region" means a geographic area of not less than two nor more than four contiguous, whole counties which exhibit significant social, economic and income similarities,



and which constitute to the greatest extent practicable the primary metropolitan statistical areas as last defined by the United States Census Bureau prior to the effective date of P.L.1985, c. 222 (C.52:27D-301 et al.).

c. “Low income housing” means housing affordable according to federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs and occupied or reserved for occupancy by households with a gross household income equal to 50% or less of the median gross household income for households of the same size within the housing region in which the housing is located.

d. “Moderate income housing” means housing affordable according to federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs and occupied or reserved for occupancy by households with a gross household income equal to more than 50% but less than 80% of the median gross household income for households of the same size within the housing region in which the housing is located.

e. “Resolution of participation” means a resolution adopted by a municipality in which the municipality chooses to prepare a fair share plan and housing element in accordance with this act.

f. “Inclusionary development” means a residential housing development in which a substantial percentage of the housing units are provided for a reasonable income range of low and moderate income households.

g. “Conversion” means the conversion of existing commercial, industrial, or residential structures for low and moderate income housing purposes where a substantial percentage of the housing units are provided for a reasonable income range of low and moderate income households.

h. “Development” means any development for which permission may be required pursuant to the “Municipal Land Use Law,” P.L.1975, c. 291 (C.40:55D-1 et seq.).

i. “Agency” means the New Jersey Housing and Mortgage Finance Agency established by P.L.1983, c. 530 (C.55:14K-1 et seq.).

j. “Prospective need” means a projection of housing needs based on development and growth which is reasonably likely to occur in a region or a municipality, as the case may be, as a result of actual determination of public and private entities. In determining prospective need, consideration shall be given to approvals of development applications, real property transfers and economic projections prepared by the State Planning Commission established by sections 1 through 12 of P.L.1985, c. 398 (C.52:18A-196 et seq.).

k. “~~Disabled person~~” “Person with a disability” means a person with a physical or sensory disability, ~~infirmity~~, malformation or disfigurement which is caused by:

(1) a bodily injury, or

(2) aging, or

(3) illness, including epilepsy, and which shall include;

(A) any degree of paralysis; or

(B) amputation; or

(C) lack of physical coordination; or

(D) blindness or visual ~~impediment~~ impairment; or

(E) deafness or deaf-blindness or hearing ~~impediment~~ impairment; or

(F) ~~muteness~~ the inability to speak or speech ~~impediment~~ impairment;

or

(G) physical reliance on a service ~~or guide~~ animal, wheelchair, or other remedial appliance or device.

l. “Adaptable” means constructed in compliance with the technical design standards of the barrier free subcode adopted by the Commissioner of Community Affairs pursuant to the “State Uniform Construction Code Act,” P.L.1975, c. 217 (C.52:27D-119 et seq.) and in accordance with the provisions of section 5 of P.L.2005, c. 350 (C.52:27D-123.15).

m. “Very low income housing” means housing affordable according to federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs and occupied or reserved for occupancy by households with a gross household income equal to 30% or less of the median gross household income for households of the same size within the housing region in which the housing is located.

#### COMMENT

Pejorative terms are replaced with person-first language. The term “person with a disability” was added to the definition section to be applied throughout the entire statute.

### **52:27D-320. "New Jersey Affordable Housing Trust Fund"**

There is established in the Department of Community Affairs a separate trust fund, to be used for the exclusive purposes as provided in this section, and which shall be known as the "New Jersey Affordable Housing Trust Fund." The fund shall be a non-lapsing, revolving trust fund, and all monies deposited or received for purposes of the fund shall be accounted for separately, by source and amount, and remain in the fund until appropriated for such purposes. The fund shall be the repository of all State funds appropriated for affordable housing purposes, including, but not limited to, the proceeds from the receipts of the additional fee collected pursuant to paragraph (2) of subsection a. of section 3 of P.L.1968, c.49 (C.46:15-7), proceeds from available receipts of the Statewide non-residential development fees collected pursuant to section 35 of P.L.2008, c.46 (C.40:55D-8.4), monies lapsing or reverting from municipal development trust funds, or other monies as may be dedicated, earmarked, or appropriated by the Legislature for the purposes of the fund. All references in any law, order, rule, regulation,

contract, loan, document, or otherwise, to the "Neighborhood Preservation Nonlapsing Revolving Fund" shall mean the "New Jersey Affordable Housing Trust Fund." The department shall be permitted to utilize annually up to 7.5 percent of the monies available in the fund for the payment of any necessary administrative costs related to the administration of the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), the State Housing Commission, or any costs related to administration of P.L.2008, c.46 (C.52:27D-329.1 et al.).

a. Except as permitted pursuant to subsection g. of this section, and by section 41 of P.L.2009, c.90 (C.52:27D-320.1), the commissioner shall award grants or loans from this fund for housing projects and programs in municipalities whose housing elements have received substantive certification from the council, in municipalities receiving State aid pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.), in municipalities subject to a builder's remedy as defined in section 28 of P.L.1985, c.222 (C.52:27D-328) or in receiving municipalities in cases where the council has approved a regional contribution agreement and a project plan developed by the receiving municipality.

Of those monies deposited into the "New Jersey Affordable Housing Trust Fund" that are derived from municipal development fee trust funds, or from available collections of Statewide non-residential development fees, a priority for funding shall be established for projects in municipalities that have petitioned the council for substantive certification.

Programs and projects in any municipality shall be funded only after receipt by the commissioner of a written statement in support of the program or project from the municipal governing body.

b. The commissioner shall establish rules and regulations governing the qualifications of applicants, the application procedures, and the criteria for awarding grants and loans and the standards for establishing the amount, terms and conditions of each grant or loan.

c. For any period which the council may approve, the commissioner may assist affordable housing programs which are not located in municipalities whose housing elements have been granted substantive certification or which are not in furtherance of a regional contribution agreement; provided that the affordable housing program will meet all or part of a municipal low and moderate income housing obligation.

d. Amounts deposited in the "New Jersey Affordable Housing Trust Fund" shall be targeted to regions based on the region's percentage of the State's low and moderate income housing need as determined by the council. Amounts in the fund shall be applied for the following purposes in designated neighborhoods:

- (1) Rehabilitation of substandard housing units occupied or to be occupied by low and moderate income households;
- (2) Creation of accessory apartments to be occupied by low and moderate income households;

(3) Conversion of non-residential space to residential purposes; provided a substantial percentage of the resulting housing units are to be occupied by low and moderate income households;

(4) Acquisition of real property, demolition and removal of buildings, or construction of new housing that will be occupied by low and moderate income households, or any combination thereof;

(5) Grants of assistance to eligible municipalities for costs of necessary studies, surveys, plans and permits; engineering, architectural and other technical services; costs of land acquisition and any buildings thereon; and costs of site preparation, demolition and infrastructure development for projects undertaken pursuant to an approved regional contribution agreement;

(6) Assistance to a local housing authority, nonprofit or limited dividend housing corporation or association or a qualified entity acting as a receiver under P.L.2003, c.295 (C.2A:42-114 et al.) for rehabilitation or restoration of housing units which it administers which: (a) are unusable or in a serious state of disrepair; (b) can be restored in an economically feasible and sound manner; and (c) can be retained in a safe, decent and sanitary manner, upon completion of rehabilitation or restoration; and

(7) Other housing programs for low and moderate income housing, including, without limitation, (a) infrastructure projects directly facilitating the construction of low and moderate income housing not to exceed a reasonable percentage of the construction costs of the low and moderate income housing to be provided and (b) alteration of dwelling units occupied or to be occupied by households of low or moderate income and the common areas of the premises in which they are located in order to make them accessible to ~~handicapped~~ persons with a disability.

e. Any grant or loan agreement entered into pursuant to this section shall incorporate contractual guarantees and procedures by which the division will ensure that any unit of housing provided for low and moderate income households shall continue to be occupied by low and moderate income households for at least 20 years following the award of the loan or grant, except that the division may approve a guarantee for a period of less than 20 years where necessary to ensure project feasibility.

f. Notwithstanding the provisions of any other law, rule or regulation to the contrary, in making grants or loans under this section, the department shall not require that tenants be certified as low or moderate income or that contractual guarantees or deed restrictions be in place to ensure continued low and moderate income occupancy as a condition of providing housing assistance from any program administered by the department, when that assistance is provided for a project of moderate rehabilitation if the project (1) contains 30 or fewer rental units and (2) is located in a census tract in which the median household income is 60 percent or less of the median income for the housing region in which the census tract is located, as determined for a

three person household by the council in accordance with the latest federal decennial census. A list of eligible census tracts shall be maintained by the department and shall be adjusted upon publication of median income figures by census tract after each federal decennial census.

g. In addition to other grants or loans awarded pursuant to this section, and without regard to any limitations on such grants or loans for any other purposes herein imposed, the commissioner shall annually allocate such amounts as may be necessary in the commissioner's discretion, and in accordance with section 3 of P.L.2004, c.140 (C.52:27D-287.3), to fund rental assistance grants under the program created pursuant to P.L.2004, c.140 (C.52:27D-287.1 et al.). Such rental assistance grants shall be deemed necessary and authorized pursuant to P.L.1985, c.222 (C.52:27D-301 et al.), in order to meet the housing needs of certain low income households who may not be eligible to occupy other housing produced pursuant to P.L.1985, c.222 (C.52:27D-301 et al.).

h. The department and the State Treasurer shall submit the "New Jersey Affordable Housing Trust Fund" for an audit annually by the State Auditor or State Comptroller, at the discretion of the Treasurer. In addition, the department shall prepare an annual Report for each fiscal year, and submit it by November 30th of each year to the Governor and the Legislature, and the Joint Committee on Housing Affordability, or its successor, and post the information to its web site, of all activity of the fund, including details of the grants and loans by number of units, number and income ranges of recipients of grants or loans, location of the housing renovated or constructed using monies from the fund, the number of units upon which affordability controls were placed, and the length of those controls. The Report also shall include details pertaining to those monies allocated from the fund for use by the State rental assistance program pursuant to section 3 of P.L.2004, c.140 (C.52:27D-287.3) and subsection g. of this section.

i. The commissioner may award or grant the amount of any appropriation deposited in the "New Jersey Affordable Housing Trust Fund" pursuant to section 41 of P.L.2009, c.90 (C.52:27D-320.1) to municipalities pursuant to the provisions of section 39 of P.L.2009, c.90 (C.40:55D-8.8).

COMMENT

Pejorative terms are replaced with person-first language.

**52:32-4. Facilities for ~~Physically Handicapped~~ Persons with a Physical Disability; New or Remodeled Public Buildings**

Except as otherwise provided by law, all plans and specifications for the construction or remodeling of any public building in the State shall provide facilities for ~~the physically handicapped~~ persons with a physical disability.

COMMENT

Pejorative terms are replaced with person-first language.

### **52:32-5. Regulations Relative to Access for ~~Physically Handicapped~~ Persons with a Physical Disability**

The Department of Community Affairs shall promulgate regulations which shall prescribe the kinds, types and quality of facilities in public buildings as defined in section 3 of P.L.1975, c.220 (C.52:32-6) required to provide access for ~~the physically handicapped persons~~ with a physical disability. The regulations shall differentiate between small public buildings, defined as those with a total gross enclosed floor area of less than 10,000 square feet, and large public buildings defined as those with a total gross enclosed floor area of 10,000 square feet or more. Small public buildings shall be required to have accessible entrances servicing the first or ground floor areas and facilities for ~~the physically handicapped persons~~ with a physical disability on all accessible floors, however, the provisions for small public buildings shall not apply to the conversion of a small public building to another use or to renovations or modifications of a small public building if there is insufficient space between the building and its lot lines or between the building and the public way to allow for the installation of an entrance ramp which meets the criteria of the "State Uniform Construction Code" adopted pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.). Large public buildings shall be required to have accessible entrances, facilities for ~~the physically handicapped persons~~ with a physical disability on all accessible floors, and elevators or other means of access for ~~these persons physically handicapped~~ between floors, except floors which contain only mechanical equipment or floors which contain less than 3,000 square feet of total floor area.

#### COMMENT

Pejorative terms are replaced with person-first language.

### **52:32-6. Definitions (An Act to Provide Facilities for ~~the Physically Handicapped~~ Persons with a Physical Disability in Public Buildings)**

As used in this act:

a. "Public building" means any building, structure, facility or complex used by the general public, including, but not limited to, theaters, concert halls, auditoriums, museums, schools, libraries, recreation facilities, public transportation terminals and stations, factories, office buildings, business establishments, passenger vehicle service stations, shopping centers, hotels or motels, and public eating places, constructed by any State, county or municipal government agency or instrumentality or any private individual, partnership, association or corporation, with the following exceptions: warehouse storage areas and all buildings classified as hazardous occupancies. As used herein, "hazardous occupancy" means the occupancy or use of a building or structure or any portion thereof that involves highly combustible, highly flammable, or explosive material, or which has inherent characteristics that constitute a special fire hazard. As used in this act, the term shall not include residential buildings, but shall include hotels and motels. Any ~~handicapped~~ facility requirements for residential buildings, which pertain

to persons with a physical disability, shall be governed by the barrier free subcode promulgated pursuant to section 5 of P.L.1975, c. 217 (C.52:27D-123).

b. “Physical ~~handicap~~ disability” means a physical impairment ~~which confines for which~~ a person ~~to uses~~ a wheelchair, or which causes a person to walk with difficulty or ~~insecurity to walk insecurely~~; affects the sight or hearing of a person to the extent that a person functioning in public areas is insecure or exposed to danger; causes a person to have faulty coordination; or reduces mobility, flexibility, coordination and perceptiveness of a person to the extent that facilities are needed to provide for the safety of that person.

c. “Remodel” means, with respect to an existing public building as defined in this act, to construct an addition, alter the design or layout of said the public building so that a change or modification of the entrance facilities, toilet facilities, or vertical access facilities is achieved, or to make substantial repairs or alterations.

d. “Office building” means a building or structure which is used for the transaction of business; for the rendering of professional service; for other services that involve stocks of goods, wares, or merchandise in limited quantities for use incidental to office uses or sample purposes; or for display and sale purposes involving stocks of goods, wares, or merchandise incidental to these purposes. This definition is intended to include those buildings or structures classified in Use Groups “B” and “M” of the State Uniform Construction Code within the scope of section 5:23-3.14 of the New Jersey Administrative Code pertaining to building subcodes.

e. (Deleted by amendment, P.L.1981, c. 35.)

f. “Enforcing agency” means the municipal construction official and subcode officials provided for in the “State Uniform Construction Code Act,” P.L.1975, c. 217 (C.52:27D-119 et seq.).

#### COMMENT

Pejorative terms are replaced with person-first language.

The phrase “which confines a person to a wheelchair” was changed to “a person who uses a wheelchair” based on the recommendation of a commenter to more accurately describe the person separate from the device used to assist the person’s mobility.

### **52:32-8. Exceptions from Specific Requirements**

In cases of practical difficulty, the enforcing agency may grant exceptions from the specific requirements of the standards and specifications required by this act or permit the use of other methods or materials, but only when it is clearly evident that equivalent facilitation and protection for ~~the physically handicapped~~ persons with a physical disability are thereby secured.

#### COMMENT

Pejorative terms are replaced with person-first language.

### **52:32-11. Parking Facilities; Spaces for ~~Handicapped~~ Persons with a Physical Disability**

The State, every board or body having control and regulation of parking facilities in every county and municipality, and every parking authority created pursuant to the "Parking Authority Law" (P.L.1948, c. 198, C. 40:11A-1 et seq.), is hereby authorized, empowered and directed to provide parking spaces for ~~handicapped~~ persons with a physical disability in all parking facilities under the jurisdiction of the State or any such board, body or parking authority.

#### COMMENT

Pejorative terms are replaced with person-first language.

### **52:32-12. Parking Spaces for ~~Physically Handicapped~~ Persons with a Disability; Guidelines**

The State and every such board, body or parking authority shall use the following guidelines when providing said parking spaces for ~~the physically handicapped~~ persons with a physical disability:

a. A minimum of 1% of the total number of parking spaces, but not less than two parking spaces, shall be provided in an area of the parking facility which is most accessible and approximate to the building or buildings which the facility serves;

b. Each space or group of spaces shall be identified with a clearly visible sign displaying the International Symbol of Access along with the following wording: "These spaces reserved for ~~physically handicapped~~ drivers with a physical disability."

c. Each space shall be 12 feet wide to allow room for persons ~~in~~ using wheelchairs or on braces or crutches to get in and out of either side of an automobile onto a level, paved surface suitable for wheeling and walking;

d. Where possible, such spaces shall be located so that persons ~~in~~ using wheelchairs or using braces or crutches are not compelled to wheel or walk behind parked cars; and

e. Where applicable, curb ramps shall be provided to permit ~~handicapped people~~ persons with a physical disability access from parking area to sidewalk.

#### COMMENT

Pejorative terms are replaced with person-first language.

A commenter recommended changing the language regarding parking spaces from "[t]hese spaces reserved for physically handicapped drivers" to "[t]hese spaces reserved for persons with a physical disability." Not only does this change the pejorative language, but it also expands the provision to include passengers and drivers. Consequently, the Motor Vehicle Commission must approve this proposed change before it would be implemented. Thus, the NJLRC recommended changing the language to read, "[t]hese spaces reserved for drivers with a disability".

The phrase "a person who is in a wheelchair, or on braces or crutches" was changed based on the recommendation of a commenter to "a person using a wheelchair, braces or crutches" to more accurately describe the person separate from the device used to assist the person's mobility.



#### **52:32-14. Sidewalks; Construction or Reconstruction for Use by ~~Physically Handicapped~~ Persons with a Disability**

A sidewalk hereafter constructed or reconstructed on public or private property for public use within this State, whether constructed by a public agency or a person, firm, corporation, nonprofit corporation or association, shall be constructed in a manner that will facilitate use by ~~physically handicapped~~ persons with a physical disability. At points of intersection between pedestrian and motorized lines of travel, and at other points where necessary to avoid abrupt changes in grade, a sidewalk shall slope gradually to street level so as to provide an uninterrupted line of travel.

#### COMMENT

Pejorative terms are replaced with person-first language.

#### **52:32-15. Standards; Establishment**

To carry out the purpose of section 1 of P.L.1975, c.224 (C.52:32-14) the Department of Transportation shall, within 30 days of the enactment of P.L.1975, c.224 (C.52:32-14 et seq.), and periodically thereafter as necessary, after consultation with the Director of the Division of Vocational Rehabilitation Services of the Department of Labor and Workforce Development and the Director of the ~~Office~~ Division of Disability Services and the ~~chairman~~ Executive Director of the State Commission for the Blind and Visually Impaired of the Department of Human Services, prescribe standards, which shall include, but not be limited to, standards of drainage, slope gradient, width, and slip-resistant qualities which will assure that a sidewalk will accommodate a person ~~in~~ using a wheelchair or other ~~handicapped~~ persons with a physical or sensory disability. All agencies and instrumentalities of State and local government, and every other person, firm, corporation or association shall comply with these standards and the provisions of P.L.1975, c.224 (C.52:32-14 et seq.) when undertaking construction or reconstruction of streets, curbs or sidewalks.

#### COMMENT

Pejorative terms are replaced with person-first language.

The phrase “a person who is in a wheelchair” was changed based on the recommendation of a commenter to “a person using a wheelchair” to more accurately describe the person separate from the device used to assist the person’s mobility.

## TITLE 54:

### PROVISIONS RELATING TO TAXATION

#### 54:4-3.15. Exemption of Property Used by ~~Crippled~~ Soldiers with a Physical Disability

#### 54:32B-8.1. Exemption; Medical; Definitions

#### 54:4-3.15. Exemption of Property Used by ~~Crippled~~ Soldiers with a Physical Disability

Any personal property or real estate not exceeding two hundred and fifty acres in extent, owned and actually and exclusively used by any corporation organized under the laws of New Jersey to provide instruction in agricultural pursuits for soldiers and sailors of the United States who have sustained a ~~been~~ permanently ~~crippled~~ physical disability so as not to be able to walk, while in active service in time of war, provided all income derived from the property in excess of the expense of its maintenance and operation, shall be used exclusively for the benefit of ~~such~~ ~~crippled~~ soldiers and sailors with such a permanent physical disability, shall be exempt from taxation under this chapter.

#### COMMENT

Pejorative terms are replaced with person-first language.

#### 54:32B-8.1. Exemption; Medical; Definitions

a. Receipts from sales of the following sold for human use are exempt from the tax imposed under the "Sales and Use Tax Act":

- (1) drugs sold pursuant to a doctor's prescription;
- (2) over-the-counter drugs;
- (3) diabetic supplies;
- (4) prosthetic devices;
- (5) tampons or like products;
- (6) medical oxygen;
- (7) human blood and its derivatives;
- (8) durable medical equipment for home use;
- (9) mobility enhancing equipment sold by prescription; and
- (10) repair and replacement parts for any of the foregoing exempt devices and equipment.

b. As used in this section:

“Drug” means a compound, substance or preparation, and any component of a compound, substance or preparation, other than food and food ingredients, dietary supplements or alcoholic beverages:

(1) recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, and supplement to any of them; or

(2) intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease; or

(3) intended to affect the structure or any function of the body.

“Over-the-counter-drug” means a drug that contains a label which identifies the product as a drug, required by 21 CFR §201.66. The label includes:

(1) a “Drug Facts” panel or

(2) a statement of the “active ingredient” or “active ingredients” with a list of those ingredients contained in the compound, substance or preparation. “Over-the-counter drug” does not include a grooming and hygiene product.

“Grooming and hygiene product” is soap or cleaning solution, shampoo, toothpaste, mouthwash, anti-perspirant, or sun tan lotion or screen, regardless of whether the item meets the definition of “over-the-counter drug.”

“Prescription” means an order, formula or recipe issued in any form of oral, written, electronic, or other means of transmission by a duly licensed practitioner authorized by the laws of this State.

“Prosthetic device” means a replacement, corrective, or supportive device including repair and replacement parts for same worn on or in the body in order to:

(1) artificially replace a missing portion of the body; or

(2) prevent or correct a physical ~~deformity~~ disability ~~or malfunction~~; or

(3) support a weak or deformed portion of the body.

“Durable medical equipment” means equipment, including repair and replacement parts, but not including mobility enhancing equipment, that:

(1) can withstand repeated use;

(2) is primarily and customarily used to serve a medical purpose;

(3) is generally not useful to a person in the absence of illness or injury; and

(4) is not worn in or on the body.

“Mobility enhancing equipment” means equipment, including repair and replacement parts, other than durable medical equipment, that:

(1) is primarily and customarily used to provide or increase the ability to move from one place to another and which is appropriate for use either at home or in a motor vehicle; and

(2) is not generally used by persons with normal mobility; and

(3) does not include any motor vehicle or equipment on a motor vehicle normally provided by a motor vehicle manufacturer.

c. Receipts from sales of supplies purchased for use in providing medical services for compensation, but not transferred to the purchaser of the service in conjunction with the performance of the service, shall be considered taxable receipts from retail sales notwithstanding the exemption from the tax imposed under the “Sales and Use Tax Act” provided under this section.

#### COMMENT

Pejorative terms are replaced with person-first language.

## **TITLE 55: PROVISION RELATING TO TENEMENT HOUSES AND PUBLIC HOUSING**

### **55:13A-7.3. Handicapped Persons with a Disability; Multiple Dwelling Parking Spaces; Handicapped Persons with a Disability Defined**

Any owner of a multiple dwelling which, as of the enactment of this act or at any time thereafter, provides parking to the occupants thereof, and in which a ~~handicapped~~ person with a disability resides, shall provide parking spaces for occupants ~~who are handicapped~~ with a disability located at the closest possible proximity to the principal accesses of the multiple dwelling.

A minimum of 1% of the total number of parking spaces provided for the occupants of the multiple dwelling, but not less than one parking space, shall be set aside as parking for persons with a disability ~~the handicapped~~. Each space or group of spaces shall be identified with a clearly visible sign displaying the International Symbol of Access along with the following wording: “This space reserved for ~~physically handicapped~~ drivers persons with a disability.” Where possible, the space shall be 12 feet wide to allow room for a person ~~in~~ who uses a wheelchair, ~~or on~~ braces or crutches to get in and out of either side of an automobile onto a level, paved surface suitable for wheeling and walking and shall be located so that a person ~~in~~ using a wheelchair, ~~or using~~ braces or crutches is not compelled to wheel or walk behind parked cars. Where applicable, curb ramps shall be provided to permit a ~~handicapped~~ person with a disability access from the parking area to the sidewalk.

For purposes of this section “disability”, or “handicapped” means a physical impairment for which ~~confines~~ a person uses ~~to~~ a wheelchair; or which causes a person to walk with difficulty or walk insecurely ~~insecurity~~; or which affects the sight or hearing to the extent that a person functioning in public areas is insecure or exposed to danger; or which causes faulty coordination; or which reduces mobility, flexibility, coordination and perceptiveness to the extent that facilities are needed to provide for the safety of that person.

#### COMMENT

Pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

A commenter recommended changing the language regarding parking spaces from “[t]hese spaces reserved for physically handicapped drivers” to “[t]hese spaces reserved for persons with a physical disability.” Not only does this change the pejorative language, but it also expands the provision to include passengers and drivers. Consequently, the Motor Vehicle Commission must approve this proposed change before it would be implemented. Thus, the NJLRC recommended changing the language to read, “[t]hese spaces reserved for drivers with a disability”.

The phrase “a person who is in a wheelchair, or on braces or crutches” was changed based on the recommendation of a commenter to “a person who uses a wheelchair, braces or crutches” to more accurately describe the person separate from the device used to assist the person’s mobility.

**TITLE 56:**

**PROVISIONS RELATING TO TRADE NAMES, TRADEMARKS, UNFAIR PRACTICES**

**56:8-2.7. Solicitation of Funds or Contributions, etc. Under False Representation**

**56:8-14.2. Definitions - Unfair Trade Practices**

**56:8-2.7. Solicitation of Funds or Contributions, or Sale or Offer for Sale of Goods or Services Under False Representation of Solicitation for Charitable or Nonprofit Organization or of Benefit for ~~Handicapped~~ Persons with a Disability**

It shall be an unlawful practice for any person to solicit funds or a contribution of any kind, or to sell or offer for sale any goods, wares, merchandise or services, by telephone or otherwise, where it has been falsely represented by such person or where the consumer has been falsely led to believe that such person is soliciting by or on behalf of any charitable or nonprofit organization, or that a contribution to or purchase from such person shall substantially benefit ~~handicapped~~ persons with a disability.

COMMENT

Pejorative terms are replaced with person-first language.

**56:8-14.2. Definitions (Frauds, Etc., in Sales or Advertisements of Merchandise)**

As used in this act:

“Fund” means the Consumer Fraud Education Fund created pursuant to section 5 of this act.

“Pecuniary injury” shall include, but not be limited to: loss or encumbrance of a primary residence, principal employment, or source of income; loss of property set aside for retirement or for personal or family care and maintenance; loss of payments received under a pension or retirement plan or a government benefits program; or assets essential to the health or welfare of the senior citizen or person with a disability.

“Person with a disability” means a natural person:

(1) who has a physical or sensory disability; ~~infirmity~~, malformation; or disfigurement which is caused by:

(A) bodily injury,

(B) birth defect, or

(C) illness including epilepsy, and which shall include; ;

- (i) any degree of paralysis; or
- (ii) amputation; or
- (iii) lack of physical coordination; or
- (iv) blindness or visual ~~impediment~~ impairment; or
- (v) deafness or deaf-blindness or hearing ~~impediment~~ impairment; or
- (vi) ~~muteness~~ inability to speak or speech ~~impediment~~ impairment; or
- (vii) physical reliance on a service ~~or guide~~ animal, wheelchair, or other remedial appliance or device; or
- (viii) any mental, psychological or developmental disability resulting from anatomical, psychological, physiological; or
- (ix) neurological conditions which prevents the usual exercise of any bodily or mental functions or is demonstrable, medically or psychologically, by accepted clinical or laboratory diagnostic techniques.

“Senior citizen” means a natural person 60 years of age or older.

COMMENT

Pejorative terms are replaced with person-first language.

## TITLE 59:

### PROVISION RELATING TO CLAIMS AGAINST PUBLIC ENTITIES

#### **59:6-5. Diagnosing or Failing to Diagnose Mental Illness or ~~Drug Dependence~~ Substance Use Disorder Involving Drugs**

a. Neither a public entity nor a public employee is liable for injury resulting from diagnosing or failing to diagnose that a person ~~is afflicted with~~ has a mental illness or is a ~~drug dependent~~ person with a substance use disorder involving drugs or from failing to prescribe for a mental illness or ~~drug dependence~~ a substance use disorder involving drugs; provided, however, that nothing in this subsection exonerates a public entity or a public employee who has undertaken to prescribe for a mental illness or ~~drug dependence~~ a substance use disorder involving drugs from liability for injury proximately caused by ~~his~~ the negligence of the public entity or the public employee or ~~by his~~ a wrongful act in so prescribing.

b. Nothing in subsection a. exonerates a public entity or a public employee from liability for injury proximately caused by a negligent or wrongful act or omission in administering any treatment prescribed for a mental illness or ~~drug dependence~~ a substance use disorder.

#### COMMENT

Pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

The term “substance use disorder involving drugs” was recommended by several commenters to replace the term “drug dependence” and the term “drug dependent” replaces the term “a person with a substance use disorder involving drugs” to reflect current clinical terminology/usage.



## **PROVISIONS RECOMMENDED FOR REPEAL:**

**The NJLRC recommends the following provisions for repeal and they are included in this Report for Legislative consideration.**

- 9:13-7. Crippled Children; Expenditures**  
This provision limits the amount of money that counties without a county home or hospital for children with cerebral palsy or a physical disability may appropriate for their care.
- 9:13-8. Funds; How Raised**  
This provision requires that the annual tax levy include the county appropriation for the care of children with cerebral palsy and children with a physical disability.
- 9:14B-1. County Hospital for Sickle Cell Anemia**  
This provision limits the amount of money that counties without a county home or hospital for children with sickle cell anemia may appropriate for their care.
- 18A:72H-4. Higher Education Services for Visually Impaired, Auditorily and Learning Disabled Students Program**  
This provision establishes a Higher Education Services for Visually Impaired, Auditorily and Learning Disabled Students Program within the Commission on Higher Education whose powers, duties, and functions were transferred to the Secretary for Higher Education under Reorganization Plan, No. 005-2011.
- 26:4-53. Warrant, Trial and Commitment**  
This provision allows a court to issue a warrant for a person who is a carrier of an infective agent and neglects or is unable to prevent exposure of the infection to the public. This provision allows the court to commit the person to a county or municipal hospital or to any other suitable place or institution that treats persons with communicable diseases.
- 30:4-177.1 - 11. 30 N.J. ST. Subt. 1, Ch. 4, Art. 12, K. Child Treatment Center (Arthur Brisbane Child Treatment Center)**  
These provisions establish and govern the Arthur Brisbane Child Treatment Center which closed in 2005.
- 30:4-177.12-19e. 30 N.J. ST. Subt. 1, Ch. 4, Art. 12, L. North Princeton Development Center.**  
These provisions established and governed the North Princeton Development Center which was closed in 1995 (although it remained opened for a few subsequent years until all patients were removed).

**PROVISIONS RECOMMENDED FOR REPEAL, cont.:**

**The NJLRC recommends the following provisions for repeal and they are included in this Report for Legislative consideration.**

- 30:9-37 - 44.3.      30 N.J. ST. Subt. 6, Ch. 9, Art. 4, B. County Hospitals for Communicable Diseases.**  
These provisions govern the establishment and maintenance of County Hospitals for Communicable Diseases.
- 30:9-61 - 69.      30 N.J. ST. Subt. 6, Ch. 9, Art. 4, D. County Hospitals for Tuberculosis and Other Communicable Diseases**  
These provisions govern the establishment and maintenance of County Hospitals for Communicable Diseases.
- 30:9-70 - 81.      30 N.J. ST. Subt. 6, Ch. 9, Art. 4, E. City and Municipal Hospitals for Communicable Diseases.**  
These provisions govern the establishment and maintenance of City and Municipal Hospitals for Communicable Diseases.
- 30:9-70-85 - 86.    30 N.J. ST. Subt. 6, Ch. 9, Art. 4, G. Town or Township Hospitals for Communicable Diseases.**  
These provisions govern the establishment and maintenance of Town and Township Hospitals for Communicable Diseases.
- 44:1-68.            Classification and Care of Inmates**  
This provision allows for the classification of inmates in almshouses or welfare houses according to age, condition of health, and ability to perform manual labor and requires isolation of inmates with tuberculosis.
- 44:1-155.           Bond for Maintenance from Master or Commander**  
This provision allows the overseer of the poor in the municipality where a vessel ports to direct the master or commander of the vessel to post a bond to cover the expenses related to the care of sick or infirm passengers.
- 44:1-156.           Liability of Master or Commander**  
This provision holds the master or commander of a vessel liable for the expenses related to the care of sick or infirm passengers.
- 44:4-116.           Bond for Maintenance from Master or Commander**  
This provision allows the overseer of the poor in the municipality where a vessel ports to direct the master or commander of the vessel to post a bond to cover the expenses related to the care of sick or infirm passengers.
- 44:4-117.           Liability of Master or Commander**  
This provision holds the master or commander of a vessel liable for the expenses related to the care of sick or inform passengers.