

34:16-45 et seq.

LEGISLATIVE HISTORY CHECKLIST

NJSA 34:16-45 to 34:16-50

Laws of 1975 Chapter 350

Bill No. S 1499

Sponsor(s) Fay & Menza

Date Introduced Nov. 25, 1974

Committee: Assembly Commerce, Industry & Professions

Senate Law, Public Safety & Defense

Amended during passage No

Date of passage: Assembly May 5, 1975

Senate Feb. 10, 1975

Date of approval March 3, 1976

Following statements are attached if available:

Sponsor statement Yes

Committee Statement: Assembly No

Senate Yes

Fiscal Note Yes

Veto message No

Message on signing No

Following were printed:

Reports Yes

Hearings No

Recommendations mentioned in sponsor's statement can be located in:
974.90 New Jersey. Commission of Investigation.
I 62 Final report and recommendations on the investigation of
1974b profit oriented companies operating in a pseudo-charitable
manner. 1974.

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MAR 1977

SENATE, No. 1499

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 25, 1974

By Senators FAY and MENZA

Referred to Committee on Law, Public Safety and Defense

AN ACT to promote and regulate the sale and distribution of goods and articles made by handicapped persons and supplementing Title 34 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. It is the policy of the State to assist handicapped persons
2 and organizations established to aid handicapped persons in the
3 sale of goods or articles which are the product of handicapped
4 workers' labor by providing a means of authenticating the source
5 of such goods and articles and by preventing misrepresentation
6 as to items offered for sale as the product of handicapped persons.

1 2. As used in this act:

2 a. "Handicapped person" means any individual who is unable
3 to engage in any substantial gainful activity by reason of any
4 medically determinable physical or mental impairment which is
5 of a long-continued or indefinite duration or which can be expected
6 to result in death.

7 b. "Direct labor" means all work required for the preparation,
8 processing and assembling of goods or articles including the
9 packaging and packing thereof, but not including time spent in
10 the supervision, administration, inspection, and shipping of such
11 operations, or in the production of component materials by other
12 than handicapped persons.

1 3. To facilitate ready and authoritative identification of goods
2 or articles made by handicapped persons, any handicapped person
3 and any public or private institution or agency, firm, association
4 or corporation engaged in the manufacture or distribution of goods
5 or articles made by handicapped persons shall apply to the State
6 Rehabilitation Commission in the Department of Labor and In-
7 dustry for registration and authorization to use an official imprint,

8 stamp, symbol or label, designed or approved by the commission,
9 to identify goods and articles as made by handicapped persons.
10 Nothing in this act shall authorize the identification of goods or
11 articles as made by handicapped persons when the direct labor
12 performed by handicapped persons in connection therewith shall
13 consist solely of the packaging or packing thereof as distinguished
14 from the preparation, processing or assembling of such goods or
15 articles. The commission shall investigate each application, under
16 rules and regulations it shall adopt for the administration of this
17 act, to assure that such person or organization is actually engaged
18 in the manufacture or distribution of handicapped goods or articles.
19 The commission may register without investigation nonresident
20 individuals and out-of-state agencies, firms, associations, or corpo-
21 rations upon proof that they are recognized and approved by the
22 state of their residence or organized pursuant to a law of such
23 state imposing requirements substantially similar to those pre-
24 scribed pursuant to this act.

25 No fee shall be charged for registration of an individual handi-
26 capped person who manufactures and sells products of his own
27 labor. A fee of \$25.00 shall be charged and collected for registra-
28 tion of any other person, firm or corporation. All registrations
29 shall be valid for 1 year from date of issue.

1 4. No goods or articles made in this or any other state may be
2 displayed, advertised, solicited for sale by telephone, mail or
3 otherwise, offered for sale or sold in this State upon a representa-
4 tion that such goods or articles are made by handicapped persons
5 unless they are identified as such by label, imprint, stamp, or
6 symbol and no such goods or articles may be so identified unless
7 at least 75% of the total hours of direct labor of producing such
8 goods or articles shall have been performed by a handicapped
9 person or persons.

1 5. Any handicapped workman, or any public or private institution
2 or agency, corporation, firm, or association, registered with the
3 commission pursuant to this act, engaged in the manufacture or
4 distribution of articles of merchandise, made or manufactured by
5 a handicapped person or persons, shall imprint or stamp upon
6 such articles of merchandise or affix thereto labels containing the
7 words, "made by a handicapped workman" or "made by the
8 handicapped" or "handicapped made," to which shall be added
9 the name of the manufacturer, the place of manufacture and such
10 other information as the commission may prescribe.

1 6. Any person, firm, corporation, institution, or association who

2 (a) shall use or employ an imprint, stamp, or symbol or label
3 issued or approved by the State Rehabilitation Commission or an
4 imitation thereof without having registered with the commission,
5 or (b) who shall directly or indirectly by any means indicate or
6 tend to indicate or represent that the goods or articles were made
7 by a handicapped person or persons when in fact such goods or
8 articles were not so made, or (c) who shall directly or indirectly
9 by any means indicate or tend to indicate or represent that the
10 goods or articles were sold by or for the benefit of the handicapped
11 when in fact such sale was not by or of substantial benefit to a
12 handicapped person or persons is a disorderly person and punish-
13 able by a fine of not more than \$500.00 or imprisonment for not
14 more than 1 year or both such fine or imprisonment.

1 7. This act shall take effect immediately.

STATEMENT

This bill is one of three bills based upon the recommendations of the State Commission of Investigation with the aim of protecting the public against misuse of the terms "blind" or "handicapped" in corporate names, assisting handicapped persons and organizations by providing a means of authenticating goods or articles made by them, and strengthening the existing law regulating the sale and distribution of goods made by blind persons.

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SENATE LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO
SENATE, No. 1499

—◆—
STATE OF NEW JERSEY
—◆—

DATED: JANUARY 27, 1975

This bill provides for the regulation of the sale and distribution of goods and articles made by handicapped persons by the State Rehabilitation Commission in the Department of Labor and Industry.

SENATE BILL
C. 1499

FISCAL NOTE TO
SENATE, No. 1499

STATE OF NEW JERSEY

DATED: APRIL 21, 1975

Senate Bill No. 1499 provides for the regulation of the sale and distribution of goods and articles made by handicapped persons.

For the necessary personnel and materials, the Department of Labor and Industry estimates a State expenditure of \$2,485.00 would be required for the remainder of the current fiscal year, \$16,364.00 in fiscal 1975-76 and \$17,485.00 in fiscal 1976-77.

The fiscal note is based on an estimate of costs rather than actual cost information.

In compliance with written request received, there is hereby submitted a fiscal estimate for the above bill, pursuant to P. L. 1962, c. 27.