

## **Title 55. Public Welfare**

### **Chapter 5**

#### **Blind Persons Operating Vending Stands - Food Services**

##### **55-5-1 Blind persons -- Operation of vending stands or enterprise in public buildings and on public property.**

For the purpose of providing blind persons with an opportunity to become self-supporting, enlarging the economic opportunities of the blind and stimulating the blind to greater efforts in striving to make them self-supporting, blind persons under the provisions of this act shall be authorized to operate vending stands or other enterprises in state, county, or municipal buildings, parks or other property owned by the state of Utah, where in the discretion of the head of the department or agency in charge of the maintenance of the building, park or other property owned by the state of Utah or political subdivisions thereof such vending stands or other enterprises may be properly and satisfactorily operated by blind persons.

No Change Since 1953

##### **55-5-2 Licensing agency -- Duties of the Utah State Office of Rehabilitation.**

- (1) The Utah State Office of Rehabilitation created in Section 35A-1-202 is designated as the licensing agency for the purpose of carrying out this chapter.
- (2) The Utah State Office of Rehabilitation shall:
  - (a) take necessary steps to carry out the provisions of this chapter;
  - (b) with the approval of the custodian having charge of the building, park or other property in which the vending stand or other enterprise is to be located, select a location for such stand or enterprise and the type of equipment to be provided;
  - (c) construct and equip stands where blind persons may be trained under the supervision of the Utah State Office of Rehabilitation to carry on a business as a vending stand operator;
  - (d) provide adequate supervision of each person licensed to operate vending stands or other enterprises to ensure efficient and orderly management; and
  - (e) make rules necessary for the proper operation of vending stands or other enterprises.

Amended by Chapter 271, 2016 General Session

##### **55-5-3 Issuance of licenses -- Preference to blind persons -- Duration and termination of license.**

The state licensing agency shall, in issuing each such license for the operation of a vending stand or other enterprise, give preference to blind persons who are in need of employment and who have resided for at least one year in the state of Utah. Each such license shall be issued for an indefinite period but may be terminated by the licensing agency if it is satisfied that the stand or enterprise is not being operated in accordance with the rules and regulations prescribed by such licensing agency.

No Change Since 1953

##### **55-5-4 "Blind person" defined -- Certification of blindness.**

As used in this act the term "blind person" means a person who is blind according to the definitions prescribed by the Division of Vocational Rehabilitation and expressed in terms of ophthalmic measurements. Such blindness shall be certified by duly state licensed ophthalmologist.

No Change Since 1953

**55-5-5 State policy -- Construction of provisions.**

It is the policy of this state to provide maximum opportunities for training blind or visually impaired persons, helping them to become self-supporting and demonstrating their capabilities. This act shall be construed to carry out this policy.

Amended by Chapter 73, 2001 General Session

**55-5-6 Definitions.**

As used in this chapter:

- (1) "Food service" includes restaurant, cafeteria, snack bar, vending machines for food and beverages, and goods and services customarily offered in connection with them.
- (2)
  - (a) "Public office building" means all county courthouses, all city or town halls, and all buildings used primarily for governmental offices of the state or any county, city, or town.
  - (b) "Public office building" does not include capitol hill facilities as defined in Section 63C-9-102, public schools, state colleges, or state universities.

Amended by Chapter 9, 2001 General Session

**55-5-7 Agencies to negotiate for food service with the Utah State Office of Rehabilitation -- Existing contracts.**

- (1) A governmental agency that proposes to operate or continue a food service in a public office building shall first attempt in good faith to make an agreement with the Utah State Office of Rehabilitation created in Section 35A-1-202 to operate the food service without payment of rent.
- (2) The governmental agency may not offer or grant to any other party a contract or concession to operate the food service unless the governmental agency determines in good faith that the Utah State Office of Rehabilitation is not willing to or cannot satisfactorily provide the food service.
- (3) This act may not impair any valid contract existing on the effective date of this act, and does not preclude renegotiation of a valid contract on the same terms and with the same parties.

Amended by Chapter 271, 2016 General Session

**55-5-8 Food service in exempt buildings.**

With respect to all state, county, and municipal buildings that are not subject to Section 55-5-7, the governmental agency in charge of the building shall consider allowing the Utah State Office of Rehabilitation created in Section 35A-1-202 to operate any existing or proposed food service in the building, and shall discuss the operation with the division under Section 35A-13-402 upon its request.

Amended by Chapter 271, 2016 General Session

## **Chapter 5a Blind Products Sales**

### **55-5a-1 Legislative purpose.**

The purpose of this act is to further the policy of this state to prohibit the sale, distribution, exhibition, advertisement or marketing of any products or services which are falsely represented to be blind-made and to prohibit solicitations which give the false impression of helping or representing the blind of Utah.

Enacted by Chapter 23, 1977 General Session

### **55-5a-2 Definitions.**

As used in this chapter:

- (1) "Blind" means an individual, or class of individuals, whose central acuity does not exceed 20/200 in the better eye with correcting lenses or whose visual acuity, if better than 20/200, is 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.
- (2) "Direct labor" means work required for preparation, processing and packing, other than supervision, administration, inspection, or shipping.
- (3) "Office" means the Utah State Office of Rehabilitation created in Section 35A-1-202.

Amended by Chapter 271, 2016 General Session

### **55-5a-3 Permit required to sell blind-made products or services or to make sales to help the blind and visually impaired.**

- (1) A person, group of persons, or organization may not by any means, sell, transfer, or otherwise dispose of goods, articles, or products to the public in this state that are labeled as made by the blind or sold as products of the blind without first securing a permit in writing from the office for each person selling or soliciting the sale of those goods, articles, or products.
- (2) A person, group of persons, or organization may not conduct or engage in any business in this state, if the word "blind" is used to designate its product's origin or manufacture or if it is used in such a manner as to indicate the services, goods, articles, or products that it provides are blind-made or provide help for the blind or visually impaired, unless a written permit is obtained from the office to do so.
- (3) A person, group of persons, or organization may not conduct any of the activities designated in this section using a name, trade name, logo, or other identifying mark or name that implies that the person, group of persons, or organization using the name is affiliated with or sponsored by the state or any of its agencies or subdivisions, when the person, group of persons, or organization is not sponsored or supported by the state or one of its agencies or subdivisions.

Amended by Chapter 271, 2016 General Session

### **55-5a-4 Issuance of permits -- Eligibility -- Fee -- Local license or permit.**

- (1) The office may adopt rules and regulations, prescribe procedures, adopt forms and applications, review applications for permits, and issue permits as required by Section 55-5a-3 subject to the following:
  - (a) A product shall be considered "blind-made" if 75% or more of the direct labor hours required for its manufacture are provided by the blind.
  - (b) A person or organization shall be considered to be selling blind-made products if 60% or more of the wholesale cost of the seller's average inventory of products is blind-made and the seller clearly differentiates by the use of labels or other markings between blind-made products and other products.
  - (c) Individuals or businesses are conducting sales by the blind if 75% or more of the direct labor hours in packaging, marketing, soliciting and making sales are provided by the blind.
  - (d) Upon receipt of appropriate documentation indicating qualification of a person or organization seeking a license under this act, the office shall issue permits for any one or combination of the following:
    - (i) sale of products manufactured by the blind;
    - (ii) sale of blind-made products by the blind; or
    - (iii) sale by the blind of products not made by the blind.
  - (e) No permit shall be issued by the office if the business name, trade name, or logo of the organization seeking the permit is similar to the name of or in any way implies an affiliation with or support of the state or one of its agencies or subdivisions if the organization is not so affiliated.
- (2) A fee of not more than \$5 shall be charged for the issuance and renewal of each permit that shall be valid for a period of one year unless earlier revoked for good cause shown.
- (3) No political subdivision of this state shall issue a license or permit to sell blind-made goods, articles, or products unless the person applying for that license or permit has first obtained a valid permit issued by the office.

Amended by Chapter 271, 2016 General Session

**55-5a-5 Application for permit -- Investigation -- Exception -- Appeal of denial.**

- (1) The office shall investigate each application for a permit to ensure that the person, group of persons, or organization is actually engaged in the manufacture or distribution of goods, articles, or products made by blind persons within the meaning of this act.
- (2) Notwithstanding Subsection (1), the office may issue permits without investigation to nonresident persons, groups of persons, or organizations upon proof that they are recognized and approved by the state in which they reside as authorized to sell such goods, articles, or products pursuant to a law of that state imposing requirements substantially similar to those prescribed by this act.
- (3) Anyone denied a permit may appeal the decision of the office to the executive director of the Department of Workforce Services or the executive director's designated agent.

Amended by Chapter 271, 2016 General Session

**55-5a-6 Violations -- Misdemeanor.**

- (1) The willful violation of this chapter by any officer, employee or agent of any political subdivision of this state, while acting in that capacity, is a class B misdemeanor.
- (2) The violation of Section 55-5a-3 is a class B misdemeanor.

Amended by Chapter 241, 1991 General Session