

1. Instruction conducted in a classroom, in the home, in hospitals and institutions, and in other settings; and
2. Instruction in physical education.

10:155-1.3 General requirements

(a)-(b) (No change.)

(c) To be eligible for assistance, a child must be a resident of the State of New Jersey. "Resident" means a person legally domiciled in New Jersey for a period of three months immediately preceding the date of application for assistance to the Fund.

1. A child's state of residence is that state in which the child resides, either with a parent or legal guardian, or alone if the child has reached the age of 18 or is emancipated from the care and custody of a parent or guardian.

2. Establishing proof of legal domicile within New Jersey is a responsibility of the parent or legal guardian of a child, or the child, if the child has reached the age of 18, or is emancipated from the care and custody of a parent or guardian. For the definition of domicile, see N.J.A.C. 9A:5-1.1.

3.-4. (No change.)

10:155-1.11 State Office responsibilities

(a) The State Office shall:

1. Screen applications to determine whether a child's eligible medical expenses meet the eligibility standard;

2.-8. (No change.)

## LAW AND PUBLIC SAFETY

### (a)

#### DIVISION ON CIVIL RIGHTS

#### Display of Official Posters of the Division on Civil Rights

#### Adopted Amendments: N.J.A.C. 13:8-1.1, 1.2, 1.3, 1.4, and 2.2

#### Adopted New Rule: N.J.A.C. 13:8-1.5

Proposed: March 21, 2022, at 54 N.J.R. 483(a).

Adopted: June 21, 2022, by Rosemary DiSavino, Deputy Director, New Jersey Division on Civil Rights.

Filed: July 6, 2022, as R.2022 d.099, **without change**.

Authority: N.J.S.A. 10:5-6, 10:5-8.g, 10:5-12, and 34:11B-6 and 16.

Effective Date: August 1, 2022.

Expiration Date: September 26, 2022.

#### Summary of Public Comment and Agency Response:

The official comment period ended on May 20, 2022. The Division on Civil Rights (DCR) received the comments from Shira Wisotsky, Esq., Law Fellow, American Civil Liberties Union of New Jersey (ACLU-NJ).

1. COMMENT: ACLU-NJ supports the proposed amendments at N.J.A.C. 13:8, as the rules would "expand the required locations for posters and the types of facilities in which employees would be informed of their rights." Generally, the ACLU commented that the proposed rule amendments will "aid workers, tenants, and community members in gaining access to the services they need and are entitled to without being limited by a lack of knowledge about their rights."

RESPONSE: DCR appreciates the comment and agrees that the proposed amendments would expand the required locations for posters and the types of facilities that are required to inform individuals of their rights.

2. COMMENT: The ACLU-NJ supports the proposed amendment at N.J.A.C. 13:8-1.2 requiring "qualifying organizations to display civil rights posters on websites accessible to their employees." ACLU-NJ identified this as a necessary amendment due to the COVID-19 pandemic.

RESPONSE: DCR appreciates the comment and agrees that the proposed amendments were drafted with the goal to allow for employers

who have shifted to a virtual workplace paradigm to ensure employees are informed of their rights pursuant to the New Jersey Law Against Discrimination (LAD).

3. COMMENT: The ACLU-NJ supports the proposed amendment at N.J.A.C. 13:8-1.5, stating that they "expand" the poster display requirements to all health care facilities "that are open to the public and provide healthcare services," and that they now require posters to be displayed "near every entrance and public waiting room." ACLU-NJ notes that there was "medical distrust" during the pandemic, and that the requirements imposed by the proposed amendments could "help mend this medical mistrust."

RESPONSE: DCR appreciates the comment and agrees that these new and amended rules authorize DCR to create and require health care entities to prominently display a "know your rights" poster specific to health care entities, in lieu of health care entities' preexisting obligation to display DCR's general place of public accommodation poster.

4. COMMENT: The ACLU-NJ also supports the proposed amendments at N.J.A.C. 13:8-1.3 that require landlords, property management companies, and cooperative and condominium associations to display posters on housing rights.

RESPONSE: DCR appreciates the comment and agrees that the rules were drafted so that rental tenants better understand their rights under the LAD.

5. COMMENT: ACLU-NJ supports the proposed amendment at N.J.A.C. 13:8-1.2 requiring that the poster be "available to all employees via either a widely available Internet site or through email, printed material, or internet/intranet site." ACLU-NJ commented that this amendment "will allow employees who telework access to necessary information."

RESPONSE: DCR appreciates the comment and agrees that the rules will increase access to information regarding employees' rights under the LAD, particularly for individuals who telework or work remotely.

#### Federal Standards Statement

The adopted new rule and amendments relate to compliance with the notice posting requirements in the LAD and New Jersey Family Leave Act (NJFLA). Accordingly, the adopted new rule and amendments are not intended to implement or comply with any program established under Federal law or pursuant to a State statute that incorporates or refers to Federal law, standards or requirements. However, the Division's adopted new rule and amendments are similar to Federal rules that require the posting of notices under various Federal laws. Accordingly, some persons and entities covered by the LAD and NJFLA's posting requirements are also required to post notices regarding unlawful discrimination or family leave under various Federal laws.

Specifically, 29 CFR 1601.30(a) requires employers and labor organizations, as defined at Title VII of the Civil Rights Act and by the Americans with Disabilities Act (ADA), to display posters that advise the public of the pertinent provisions of these Federal laws. Similarly, 24 CFR 110.10 and 110.25, promulgated pursuant to the Fair Housing Act, impose an obligation on persons who rent or sell real estate to display posters advising that it is a violation of Federal law to engage in unlawful housing discrimination based on race, color, religion, sex, national origin, handicap, or familial status. Moreover, Federal rules require certain State and local entities to disseminate information about the Americans with Disabilities Act (ADA). These rules include the posting of notices as one of several suggested means of meeting this requirement at 28 CFR 35.106. Further, the Federal Family and Medical Leave Act (FMLA) and its implementing rules require that employers covered by the FMLA post notices explaining the act's provisions and providing information concerning the filing of complaints. 29 U.S.C. § 2619 and 29 CFR 825.300.

Federal law includes various posting and dissemination requirements for hospitals. Most relevant here, Section 1557 of the Affordable Care Act requires health facilities receiving Federal financial assistance to post information about the Federal prohibition on discrimination on the basis of race, color, national origin, sex, age, or disability and the availability of language and disability assistance in conspicuous public locations.

The adopted new rule and amendments do not unnecessarily exceed or duplicate such Federal rules. Instead, the adopted new rules and

amendments articulate requirements to display posters that explain provisions of the LAD and NJFLA.

Accordingly, the Division's adopted new rule and amendments regarding the display and dissemination of official Division posters are necessary to further the statutory mandate to prevent and eliminate unlawful discrimination that violates the LAD and to fulfill the statutory notice requirements of the NJFLA. Although the requirement to display Division posters may reach individuals and entities that are also covered by corresponding Federal notice requirements described above, the LAD and NJFLA cover more individuals and entities pursuant to their respective definitions of "employer" and "health care entity" than their Federal counterparts. Moreover, there are significant differences in the coverage of Federal and State laws that are reflected in the contents of the Division's official posters.

**Full text** of the adoption follows:

#### SUBCHAPTER 1. LAW AGAINST DISCRIMINATION POSTERS

##### 13:8-1.1 Definitions

(a) The definitions set forth at N.J.S.A. 10:5-1 et seq. shall apply to this subchapter, in addition to the definitions stated below:

1. For purposes of this chapter, a "health care entity" means any place of public accommodation that acts as a "dispensary, clinic, or hospital," or that provides medical or health "services" (N.J.S.A. 10:5-5.1) including, but not limited to, any healthcare facility licensed pursuant to N.J.S.A. 26:2H-12.56; any health maintenance organization authorized to operate pursuant to N.J.S.A. 26:2J-2; any carrier that offers a managed care plan pursuant to N.J.S.A. 26:2S-2; a State or county psychiatric hospital, a State developmental center, or a staffing registry (N.J.S.A. 26:2H-12.2.b); any mental health facility or substance abuse treatment facility providing treatment services pursuant to N.J.S.A. 30:4-27.2; and any place open to the public where medical or health services are provided by an individual licensed pursuant to Title 45 of the New Jersey statutes (N.J.S.A. 45:1-34).

##### 13:8-1.2 Display of employment poster

(a) The Division shall publish an official employment poster.

(b) All labor organizations, employment agencies, and employers of employees covered by the Law Against Discrimination (N.J.S.A. 10:5-1 et seq.) shall display the official employment poster of the Division in places easily visible to all employees and applicants for employment. The official employment poster of the Division is available for downloading and printing on the Division's website, [www.njcivilrights.gov](http://www.njcivilrights.gov), or at any of the Division's offices. Any poster printed from the Division's website shall be printed on no smaller than letter size paper (8½ by 11 inches) and contain text that is fully legible and large enough to be easily read. Whenever the poster is modified, the Division shall issue and publicize a public notice consistent with N.J.A.C. 13:1E-4.4 to alert covered entities that a revised poster has been published and is available from the Division.

(c) Each employer covered by the Law Against Discrimination shall provide each employee with a written copy of the official employment poster:

1. Annually, on or before December 31 of each year; and
2. Upon the first request of an employee.

(d) In the event that an employer has an internet site or intranet site for use by its employees to which all employees have access and the employer customarily posts notices to affected employees or other affected individuals electronically on the site, posting of the official employment poster on the employer's internet site or intranet site shall satisfy the posting requirement set forth at (b) above.

(e) An employer shall make the written copy of the poster available to each worker pursuant to (c) above using one of the following methods:

1. By email delivery;
2. Through printed material, including, but not limited to, paycheck inserts; brochure or similar informational packet provided to new hires; an attachment to an employee manual or policy book; or flyer distributed at an employee meeting; or
3. Through an internet or intranet website, if the site is for the use of all employees, can be accessed by all employees, and the employer provides notice to the employees of its posting.

##### 13:8-1.3 Display of housing poster

(a) The Division shall publish an official sales and rentals housing poster and an official property management housing poster. If an entity engages in both the sale and rental of real property and engages in management of residential real property, the entity shall display both the official sales and rentals housing poster and the official property management housing poster, in places easily visible to all prospective tenants, purchasers, residents (including tenants or owners), and all prospective tenants and purchasers.

(b) All real estate brokers and all persons who engage in the business of selling or renting their own or others' real property shall display the official sales and rentals housing poster of the Division in places easily visible to all prospective tenants and purchasers.

1. For the purpose of this subsection, a person is not engaged in the business of selling real property solely because he or she sells, or attempts to negotiate the sale of, his or her own residence.

(c) All persons who are engaged in the management of residential real property, including, but not limited to, landlords, property management companies, and cooperative and condominium associations, shall display the official property management housing poster of the Division in places easily visible to all residents, whether tenants or owners, and all prospective tenants and purchasers.

(d) Each covered entity subject to the requirements at (c) above shall provide to the residents of each property managed by the covered entity, a written copy of the official property management housing poster:

1. Annually, on or before December 31 of each year; and
2. Upon the first request of a resident.

(e) In the event that a covered entity subject to the requirements at (c) above has an internet site or intranet site for use by residents of properties managed by the covered entities to which all residents have access and the entity customarily posts notices to affected individuals electronically on the site, posting of the official property management poster on the employer's internet site or intranet site shall satisfy the posting requirement set forth at (d) above.

(f) The official housing posters of the Division are available for downloading and printing on the Division's website, [www.njcivilrights.gov](http://www.njcivilrights.gov), or at any of the Division's offices. Any poster printed from the Division's website shall be printed on no smaller than letter size paper (8½ by 11 inches) and contain text that is fully legible and large enough to be easily read. Whenever the poster is modified, the Division shall issue and publicize a public notice consistent with N.J.A.C. 13:1E-4.4 to alert covered entities that a revised poster has been published and is available from the Division.

##### 13:8-1.4 Display of public accommodation poster; generally

(a) The Division shall publish an official public accommodation poster. In addition, the Division may publish official posters specific to particular categories of places of public accommodation, including, but not limited to, the categories identified at N.J.S.A. 10:5-5.1.

(b) All places of public accommodation shall display the official public accommodation poster of the Division in places easily visible to all persons seeking or using the accommodations.

(c) If the Division has created and made available on the Division's website one or more official posters specific to a particular category of place of public accommodation, including, but not limited to, the categories identified at N.J.S.A. 10:5-5.1, a place of public accommodation belonging to that category shall display, in lieu of the poster identified at (a) above, the category-specific posters in one or more places easily visible to all persons seeking or using the accommodations.

(d) All official public accommodations posters of the Division are available for downloading and printing on the Division's website, [www.njcivilrights.gov](http://www.njcivilrights.gov) or at any of the Division's offices. Any poster printed from the Division's website shall be printed on no smaller than letter size paper (8½ by 11 inches) and contain text that is fully legible and large enough to be easily read. Whenever a poster is modified, the Division shall issue and publicize a public notice consistent with N.J.A.C. 13:1E-4.4 to alert covered entities that a revised poster has been published and is available from the Division.

## 13:8-1.5 Public accommodation poster at health care entities

(a) Health care entities subject to the requirements in this section shall not be required to separately comply with the poster requirement at N.J.A.C. 13:8-1.4(b). This section shall apply only to health care entities with a physical place of business at which individuals are eligible to receive health care services.

(b) The Division shall publish one or more official health care entity posters.

(c) All health care entities shall display an official health care entity poster of the Division in places easily visible to all persons seeking or using the entities. Such places shall include, but need not to be limited to, a location near each entrance through which the public can enter or exit and all public waiting rooms. In addition to displaying the health care entity poster in those places required by this subsection, the health care entity may also choose to display the health care entity posters in other locations, including individual treatment rooms, or on a digitally accessible platform code (QR Code) posted in plain view around the entity.

(d) The Division may publish official posters specific to particular categories of health care entities, including, but not limited to, hospitals, outpatient offices, urgent care clinics, testing sites, and women's health centers.

(e) If the Division has created and made available on the Division's website, [www.njcivilrights.gov](http://www.njcivilrights.gov), one or more official posters specific to a particular category of health care entity, a health care entity belonging to that category shall display, in lieu of the poster identified at (d) above, one or more of such category-specific posters in the places identified at (c) above.

(f) All official health care entity posters of the Division are available for downloading and printing on the Division's website, [www.njcivilrights.gov](http://www.njcivilrights.gov), or at any of the Division's offices. Any poster printed from the Division's website shall be printed on no smaller than letter size paper (8½ by 11 inches) and contain text that is fully legible and large enough to be easily read. Whenever a poster is modified, the Division shall issue and publicize a public notice consistent with N.J.A.C. 13:1E-4.4 to alert covered entities that a revised poster has been published and is available from the Division.

13:8-1.6 (No change in text.)

## SUBCHAPTER 2. FAMILY LEAVE ACT POSTER

## 13:8-2.2 Display of Family Leave Act poster

(a) The Division shall publish an official Family Leave Act poster.

(b) All employers covered by the Family Leave Act (N.J.S.A. 34:11B-1 et seq.), whether or not they have any eligible employees pursuant to the act, shall display the official Family Leave Act poster of the Division in places easily visible to all employees. The official Family Leave Act poster of the Division is available for downloading and printing on the Division's website, [www.njcivilrights.gov](http://www.njcivilrights.gov), or at any of the Division's offices. Any poster printed from the Division's website shall be printed on no smaller than letter size paper (8 ½ by 11 inches) and contain text that is fully legible and large enough to be easily read. Whenever the poster is modified, the Division shall issue and publicize a public notice consistent with N.J.A.C. 13:1E-4.4 to alert covered employers that a revised poster has been published and is available from the Division.

(c) Each covered employer shall provide each employee with a written copy of the official Family Leave Act poster:

1. Annually, on or before December 31 of each year; and
2. Upon the first request of an employee.

(d) In the event that an employer has an internet site or intranet site for use by its employees to which all employees have access and the employer customarily posts notices to affected employees or other affected individuals electronically on the site, posting of the official Family Leave Act poster on the employer's internet site or intranet site shall satisfy the conspicuous posting requirement set forth at (b) above.

(e) An employer shall make the written copy of the poster available to each worker pursuant to (b) above using one of the following methods:

1. By email delivery;
2. Through printed material, including, but not limited to, paycheck inserts; brochure or similar informational packet provided to new hires;

an attachment to an employee manual or policy book; or flyer distributed at an employee meeting; or

3. Through an internet or intranet website, if the site is for the use of all employees, can be accessed by all employees, and the employer provides notice to the employees of its posting.

(a)

**DIVISION OF CONSUMER AFFAIRS  
ORTHOTICS AND PROSTHETICS BOARD OF  
EXAMINERS  
Notice of Readoption  
Orthotics and Prosthetics Board of Examiners  
Readoption: N.J.A.C. 13:44H**

Authority: N.J.S.A. 45:12B-26.

Authorized By: Orthotics and Prosthetics Board of Examiners, John Shimkus, Chair.

Effective Date: July 1, 2022.

New Expiration Date: July 1, 2029.

**Take notice** that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 13:44H were scheduled to expire on September 17, 2022. The rules establish standards for the licensing and regulation of orthotists, prosthetists, prosthetists-orthotists, orthotist assistants, prosthetist assistants, and prosthetist-orthotist assistants. In addition to rules on licensure, the chapter includes rules on scope of practice; established facility requirements; general obligations of licensees and certificate holders; unlicensed practice; business practices; professional conduct; advertising; client records; and fees charged by the Orthotics and Prosthetics Board of Examiners.

The Orthotics and Prosthetics Board of Examiners has reviewed the rules and has determined them to be necessary, reasonable, and proper for the purpose for which they were originally promulgated, as required by Executive Order No. 66 (1978). Therefore, pursuant to N.J.S.A. 45:12B-26, and in accordance with N.J.S.A. 52:14B-5.1.c(1), these rules are readopted without amendment and shall continue in effect for a seven-year period.

(b)

**DIVISION OF CONSUMER AFFAIRS  
CONTROLLED DANGEROUS SUBSTANCES  
Notice of Readoption  
Controlled Dangerous Substances Rules  
Readoption: N.J.A.C. 13:45H**

Authority: N.J.S.A. 24:21-3 and 24:21-9; and P.L. 2007, c. 244.

Authorized By: Cari Fais, Acting Director, Division of Consumer Affairs.

Effective Date: June 28, 2022.

New Expiration Date: June 28, 2029.

**Take notice** that the Director of the Division of Consumer Affairs (Division) is readopting N.J.A.C. 13:45H without change. These rules were scheduled to expire on August 5, 2022, pursuant to N.J.S.A. 52:14B-5.1.

Subchapter 1 sets forth the registration requirements related to controlled dangerous substances. Subchapter 2 sets forth security requirements to guard against theft and diversion of controlled dangerous substances. Subchapter 3 sets forth record labeling and packaging requirements for controlled dangerous substances. Subchapter 4 is a reserved subchapter. Subchapter 5 sets forth recordkeeping and reporting requirements for registrants. Subchapter 6 sets forth standards for ordering controlled dangerous substances, preserving used order forms, and