

By Mr. McNeil of Leicester, petition of Robert D. McNeil relative to granting permits to the Commission for the Blind to operate vending facilities in public buildings and on public property. State Administration.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Eighty-Two.

AN ACT RELATIVE TO GRANTING PERMITS TO THE COMMISSION FOR THE BLIND TO OPERATE VENDING FACILITIES IN PUBLIC BUILDINGS AND ON PUBLIC PROPERTY.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 6 of the General Laws is hereby amended by striking out  
2 section 133, inserted by chapter 535 of the acts of 1966, and  
3 inserting in place thereof the following sections:—

4 *Section 133* Definitions: The following words and phrases,  
5 wherever used in sections 133A to 133F inclusive, shall unless a  
6 different meaning clearly appears from the context have the fol-  
7 lowing meanings:

8 (1) "Blind Persons" means a person who, after examination by  
9 a physician or by an optometrist, whichever such person shall  
10 select, has been determined to have

11 (a) not more than 20/200 central visual acuity in the better eye  
12 with correcting lenses, or

13 (b) an equally disabling loss of the visual field as evidenced by a  
14 limitation to the field of vision in the better eye to such a degree  
15 that its widest diameter subtends an angle of no greater than 20%.

16 (2) "Commission" means the Massachusetts Commission for the  
17 Blind.

18 (3) "Commissioner" means the Commissioner of the Massachu-  
19 setts Commission for the Blind.

20 (4) "Jurisdiction" means the control of the maintenance, opera-  
21 tion and protection of public buildings and property of the Com-  
22 monwealth.

23 (5) "Public Buildings or Property" means any building, land, or  
24 other real property owned by any department or agency of the  
25 Commonwealth of Massachusetts, or any counties thereof, with  
26 the exception of any building, land, or other real property under  
27 the jurisdiction of any state college, state university, or state  
28 institution of higher learning.

29 Notwithstanding any special or General Laws to the contrary.

30 (6) "Vending Facility" means snack bars, cart service, shelters,  
31 counters, and such other appropriate auxiliary equipment which  
32 may be operated by blind licensees and which is necessary for the  
33 sale of newspapers, periodicals, confections, tobacco products,  
34 foods, beverages, and other articles or services dispensed automat-  
35 ically or manually and prepared on or off the premises in accord-  
36 ance with all applicable health laws, and including the vending or  
37 exchange of chances for any lottery authorized by State law, and  
38 conducted by any agency of the State.

39 (7) "Vendor" means a blind person licensed by the Commission  
40 for the Blind to operate a vending facility under the terms of the  
41 Randolph-Shepard Act.

42 (8) "Randolph-Shepard Act" means the Randolph-Shepard  
43 Vending Stand Act (Pub.L. 74-732) as amended by Pub.L. 83-565  
44 and Pub.L. 93-516, 20 U.S.C. Ch. 6A, Sec. 107.

45 (9) "Randolph-Shepard Vending Facilities Program" means the  
46 program for the operation of vending facilities by blind persons  
47 established by the Randolph-Shepard Act.

48 (10) "State Licensing Agency" means the state agency designated  
49 by the Commissioner of the Rehabilitation Services Administra-  
50 tion under the regulations implementing the Randolph-Shepard  
51 Act to issue licenses to blind persons for the operation of vending  
52 facilities on federal and and other property.

53 *Section 133A. Assuring Preference to Blind Persons:* The officer,  
54 board or other authority in charge of any buildings or property of  
55 the Commonwealth, or any counties thereof, with the exception of  
56 any building, land, or other real property under the jurisdiction of  
57 any state college, state university, or state institution of higher  
58 learning. Notwithstanding any special or General Laws to the  
59 contrary thereof:

60 (1) Shall adopt such policies and take such actions as may be  
61 necessary to assure that blind persons licensed by the Commission  
62 for the Blind will be given preference in the establishment and  
63 operation of vending facilities on property under their jurisdiction.

64 (2) Shall cooperate with the Commission in surveys of property  
65 and buildings under their control in order to find suitable locations  
66 for the operation of vending facilities by blind persons, and after it  
67 has been determined that there is need for a vending facility and  
68 after the Commission has determined that such a facility may be  
69 properly and satisfactorily operated by a blind person, shall coop-  
70 erate with the Commission in the installation of such vending  
71 facility.

72 (3) Shall no later than December thirty-first, nineteen hundred  
73 and seventy-nine, notify the Commission in writing of any and all  
74 existing locations where vending facilities might be operated by the  
75 Commission under the Randolph-Shepard Vending Facility Pro-  
76 gram.

77 (4) Shall no less than thirty days prior to the reactivation or  
78 licensing for the operation of any vending facility inform the  
79 Commission of such contemplated action.

80 *Section 133B. Powers and Duties of the Commission. In car-*  
81 *ring out the provisions of this Act, the Commission:*

82 (1) Shall prescribe such regulations as are consistent with the  
83 Randolph-Shepard Act and may be necessary to carry out the  
84 purposes of this Act.

85 (2) Shall conduct surveys to find locations where vending facili-  
86 ties may be properly and satisfactorily operated by blind persons  
87 who are participants in the Randolph-Shepard Vending Facilities  
88 Program and shall establish vending facilities as it deems appropri-  
89 ate.

90 (3) Shall provide such management and supervisory services as  
91 it deems necessary to assure that each vending facility will operated  
92 in the most effective and productive manner possible.

93 (4) Shall provide plans and specifications for proposed vending  
94 facilities and equipment to the appropriate officer, board or au-  
95 thority for approval prior to installation, which approval shall not  
96 be unreasonably withheld.

97 (5) Shall take any such other action as the Commissioner may  
98 deem necessary or appropriate to carry out the purposes of this act.

99 *Section 133C. Construction, Remodeling of Public Buildings,*



100 Planning for Vending Stands: To effectuate further the purposes of  
101 this act, when new construction, remodeling, leasing, acquisition  
102 or improvement of public buildings or properties with the excep-  
103 tion of any building, land, or other real property under the  
104 jurisdiction of any state college, state university, or state institution  
105 of higher learning is authorized, the agency directing such con-  
106 struction, remodeling, leasing, acquisition or improvement, shall,  
107 when plans include provisions to dispense food products, make  
108 available suitable space and facilities for vending facilities to be  
109 operated therein by blind persons licensed by the Commission for  
110 the Blind pursuant to the provisions of this act.

111 *Section 133E.* Notwithstanding any special or General Laws to  
112 the contrary no rental or other charge shall be demanded, assessed,  
113 exacted, required or received for the granting of authority to a  
114 vendor licensed by the Commission for the Blind to operate a  
115 vending facility pursuant to the provisions of this act.

116 *Section 133F.* Saving Clause: In buildings and properties where  
117 a vending facility now exists the present operator shall not be  
118 removed but if and when such operator ceases to operate such  
119 vending facility or when any existing lease expires, the authority  
120 for further operation shall be granted to the Commission for the  
121 Blind.