

By Mr. Spartichino of Cambridge, petition of Charles Little for legislation relative to granting permits to blind persons to operate vending stands in public buildings. Public Welfare.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Sixty-Five.

AN ACT RELATIVE TO GRANTING PERMITS TO BLIND PERSONS TO OPERATE VENDING STANDS IN PUBLIC BUILDINGS.

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

1 1. Chapter 69 of the General Laws is hereby amended by  
2 striking out section 24A, as most recently amended by chapter  
3 336 of the acts of 1962, and inserting in place thereof the fol-  
4 lowing 8 sections:—

5 *Section 24A. Definitions.*—As used in section twenty-four  
6 B to twenty-four H inclusive, the following words shall have  
7 the following meanings:—

8 (1) “Blind person,” shall mean a person having a central  
9 visual acuity of 20/200 or less in the better eye with cor-  
10 rection or a disqualifying field defect in which the peripheral  
11 field has contracted to a radius of ten degrees or less regardless  
12 of visual acuity.

13 (2) “Vending stand”, shall mean such shelters, shelving, dis-  
14 play and wall cases, refrigerating apparatus and other appro-  
15 priate auxiliary equipment as are necessary or are customarily  
16 used for the vending of such articles as the officer, board or  
17 other authority approves.

18 (a) Manual or coin-operated vending machines or similar  
19 devices dispensing food, confections, tobacco products, coffee,  
20 tea, milk, soft drinks and such other articles as may be ap-  
21 proved by the aforesaid officer, board or other authority.

22 (b) Snack bar facilities for the dispensing of foodstuffs and  
23 beverages.

24 (3) “Operator” shall mean the individual blind person duly

25 licensed by the division of the blind who personally operates  
26 the vending stand.

27 (4) "Public building or property," shall mean any building,  
28 land or other real property owned, leased or occupied by any  
29 department, agency or authority of the commonwealth of Mas-  
30 sachusetts or any of its political subdivisions thereof.

31 (5) "Division", shall mean the Massachusetts division of  
32 the blind in the department of education.

33 (6) "Director", shall mean the director of the Massachusetts  
34 division of the blind.

35 (7) "Licensing agency", shall mean the Massachusetts di-  
36 vision of the blind which is the state agency designated by the  
37 Vocational Rehabilitation Administration in the United States  
38 Department of Health, Education and Welfare to issue li-  
39 censes to blind persons for the operation of vending stands.

40 (8) "Jurisdiction", shall mean the control of the mainte-  
41 nance, operation and protection of public buildings and prop-  
42 erty of the commonwealth or of any of its political subdivi-  
43 sions.

44 *Section 24B. Assuring Preference to Blind Persons.* — The  
45 officer, board or other authority in charge of any buildings or  
46 property of the Commonwealth, or of any county, city or town  
47 thereof:—

48 (1) Shall adopt such policies and take such actions as may  
49 be necessary to assure that blind persons licensed by the di-  
50 vision of the blind will be given preference in the establish-  
51 ment and operation of vending stands on property under their  
52 jurisdiction.

53 (2) Shall co-operate with the division in surveys of prop-  
54 erty and buildings under their control in order to find suitable  
55 locations for the operation of vending stands by blind persons,  
56 and after it has been determined that there is need for a vend-  
57 ing stand and after the division has determined that such a  
58 stand may be properly and satisfactorily operated by a blind  
59 person, shall co-operate with the division in the installation of  
60 such vending stand.

61 (3) Shall, for the purpose of achieving and protecting the  
62 preference of blind persons in the operation of vending stands  
63 as contemplated by this act, arrange for the assignment of the  
64 income derived from vending machines located within reason-

65 able proximity to and in direct competition with a vending  
66 stand, for which authority has been granted pursuant to this  
67 act, to the vending stand operator or operators affected. If a  
68 vending machine vends articles of a type authorized for vend-  
69 ing pursuant to this act, and is so located that it attracts cus-  
70 tomers who would, otherwise, patronize the vending stand,  
71 such machine will be considered to be in reasonable proximity  
72 to and in direct competition with the vending stand.

73 (4) Shall, if there is no licensed blind stand operator in the  
74 building, cause the commissions from vending machine sales  
75 to be assigned to the division of the blind which shall deposit  
76 such commissions in a separate fund to be used for the repair  
77 and maintenance of stands, construction of new stands, pur-  
78 chase of equipment and to defray the cost of wages paid to  
79 persons hired to operate any stand in emergencies.

80 (5) Shall no later than June thirtieth, nineteen hundred  
81 and sixty-five, notify the division in writing of any and all  
82 existing locations where vending stands might be operated by  
83 blind persons.

84 (6) Shall no less than thirty days prior to the reactivation  
85 or licensing for the operation of any vending stand inform the  
86 division of such contemplated action.

87 (7) Shall inform the division of any locations where such  
88 vending stands are planned or might be operated in or about  
89 other public buildings or properties as may now or thereafter  
90 come within the jurisdiction of any department, agency or  
91 authority of the commonwealth or of any of its political sub-  
92 divisions, such information to be given not less than thirty  
93 days prior to licensing for the operation of any vending stand  
94 in such public buildings or on such property.

95 *Section 24C. Powers and Duties of the Division.* — In carry-  
96 out the provisions of this act the division: —

97 (1) Shall prescribe regulations governing:

98 (a) Personnel standards;

99 (b) Eligibility for licensing of blind persons as vending  
100 stand operators;

101 (c) Title to vending stand equipment and the interest in  
102 stocks of merchandise;

103 (d) The protection of records and confidential informa-  
104 tion;

105 (e) Procedures for fair hearings.

106 (2) Shall prescribe such other regulations as may be neces-  
107 sary to carry out the purposes of this act.

108 (3) Shall conduct surveys to find locations where vending  
109 stands may be properly and satisfactorily operated by blind  
110 persons and shall establish vending stands as it deems appro-  
111 priate.

112 (4) Shall provide such management and supervisory serv-  
113 ices as are deemed necessary to assure that each such vending  
114 stand will be operated in the most effective and productive  
115 manner possible.

116 (5) Shall provide plans and specifications for proposed  
117 vending stands and equipment to the appropriate officer,  
118 board or authority for approval prior to installation.

119 (6) Shall take any such other action as may be necessary  
120 or appropriate to carry out the purposes of this act.

121 *Section 24D. Construction, Remodeling of Public Buildings,*  
122 *Planning for Vending Stands.* — To effectuate further the  
123 purposes of this act, when new construction, remodeling,  
124 leasing, acquisition or improvement of public buildings or  
125 properties is authorized, the agency directing such construc-  
126 tion, remodeling, leasing, acquisition or improvement, shall,  
127 when the size of the building or properties warrants, make  
128 available suitable space and facilities for vending stands to  
129 be operated therein by blind persons licensed by the division  
130 of the blind pursuant to the provision of this act.

131 *Section 24E. Construction of Buildings by the Division of*  
132 *the Blind.* — If a suitable location is available for a vending  
133 stand which requires the construction of a portable building,  
134 the division may construct such a building and may have the  
135 use of such land to construct said building.

136 *Section 24F. Vending Stand Operator Exempt from Li-*  
137 *cense Fee, Rental or Other Charge.* — No license fee, rental  
138 or other charge shall be demanded, assessed, exacted, required  
139 or received for the granting of authority to a blind person  
140 licensed by the division of the blind to operate a vending  
141 stand pursuant to the provisions of this act.

142 *Section 24G. Correctional, Mental and Certain Education*  
143 *Institutions.* — The provisions of this act shall not apply nor  
144 authorize the installation of vending stands in any buildings  
145 wholly used by any correctional or mental institution or by

146 any educational institution of any type supported in whole  
147 or in part from public funds unless such educational institu-  
148 tions is of university, college or junior college grade.

149 *Section 24H. Saving Clause.* — In buildings and properties  
150 where a vending stand now exists the present operator shall  
151 not be removed but if and when such operator ceases to  
152 operate such vending stand or when any existing lease ex-  
153 pires, the authority for further operation shall be granted to  
154 the division of the blind.



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