

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 1280
HOUSE BILL 1599

AN ACT TO PROVIDE THAT VISUALLY HANDICAPPED PERSONS SHALL BE GRANTED PREFERENCE IN THE OPERATION OF VENDING FACILITIES ON STATE PROPERTY.

The General Assembly of North Carolina enacts:

Section 1. Chapter 111 of the General Statutes is hereby amended by adding a new Article 3 thereto:

"Article 3.

"Operation of Vending Facilities on State Property.

"§ 111-41. Preference to visually handicapped persons in operation of vending facilities; responsibility of Department of Human Resources. — In order to promote the employment and the self-sufficiency of visually handicapped persons in North Carolina, State agencies shall upon the request of the Department of Human Resources give preference to visually handicapped persons in the operation of vending facilities on State property. The Department of Human Resources shall encourage and assist the operation of vending facilities by visually handicapped persons.

"§ 111-42. Definitions as used in this Article. — (1) 'Regular Vending Facility' means a vending facility where food preparation or cooking is not done on the State property.

(2) 'State agency' means department, commission, agency or instrumentality of the State.

(3) 'State property or State building' means building and land owned, leased, or otherwise controlled by the State, exclusive of schools, colleges and universities, the North Carolina State Fair, and the State Legislative Building.

(4) 'Vending facility' includes a snack bar, cafeteria, restaurant, cafe, concession stand, vending stand, cart service, or other facilities at which food, drinks, novelties, newspapers, periodicals, confections, souvenirs, tobacco products or related items are regularly sold.

(5) 'Visually handicapped' means a person who is totally blind or whose vision with glasses is so defective as to prevent the performance of ordinary activity for which eyesight is essential and who is registered pursuant to G.S. 111-4.

"§ 111-43. Installation of coin operated vending machines. — In locations where the Department determines that a vending facility may not be operated or should not continue to operate due to insufficient revenues, the Department shall have the first opportunity to secure, by negotiation of a contract with one or more licensed commercial vendors, coin operated vending machines for the location. Profits from coin operated vending machines secured by the Department shall be used by the Department for the support of vending facilities operated by the visually handicapped.

"§ 111-44. Location and services provided by State agency. — If the Department of Human Resources shall determine that a location is suitable for the operation of a vending facility by a visually handicapped person, the State agency with authority over the location shall provide proper space, plumbing, lighting, and electrical outlets for the vending facility in the original planning and construction, or in alteration and renovation of present location. The State agency shall provide necessary utilities, janitorial services and garbage disposal for the operation of the

vending facility. Space for the vending facilities and service therefor shall be provided without charge.

"§ 111-45. **Duty of State agency to inform Department.** — It shall be the duty of the State agencies to inform the Department of existing and prospective locations for vending facilities and coin operated vending machines and to prescribe regulations (upon request of the Department) to promote the successful operation of the vending facilities of the visually handicapped.

"§ 111-46. **Vending facilities operated by those other than visually handicapped persons.** — Where vending facilities on State property are operated by those other than the visually handicapped persons on the date of enactment of this Article, the contract of these vending facilities shall not be renewed or extended unless the Secretary of the Department of Human Resources is notified thereof and he determines within 30 days of such notification that the vending facilities are not, or cannot become, suited for operation by the visually handicapped. However, if the Secretary of the Department of Human Resources within 30 days of the date of such notification fails to provide for the operation of the vending facilities by the visually handicapped, the existing contract may be renewed or extended.

"§ 111-47. **Exclusions.** — This Article is not intended to cover food services provided by hospitals or residential institutions as a direct service to patients, inmates, trainees, or otherwise institutionalized persons.

"§ 111-48. This act shall not prohibit the continued use of coin operated vending machines currently the property of the Division of Services for the Blind of the Department of Human Resources and now part of the vending stand program.

"§ 111-49. **Severability.** — If any provision of this Article or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this Article are declared to be severable."

Sec. 2. This act shall become effective July 1, 1974.

In the General Assembly read three times and ratified, this the 11th day of April, 1974.