CHAPTER 53

Products Made by Blind Persons

**SECTION 39‑53‑10.** Definitions.

 As used in this chapter unless the context otherwise requires:

 (1) A “blind‑made product” shall be one which in its manufacture and packaging involves not less than seventy‑five percent of blind workers of the total personnel engaged in the direct labor of manufacturing and packaging of the product.

 (2) A “blind person” shall be one who has visual acuity not to exceed twenty‑two hundredths in the better eye with correcting lenses or visual acuity greater than twenty‑two hundredths but with a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than twenty degrees.

HISTORY: 1962 Code Section 71‑300.2; 1972 (57) 2463.

CROSS REFERENCES

The Commission for the Blind, see Section 43‑25‑10.

Interference with rights of the blind, see Section 43‑33‑40.

**SECTION 39‑53‑20.** Exceptions to Section 39‑53‑10.

 The provisions of Section 39‑53‑10 shall not apply to the sale, or the offer to sell, merchandise or products known as “blinds,” nor to persons whose given individual names are “Blind.”

HISTORY: 1962 Code Section 71‑300.3; 1972 (57) 2463.

**SECTION 39‑53‑30.** Falsely representing products to be blind‑made products shall be unlawful.

 It shall be unlawful for any person to sell, or offer to sell, any merchandise or other products, which are represented to be blind‑made products, unless the merchandise or other products have been actually made or manufactured by blind persons.

HISTORY: 1962 Code Section 71‑300.1; 1972 (57) 2463.

**SECTION 39‑53‑40.** Commission for the Blind shall verify articles sold.

 The Commission for the Blind (Commission) shall verify that every article sold by any person meets the prescribed standards set forth herein and that such article be listed with the Commission.

HISTORY: 1962 Code Section 71‑300.4; 1972 (57) 2463.

**SECTION 39‑53‑50.** Certain information shall be submitted by vendors of blind‑made products; removal of inferior merchandise from sale.

 Each applicant shall submit at the time of initial application, and at least annually thereafter, or whenever required by the Commission, a list and description itemizing each finished product including the sale price, and source of production, which he intends to sell as a “blind‑made product.” The Commission may request the vendor to submit individual items or the manufacturing site for examination. The Commission may also require a registered vendor to remove inferior merchandise from sale to the public. Failure to comply with such a requirement will result in suspension of the permit.

HISTORY: 1962 Code Section 71‑300.5; 1972 (57) 2463.

**SECTION 39‑53‑60.** Vendors organized to sell blind‑made products shall not stock merchandise not made by blind.

 Vendors organized to sell blind‑made products shall not carry in stock or sell merchandise which is not made or identified as having been made by blind persons. Such vendors shall not be eligible for registration or license under this chapter.

HISTORY: 1962 Code Section 71‑300.6; 1972 (57) 2463.

**SECTION 39‑53‑70.** Official labels for blind‑made products.

 To facilitate identification of products made by blind persons, any person engaged in the manufacture, distribution or sale of blind‑made products shall apply to the Commission for a permit to use an official label approved by the Commission to identify each product made by a blind person.

HISTORY: 1962 Code Section 71‑300.7; 1972 (57) 2463.

**SECTION 39‑53‑80.** Investigation of applicants by Commission.

 Each person making application shall be investigated by the Commission and required to provide such information, in such form as the Commission may require, to determine if such person is engaged in the manufacture or distribution of blind‑made products.

HISTORY: 1962 Code Section 71‑300.8; 1972 (57) 2463.

**SECTION 39‑53‑90.** Blind‑made products shall be labeled.

 Any blind craftsman or any person registered with the Commission who is engaged in the manufacture or distribution of blind‑made products shall be required to imprint or otherwise affix labels thereto containing the words “made or manufactured by a blind workman,” or similar words, to which shall be added the name of the manufacturer, the place of manufacture and such other information as the Commission may prescribe. No blind‑made products shall be sold unless the product is identified by such label or imprint. Any person may request in writing for a hearing before the Commission.

HISTORY: 1962 Code Section 71‑300.9; 1972 (57) 2463.

**SECTION 39‑53‑100.** Sale representatives shall carry credentials.

 Sale representatives calling upon the public to sell or deliver blind‑made products shall carry an identification as prescribed by the Commission indicating the name and address of the organization, the name of the individual representative, a description of the individual and a photograph and the registration number indicating that this is a sales permit for products made by a blind craftsman.

HISTORY: 1962 Code Section 71‑300.10; 1972 (57) 2463.

**SECTION 39‑53‑110.** Licensing of nonresidents from states having similar requirements.

 The Commission may register and license without investigation, nonresident persons purporting to manufacture blind‑made products, provided it has received proof that such person is approved by the state of his residence and has requirements substantially similar to those prescribed in this chapter.

HISTORY: 1962 Code Section 71‑300.10:1; 1972 (57) 2463.

**SECTION 39‑53‑120.** Applications by nonresidents from states not having similar requirements.

 In the absence of such provision in another state the applicant shall furnish written evidence from the agency for blind in the state of origin, or from other sources acceptable to the Commission, a notarized statement or affidavit that the product to be sold is in fact blind‑made and otherwise meets the requirements set forth in this chapter.

HISTORY: 1962 Code Section 71‑300.10:2; 1972(57) 2463.

**SECTION 39‑53‑130.** Persons exempt from payment of fees.

 No fee shall be charged for the registration and licensing of an individual blind person who manufactures and sells products of his own labor.

HISTORY: 1962 Code Section 71‑300.10:3; 1972 (57) 2463.

**SECTION 39‑53‑140.** Annual registration fee; renewal of license.

 An annual fee of ten dollars shall be charged and collected at the time of registration of any other person. All such registrations shall be valid for one year from the date of issue and requests for renewal shall be submitted at least sixty days prior to its due date. Licenses not renewed as set forth herein may have their renewal date delayed at least two hundred and thirty days.

HISTORY: 1962 Code Section 71‑300.10:4; 1972 (57) 2463.

**SECTION 39‑53‑150.** Suspension of license.

 Upon receipt of evidence indicating noncompliance with the requirements of this chapter, the Commission may suspend the vendor’s registration and license. A hearing on the suspension shall be held within ten days after official notice and decision shall be rendered within twenty days after the hearing. During the period of suspension the vendor shall desist from further sales of blind‑made products.

HISTORY: 1962 Code Section 71‑300.10:5; 1972 (57) 2463.

**SECTION 39‑53‑160.** Soliciting money contributions by licensed vendor is prohibited.

 Use of registration and license to solicit or receive money contributions by any person selling blind‑made products is prohibited and such person shall have his license to sell such products suspended for ninety days for an initial offense and indefinitely for a second or subsequent offense.

HISTORY: 1962 Code Section 71‑300.10:6; 1972 (57) 2463.

**SECTION 39‑53‑170.** Chapter shall not be applicable to certain organizations.

 The provisions of this chapter shall not apply to, nor in any way prevent, any civic or service organization from selling products, the net proceeds of which are intended for the benefit of the blind.

HISTORY: 1962 Code Section 71‑300.10:7; 1972 (57) 2463.

**SECTION 39‑53‑180.** Penalties.

 Any person who violates the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed one hundred dollars or by imprisonment for a term not to exceed thirty days.

HISTORY: 1962 Code Section 71‑300.10:8; 1972 (57) 2463.