proposed amendments were drafted with the goal to allow for employers 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 meet 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. 26:21-2; any carrier that offers a managed care plan pursuant to N.J.S.A. 26:28-2; 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, 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 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) An employer who 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 to 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. 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.
(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, 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 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, 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 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, 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,
   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, 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 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;
   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
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
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

NEW JERSEY REGISTER, MONDAY, AUGUST 1, 2022 (CITE 54 N.J.R. 1555)