facility or executive director of an agency and Community Services Administrator.

(c) Any change in the membership of the Committee shall be reported to the Community Services Administrator within 30 days.

10:41A-6.4 Notification of agency HRC meetings

The agencies shall provide a schedule of the agency HRC meetings to the Community Services Administrator and shall notify the Community Services Administrator immediately of any emergency meetings.

10:41A-6.5 Minutes of meetings

(a) The minutes of agency HRC meetings shall be forwarded to the Community Services Administrator for review in accordance with N.J.A.C. 10:41A-5.2.

(b) A copy of the agency HRC minutes is to be available for review by Division staff as authorized by the Assistant Commissioner.

(c) (No change.)

INSURANCE

(a)

DEPARTMENT OF BANKING AND INSURANCE
OFFICE OF CONSUMER PROTECTION SERVICES
Insurance Producers Standards of Conduct; Marketing Activities for Which a Person Must Be Licensed as an Insurance Producer
Unfair Trade Practices
Adopted Amendments: N.J.A.C. 11:17A-1.2 and 2.3

Proposed: June 19, 2017, at 49 N.J.R. 1658(a).
Adopted: October 26, 2017, by Richard J. Badolato, Commissioner, Department of Banking and Insurance.
Filed: October 26, 2017, as R.2017 d.202, **with non-substantial changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 17:1-8.1, 17:1-15.e, and 17:22A-26 et seq.
Effective Date: November 20, 2017.
Expiration Date: August 14, 2024.

Summary of Public Comments and Agency Responses:

The Department of Banking and Insurance (Department) timely received written comments from the following:

1. Fox Rothschild, LLP;
2. NJM Insurance Group;
3. The Professional Insurance Agents of New Jersey;
4. McCormick and Priore, P.C.;
5. Family Focus Financial Group;
6. The American Insurance Association;
7. Allstate New Jersey Insurance Company;
8. The Internet Association;
9. New Jersey Land Title Association; and
10. The Insurance Council of New Jersey.

COMMENT: All of the commenters supported, in whole or in part, the proposed amendments, with several of those commenters expressing concerns with certain aspects of the rulemaking, as set forth in subsequent comments.

RESPONSE: The Department appreciates the support of its rulemaking.

COMMENT: One commenter requested that the rules be revised to clarify that only offers that are conditioned upon the sale of insurance, that is, an offer for an item of value in exchange for the purchase or renewal of an insurance policy, are prohibited by the rules.

Similarly, another commenter requested that the Department clarify that under the enabling statutes, in order for an act to be considered a prohibited rebate or inducement, the item of value that was provided to the insured or potential insured must be outside the provisions of the insurance contract, and it must have been provided conditionally upon the purchase or renewal of an insurance policy. The commenter suggested that N.J.A.C. 11:17A-2.3 be revised to include the following language "So long as the item of value that was provided is not conditioned upon the purchase or renewal of an insurance policy, the act shall not be deemed to violate this regulation."

RESPONSE: Upon review, the Department has determined that no change is required. The purpose of the proposed amendments is to codify the provisions of Bulletin No. 11-22 regarding permitted and prohibited activities with respect to rebates and inducements, as well as to increase the existing monetary threshold from $25.00 to $100.00. N.J.A.C. 11:17A-2.3(a) states the following: "No insurance producer shall offer, make or give, or permit to be offered, made or given, to any person directly or indirectly, an inducement to purchase insurance other than that plainly expressed in the insurance contract." The rules as they exist now do not limit providing "inducements" only to cases where the provision of the consideration is conditioned upon the purchase of insurance. Indeed, the purpose of prohibiting inducements is to prohibit producers (and others) from offering consideration to unfairly "sway" a prospective insured's decision whether to purchase insurance. An impermissible inducement arises if a producer offers something to a prospective or actual consumer that is valued above $100.00 (and not otherwise exempted by the rules) to enable the opportunity for the producer to engage in the sale, solicitation, or negotiation of insurance. In these circumstances, the producer is attempting to induce the purchase of an insurance product through the provision of the thing of value. Purchase of the insurance is not necessary to find an inducement. In sum, the suggestion by the commenter would expand permitted activities beyond those currently allowed and is inconsistent with the plain meaning of inducement, that is, a thing of value that could persuade or influence someone to do an act.

COMMENT: Several commenters expressed concern with proposed N.J.A.C. 11:17A-2.3(h), which provides that services or monetary benefits provided for free or at a discounted price that inure to the personal benefit of the person and that are largely extraneous to the coverage being purchased or the insurance services being provided by an insurance producer, or services offered in a discriminatory manner as an inducement to write or move business, shall be deemed a prohibited rebate(s) or inducement(s). Examples of such services or benefits that the Department would consider prohibited rebates or inducements include:

1. Payments of cash or cash equivalents of greater than $100.00;
2. Provision of tickets to a concert or event with a value greater than $100.00; and
3. COBRA, HRA, HSA, and FSA-administration services offered only to new customers who agree to change producers or insurers, which are not otherwise provided to in-force accounts.

One commenter stated that the initial sentence of subsection (h) is confusing and could be interpreted in several different ways. In addition, the commenter stated that the three examples listed are unnecessary because the definition of "inducement" clearly includes each.

Another commenter stated that the language is unnecessary because it does not clarify an ambiguity and could cause more ambiguity. The commenter stated that the definition of "inducement" (both the current and the proposed definition) is clear in that it encompasses anything that has a "cost" or "redeemable value greater than" the threshold amount. This commenter stated that, unlike proposed N.J.A.C. 11:17A-2.3(g), which lists acceptable services and offerings that were susceptible to inconsistent treatment under the original rules, and that are exceptions to the general rule, proposed N.J.A.C. 11:17A-2.3(h) only provides examples of prohibited offerings that fit squarely within the definition of "inducement." Further, the commenter believed that the explanatory sentence that precedes these examples tends to add ambiguity as opposed to clarification (for example, the commenter questioned whether only services that have a value in excess of the threshold and that are "offered in a discriminatory manner" would be prohibited under the rule).

Another commenter suggested that N.J.A.C. 11:17A-2.3(h) be revised to read as follows (suggested additions in boldface):

Services or monetary benefits provided for free or a discounted price that inure to the personal benefit of the **person, that** are

largely extraneous to the coverage being purchased or the insurance services being provided by an insurance producer, **and are** offered in a discriminatory manner as an inducement to write or move business shall be a prohibited rebate(s) inducement(s)….

The commenter believed that the existing anti-rebating laws permit integrated business models, so long as the consumer is not obligated in any way to engage in an insurance transaction in order to enjoy free or discounted non-insurance products and services. The commenter believed that in the current form, the proposed amendments could be read to categorically prohibit giving free or discounted services that are not incidental to being an insurance producer, even if offered in a non-discriminatory manner.

RESPONSE: Upon review of the comments, the Department has determined that no change is required. The Department does not agree with the comments that N.J.A.C. 11:17A-2.3(h) is unnecessary. As noted previously, and in the notice of proposal Summary, the purpose of the proposed amendments is to codify Bulletin No. 11-22. The language in the rule reflects the language in the Bulletin. The Department also does not agree that the provision is not necessary because it merely lists items that are prohibited. The Department believes that in identifying certain activities that previously could have been construed as a prohibited "inducement" or "rebate," it is appropriate to identify those items that the Department continues to construe as prohibited inducements or rebates. The Department, thus, believes that inclusion of this language is not confusing and is necessary to avoid ambiguity and specifically reinforce and confirm that certain activities continue to be prohibited.

With respect to the question whether services are only prohibited if they exceed the threshold dollar amount and are provided in a discriminatory manner, the Department notes that the prohibition applies if the dollar value exceeds $100.00 **or** the item is provided in a discriminatory manner, regardless of its value. By definition, provision of goods or services with a value less than the threshold amount (now $100.00) is not deemed to be an inducement or rebate. However, those items should not be provided in a discriminatory manner.

The Department also has determined not to make the change suggested by the commenter regarding the language in that it is unnecessary, provides no additional clarification, and could be construed to permit benefits that are offered in a discriminatory manner. The language of the rule as drafted prohibits provision of any benefits in a discriminatory manner. The Department also disagrees that existing law prohibits only rebates or inducements conditioned on the sale of insurance. As noted in the response to a previous comment, the provision of a prohibited rebate or inducement is not dependent upon such benefit being conditioned upon the purchase of insurance. Rather, the provision of the benefit could be used as undue influence to enable the opportunity for the producer to engage in the sale, solicitation, or negotiation of insurance, and thus, is attempting to induce the purchase of an insurance product. Actual purchase of the insurance is not necessary to find an inducement.

COMMENT: Several commenters expressed concern with the increase in the threshold amount from $25.00 to $100.00. Several commenters expressly stated that the concerns particularly surround the sale of lower cost policies, such as personal automobile, umbrella, or homeowners insurance policies. While the commenters appreciated the Department's desire to be consistent with the Financial Industry Regulatory Authority (FINRA) inducement threshold, the commenters believed that the amount of $100.00 is significant enough that it could serve as an inducement for consumers to change insurance companies in the current competitive market more frequently, resulting in churning of policies. The commenters believed that such activity would likely have a detrimental impact on the personal lines market place, increasing the costs of doing business for insurance carriers and ultimately resulting in greater premiums for customers in the long term. One commenter further stated that the impact of the proposed increase in the threshold amount with respect to larger commercial policies may be different and may be worthy of additional consideration.

RESPONSE: Upon review of the commenters' concerns, the Department has determined not to change this provision. As stated in the notice of proposal Summary, the Department believes that it is appropriate to reflect the current FINRA monetary threshold. Further, the concerns expressed by the commenters with respect to the potential impact on certain personal lines policies is speculative. The Department, however, will continue to monitor the market for any adverse impacts.

COMMENT: One commenter requested clarification of N.J.A.C. 11:17A-2.3. The commenter stated that among the services that the Department lists as not being prohibited forms of rebating or inducement are claims filing assistance, including group health insurance assistance services; COBRA, health reimbursement arrangement, health savings account, and flexible spending account administration; and risk management services, including loss control. The commenter stated that these would almost exclusively be offered to health insurance policyholders. The commenter noted that, pursuant to N.J.A.C. 11:17B-3.2(c), no insurance producer may charge a service fee for services rendered in the sale or service of health insurance. The commenter believed that this appears to conflict with N.J.A.C. 11:17A-2.3(g). The commenter stated that, traditionally, if a producer charges a policyholder for a service the producer is providing, a fee agreement must first be executed between the producer and the policyholder. The commenter stated that this would be true even if the producer was offering a service at a discounted rate as the policyholder would still be charged some amount. The commenter concluded that while N.J.A.C. 11:17A-2.3(g) would permit a producer to provide services, such as group health insurance assistance service at a discounted rate without it being considered rebating, N.J.A.C. 11:17B-3.2(c) would prohibit producers from charging any fee at all for the service of health insurance.

Similarly, one commenter requested clarification whether under these rules producers would be permitted to charge a fee for additional services, such as claims management, enrollment services, COBRA administration, etc.; pay for vendor services on behalf of the insured to provide claims management, enrollment services, COBRA administration, etc.; and refer an insured to third-party providers of claims management service, enrollment services, COBRA administration, and receive compensation from these providers.

RESPONSE: Upon review, the Department has determined that no change is required. The Department does not believe that N.J.A.C. 11:17A-2.3(g) conflicts with N.J.A.C. 11:17B-3.2(c). Without the exception in this rule and the Bulletin, the provision of services such as those listed in the rule would be considered an inducement or rebate. The language in the new rule provision in no way alters the prohibition against charging service fees when transacting health insurance business in N.J.A.C. 11:17B-3.2(c). If charging a fee for any of the activities listed would violate the prohibition on service fees related to health insurance, then charging a fee would still be prohibited. The amendment to N.J.A.C. 11:17A-2.3(g) in this rulemaking merely allows the services listed to be provided free of charge without the provision of such being considered an inducement or rebate.

COMMENT: One commenter requested that the Department modify the language in the rules to explicitly protect activities that are not contemplated as prohibited "quid pro quo" inducements by the enabling statutes. The commenter requested clarification regarding activities with the primary purpose of building or maintaining business relationships. For example, the commenter stated that under the wording of the proposed rule, it might be considered a prohibited inducement if a producer who becomes friends with a long-time insured, takes that insured to a football game, assuming the ticket cost more than $100.00. To address this issue, the commenter suggested adding the following language to N.J.A.C. 11:17A-2.3:

The Department recognizes that a producer, agency, or carrier will have relationships with existing and potential clients. It is often customary to engage these individuals in social settings and activities that may include meals, sporting events, or other non-insurance related activities. These types of activities are allowed so long as they are not conditioned upon the purchase or renewal of insurance.

RESPONSE: Upon review of the commenter's suggestion, the Department has determined not to change this provision. As stated in responses to previous comments, the purpose of the amendments is to modify the monetary threshold and to codify Bulletin No. 11-22, which allows certain activities that would have been deemed a prohibited inducement or rebate under the enabling statutes and rules. The activities

described by the commenter are currently prohibited and for these reasons the Department has determined not to modify the rule as requested.

COMMENT: One commenter noted that the proposed amendments relate only to producers. The commenter believed that it would be helpful and consistent with other parts of the rules if it also applied to insurers. The commenter noted that N.J.S.A. 17:29A-15 prohibits both producers and insurers from providing rebates. The commenter also noted that Bulletin No. 11-22 provides guidance about the activities of both producers and insurers. The commenter thus suggested that N.J.A.C. 11:17A-2.3(g) be revised to "prohibit the provision to a person by an **insurer or** insurance producer of services or other offerings …"

RESPONSE: Upon review, the Department has determined that no change is required. The Department recognizes that the Bulletin references insurers, as well as producers. However, the Department believes that it would be confusing to provide certain activities that would be applicable to insurers in rules that apply exclusively to producer standards of conduct.

COMMENT: One commenter stated that workers' compensation insurers should be permitted to offer employee wellness programs as a form of loss prevention, as a healthy and fit workforce may suffer fewer and less severe injuries on the job, for example, in fields where back injuries are a persistent occupational hazard. Accordingly, the commenter requested that the Department amend N.J.A.C. 11:17A-2.3(g)1 to read "discounts on gym memberships or wellness programs in connection with life, accident, health, **workers compensation, disability** or sickness insurance products" (suggested additional language in boldface).

RESPONSE: The Department agrees. While, by its terms, the rule provides that the list is not exhaustive, and thus workers' compensation and disability coverages are not excluded, the Department believes that it is appropriate to change the rule upon adoption to add workers' compensation to confirm that stated discounts related to that line would be permitted as well. The Department does not believe that it is necessary to add the reference to "disability" in that disability insurance is a health insurance coverage and, thus, already included.

COMMENT: One commenter stated that with the advent of the Internet of Things (IoT) and other technological innovations, the risk management activities of insurers and producers are evolving rapidly beyond a strict or traditional definition of "services" (for example, loss control innovations such as high end plumbing leak sensors linked to Smart Phones, auto telematics, etc.). The commenter stated that to help foster this type of loss prevention innovation and to enable consumers to receive the best available loss control from insurers, the commenter suggested that N.J.A.C. 11:17A-2.3(g)4 be revised to read: "risk management services, **products or tools,** including risk control;" (suggested additional language in boldface).

RESPONSE: The Department does not believe that the requested change is needed because the list set forth in the rules is illustrative, not exhaustive.

COMMENT: One commenter suggested that the definition of "inducement" in N.J.A.C. 11:17A-1.2 be amended to read as follows "inducement means money or any favor, advantage, object, valuable consideration of anything other than money which has a cost of or redeemable value greater than $100.00 **per year to any person, except if the recipient is a charitable or educational entity which is tax-exempt under Section 501(c) or (d) of the Internal Revenue Code, or the thing given is a bereavement gift that is customary and reasonable.**" (suggested additional language in boldface.) The commenter stated that it is not unusual to have a source of title insurance business refer one or more title insurance orders per week to a licensed title insurance producer. The proposed amendment would make it clear that the definition of "inducement" is calculated on a yearly basis and that certain charitable entities and bereavement gifts are not to be included in the yearly calculation.

RESPONSE: Upon review, the Department has determined that no change is required. As noted in the responses to previous comments, the purpose of the proposed amendments is to codify Bulletin No. 11-22 and to increase the existing monetary threshold from $25.00 to $100.00. The suggested language would permit activities currently prohibited. The determination of whether an item or thing of value exceeds the monetary threshold is not calculated on an annual basis, but rather on the activity involved. Further, charitable contributions are already permitted under N.J.A.C. 11:17A-2.3(f).

COMMENT: One commenter suggested that the definition of "person" in N.J.A.C. 11:17A-1.2 be revised to add the following language "if the person is other than an individual or natural person, 'person' includes all principals, proprietors, officers, directors, members, employees, agents, or lawful representatives of that entity." The commenter stated that this would further clarify that the principals, proprietors, officers, directors, etc. of the entity also be included in the yearly calculation of the definition of inducement.

RESPONSE: The comment is outside the scope of the proposal. The definition of "person" was not proposed for amendment. In addition, as noted in the response to a prior comment, the Department disagrees that the calculation of inducements are made on a yearly basis.

COMMENT: One commenter suggested that N.J.A.C. 11:17A-2.3(g) be amended to include a new paragraph 6 that would provide "approved continuing education courses to licensed professionals."

RESPONSE: Upon review, the Department has determined that no change is required. Providing free continuing education does not enhance the value of the insurance product being purchased, particularly for professionals in other than the insurance industry. Thus, the suggested change would expand permitted actions beyond those currently permitted.

COMMENT: One commenter suggested that N.J.A.C. 11:17C-1.2 be amended as follows: "financial institutions" means a Federal or State-chartered bank, savings bank, **credit union**, or savings and loan institution which is a member of the Federal Deposit Insurance Corporation [(FDIC)] or [the Federal Savings and Loan Insurance Corporation (FSLIC)] **the National Credit Union Share Insurance Fund** (suggested additional language in bold, suggested deletions bracketed). The commenter's suggestions are driven by the fact that the National Credit Union Share Insurance Fund now has jurisdiction over credit unions and the FSLIC has been abolished.

RESPONSE: The comment is outside the scope of the proposal. However, the Department will take note of this suggestion for possible future amendment.

COMMENT: One commenter stated that it may be prudent to add language to N.J.A.C. 11:17A-2.3(g) to clarify that filed insurance premium discounts, or other benefits identified in an insurance policy, are another factor that would not be prohibited under the rule.

RESPONSE: As set forth in the response to a previous comment, N.J.A.C. 11:17A-2.3(a) explicitly provides that benefits included in the policy or the rating rules are not prohibited under the anti-inducement rules. The purpose of the proposed amendments is to codify Bulletin No. 11-22, which identified services that on their face could be construed as being prohibited under the existing statutes as inducements or rebates.

COMMENT: One commenter supported N.J.A.C. 11:17A-2.3(h), so long as it is not the Department's intention to capture cross-brand loyalty programs (such as PLENTI points) or company specific loyalty programs that offer discounts for non-insurance products. The commenter stated that some insurers take part in cross-brand promotional rewards points, company-based rewards points, and similar pro-consumer marketing tools, which the commenter stated can help provide discounts for various purchases made by a consumer. The commenter stated that when a purchase is made using these points for a discount, it could be construed as being "extraneous" to the insurance purchase. The commenter noted that people can earn cross-brand promotional points when they buy products from many sources, not just insurance. In these circumstances, the commenter believed that it would be difficult to quantify just how many of the points (or their cash equivalents) would be attributable to the insurance purchase. The commenter stated that the benefit of the points is only realized when the customer decides to use the points to get a discount on a desired product, and it would be impossible to determine exactly which points were the ones that triggered a certain discount. The commenter requested that the Department carve out an insurer's offering of a rewards/incentives program that might be used to help generate discounts or other benefits for a customer, or alternatively provide in the response that these promotional rewards systems are not prohibited by this rule.

RESPONSE: The Department reiterates that the rules only apply to producers, not insurers. However, the Department agrees that issuing the described "PLENTI points" would be considered an inducement/rebate unless plainly expressed in the policy contract. Also, as noted in Bulletin No. 11-22, the rules have been amended to provide that things of value offered with a cost or redeemable value of $100.00 or less are not prohibited. For amounts over the threshold, as long as the company submits their proposal in their rating rules for approval and includes justification, the Department would consider allowing such a program. The Department does not believe it is appropriate to provide a blanket carve-out for such programs because, absent approved provisions in the insurance contract, such programs would constitute a prohibited inducement or rebate.

Federal Standards Statement

A Federal standards analysis is not required because the adopted amendments are not subject to any Federal requirements or standards.

Full text of the adoption follows (additions to proposal indicated in boldface with asterisks ***thus***):

SUBCHAPTER 1. ACTIVITIES FOR WHICH A PERSON MUST BE LICENSED AS AN INSURANCE PRODUCER

11:17A-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

…

"Inducement" means money or any favor, advantage, object, valuable consideration, or anything other than money, which has a cost of or a redeemable value greater than $100.00.

…

SUBCHAPTER 2. UNFAIR TRADE PRACTICES

11:17A-2.3 Rebates and inducements; prohibited practices

(a)-(f) (No change.)

(g) The prohibitions against rebates and inducements set forth in (a) through (f) above shall not be deemed to prohibit the provision to a person by an insurance producer of services or other offerings for free or at a discounted price and in a fair and non-discriminatory manner, provided that the service(s) or other offering(s) relate to or enhance the value of the insurance product being purchased. Services and other offerings that would not be prohibited include, but are not limited to:

1. Discounts on gym memberships or wellness programs in connection with life, accident, health, ***workers' compensation,*** or sickness insurance products;

2. Claims filing assistance, including group health insurance assistance services;

3. COBRA, Health Reimbursement Arrangement (HRA), Health Savings Account (HSA), and Flexible Spending Account (FSA) administration;

4. Risk management services, including loss control; and

5. Product audits to assist policyholders to evaluate their current policies.

(h) Services or monetary benefits provided for free or at a discounted price that inure to the personal benefit of the person and that are largely extraneous to the coverage being purchased or the insurance services being provided by an insurance producer, or services offered in a discriminatory manner as an inducement to write or move business shall be deemed a prohibited rebate(s) or inducement(s). Examples of such services or benefits that the Department would consider prohibited rebates or inducements include:

1. Payments of cash or cash equivalents of greater than $100.00;

2. Provision of tickets to a concert or event with a value greater than $100.00; and

3. COBRA-, HRA-, HSA-, and FSA-administration services offered only to new customers who agree to change producers or insurers, which are not otherwise provided to in-force accounts.

LAW AND PUBLIC SAFETY

(a)

DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF PROFESSIONAL PLANNERS

Notice of Readoption
State Board of Professional Planners
Readoption: N.J.A.C. 13:41

Authority: N.J.S.A. 45:14A-4.

Authorized By: State Board of Professional Planners, Joseph M. Petrongolo, President.

Effective Date: October 18, 2017.
New Expiration Date: October 18, 2024.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 13:41 were scheduled to expire on April 19, 2018. The rules at N.J.A.C. 13:41 address requirements for licensure and planner-in-training certification; signing and sealing documents; prohibited acts; and the division of responsibility in the submission of site plans and major subdivision plats.

The State Board of Professional Planners 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. 45:14A-4, and in accordance with N.J.S.A. 52:14B-5.1.c(1), these rules are readopted without amendments and shall continue in effect for a seven-year period.

(b)

JUVENILE JUSTICE COMMISSION

Notice of Readoption
Manual of Standards for Juvenile Detention Facilities
Readoption: N.J.A.C. 13:92

Authority: N.J.S.A. 2A:4A-37; 18A:7B-5; 47:1A-1 and 5; 52:17B-170.e(6), (14), (15), (21) and (22); 52:17B-171a(1) and (5); and 52:17B-176a(6) through (9).

Authorized By: Executive Board of the Juvenile Justice Commission, by the Honorable Christopher S. Porrino, Attorney General and Chair, Rahat Babar, Attorney General's Designee.

Effective Date: October 25, 2017.
New Expiration Date: October 25, 2024.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 13:92 were scheduled to expire on February 23, 2018. The rules at N.J.A.C. 13:92 establish standards under which the New Jersey Juvenile Justice Commission (Commission) carries out its oversight responsibility over county juvenile detention facilities.

A description of the subchapters as contained in N.J.A.C. 13:92 are summarized as follows.

Subchapter 1, Introduction, provides definitions (mainly from the New Jersey Code of Juvenile Justice), as well as the objectives of juvenile detention.

Subchapter 2, Legal Provisions, provides rules concerning the legal authority of the Commission to specify where a juvenile may be detained. The subchapter specifies that the Commission shall inspect the facilities and enforce the standards set forth in this chapter. Subchapter 2 further provides for variances to be issued by the Commission and requires facilities to comply with other legal authority applicable to the physical facility and program standards for juvenile detention facilities, such as public health, safety, fire codes, and building regulations set forth by the State of New Jersey, the county, and the municipality in which a juvenile detention facility is located.