



County Technical Assistance Service

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Blind Vendors Program

Dear Reader:

The following document was created from the CTAS electronic library known as e-Li. This online library is maintained daily by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other e-Li material.

Sincerely,

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Blind Vendors Program

Reference Number: CTAS-2123

Blind vendors are entitled to a statutory preference in the operation of vending facilities on most public property in Tennessee (commonly known as the Blind Vendors Program) under T.C.A. § 71-4-501 *et seq.* Under this law, the Department of Human Services (DHS) has the right of first refusal and the exclusive right to the operation of any and all vending machines on public property that it determines are capable of being operated by a blind individual that it licenses. T.C.A. § 71-4-502. When a new building or facility has been constructed on public property, or when existing contracts have expired or been changed in any way, the public property manager is required to notify DHS, and DHS will determine whether the property is suitable for being operated by a blind vendor. If it is, DHS handles the selection process for the blind vendor and the property manager must cooperate and provide the space and utilities (but not phone service) at no cost. T.C.A. § 71-4-503 and Op. Tenn. Att’y Gen. 04-083 (4/30/04). If DHS determines not to exercise the privilege at that location, then the property manager may contract with a private vendor. T.C.A. § 71-4-503.

“Public property” is broadly defined and includes all property owned or leased by the county, with the exception of primary and secondary schools and airports. This includes the sheriff’s department and the jail commissary. Op. Tenn. Att’y Gen. 07-91 (6/8/07). The blind vendor is not required to have the capability to manage the jail’s inmate trust fund accounting system, but the property manager could request that DHS provide someone with that capability. Op. Tenn. Att’y Gen. 01-128 and 06-156. It also includes property owned or leased by a public entity even if it is operated as a joint venture with a nonprofit corporation. Op. Tenn. Att’y Gen. 11-39 (4/28/11). Local government fire stations are within the preference even if the vending machines serve only the fire station employees. Op. Tenn. Att’y Gen. 06-037 (2/21/06).

The statutory definition of a “vending facility” gives DHS discretion to determine the services that it will, or will not, perform while still retaining the statutory priority to other vending facility services. Op. Tenn. Att’y Gen. 06-156.

The public property management must want to have vending services before DHS can place the vending machines on the property; DHS has no authority to require the county to have vending machines, and the county may have all vending machines removed from its property. Op. Tenn. Att’y Gen. 04-083 (4/30/04).

Tennessee Business Enterprises (TBE) is a unit of DHS’ Services for the Blind and Visually Impaired Division which administers the statutory program that gives blind vendors priority in providing vending services on public property under the Randolph Sheppard Act, 20 U.S.C. § 107 *et seq.*, and T.C.A. § 71-4-501 *et seq.* TBE may contract with a private vending machine management company to arrange for third-party vending and to collect commissions from the operation of vending machines on its behalf. Op. Tenn. Att’y Gen. 04-083 (4/30/04) and 04-166 (11/19/04).

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