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## Periodic Review Report of Findings

<b>Agency name</b>	Department for the Blind and Vision Impaired
<b>Virginia Administrative Code (VAC) citation</b>	22 VAC45-30
<b>Regulation title</b>	Regulations Governing the Sale and Distribution of Goods and Articles Made by Blind Persons
<b>Date this document prepared</b>	February 22, 2019

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

## Acronyms and Definitions

*Please define all acronyms used in this Report. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.*

DBVI, Agency, Department – Department for the Blind and Vision Impaired

## Legal Basis

*Please identify (1) the agency or other promulgating entity, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency or promulgating entity's overall regulatory authority.*

Code of Virginia § 51.5-65 Functions, duties and powers of Commissioner. In addition to the functions, duties, and powers conferred and imposed upon the Commissioner by other provisions of law, he shall, in part, ensure that the provisions of this chapter are properly administered and adopt regulations to carry out the applicable provisions of this chapter.

Code of Virginia §§ 51.5-101 through 51.5-105 which address the Registration of manufacturers and distributors of goods made by blind persons; authorizations to use official stamp, label, etc.; Goods not to be represented as made by blind persons unless identified as such by label, stamp, etc.; what goods may be so identified; How goods made by blind persons to be stamped or labeled; Use of the words “State,” “Commonwealth,” or “Virginia.”; and, Certain acts declared misdemeanors.

Code of Virginia §§ 2.2-4017 (Periodic review of regulations), 2.2-4007 (Notice of intended regulatory action; public hearing), and Executive Order 17 (2004) in combination require that every state regulation must be reviewed every four years to ensure the regulation is supported by statutory authority, determine that the regulation is necessary for the protection of public health, safety and welfare and are clearly written and easily understandable, and to make sure the regulations economic impact on small business is minimized as much as possible.

### Alternatives

*Please describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.*

There are no other viable options for achieving the purpose of the regulation.

Code of Virginia Sections 2.2-4017 (Periodic review of regulations), 2.2-4007 (Notice of intended regulatory action; public hearing), Executive Order 17 (2004) in combination require that every state regulation must be reviewed every four years to ensure the regulation is supported by statutory authority, determine that the regulation is necessary for the protection of public health, safety and welfare and are clearly written and easily understandable, and to make sure regulation’s economic on small business is minimized as much as possible.

### Public Comment

*Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Ensure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency or board. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.*

No public comment received.

### Effectiveness

*Pursuant to § 2.2-4017, please indicate whether the regulation meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.*

Administrative Code regulation 22 VAC 45-30 protects the public health, safety, and welfare of Virginia’s residents who are blind, vision impaired, and deafblind by governing the sale and distribution of goods

and articles made by persons who are blind. The regulation is clear and concise and clarifies that DBVI will assist persons who are blind, and organizations established to aid persons who are blind in the sale of goods and articles which are the product of persons who are blind by providing a means of authenticating the source of such goods and articles and by preventing misrepresentation.

### Decision

*Please explain the basis for the rulemaking entity's decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).*

DBVI will amend this regulation to update the agency name from the Department for the Visually Handicapped to the Department for the Blind and Vision Impaired, to reflect the use of people first language, to revise the Statutory Authority which has changed from §63.1-167 which as been repealed to §§ 51.5-101 through 51.5-105 of the Code of Virginia, to use the definition of blind person as defined in § 51.5-60 of the Code of Virginia, and to reflect other changes determined to be required by the agency. Amendments to this regulation are currently being reviewed by the counsel to the Department.

### Small Business Impact

*As required by § 2.2-4007.1 E and F of the Code of Virginia, include a discussion of the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with the stated objectives of applicable law, will minimize the economic impact of regulations on small businesses.*

22 VAC 45-30 is required for DBVI to be in compliance with requirements set forth in Code of Virginia §§ 51.5-101 through 51.5-105 (Sale of Goods Made by the Blind), 2.2-2007.1 (Regulatory flexibility for small businesses; periodic review of regulations), 2.2-4017 (Periodic review of regulations), and Executive Order (July 2018). The agency has not received any complaints or comments concerning the regulation.

The regulation is not complex; it is easy to read and understand. This regulation was last evaluated in 2001 and does not conflict with state or federal regulation. There are no substantial changes in technology, economic conditions, or other factors that impact the importance of implementation of the regulation.

Economic impact on small business generally is negligible because the regulation pertains specifically to the sale and distributions of goods and articles made by persons who are blind. Small business owners have the same opportunity for public participation as other interested stakeholders.