



Virginia
Regulatory
Town Hall

Notice of Intended Regulatory Action Agency Background Document

Agency Name:	Department for the Visually Handicapped
VAC Chapter Number:	30
Regulation Title:	Regulations Governing the Sale and Distribution of Goods and Articles Made by Blind Persons
Action Title:	Amend for Clarity and Content
Date:	04/11/00

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B). Please refer to Executive Order Twenty-Five (98) and Executive Order Fifty-Eight (99) for more information.

Purpose

Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of the new or amended regulation.

The purpose of this regulation is to facilitate the ready and authoritative identification of goods or articles made by blind persons. The amendments to this regulation will allow for clear, easily understood language and contain only those elements that are essential for implementing the requirements of §63.1-167 (<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+63.1-167>) of the Code of Virginia.

Basis

Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.

The *Code of Virginia* § 63.1-167 (<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+63.1-167>) mandates the Department to investigate each application for a “registration and authorization to use an official imprint, stamp, symbol or label...to identify goods and articles as made by blind persons” and *Code of Virginia* § 63.1-85(7) (<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+63.1-85>) mandates the Commissioner to promulgate regulations to carry out the provisions of this title.

Substance

Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.

The Attorney General has reviewed this regulation and advised that not all of the provisions contained in the current regulation are required by law. The Department proposes to rewrite this regulation so that it is clear, easily understood and contains only those elements that are essential for implementing the requirements of § 63.1-167. This regulation will provide the public with authenticity of goods or articles made by the blind when solicited or purchasing such goods or articles from agencies, firms, associations or corporations.

Alternatives

Please describe, to the extent known, the specific alternatives to the proposal that have been considered or will be considered to meet the essential purpose of the action.

No alternatives were considered as the Department is mandated to comply with § 63.1-167 of the Code of Virginia.

Family Impact Statement

Please provide a preliminary analysis of the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

Amending these regulations will have no known impact on the institution of the family and family stability.