



[townhall.virginia.gov](http://townhall.virginia.gov)

## Periodic Review Report of Findings

<b>Agency name</b>	Department for the Blind and Vision Impaired
<b>Virginia Administrative Code (VAC) citation</b>	22 VAC 45-20
<b>Regulation title</b>	Regulations to Govern the Operation of Vending Facilities in Public Buildings and Other Property
<b>Date this document prepared</b>	March 27, 2020

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 mean the 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 §51.5-78 Operation by Department. DBVI is authorized to operate vending stands and other business enterprises in public and private buildings for the purpose of providing individuals who are blind with employment, enlarging the economic opportunities, and stimulating these same individuals to become self-supporting.

### 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 this 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 is clearly written and easily understandable, and to make sure the regulation's economic impact 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.*

This regulation meets the criteria set out in Executive Order 14, as amended, because it authorizes DBVI to operate vending stands and other business enterprises in public and private buildings for the purpose of providing individuals who are blind with employment, enlarging the economic opportunities, stimulating individuals who are blind to make themselves self-supporting. Additionally, it directs the DBVI to set aside or cause to be set aside from the net proceeds of the operations authorized such funds as may be necessary for the purposes of (i) maintenance and replacement of equipment, (ii) purchase of new equipment, (iii) management services, (iv) assuring a fair minimum return to vendors, and (v) the establishment and maintenance of retirement or pension funds, health insurance contributions and the provision for paid sick leave and vacation time in accordance with the Randolph-Sheppard Act Amendment of 1974 (P.L. 93-516). Though detailed in nature, 22VAC45-20 is easy to read and understand.

## 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 leave this regulation as it exists currently.

## 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.*

---

22VAC45-20 is required for DBVI to be in compliance with § 51.5-78 (Operation by the Department), 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 other comments concerning the regulation.

22VAC45-20 describes requirements for the operation of a Business Enterprise for the Blind. This regulation was last evaluated during in 2018 and 2019 when DBVI initiated a fast-track regulatory action that, among other things, revised language regarding the frequency of setting aside of funds and distribution of income to blind vendors from quarterly to at least quarterly to reflect federal language. The regulation does not conflict with state or federal regulation; it does not overlap, duplicate, or conflict with federal or state law or regulation. There are no substantial changes in technology, economic conditions, or other factors that affect the importance of implementation of the regulation.

Economic impact on small business generally is negligible because the regulation pertains specifically to the operation of vending facilities in public buildings and other property by individuals who are blind.