

## Notice of Intended Regulatory Action (NOIRA) Agency Background Document

<b>Agency name</b>	Department for the Blind and Vision Impaired
<b>Virginia Administrative Code (VAC) citation(s)</b>	<u>22 VAC45-30</u>
<b>Regulation title(s)</b>	Regulations Governing the Sale and Distribution of Goods and Articles Made by Blind Persons
<b>Action title</b>	22 VAC45-30 Amendments
<b>Date this document prepared</b>	4/2/2020

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 VAC 7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

### Brief Summary

*Please provide a brief summary (preferably no more than 2 or 3 paragraphs) of the subject matter, intent, and goals of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation).*

The Department for the Blind and Vision Impaired (DBVI) seeks to amend 22VAC45-30, Regulations Governing the Sale and Distribution of Goods and Articles Made by Blind Persons, to correct the agency name and incorporate the use of people first language. Additionally, this action brings 22VAC45-30 into alignment with §§ 51.5-101 through 51.5-105 of the Code of Virginia.

### Acronyms and Definitions

*Please define all acronyms or technical definitions used in the Agency Background Document.*

"DBVI" means Department for the Blind and Vision Impaired.

## Mandate and Impetus

*Please identify the mandate for this regulatory change, and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, board decision, etc.). For purposes of executive branch review, "mandate" has the same meaning as defined in Executive Order 14 (as amended, July 16, 2018), "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."*

Executive Order 14 (as amended, July 16, 2018) requires that executive branch agencies consider, review, and promulgate regulations annually. As part of the periodic review process, DBVI staff determined to amend 22VAC45-30 to reflect the accurate agency name, correct Code of Virginia citations from the repealed § 63.1-167 to §§ 51.5-101 through 51.5-105, and to bring the regulation into alignment with the relevant Code of Virginia sections.

## 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.*

DBVI is the agency initiating this regulatory action. Statutory authority comes from § 51.5-65 of the Code of Virginia, which identifies the functions, duties, and powers of the Commissioner to adopt regulations to carry out the applicable provisions of the chapter.

## Purpose

*Please describe the specific reasons why the agency has determined that this regulation is essential to protect the health, safety, or welfare of citizens. In addition, please explain any potential issues that may need to be addressed as the regulation is developed.*

This regulation facilitates identification of goods and articles made by persons who are blind and organizations established to assist persons who are blind in the sale of goods or articles by providing a means of authenticating the source of such goods and articles; the regulation prevents misrepresentation of these same persons.

## Substance

*Please briefly identify and explain the new substantive provisions that are being considered, the substantive changes to existing sections that are being considered, or both.*

This regulatory action updates the agency name, deletes references to repealed sections of the Code of Virginia, and aligns language in 22VAC45-30 with relevant sections of the Code of Virginia, including §§ 51.5-101 through 51.5-105.

### Alternatives

Please describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.

DBVI considered repealing 22VAC45-30 because neither agency administration nor other agency staff have any recollection of the agency receiving applications for registration from persons who are blind to have goods or articles identified as made by persons who are blind in at least 20 years. However, because the statutory authority identified in §§ 51.5-101 through 51.5-105 of the Code of Virginia remain active, DBVI seeks to amend 22VAC45-30 to reflect those sections accordingly.

### Periodic Review and Small Business Impact Review Announcement

If you wish to use this regulatory action to conduct, and this NOIRA to announce, a periodic review (pursuant to § 2.2-4017 of the Code of Virginia and Executive Order 14 (as amended, July 16, 2018)), and a small business impact review (§ 2.2-4007.1 of the Code of Virginia) of this regulation, keep the following text. Modify as necessary for your agency. Otherwise, delete the paragraph below and insert "This NOIRA is not being used to announce a periodic review or a small business impact review."

This NOIRA is not being used to announce a periodic review or a small business impact review.

### Public Participation

Please indicate how the public should contact the agency to submit comments on this regulation, including ideas to assist the agency in the development of the regulation and the costs and benefits of the alternatives stated in this notice or other alternatives.

Also, indicate whether a public hearing is to be held to receive comments. Please include one of the following choices: 1) a panel will be appointed and the agency's contact if you're interested in serving on the panel is \_\_\_\_\_; 2) a panel will not be used; or 3) public comment is invited as to whether to use a panel to assist in the development of this regulation.

#### INSERT:

The Department for the Blind and Vision Impaired is seeking comments on this regulation, including but not limited to: ideas to be considered in the development of this regulation, the costs and benefits of the alternatives stated in this background document or other alternatives, and the potential impacts of the regulation.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at <https://www.townhall.virginia.gov>. Written comments must include the name and address of the commenter. Comments may also be submitted by mail, email or fax to Susan K. Davis, Regulatory Coordinator, 397 Azalea Avenue, Richmond, Virginia. Phone number 804-371-3184. FAX number 804-371-3157. Email address [susan.davis@dbvi.virginia.gov](mailto:susan.davis@dbvi.virginia.gov). In order to be

considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will not be held following the publication of the proposed stage of this regulatory action.