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Periodic Review and Small Business Impact Review Report of Findings

Agency name	Department for the Blind and Vision Impaired
Virginia Administrative Code (VAC) Chapter citation(s)	22VAC45-30
VAC Chapter title(s)	Egulations Governing the Sale and Distribution of Goods and Articles Made by Blind Persons
Date this document prepared	November 21, 2023

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Acronyms and Definitions

Define all acronyms used in this Report, and any technical terms that are not also defined in the "Definitions" section of the regulation.

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

Legal Basis

Identify (1) the promulgating agency, 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 agency to regulate this specific subject or program, as well as a reference to the agency'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 to Regulation

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. It should be noted, though, that this regulation is under review by the agency as part of current Regulatory Reduction activities.

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

Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency’s response. Be sure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. Indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

No public comment made

Effectiveness

Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in the ORM procedures, 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

Explain the basis for the promulgating agency’s decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

If the result of the periodic review is to retain the regulation as is, complete the ORM Economic Impact form.

Retain as is.

Small Business Impact

As required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency’s consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (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 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.

