WEST VIRGINIA CODE: §18-10G-2

§18-10G-2. Definitions.

For the purposes of this article:

(a) "Active participation" means an ongoing process of negotiations between the Division of Vocational Rehabilitation and the Committee of Blind Vendors to achieve joint planning of policies, procedures, and standards affecting the overall operation of the Food Services Facilities Program prior to their implementation by the Division of Vocational Rehabilitation. It is understood that the Division of Vocational Rehabilitation bears final responsibility for the administration and operation of the program, including the assurance of active participation by the Committee of Blind Vendors;

(b) "Blind person" means a person whose central acuity does not exceed 20/200 in the better eye with correcting lenses or whose visual acuity, if better than 20/200, but is accompanied by a limit to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of not greater than twenty degrees. In determining whether an individual is blind, there shall be an examination by a physician skilled in diseases of the eye or an optometrist, whichever the individual selects;

(c) "Blind vendor" means a blind licensee who is operating a food service facility on federal, state, public, or private property;

(d) "Committee of Blind Vendors" means an officially constituted body functioning in an advisory capacity of the Division of Vocational Rehabilitation's Food Services Facilities Program. This committee is composed of licensed blind vendors, elected biennially and established, constituted, and maintained in accordance with applicable federal regulations;

(e) "Food service facility" means and includes a restaurant, cafeteria, snack bar, vending machine for dispensing foods, beverages, confections, tobacco, or other products for human consumption, and other facilities for selling or providing goods and services for the purposes customarily offered in connection with the operation of any of the foregoing. The term "food service facility" does not include goods and services sold, dispensed from, or provided by the Veterans Administration and the facilities for selling, dispensing, or providing thereof;

(f) "Governmental agency" means and includes the State of West Virginia, each instrumentality and agency thereof, and every county, city, and town within, and every political subdivision within the state, except county boards of education, the Higher Education Policy Commission, the Council for Community and Technical College Education, the Department of Health, the Department of Commerce, the Department of Tourism, and the Department of Corrections;

(g) "Licensee" means all persons licensed under the Division of Vocational Rehabilitation to

WV Legislature

operate food service facilities under the Randolph/Sheppert Act, Title XX, United States Code 107 *et seq.*;

(h) "Public office building" means and includes the State Capitol, all county courthouses, all city and town halls, all buildings used primarily for governmental offices of the state, and any county, city, and town within the state, but does not include buildings used for any state institution of higher education, the Department of Health, the Department of Commerce, the Department of Tourism, or the Department of Corrections;

(i) "Vending machine income" means receipts other than those of a blind licensee from the operation of vending machines on public property after deducting the cost of goods sold when machines are operated, serviced, or maintained by, or with the approval of the Division of Vocational Rehabilitation, or commissions paid to other than a licensee by a commercial vending concern which operates, services, or maintains vending machines on public property for or with the approval of the Division of Vocational Rehabilitation; and

(j) "Designee" means an individual or an organization of individuals legally constituted and under the jurisdiction of the Division of Vocational Rehabilitation doing business in the State of West Virginia to assist a state agency with the administration and supervision of the food services facilities program.

WV Legislature