



COMMONWEALTH of VIRGINIA

Office of the Attorney General

Mark R. Herring
Attorney General

900 East Main Street
Richmond, Virginia 23219
804-786-2071
804-371-8946 TDD

MEMORANDUM

To: Ryan Davis
Program Manager
Office of Dairy and Foods
Virginia Department of Agriculture and Consumer Services

Dr. Jewel H. Bronaugh
Commissioner
Virginia Department of Agriculture and Consumer Services

From: Justin I. Bell
Assistant Attorney General

Date: September 18, 2020

Subject: Letter of Assurance for Retail Food Establishment Regulations, 2 VAC 5 – 585.

I have reviewed the proposed amendments from the Board of Agriculture and Consumer Services (the Board) to the Retail Food Establishment Regulations, 2 VAC 5 – 585. In my view, as counsel to the Board, the Board may amend these regulations pursuant to § 3.2-5121 of the *Code of Virginia*. Amending these regulations does not appear, on its face, to conflict with the Constitution of the United States or the Constitution of the Commonwealth of Virginia, nor does the amendment appear to conflict with federal or state law currently in effect. The regulations also appear to qualify for the fast-track rulemaking process under § 2.2-4012.1 of the Code of Virginia because they are noncontroversial.

This memorandum addresses legal matters only and is not intended to serve, nor should it be construed, as a comment for or against the merits of the proposed regulations.