



# **COMMONWEALTH of VIRGINIA**

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## **MEMORANDUM**

**To:** Travis Hill  
CEO, Virginia Alcoholic Beverage Control Authority

**From:** James M. Flaherty  
Assistant Attorney General

**Date:** March 26, 2019

**Subject:** Letter of Assurance for Periodic Review of Regulations – Regulations Concerning Requirements for Product Approval [3 VAC 5-40]

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Pursuant to the Code of Virginia and Executive Order 14 (2018), a periodic review of a regulation every four years shall include an examination by the Office of the Attorney General to ensure statutory authority. In that regard, I have reviewed the Alcoholic Beverage Control Authority's Regulations referenced above. In my view, as counsel to the Alcoholic Beverage Control Authority, these regulations may be promulgated pursuant to Title 4.1 *et seq.* of the Code of Virginia. The regulations do not appear to conflict with the Constitution of the United States or the Constitution of the Commonwealth of Virginia, nor do they appear to conflict with any federal or state law currently in effect.

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.