



COMMONWEALTH of VIRGINIA

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MEMORANDUM

To: David Gianino
Program Manager
Office of Plant Industry Services

From: Justin I. Bell
Assistant Attorney General

Date: November 19, 2019

Subject: Rules for Enforcement of the Virginia Tree and Crop Pests Law - Spotted Lanternfly Quarantine, 2 VAC 5-331

I have reviewed the Board of Agriculture and Consumer Services's proposed Spotted Lanternfly Quarantine following the Board's July 23, 2019 public hearing on the proposed quarantine. In my view, as counsel to the Board of Agriculture and Consumer Services, this quarantine may be adopted pursuant to § 3.2-703 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.