



# **COMMONWEALTH of VIRGINIA**

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## **MEMORANDUM**

**To:** Ryan Davis  
Program Manager  
Office of Dairy and Foods

**From:** Justin I. Bell  
Assistant Attorney General

**Date:** November 1, 2019

**Subject:** Regulations Governing the Cooling, Storing, Sampling and Transporting of Milk, 2 VAC 5-501

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I have reviewed the Board of Agriculture and Consumer Services's proposed amendment to the Regulations Governing the Cooling, Storing, Sampling and Transporting of Milk that was posted on the Virginia Regulatory Town Hall. In my view, as counsel to the the Board of Agriculture and Consumer Services, these regulations may be promulgated pursuant to § 3.2-5206 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. 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.