



COMMONWEALTH of VIRGINIA
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Marissa J. Levine, M.D., M.P.H.
State Health Commissioner
Virginia Department of Health
109 Governor Street
Richmond, Virginia 23219

Re: Human Immunodeficiency Virus (HIV) Testing of Gamete Donors
12 VAC 5-90-230 *et seq.*

Dear Dr. Levine:

I have reviewed the repeal of the regulations that required Human Immunodeficiency Virus (HIV) Testing of Gamete Donors in 12 VAC 5-90-230 *et seq.* This repeal does not create a conflict with other federal or state statutes or regulations and does not violate the United States or Virginia Constitutions.

The Board of Health has the authority to repeal these regulations, because the General Assembly repealed the statute authorizing them, Va. Code § 32.1-45.3. The repeal of these regulations is consistent with the Board's mandate in Va. Code § 32.1-12, and the Board will not exceed its statutory authority by repealing these regulations.

Very truly yours,

Robin V. Kurz
Senior Assistant Attorney General