



COMMONWEALTH of VIRGINIA
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MEMORANDUM

FROM: Eric M. Lansing
Assistant Attorney General

TO: Colin M. Greene, MD, MPH, State Health Commissioner
Virginia Department of Health

DATE: November 8, 2022

RE: Periodic Review of Chapter: 12 VAC 5-640

Please note that this memorandum does not constitute an opinion, formal or informal, of the Attorney General. Rather, this memorandum contains the legal analysis of the individual staff member providing it.

Pursuant to § 2.2-4017 of the Code of Virginia, 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 Virginia Department of Health's Regulations referenced above. In my view, these regulations may be retained without change according to §§ 32.1-12 and 32.1-164 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.