



# *COMMONWEALTH of VIRGINIA*

*Office of the Attorney General*

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## *MEMORANDUM*

**To:** Pamela Miles  
Program Manager  
Office of Dairy and Foods  
Virginia Department of Agriculture and Consumer Services

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

**Date:** August 29, 2024

**Subject:** Amendments to Align Regulation with 2022 FDA Food Code, 2 VAC 5-585

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I have reviewed the Board of Agriculture and Consumer Services's proposed amendments to the Retail Food Establishment Regulations found at 2 VAC 5-585. In my view, as counsel to the Board, the Board may amend these regulations pursuant to § 3.2-5121. Furthermore, this action may be completed using the fast-track process of the Administrative Process Act, § 2.2-4012.1, as the amendments does not appear to be controversial.

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.