



COMMONWEALTH of VIRGINIA
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Angela Coleman
Executive Director
Commission on VASAP
701 E. Franklin Street
Suite 1110
Richmond, VA 23219

Re: Proposed Remote Alcohol Monitoring Regulations

Dear Ms. Coleman:

The Commission on VASAP (VASAP) has submitted final remote alcohol monitoring device regulations (24 VAC35-70-10 through 24 VAC35-70-140) for promulgation of new regulations. VASAP's experience gained over the years administering the ignition interlock program has led to expertise in the area of alcohol monitoring and therefore the General Assembly has seen fit to order the Commission to promulgate these new regulations and oversee their implementation. This memorandum addresses legal matters only and is not intended as a comment for or against the merits of the proposed regulations.

With regard to VASAP's proposal, this letter confirms that I have reviewed the final regulations and that it is my opinion that VASAP has the statutory authority to promulgate these new regulations pursuant to the provisions of Va. Code § 2.2-4017, §18.2-270.1 (general authority to promulgate regulations necessary to implement procedures for remote alcohol monitoring devices) and 18.2-270.2 (specific authority and requirements to adopt regulations for installation, maintenance and certification of remote alcohol monitoring devices).

Sincerely,

Janet W. Baugh

Janet W. Baugh
Senior Assistant Attorney General