



COMMONWEALTH of VIRGINIA
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MEMORANDUM

To: Travis Hill
CEO, Virginia Alcoholic Beverage Control Authority

From: James M. Flaherty
Assistant Attorney General

Date: June 22, 2022

Subject: Letter of Assurance for Amended Regulation – Grain Alcohol Proof Limit found at 3VAC5-70-200

I have reviewed the Virginia Alcoholic Beverage Control Authority's amended regulation for Grain Alcohol Proof Limit found at 3VAC5-70-200 that was posted on the Virginia Regulatory Town Hall on June 14, 2022. In my view, as counsel to the Virginia Alcoholic Beverage Control Authority, these regulations may be promulgated pursuant to Title 4.2 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. Further, these regulations are exempt from the requirements of the Virginia Administrative Process Act pursuant to § 2.2-4006(A)(4)(a) of the Code of Virginia.