



COMMONWEALTH of VIRGINIA

Office of the Attorney General

Jason S. Miyares
Attorney General

202 North 9th Street
Richmond, Virginia 23219
804-786-2071
804-371-8946 TDD

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 update regulation to provide clarification and remove duplication, 2 VAC 5-510

I have reviewed the Board of Agriculture and Consumer Services's proposed amendments to the Rules and Regulations Governing the Production, Processing, and Sale of Ice Cream, Frozen Desserts, and Similar Products found at 2 VAC 5-510. In my view, as counsel to the Board, the Board may amend these regulations pursuant to § 3.2-5212. 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.