

January 17, 2013

Michael Welch,
Director, Division of WIC & Community Nutrition Services
Virginia Department of Health
109 Governor Street
Richmond, Virginia 23219

Re: Virginia WIC Regulations

Dear Mr. Welch:

I have reviewed the regulations for the Women, Infants and Children (“WIC”) program. The regulations do not conflict with other federal or state statutes or regulations and do not violate the United States or Virginia Constitutions.

The Board of Health has the authority to promulgate the regulations under Va. Code § 32.1-12. The regulations are consistent with the Board's mandate. The regulations are exempt from the Administrative Process Act pursuant to section 1-295 of the Budget Bill, which states, “[t]he Special Supplemental Nutrition Program for Women, Infants, and Children is exempt from the requirements of the Administrative Process Act (§ 2.2-4000 et seq.)” The Board of Health will not exceed its statutory authority in approving these regulations.

Very truly yours,

Robin V. Kurz
Special Counsel