



**COMMONWEALTH of VIRGINIA**  
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MEMORANDUM

FROM: Eric M. Lansing  
Assistant Attorney General

TO: Colin M. Greene, MD, MPH, State Health Commissioner  
Virginia Department of Health

DATE: December 5, 2022

RE: Review of Proposed Regulations — 12VAC5-635

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*Please note that this memorandum does not constitute an opinion, formal or informal, of the Attorney General. Rather, this memorandum contains the legal analysis of the individual staff member providing it.*

In response to a request from the Virginia Department of Health, I have reviewed the above-referenced regulations of the State Board of Health.

The State Board of Health has the authority to adopt these regulations pursuant to §§ 32.1-12 and 32.1-248.2 of the Code of Virginia.

After reviewing the proposed amendments, it is my opinion that the State Board of Health has the authority to adopt the proposed 12VAC5-635.