



COMMONWEALTH of VIRGINIA

Office of the Attorney General

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MEMORANDUM

To: Ryan Davis
Program Manager
Office of Dairy and Foods
Virginia Department of Agriculture and Consumer Services

From: Justin I. Bell
Assistant Attorney General

Date: November 12, 2021

Subject: Letter of Assurance for Periodic Review of Rules and Regulations Governing the Production, Processing, and Sale of Ice Cream, Frozen Desserts, and Similar Products, 2 VAC 5 – 510.

Pursuant to the Code of Virginia and Executive Order 14 (2018), a periodic review of a regulation every four years shall include an examination by the Office of the Attorney General to ensure statutory authority. In that regard, I have reviewed the Board of Agriculture and Consumer Services's Regulations referenced above. In my view, these regulations may be retained without change according to § 3.2-5212 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.

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.