



COMMONWEALTH of VIRGINIA
Office of the Attorney General

Jason S. Miyares
Attorney General

202 N. 9th Street
Richmond, Virginia 23219
(804) 786-2071
Fax (804) 786-1991
Virginia Relay Services
800-828-1120
7-1-1

MEMORANDUM

FROM: Michael A. Jagels
Senior Assistant Attorney General

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

DATE: September 16, 2022

RE: Periodic Review of State Board of Health Regulations — 12 VAC 5-125

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.

The State Board of Health (“Board”) is in the process of its periodic review of 12 Va. Admin. Code § 5-125 and is not proposing any changes to these regulations at this time. If the Board concludes this periodic review without proposing any changes to these regulations, no further review is required. If the Board seeks to amend these regulations, further review may be required. It is my view that the Board has the statutory authority to maintain these regulations pursuant to §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, and Executive Order 19 (2022).

If I may be of any further assistance to you relating to this matter, please do not hesitate to contact me.