COMMONWEALTH *of* VIRGINIA

Office of the Attorney General

Jay Jones
Attorney General

202 North 9th Street
Richmond, Virginia 23219
804-786-2071
FAX 804-786-1991
Virginia Relay Services
800-828-1120

MEMORANDUM

FROM: Darrell W. Kuntz, III
Assistant Attorney General

TO: Lance Gregory
Director of Office of Environmental Health

DATE: 10/20/2026

RE: Amend Regulations to Implement Provisions of Chapters 17 and 18 of the 2026 Acts of Assembly – 12VAC5-200

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 General Assembly passed amendments to Va. Code § 32.1-207 which directs the Commissioner of VDH to issue permits that expire 12 months after issuance instead of the prior model where all permits expired on December 31 of each year. The Commissioner of the Virginia Department of Health adopted proposed final amendments to 12VAC5-200 which brought the applicable regulations into compliance with the General Assembly's statutory directive. Because this action was taken pursuant to an act of General Assembly, this constitutes a final exempt action pursuant to Va. Code § 2.2-4006(A)(4)(a).

These amendments are in line with the regulatory directives issued by the General Assembly at Va. Code § 32.1-207. If the Commissioner or Board seek to make further modifications to these Regulations, further review may be required.