



COMMONWEALTH of VIRGINIA
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MEMORANDUM

To: Jeremy Preiss
Acting Head, Virginia Cannabis Control Authority

From: James M. Flaherty
Senior Assistant Attorney General

Date: December 26, 2023

Subject: Letter of Assurance for Proposed Regulations – Testing found at 3VAC10-60 et seq.

I have reviewed the Virginia Cannabis Control Authority's proposed regulations on Testing found at 3VAC10-60 et seq. that was posted on the Virginia Regulatory Town Hall on December 26, 2023. In my view, as counsel to the Virginia Cannabis Control Authority, this regulation may be promulgated pursuant to Title 4.2 of the Code of Virginia. The regulation does not appear to conflict with the Constitution of the United States or the Constitution of the Commonwealth of Virginia, nor does it appear to conflict with any federal or state law currently in effect. The regulation also appears to be exempt from the rulemaking process under § 2.2-4006(A)(4)(a) of the Code of Virginia because it is necessary to conform to changes in Virginia statutory law and provisions in Chapters 740 and 773 of the 2023 Acts of Assembly.

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 regulation.