



COMMONWEALTH of VIRGINIA

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MEMORANDUM

To: Jeffrey L. Painter, Chairman of the Board
Department of Alcoholic Beverage Control

From: Kristina Perry Stoney
Senior Assistant Attorney General & Section Chief

Date: February 2, 2016

Subject: Letter of Assurance for Proposed Amendment of Regulation Governing Wine and Beer Containers; Sizes and Types; On-premises and Off-premises Limitations; Cooler-dispensers; Novel Containers; Carafes and Decanters found at 3 VAC 5-40-30

I have reviewed the Department of Alcoholic Beverage Control's (the Department) proposed amendment of the above-referenced fast-track regulation, posted to the Virginia Regulatory Town Hall on January 13, 2016. In my view as counsel to the Department and the Alcoholic Beverage Control Board, this regulatory action may be taken pursuant to Title 4.1 of the *Code of Virginia*, specifically Sections 4.1-103(9) and 4.1-111 of the *Code of Virginia*. The regulation does not appear to conflict with the United States Constitution or the Constitution of Virginia, nor does it 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 regulation.