



COMMONWEALTH of VIRGINIA

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MEMORANDUM

To: Travis Hill
CEO, Virginia Alcoholic Beverage Control Authority

From: James M. Flaherty
Assistant Attorney General

Date: May 2, 2018

Subject: Letter of Assurance for Proposed Regulation – Confectionery license; definition; restrictions; labeling found at 3VAC5-50-250

I have reviewed the Virginia Alcoholic Beverage Control Authority's proposed regulation for a Confectionery license; definition; restrictions; labeling found at 3VAC5-50-250 that was posted on the Virginia Regulatory Town Hall on April 30, 2018. In my view, as counsel to the Virginia Alcoholic Beverage Control Authority, these regulations may be promulgated pursuant to Title 4.2 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. The regulation also appears to qualify for the emergency regulation process under § 2.2-4011 of the Code of Virginia because the law establishing the confectionery license becomes effective on July 1, 2018. The Authority requires these definitions and restrictions in order to effectively regulate and monitor the conduct of licensees to better protect the public health and welfare.

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.