



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

To: Pamela Miles
Program Manager
Office of Dairy and Foods
Virginia Department of Agriculture and Consumer Services

From: Justin I. Bell
Assistant Attorney General

Date: June 4, 2026

Subject: Adoption of the U.S. Food and Drug Administration's 2023 Pasteurized Milk Ordinance, 2 VAC 5-501.

I have reviewed the Board of Agriculture and Consumer Services's proposed regulatory action to adopt the U.S. Food and Drug Administration's 2023 Pasteurized Milk Ordinance by reference of found at 2 VAC 5-501. In my view, as counsel to the Board of Agriculture and Consumer Services, the Board may proceed pursuant to § 3.2-5206 of the *Code of Virginia*. The adoption of the Ordinance will bring Virginia into compliance with the federal standards. Thus it is not likely to be controversial and appropriate for fast-track regulatory action. 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.

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.