



COMMONWEALTH of VIRGINIA
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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: Remove CFR revision date and remove reference to 21 CFR Part 152, 2 VAC 5-600.

I have reviewed the Board of Agriculture and Consumer Services's proposed regulatory action to remove CFR revision date and remove reference to 21 CFR Part 152 of found at 2 VAC 5-600. In my view, as counsel to the Board of Agriculture and Consumer Services, the Board may proceed pursuant to § 3.2-5121 of the *Code of Virginia*. Section 3.2-5121 also permits the Board to adopt any regulation under the Food, Drug, and Cosmetic Act notwithstanding the Administrative Process Act. This amendment will update the date referenced in the regulation to the date of the most current version of the federal regulation. 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.