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Angela Coleman
Executive Director, Commission on VASAP
1111 East Main St., Suite 801
Richmond, VA 23219

Re: Promulgation of new regulations governing the statewide Remote Alcohol Monitoring Device Program (24VAC 35-70)

Dear Ms. Coleman:

At your request, I have reviewed the Commission on Virginia Alcohol Safety Action Programs' (VASAP) posting for the Promulgation of amended regulations governing the statewide Remote Alcohol Monitoring Device Program (24VAC 35-70). This memorandum addresses legal matters only and is not intended as a comment for or against the merits of the proposed regulations.

With regard to VASAP's promulgation of 24 VAC 35-70, it is my legal opinion that VASAP has both the statutory authority and implied authority to promulgate and amend these regulations. Virginia Codes §§ 18.2- 270.1(J) and 18.2-273.9(B) provide specific authority to VASAP to promulgate regulations to administer the remote alcohol monitoring device program. The authority to adopt and promulgate such regulations would necessarily involve and imply the authority to also amend and repeal any provisions of them.

This letter confirms that I have reviewed the promulgation of these regulations and that I believe that the Commission on VASAP has statutory authority pursuant to Virginia Code to promulgate the regulations as proposed.

Sincerely,

Janet W. Baugh

Janet W. Baugh
Senior Assistant Attorney General