



# **COMMONWEALTH of VIRGINIA**

*Office of the Attorney General*

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## **MEMORANDUM**

**To:** Ryan Davis  
Program Manager  
Office of Dairy and Foods

Dr. Jewel Bronaugh  
Commissioner  
Virginia Department of Agriculture and Consumer Services

**From:** Justin I. Bell  
Assistant Attorney General

**Date:** January 16, 2019

**Subject:** Letter of Assurance for Retail Food Establishment Regulations, 2 VAC 5-585.

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I have reviewed the Board of Agriculture and Consumer Services's proposed amendments to the Retail Food Establishment Regulations, 2 VAC 5-585. In my view the Board has the authority to promulgate these regulations pursuant to § 3.2-5121 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 amendments are also exempt from the Administrative Process Act pursuant to § 2.2-4006(A)(4)(a) of the *Code of Virginia*.

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.