



**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:** David Gianino  
Program Manager  
Office of Plant Industry Services  
Virginia Department of Agriculture and Consumer Services

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

**Date:** April 15, 2026

**Subject:** Amendments to Establish a Minimum Germination Rate for Cotton Seed, 2 VAC 5-390.

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I have reviewed the Board of Agriculture and Consumer Services's proposed amendments to Rules and Regulations for the Enforcement of the Virginia Seed Law found at 2 VAC 5-390. In my view, as counsel to the Board of Agriculture and Consumer Services, these amendments may be adopted pursuant to § 3.2-4001 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.

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.