



# *COMMONWEALTH of VIRGINIA*

*Office of the Attorney General*

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## *MEMORANDUM*

**To:** Nikeya Thomas  
Program Manager  
Office of Hemp Enforcement  
Virginia Department of Agriculture and Consumer Services

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

**Date:** September 11, 2025

**Subject:** Amendments to update the regulation, including those to reflect the 2023 legislation pertaining to edible hemp products, 2 VAC 5-595

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I have reviewed the Board of Agriculture and Consumer Services's proposed amendments to the Regulations Governing the Manufacturing and Sale of Products that Contain Industrial Hemp Extracts Intended for Human Consumption. In my view, as counsel to the Board, the Board may amend these regulations pursuant to § 3.2-5145.5. In addition, this action is exempt from Article 2 of the Administrative Process Act pursuant to § 3.2-5145.5(D) of the Code of Virginia. The regulations do not appear, on their face, to conflict with state law or regulations 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.