



COMMONWEALTH of VIRGINIA

Office of the Attorney General

Mark R. Herring
Attorney General

202 North 9th Street
Richmond, Virginia 23219
804-786-2071
804-371-8946 TDD

MEMORANDUM

To: Ryan Davis
Program Manager
Office of Dairy and Foods
Virginia Department of Agriculture and Consumer Services

From: Justin I. Bell
Assistant Attorney General

Date: September 3, 2021

Subject: Letter of Assurance for Rules and Regulations Pertaining to Labeling and Sale of Infant Formula, 2 VAC 5-560.

I have reviewed the Board of Agriculture and Consumer Services's proposed Rules and Regulations Pertaining to Labeling and Sale of Infant Formula, 2 VAC 5-560 as posted to the Virginia Regulatory Town Hall. In my view, as counsel to the Board of Agriculture and Consumer Services, the Board may amend these regulations pursuant to § 3.2-5121 of the *Code of Virginia*. In addition, these updates do not appear to be controversial and thus are eligible for the fast-track rulemaking process as by § 2.2-4012.1 of the *Code of Virginia*. The regulations and amendments do not appear, on their face, to conflict with the Constitution of the United States or the Constitution of the Commonwealth of Virginia, nor do they appear to conflict with 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.