

ATTORNEY GENERAL
STATE OF MONTANA

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Attorney General

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January 21, 2020

RECEIVED

JAN 24 2020

Ravalli County Board of Health
215 S. 4th Street, Suite A
Hamilton, MT 59840

Ravalli County Commissioners

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Re: Request for Attorney General Opinion
State and Federal Vaping Regulation

Dear Board Members:

We are in receipt of your letter dated January 8, 2020, requesting an Attorney General Opinion regarding vaping regulation. The request included three sections with a total of 10 questions.

Montana Code Annotated § 2-15-501(7) states that the Attorney General shall “give an opinion in writing . . . to the legislature or either house of the legislature, to any state officer, board, or commission, to any county attorney, to the city attorney of any city or town, or to the board of county commissioners of any county of the state when required upon any question of law relating to their respective offices.” The statute does not provide standing to make such a request to a County board of health.

Additionally, the guidelines for requesting an Attorney General Opinion specifically state: “The request must be accompanied by a memorandum of authority citing basic research and points of law bearing upon the request. The memorandum should include the requestor’s own conclusion on the question presented.”¹ It may be that legal research performed by the BOH or by the Ravalli County Attorney will answer the questions presented. If not, please ask the Board of County Commissioners or the County Attorney to submit a request with an accompanying legal research memorandum.

Very truly yours,

PATRICK M. RISKEN
Assistant Attorney General

¹ See <https://dojmt.gov/agooffice/attorney-generals-opinions/>.