

By: Representative Mitchell

To: Agriculture

## HOUSE BILL NO. 1470

1 AN ACT TO BRING FORWARD, FOR PURPOSES OF AMENDMENT, SECTIONS  
2 69-17-3 THROUGH 69-17-201, MISSISSIPPI CODE OF 1972, WHICH RELATE  
3 TO LIVESTOCK BIOLOGICS, DRUGS AND VACCINES; TO BRING FORWARD, FOR  
4 PURPOSES OF AMENDMENT, SECTIONS 73-39-2 THROUGH 73-39-20,  
5 MISSISSIPPI CODE OF 1972, AND SECTIONS 73-39-27 THROUGH 73-39-37,  
6 MISSISSIPPI CODE OF 1972, WHICH RELATE TO THE VETERINARY PRACTICE  
7 LAW; TO BRING FORWARD, FOR PURPOSES OF AMENDMENT, SECTIONS  
8 75-45-153 THROUGH 75-45-195, MISSISSIPPI CODE OF 1972, WHICH  
9 RELATE TO THE MISSISSIPPI COMMERCIAL FEED LAW; AND FOR RELATED  
10 PURPOSES.

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

12 SECTION 1. Section 69-17-3, Mississippi Code of 1972, is  
13 brought forward as follows:

14 69-17-3. No person, firm or corporation shall sell or offer  
15 for sale any biologics, drugs, remedies, tonics, medicine or other  
16 health preparation in the State of Mississippi designed for or to  
17 be administered to any livestock, poultry or any other animals  
18 until same has been registered with and approved for distribution  
19 by the Board of Animal Health as herein provided for. Nothing in  
20 this article shall be construed to prevent the sale of any  
21 antibiotics by any concern to farmers or livestock owners.

22 SECTION 2. Section 69-17-5, Mississippi Code of 1972, is  
23 brought forward as follows:

24 69-17-5. Nothing in this article shall apply to the  
25 dispensing of biologics, drugs, remedies, tonics, medicines or  
26 preparations hereinabove referred to by a licensed veterinarian if  
27 same is delivered by the licensed practitioner in the course of  
28 his professional practice or upon his prescription.

29 SECTION 3. Section 69-17-7, Mississippi Code of 1972, is  
30 brought forward as follows:

31 69-17-7. Any biologics, drugs, remedies, tonics, medicine or

32 other preparation hereinabove referred to which are licensed or  
33 which are authorized to be sold under and in accordance with the  
34 Public Health Service Act of July 1, 1944 (58 Stat. 682; 42 U.S.C.  
35 Supp.V. 201 et seq.) or under the Animal Virus-Serum-Toxin Law of  
36 March 4, 1913 (37 Stat. 832; 21 U.S.C. 151 et seq.) shall be  
37 exempt from the provisions of this article.

38 SECTION 4. Section 69-17-9, Mississippi Code of 1972, is  
39 brought forward as follows:

40 69-17-9. The application for registration shall be made in  
41 such form and contain such information as may be prescribed by the  
42 Board of Animal Health of the State of Mississippi and shall give  
43 in detail the composition of the preparation, the safety of its  
44 use, recommendations and directions for use, claims of  
45 effectiveness and proof of all claims, and shall include an  
46 official product label and any other evidence which the said board  
47 considers necessary in determining eligibility of registration in  
48 compliance with this article.

49 SECTION 5. Section 69-17-11, Mississippi Code of 1972, is  
50 brought forward as follows:

51 69-17-11. The said Board of Animal Health is hereby  
52 authorized and directed to promulgate rules and regulations not  
53 inconsistent with this article, which may be necessary to its  
54 effective administration.

55 SECTION 6. Section 69-17-13, Mississippi Code of 1972, is  
56 brought forward as follows:

57 69-17-13. The said Board of Animal Health and its authorized  
58 representatives shall have the right to inspect, investigate,  
59 sample and seize in accordance with lawful procedure any product  
60 covered by this article.

61 SECTION 7. Section 69-17-15, Mississippi Code of 1972, is  
62 brought forward as follows:

63 69-17-15. Any person, firm or corporation violating any  
64 provision, or provisions, of this article shall have his  
65 registration rejected or revoked, and shall be guilty of a

66 misdemeanor and upon conviction thereof, in addition to the  
67 foregoing, may be fined not to exceed One Hundred Dollars  
68 (\$100.00) or imprisoned in jail not exceeding thirty (30) days,  
69 either or both.

70 SECTION 8. Section 69-17-101, Mississippi Code of 1972, is  
71 brought forward as follows:

72 69-17-101. Every person, except a bona fide merchant, who  
73 owns or possesses an instrument designed to project a tranquilizer  
74 or drug by means of compressed gas, explosion, or by mechanical  
75 means, into livestock for the purpose of rendering the animal  
76 docile, by whatever name known, shall register same within thirty  
77 (30) days with the Commissioner of Public Safety on forms to be  
78 provided by him. Any person hereafter coming into possession of  
79 or owning such instrument shall immediately register same with the  
80 Commissioner of Public Safety. The commissioner shall make forms  
81 available to the general public at all Mississippi Highway Safety  
82 Patrol substations.

83 SECTION 9. Section 69-17-103, Mississippi Code of 1972, is  
84 brought forward as follows:

85 69-17-103. Any person selling or dispensing tranquilizers or  
86 drugs manufactured for injection into livestock by means of an  
87 instrument identified in Section 69-17-101 for the purpose of  
88 rendering livestock docile, shall maintain a register wherein he  
89 shall enter the date such drug is sold or dispensed, the name and  
90 address of the purchaser or receiver, and the identity and  
91 quantity of said drug.

92 SECTION 10. Section 69-17-105, Mississippi Code of 1972, is  
93 brought forward as follows:

94 69-17-105. Any sheriff, constable, police officer, highway  
95 patrolman, or special investigator authorized under the provisions  
96 of Section 69-29-1, Mississippi Code of 1972, shall have the power  
97 to inspect the register of drugs dispensed required to be  
98 maintained by this article at a reasonable time during normal  
99 business hours of the dispenser or vendor thereof.

100 SECTION 11. Section 69-17-107, Mississippi Code of 1972, is  
101 brought forward as follows:

102 69-17-107. Any person who shall violate any provision of  
103 this article shall be guilty of a misdemeanor and, upon  
104 conviction, shall be punished by a fine of not less than One  
105 Hundred Dollars (\$100.00) nor more than Five Hundred Dollars  
106 (\$500.00), or by imprisonment in the county jail not less than  
107 thirty (30) days nor more than six (6) months, or by both such  
108 fine and imprisonment.

109 SECTION 12. Section 69-17-201, Mississippi Code of 1972, is  
110 brought forward as follows:

111 69-17-201. (1) It shall be unlawful for any person, firm,  
112 corporation or association to have in possession or keep, sell or  
113 offer for sale, barter, exchange, give away or otherwise dispose  
114 of hog cholera virus, except at Mississippi State University of  
115 Agriculture and Applied Science and under the supervision of a  
116 licensed veterinarian and with a special written permit issued by  
117 the Board of Animal Health. "Hog cholera virus" means an  
118 unattenuated virus administered to swine for the purpose of  
119 immunizing such swine from the disease known as hog cholera.

120 (2) Any person, firm, corporation or association violating  
121 any of the provisions of this section shall be guilty of a  
122 misdemeanor, and upon conviction shall be fined not less than  
123 Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars  
124 (\$500.00).

125 SECTION 13. Section 73-39-2, Mississippi Code of 1972, is  
126 brought forward as follows:

127 73-39-2. For the purposes of this chapter, the following  
128 words and phrases have the following meanings unless the context  
129 otherwise requires:

130 (a) "Abandonment" means to forsake entirely, or to neglect,  
131 or to refuse to provide for or to perform the legal or contractual  
132 obligation for the care and support of an animal, and such  
133 abandonment shall constitute a relinquishment of all rights and

134 claims of the owner of an animal after notice is given as herein  
135 provided.

136 (b) "Animal" means any animal other than man, and includes  
137 birds, reptiles and fish, wild or domestic, living or dead.

138 (c) "Animal technician" is a person approved by the  
139 Mississippi Board of Veterinary Medicine to perform acts relating  
140 to the maintenance of health in or medical treatment of any animal  
141 within the State of Mississippi and provided further, that the  
142 performance of such acts shall be directly and immediately  
143 supervised by a veterinarian duly licensed to practice in the  
144 State of Mississippi. No animal technician may diagnose, perform  
145 surgery or prescribe medicine.

146 (d) "Board" means the Mississippi Board of Veterinary  
147 Medicine.

148 (e) "Complainant" means the board or any other person who  
149 initiates a proceeding.

150 (f) "Hearing" means any proceeding initiated before the  
151 board in which the legal rights, duties, privileges or immunities  
152 of a specific party or parties are determined.

153 (g) "License" means any permit, approval, registration or  
154 certificate issued by the board.

155 (h) "Respondent" is any person against whom a proceeding is  
156 initiated.

157 (i) "Responsible supervision" or words of similar purport  
158 means the control, direction and regulation by a veterinarian of  
159 the duties involved in the practice of veterinary medicine which  
160 he delegates to his unlicensed personnel.

161 (j) "Rule" means any regulation adopted by the board to  
162 govern its duties, functions, organization and procedure.

163 (k) "School of veterinary medicine" means any school or  
164 college, whose course of study is accredited by the American  
165 Veterinary Medical Association or any college or school that the  
166 board is able to determine that the curriculum is equal to or  
167 greater than the curriculum of colleges or schools accredited by

168 the American Veterinary Medical Association.

169 (l) "Temporary permit" means temporary permission to  
170 practice veterinary medicine issued pursuant to this chapter.

171 (m) "Unprofessional or unethical conduct" means, among other  
172 things, any conduct of a character likely to deceive or defraud  
173 the public, unethical advertising, obtaining any fee or  
174 compensation by fraud or misrepresentation, sharing office space  
175 with any person illegally practicing veterinary medicine,  
176 employing, either directly or indirectly, any unlicensed person to  
177 practice veterinary medicine or render any veterinary service  
178 except as herein provided, or the violation of any rule adopted by  
179 the board.

180 (n) "Veterinarian" means a person who has received a  
181 doctor's degree in veterinary medicine from a school of veterinary  
182 medicine and is validly and currently licensed to practice  
183 veterinary medicine in this state.

184 (o) "Veterinary medicine" includes veterinary surgery,  
185 obstetrics, dentistry and all other branches or specialties of  
186 veterinary medicine.

187 SECTION 14. Section 73-39-3, Mississippi Code of 1972, is  
188 brought forward as follows:

189 73-39-3. No person shall practice veterinary medicine or  
190 veterinary surgery in any of their departments, including  
191 veterinary dentistry, in this state, unless and until such person  
192 shall have complied in all respects with the provisions of this  
193 chapter.

194 SECTION 15. Section 73-39-5, Mississippi Code of 1972, is  
195 brought forward as follows:

196 73-39-5. There shall be a Board of Veterinary Medicine  
197 composed of five (5) members, with at least one (1) member from  
198 each of the Supreme Court districts of the state and not more than  
199 two (2) members from the same Supreme Court district. All members  
200 of the Board of Veterinary Medicine shall be veterinarians who  
201 have practiced in this state for a period of not less than five

202 (5) years and shall be graduates of a bona fide school of  
203 veterinary medicine recognized by and approved by the Bureau of  
204 Animal Industry of the United States Department of Agriculture and  
205 also by the American Veterinary Medical Association. In making  
206 the first appointments to the Board of Veterinary Medicine, the  
207 Governor shall designate one (1) member to serve for one (1) year,  
208 one (1) for two (2) years, one (1) for three (3) years, one (1)  
209 for four (4) years, and one (1) for five (5) years. After the  
210 expiration of the terms of all original board members, the terms  
211 of each member of the board shall be for five (5) years, or for  
212 the unexpired term. The Governor shall fill all vacancies on the  
213 board as they shall occur by appointment from a list of three (3)  
214 eligible veterinarians furnished to him by the Mississippi State  
215 Veterinary Medical Association for each vacancy, provided that if  
216 the vacancy to be filled is that caused by expiration of the  
217 terms, death, resignation or inability to serve of a board member  
218 whose residence is in a Supreme Court district having two (2)  
219 members of the board, the Mississippi State Veterinary Medical  
220 Association shall furnish to the Governor a list of six (6) names  
221 from which the vacancy shall be filled, three (3) of such names  
222 shall be from the Supreme Court district in which the former board  
223 member resided and three (3) from the Supreme Court district which  
224 had only one (1) member on the board, and the Governor shall fill  
225 the vacancy by appointment of one (1) of the six (6) nominees  
226 presented by the Mississippi State Veterinary Medical Association.  
227 From and after July 1, 1980, all appointments to the Board of  
228 Veterinary Medicine shall be with the advice and consent of the  
229 Senate. A majority of the board shall constitute a quorum.

230 SECTION 16. Section 73-39-7, Mississippi Code of 1972, is  
231 brought forward as follows:

232 73-39-7. (1) There shall be no obligation on the part of  
233 the state for the payment of any money as salary or otherwise to  
234 any member of the board, but the compensation and expenses of said  
235 board shall be paid out of the fees and fines as hereinafter

236 provided. The members of the board shall receive as compensation  
237 for their services the sum of Forty Dollars (\$40.00) for each day  
238 in actual service of said board and, in addition, their expenses  
239 incident to the meeting of the board. If the fines and fees are  
240 not sufficient to defray such compensation and expenses they shall  
241 be prorated among the members of said board, after paying  
242 operating expenses of said board.

243 (2) All fees and other monies received by the  
244 secretary-treasurer of the board shall be deposited in a special  
245 fund that is created in the State Treasury and shall be used for  
246 the implementation and administration of this chapter when  
247 appropriated by the Legislature for such purpose. The monies in  
248 the special fund shall be subject to all provisions of the state  
249 budget laws that are applicable to special fund agencies, and  
250 disbursements from the special fund shall be made by the State  
251 Treasurer only upon warrants issued by the State Fiscal Officer  
252 upon requisitions signed by the president or secretary-treasurer  
253 of the board. Any interest earned on this special fund shall be  
254 credited by the State Treasurer to the fund and shall not be paid  
255 into the State General Fund. Any unexpended monies remaining in  
256 the special fund at the end of a fiscal year shall not lapse into  
257 the State General Fund. The State Auditor shall audit the  
258 financial affairs of the board and the transactions involving the  
259 special fund at least once a year in the same manner as for other  
260 special fund agencies.

261 (3) The board is authorized to employ such personnel and  
262 incur such expense as may be necessary for the performance of its  
263 duties and the enforcement of this chapter including expenses for  
264 the promotion of education and standards of veterinary medicine  
265 through institutes, conferences, educational programs or such  
266 other means as may result in improved services.

267 SECTION 17. Section 73-39-9, Mississippi Code of 1972, is  
268 brought forward as follows:

269 73-39-9. The board shall elect from their members a



270 president, vice-president and secretary-treasurer. The board is  
271 authorized:

272 (a) To adopt reasonable rules governing the practice of  
273 veterinary medicine as are necessary to enable it to carry out and  
274 make effective the purpose and intent of this chapter. Such rules  
275 shall be adopted and promulgated in accordance with the provisions  
276 of this chapter.

277 (b) To adopt rules of professional conduct appropriate  
278 to establish and maintain a high standard of integrity, skills and  
279 practice in the profession of veterinary medicine. In prescribing  
280 such rules of professional conduct, the board may be guided by the  
281 principles of veterinary medical ethics adopted by the American  
282 Veterinary Medical Association and the Mississippi Veterinary  
283 Medical Association.

284 (c) To have its rules printed which shall be  
285 distributed to all licensed veterinarians.

286 (d) To bring proceedings in courts for the enforcement  
287 of this chapter or any rules made pursuant thereto.

288 (e) To hold at least one (1) regular meeting on the  
289 third Tuesday in June each year in the City of Jackson at such  
290 time and location as fixed by the board, for the purpose of  
291 conducting examinations of applicants for license to practice  
292 veterinary medicine, the election of officers and to consider any  
293 other business that may properly come before the board. Other  
294 meetings may be held upon the call of the president and secretary  
295 of the board.

296 (f) To pass upon the qualifications of applicants for a  
297 license to practice veterinary medicine in this state, or for a  
298 certificate as an animal technician.

299 (g) To prescribe the subjects, character, manner, time  
300 and place of holding examinations and the filing of applications  
301 for examinations and to conduct the examinations.

302 (h) To issue temporary permits to practice to duly  
303 qualified applicants which shall be signed by the secretary.

304           (i) To provide for, regulate and require all persons  
305 licensed in accordance with the provisions of this chapter to  
306 renew their license annually; to require as a condition precedent  
307 to such annual renewal the payment of the annual renewal fee as  
308 provided herein; to issue annual renewal licenses to such persons  
309 and to suspend or revoke the license of such persons who fail,  
310 refuse or neglect to renew same or pay such fees.

311           (j) To conduct investigations and hearings upon  
312 complaints calling for discipline of a licensee or applicant for  
313 license.

314           (k) To take testimony on any matter under its  
315 jurisdiction and any member thereof may administer oaths.

316           (l) To issue summons and subpoenas, including subpoenas  
317 duces tecum, for any witness in connection with any matter within  
318 the jurisdiction of the board, which shall be signed by either the  
319 president or the secretary-treasurer of the board.

320           (m) To adopt such forms as it may deem necessary.

321           SECTION 18. Section 73-39-11, Mississippi Code of 1972, is  
322 brought forward as follows:

323           73-39-11. All persons who are not already licensed under the  
324 laws of Mississippi to practice veterinary medicine, veterinary  
325 surgery and veterinary dentistry in this state prior to the  
326 passage of this chapter shall be required to take an examination  
327 and pay a fee of Fifty Dollars (\$50.00) therefor when applying for  
328 permission to take the examination. Said fee shall not be  
329 returned to applicant whether or not he passes the examination.

330           SECTION 19. Section 73-39-13, Mississippi Code of 1972, is  
331 brought forward as follows:

332           73-39-13. All applicants for license to practice veterinary  
333 medicine in this state and not holding a license to practice on  
334 July 1, 1977, must successfully pass an examination before the  
335 Board of Veterinary Medicine, which examination shall be  
336 prescribed by the board. Applicants to be eligible for  
337 examination must present satisfactory evidence that they are more

338 than twenty-one (21) years of age, a citizen of the United States  
339 or a resident alien of the State of Mississippi, of good moral  
340 character, and the graduate of a school of veterinary medicine.  
341 The Board of Veterinary Medicine, in its discretion, may grant a  
342 temporary permit to practice veterinary medicine to an applicant  
343 applying before the time of the regular meeting of the board,  
344 provided that the application is accompanied by the payment of the  
345 application fee as hereinbefore prescribed, and provided further,  
346 that the applicant shall furnish to the board sufficient evidence  
347 that he possesses the necessary qualifications, and provided  
348 further, that he furnishes to said board satisfactory evidence  
349 that he is actually residing in the State of Mississippi. The  
350 temporary permit shall entitle the holder thereof to practice only  
351 until the next regular meeting of the said board, at which time  
352 the said temporary permit shall automatically expire; the board  
353 may, however, in its discretion, grant another temporary permit,  
354 but not more than two (2) such temporary permits may be granted to  
355 any one (1) person.

356 SECTION 20. Section 73-39-15, Mississippi Code of 1972, is  
357 brought forward as follows:

358 73-39-15. Applicants for license to practice veterinary  
359 medicine in this state shall file their application with the  
360 Secretary-Treasurer of the Board of Veterinary Medicine at least  
361 thirty (30) days prior to the date of examination upon forms  
362 furnished by the secretary-treasurer for such purpose and shall  
363 pay the fee hereinbefore prescribed at the time the application is  
364 filed. Any person receiving a license from the Board of  
365 Veterinary Medicine shall forthwith and prior to engaging in the  
366 practice of veterinary medicine have same recorded in the office  
367 of the circuit clerk of the county in which he resides, and such  
368 person shall display his license in the place or office wherein he  
369 practices.

370 Each application or filing made under this section shall  
371 include the Social Security number(s) of the applicant in

372 accordance with Section 93-11-64, Mississippi Code of 1972.

373 SECTION 21. Section 73-39-17, Mississippi Code of 1972, is  
374 brought forward as follows:

375 73-39-17. The circuit clerk of each county shall keep a  
376 complete list of the licenses received by him, together with the  
377 date of each, and the date recorded. He shall further record the  
378 name of the veterinary college which conferred the diploma on  
379 which permission was given to take the examination for license to  
380 practice.

381 SECTION 22. Section 73-39-19, Mississippi Code of 1972, is  
382 brought forward as follows:

383 73-39-19. (1) After a hearing held as set out in this  
384 chapter, the board, on concurrence of three (3) members, shall  
385 have the right and power to revoke or suspend the license of a  
386 veterinarian, or the certificate of an animal technician and may  
387 place said veterinarian or technician on prohibition conditioned  
388 on future good conduct and compliance with this chapter, and may  
389 impose an administrative fine not to exceed One Thousand Dollars  
390 (\$1,000.00) for each such separate offense, for any of the  
391 following reasons:

392 (a) Insanity or mental incompetence or an adjudication  
393 of insanity or mental incompetence by a court of competent  
394 jurisdiction.

395 (b) Chronic inebriety or habitual use of drugs, or any  
396 adjudication by a court of competent jurisdiction that such  
397 veterinarian is an alcoholic or habitual user of drugs. Decrees  
398 of divorce shall not be construed as an adjudication that a  
399 veterinarian is an alcoholic or habitual user of drugs.

400 (c) A final conviction of a felony or of an offense  
401 involving moral turpitude by a court of competent jurisdiction.

402 (d) Fraud or dishonesty in the application or reporting  
403 of any test for disease in animals, including intentional  
404 misrepresentation on any forms filed with any governmental agency.

405 (e) Failure to report or making a false report of any

406 contagious or infectious disease required by state or federal law  
407 to be reported.

408 (f) Dishonesty, intentional misrepresentation or gross  
409 negligence in the inspection of foodstuffs or the issuance of  
410 health or inspection certificates.

411 (g) The refusal of licensing authority of another state  
412 to issue or renew a license, permit or certificate to practice  
413 veterinary medicine in that state or the revocation, suspension or  
414 other restriction imposed on a license, permit or certificate  
415 issued by such licensing authority which prevents or restricts  
416 practice in that state; further, any probationary status imposed  
417 by another state which had the offense occurred in this state  
418 would have been a violation of this chapter.

419 (h) The employment of fraud, misrepresentation or  
420 deception in obtaining a license.

421 (i) The use of advertising or solicitation which is  
422 false or misleading or is deemed unprofessional under rules or  
423 regulations adopted by the board.

424 (j) Incompetence, gross negligence, cruelty or gross  
425 malpractice in the practice of veterinary medicine.

426 (k) Employing any person practicing veterinary medicine  
427 unlawfully with the knowledge of such illegal practice by said  
428 employee.

429 (l) Failure to keep veterinary premises and equipment  
430 in a clean and sanitary condition.

431 (m) Cruelty to animals in the practice of veterinary  
432 medicine.

433 (n) Unprofessional or unethical conduct as defined in  
434 regulations adopted by the board.

435 (o) Administering, dispensing or prescribing any  
436 narcotic drug having addiction-forming, addiction-sustaining or  
437 habituating liability otherwise than in the course of legitimate  
438 professional practice.

439 (p) Conviction of violation of any federal or state law

440 regulating the possession, distribution or use of any narcotic  
441 drug or any drug considered a controlled substance under state or  
442 federal law.

443 (q) Obtaining or procuring, or attempting to obtain or  
444 procure by misrepresentation, fraud, deception or subterfuge, any  
445 narcotic or drug classified as a controlled substance.

446 (r) Making or causing to be made any false claims  
447 concerning the licensee's professional excellence.

448 (s) Being guilty of any dishonorable or unethical  
449 conduct likely to deceive, defraud or harm the public.

450 (t) Refusing to permit the board or any legal  
451 representative of the board to inspect the business premises of  
452 the licensee during regular business hours.

453 (u) Failure to complete requirement of continuing  
454 education.

455 (2) A certified copy of any judgment of conviction or  
456 finding of guilt by a court of competent jurisdiction or by a  
457 governmental board or agency authorized to issue licenses or  
458 permits, including the United States Department of Agriculture,  
459 Animal and Plant Health Inspection Service, the Mississippi Board  
460 of Animal Health and the Mississippi State Board of Health, of a  
461 veterinarian or animal technician of any of the matters listed in  
462 paragraph (a), (b), (c), (d), (e), (f) or (g) of subsection  
463 (1) shall be admissible in evidence in any hearing held by the  
464 board to discipline such veterinarian and shall constitute prima  
465 facie evidence of the commission of any such act.

466 (3) In addition to the reasons specified in subsection (1)  
467 of this section, the board shall be authorized to suspend the  
468 license or certificate of any licensee or certificate holder for  
469 being out of compliance with an order for support, as defined in  
470 Section 93-11-153. The procedure for suspension of a license or  
471 certificate for being out of compliance with an order for support,  
472 and the procedure for the reissuance or reinstatement of a license  
473 or certificate suspended for that purpose, and the payment of any

474 fees for the reissuance or reinstatement of a license or  
475 certificate suspended for that purpose, shall be governed by  
476 Section 93-11-157 or 93-11-163, as the case may be. If there is  
477 any conflict between any provision of Section 93-11-157 or  
478 93-11-163 and any provision of this chapter, the provisions of  
479 Section 93-11-157 or 93-11-163, as the case may be, shall control.

480 SECTION 23. Section 73-39-20, Mississippi Code of 1972, is  
481 brought forward as follows:

482 73-39-20. No action to revoke or suspend a license of a  
483 veterinarian or certificate of an animal technician shall be taken  
484 until the respondent has been furnished a statement of the charges  
485 against him and has been mailed a written notice by registered  
486 mail at least ten (10) days prior to said hearing of the time,  
487 date and place of said hearing. All such hearings shall be held  
488 in the City of Jackson, Hinds County, Mississippi. The respondent  
489 may be present at the hearing in person, or represented by  
490 counsel, or both. When a license or certificate is revoked or  
491 suspended, the secretary of the board, hereinafter referred to as  
492 "the secretary," shall certify the revocation or suspension to the  
493 clerk of the county or counties with whom the respondent shall  
494 have filed his license, or certified copy thereof. The board may,  
495 for good cause shown, reinstate any license or certificate so  
496 revoked or suspended and in case of reinstatement of the same, the  
497 secretary shall certify such reinstatement to said clerk. The  
498 procedure for the reinstatement of a license or certificate that  
499 is suspended for being out of compliance with an order for  
500 support, as defined in Section 93-11-153, shall be governed by  
501 Section 93-11-157 or 93-11-163, as the case may be. An appeal  
502 from the action of the board in revoking or suspending a license  
503 or certificate may be taken to the chancery court of the county in  
504 which such veterinarian or animal technician is residing within  
505 the State of Mississippi or the county in which practicing, if he  
506 be a nonresident of this state, within thirty (30) days after  
507 action of the board. The appeal is perfected upon filing notice

508 of appeal, together with bond in the sum of One Hundred Dollars  
509 (\$100.00), with two (2) resident sureties or one (1) corporate  
510 surety company authorized to do business in the State of  
511 Mississippi, conditioned that if the action of the board in  
512 revoking or suspending the license be affirmed by the chancery  
513 court, the appellant will pay the costs of the appeal. Such bonds  
514 shall be approved by the clerk of the chancery court to which such  
515 appeal is taken.

516       Actions taken by the board in suspending a license or  
517 certificate when required by Section 93-11-157 or 93-11-163 are  
518 not actions from which an appeal may be taken under this section.

519       Any appeal of a license or certificate suspension that is  
520 required by Section 93-11-157 or 93-11-163 shall be taken in  
521 accordance with the appeal procedure specified in Section  
522 93-11-157 or 93-11-163, as the case may be, rather than the  
523 procedure specified in this section.

524       SECTION 24. Section 73-39-27, Mississippi Code of 1972, is  
525 brought forward as follows:

526       73-39-27. The board, by an affirmative vote of three (3)  
527 members, at any time after suspension or revocation of a license  
528 for good and sufficient cause, may reissue a license to the person  
529 affected, conferring upon him all the rights and privileges  
530 pertaining to the practice of veterinary medicine. Any person to  
531 whom such license may be reissued shall pay all fees that would  
532 have been paid if he had maintained his license in good standing,  
533 plus a special reinstatement fee of Five Hundred Dollars  
534 (\$500.00). Any person affected, if aggrieved by the refusal of  
535 the board to reissue such license, may appeal to the chancery  
536 court of the county and judicial district in which he resides in  
537 the manner prescribed by law for all such appeals. The procedure  
538 for the reissuance of a license or certificate that is suspended  
539 for being out of compliance with an order for support, as defined  
540 in Section 93-11-153, shall be governed by Section 93-11-157 or  
541 93-11-163, as the case may be.



542 SECTION 25. Section 73-39-29, Mississippi Code of 1972, is  
543 brought forward as follows:

544 73-39-29. Each person licensed to practice veterinary  
545 medicine, veterinary surgery or veterinary dentistry under this  
546 chapter except as otherwise provided, is required to attend an  
547 educational program in the twelve (12) months preceding each  
548 renewal date of his license. The educational program may be  
549 conducted by the Board of Veterinary Examiners, the Mississippi  
550 State Veterinary Medical Association and/or any other organized  
551 veterinary associations recognized by the board. However,  
552 postgraduate study or attendance at an institution or an  
553 educational session approved by the board shall be considered  
554 equivalent but the board shall have the right, for good cause  
555 shown, to prescribe the type and character of postgraduate study  
556 to be done by any doctor of veterinary medicine in order to comply  
557 with the requirements of this chapter.

558 SECTION 26. Section 73-39-31, Mississippi Code of 1972, is  
559 brought forward as follows:

560 73-39-31. The board shall have the authority to excuse  
561 licensees, as a group or an individual, from the annual  
562 educational requirements in any of the following instances:

563 (a) When no educational program meeting the requirement  
564 approved by the board is conducted within the state;

565 (b) The submission of an affidavit to the board  
566 evidencing that the licensee, for good cause assigned, was  
567 prevented from attending an educational program at the proper  
568 time;

569 (c) In the event of an unusual emergency;

570 (d) Persons who have reached the age of sixty-five (65)  
571 years or over; and

572 (e) For other good and sufficient reason.

573 SECTION 27. Section 73-39-32, Mississippi Code of 1972, is  
574 brought forward as follows:

575 73-39-32. The board shall issue a veterinary faculty

576 license, which shall be required for employment in any state  
577 institution, to any veterinarian associated with one (1) of the  
578 state institutions of higher learning and involved in the  
579 instructional program of either undergraduate or graduate  
580 veterinary medical students, subject to the following conditions:

581 (a) That the holder of the veterinary faculty license  
582 shall not be remunerated for the practice aspects of his services,  
583 rather, the institution employing him shall receive any fees due  
584 from his services; except for services performed in connection  
585 with a practice in Mississippi owned and operated by a  
586 veterinarian holding a valid license to practice Veterinary  
587 Medicine in the State of Mississippi and with written permission  
588 to do so from the institution of higher learning where employed;  
589 and

590 (b) That the applicant will furnish the board with  
591 proof that he or she is a graduate of an accredited school or  
592 college of veterinary medicine and is duly licensed in this or  
593 another state; and

594 (c) That the license may be cancelled for any of the  
595 reasons enumerated in Section 73-39-19 or if the holder of the  
596 veterinary faculty license permanently moves out of the state or  
597 leaves the employment of the institution of higher learning.

598 SECTION 28. Section 73-39-33, Mississippi Code of 1972, is  
599 brought forward as follows:

600 73-39-33. Any person shall be regarded as practicing  
601 veterinary medicine, veterinary surgery or veterinary dentistry  
602 who shall treat, operate on, diagnose or prescribe for any animal  
603 for compensation. But nothing in this chapter shall prohibit  
604 anyone from dehorning, castrating or spaying or vaccinating or  
605 prescribing where no compensation is made, nor shall this chapter  
606 affect the duties of county agents or vocational agriculture  
607 teachers in high schools in the prevention and control of animal  
608 diseases.

609 SECTION 29. Section 73-39-34, Mississippi Code of 1972, is

610 brought forward as follows:

611 73-39-34. (1) The board shall establish rules and  
612 regulations for the admission to practice and for the conduct of  
613 examinations for animal technicians.

614 (2) Applications for examination by the board for a  
615 certificate as an animal technician shall be made on a form  
616 prescribed by the board and obtainable from the secretary of the  
617 board. The application shall:

618 (a) Be delivered to the secretary of the board at least  
619 thirty (30) days prior to the announced date of the examination;

620 (b) Be accompanied by the following:

621 (i) A check or money order in the amount of  
622 Twenty-five Dollars (\$25.00) made payable to the Mississippi Board  
623 of Veterinary Medicine;

624 (ii) A certified copy of the applicant's college  
625 transcript, if the applicant has attended college;

626 (iii) A photograph of the applicant taken within  
627 six (6) months of the date of the application; and

628 (iv) At least three (3) letters of recommendation  
629 from citizens of the United States, and if application is based on  
630 graduation from a school of animal technology, at least one (1) of  
631 them shall be from an instructor in the department of animal  
632 technology attended by the applicant, setting forth that the  
633 applicant is personally known and is of good moral character;

634 (c) Be subscribed and sworn to before a notary public;  
635 and

636 (d) Along with all supporting papers submitted to the  
637 board, become a part of the applicant's examination and become the  
638 property of the board.

639 (3) Any applicant who, being at least eighteen (18) years of  
640 age; of good moral character; has received a diploma in animal  
641 technology from a school approved by the board; or has obtained a  
642 high school diploma or G.E.D. Certificate and has completed a  
643 program of five (5) continuous years of practical training as an

644 animal technician approved by the board; and who has completed and  
645 filed the application as provided herein and paid the requisite  
646 fees shall be eligible to take the examination for certification  
647 as an animal technician. A credit of two (2) years' practical  
648 training may be given at the discretion of the board for a degree  
649 conferred by an institution of higher learning.

650 (4) (a) All examinations by the board shall be both  
651 theoretical and practical and shall embrace such subjects as the  
652 board shall, from time to time, prescribe and shall be both  
653 written and oral. The board shall hold at least one (1)  
654 examination annually.

655 (b) The board, in its discretion, may waive the written  
656 part of the examination; provided, an applicant for such  
657 examination meets the following requirements:

658 (i) In the opinion of the board, the applicant has  
659 met all of the requirements provided for in this chapter.

660 (ii) The applicant has been certified as an animal  
661 technician in another state whose requirements are at least equal  
662 to those of Mississippi, and has submitted acceptable proof  
663 thereof.

664 (c) Any applicant failing to pass any examination for  
665 which he previously qualified shall be reexamined at his request  
666 without the necessity of filing a new application at any scheduled  
667 examination held by the board at the expiration of six (6) months,  
668 but not more than two (2) years following his original  
669 examination. However, such applicant shall not in any event be  
670 entitled to more than two (2) such reexaminations within the  
671 period of two (2) years. All requests for reexaminations shall be  
672 filed with the secretary of the board at least thirty (30) days  
673 prior to the date of the examination he wishes to take, and such  
674 request shall be accompanied by a fee in the amount of Twenty-five  
675 Dollars (\$25.00).

676 (5) The certificate issued to a person qualifying as a  
677 certified animal technician shall contain the following language

678 clearly displayed upon its face: "A certified animal technician  
679 may perform acts relating to the maintenance of health or medical  
680 treatment of any animal within the State of Mississippi; provided,  
681 that the performance of such acts by the certified animal  
682 technician shall be directly and immediately supervised by a  
683 veterinarian duly licensed to practice in the State of  
684 Mississippi. No animal technician may diagnose disease, perform  
685 surgery or prescribe medicine."

686 (6) The board shall have the power to evaluate and approve  
687 or disapprove, in its discretion, schools offering a course in  
688 animal technology.

689 (7) Practical training of candidates:

690 (a) No candidate shall be deemed to be in a program of  
691 practical training intended to satisfy the educational requirement  
692 for certification as animal technician until a form of intent  
693 shall have been executed by the training veterinarian and approved  
694 by the board.

695 (b) Any licensed veterinarian who has undertaken the  
696 practical training of a candidate shall immediately, upon  
697 completion of the candidate's training, submit to the board proof  
698 of such completion of training.

699 (c) Any person at least eighteen (18) years of age  
700 engaged in a program of practical training as a candidate for  
701 certification as an animal technician on March 8, 1977, shall have  
702 until May 1, 1977, to submit proof to the board of such training  
703 in the form of an affidavit from the veterinarian or veterinarians  
704 that supervised the training, setting forth the fact that the  
705 training did take place and the nature of the training. Upon  
706 receipt of such proof, together with the completed application and  
707 requisite fee, as provided for herein, the board shall issue to  
708 such person a certificate as a certified animal technician.

709 (8) The board shall establish a code of ethics and rules of  
710 conduct for animal technicians.

711 (9) The certificate as animal technician shall only be valid

712 for use when the holder is in the employ of a veterinarian in the  
713 State of Mississippi or an exempt veterinarian in accordance with  
714 this chapter, and such veterinarian shall have certified in  
715 writing to the board the fact of such employment of said  
716 technician.

717 (10) The holder of a certificate as an animal technician  
718 shall not accept a direct fee for service rendered as an animal  
719 technician.

720 (11) Each holder of a certificate as animal technician  
721 shall, on July 1 of each and every year, pay to the secretary of  
722 the board an annual registration fee of Five Dollars (\$5.00).  
723 Renewal applications shall be countersigned by the employing  
724 veterinarian.

725 (12) All certificates of animal technicians shall be  
726 recorded with the circuit clerk of the county or counties in which  
727 the animal technician works as an animal technician.

728 (13) No veterinarian shall have more than two (2) animal  
729 technicians employed at any one (1) time.

730 SECTION 30. Section 73-39-35, Mississippi Code of 1972, is  
731 brought forward as follows:

732 73-39-35. Any person who practices, or attempts to practice,  
733 veterinary medicine in this state in violation of the provisions  
734 of this chapter, shall be guilty of a misdemeanor and shall be  
735 punishable, upon conviction, by a fine of not more than Five  
736 Hundred Dollars (\$500.00) nor less than One Hundred Dollars  
737 (\$100.00). Each violation shall be deemed a separate offense.

738 SECTION 31. Section 73-39-37, Mississippi Code of 1972, is  
739 brought forward as follows:

740 73-39-37. (1) Any animal placed in the custody of a  
741 licensed veterinarian for treatment, boarding or other care shall  
742 be considered to be abandoned by its owner, or by the person who  
743 placed such animal in the custody of the veterinarian, after the  
744 period of time during which such treatment, boarding or other care  
745 would have been rendered, and following ten (10) days' written

746 notice by registered mail being given by the licensed veterinarian  
747 to the owner or to such person who placed such animal in the  
748 custody of the veterinarian at the last-known address of such  
749 owner or person informing him: (i) that the animal is ready for  
750 discharge, (ii) of the amount owed for the care, treatment and  
751 maintenance of such animal, and (iii) of the veterinarian's  
752 intention to dispose of said animal under the provisions of this  
753 chapter and upon said owner or person not paying said amount and  
754 taking the custody of said animal from the veterinarian within  
755 said period of ten (10) days. When an animal has been so  
756 abandoned, the licensed veterinarian may sell said animal at  
757 public or private sale without any further notice to said owner or  
758 person placing said animal in his custody, except that the  
759 proceeds of such sale shall not exceed the indebtedness owed such  
760 veterinarian, and proceeds of such sale shall be credited first  
761 against the cost of such sale and thereafter against any  
762 indebtedness owed the veterinarian for the care and treatment of  
763 such animal in the custody of such veterinarian. Additionally,  
764 in case of such abandonment, if such a sale is not feasible, said  
765 veterinarian may elect not to sell said animal and may turn it  
766 over to the nearest humane society, dog pound or other facility  
767 for the care and disposal of animals, or may otherwise dispose of  
768 the animal. Nothing contained herein shall be construed as  
769 relieving the owner of such animal or person engaging the services  
770 of said veterinarian from any liability which the owner or such  
771 person may have incurred as a result of the furnishing of such  
772 treatment, boarding or other care by the veterinarian for the  
773 entire period the animal has been in the custody of said  
774 veterinarian.

775 (2) The veterinarian or custodian of a humane society or dog  
776 pound or other facility for the care and disposal of animals to  
777 which said animal may have been delivered by the veterinarian  
778 shall not be liable for disposal of said animal. Such procedure  
779 by the veterinarian shall not constitute grounds for disciplinary

780 proceedings under this chapter.

781 SECTION 32. Section 75-45-153, Mississippi Code of 1972, is  
782 brought forward as follows:

783 75-45-153. When used in this article the terms:

784 (a) "Person" includes any individual, partnership,  
785 corporation and association.

786 (b) "Distribute" means to offer for sale, sell,  
787 exchange, give away, or barter, commercial feed or to supply,  
788 furnish, or otherwise provide commercial feed to a contract  
789 feeder.

790 (c) "Distributor" means any person who distributes  
791 commercial feedstuffs as defined herein.

792 (d) "Commercial feed" means all materials distributed  
793 for use as feed or for mixing in feed except unmixed seed, whole  
794 or processed, when not adulterated within the meaning of paragraph  
795 (a) of Section 75-45-165. The commissioner and State Chemist by  
796 regulation may exempt from this definition, or from specific  
797 provisions of this article, commodities such as hay, straw,  
798 stover, silage, cobs, husks, hulls, and individual chemical  
799 compounds or substances when such commodities, compounds or  
800 substances are not mixed with other materials, and are not  
801 adulterated within the meaning of paragraphs (a-d) of Section  
802 75-45-165.

803 (e) "Feed ingredient" means each of the constituent  
804 materials making up a commercial feed.

805 (f) "Mineral feed" means a commercial feed intended to  
806 supply primarily mineral elements or inorganic nutrients.

807 (g) "Drug" means any article intended for use in the  
808 diagnosis, cure, mitigation, treatment, or prevention of disease  
809 in animals other than man and articles other than feed intended to  
810 affect the structure or any function of the animal body.

811 (h) "Customer-formula feed" means commercial feed which  
812 consists of a mixture of commercial feeds and/or feed ingredients,  
813 each batch of which is manufactured according to the specific



814 instructions of the final purchaser.

815 (i) "Manufacture" means to grind, mix or blend, or  
816 further process a commercial feed for distribution.

817 (j) "Brand name" means any word, name, symbol, or  
818 device, or any combination thereof, identifying the commercial  
819 feed of a distributor or registrant and distinguishing it from  
820 that of others.

821 (k) "Product name" means the name of the commercial  
822 feed which identifies it as to kind, class or specific use.

823 (l) "Label" means a display of written, printed, or  
824 graphic matter upon or affixed to the container in which a  
825 commercial feed is distributed, or on the invoice or delivery slip  
826 with which a commercial feed is distributed.

827 (m) "Labeling" means all labels and other written,  
828 printed, or graphic matter (1) upon a commercial feed or any of  
829 its containers or wrappers (2) accompanying such commercial feed.

830 (n) "Ton" means a net weight of two thousand (2,000)  
831 pounds avoirdupois.

832 (o) "Percent" or "percentages" mean percentages by  
833 weights.

834 (p) "Official sample" means a sample of feed taken by  
835 the commissioner or his agent in accordance with the provisions of  
836 subsections (3), (4), (5) of Section 75-45-173.

837 (q) "Contract feeder" means a person who as an  
838 independent contractor, feeds commercial feed to animals pursuant  
839 to a contract whereby such commercial feed is supplied, furnished,  
840 or otherwise provided to such person and whereby such person's  
841 remuneration is determined all or in part by feed consumption,  
842 mortality, profits, or amount or quality of product.

843 (r) "Pet food" means any commercial feed prepared and  
844 distributed for consumption by pets.

845 (s) "Pet" means any domesticated animal normally  
846 maintained in or near the household(s) of the owner(s) thereof.

847 SECTION 33. Section 75-45-155, Mississippi Code of 1972, is

848 brought forward as follows:

849           75-45-155. This article shall be administered by the  
850 Commissioner of Agriculture and Commerce, hereinafter referred to  
851 as commissioner, and the State Chemist, as specified in the  
852 following sections.

853           SECTION 34. Section 75-45-157, Mississippi Code of 1972, is  
854 brought forward as follows:

855           75-45-157. (1) The commissioner and State Chemist are  
856 authorized to promulgate such rules and regulations for commercial  
857 feeds and pet foods as are specifically authorized in this article  
858 and such other reasonable rules and regulations as may be  
859 necessary for the efficient enforcement of this article. In the  
860 interest of uniformity the commissioner and State Chemist shall  
861 adopt by regulation, unless they determine that they are  
862 inconsistent with the provisions of this article or are not  
863 appropriate to conditions which exist in this state, the  
864 following:

865                   (a) The official definitions of feed ingredients and  
866 official feed terms adopted by the Association of American Feed  
867 Control Officials and published in the official publication of  
868 that organization; and

869                   (b) Any regulation promulgated pursuant to the  
870 authority of the Federal Food, Drug, and Cosmetic Act (USCS  
871 Sections 301, et seq.): provided, that the commissioner and State  
872 Chemist would have the authority under this article to promulgate  
873 such regulations.

874           (2) Before the issuance, amendment, or repeal of any rule or  
875 regulation authorized by this article, the commissioner and State  
876 Chemist shall publish the proposed rule or regulation, amendment,  
877 or notice to repeal an existing rule or regulation in a manner  
878 reasonably calculated to give interested parties, including all  
879 current registrants, adequate notice and they shall afford all  
880 interested persons an opportunity to present their views thereon,  
881 orally or in writing, within a reasonable period of time. After

882 consideration of all views presented by interested persons, the  
883 commissioner and State Chemist shall take appropriate action to  
884 issue the proposed rule or regulation or to amend or repeal an  
885 existing rule or regulation. The provisions of this subsection  
886 notwithstanding, if the commissioner and State Chemist pursuant to  
887 the authority of this article, adopt the official definitions of  
888 feed ingredients or official feed terms as adopted by the  
889 Association of American Feed Control Officials, or regulations  
890 promulgated pursuant to the authority of the Federal Food, Drug,  
891 and Cosmetic Act, any amendment or modification adopted by said  
892 association or by the Secretary of Health, Education and Welfare  
893 in the case of regulations promulgated pursuant to the Federal  
894 Food, Drug, and Cosmetic Act, shall be adopted automatically under  
895 this article without regard to the publications of the notice  
896 required by this subsection, unless the commissioner and State  
897 Chemist by order specifically determine that said amendment or  
898 modification shall not be adopted.

899 SECTION 35. Section 75-45-159, Mississippi Code of 1972, is  
900 brought forward as follows:

901 75-45-159. (1) No person shall manufacture a commercial  
902 feed in this state, unless he has filed with the commissioner and  
903 State Chemist on forms provided by the commissioner, his name,  
904 place of business and location of each manufacturing facility in  
905 this state.

906 (2) No person shall distribute in this state a commercial  
907 feed, except a customer-formula feed, which has not been  
908 registered pursuant to the provisions of this section. The  
909 application for registration shall be submitted in the manner  
910 prescribed by the commissioner. Before the Commissioner of  
911 Agriculture and Commerce may accept any certified copy guarantee  
912 or registration, he shall charge and collect a fee of Five Dollars  
913 (\$5.00) on or by January 1 of each year the registration is in  
914 effect, for each such certified copy or guarantee accepted and  
915 registered by him and the funds so collected shall be deposited

916 monthly in the State Treasury. Upon approval by the commissioner  
917 and State Chemist the registration shall be issued to the  
918 applicant. A registration shall continue in effect unless it is  
919 cancelled by the commissioner and State Chemist pursuant to  
920 subsection (3) of this section.

921 (3) The commissioner and the State Chemist are empowered to  
922 refuse registration of any commercial feed not in compliance with  
923 the provisions of this article and to cancel any registration  
924 subsequently found not to be in compliance with any provision of  
925 this article. No registration shall be refused or cancelled  
926 unless the registrant shall have been given an opportunity to be  
927 heard before the commissioner and State Chemist and to amend his  
928 application in order to comply with the requirements of this  
929 article.

930 SECTION 36. Section 75-45-161, Mississippi Code of 1972, is  
931 brought forward as follows:

932 75-45-161. A commercial feed shall be labeled as follows:

933 (a) In case of a commercial feed, except a customer-formula  
934 feed, it shall be accompanied by a label bearing the following  
935 information:

936 (1) The net weight.

937 (2) The product name and the brand name, if any, under  
938 which the commercial feed is distributed.

939 (3) The guaranteed analysis, stated in such terms which  
940 the commissioner and State Chemist by regulation determine are  
941 required to advise the user of the composition of the feed or to  
942 support claims made in the labeling. In all cases the substances  
943 or elements must be determinable by laboratory methods such as the  
944 methods published by the Association of Official Analytical  
945 Chemists.

946 (4) The common or usual name of each ingredient used in  
947 the manufacture of the commercial feed; the commissioner and State  
948 Chemist by regulation may permit the use of a collective term for  
949 a group of ingredients which perform a similar function, or they

950 may exempt such commercial feeds, or any group thereof, from this  
951 requirement of an ingredient statement if they find that such  
952 statement is not required in the interest of consumers.

953 (5) The name and principal mailing address of the  
954 manufacturer or the person responsible for distributing the  
955 commercial feed.

956 (6) Adequate directions for use of all commercial feeds  
957 containing drugs and for such other feeds as the commissioner and  
958 State Chemist may require by regulation as necessary for their  
959 safe and effective use.

960 (7) Such precautionary statements as the commissioner  
961 and State Chemist by regulation determine are necessary for the  
962 safe and effective use of the commercial feed.

963 (b) In the case of a customer-formula feed, it shall be  
964 accompanied by a label, invoice, delivery slip, or other shipping  
965 document, bearing the following information:

966 (1) Name and address of the manufacturer.

967 (2) Name and address of the purchaser.

968 (3) Date of delivery.

969 (4) The product name and brand name, if any, and the  
970 net weight of each registered commercial feed used in the mixture,  
971 and the net weight of each other ingredient used.

972 (5) Adequate directions for use for all  
973 customer-formula feeds containing drugs and for such other feeds  
974 as the commissioner and State Chemist may require by regulation as  
975 necessary for their safe and effective use of the customer-formula  
976 feed.

977 SECTION 37. Section 75-45-163, Mississippi Code of 1972, is  
978 brought forward as follows:

979 75-45-163. A commercial feed shall be deemed to be  
980 misbranded:

981 (a) If its labeling is false or misleading in any  
982 particular.

983 (b) If it is distributed under the name of another

984 commercial feed.

985 (c) If it is not labeled as required in Section  
986 75-45-161.

987 (d) If it purports to be or is represented as a  
988 commercial feed, or if it purports to contain or is represented as  
989 containing a commercial feed ingredient, unless such commercial  
990 feed or feed ingredient conforms to the definition, if any,  
991 prescribed by regulation by the commissioner and State Chemist.

992 (e) If any word, statement, or other information  
993 required by or under authority of this article to appear on the  
994 label or labeling is not prominently placed thereon with such  
995 conspicuousness (as compared with other words, statements,  
996 designs, or devices in the labeling) and in such terms as to  
997 render it likely to be read and understood by the ordinary  
998 individual under customary conditions of purchase and use.

999 SECTION 38. Section 75-45-165, Mississippi Code of 1972, is  
1000 brought forward as follows:

1001 75-45-165. A commercial feed shall be deemed to be  
1002 adulterated:

1003 (a) (1) If it bears or contains any poisonous or  
1004 deleterious substance which may render it injurious to health;  
1005 however, in case the substance is not an added substance, such  
1006 commercial feed shall not be considered adulterated under this  
1007 subsection if the quantity of such substance in such commercial  
1008 feed does not ordinarily render it injurious to health;

1009 (2) If it bears or contains any added poisonous, added  
1010 deleterious, or added nonnutritive substance which is unsafe  
1011 within the meaning of Section 406 of the Federal Food, Drug, and  
1012 Cosmetic Act (other than one which is (i) a pesticide chemical in  
1013 or on a raw agricultural commodity, or (ii) a food additive);

1014 (3) If it is, or it bears or contains any food additive  
1015 which is unsafe within the meaning of Section 409 of the Federal  
1016 Food, Drug, and Cosmetic Act; or

1017 (4) If it is a raw agricultural commodity and it bears

1018 or contains a pesticide chemical which is unsafe within the  
1019 meaning of Section 408(a) of the Federal Food, Drug, and Cosmetic  
1020 Act. However, where a pesticide chemical has been used in or on a  
1021 raw agricultural commodity in conformity with an exemption granted  
1022 or a tolerance prescribed under Section 408 of the Federal Food,  
1023 Drug, and Cosmetic Act and such raw agricultural commodity has  
1024 been subjected to processing such as canning, cooking, freezing,  
1025 dehydrating, or milling, the residue of such pesticide chemical  
1026 remaining in or on such processed feed shall not be deemed unsafe  
1027 if such residue in or on the raw agricultural commodity has been  
1028 removed to the extent possible in good manufacturing practice.  
1029 In such case the concentration of such residue in the processed  
1030 feed shall not exceed the tolerance prescribed for the raw  
1031 agricultural commodity. Feeding of such processed feed shall not  
1032 result, or be likely to result, in a pesticide residue, unsafe  
1033 within the meaning of Section 408(a) of the Federal Food, Drug,  
1034 and Cosmetic Act, in the edible product of the animal.

1035 (b) If any valuable constituent has been in whole or in part  
1036 omitted or abstracted therefrom or any less valuable substance  
1037 substituted therefor.

1038 (c) If its composition or quality falls below or differs  
1039 from that which it is purported or is represented to possess by  
1040 its labeling.

1041 (d) If it contains a drug and the methods used in or the  
1042 facilities or controls used for its manufacture, processing, or  
1043 packaging do not conform to current good manufacturing practice  
1044 regulations promulgated by the commissioner and State Chemist to  
1045 assure that the drug meets the requirement of this article as to  
1046 safety and has the identity and strength and meets the quality and  
1047 purity characteristics which it purports or is represented to  
1048 possess. In promulgating such regulations, the commissioner and  
1049 State Chemist shall adopt the current good manufacturing practice  
1050 regulations for medicated feed premixes and for medicated feeds  
1051 established under authority of the Federal Food, Drug, and

1052 Cosmetic Act, unless they determine that they are not appropriate  
1053 to the conditions which exist in this state.

1054 (e) If it contains viable weed seeds in amounts exceeding  
1055 the limits which the commissioner and State Chemist shall  
1056 establish by rule or regulation.

1057 SECTION 39. Section 75-45-167, Mississippi Code of 1972, is  
1058 brought forward as follows:

1059 75-45-167. An inspection fee at the rate of Twenty-five  
1060 Cents (25¢) per ton shall be paid on commercial feeds distributed  
1061 in this state by the person who distributes the commercial feed to  
1062 the consumer, subject to the following:

1063 (a) No fee shall be paid on a commercial feed if the  
1064 payment has been made by a previous distributor.

1065 (b) No fee shall be paid on customer-formula feeds if  
1066 the inspection fee is paid on the commercial feeds which are used  
1067 as ingredients therein.

1068 (c) No fee shall be paid on commercial feeds which are  
1069 used as ingredients for the manufacture of commercial feeds which  
1070 are registered. If the fee has already been paid, credit shall be  
1071 given for such payment.

1072 (d) In the case of a commercial feed which is  
1073 distributed in the state only in packages of ten (10) pounds or  
1074 less, an annual fee of Twenty-five Dollars (\$25.00) per brand  
1075 shall be paid in lieu of the inspection fee specified above.

1076 (e) The minimum inspection fee shall be Five Dollars  
1077 (\$5.00) per quarter.

1078 (f) Any feed manufactured in the state which is used by  
1079 a distributor or his contract feeders to feed his own livestock,  
1080 poultry, or fish, or feed which is distributed in tonnage bulk to  
1081 any commercial grower of an aquatic species, including, but not  
1082 limited to, catfish, shall be exempt from the inspection fee on  
1083 both purchased ingredients and finished feed. To qualify for the  
1084 above exemption, a permit must be obtained from the commissioner  
1085 annually and the permit used to obtain exemption on feed



1086 ingredients. Any services the Mississippi State Chemical  
1087 Laboratory or the Mississippi Department of Agriculture and  
1088 Commerce provide for permit holders will be paid for according to  
1089 mutually agreeable prices between both parties.

1090 SECTION 40. Section 75-45-169, Mississippi Code of 1972, is  
1091 brought forward as follows:

1092 75-45-169. Each person who is liable for the payment of an  
1093 inspection fee shall:

1094 (a) File, not later than the last day of January, April,  
1095 July, and October of each year, a quarterly statement, setting  
1096 forth the number of net tons of commercial feeds distributed in  
1097 this state during the preceding calendar quarter, and upon filing  
1098 such statement shall pay the inspection fee at the rate stated in  
1099 Section 75-45-167. Inspection fees which are due and owing and  
1100 have not been remitted to the Department of Agriculture and  
1101 Commerce within fifteen (15) days following the due date shall  
1102 have a penalty fee of ten percent (10%) (minimum Ten Dollars  
1103 (\$10.00)) added to the amount due when payment is finally made.  
1104 The assessment of this penalty fee shall not prevent the  
1105 department from taking other actions as provided in this article.

1106 (b) Keep such records as may be necessary or required by the  
1107 commissioner to indicate accurately the tonnage of commercial feed  
1108 distributed in this state; the commissioner shall have the right  
1109 to examine such records to verify statements of tonnage. Failure  
1110 to make an accurate statement of tonnage or to pay the inspection  
1111 fee or comply as provided herein shall constitute sufficient cause  
1112 for the cancellation of all registrations on file for the  
1113 distributor.

1114 SECTION 41. Section 75-45-171, Mississippi Code of 1972, is  
1115 brought forward as follows:

1116 75-45-171. The Commissioner of Agriculture and Commerce  
1117 shall deposit with the State Treasurer to the credit of the  
1118 General Fund all funds received by him as registration and  
1119 inspection fees and, by act of the Legislature, such funds shall

1120 be used for defraying the cost of the inspection and analysis of  
1121 commercial feeds as provided herein.

1122 All penalties collected, whether from fines or sales of the  
1123 condemnation of the articles defined above, shall be deposited  
1124 with the State Treasurer to the credit of the General Fund. It  
1125 shall be the duty of the Commissioner of Agriculture and Commerce  
1126 to include in his annual report an itemized statement of all such  
1127 funds so collected and deposited.

1128 SECTION 42. Section 75-45-173, Mississippi Code of 1972, is  
1129 brought forward as follows:

1130 75-45-173. (1) For the purpose of enforcement of this  
1131 article, and in order to determine whether its provisions have  
1132 been complied with, including whether or not any operations may be  
1133 subject to such provisions, officers or employees duly designated  
1134 by the commissioner, upon presenting appropriate credentials, and  
1135 a written notice to the owner, operator, or agent in charge, are  
1136 authorized (a) to enter, during normal business hours, any  
1137 factory, warehouse, or establishment within the state in which  
1138 commercial feeds are manufactured, processed, packed or held for  
1139 distribution, or to enter any vehicle being used to transport or  
1140 hold such feeds; and (b) to inspect during normal business hours  
1141 and within reasonable limits and in a reasonable manner, such  
1142 factory, warehouse, establishment or vehicle and all pertinent  
1143 equipment, finished and unfinished materials, containers, and  
1144 labeling thereon. The inspection may include the verification of  
1145 only such records, and production and control procedures as may be  
1146 necessary to determine compliance with the good manufacturing  
1147 practice regulations established under paragraph (d) of Section  
1148 75-45-165.

1149 (2) A separate notice shall be given for each such  
1150 inspection, but a notice shall not be required for each entry made  
1151 during the period covered by the inspection. Each such inspection  
1152 shall be commenced and completed with reasonable promptness.

1153 Upon completion of the inspection, the person in charge of the

1154 facility or vehicle shall be so notified.

1155 (3) If the officer or employee making such inspection of a  
1156 factory, warehouse, vehicle or other establishment has obtained a  
1157 sample in the course of the inspection, upon completion of the  
1158 inspection and prior to leaving the premises or vehicle he shall  
1159 give to the owner, operator, or agent in charge, a receipt  
1160 describing the samples obtained.

1161 (4) If the owner of any factory, warehouse, vehicle or  
1162 establishment described in subsection (1), or his agent, refuses  
1163 to admit the commissioner or his agent to inspect in accordance  
1164 with subsections (1) and (2), the commissioner is authorized to  
1165 obtain from any state court a warrant directing such owner or his  
1166 agent to submit the premises described in such warrant to  
1167 inspection.

1168 (5) For the purpose of the enforcement of this article, the  
1169 commissioner or his duly designated agent is authorized to enter  
1170 upon any public or private premises including any vehicle of  
1171 transport during regular business hours to have access to, and to  
1172 obtain samples, and to examine records relating to distribution of  
1173 commercial feeds.

1174 (6) Sampling and analysis shall be conducted in accordance  
1175 with methods published by the Association of Official Analytical  
1176 Chemists, or in accordance with other generally recognized  
1177 methods.

1178 (7) The results of all analyses of official samples shall be  
1179 forwarded by the State Chemist to the person named on the label  
1180 and to the purchaser. When the inspection and analysis of an  
1181 official sample indicates a commercial feed has been adulterated  
1182 or misbranded and upon request within thirty (30) days following  
1183 receipt of the analysis the State Chemist shall furnish to the  
1184 registrant a portion of the sample concerned.

1185 (8) The commissioner and State Chemist, in determining for  
1186 administrative purposes whether a commercial feed is deficient in  
1187 any component, shall be guided by the official sample as defined

1188 in paragraph (p) of section 75-45-153 and obtained and analyzed as  
1189 provided for in subsections (3), (5), and (6) of this section.

1190 SECTION 43. Section 75-45-175, Mississippi Code of 1972, is  
1191 brought forward as follows:

1192 75-45-175. When the commissioner or his authorized agent has  
1193 reasonable cause to believe any lot of commercial feed is being  
1194 distributed in violation of any of the provisions of this article  
1195 or of any of the prescribed regulations under this article, he  
1196 may, according to his judgment of the gravity of the offense and  
1197 regulations promulgated by the commissioner and State Chemist,  
1198 take either or both of the following actions:

1199 (a) Issue a letter of warning and assess a fine as penalty  
1200 as specified in subsection (2) of section 75-45-181 for  
1201 adulterated products, or

1202 (b) Issue and enforce a written or printed "withdrawal from  
1203 distribution" order, warning the distributor not to dispose of the  
1204 lot of commercial feed in any manner until written permission is  
1205 given by the commissioner or the court. The commissioner shall  
1206 release the lot of commercial feed so withdrawn when said  
1207 provisions and regulations have been complied with. If compliance  
1208 is not obtained within thirty (30) days, the commissioner may  
1209 begin, or upon request of the distributor or registrant shall  
1210 begin, proceedings for condemnation.

1211 SECTION 44. Section 75-45-177, Mississippi Code of 1972, is  
1212 brought forward as follows:

1213 75-45-177. Any lot of commercial feed not in compliance with  
1214 the provisions of this article and regulations issued thereunder  
1215 shall be subject to seizure on complaint of the commissioner to a  
1216 court of competent jurisdiction in the area in which said  
1217 commercial feed is located. In the event the court finds the said  
1218 commercial feed to be in violation of this article and orders the  
1219 condemnation of said commercial feed, it shall be disposed of in  
1220 any manner consistent with the quality of the commercial feed and  
1221 the laws of the state. Provided, that in no instance shall the

1222 disposition of said commercial feed be ordered by the court  
1223 without first giving the claimant an opportunity to apply to the  
1224 court for release of said commercial feed or for permission to  
1225 process or relabel said commercial feed to bring it into  
1226 compliance with this article.

1227 SECTION 45. Section 75-45-179, Mississippi Code of 1972, is  
1228 brought forward as follows:

1229 75-45-179. The following acts and the causing thereof within  
1230 the State of Mississippi are hereby prohibited:

1231 (a) The manufacture or distribution of any commercial feed  
1232 that is adulterated or misbranded.

1233 (b) The adulteration or misbranding of any commercial feed.

1234 (c) The distribution of agricultural commodities such as  
1235 whole seed, hay, straw, stover, silage, cobs, husks and hulls,  
1236 which are adulterated within the meaning of paragraph (a) of  
1237 Section 75-45-165.

1238 (d) The removal or disposal of a commercial feed in  
1239 violation of an order under Section 75-45-175 or 75-45-177.

1240 (e) The failure or refusal to register in accordance with  
1241 Section 75-45-159.

1242 (f) The violation of Section 75-45-191.

1243 (g) Failure to pay inspection fees and file reports as  
1244 required by Sections 75-45-167 and 75-45-169.

1245 (h) Failure to pay penalties assessed under Section  
1246 75-45-175 and subsection (2) of Section 75-45-181.

1247 SECTION 46. Section 75-45-181, Mississippi Code of 1972, is  
1248 brought forward as follows:

1249 75-45-181. (1) Any person convicted of violating any of the  
1250 provisions of this article or who shall impede, hinder, or  
1251 otherwise prevent, or attempt to prevent, said commissioner or his  
1252 duly authorized agent in performance of his duty in connection  
1253 with the provisions of this article, shall be adjudged guilty of a  
1254 misdemeanor and shall upon conviction, be punished according to  
1255 law.

1256           (2) Any distributor distributing commercial feed adjudged by  
1257 the commissioner and State Chemist to be adulterated under  
1258 subsection (a) of Section 75-45-165 and accompanying regulations  
1259 shall be guilty of violating the provisions of this article, and  
1260 shall pay to the commissioner a penalty prescribed by regulations  
1261 issued by the commissioner and State Chemist according to Section  
1262 75-45-175, if the commissioner decides such penalty is more  
1263 appropriate than "withdrawal from distribution" or "condemnation  
1264 and confiscation" of the product under Sections 75-45-175 and  
1265 75-45-177. Such penalties shall in no case exceed Twenty Dollars  
1266 (\$20.00) per ton per violation on the lot or shipment so found to  
1267 be adulterated, but in no case shall a penalty of less than Ten  
1268 Dollars (\$10.00) be imposed. Such penalties shall be levied on  
1269 all quantities of a shipment of feed which have already been sold  
1270 should the commissioner decide the appropriate regulatory action  
1271 is issuance of a "withdrawal from distribution" order on the  
1272 remainder of the lot under Section 75-45-175, or a "condemnation  
1273 and confiscation" order under Section 75-45-177.

1274           For the purposes of adjudging adulteration under subsection  
1275 (c) of Section 75-45-165, the commissioner shall be guided by  
1276 "permitted analytical variations" from the guaranteed value for  
1277 each feed component or analytically measurable index of the feed  
1278 quality. Such permitted analytical variations from guaranteed  
1279 values shall be set forth by regulation by the commissioner and  
1280 State Chemist.

1281           If any manufacturer, registrant or distributor fails or  
1282 refuses to pay within thirty (30) days after request has been made  
1283 by the commissioner any fine assessed as penalty against a feed  
1284 adjudged adulterated within the meaning of subsection (c) of  
1285 Section 75-45-165 and accompanying regulations, it shall then be  
1286 the duty of the commissioner and State Chemist to cancel all  
1287 registrations of said manufacturer, registrant or distributor and  
1288 refuse to accept further registrations from him until all  
1289 penalties due the State of Mississippi have been paid.

1290 SECTION 47. Section 75-45-183, Mississippi Code of 1972, is  
1291 brought forward as follows:

1292 75-45-183. Nothing in this article shall be construed as  
1293 requiring the commissioner or his representative to: (1) report  
1294 for prosecution, or (2) institute seizure proceedings or (3) issue  
1295 a withdrawal from distribution order, as a result of minor  
1296 violations of this article, or when he believes the public  
1297 interest will best be served by suitable notice of warning in  
1298 writing and enforcement of a penalty as authorized in Section  
1299 75-45-175.

1300 SECTION 48. Section 75-45-185, Mississippi Code of 1972, is  
1301 brought forward as follows:

1302 75-45-185. It shall be the duty of each prosecuting attorney  
1303 to whom any violation is reported to cause appropriate proceedings  
1304 to be instituted and prosecuted in a court of competent  
1305 jurisdiction without delay. Before the commissioner reports a  
1306 violation for such prosecution, an opportunity shall be given the  
1307 distributor to present his view to the commissioner.

1308 SECTION 49. Section 75-45-187, Mississippi Code of 1972, is  
1309 brought forward as follows:

1310 75-45-187. The commissioner is hereby authorized to apply  
1311 for and the court to grant a temporary or permanent injunction  
1312 restraining any person from violating or continuing to violate any  
1313 of the provisions of this article or any rule or regulation  
1314 promulgated under this article notwithstanding the existence of  
1315 other remedies at law. Said injunction shall be issued without  
1316 bond.

1317 SECTION 50. Section 75-45-189, Mississippi Code of 1972, is  
1318 brought forward as follows:

1319 75-45-189. Any person adversely affected by an act, order or  
1320 ruling made pursuant to the provisions of this article may within  
1321 forty-five (45) days thereafter bring action in the Hinds County  
1322 Circuit Court for judicial review of such actions. The form of  
1323 the proceeding shall be any which may be provided by statutes of

1324 this state to review decisions of administrative agencies, or in  
1325 the absence or inadequacy thereof, any applicable form of legal  
1326 action, including actions for declaratory judgments or writs of  
1327 prohibitory or mandatory injunctions.

1328 SECTION 51. Section 75-45-191, Mississippi Code of 1972, is  
1329 brought forward as follows:

1330 75-45-191. Any person who uses to his own advantage, or  
1331 reveals to other than the commissioner and State Chemist, or  
1332 officers of the Mississippi Department of Agriculture and Commerce  
1333 and Mississippi State Chemical Laboratory, or to the courts when  
1334 relevant in any judicial proceeding, any information acquired  
1335 under the authority of this article, concerning any method,  
1336 record, formulation or process which as a trade secret is entitled  
1337 to protection, is guilty of a misdemeanor and shall be punished  
1338 according to law. In addition to the criminal remedy set forth  
1339 herein, remedies for misappropriation of a trade secret shall be  
1340 governed by the Mississippi Uniform Trade Secrets Act, Sections  
1341 75-26-1 through 75-26-19. This prohibition shall not be deemed as  
1342 prohibiting the commissioner and State Chemist, or their duly  
1343 authorized agents, from exchanging information of a regulatory  
1344 nature with duly appointed officials of the United States  
1345 Government, or of other states, who are similarly prohibited by  
1346 law from revealing this information.

1347 SECTION 52. Section 75-45-193, Mississippi Code of 1972, is  
1348 brought forward as follows:

1349 75-45-193. The commissioner and State Chemist may cooperate  
1350 with and enter into agreements with governmental agencies of this  
1351 state, agencies of the federal government, and private  
1352 associations in order to carry out the purpose and provisions of  
1353 this article.

1354 SECTION 53. Section 75-45-195, Mississippi Code of 1972, is  
1355 brought forward as follows:

1356 75-45-195. The commissioner shall publish at least annually,  
1357 in such forms as he may deem proper, information concerning the



1358 sales of commercial feeds, together with such data on their  
1359 production and use as he may consider advisable, and a report of  
1360 the results of the analyses of official samples of commercial  
1361 feeds sold within the state as compared with the analyses  
1362 guaranteed in the registration and on the label. The information  
1363 concerning production and use of commercial feed shall not  
1364 disclose the operation of any person.

1365 SECTION 54. This act shall take effect and be in force from  
1366 and after July 1, 1999.