AN ACT TO AMEND SECTION 95-3-29, MISSISSIPPI CODE OF 1972, TO
REVISE DEFINITIONS UNDER THE FREEDOM TO FARM ACT; AND FOR RELATED
PURPOSES.

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

SECTION 1. Section 95-3-29, Mississippi Code of 1972, is
amended as follows:

95-3-29. (1) In any nuisance action, public or private,
against an agricultural operation, including forestry activity,
proof that said agricultural operation, including forestry
activity, has existed for one (1) year or more is an absolute
defense to such action, if the conditions or circumstances alleged
to constitute a nuisance have existed substantially unchanged
since the established date of operation.

(2) The following words and phrases as used in this section
shall have the meanings given them in this section:

(a) "Agricultural operation" includes, without
limitation, any facility for the production and processing of
crops, livestock, farm-raised fish and fish products, livestock
products, wood, timber or forest products, and poultry or poultry
products for commercial or industrial purposes. "Agricultural
operation" also includes the use of farm machinery, equipment,
deVICES, materials and structures designed for agricultural use
and the showing, testing and evaluating of animals, fowl or plants
for breeding or sales, or both, in accordance with traditional
farm practices.

(b) "Established date of operation" means the date on
which the agricultural operation, including forestry activity,
commenced operation. If the physical facilities of the agricultural operation, including forestry activity, are subsequently expanded, the established date of operation for each expansion is deemed to be a separate and independent "established date of operation" established as of the date of commencement of the expanded operation and the commencement of expanded operation shall not divest the agricultural operation of a previously established date of operation.

(c) "Forestry activity" means any activity associated with the reforesting, growing, managing, protecting and harvesting of timber, wood and forest products including nongame species.

(d) "Traditional farm practices" means those accepted customs and standards established and followed by similar agricultural operations under similar circumstances.

(3) The provisions of this section shall not be construed to affect any provision of the "Mississippi Air and Water Pollution Control Law."

(4) This section shall not affect actions commenced prior to July 1, 1980.

SECTION 2. This act shall take effect and be in force from and after July 1, 2002.