

By: Representative McBride

To: Wildlife, Fisheries and
Parks

HOUSE BILL NO. 958

1 AN ACT TO PROVIDE THAT UNCLAIMED DEER VENISON SHALL BE DEEMED
2 ABANDONED AFTER TWO MONTHS AND REASONABLE ATTEMPTS HAVE BEEN MADE
3 TO CONTACT THE OWNER; TO AUTHORIZE LICENSED MEAT PROCESSORS TO
4 DONATE SUCH ABANDONED DEER VENISON TO NONPROFIT CHARITABLE
5 ORGANIZATIONS; TO AMEND SECTION 49-7-5, MISSISSIPPI CODE OF 1972,
6 TO REQUIRE THE DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS TO
7 CHARGE AN ADDITIONAL FEE FOR THE ISSUANCE OF RESIDENT HUNTING AND
8 FISHING LICENSES AND SPORTSMAN'S LICENSE FOR THE PURPOSE OF
9 DEFRAYING THE COST OF PROCESSING DEER DONATED BY HUNTERS NOT
10 DESIRING THE MEAT FOR THEMSELVES; TO AMEND SECTION 75-33-3,
11 MISSISSIPPI CODE OF 1972, TO CLARIFY CERTAIN TERMS; TO AMEND
12 SECTION 75-33-7, MISSISSIPPI CODE OF 1972, TO REQUIRE LICENSED
13 ESTABLISHMENTS THAT ACCEPT AND ENGAGE IN THE PROCESSING OF DONATED
14 DEER TO REGISTER WITH THE DEPARTMENT OF WILDLIFE, FISHERIES AND
15 PARKS; TO AMEND SECTIONS 75-35-3, 75-35-7, 75-35-9, 75-35-11,
16 75-35-17, 75-35-19, 75-35-21, 75-35-27, 75-35-31, 75-35-33,
17 75-35-101, 75-35-103, 75-35-105, 75-35-107, 75-35-303 AND
18 75-35-305, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED
19 PURPOSES.

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

21 **SECTION 1.** All deer venison deposited with an establishment
22 licensed pursuant to Section 75-33-7, which remains unclaimed for
23 a period of two (2) months after the establishment has attempted
24 to contact the deer venison owner at least once by ordinary mail
25 at the owner's last known mailing address, shall be presumed to be
26 abandoned. The establishment may dispose of the donated or
27 abandoned deer venison by donating the deer venison to a local
28 nonprofit, charitable organization. For purposes of this section,
29 the term "deer" means the Cervidae or game deer, and all donated
30 deer venison shall include game deer venison only and shall not be
31 processed as a multi-species meat-food product pursuant to Section
32 75-33-3.

33 **SECTION 2.** Section 49-7-5, Mississippi Code of 1972, is
34 amended as follows:

35 49-7-5. (1) (a) Any resident, as defined in Section
36 49-7-3, upon application, shall receive a combination resident
37 hunting and fishing license for the sum of Seventeen Dollars
38 (\$17.00). Such license shall qualify the licensee to hunt under
39 this chapter all game and fowl, including deer and turkey, and to
40 fish in any county of the state. In addition, any resident who
41 purchases a resident hunting and fishing license shall pay a One
42 Dollar (\$1.00) fee that shall be used to defray the cost of
43 processing deer donated by hunters.

44 (b) Any resident, as defined in Section 49-7-3, upon
45 application, shall receive a resident combination small game
46 hunting and fishing license for the sum of Thirteen Dollars
47 (\$13.00) together with the fee provided in Section 49-7-17 to the
48 office or agent issuing such license. Such hunting license shall
49 qualify the licensee to hunt and fish under this chapter all game
50 and fowl, except deer and turkey, in any county in the state.

51 (c) Any resident of the State of Mississippi, as
52 defined in Section 49-7-3, upon application, shall receive a
53 resident small game license, and for it shall pay the issuing
54 officer or agent the sum of Thirteen Dollars (\$13.00), together
55 with the fee provided in Section 49-7-17 to the officer or agent
56 issuing such license. Such hunting license shall qualify the
57 person holding the same to hunt under the provisions of this
58 chapter, and in season, all game and fowl, except deer and turkey,
59 in any county in the state.

60 (d) Any resident, as defined in Section 49-7-3, upon
61 application, shall receive a sportsman's license for the sum of
62 Thirty-two Dollars (\$32.00). Such license shall qualify the
63 licensee to hunt under this chapter all game and fowl, including
64 deer and turkey, and to fish as provided by law, in any county in
65 the state, and to hunt using primitive weapons and bow and arrow
66 in the manner provided by law. The commission may notify the
67 licensee of the expiration of his license, and the licensee may

68 renew the license by mailing the sum of Thirty-two Dollars
69 (\$32.00) to the commission. A licensee who has not renewed the
70 license within thirty (30) days after the expiration date shall be
71 removed from the commission's records, and the licensee must apply
72 to be placed on the renewal list. In addition, any resident who
73 purchases a sportsman's license shall pay a One Dollar (\$1.00) fee
74 that shall be used to defray the cost of processing deer donated
75 by hunters.

76 (e) In addition to a hunting license allowing the
77 taking of turkey, a resident who hunts turkey during a fall turkey
78 season must purchase a fall turkey hunting permit for a fee of
79 Five Dollars (\$5.00) plus the fee provided in Section 49-7-17. A
80 resident sportsman's licensee or resident lifetime sportsman
81 licensee may hunt during the fall turkey season without purchasing
82 a permit.

83 (f) The commission may offer a resident apprentice
84 hunting license for a resident who does not have the required
85 certificate of hunter education and may set the fee for the
86 apprentice hunting license. An apprentice license may be
87 purchased only one (1) time by a resident and the apprentice
88 hunting licensee must be accompanied by a licensed or exempt
89 resident hunter at least twenty-one (21) years of age when
90 hunting.

91 (2) (a) Any resident citizen of the State of Mississippi
92 who has not reached the age of sixteen (16) years or who has
93 reached the age of sixty-five (65) years, or any resident citizen
94 who is blind, paraplegic, or a multiple amputee, or who has been
95 adjudged by the Veterans Administration as having a total
96 service-connected disability, or has been adjudged to be totally
97 disabled by the Social Security Administration shall not be
98 required to purchase or have in his possession, a hunting or
99 fishing license while engaged in such activities. A person exempt
100 by reason of total service-connected disability, as adjudged by

101 the Veterans Administration or who has been adjudged to be totally
102 disabled by the Social Security Administration or who is blind,
103 paraplegic or a multiple amputee, shall have in their possession
104 and on their person proof of their age, residency, disability
105 status or other respective physical impairment while engaged in
106 the activities of hunting or fishing.

107 (b) All exempt hunting and fishing licenses previously
108 issued for disabilities shall be null and void effective July 1,
109 1993.

110 (c) The commission may offer a youth all-game hunting
111 and fishing license for exempt youths who have a hunter education
112 certificate and an all-game hunting and fishing license for other
113 persons exempted under paragraph (a). Youths and other exempt
114 persons shall not be required to purchase this license or have it
115 in possession while hunting or fishing. The commission may
116 establish a fee not to exceed Five Dollars (\$5.00) for such
117 licenses.

118 (3) No license shall be required of residents to hunt, fish
119 or trap on lands in which the record title is vested in such
120 person.

121 (4) Any person or persons exempt under this section from
122 procuring a license shall be subject to and must comply with all
123 other terms and provisions of this chapter.

124 (5) Any person authorized to issue any license under this
125 section may collect and retain for the issuance of each license
126 the additional fee authorized under Section 49-7-17.

127 **SECTION 3.** Section 75-33-3, Mississippi Code of 1972, is
128 amended as follows:

129 75-33-3. (1) For the purpose of this article, the words and
130 terms used herein shall have ascribed to them the following
131 meanings:

132 (a) The word "person" shall include individuals,
133 partnerships, corporations, associations, and any other legal
134 entity recognized by law.

135 (b) The terms "meat" and "meat-food products," whenever
136 used in this article, shall include any product capable of use as
137 human food which is made wholly or in part from any meat or other
138 portion of the carcasses or parts thereof, of cattle, sheep,
139 goats, other ruminants, including exotic animals, swine, horses,
140 mules, rabbits, poultry, deer and ratites and the meat and
141 meat-food products of such animals, excepting products which
142 contain meat or other portions of such carcasses only in a
143 relatively small proportion or historically have not been
144 considered by consumers as products of the meat-food industry, and
145 which are exempted from definition as a meat-food product by the
146 commissioner under such conditions as he may prescribe to assure
147 that the meat or other portions of such carcasses contained in
148 such product are not adulterated and that such products are not
149 represented as meat-food products. This term as applied to food
150 products of equines shall have a meaning comparable to that
151 provided in this paragraph with respect to cattle, sheep, swine,
152 goats and deer.

153 (c) The term "food unfit for human consumption" shall
154 be construed to include the meat and meat-food products of horses
155 and mules and all meats or meat-food products which are so
156 affected with disease that it would be dangerous to use the meat
157 or other parts for human food; also all meats or meat-food
158 products which are contaminated, putrid, unsound, unhealthful, or
159 otherwise unfit for food, or which have been derived from any
160 animal which has died as a result of disease or accident, or which
161 was in a dying condition at the time of slaughter.

162 (d) The word "establishment" as used in this article,
163 shall include: (i) any building or structure in which
164 slaughtering, butchering, meat processing, meat canning, meat

165 packing, meat manufacturing or rendering is carried on; and (ii)
166 the ground upon which such building or structure is erected, and
167 so much ground adjacent thereto as is used in carrying on the
168 business of such establishment, including drains, gutters, waste
169 disposal and cesspools used in connection with the establishment.

170 (e) The word "equipment," as used in this article,
171 shall include all machinery, fixtures, containers, vessels, tools,
172 implements and apparatus used in and about an establishment.

173 (f) The word "commissioner," as used in this article,
174 shall mean the Commissioner of Agriculture and Commerce, or his
175 duly authorized deputies.

176 (g) The word "ratite," means a member of a group of
177 large flightless birds including the ostrich, rhea and emu.

178 (h) The words "exotic animal," mean a member of a
179 species of game not indigenous to this state, including axis deer,
180 fallow deer, red deer or other cloven-hooved ruminant animals and
181 ratites.

182 (2) All persons engaged in business as a meat broker,
183 jobber, dealer, distributor, peddler, transporter, or wholesaler
184 of any carcasses of meat animals or poultry or parts or products
185 thereof, whether fresh, frozen, cured or otherwise and whether
186 canned, wrapped, packaged or prepackaged, but not otherwise
187 handled, whether intended for human food or other purposes, or any
188 person engaged in the business as a public warehouseman storing
189 any such items or products shall register with the commissioner on
190 forms provided and shall operate under the applicable inspection
191 authority provided in this article and by the Mississippi Meat
192 Inspection Act of 1968 [Chapter 35 of Title 75], provided persons
193 operating the aforementioned nonslaughter and nonprocessing
194 businesses are exempt from the license and fee specified in
195 Section 75-33-7.

196 (3) The slaughtering by any person of animals and poultry of
197 his own raising, and the processing and transportation by him of

198 animals and poultry products exclusively for use by him and
199 members of his household and his nonpaying guests and employees,
200 shall be exempt from the provisions of this article. Any other
201 operations of an unlicensed, unapproved slaughterhouse and/or
202 processing facility to escape the provisions of this article shall
203 be unlawful, and any person found guilty of such violation shall
204 be punished as provided in Section 75-33-37.

205 (4) The provisions of this article shall not apply to
206 poultry producers with respect to poultry of their own raising on
207 their own farms on the same basis as now provided in the United
208 States Wholesome Poultry Products Act and regulations thereunder,
209 and such exemptions shall be consistent with said act and
210 regulations. However, the adulteration and misbranding provisions
211 of said act, other than the requirement of the inspection legend,
212 shall apply to articles which are exempt from inspection by said
213 act and regulations.

214 **SECTION 4.** Section 75-33-7, Mississippi Code of 1972, is
215 amended as follows:

216 75-33-7. (1) It shall be the duty of every person operating
217 an establishment as defined in Section 75-33-3, except retail
218 dealers, restaurants or eating places and establishments operating
219 under the United States Department of Agriculture system of
220 inspection, to apply to the commissioner for a license to operate
221 such establishment before July 1, 1960, and annually thereafter
222 before July of each succeeding year, and pay to the commissioner
223 at the time said application for registration and license is
224 filed, a fee of Ten Dollars (\$10.00) for each establishment
225 operated, and a like fee of Ten Dollars (\$10.00) for the renewal
226 thereof.

227 The fees for the issuance of the license and the renewals
228 thereof, together with such other fees and charges authorized by
229 this article, shall be kept by the commissioner in a separate fund
230 to be used to defray the expenses of the enforcement of this

231 article. A strict accounting shall be made of all funds received
232 and disbursed.

233 (2) The application for a license shall be made on a form to
234 be supplied by the commissioner, and shall show the location of
235 each establishment and the name and address of the owner, and the
236 name and address of the lessor or lessee. The application shall
237 have attached thereto the affidavit of the person applying for the
238 license that the facts set forth are true and correct.

239 (3) Upon approval of application for license and payment of
240 license fee, and upon approval of sanitary conditions in the
241 establishment, and every place used in connection therewith, the
242 commissioner shall issue to each applicant a license which shall
243 expire on June 30 of each year, and which shall authorize the
244 operation of said establishment for the fiscal year, or portion
245 thereof, for which a license is issued.

246 (4) Such license shall be posted in a conspicuous place in
247 or at the place of business of such licensee, and exposed for
248 inspection by any person or persons who may be properly authorized
249 to make such examination.

250 (5) From and after the first day of July 1960, it shall be
251 unlawful for any person to operate an establishment unless said
252 establishment is duly licensed and inspected in accordance with
253 the provisions of this article.

254 The Commissioner of Agriculture and Commerce shall develop
255 and administer a poultry inspection program which shall require
256 mandatory poultry product inspection that imposes antemortem and
257 postmortem inspection, reinspection and sanitation requirements
258 that are at least equal to those under the federal Poultry
259 Products Inspection Act of 1968 [21 USCS Sections 451 et seq.],
260 and the regulations thereunder with respect to all or certain
261 classes of persons engaged in slaughtering poultry or processing
262 poultry products for use as human food solely for distribution
263 with this state.

264 Any existing provision of law in regard to fees, mandatory
265 requirements, other options, or inspection administration in
266 conflict herewith, shall not affect the foregoing mandatory
267 inspection provision.

268 Provided further, that the Commissioner of Agriculture and
269 Commerce shall be authorized to enter into a cooperative agreement
270 with the United States Department of Agriculture for compliance
271 with the Poultry Products Inspection Act of 1968 and amendments
272 thereto [21 USCS Sections 451 et seq.], for the purpose of
273 financing and enforcing a mandatory antemortem and postmortem
274 inspection, reinspection and sanitation requirements that are at
275 least equal to those under the within cited federal act with
276 respect to all or certain persons engaged in slaughtering poultry
277 or processing poultry products in this state for use as human food
278 solely for distribution within this state. The commissioner is
279 further empowered to make inspection of other poultry slaughtering
280 and processing facilities when he deems same necessary to the
281 proper sanitation and distribution of such products solely within
282 this state.

283 (6) It shall be the duty of every person operating an
284 establishment as defined in Section 75-33-3, which accepts and
285 engages in the processing of deer unwanted by the hunter to
286 register, without cost, with the Mississippi Department of
287 Wildlife, Fisheries and Parks, for the purpose of receiving
288 compensation for the processing of such donated deer.

289 **SECTION 5.** Section 75-35-3, Mississippi Code of 1972, is
290 amended as follows:

291 75-35-3. As used in this chapter, except as otherwise
292 specified, the following terms shall have the meanings stated
293 below:

294 (a) The term "commissioner" means the "Commissioner of
295 Agriculture and Commerce of the State of Mississippi," or his duly
296 authorized deputies.

297 (b) The term "firm" means any partnership, association,
298 or other unincorporated business organization.

299 (c) The term "meat broker" means any person, firm, or
300 corporation engaged in the business of buying or selling
301 carcasses, parts of carcasses, meat, or meat food products of
302 cattle, sheep, swine, goats, horses, mules, deer or other equines
303 on commission, or otherwise negotiating purchases or sales of such
304 item or products other than for his own account or as an employee
305 of another person, firm, or corporation.

306 (d) The term "renderer" means any person, firm, or
307 corporation engaged in the business of rendering carcasses, or
308 parts or products of the carcasses, of cattle, sheep, swine,
309 goats, horses, mules, deer or other equines, except rendering
310 conducted under inspection under Article 1 of this chapter.

311 (e) The term "animal food manufacturer" means any
312 person, firm, or corporation engaged in the business of
313 manufacturing or processing animal food derived wholly or in part
314 from carcasses or parts or products of the carcasses, of cattle,
315 sheep, swine, goats, horses, mules, deer or other equines.

316 (f) The term "unfit for human food" means as defined in
317 the "Meat, Meat-Food and Poultry Regulation and Inspection Law of
318 1960," appearing in subsection (c) of Section 75-33-3, Mississippi
319 Code of 1972.

320 (g) The term "meat-food product" means any product
321 capable of use as human food which is made wholly or in part from
322 any meat or other portion of the carcass of any cattle, sheep,
323 swine, * * * goats, or deer, excepting products which contain meat
324 or other portions of such carcasses only in a relatively small
325 proportion or historically have not been considered by consumers
326 as products of the meat-food industry, and which are exempted from
327 definition as a meat-food product by the commissioner under such
328 conditions as he may prescribe to assure that the meat or other
329 portions of such carcasses contained in such product are not

330 adulterated and that such products are not represented as
331 meat-food products. This term as applied to food products of
332 equines shall have a meaning comparable to that provided in this
333 paragraph with respect to cattle, sheep, swine, * * * goats and
334 deer.

335 (h) The term "capable of use as human food" shall apply
336 to any carcass, or part or product of a carcass, of any animal,
337 unless it is denatured or otherwise identified as required by
338 regulations prescribed by the commissioner to deter its use as
339 human food, or it is naturally inedible by humans.

340 (i) The term "prepare" means slaughtered, canned,
341 salted, rendered, boned, cut up, or otherwise manufactured or
342 processed.

343 (j) The term "adulterated" shall apply to any carcass,
344 part thereof, meat or meat-food product under one or more of the
345 following circumstances:

346 (1) If it bears or contains any poisonous or
347 deleterious substance which may render it injurious to health; but
348 in case the substance is not an added substance, such article
349 shall not be considered adulterated under this clause if the
350 quantity of such substance in or on such item or product does not
351 ordinarily render it injurious to health;

352 (2) (A) If it bears or contains (by reason of
353 administration of any substance to the live animal or otherwise)
354 any added poisonous or added deleterious substance (other than one
355 which is (i) a pesticide chemical in or on a raw agricultural
356 commodity; (ii) a food additive; or (iii) a color additive) which
357 may, in the judgment of the commissioner, make such item or
358 product unfit for human food;

359 (B) If it is, in whole or in part, a raw
360 agricultural commodity and such commodity bears or contains a
361 pesticide chemical which is unsafe within the meaning of Section
362 408 of the Federal Food, Drug, and Cosmetic Act; as amended;

363 (C) If it bears or contains any food additive
364 which is unsafe within the meaning of Section 409 of the Federal
365 Food, Drug, and Cosmetic Act, as amended;

366 (D) If it bears or contains any color
367 additive which is unsafe within the meaning of Section 706 of the
368 Federal Food, Drug, and Cosmetic Act: provided, that an article
369 which is not adulterated under clause (B), (C), or (D) shall
370 nevertheless be deemed adulterated if use of the pesticide
371 chemical, food additive, or color additive in or on such item or
372 product is prohibited by regulations of the commissioner in
373 establishments at which inspection is maintained under Article 1
374 of this chapter;

375 (3) If it consists in whole or in part of any
376 filthy, putrid, or decomposed substance or is for any other reason
377 unsound, unhealthful, unwholesome, or otherwise unfit for human
378 food;

379 (4) If it has been prepared, packed, or held under
380 insanitary conditions whereby it may have become contaminated with
381 filth, or whereby it may have been rendered injurious to health;

382 (5) If it is, in whole or in part, the product of
383 an animal which has died otherwise than by slaughter; or which was
384 diseased or was in a dying condition at the time of slaughter;

385 (6) If its container is composed, in whole or in
386 part, of any poisonous or deleterious substance which may render
387 the contents injurious to health;

388 (7) If it has been intentionally subjected to
389 radiation, unless the use of the radiation was in conformity with
390 a regulation or exemption in effect pursuant to Section 409 of the
391 Federal Food, Drug, and Cosmetic Act;

392 (8) If any valuable constituent has been in whole
393 or in part omitted or abstracted therefrom; or if any substance
394 has been substituted, wholly or in part therefor; or if damage or
395 inferiority has been concealed in any manner; or if any substance

396 has been added thereto or mixed or packed therewith so as to
397 increase its bulk or weight, or reduce its quality or strength, or
398 make it appear better or of greater value than it is; or

399 (9) If it is margarine containing animal fat and
400 any of the raw material used therein consisted in whole or in part
401 of any filthy, putrid, or decomposed substance.

402 (k) The term "misbranded" shall apply to any carcass,
403 part thereof, meat or meat-food product under one or more of the
404 following circumstances:

405 (1) If its labeling is false or misleading in any
406 particular;

407 (2) If it is offered for sale under the name of
408 another food;

409 (3) If it is an imitation of another food, unless
410 its label bears, in type of uniform size and prominence, the word
411 "imitation" and immediately thereafter, the name of the food
412 imitated;

413 (4) If its container is so made, formed, or filled
414 as to be misleading;

415 (5) If in a package or other container unless it
416 bears a label showing (A) the name and place of business of the
417 manufacturer, packer, or distributor; and (B) an accurate
418 statement of the quantity of the contents in terms of weight,
419 measure, or numerical count; provided, that under clause (B) of
420 this subparagraph (5), reasonable variations may be permitted, and
421 exemptions as to small packages may be established, by regulations
422 prescribed by the commissioner.

423 (6) If any word, statement, or other information
424 required by or under authority of this chapter to appear on the
425 label or other labeling is not prominently placed thereon with
426 such conspicuousness (as compared with other words, statements,
427 designs, or devices, in the labeling) and in such terms as to

428 render it likely to be read and understood by the ordinary
429 individual under customary conditions of purchase and use;

430 (7) If it purports to be or is represented as a
431 food for which a definition standard of identity or composition
432 has been prescribed by regulations of the commissioner under
433 Section 75-35-15 of this chapter unless (A) it conforms to such
434 definition and standard, and (B) its label bears the name of the
435 food specified in the definition and standard and, insofar as may
436 be required by such regulations, the common names of optional
437 ingredients (other than spices, flavoring, and coloring) present
438 in such food;

439 (8) If it purports to be or is represented as a
440 food for which a standard or standards of fill of container have
441 been prescribed by regulations of the commissioner under Section
442 75-35-15 of this chapter, and it falls below the standard of fill
443 of container applicable thereto, unless its label bears, in such
444 manner and form as such regulations specify, a statement that it
445 falls below such standard;

446 (9) If it is not subject to the provisions of
447 subparagraph (7), unless its label bears (A) the common or usual
448 name of the food, if any there be, and (B) in case it is
449 fabricated from two (2) or more ingredients, the common or usual
450 name of each such ingredient; except that spices, flavorings, and
451 colorings may, when authorized by the commissioner, be designated
452 as spices, flavorings, and colorings without naming each:
453 provided, that to the extent that compliance with the requirements
454 of clause (B) of this subparagraph (9) is impracticable, or
455 results in deception or unfair competition, exemptions shall be
456 established by regulations promulgated by the commissioner;

457 (10) If it purports to be or is represented for
458 special dietary uses, unless its label bears such information
459 concerning its vitamin, mineral, and other dietary properties as
460 the commissioner, after consultation with the Secretary of

461 Agriculture of the United States, determines to be, and by
462 regulations prescribes as, necessary in order fully to inform
463 purchasers as to its value for such uses;

464 (11) If it bears or contains any artificial
465 flavoring, artificial coloring, or chemical preservative, unless
466 it bears labeling stating that fact: provided, that, to the extent
467 that compliance with the requirements of this subparagraph (11) is
468 impracticable, exemptions shall be established by regulations
469 promulgated by the commissioner; or

470 (12) If it fails to bear, directly thereon or on
471 its container, as the commissioner may by regulations prescribe,
472 the inspection legend and, unrestricted by any of the foregoing,
473 such other information as the commissioner may require in such
474 regulations to assure that it will not have false or misleading
475 labeling and that the public will be informed of the manner of
476 handling required to maintain the item or product in a wholesome
477 condition.

478 (l) The term "label" means a display of written,
479 printed, or graphic matter upon the immediate container (not
480 including package liners) of any item or product.

481 (m) The term "labeling" means all labels and other
482 written, printed, or graphic matter (1) upon any item or product
483 or any of its containers or wrappers, or (2) accompanying such
484 item or product.

485 (n) The term "Federal Meat Inspection Act" means the
486 act so entitled approved March 4, 1907 (34 Stat 1260), as amended
487 by the Wholesome Meat Act (8 Stat 584).

488 (o) The term "Federal Food, Drug, and Cosmetic Act"
489 means the act so entitled, approved June 25, 1938 (52 Stat 1040),
490 and acts amendatory thereof or supplementary thereto.

491 (p) The term "pesticide chemical," "food additive,"
492 "color additive," and "raw agricultural commodity" shall have the

493 same meanings for purposes of this chapter as under the Federal
494 Food, Drug, and Cosmetic Act.

495 (q) The term "official mark" means the official
496 inspection legend or any other symbol prescribed by regulations of
497 the commissioner to identify the status of any product or animal
498 under this chapter.

499 (r) The term "official inspection legend" means any
500 symbol prescribed by regulations of the commissioner showing that
501 an item or product was inspected and passed in accordance with
502 this chapter.

503 (s) The term "official certificate" means any
504 certificate prescribed by regulations of the commissioner for
505 issuance by an inspector or other person performing official
506 functions under this chapter.

507 (t) The term "official device" means any device
508 prescribed or authorized by the commissioner for use in applying
509 any official mark.

510 **SECTION 6.** Section 75-35-7, Mississippi Code of 1972, is
511 amended as follows:

512 75-35-7. (a) For the purpose of preventing the use in
513 intrastate commerce, as hereinafter provided, of meat and
514 meat-food products which are adulterated, the commissioner shall
515 cause to be made, by inspectors appointed for that purpose, an
516 examination and inspection of all cattle, sheep, swine, goats,
517 horses, mules, deer and other equine before they shall be allowed
518 to enter into any slaughtering, packing, meat canning, rendering,
519 or similar establishment in this state in which slaughtering and
520 preparation of meat and meat-food products of such animals are
521 conducted; and all cattle, sheep, swine, goats, horses, mules,
522 deer and other equine found on such inspection to show symptoms of
523 disease shall be set apart and slaughtered separately from all
524 other cattle, sheep, swine, goats, horses, mules, deer or other
525 equine, and when so slaughtered, the carcasses of said cattle,

526 sheep, swine, goats, horses, mules, deer or other equine shall be
527 subject to a careful examination and inspection, all as provided
528 by the rules and regulations to be prescribed by the commissioner
529 as herein provided for.

530 (b) For the purpose of preventing the inhumane
531 slaughtering of livestock, the commissioner shall cause to be
532 made, by inspectors appointed for that purpose, an examination and
533 inspection of the method by which cattle, sheep, swine, ratites,
534 nontraditional livestock, rabbits, goats, horses, mules, deer and
535 other equine are slaughtered and handled in connection with
536 slaughter in the slaughtering establishments inspected under this
537 article. The commissioner may refuse to provide inspection to a
538 new slaughtering establishment or may cause inspection to be
539 suspended temporarily at a slaughtering establishment if the
540 commissioner finds that any cattle, sheep, swine, ratites,
541 nontraditional livestock, rabbits, goats, horses, mules, deer or
542 other equine have been slaughtered or handled in connection with
543 slaughter at such establishment by any method not in accordance
544 with Sections 75-35-21(d) and 75-35-8 until the establishment
545 furnishes assurances satisfactory to the commissioner that all
546 slaughtering and handling in connection with slaughter of
547 livestock shall be in accordance with such a method.

548 **SECTION 7.** Section 75-35-9, Mississippi Code of 1972, is
549 amended as follows:

550 75-35-9. For the purposes hereinbefore set forth, the
551 commissioner shall cause to be made by inspectors appointed for
552 that purpose, as hereinafter provided, a postmortem examination
553 and inspection of the carcasses and parts thereof of all cattle,
554 sheep, swine, goats, horses, mules, deer and other equines,
555 capable of use as human food, to be prepared at any slaughtering,
556 meat-canning, salting, packing, rendering, or similar
557 establishment in this state in which such products are prepared.
558 The carcasses and parts thereof of all such animals found to be

559 not adulterated shall be marked, stamped, tagged, or labeled, as
560 "Inspected and Passed," or appropriate stamp or markings. Said
561 inspectors shall label, mark, stamp, or tag as "Inspected and
562 Condemned," or appropriate stamp or markings, all carcasses and
563 parts thereof of animals found to be adulterated; and all
564 carcasses and parts thereof thus inspected and condemned shall be
565 destroyed for food purposes by the said establishment in the
566 presence of an inspector. The commissioner may remove inspectors
567 from any such establishment which fails to so destroy any such
568 condemned carcass or part thereof. Said inspectors, after said
569 first inspection shall, when they deem it necessary, reinspect
570 said carcasses or parts thereof to determine whether since the
571 first inspection the same have become adulterated, and if any
572 carcass or any part thereof shall, upon examination and inspection
573 subsequent to the first examination and inspection, be found to be
574 adulterated, it shall be destroyed for food purposes by the said
575 establishment in the presence of an inspector; and the
576 commissioner may remove inspectors from any establishment which
577 fails to so destroy any such condemned carcass or part thereof.

578 **SECTION 8.** Section 75-35-11, Mississippi Code of 1972, is
579 amended as follows:

580 75-35-11. The foregoing provisions shall apply to all
581 carcasses or parts of carcasses of cattle, sheep, swine, goats,
582 horses, mules, deer and other equines or the meat or meat products
583 thereof, capable of use as human food, which may be brought into
584 any slaughtering, meat-canning, salting, packing, rendering, or
585 similar establishment, where inspection under this article is
586 maintained, and such examination and inspection shall be had
587 before the said carcasses or parts thereof shall be allowed to
588 enter into any department wherein the same are to be treated and
589 prepared for meat-food products. The foregoing provisions shall
590 also apply to all such products which, after having been issued
591 from any such slaughtering, meat-canning, salting, packing,

592 rendering, or similar establishment, shall be returned to the same
593 or to any similar establishment where such inspection is
594 maintained. The commissioner may limit the entry of carcasses,
595 part of carcasses, meat and meat-food products, and other
596 materials into any establishment at which inspection under this
597 article is maintained, under such conditions as he may prescribe
598 to assure that allowing the entry of such items or products into
599 such inspected establishments will be consistent with the purposes
600 of this chapter.

601 **SECTION 9.** Section 75-35-17, Mississippi Code of 1972, is
602 amended as follows:

603 75-35-17. The commissioner shall cause to be made, by
604 experts in sanitation, or by other competent inspectors, such
605 inspection of all slaughtering, meat-canning, salting, packing,
606 rendering, or similar establishments in which cattle, sheep,
607 swine, goats, horses, mules, deer and other equines are
608 slaughtered and the meat and meat-food products thereof are
609 prepared as may be necessary to inform himself concerning the
610 sanitary conditions of the same, and to prescribe the rules and
611 regulations of sanitation under which such establishments shall be
612 maintained. Where the sanitary conditions of any such
613 establishment are such that the meat or meat-food products are
614 rendered adulterated, he shall refuse to allow said meat or
615 meat-food products to be labeled, marked, stamped, or tagged as
616 "Mississippi inspected and passed" or appropriately marked.

617 **SECTION 10.** Section 75-35-19, Mississippi Code of 1972, is
618 amended as follows:

619 75-35-19. The commissioner shall cause an examination and
620 inspection of all cattle, sheep, swine, goats, horses, mules, deer
621 and other equines, and the food products thereof, slaughtered and
622 prepared in the establishments hereinbefore described to be made
623 during the nighttime as well as during the daytime when the
624 slaughtering of said cattle, sheep, swine, goats, horses, mules,

625 deer and other equines, or the preparation of said food products
626 is conducted during the nighttime.

627 **SECTION 11.** Section 75-35-21, Mississippi Code of 1972, is
628 amended as follows:

629 75-35-21. No person, firm, or corporation shall, with
630 respect to any cattle, sheep, swine, goats, horses, mules, deer or
631 other equine, or any carcasses, parts of carcasses, meat or
632 meat-food products of any such animals:

633 (a) Slaughter any such animals or prepare any such
634 products which are capable of use as human food, at any
635 establishment preparing such articles, except in compliance with
636 the requirements of this chapter;

637 (b) Sell, transport, offer for sale or transportation,
638 or receive for transportation, in intrastate commerce, (i) any
639 such products which (1.) are capable of use as human food, and
640 (2.) are adulterated or misbranded at the time of such sale,
641 transportation, offer for sale or transportation, or receipt for
642 transportation; or (ii) any items required to be inspected under
643 this article unless they have been so inspected and passed;

644 (c) Do, with respect to any such items which are
645 capable of use as human food, any act while they are being
646 transported in intrastate commerce or held for sale after such
647 transportation, which is intended to cause or has the effect of
648 causing such items to be adulterated or misbranded;

649 (d) Slaughter or handle in connection with such
650 slaughter any such animals in any manner not declared to be humane
651 under Section 75-35-8.

652 **SECTION 12.** Section 75-35-27, Mississippi Code of 1972, is
653 amended as follows:

654 75-35-27. The commissioner shall appoint from time to time
655 inspectors to make examination and inspection of all cattle,
656 sheep, swine, goats, horses, mules, deer and other equines the
657 inspection of which is hereby provided for, and of all carcasses

658 and parts thereof, and of all meats and meat-food products
659 thereof, and of the sanitary conditions of all establishments in
660 which such meat and meat-food products hereinbefore described are
661 prepared. Said inspectors shall refuse to stamp, mark, tag or
662 label any carcass or any part thereof, or meat-food product
663 therefrom, prepared in any establishment hereinbefore mentioned,
664 until the same shall have actually been inspected and found to be
665 not adulterated; and shall perform such other duties as are
666 provided by this chapter and by the rules and regulations to be
667 prescribed by said commissioner. Said commissioner shall, from
668 time to time, make such rules and regulations as are necessary for
669 the efficient execution of the provisions of this chapter, and all
670 inspections and examinations made under this chapter shall be such
671 and made in such manner as described in the rules and regulations
672 prescribed by said commissioner not inconsistent with the
673 provisions of this chapter.

674 **SECTION 13.** Section 75-35-31, Mississippi Code of 1972, is
675 amended as follows:

676 75-35-31. (1) The provisions of this article requiring
677 inspection of the slaughter of animals and the preparation of the
678 carcasses, parts thereof, meat and meat-food products at
679 establishments conducting such operations shall not (a) apply to
680 the slaughtering by any person of animals of his own raising, and
681 the preparation by him and transportation in intrastate commerce
682 of the carcasses, parts thereof, meat and meat-food products of
683 such animals exclusively for use by him and members of his
684 household and his nonpaying guests and employees; nor (b) to the
685 custom slaughter by any person, firm, or corporation of cattle,
686 sheep, swine, * * * goats or deer delivered by the owner thereof
687 for such slaughter, and the preparation by such slaughterer and
688 transportation in intrastate commerce of the carcasses, parts
689 thereof, meat and meat-food products of such animals, exclusively
690 for use, in the household of such owner, by him, and members of

691 his household and his nonpaying guests and employees: provided,
692 that such custom slaughterer does not engage in the business of
693 buying or selling any carcasses, parts of carcasses, meat or
694 meat-food products of any cattle, sheep, swine, goats, deer or
695 equines, capable of use as human food.

696 (2) The provisions of this chapter requiring inspection of
697 the slaughter of animals and the preparation of carcasses, parts
698 thereof, meat and meat-food products shall not apply to operations
699 of types traditionally and usually conducted at retail stores and
700 restaurants, when conducted at any retail store or restaurant or
701 similar retail-type establishment for sale in normal retail
702 quantities or service of such items or products to consumers at
703 such establishments.

704 (3) The slaughter of animals and preparation of items or
705 products referred to in subsections (1)(b) and (2) of this section
706 shall be conducted in accordance with such sanitary conditions as
707 the commissioner may by regulations prescribe. Violation of any
708 such regulation is prohibited.

709 (4) The adulteration and misbranding provisions of this
710 article, other than the requirement of the inspection legend,
711 shall apply to items or products which are not required to be
712 inspected under this section.

713 **SECTION 14.** Section 75-35-33, Mississippi Code of 1972, is
714 amended as follows:

715 75-35-33. The commissioner may by regulations prescribe
716 conditions under which carcasses, parts of carcasses, meat, and
717 meat-food products of cattle, sheep, swine, goats, horses, mules,
718 deer or other equines, capable of use as human food, shall be
719 stored or otherwise handled by any person, firm, or corporation
720 engaged in the business of buying, selling, freezing, storing, or
721 transporting, in or for intrastate commerce, such articles,
722 whenever the commissioner deems such action necessary to assure
723 that such items or products will not be adulterated or misbranded

724 when delivered to the consumer. Violation of any such regulation
725 is prohibited.

726 **SECTION 15.** Section 75-35-101, Mississippi Code of 1972, is
727 amended as follows:

728 75-35-101. Inspection shall not be provided under Article 1
729 of this chapter at any establishment for the slaughter of cattle,
730 sheep, swine, goats, horses, mules, deer or other equines, or the
731 preparation of any carcasses or parts or products of such animals,
732 which are not intended for use as human food, but such products
733 shall, prior to their offer for sale or transportation in
734 intrastate commerce, unless naturally inedible by humans, be
735 denatured or otherwise identified as prescribed by regulations of
736 the commissioner to deter their use for human food. No person,
737 firm, or corporation shall buy, sell, transport, or offer for sale
738 or transportation, or receive for transportation, in commerce, any
739 carcasses, parts thereof, meat or meat-food products of any such
740 animals, which are not intended for use as human food unless they
741 are denatured or otherwise identified as required by the
742 regulations of the commissioner or are naturally inedible by
743 humans.

744 **SECTION 16.** Section 75-35-103, Mississippi Code of 1972, is
745 amended as follows:

746 75-35-103. (1) The following classes of persons, firms, and
747 corporations shall keep such records as will fully and correctly
748 disclose all transactions involved in their businesses; and all
749 persons, firms, and corporations subject to such requirements
750 shall, at all reasonable times, upon notice by a duly authorized
751 representative of the commissioner afford such representative and
752 any duly authorized representative of the Secretary of Agriculture
753 of the United States accompanied by such representative of the
754 commissioner access to their places of business and opportunity to
755 examine the facilities, inventory, and records thereof, to copy
756 all such records, and to take reasonable samples of their

757 inventory upon payment when requested of the fair market value
758 thereof:

759 (a) Any persons, firms, or corporations that engage in
760 the business of slaughtering any cattle, sheep, swine, goats,
761 horses, mules, deer or other equines, or preparing, freezing,
762 packaging, or labeling any carcasses, or parts or products of
763 carcasses, of any such animals, for use as human food or animal
764 food;

765 (b) Any persons, firms, or corporations that engage in
766 the business of buying or selling (as meat brokers, wholesalers or
767 otherwise), or transporting, or storing, any carcasses, or parts
768 or products of carcasses, of any such animals;

769 (c) Any persons, firms, or corporations that engage in
770 business, as renderers, or engage in the business of buying,
771 selling, or transporting, any dead, dying, disabled, or diseased
772 cattle, sheep, swine, goats, horses, mules, deer or other equines,
773 or parts of the carcasses of any such animals that died otherwise
774 than by slaughter.

775 (2) Any record required to be maintained by this section
776 shall be maintained for such period of time as the commissioner
777 may by regulations prescribe.

778 **SECTION 17.** Section 75-35-105, Mississippi Code of 1972, is
779 amended as follows:

780 75-35-105. No person, firm, or corporation shall engage in
781 business, as a meat broker, renderer, or animal food manufacturer,
782 or engage in business as a wholesaler of any carcasses, or parts
783 or products of the carcasses, of any cattle, sheep, swine, goats,
784 horses, mules, deer or other equines, whether intended for human
785 food or other purposes, or engage in business as a public
786 warehouseman storing any such items or products, or engage in the
787 business of buying, selling, or transporting, any dead, dying,
788 disabled, or diseased animals of the specified kinds, or parts of
789 the carcasses of any such animals that died otherwise than by

790 slaughter, unless, when required by regulations of the
791 commissioner, he has registered with the commissioner his name,
792 and the address of each place of business at which, and all trade
793 names under which, he conducts such business.

794 **SECTION 18.** Section 75-35-107, Mississippi Code of 1972, is
795 amended as follows:

796 75-35-107. No person, firm, or corporation engaged in the
797 business of buying, selling, or transporting, dead, dying,
798 disabled, or diseased animals, or any parts of the carcasses of
799 any animals that died otherwise than by slaughter, shall buy,
800 sell, transport, offer for sale or transportation, or receive for
801 transportation, any dead, dying, disabled, or diseased cattle,
802 sheep, swine, goats, horses, mules, deer or other equines, or
803 parts of the carcasses of any such animals that died otherwise
804 than by slaughter, unless such transaction or transportation is
805 made in accordance with such regulations as the commissioner may
806 prescribe to assure that such animals, or the unwholesome parts or
807 products thereof, will be prevented from being used for human food
808 purposes.

809 **SECTION 19.** Section 75-35-303, Mississippi Code of 1972, is
810 amended as follows:

811 75-35-303. Whenever any carcass, part of a carcass, meat or
812 meat-food product of cattle, sheep, swine, goats, horses, mules,
813 deer or other equines, or any product exempted from the definition
814 of a meat-food product, or any dead, dying, disabled, or diseased
815 cattle, sheep, swine, goat, deer or equine is found by any
816 authorized representative of the commissioner upon any premises
817 where it is held for purposes of, or during or after distribution,
818 and there is reason to believe that any such item or product is
819 adulterated or misbranded and is capable of use as human food, or
820 that it has not been inspected, in violation of the provisions of
821 Article 1 of this chapter or of the Federal Meat Inspection Act or
822 the Federal Food, Drug and Cosmetic Act, or that such products or

823 animal has been or is intended to be, distributed in violation of
824 any such provisions, it may be detained by such representative for
825 a period not to exceed twenty (20) days, pending action under
826 Section 75-35-305 of this chapter or notification of any federal
827 authorities having jurisdiction over such article or animal, and
828 shall not be moved by any person, firm or corporation from the
829 place at which it is located when so detained, until released by
830 such representative. All official marks may be required by such
831 representative to be removed from such products or animal before
832 it is released unless it appears to the satisfaction of the
833 commissioner that the products or animal is eligible to retain
834 such marks.

835 **SECTION 20.** Section 75-35-305, Mississippi Code of 1972, is
836 amended as follows:

837 75-35-305. (1) Any carcass, part of a carcass, meat or meat
838 food product of cattle, sheep, swine, goats, horses, mules, deer
839 or other equines, or any dead, dying, disabled, or diseased
840 cattle, sheep, swine, goat, deer or equine, that is being
841 transported in intrastate commerce, or is held for sale in this
842 state after such transportation, and that (a) is or has been
843 prepared, sold, transported, or otherwise distributed or offered
844 or received for distribution in violation of this chapter, or (b)
845 is capable of use as human food and is adulterated or misbranded,
846 or (c) in any other way is in violation of this chapter, shall be
847 liable to be proceeded against and seized and condemned, at any
848 time, on a bill of complaint in the chancery court as provided in
849 Section 75-35-307 of this chapter within the jurisdiction of which
850 the products or animal is found. If the products or animal is
851 condemned it shall, after entry of the decree, be disposed of by
852 destruction or sale as the court may direct and the proceeds, if
853 sold, less the court costs and fees, and storage and other proper
854 expenses, shall be paid into the General Fund of the treasury of
855 this state, but the products or animals shall not be sold contrary

856 to the provisions of this chapter, or the Federal Meat Inspection
857 Act or the Federal Food, Drug, and Cosmetic Act: provided, that
858 upon the execution and delivery of a good and sufficient bond
859 conditioned that the products or animal shall not be sold or
860 otherwise disposed of contrary to the provisions of this chapter,
861 or the laws of the United States, the court may direct that such
862 products or animal be delivered to the owner thereof subject to
863 such supervision by authorized representatives of the commissioner
864 as is necessary to insure compliance with the applicable laws.
865 When a decree of condemnation is entered against the products or
866 animal and it is released under bond, or destroyed, court costs
867 and fees, and storage and other proper expenses shall be awarded
868 against the person, if any, intervening as claimant of the product
869 or animal. The proceedings in such chancery court cases shall
870 conform, as nearly as may be, to the usual proceedings in
871 chancery, except that either party may demand trial by jury of any
872 issue of fact joined in any case, and all such proceedings shall
873 be removed at the suit of and in the name of this state in the
874 circuit court.

875 (2) The provisions of this section shall in no way derogate
876 from authority for condemnation or seizure conferred by other
877 provisions of this chapter, or other laws.

878 **SECTION 21.** This act shall take effect and be in force from
879 and after July 1, 2007.