

By: Representatives Eubanks, Boyd, Brown,
Criswell, Hopkins, Henley

To: Agriculture; Public
Health and Human Services

HOUSE BILL NO. 1133

1 AN ACT TO AMEND SECTION 75-31-65, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT THE CONSTRUCTION OF THE PROVISIONS OF LAW
3 REGULATING MILK AND MILK PRODUCTS SHALL NOT BE DEEMED TO PROHIBIT
4 ANY INDEPENDENT OR PARTIAL OWNER OF ANY GOAT, COW OR SHEEP FROM
5 USING THE MILK FROM SUCH ANIMAL FOR THE OWNER'S PERSONAL
6 CONSUMPTION OR OTHER PERSONAL USE; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 75-31-65, Mississippi Code of 1972, is
9 amended as follows:

10 75-31-65. (1) The State Board of Health shall:

11 (a) Exercise general supervision over the production,
12 processing and sale of milk and milk products and the processing
13 and sale of frozen desserts.

14 (b) Adopt, modify, repeal and promulgate rules and
15 regulations, after due notice and hearing, and, where not
16 otherwise prohibited by federal law or state law, make exceptions
17 to, grant exemptions from and enforce rules and regulations
18 implementing or effectuating the duties of the board under this
19 section to protect the public health.



20 (c) Use the most current edition of the Pasteurized
21 Milk Ordinance, or its successor, as the basis for regulation of
22 Grade "A" milk and milk products. Unless as otherwise provided by
23 law, the board, in its discretion, may amend, modify or make
24 additions to the Pasteurized Milk Ordinance if the board
25 determines that such amendment, modification or addition is in the
26 best interest of public health.

27 (2) The board shall assess fees in the following amount and
28 for the following purpose:

29 Milk product processing plant annual permit fee.....\$300.00

30 Frozen dessert processing plant annual permit fee.....\$300.00

31 The fees authorized under this subsection shall not be
32 assessed for milk or frozen dessert processing plants operated by
33 public schools, by public junior colleges or by state agencies or
34 institutions, including, without limitation, the state
35 institutions of higher learning.

36 (3) Incidental sales of raw goat milk shall be legal if:

37 (a) The milk is sold directly to the consumer on the
38 premises where the milk is produced;

39 (b) No more than nine (9) producing goats are located
40 on the premises where the milk is produced;

41 (c) The person selling the milk does not advertise the
42 milk for sale; and



43 (d) The following conditions, which apply to the
44 milking of goats involved in legal incidental sales of raw goat
45 milk, are satisfied:

46 (i) The milking takes place in a clean environment
47 on a cement or comparable floor;

48 (ii) The milking place is enclosed by a wall
49 and/or a screen to prevent insects from entering the milking area;

50 (iii) A fly strap is located in the milking area;
51 and

52 (iv) Sterile containers are used in the milking
53 process and for storage.

54 It shall not be unlawful to store raw goat milk in a separate
55 sterile place from pasteurized goat milk. The Cooperative
56 Extension Service at Alcorn State University shall publish and
57 make available literature on the requirements of this subsection,
58 and other related milk-goat maintenance, explaining the
59 recommended care of milk goats and the process of goat milk
60 production and other related subjects. For the purposes of this
61 subsection, the term "incidental sales" means sales from a farm
62 where not more than nine (9) goats are producing milk.

63 (4) For purposes of this section, the term "person" includes
64 an individual, firm, partnership, association or corporation,
65 foreign or domestic.



66 (5) All fees collected by the board under this section shall
67 be paid into a special fund within the Department of Health to be
68 used by the department to discharge its duties under this section.

69 (6) Any person coming within the provisions of this section
70 who fails to comply with or violates any of the provisions of this
71 section or regulations promulgated thereunder, unless otherwise
72 specifically provided in this section, is guilty of a misdemeanor
73 and, upon conviction, shall be fined not more than One Hundred
74 Dollars (\$100.00) or confined in jail for not more than sixty (60)
75 days, or both.

76 (7) Any person who sells or offers for sale adulterated milk
77 or milk products or cream or frozen desserts or any milk or cream
78 having therein any foreign substance or coloring matter or any
79 chemicals or preservatives, whether for the purpose of increasing
80 the quantity of milk or cream or for improving its appearance or
81 for the purpose of preserving the condition of sweetness thereof,
82 or for any other purpose whatsoever, or unpasteurized milk or milk
83 products except as otherwise authorized by law, is guilty of a
84 misdemeanor, and, upon conviction, shall be fined not more than
85 Five Hundred Dollars (\$500.00) or confined in jail not more than
86 sixty (60) days, or both; however, nothing in this subsection
87 shall be construed to prevent the addition of vitamins to milk or
88 milk products in accordance with the rules and regulations
89 promulgated by the board or to prohibit the sale of pasteurized
90 milk or cream or frozen desserts except unlawful cream or unlawful



91 milk products or unlawful frozen desserts as defined in the rules
92 and regulations promulgated by the board.

93 (8) (a) Any person doing business in the State of
94 Mississippi and engaged in the production, manufacture, sale or
95 distribution of any dairy products that, for the purpose of
96 destroying the business of a competitor in any locality or
97 creating a monopoly, discriminates between different sections,
98 localities, communities, cities or towns of the state by selling
99 such commodity at a lower rate or price in one (1) section,
100 locality, community, city or town than such commodity is sold by
101 such person in any other section, locality, community, city or
102 town, after making due allowance for the difference, if any, in
103 the grade or quality and in the actual cost of the transportation
104 from the point of production or purchase, if a raw product, to the
105 place of sale, storage or distribution, is guilty of unfair
106 discrimination, which is prohibited and declared unlawful;
107 however, prices made to meet competition in such section,
108 locality, community, city or town shall not be in violation of
109 this subsection.

110 (b) Any person doing business in the State of
111 Mississippi and engaged in the business of purchasing for
112 manufacture, storage, sale or distribution of any dairy product,
113 that, for the purpose of destroying the business of a competitor
114 or creating a monopoly, discriminates between different sections,
115 localities, communities, cities or towns in the state by



purchasing such commodity at a higher rate or price in one (1) section, locality, community, city or town than is paid for such commodity by such person in any other section, locality, community, city or town, after making due allowance for the difference, if any, in the grade or quality, and in the actual cost of transportation from the point of purchase to the point of manufacture, sale or distribution or storage, is guilty of unfair discrimination, which is prohibited and declared to be unlawful; however, prices made to meet competition in such locality, section, community, city or town shall not be a violation of this subsection.

(c) Any person convicted of a violation of this subsection, shall be fined not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00) or shall be imprisoned in jail not more than twelve (12) months, or both.

(9) Nothing in this section shall be construed to apply to any person who does not sell his milk, cream, butter or other products mentioned herein to others.

(10) Nothing in this section or any other provision of law shall be construed as prohibiting the independent or partial owner of any cow, goat, or sheep from using the milk from such animal in its raw or adulterated form for the owner's personal consumption or other personal use.

SECTION 2. This act shall take effect and be in force from and after July 1, 2016.

