

By: Representative Eubanks

To: Agriculture

HOUSE BILL NO. 11

1 AN ACT TO AMEND SECTIONS 69-1-303, 69-1-305, 69-1-307,
 2 69-1-309, 69-1-311 AND 69-1-317, MISSISSIPPI CODE OF 1972, WHICH
 3 ARE PROVISIONS OF THE "MISSISSIPPI COUNTRY OF ORIGIN LABELING LAW
 4 OF 2009," TO REQUIRE THAT INFORMATION BE INCLUDED ON THE PRODUCT
 5 OR NOTICE BE GIVEN BY RETAILERS TO CONSUMERS PRIOR TO THE POINT OF
 6 SALE OF COVERED COMMODITIES OF THOSE PRODUCTS' COUNTRY OF
 7 PROCESSING; TO BRING FORWARD SECTIONS 69-1-301, 69-1-313,
 8 69-1-315 AND 69-1-319, MISSISSIPPI CODE OF 1972, WHICH ARE THE
 9 REMAINING PROVISIONS OF THE "MISSISSIPPI COUNTRY OF ORIGIN
 10 LABELING LAW OF 2009," FOR PURPOSES OF POSSIBLE AMENDMENTS; AND
 11 FOR RELATED PURPOSES.

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

13 **SECTION 1.** Section 69-1-301, Mississippi Code of 1972, is
 14 brought forward as follows:

15 69-1-301. Sections 69-1-301 through 69-1-319 shall be known
 16 as the "Mississippi Country of Origin Labeling Law of 2009."

17 **SECTION 2.** Section 69-1-303, Mississippi Code of 1972, is
 18 amended as follows:

19 69-1-303. For purposes of Sections 69-1-301 through
 20 69-1-319, the following terms shall have the meaning ascribed
 21 herein unless the context otherwise requires:



- 22 (a) "Beef" means the meat produced from cattle,
23 including veal.
- 24 (b) "Commissioner" means the Commissioner of
25 Agriculture and Commerce.
- 26 (c) "Covered commodity" means any of the following:
- 27 (i) Muscle cuts of beef, lamb and pork;
- 28 (ii) Ground beef, ground lamb and ground pork;
- 29 (iii) Farm-raised fish;
- 30 (iv) Wild fish;
- 31 (v) Perishable agricultural products;
- 32 (vi) Peanuts;
- 33 (vii) Meat produced from goats;
- 34 (viii) Chicken, turkey and duck, in whole and in
35 part;
- 36 (ix) Ginseng;
- 37 (x) Pecans; and
- 38 (xi) Macadamia nuts.

39 The term covered commodity does not include an item described
40 in this paragraph if the item is an ingredient in a processed food
41 item.

42 (d) "Farm-raised fish" means farm-raised fish and
43 shellfish and includes a fillet, steak, nugget and any other flesh
44 from a farm-raised fish or shellfish. The term farm-raised fish
45 shall not include catfish as defined in Section 69-7-605.



46 (e) "Lamb" means meat, other than mutton, produced from
47 sheep.

48 (f) "Perishable agricultural product" means any of the
49 following: fresh fruits and fresh vegetables of every kind and
50 character, whether or not frozen or packed in ice.

51 (g) "Pork" means meat produced from hogs or swine.

52 (h) "Retailer" means any establishment licensed by the
53 commissioner under Section 69-1-18.

54 (i) "Supplier" means a person engaged in the business
55 of supplying a covered commodity to a retailer.

56 (j) "Wild fish" means naturally born or hatchery-raised
57 fish and shellfish harvested in the wild and includes a fillet,
58 steak, nugget and any other flesh from wild fish or shellfish.
59 The term wild fish does not include net-pen aquacultural or other
60 farm-raised fish or catfish as defined in Section 69-7-605.

61 **SECTION 3.** Section 69-1-305, Mississippi Code of 1972, is
62 amended as follows:

63 69-1-305. (1) A retailer of a covered commodity shall
64 inform consumers, at the final point of sale of the covered
65 commodity to consumers, of the country of origin and the country
66 of processing of the covered commodity.

67 (2) (a) The information * * * shall be provided to
68 consumers by means of a label, stamp, mark, placard or other clear
69 and visible sign on the covered commodity or on the package,



70 display, holding unit or bin containing the commodity at the final
71 point of sale to consumers.

72 (b) If the covered commodity is already individually
73 labeled for retail sale regarding country of origin and country of
74 processing, the retailer shall not be required to provide any
75 additional information to comply with this section.

76 (3) A supplier shall provide information to the retailer
77 indicating the country of origin and the country of processing of
78 the covered commodity.

79 **SECTION 4.** Section 69-1-307, Mississippi Code of 1972, is
80 amended as follows:

81 69-1-307. (1) United States country of origin. A retailer
82 of a covered commodity that is beef, lamb, pork, chicken, turkey,
83 duck or goat meat may designate the covered commodity as
84 exclusively having a United States country of origin and country
85 of processing only if the covered commodity is derived from an
86 animal that was:

87 (a) Exclusively born, raised and slaughtered in the
88 United States; or

89 (b) Born and raised in Alaska or Hawaii and transported
90 for a period of not more than sixty (60) days through Canada to
91 the United States and slaughtered in the United States.

92 (2) A retailer of a covered commodity that is beef, lamb,
93 pork, chicken or goat meat may designate the country of origin and
94 the country of processing of the covered commodity as all of the



95 countries in which the animal may have been born, raised or
96 slaughtered, if the commodity is derived from an animal that was:

97 (a) Not exclusively born, raised and slaughtered in the
98 United States; or

99 (b) Born, raised or slaughtered in the United States;

100 and

101 (c) Not imported into the United States for immediate
102 slaughter.

103 (3) A retailer of a covered commodity that is beef, lamb,
104 pork, chicken, turkey, duck or goat meat that is derived from an
105 animal imported into the United States for immediate slaughter
106 shall designate the origin as:

107 (a) The country from which the animal was imported; and

108 (b) The United States.

109 (4) A retailer of a covered commodity that is beef, lamb,
110 pork, chicken, turkey, duck or goat meat derived from an animal
111 not born, raised or slaughtered in the United States shall
112 designate a country other than the United States as the country of
113 origin and the country of processing.

114 (5) The notice of country of origin and country of
115 processing for ground beef, ground pork, ground lamb, ground
116 chicken, ground turkey, ground duck or ground goat shall include:

117 (a) A list of all countries of origin and countries of
118 processing of the ground beef, ground pork, ground lamb, ground
119 chicken, ground turkey, ground duck or ground goat; or



120 (b) A list of all possible countries of origin and
121 countries of processing of the ground beef, ground pork, ground
122 lamb, ground chicken, ground turkey, ground duck or ground goat.

123 **SECTION 5.** Section 69-1-309, Mississippi Code of 1972, is
124 amended as follows:

125 69-1-309. (1) A retailer of a covered commodity that is
126 farm-raised fish or wild fish may designate the covered commodity
127 as having a United States country of origin and country of
128 processing only if:

129 (a) In the case of farm-raised fish, it is hatched,
130 raised, harvested and processed in the United States; or

131 (b) In the case of wild fish, it is:

132 (i) Harvested in waters of the United States, a
133 territory of the United States or a state, including the waters
134 thereof; and

135 (ii) Processed in the United States, a territory
136 of the United States or a state, including the waters thereof.

137 (2) The notice of country of origin and country of
138 processing for wild fish and farm-raised fish shall distinguish
139 between wild fish and farm-raised fish.

140 **SECTION 6.** Section 69-1-311, Mississippi Code of 1972, is
141 amended as follows:

142 69-1-311. (1) A retailer of a covered commodity that is a
143 perishable agricultural product, ginseng, peanut, pecan or
144 macadamia nut may designate the covered commodity as having a



145 United States country of origin and country of processing only if
146 the covered commodity is exclusively produced in the United
147 States.

148 (2) If the covered commodity that is a perishable
149 agricultural product, ginseng, peanut, pecan or macadamia nut is
150 produced exclusively in the United States, designation of the
151 state, region or locality of the United States where the commodity
152 was produced shall be sufficient to identify the United States as
153 the country of origin and the country of processing.

154 **SECTION 7.** Section 69-1-313, Mississippi Code of 1972, is
155 brought forward as follows:

156 69-1-313. (1) The commissioner is authorized to promulgate
157 any rules and regulations as are necessary for the efficient
158 enforcement of Sections 69-1-301 through 69-1-319.

159 (2) The commissioner shall have authority to enter the
160 premises of any person that prepares, stores, handles or supplies
161 any covered commodity for retail sale to conduct label reviews of
162 covered commodities in order to determine compliance with Sections
163 69-1-301 through 69-1-319.

164 **SECTION 8.** Section 69-1-315, Mississippi Code of 1972, is
165 brought forward as follows:

166 69-1-315. The commissioner may cooperate with and enter into
167 agreement with agencies of the federal government in order to
168 carry out the purpose and provisions of Sections 69-1-301 through
169 69-1-319. In this cooperative effort, the commissioner is



170 authorized to accept from the federal government any advisory
171 assistance planning and any financial aid or other aid for the
172 program.

173 **SECTION 9.** Section 69-1-317, Mississippi Code of 1972, is
174 amended as follows:

175 69-1-317. (1) The commissioner may conduct an audit of any
176 person that prepares, stores, handles or supplies any covered
177 commodity for retail sale to verify compliance with Sections
178 69-1-301 through 69-1-319.

179 (2) Any person subject to an audit under this section shall
180 provide information to the commissioner that verifies the country
181 of origin and the country of processing of the covered
182 commodities. Records maintained in the course of the normal
183 conduct of the business of those persons, including animal health
184 papers, import or customs documents or producer affidavits, may
185 serve as verification.

186 (3) The commissioner may seek injunctive relief if a person
187 fails to provide the information required under this section.

188 **SECTION 10.** Section 69-1-319, Mississippi Code of 1972, is
189 brought forward as follows:

190 69-1-319. (1) If the commissioner determines that a
191 retailer is in violation of Sections 69-1-301 through 69-1-319,
192 the commissioner shall:

193 (a) Notify the retailer of the determination of the
194 commissioner; and



195 (b) Provide the retailer a thirty-day period, during
196 which the retailer must take necessary steps to comply with
197 Sections 69-1-301 through 69-1-319.

198 (2) If the commissioner determines that a supplier is in
199 violation, the commissioner shall:

200 (a) Notify the supplier of the determination of the
201 commissioner; and

202 (b) Provide the supplier a thirty-day period, beginning
203 on the date on which the person receives the notice, during which
204 the supplier shall:

205 (i) Provide the required information to the
206 retailer; and

207 (ii) Provide to the commissioner a detailed plan
208 of distribution of the required information to all retailers that
209 are supplied covered commodities by the supplier.

210 (3) If at the end of the thirty-day period, the commissioner
211 determines that the retailer or supplier failed to make a good
212 faith effort to correct the violation or continues to be in
213 violation, the commissioner, in addition to any other civil or
214 criminal penalties, may fine the retailer or supplier not more
215 than One Thousand Dollars (\$1,000.00) for each violation. An
216 appeal may be filed as provided under Section 69-25-59.

217 **SECTION 11.** This act shall take effect and be in force from
218 and after July 1, 2018.

