

By: Representative Eubanks

To: Agriculture

HOUSE BILL NO. 13

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 Any increase in the fees charged by the board under this
32 subsection shall be in accordance with the provisions of Section
33 41-3-65.

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

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

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

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



44 (c) The person selling the milk does not advertise the
45 milk for sale; and

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

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

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

53 (iii) A fly strap is located in the milking area;
54 and

55 (iv) Sterile containers are used in the milking
56 process and for storage.

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

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



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

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

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



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

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

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



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

130 (c) Any person convicted of a violation of this
131 subsection, shall be fined not less than Five Hundred Dollars
132 (\$500.00) nor more than Five Thousand Dollars (\$5,000.00) or shall
133 be imprisoned in jail not more than twelve (12) months, or both.

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

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

142 **SECTION 2.** This act shall take effect and be in force from
143 and after July 1, 2018.

