

By: Senator(s) Hudson, Branning

To: Agriculture

SENATE BILL NO. 2924

1 AN ACT TO CREATE NEW SECTION 69-1-56, MISSISSIPPI CODE OF  
2 1972, TO AUTHORIZE THE DEPARTMENT OF AGRICULTURE AND COMMERCE TO  
3 ENTER INTO AN AGREEMENT WITH THE FOOD AND DRUG ADMINISTRATION  
4 (FDA) FOR THE PURPOSES OF ENFORCING THE FDA PRODUCE SAFETY RULE OF  
5 THE FOOD SAFETY MODERNIZATION ACT; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** The following shall be codified as Section  
8 69-1-56, Mississippi Code of 1972:

9 69-1-56. (1) The Department of Agriculture and Commerce is  
10 hereby designated as the state agency responsible for cooperating  
11 with the United States Food and Drug Administration (FDA) to  
12 enforce the provisions of 21 CFR Part 112. The department is  
13 further authorized to cooperate with the FDA in developing and  
14 administering the Produce Safety Rule Program of this state. The  
15 program requirements will be at least equal to those imposed under  
16 21 CFR Part 112, and the program will be administered in a manner  
17 that will prevent or remediate the adulteration of raw  
18 agricultural commodities on farms. The department is authorized  
19 to enter into such other cooperative agreements as may be



20 necessary to carry out the provisions of the Produce Safety Rule  
21 Program.

22 (2) The Department of Agriculture and Commerce may accept  
23 advisory assistance from the Food and Drug Administration in  
24 developing the program authorized by this section, technical and  
25 laboratory assistance and training, including necessary  
26 curriculum, instructional materials, and equipment, and financial  
27 assistance or other aid for administration of the program  
28 authorized by this section.

29 (3) The Department of Agriculture and Commerce shall  
30 represent the state in all communications and negotiations with  
31 the FDA regarding the implementation of this section and the  
32 provisions of the FDA Food Safety Modernization Act that fall  
33 within the department's authority granted by this section.

34 (4) (a) The commissioner is authorized to adopt rules and  
35 regulations as may be necessary to carry out the provisions of  
36 this section, including the following:

37 (i) Enter the premises of any covered farm for the  
38 purpose of inspecting the farm to determine if any provision of  
39 this section is being violated;

40 (ii) Enter the premises of any covered farm for  
41 the purpose of securing samples or specimens to determine if any  
42 provision of this section is being violated; and

43 (iii) Seize, condemn, or destroy any produce that  
44 is being grown, kept, exposed for sale, held in possession or



45 under the control of any person on a covered farm if that produce  
46 is in violation of this section.

47 (b) No person shall impede, obstruct, hinder, or  
48 otherwise prevent or attempt to prevent the commissioner, an  
49 inspector of the department or any other person in the performance  
50 of his duties pursuant to this section.

51 (5) The provisions of this section shall remain in effect  
52 only as long as the federal funds required to implement the  
53 provisions of the FDA Food Safety Modernization Act referenced in  
54 this section are provided or upon the date of repeal of 21 CFR  
55 Part 112.

56 (6) Any person who violates a provision of this section or a  
57 regulation adopted pursuant to the provisions of this section may  
58 be subject to a civil penalty of not more than Five Thousand  
59 Dollars (\$5,000.00) per violation. Any civil penalty imposed by  
60 ruling of the commissioner under this section shall be based upon  
61 an administrative hearing held in accordance with the provisions  
62 of Section 69-1-18.

63 **SECTION 2.** This act shall take effect and be in force from  
64 and after its passage.

