

By: Representatives Eure, Eubanks, McLean

To: Agriculture

HOUSE BILL NO. 326

1 AN ACT TO AMEND SECTION 75-29-951, MISSISSIPPI CODE OF 1972,
2 TO INCREASE THE MAXIMUM ANNUAL GROSS SALES FOR A COTTAGE FOOD
3 OPERATION FROM TWENTY THOUSAND DOLLARS TO THIRTY-FIVE THOUSAND
4 DOLLARS TO BE EXEMPT FROM FOOD ESTABLISHMENT PERMIT FEES; TO
5 AUTHORIZE A COTTAGE FOOD OPERATION TO ADVERTISE COTTAGE FOOD
6 PRODUCTS OVER THE INTERNET, INCLUDING THROUGH SOCIAL MEDIA; AND
7 FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 75-29-951, Mississippi Code of 1972, is
10 amended as follows:

11 75-29-951. (1) (a) A cottage food operation must comply
12 with the applicable requirements of this section but is exempt
13 from the permitting requirements of Section 41-3-18 if the cottage
14 food operation complies with this section and has annual gross
15 sales of cottage food products that do not exceed * * *~~Twenty~~
16 ~~Thousand Dollars (\$20,000.00)~~ Thirty-five Thousand Dollars
17 (\$35,000.00).

18 (b) For purposes of this subsection, a cottage food
19 operation's annual gross sales include all sales of cottage food
20 products at any location, regardless of the types of products sold



21 or the number of persons involved in the operation. A cottage
22 food operation must provide the department, upon request, with
23 written documentation to verify the operation's annual gross
24 sales.

25 (2) A cottage food operation may not sell * * *~~or offer for~~
26 ~~sale~~ cottage food products over the Internet, by mail order, or at
27 wholesale or to a retail establishment; however, this does not
28 prohibit the advertising of cottage food products over the
29 Internet, including through social media. Cottage food products
30 are nonpotentially hazardous food products as defined by the
31 department.

32 (3) A cottage food operation may only sell cottage food
33 products which are prepackaged with a label affixed that contains
34 the following information:

35 (a) The name and address of the cottage food
36 operation * * *;

37 (b) The name of the cottage food product * * *;

38 (c) The ingredients of the cottage food product, in
39 descending order of predominance by weight * * *;

40 (d) The net weight or net volume of the cottage food
41 product * * *;

42 (e) Allergen information as specified by federal
43 labeling requirements * * *;



44 (f) * * *~~If any nutritional claim is made,~~ Appropriate
45 nutritional information as specified by federal labeling
46 requirements, if any nutritional claim is made * * *~~;~~; and

47 (g) The following statement printed in at least
48 ten-point type in a color that provides a clear contrast to the
49 background of the label: "Made in a cottage food operation that
50 is not subject to Mississippi's food safety regulations."

51 (4) This section does not exempt a cottage food operation
52 from any federal tax law, rule, regulation, or certificate that
53 applies to all cottage food operations.

54 (5) (a) The department may investigate any
55 complaint * * *~~which~~ that alleges that a cottage food operation
56 has violated an applicable provision of this section or rule
57 adopted under this section.

58 (b) Only upon receipt of a complaint, the department's
59 authorized officer or employee may enter and inspect the premises
60 of a cottage food operation to determine compliance with this
61 section and department rules. A cottage food operation's refusal
62 to permit the department's authorized officer or employee entry to
63 the premises or to conduct the inspection is grounds for
64 disciplinary action pursuant to Section 41-3-59.

65 (6) This section does not apply to a person operating under
66 a food permit issued pursuant to Section 41-3-18.

67 **SECTION 2.** This act shall take effect and be in force from
68 and after July 1, 2020.

