

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 * * *
16 Thirty-five Thousand Dollars (\$35,000.00).

17 (b) For purposes of this subsection, a cottage food
18 operation's annual gross sales include all sales of cottage food
19 products at any location, regardless of the types of products sold
20 or the number of persons involved in the operation. A cottage



21 food operation must provide the department, upon request, with
22 written documentation to verify the operation's annual gross
23 sales.

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

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

33 (a) The name and address of the cottage food
34 operation * * *;

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

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

38 (d) The net weight or net volume of the cottage food
39 product * * *;

40 (e) Allergen information as specified by federal
41 labeling requirements * * *;

42 (f) * * * Appropriate nutritional information as
43 specified by federal labeling requirements, if any nutritional
44 claim is made * * *; and



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

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

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

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

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

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

