

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.

