

By: Representative Eubanks

To: Agriculture

HOUSE BILL NO. 1038

1 AN ACT TO AMEND SECTION 75-29-951, MISSISSIPPI CODE OF 1972,
2 TO REMOVE THE ANNUAL THRESHOLD GROSS SALES FOR A COTTAGE FOOD
3 OPERATION; AND FOR RELATED PURPOSES.

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

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

7 75-29-951. (1) * * * A cottage food operation must comply
8 with the applicable requirements of this section but is exempt
9 from the permitting requirements of Section 41-3-18 if the cottage
10 food operation complies with this section * * *.

11 * * *

12 (2) A cottage food operation may not sell or offer for sale
13 cottage food products over the Internet, by mail order, or at
14 wholesale or to a retail establishment. Cottage food products are
15 nonpotentially hazardous food products as defined by the
16 department.



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

20 (a) The name and address of the cottage food operation.

21 (b) The name of the cottage food product.

22 (c) The ingredients of the cottage food product, in
23 descending order of predominance by weight.

24 (d) The net weight or net volume of the cottage food
25 product.

26 (e) Allergen information as specified by federal
27 labeling requirements.

28 (f) If any nutritional claim is made, appropriate
29 nutritional information as specified by federal labeling
30 requirements.

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

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

38 (5) (a) The department may investigate any complaint which
39 alleges that a cottage food operation has violated an applicable
40 provision of this section or rule adopted under this section.



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

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

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

