

By: Representatives Yates, Owen, McCarty

To: Agriculture

HOUSE BILL NO. 562

1 AN ACT TO AMEND SECTION 75-29-951, MISSISSIPPI CODE OF 1972,
2 BY REMOVING THE PROHIBITION ON COTTAGE FOOD OPERATORS FROM
3 ENGAGING IN THE SELL OF COTTAGE FOOD PRODUCTS OVER THE INTERNET;
4 AND FOR RELATED PURPOSES.

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

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

8 75-29-951. (1) (a) A cottage food operation must comply
9 with the applicable requirements of this section but is exempt
10 from the permitting requirements of Section 41-3-18 if the cottage
11 food operation complies with this section and has annual gross
12 sales of cottage food products that do not exceed Thirty-five
13 Thousand Dollars (\$35,000.00).

14 (b) For purposes of this subsection, a cottage food
15 operation's annual gross sales include all sales of cottage food
16 products at any location, regardless of the types of products sold
17 or the number of persons involved in the operation. A cottage
18 food operation must provide the department, upon request, with



19 written documentation to verify the operation's annual gross
20 sales.

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

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

30 (a) The name and address of the cottage food operation;

31 (b) The name of the cottage food product;

32 (c) The ingredients of the cottage food product, in
33 descending order of predominance by weight;

34 (d) The net weight or net volume of the cottage food
35 product;

36 (e) Allergen information as specified by federal
37 labeling requirements;

38 (f) Appropriate nutritional information as specified by
39 federal labeling requirements, if any nutritional claim is made;

40 and

41 (g) The following statement printed in at least
42 ten-point type in a color that provides a clear contrast to the



43 background of the label: "Made in a cottage food operation that
44 is not subject to Mississippi's food safety regulations."

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

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

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

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

60 **SECTION 2.** This act shall take effect and be in force from
61 and after July 1, 2021.

