

By: Representatives Brown (20th), Hopkins,
Williamson

To: Agriculture

HOUSE BILL NO. 362

1 AN ACT TO CREATE THE MISSISSIPPI FOOD FREEDOM ACT; TO DEFINE
2 TERMS USED HEREIN; TO PROHIBIT ANY COUNTY, MUNICIPALITY OR OTHER
3 POLITICAL SUBDIVISION OF THIS STATE FROM REGULATING CERTAIN
4 PRACTICES INVOLVED IN THE PRODUCTION OF AGRICULTURAL OR FARM
5 PRODUCTS ON ANY PRIVATE PROPERTY; TO PROHIBIT ANY COUNTY,
6 MUNICIPALITY OR OTHER POLITICAL SUBDIVISION FROM RESTRICTING THE
7 RETAIL SALE OR DISTRIBUTION OF UNPROCESSED AGRICULTURAL OR FARM
8 PRODUCTS GROWN OR RAISED IN THIS STATE DIRECTLY FROM THE PRODUCER
9 TO THE CONSUMER; TO AMEND SECTION 69-3-11, MISSISSIPPI CODE OF
10 1972, IN CONFORMITY TO THE PRECEDING PROVISIONS; AND FOR RELATED
11 PURPOSES.

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

13 **SECTION 1.** This act shall be known and may be cited as the
14 "Mississippi Food Freedom Act."

15 **SECTION 2.** As used in this act, the following terms shall
16 have the meanings herein ascribed unless the context clearly
17 requires otherwise:

18 (a) "Crops" means fruits and products of all annual or
19 perennial plants, trees and shrubs.

20 (b) "Milk goat" means a doe kept for the purpose of
21 producing milk and any unweaned kid goats.



22 (c) "Unprocessed" means agricultural or farm products
23 that have not been canned, cooked, fermented, distilled,
24 preserved, ground, crushed or slaughtered.

25 **SECTION 3.** (1) (a) No county, municipality or other
26 political subdivision of this state shall adopt or enforce any
27 ordinance, rule, regulation or resolution regulating crop
28 management or animal husbandry practices involved in the
29 production of agricultural or farm products on any private
30 property.

31 (b) No county, municipality or other political
32 subdivision of this state shall adopt or enforce any ordinance,
33 rule, regulation or resolution that prohibits or regulates the
34 retail sale or distribution of unprocessed agricultural or farm
35 products grown or raised in this state directly from the producer
36 to the consumer as food for human consumption or seed for
37 replanting.

38 (2) The provisions of subsection (1) of this section shall
39 not prohibit or impair the power of any county or municipal
40 governing authority or other political subdivision of this state
41 to adopt or enforce any zoning ordinance or make any other zoning
42 decision.

43 (3) The provisions of subsection (1) of this section shall
44 not prohibit or impair any existing power of a county or
45 municipality governing authority or other political subdivision of



46 this state to adopt or enforce any ordinance, rule, regulation or
47 resolution regulating land application of human waste.

48 **SECTION 4.** (1) Nothing in this act or any rule or
49 regulation adopted under the authority provided herein shall
50 prohibit or regulate the retail sale or distribution of
51 unprocessed agricultural or farm products grown or raised in this
52 state directly from the producer to the consumer as food for human
53 consumption or seeds for replanting.

54 (2) The seeds produced from crops grown in this state shall
55 remain the sole property of the producer, which may be stored and
56 preserved for replanting or sold without penalty.

57 **SECTION 5.** No county, municipality or other political
58 subdivision of this state shall prohibit or require any permit for
59 the growing or raising of food crops or chickens, rabbits or milk
60 goats in:

61 (a) Home gardens, coops, or pens on private residential
62 property so long as the food crops or animals or the products
63 thereof are used for human consumption by the occupant of the
64 property and members of his or her household and not for
65 commercial purposes; or

66 (b) Community or cooperative gardens, coops or pens on
67 any portion of any private lot made available for the purposes
68 prescribed in this section by the occupant thereof so long as the
69 total lot size is not more than two and three-fourths (2-3/4)
70 acres and the food crops or animals or the products thereof are



71 used for human consumption by the growers and raisers and members
72 of their households and not for commercial purposes. However, the
73 slaughter of goats kept under the authority of this section shall
74 be prohibited.

75 (2) This section shall not prohibit or impair:

76 (a) The authority of a local governmental entity to
77 abate a public nuisance;

78 (b) Any cause of action brought by a private citizen to
79 abate a private nuisance under Section 97-44-15; or

80 (c) Any private covenant or other private agreement
81 restricting the use of real property.

82 **SECTION 6.** Section 69-3-11, Mississippi Code of 1972, is
83 amended as follows:

84 69-3-11. Agricultural seed or mixtures of same, vegetable
85 seed, flower seed, and tree and shrub seed shall be exempt from
86 provisions of this article:

87 (1) When sold and delivered by a farmer-grower of this
88 state on his own premises or any individual authorized under
89 Sections 1 through 4 of this act, but a farmer-grower or other
90 authorized individual is required to label seed when sold and
91 shipped away from his premises, but is not required to hold the
92 seedsman's permit. These provisions do not apply to commercial
93 growers of seed.

94 (2) When sold or represented to be sold for purposes
95 other than seeding, providing that the vendor shall make it



96 unmistakably clear to the purchaser of such seed that it is not
97 for seeding purposes.

98 (3) When seed for processing is being transported to,
99 or consigned to, or stored in a processing or cleaning
100 establishment, provided that the invoice or labeling accompanying
101 said seed bears the statement "seed for processing." Other
102 labeling or representation which may be made with respect to the
103 uncleaned or unprocessed seed shall be subject to this article.

104 (4) No label shall be required, unless requested by the
105 purchaser, on agricultural seed, mixtures of same, vegetable seed,
106 flower seed, and tree and shrub seed when such seeds are sold
107 directly to and in the presence of the purchaser and taken from a
108 container labeled in accordance with this article.

109 (5) No person shall be subjected to the penalties of
110 this article for having sold, offered or exposed for sale in this
111 state agricultural seed, mixtures of same, vegetable seed, flower
112 seed, or tree and shrub seed which were incorrectly labeled or
113 represented as to kind, variety or origin, which seed cannot be
114 identified by examination thereof, unless he has failed to obtain
115 an invoice or grower's declaration or other labeling information
116 and to take such other precautions as may be reasonable to insure
117 the identity to be that stated.

118 **SECTION 7.** This act shall take effect and be in force from
119 and after July 1, 2023.

