

By: Representative Owen

To: Agriculture

HOUSE BILL NO. 1116

1 AN ACT TO ESTABLISH THE "REGULATORY SANDBOX AGRICULTURAL
2 INNOVATION PILOT PROGRAM ACT"; TO CREATE AN AGRICULTURAL
3 REGULATORY SANDBOX PROGRAM IN THE MISSISSIPPI DEPARTMENT OF
4 AGRICULTURE AND COMMERCE, WHICH ALLOWS A PARTICIPANT TO
5 TEMPORARILY TEST INNOVATIVE AGRICULTURAL PRODUCTS OR SERVICES ON A
6 LIMITED BASIS WITHOUT OTHERWISE BEING LICENSED OR AUTHORIZED TO
7 ACT UNDER THE LAWS OF THE STATE; TO PRESCRIBE THE DUTIES OF THE
8 DEPARTMENT IN ADMINISTERING THE AGRICULTURAL REGULATORY SANDBOX
9 PILOT PROGRAM, TO PRESCRIBE THE PROCEDURES TO BE FOLLOWED BY
10 APPLICANTS SEEKING APPROVAL FOR PARTICIPATION IN THE AGRICULTURAL
11 REGULATORY SANDBOX PILOT PROGRAM, TO ESTABLISH TIMELINES FOR
12 SUBMISSION OF APPLICATION BY APPLICANTS AND FOR THE DEPARTMENT TO
13 RESPOND TO SUCH APPLICATIONS; TO PROVIDE AN APPEALS PROCESS FOR
14 APPLICANTS WHOSE APPLICATIONS ARE DENIED BY THE DEPARTMENT; TO
15 REQUIRE APPLICANTS APPROVED FOR PARTICIPATION IN THE PROGRAM TO
16 PROVIDE CERTAIN NOTICE AND ASSURANCES TO CONSUMER; TO ESTABLISH
17 THE MAXIMUM DURATION OF AN AGRICULTURAL REGULATORY SANDBOX TESTING
18 PERIOD; TO REQUIRE AN AGRICULTURAL SANDBOX PARTICIPANT TO RETAIN
19 RECORDS, DOCUMENTS AND DATA PRODUCED IN THE ORDINARY COURSE OF
20 BUSINESS REGARDING AN INNOVATIVE AGRICULTURAL PRODUCT OR SERVICE
21 TESTED IN THE AGRICULTURAL REGULATORY SANDBOX; TO AUTHORIZE THE
22 DEPARTMENT TO TERMINATE AN APPLICANT'S PARTICIPATION IN THE
23 AGRICULTURAL REGULATORY SANDBOX AT ANY TIME AND FOR ANY REASON; TO
24 REQUIRE THE DEPARTMENT TO PROVIDE, BY OCTOBER 1, AN ANNUAL REPORT
25 TO PEER WITH INFORMATION REGARDING EACH AGRICULTURAL SANDBOX
26 PARTICIPANT RECOMMENDATIONS ON THE EFFECTIVENESS OF THE
27 AGRICULTURAL REGULATORY SANDBOX PROGRAM; TO AMEND SECTION 69-1-13,
28 69-1-17 AND 69-1-25, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO
29 THE PRECEDING PROVISIONS; TO BRING FORWARD SECTIONS 69-19-1,
30 69-19-3, 69-19-5, 69-19-7, 69-19-9, 69-19-13 AND 69-19-15,
31 MISSISSIPPI CODE OF 1972, FOR PURPOSES OF POSSIBLE AMENDMENTS; AND
32 FOR RELATED PURPOSES.

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



34 **SECTION 1.** This act shall be known and may be cited as the
35 "Regulatory Sandbox Agricultural Innovation Pilot Program Act."

36 **SECTION 2.** As used in this section, the following words
37 shall have the meanings ascribed herein, unless the context
38 clearly requires otherwise:

39 (a) "Applicable agency" means a department or agency of
40 the state which by law regulates certain types of
41 agricultural-related business activity in the state and persons
42 engaged in such agricultural-related business activity. For
43 purposes of this act, regulation includes the issuance of licenses
44 or any other types of authorization, which the department
45 determines would otherwise regulate an agricultural specific
46 sandbox participant.

47 (b) "Applicant" means an individual or entity that is
48 applying to participate in the agricultural specific regulatory
49 sandbox.

50 (c) "Consumer" means a person that purchases or
51 otherwise enters into a transaction agreement to receive an
52 innovative agricultural specific product or service that is being
53 tested by an agricultural specific regulatory sandbox participant.

54 (d) "Department" means the Mississippi Department of
55 Agriculture and Commerce, which shall be responsible for
56 overseeing the agricultural-specific sandbox program.

57 (e) "Innovation" means the use or incorporation of a
58 new business model or technology, to address a problem, provide a



59 benefit, or otherwise offer a product, service, business model, or
60 delivery mechanism that is not known by the department to have a
61 comparable widespread offering in this state.

62 (f) "Innovative agricultural product or service" means
63 an agricultural product or agricultural service that includes an
64 innovation.

65 (g) "Agricultural product or service" means an
66 agricultural product or service that requires state licensure,
67 registration, or other authorization as regulated by any section
68 in Title 69, Mississippi Code of 1972, including an agricultural
69 specific product or agricultural service that includes a business
70 model, delivery mechanism, or element that requires a license,
71 registration, or other authorization to do an agricultural
72 specific business, act as an agricultural producer or consultant.

73 (h) "Agricultural Regulatory Sandbox" means the
74 Agricultural Regulatory Sandbox Program created under Sections 1
75 through 9 of this act, which allows a person to temporarily test
76 an innovative agricultural product or service on a limited basis
77 without otherwise being licensed or authorized to act under the
78 laws of this state.

79 (i) "Agricultural sandbox participant" means a person
80 whose application to participate in the agricultural regulatory
81 sandbox is approved in accordance with the provisions of this
82 chapter.



83 (j) "Test" means to provide an innovative agricultural
84 product or service in accordance with the provisions of this
85 chapter.

86 **SECTION 3.** (1) The Mississippi Department of Agriculture
87 and Commerce shall establish an Agricultural Regulatory Sandbox
88 Program in accordance with the "Regulatory Sandbox Agricultural
89 Innovation Pilot Program Act." In administering the agricultural
90 regulatory sandbox, the department:

91 (a) Shall consult with each applicable agency;

92 (b) Shall establish a program to enable a person to
93 obtain limited access to the market in this state to test an
94 innovative agricultural product or service without obtaining a
95 license or other authorization that might otherwise be required;

96 (c) May enter into agreements with or follow the best
97 practices of the Consumer Financial Protection Bureau or other
98 states that are administering similar programs; and

99 (d) May not approve participation in the agricultural
100 regulatory sandbox by an applicant or any other participant who
101 has been convicted, entered a plea of nolo contendere, or entered
102 a plea of guilty or nolo contendere held in abeyance for a serious
103 crime:

104 (i) Involving theft, fraud, or dishonesty; or

105 (ii) That bears a substantial relationship to the
106 applicant's or participant's ability to safely or competently
107 participate in the agricultural regulatory sandbox program.



108 (2) An applicant for the agricultural regulatory sandbox
109 shall provide to the department an application in a form
110 prescribed by the department that:

111 (a) Demonstrates the applicant is subject to the
112 jurisdiction of this state.

113 (b) Demonstrates the applicant has established a
114 physical or virtual location that is adequately accessible to the
115 department, from which testing will be developed and performed,
116 and where all required records, documents, and data will be
117 maintained.

118 (c) Contains relevant personal and contact information
119 for the application, including legal names, addresses, telephone
120 numbers, email addresses, website addresses, and other information
121 required by the department;

122 (d) Discloses criminal conviction of the applicant or
123 other participating personnel, if any;

124 (e) Demonstrates that the applicant has the necessary
125 personnel, financial and technical expertise, access to capital,
126 and develop a plan to test, monitor, and assess the innovative
127 agricultural product or service.

128 (f) Contains a description of the innovative
129 agricultural product or service to be tested, including statements
130 regarding the following:

131 (i) How the innovative agricultural product or
132 service would benefit consumers;



133 (ii) What risks may confront consumers that use or
134 purchase the innovative agricultural product or service;

135 (iii) How participating in the agricultural
136 regulatory sandbox would enable a successful test of the
137 innovative agricultural product or service;

138 (iv) A description of how the applicant will
139 perform ongoing duties after the test; and

140 (v) How the applicant will end the test and
141 protect consumers if the test fails, including providing evidence
142 of sufficient liability coverage and financial reserves to protect
143 consumers and to protect against insolvency by the applicant; and

144 (g) Provides any other required information as
145 determined by the department.

146 (3) An applicant shall file a separate application for each
147 innovative agricultural product or service the applicant wants to
148 test. Before approving the application, the department may seek
149 any additional information from the applicant that the department
150 determines is necessary.

151 (4) Subject to subsection (7), not later than ninety (90)
152 days after a complete application is received by the department,
153 the department shall inform the applicant as to whether the
154 application is approved or denied entry into the agricultural
155 regulatory sandbox.

156 (5) The department and an applicant may mutually agree to
157 extend the ninety-day timeline as described in subsection (6) to



158 allow the department to determine whether an application is
159 approved or denied entry into the agricultural regulatory sandbox.

160 (6) (a) In reviewing an application under this section the
161 department shall consult with, and gain approval from, each
162 applicable agency before admitting an applicant into the
163 agricultural regulatory sandbox.

164 (b) The consultation with an applicable agency may
165 include seeking information about whether:

166 (i) The applicable agency has previously issued a
167 license or other authorization to the applicant;

168 (ii) The applicable agency has previously
169 investigated, sanctioned or pursued legal action against the
170 applicant;

171 (iii) The applicant could obtain a license or
172 other authorization from the applicable agency after exiting the
173 agricultural regulatory sandbox; and

174 (iv) Certain licensure or other regulations should
175 not be waived even if the applicant is accepted into the
176 agricultural regulatory sandbox.

177 (7) In reviewing an application under this section, the
178 department shall consider whether a competitor to the applicant is
179 or has been an agricultural sandbox participant, and weigh that as
180 a factor in allowing the applicant to also become an agricultural
181 sandbox participant.



182 (8) If the department and each applicable agency approve an
183 application admitting an applicant into the agricultural
184 regulatory sandbox, an applicant may become an agricultural
185 sandbox participant.

186 (9) The department may deny any application submitted under
187 this section, for any reason, at the department's discretion.

188 (10) If the department denies an application submitted under
189 this section, the department shall provide to the applicant a
190 written description of the reasons for the denial as an
191 agricultural sandbox participant.

192 (11) (a) The sandbox applicant may appeal any of the
193 following decisions of the sandbox program administrators by
194 filing a written notice of appeal with the circuit court clerk of
195 the county where the applicant resides, or in the case of a
196 nonresident applicant, in the Circuit Court of the First Judicial
197 District of Hinds County, Mississippi:

198 (i) Denial of participation in the sandbox
199 program;

200 (ii) Determination of the sandbox program
201 parameters;

202 (iii) Determination of the extent of the
203 applicant's participation in the market; or

204 (iv) Other determinations under this section.

205 (b) The court shall determine all questions of law,
206 including the interpretation of a constitutional or statutory



207 provision or a rule adopted by the sandbox program administrators,
208 without regard to any previous determination that may have been
209 made on the question in any action before the sandbox program
210 administrators.

211 **SECTION 4.** (1) If the department approves an application
212 under the Agricultural Regulatory Sandbox Program, the
213 agricultural sandbox participant has no less than twelve (12)
214 months after the date of the application's approval, to test the
215 innovative agricultural product or service described in the
216 agricultural sandbox participant's application. A longer time
217 period may be initially approved at the department's discretion.

218 (2) An agricultural sandbox participant testing an
219 innovative agricultural product or service within the agricultural
220 regulatory sandbox shall be subject to the following:

221 (a) Consumers shall be residents of the state;

222 (b) The department may, on a case-by-case basis:

223 (i) Specify the maximum number of consumers that
224 may enter into an agreement with the agricultural sandbox
225 participant to use the innovative agricultural product or service;
226 and

227 (ii) If applicable, specify the maximum number of
228 items for each item that may be offered by an agricultural sandbox
229 participant during the test of the innovative agricultural product
230 or service; and



231 (c) If a sandbox participant is accepted into the
232 program, the department shall notify other businesses in the
233 industry that a waiver was granted, to provide other companies the
234 opportunity to apply for the same waiver if they so choose.

235 (3) This section does not restrict an agricultural sandbox
236 participant who holds a license or other authorization in another
237 jurisdiction from acting in accordance with that license or other
238 authorization.

239 (4) An agricultural sandbox participant is deemed to possess
240 an appropriate license under the laws of this state for the
241 purposes of any provision of federal law requiring state licensure
242 or authorization.

243 (5) An agricultural sandbox participant who is testing an
244 innovative agricultural product or service shall be exempt from
245 state laws, regulations, licensing requirements or authorization
246 requirements that were identified by the agricultural sandbox
247 participant's application and have been waived in writing by the
248 department.

249 (6) Notwithstanding any other provision of this chapter to
250 the contrary, an agricultural sandbox participant shall not have
251 immunity related to any criminal offense committed during the
252 agricultural sandbox participant's time in the agricultural
253 regulatory sandbox.

254 (7) By written notice, the department may terminate an
255 agricultural sandbox participant's participation in the regulatory



256 sandbox at any time and for any reason, including, if the
257 department determines an agricultural sandbox participant is not
258 operating in good faith to bring an innovative agricultural
259 product to market.

260 (8) The department and the department's employees shall not
261 be liable for any business losses or the recouping of application
262 expenses related to the agricultural regulatory sandbox,
263 including:

264 (a) Denying an applicant's application to participate
265 in the agricultural regulatory sandbox for any reason; or

266 (b) Terminating an agricultural sandbox participant's
267 participation in the agricultural regulatory sandbox at any time
268 and for any reason.

269 (9) No guaranty association in this state may be held liable
270 for business losses or liabilities incurred as a result of
271 activities undertaken by a participant in the
272 agricultural sandbox.

273 **SECTION 5.** (1) Before providing an innovative agricultural
274 product or service to a consumer, an agricultural sandbox
275 participant shall disclose the following to the consumer:

276 (a) The name and contact information of the
277 agricultural sandbox participant;

278 (b) That the innovative agricultural product or service
279 is authorized pursuant to the agricultural regulatory sandbox and,
280 if applicable, that the agricultural sandbox participant does not



281 have a license or other authorization to provide an agricultural
282 product or service under state laws that regulate agricultural
283 products outside the agricultural sandbox;

284 (c) That the innovative agricultural product or service
285 is undergoing testing and may not function as intended and may
286 expose the customer to financial risk;

287 (d) That the provider of the innovative agricultural
288 product is not immune from civil liability for any losses or
289 damages caused by the innovative agricultural product or service;

290 (e) That the state does not endorse or recommend the
291 innovative agricultural product or service;

292 (f) That the innovative agricultural product or service
293 is a temporary test that may be discontinued at the end of the
294 testing period;

295 (g) The expected end date of the testing period; and

296 (h) That the consumer may contact the department to
297 file a complaint regarding the innovative agricultural product or
298 service being tested and provide the department's telephone number
299 and website address where a complaint may be filed.

300 (2) The disclosures required by subsection (1) shall be
301 provided to the consumer in a clear and conspicuous form and, for
302 an Internet or application-based innovative agricultural product
303 or service, a consumer shall acknowledge receipt of the disclosure
304 before a transaction may be completed.



305 (3) The department may require that an agricultural sandbox
306 participant make additional disclosure to the consumer.

307 **SECTION 6.** (1) At least thirty (30) days before the end of
308 the twelve-month agricultural regulatory sandbox testing period,
309 an agricultural sandbox participant shall:

310 (a) Notify the department that the agricultural sandbox
311 participant will exit the agricultural regulatory sandbox,
312 discontinue the agricultural sandbox participant's test, and will
313 stop offering any innovative agricultural product or service in
314 the agricultural regulatory sandbox within sixty (60) days after
315 the date on which the twelve-month testing period ends; or

316 (b) Seek an extension in accordance with Section 7 of
317 this act.

318 (2) Subject to subsection (3), if the department does not
319 receive notification as required by subsection (1), the
320 agricultural regulatory sandbox testing period expires at the end
321 of the twelve-month testing period, and the agricultural sandbox
322 participant shall immediately stop offering each innovative
323 agricultural product or service being tested.

324 (3) If a test includes offering an innovative agricultural
325 product or service that requires ongoing duties, the agricultural
326 sandbox participant shall continue to fulfill those duties or
327 arrange for another person to fulfill those duties after the date
328 on which the agricultural product or service on which the



329 agricultural sandbox participant exits the agricultural regulatory
330 sandbox.

331 **SECTION 7.** (1) Not later than thirty (30) days before the
332 end of the twelve-month regulatory agricultural sandbox testing
333 period, an agricultural sandbox participant may request an
334 extension of the agricultural regulatory sandbox testing period
335 for the purpose of obtaining a license or other authorization.

336 (2) The department shall grant or deny a request for an
337 extension in accordance with subsection (1) by the end of the
338 twelve-month agricultural regulatory sandbox testing period.

339 (3) The department may grant an extension in accordance with
340 this section for not more than twelve (12) months after the end of
341 the agricultural regulatory sandbox testing period.

342 (4) An agricultural sandbox participant that obtains an
343 extension in accordance with this section shall provide the
344 department with a written report every three (3) months which
345 provides an update on efforts to obtain a license or other
346 authorization required by law, including any submitted for
347 licensure or other authorization, rejected applications or issued
348 licenses or other authorizations.

349 **SECTION 8.** (1) An agricultural sandbox participant shall
350 retain records, documents and data produced in the ordinary course
351 of business regarding an innovative agricultural product or
352 service tested in the agricultural regulatory sandbox.



353 (2) If an innovative agricultural product or service fails
354 before the end of a testing period, the agricultural sandbox
355 participant shall notify the department and report on actions
356 taken by the agricultural sandbox participant to ensure consumers
357 have not been harmed as a result of the failure.

358 (3) The department shall establish quarterly reporting
359 requirements for an agricultural sandbox participant, including
360 information about any customer complaints.

361 (4) The department may request records, documents and data
362 from an agricultural sandbox participant and, upon the
363 department's request, an agricultural sandbox participant shall
364 make such records, documents and data available for inspection by
365 the department.

366 (5) If the department determines that an agricultural
367 sandbox participant has engaged in, is engaging in, or is about to
368 engage in any practice or transaction that is in violation of this
369 chapter or that constitutes a violation of state or federal
370 criminal law, the department may remove an agricultural sandbox
371 participant from the agricultural regulatory sandbox.

372 (6) By October 1, the department shall provide an annual
373 written report to the Joint Legislative Committee on Performance
374 Evaluation and Expenditure Review (PEER) that provides information
375 regarding each agricultural sandbox participant, and that provides
376 recommendations regarding the effectiveness of the Agricultural
377 Regulatory Sandbox Program.



378 **SECTION 9.** Subject to written authorization by the
379 Mississippi Department of Agriculture and Commerce, an applicant
380 approved by the department for participation in the Agricultural
381 Regulatory Sandbox Program shall be permitted to temporarily test
382 innovative agricultural products or services on a limited basis
383 without otherwise being licensed or authorized to act under the
384 laws of the State of Mississippi.

385 **SECTION 10.** Section 69-1-13, Mississippi Code of 1972, is
386 amended as follows:

387 69-1-13. The following are the duties of the Commissioner of
388 Agriculture and Commerce:

389 (a) He shall encourage the proper development of
390 agriculture, horticulture and kindred industries.

391 (b) He shall encourage the organization of neighborhood
392 and county agricultural clubs and associations, and out of these
393 the organization of the state agricultural association.

394 (c) He shall collect and publish statistics and such
395 other information regarding such industries of this state and of
396 other states as may be of benefit in developing the agricultural
397 resources of the state. To this end he shall put himself in
398 connection and shall cooperate with the agricultural department of
399 other states and with the Commissioner of Agriculture of the
400 United States, and shall provide for the proper and careful
401 distribution of all documents and information coming into his



402 possession on account of the department that may be of interest
403 and benefit to the people of the state.

404 (d) He shall cause to be investigated the diseases of
405 grain, cotton, fruit and other crops grown in this state and also
406 remedies for such diseases, and also the habits and propagation of
407 the various insects that are injurious to the crops of the state
408 and the proper mode of their destruction.

409 (e) He shall investigate the subject of grasses and
410 report upon their value and the cultivation of the varieties best
411 adapted to the different sections of the state.

412 (f) He shall inquire into the subjects connected with
413 dairying that he may deem of interest to the people of the state,
414 and in this connection the raising of stock and poultry, the
415 obtaining of such as are of most value, and the breeding and
416 propagation of the same; and shall encourage raising of fish and
417 the culture of bees.

418 (g) He shall investigate the subjects of subsoiling,
419 drainage, etc., and the best modes of effecting each, and of
420 irrigation and what portions of the state can be best benefited
421 thereby.

422 (h) He shall investigate and report upon the culture of
423 wool and the utility and profit of sheep-raising, also the culture
424 of silk and its manufacture and preparation for market.



425 (i) He shall investigate and report on the question of
426 broadening the market for cotton and cotton goods in the United
427 States and foreign countries.

428 (j) He shall cause a proper collection of agricultural
429 statistics to be made annually, and to this end shall furnish
430 blank forms to the tax assessors of each county, and it is made
431 the special duty of the tax assessor to whom said blanks are
432 furnished to report to the bureau a list of all public or private
433 ginners in his county, with their post offices, upon the demand of
434 the commissioner. It shall be the duty of the commissioner to
435 furnish to such ginner a form or forms of report to be made to the
436 bureau at such time as the commissioner may direct. A failure to
437 make such reports on the part of the ginner or assessor as
438 required by said commissioner shall be deemed a misdemeanor, and,
439 upon conviction, punished as provided by law. It shall be the
440 duty of the members of the boards of supervisors and the county
441 tax assessor of each county in this state to make such reports as
442 may be required by this bureau touching the matter within the
443 scope of this chapter; and failure of any supervisor or tax
444 assessor to make such report when required shall be deemed a
445 misdemeanor and shall be punished as provided by law.

446 (k) He shall appoint county correspondents who shall
447 report to him from time to time, as may be desired.

448 (l) He shall collect specimens of wood suitable for
449 manufacture and other purposes, and specimens of agricultural,



450 mineral, phosphate and marl deposits of the state; cause correct
451 analysis of such as may be deemed expedient to be made and
452 recorded in a substantial book to be kept for this purpose.

453 (m) He shall also, as soon as practicable, prepare a
454 convenient handbook with necessary illustrated maps, which shall
455 contain all necessary information as to the mines, mineral,
456 forest, soil, and other products, climate, water, waterpower for
457 the establishing of factories, land, flowers, fisheries,
458 mountains, streams, and all other statistics as are best adapted
459 to the giving of proper information and the attraction of
460 advantages which the state affords to immigrants, and shall make
461 illustrated expositions thereof whenever practicable at
462 international and state expositions.

463 (n) He shall have the primary responsibility for
464 developing programs that will enhance the marketing of the state's
465 agricultural products to both national and international markets.

466 (o) He shall have authority to administer and enforce
467 the regulation and exemption of applicants allowed to operate as
468 an agricultural sandbox participant during the pilot period of
469 such participant's testing of innovative products or services, as
470 authorized under Agricultural Regulatory Sandbox Pilot established
471 under Sections 1 through 9 of this act.

472 **SECTION 11.** Section 69-1-17, Mississippi Code of 1972, is
473 amended as follows:



474 69-1-17. In order to facilitate the collection and collation
475 of the accurate information of the resources of the state along
476 all lines, the heads of the several departments of the state
477 government and of the state institutions are hereby required to
478 furnish accurately such information as may be at their command to
479 the Commissioner of Agriculture and Commerce when called upon for
480 same; and the commissioner is hereby empowered to enter
481 manufacturing establishments chartered by the state and the
482 establishment or premises of agricultural sandbox participants
483 engaged in business under the authority of the Agricultural
484 Regulatory Sandbox Pilot Program authorized under Sections 1
485 through 9 of this act, in prosecution of this work, and the
486 corporations operating the same shall furnish such information as
487 may not be injurious to their business, when requested to furnish
488 same by the commissioner. The commissioner and his clerks shall
489 have the right to accept and use free transportation over
490 steamships, steamboat and railway lines.

491 **SECTION 12.** Section 69-1-25, Mississippi Code of 1972, is
492 amended as follows:

493 69-1-25. (1) The State Commissioner of Agriculture and
494 Commerce, the Governor and the Attorney General of the State of
495 Mississippi, are hereby authorized and empowered, in their
496 discretion, to protect the welfare of the people of the State of
497 Mississippi by guaranteeing that seeds, feeds, fertilizers, bulbs,
498 vegetables, or any and all other product of farm, grove, forest,



499 garden and minerals, including, but not limited to, coal and lime,
500 and any innovative agricultural product or services permitted on a
501 temporary trial basis under the authority of the Agricultural
502 Regulatory Sandbox Pilot Program authorized under Sections 1
503 through 9 of this act, coming into the State of Mississippi meet
504 the proper standards, in accordance with the laws of the State of
505 Mississippi and rules and regulations drawn by the State
506 Commissioner of Agriculture and Commerce, with the approval of the
507 Attorney General, governing the labeling as to net weight, source
508 of origin, purity, and grade thereof. In the case of coal or
509 lime, the State Commissioner of Agriculture and Commerce, with the
510 approval of the Attorney General, may promulgate rules and
511 regulations setting up a form or forms to be used in guaranteeing
512 the net weight at the point of delivery, to be weighed on approved
513 scales in the presence of the purchaser.

514 (2) Any person, firm or corporation violating the provisions
515 of this section shall be guilty of a misdemeanor and, upon
516 conviction, shall be punished by a fine of not exceeding Five
517 Hundred Dollars (\$500.00) or imprisonment in the county jail not
518 exceeding six months, or both, and each sale of any such goods or
519 products without meeting the requirements of this section shall
520 constitute a separate offense.

521 **SECTION 13.** Section 69-19-1, Mississippi Code of 1972, is
522 brought forward as follows:



523 69-19-1. The Commissioner of Agriculture and Commerce shall
524 have the power to make rules and regulations to govern the
525 qualifications and the practicing of persons engaged in the
526 professional services herein defined and to prevent fraudulent
527 practices in the said professional services. No such rule or
528 regulation shall be effective unless and until the same shall have
529 been approved by the advisory board created under the provisions
530 of Section 69-25-3, Mississippi Code of 1972.

531 **SECTION 14.** Section 69-19-3, Mississippi Code of 1972, is
532 brought forward as follows:

533 69-19-3. This chapter shall apply only to persons soliciting
534 work and engaged in the work defined in this chapter as a
535 profession; but in no event shall it be construed so as to apply
536 to any person employed by the owners or others in possession of
537 property to work under his supervision in grafting, spraying,
538 dusting cotton or any such work.

539 **SECTION 15.** Section 69-19-5, Mississippi Code of 1972, is
540 brought forward as follows:

541 69-19-5. Professional services are defined as follows:

542 (a) Entomological work. Receiving fees for advice or
543 prescriptions for the control or eradication of any insect pest or
544 rodent. Receiving fees for actual spraying, dusting, fumigating
545 or any other methods used for the control or eradication of any
546 insect pest or rodent. When the majority of the income of an
547 operation, business or individual comes from the actual operation



548 of a farm and the sale of crops therefrom and, as a service to
549 other farmers, these services are performed, such services shall
550 not be included in this definition.

551 (b) Plant pathological work. Receiving fees for advice
552 or prescriptions for the control or eradication of any plant
553 disease. Receiving fees for actual spraying or any other methods
554 used for the control or eradication of any plant disease. When
555 the majority of the income of an operation, business or individual
556 comes from the actual operation of a farm and the sale of crops
557 therefrom and, as a service to other farmers, these services are
558 performed, such services shall not be included in this definition.

559 (c) Horticultural and floricultural work. Receiving
560 fees for landscaping and setting of plants or for the sale of any
561 plants for which the seller contracts to render future services.

562 (d) Tree surgery work. Advertising in a local phone
563 book, newspaper, newsletter, bulletin or other prominently
564 displayed sign as a licensed or bonded tree surgeon and receiving
565 compensation for any work or consultation relative to the care,
566 pruning, cabling, bracing, topping, trimming, fertilizing, cavity
567 work and removal of ornamental trees and shrubs in any manner.
568 Nothing shall prevent any person from performing such services as
569 long as their advertising does not include the description
570 licensed or bonded.

571 (e) Weed control work. Receiving fees for advice or
572 prescriptions for the control or eradication of any weed.



573 Receiving fees for actual spraying or other methods used for the
574 control or eradication of any plant which grows where not wanted.
575 When the majority of the income of an operation, business or
576 individual comes from the actual operation of a farm and the sale
577 of crops therefrom and, as a service to other farmers, these
578 services are performed, such services shall not be included in
579 this definition.

580 (f) Soil classifying work. Receiving compensation for
581 plotting the boundaries of soil and describing and evaluating the
582 kinds of soil as to their behavior and response to management
583 under various uses.

584 **SECTION 16.** Section 69-19-7, Mississippi Code of 1972, is
585 brought forward as follows:

586 69-19-7. For the purpose of this chapter the word "person"
587 shall be construed to mean an individual, a partnership, or a
588 corporation.

589 **SECTION 17.** Section 69-19-9, Mississippi Code of 1972, is
590 brought forward as follows:

591 69-19-9. (1) Any person desiring to engage in professional
592 services or work as herein defined shall obtain from the
593 Commissioner of Agriculture and Commerce a license to engage in
594 such professional work, and the application for such license shall
595 be in writing and on such blank forms as may be required. No fee
596 shall be required for the license. The Commissioner of
597 Agriculture and Commerce shall require applicants to submit



598 statements as to training and experience in professional practice
599 and may further require applicants to pass such tests or
600 examinations as the commissioner may prescribe. The Commissioner
601 of Agriculture and Commerce may require an applicant to furnish a
602 surety bond satisfactory to him and conditioned so that the
603 principal therein named shall conduct honestly such business in
604 accordance with the laws and regulations of this state and shall
605 faithfully perform all his professional service contracts. In no
606 case shall a bond exceeding Ten Thousand Dollars (\$10,000.00) be
607 required. A copy of the bond, duly certified by the Commissioner
608 of Agriculture and Commerce or his agent, the State Entomologist,
609 shall be received as evidence in all of the courts of this state
610 without further proof. Any bond issued before July 1, 1971, shall
611 be deemed to be effective until the expiration date stated
612 thereon. Any person having a right of action against such person
613 may bring suit against the principal and sureties of such bond.
614 Should the surety furnished become unsatisfactory, such person
615 shall execute a new bond, and should he fail to do so, it shall be
616 the duty of the Commissioner of Agriculture and Commerce or his
617 agent, the State Entomologist, to cancel his license and give him
618 notice of such fact, and it shall be unlawful thereafter for such
619 person to engage in such business without obtaining a new license.

620 (2) In addition to the requirements of subsection (1) of
621 this section, the Commissioner of Agriculture and Commerce, with
622 the approval of the Advisory Board to the Bureau of Plant



623 Industry, may require persons providing professional services as
624 defined in this chapter to provide satisfactory proof of insurance
625 for personal injury and property damage incurred as a result of
626 the negligent or careless provision of such services, including
627 coverage for errors and omissions. Such insurance shall be in an
628 amount determined by the advisory board, but shall not exceed Two
629 Hundred Thousand Dollars (\$200,000.00). Such insurance shall be
630 in effect before a person may offer such professional services to
631 the general public. Notice of cancellation or failure to renew
632 such insurance shall be provided to the advisory board by the
633 persons offering such professional services. The license to
634 engage in such professional work shall be revoked if proof of
635 insurance is not provided to the advisory board by the licensee
636 within thirty (30) days of the notice of cancellation or failure
637 to renew such insurance.

638 (3) For horticultural and floricultural work and soil
639 classifying work, as defined in Section 69-19-5, such surety bond
640 which may be required shall be in an amount not to exceed One
641 Thousand Two Hundred Fifty Dollars (\$1,250.00) and such insurance
642 which may be required shall be in an amount not to exceed One
643 Hundred Thousand Dollars (\$100,000.00).

644 (4) No such bond and insurance shall be required from any
645 person providing professional services as defined in this chapter
646 if the Commissioner of Insurance certifies that such bond and
647 insurance is not available to such person.



648 **SECTION 18.** Section 69-19-13, Mississippi Code of 1972, is
649 brought forward as follows:

650 69-19-13. The Bureau of Plant Industry, Department of
651 Agriculture and Commerce, in cases of natural disaster, may waive
652 any and all provisions of this chapter.

653 **SECTION 19.** Section 69-19-15, Mississippi Code of 1972, is
654 brought forward as follows:

655 69-19-15. (1) (a) Any person violating this chapter or the
656 rules and regulations issued under this chapter is guilty of a
657 misdemeanor and, upon conviction, shall be punished by a fine of
658 not more than One Thousand Dollars (\$1,000.00), by imprisonment
659 for not more than one (1) year, or by both such fine and
660 imprisonment at the discretion of the court having jurisdiction.

661 (b) Each violation and each day's violation shall
662 constitute a separate offense.

663 (c) Any person violating this chapter or the rules and
664 regulations issued under this chapter in such a way that causes
665 harm or poses a threat to man, animals or the environment is
666 guilty of a felony and, upon conviction, shall be punished by a
667 fine of not more than Twenty-five Thousand Dollars (\$25,000.00) or
668 by imprisonment in the State Penitentiary for a term of not more
669 than twenty (20) years or by both such fine and imprisonment for
670 each violation.



671 (2) Each violation of this chapter or the applicable rules
672 and regulations shall subject the violator to administrative
673 action as provided for in Sections 69-25-51 through 69-25-63.

674 **SECTION 20.** This act shall take effect and be in force from
675 and after July 1, 2023.

