

By: Senator(s) Sojourner

To: Agriculture; Finance

SENATE BILL NO. 2537

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 TO BE EXEMPT FROM FOOD ESTABLISHMENT PERMIT FEES; TO
4 AUTHORIZE A COTTAGE FOOD OPERATION TO ADVERTISE COTTAGE FOOD
5 PRODUCTS OVER THE INTERNET, INCLUDING THROUGH SOCIAL MEDIA; AND
6 FOR RELATED PURPOSES.

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

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

10 75-29-951. (1) (a) A cottage food operation must comply
11 with the applicable requirements of this section but is exempt
12 from the permitting requirements of Section 41-3-18 if the cottage
13 food operation complies with this section and has annual gross
14 sales of cottage food products that do not exceed * * * Fifty
15 Thousand Dollars (\$50,000.00).

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



21 written documentation to verify the operation's annual gross
22 sales.

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

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

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

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

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

36 (d) The net weight or net volume of the cottage food
37 product;

38 (e) Allergen information as specified by federal
39 labeling requirements;

40 (f) Appropriate nutritional information as specified by
41 federal labeling requirements, if any nutritional claim is made;
42 and

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



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

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

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

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

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

62 **SECTION 2.** This act shall take effect and be in force from
63 and after July 1, 2023.

