

By: Senator(s) Seymour

To: Agriculture

SENATE BILL NO. 2638

1 AN ACT TO AMEND SECTION 75-29-951, MISSISSIPPI CODE OF 1972,
2 TO FURTHER DEFINE COTTAGE FOODS AND RELATED TERMS; TO PROVIDE A
3 LIST OF FOODS THAT ARE AUTHORIZED AS COTTAGE FOODS WITHIN THE
4 STATE; TO INCREASE THE MAXIMUM ANNUAL GROSS SALES FOR A COTTAGE
5 FOOD OPERATION TO BE EXEMPT FROM FOOD ESTABLISHMENT PERMIT FEES;
6 AND 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) As used in this section, the following words
11 have the following meanings unless context clearly provides
12 otherwise:

13 (a) "Cottage food" means products that are specific
14 types of foods that individuals are allowed to make in their
15 private homes. Cottage foods must:

16 (i) Be nonhazardous;

17 (ii) Not require time and/or temperature control
18 to remain safe for consumption;

19 (iii) Be stored in the seller's home or
20 small-scale food operation following the safe food handling



21 guidelines outlined in the United States Food and Drug
22 Administration Retail Food Code to prevent adulteration caused by
23 insects, household chemicals, water damage, unsanitary conditions
24 and any other spoilage that would cause the cottage food products
25 to be unsafe for consumption; and

26 (iv) Not have been found to support the growth of
27 pathogens by the Food and Drug Administration.

28 (b) "Private home" means the location where a person
29 resides.

30 (c) "Specific types of foods" means foods approved as
31 cottage foods as listed in subsection (2) of this section.

32 (2) Approved cottage foods include:

33 (a) Baked goods without cream, custard or meat
34 fillings;

35 (b) Candy;

36 (c) Chocolate covered nonperishable foods;

37 (d) Dried fruit, excluding melons;

38 (e) Dried pasta;

39 (f) Dried spices;

40 (g) Dried baking mixes;

41 (h) Granola;

42 (i) Cereal;

43 (j) Trail mixes;

44 (k) Dry rubs;

45 (l) Fried pies;



46 (m) Jams, jellies, and preserves that comply with the
47 standard described in part 150 of Title 21 of the Code of Federal
48 Regulations;

49 (n) Nut mixes;

50 (o) Popcorn;

51 (p) Vinegar;

52 (q) Mustard;

53 (r) Waffle cones;

54 (s) Acidified products which meet the definition as
55 stated in part 114 of Title 21 of the Code of Federal Regulations;
56 and

57 (t) Wine and any alcoholic beverage, as defined in
58 Section 67-1-5, or beer, light wine or light spirit product, as
59 defined in Section 67-3-3.

60 (* * *3) (a) A cottage food operation must comply with the
61 applicable requirements of this section but is exempt from the
62 permitting requirements of Section 41-3-18 if the cottage food
63 operation complies with this section and has annual gross sales of
64 cottage food products that do not exceed * * * Fifty Thousand
65 Dollars (\$50,000.00).

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



71 written documentation to verify the operation's annual gross
72 sales.

73 (* * *4) A cottage food operation may not sell cottage food
74 products over the internet, by mail order, or at wholesale or to a
75 retail establishment; however, this does not prohibit the
76 advertising of cottage food products over the internet, including
77 through social media. * * *

78 (* * *5) A cottage food operation may only sell cottage
79 food products which are prepackaged with a label affixed that
80 contains the following information:

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

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

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

85 (d) The net weight or net volume of the cottage food
86 product;

87 (e) Allergen information as specified by federal
88 labeling requirements;

89 (f) Appropriate nutritional information as specified by
90 federal labeling requirements, if any nutritional claim is made;
91 and

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



96 (* * *6) This section does not exempt a cottage food
97 operation from any federal tax law, rule, regulation, or
98 certificate that applies to all cottage food operations.

99 (* * *7) (a) The department may investigate any complaint
100 that alleges that a cottage food operation has violated an
101 applicable provision of this section or rule adopted under this
102 section.

103 (b) Only upon receipt of a complaint, the department's
104 authorized officer or employee may enter and inspect the premises
105 of a cottage food operation to determine compliance with this
106 section and department rules. A cottage food operation's refusal
107 to permit the department's authorized officer or employee entry to
108 the premises or to conduct the inspection is grounds for
109 disciplinary action pursuant to Section 41-3-59.

110 (* * *8) This section does not apply to a person operating
111 under a food permit issued pursuant to Section 41-3-18.

112 **SECTION 2.** This act shall take effect and be in force from
113 and after July 1, 2024.

