

By: Representatives Mangold, Carpenter, Hale To: Agriculture

HOUSE BILL NO. 913
(As Sent to Governor)

1 AN ACT TO PROVIDE FOR LABELING REQUIREMENTS FOR MEAT AND MEAT
2 SUBSTITUTE PRODUCTS IN AN EFFORT TO PREVENT CONSUMER CONFUSION; TO
3 DEFINE TERMINOLOGY USED IN THIS ACT; TO PROVIDE THAT THE
4 DEPARTMENT OF AGRICULTURE SHALL INSPECT AN INVENTORY OF FOOD
5 PRODUCTS OFFERED FOR SALE OR SOLD AT A FOOD PROCESSING PLANT,
6 RETAIL OR FOOD ESTABLISHMENT BASED ON A CREDIBLE COMPLAINT; TO
7 PRESCRIBE THE CRITERIA THAT ALLOWS FOR THE IDENTIFICATION OF
8 MISBRANDED MEAT PRODUCTS; TO PROHIBIT FOOD PROCESSING PLANTS,
9 RETAIL AND FOOD ESTABLISHMENTS FROM OFFERING FOR SALE OR SELL A
10 FOOD PRODUCT THAT IS MISBRANDED AS A MEAT PRODUCT; TO PRESCRIBE
11 ENFORCEMENT ACTIONS THAT MAY BE TAKEN BY THE DEPARTMENT AGAINST
12 ENTITIES THAT VIOLATE THE PROVISIONS OF THIS ACT; TO PRESCRIBE
13 CIVIL PENALTIES FOR VIOLATIONS; TO PRESCRIBE THE MANNER BY WHICH
14 ACCUSED VIOLATORS WHO HAVE RECEIVED THE IMPOSITION OF A CIVIL
15 PENALTY TO CONTEST AND APPEAL THE DECISION OF THE DEPARTMENT TO
16 IMPOSE SUCH PENALTY; TO PROVIDE THAT THE DEPARTMENT SHALL NOT
17 SUSPEND OR REVOKE A LICENSE ISSUED TO A FOOD PROCESSING PLANT,
18 RETAIL OR FOOD ESTABLISHMENT FOR VIOLATIONS; TO REQUIRE THE
19 EXECUTIVE ADMINISTRATIVE OFFICERS OF STATE INSTITUTIONS OF HIGHER
20 LEARNING UNDER THE AUTHORITY OF THE BOARD OF TRUSTEES OF STATE
21 INSTITUTIONS OF HIGHER LEARNING, THE BOARDS OF TRUSTEES OF PUBLIC
22 COMMUNITY AND JUNIOR COLLEGES AND LOCAL SCHOOL BOARDS TO ESTABLISH
23 POLICIES TO PREVENT THE PURCHASE OF FOOD PRODUCTS THAT ARE
24 MISBRANDED AS A MEAT PRODUCT OR IS A CULTIVATED-PROTEIN FOOD
25 PRODUCT; TO REQUIRE ALL RETAIL AND FOOD SERVICE ESTABLISHMENTS OF
26 FOOD PRODUCTS, MEATS, MEAT-FOOD PRODUCTS, CULTIVATED-PROTEIN FOOD
27 PRODUCTS, MANUFACTURED-PROTEIN FOOD PRODUCTS, INSECT-PROTEIN FOOD
28 PRODUCTS TO INFORM CONSUMERS OF THE PRODUCTS' AUTHENTICITY AS A
29 MEAT OR NONMEAT PRODUCT WITH APPROPRIATE LABELING AT THE FINAL
30 POINT OF SALE; TO PRESCRIBE THE REQUIRED METHOD OF NOTIFICATION;
31 TO PROVIDE THAT THE COMMISSIONER MAY REQUIRE CERTAIN ENTITIES TO
32 MAINTAIN A VERIFIABLE RECORD-KEEPING AUDIT TRAIL FOR PURPOSES OF
33 VERIFYING COMPLIANCE; TO REQUIRE DISTRIBUTORS OR WHOLESALERS
34 ENGAGED IN THE BUSINESS OF SUPPLYING MEAT, MEAT-FOOD PRODUCTS,



35 CULTIVATED-PROTEIN FOOD PRODUCTS, MANUFACTURED-PROTEIN FOOD
36 PRODUCTS, INSECT-PROTEIN FOOD PRODUCTS AND PLANT-PROTEIN FOOD
37 PRODUCTS TO A RETAILER OR FOOD SERVICE ESTABLISHMENT TO PROVIDE
38 INFORMATION TO THE RETAILER OR FOOD SERVICE ESTABLISHMENT
39 INDICATING THE AUTHENTICITY OF PRODUCT AS A MEAT OR NONMEAT; TO
40 AMEND SECTIONS 75-35-3, 75-35-15, 75-33-3 AND 75-33-7, MISSISSIPPI
41 CODE OF 1972, IN CONFORMITY TO THE PRECEDING PROVISIONS; AND FOR
42 RELATED PURPOSES.

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

44 **SECTION 1.** As used in Sections 1 through 8 of this act, the
45 following terms shall have the meanings ascribed in this section,
46 unless the context otherwise requires:

47 (a) "Agricultural food animal" means a domesticated
48 animal belonging to the bovine, caprine, ovine, or porcine
49 species; or live domestic fowl limited to chickens or turkeys.

50 (b) "Cultivated-protein food product" means a food
51 product having one or more sensory attributes that resemble a type
52 of tissue originating from an agricultural food animal but
53 that, in lieu of being derived from meat processing, is derived
54 from manufacturing cells, in which one or more stem cells are
55 initially isolated from an agricultural food animal, are grown
56 in vitro, and may be manipulated, as part of a manufacturing
57 operation.

58 (c) "Department" means the Mississippi Department of
59 Agriculture and Commerce.

60 (d) "Food processing plant" means a commercial
61 operation that manufactures, packages, labels or stores food for
62 human consumption and does not provide food directly to a
63 consumer. The term does not include any of the following:



(i) A premises covered by the legalized sale of beer, light spirit products and light wines under the provisions of Chapter 3, Title 67, Mississippi Code of 1972;

(ii) A premises of a residence in which honey is stored, prepared, packaged, including by placement in a container, labeled or from which honey is distributed, as regulated under the provisions of Chapter 29, Title 75, Mississippi Code of 1972;

(iii) The premises of a raw milk dairy where raw milk is produced, processed, labeled, marketed, or distributed by a raw milk producer in compliance with Chapter 31, Title 75, Mississippi Code of 1972; or

(iv) The premises of a raw milk dairy where a raw milk product or raw milk dairy product is manufactured, labeled, marketed or distributed by a raw milk producer in compliance with Chapter 31, Title 75, Mississippi Code of 1972.

(e) "Food product" means a perishable or nonperishable item stored in a container or package, if the item is fit for human consumption.

(f) "Identifying meat term" means any word or phrase that states, indicates, suggests, or describes a meat product, regardless of whether the word or phrase is used individually, as a portmanteau, or as a compound word. "Identifying meat term" includes, but is not limited to, any of the following:

(i) A common name for the species of the agricultural food animal subject to slaughter and processing,



including a calf or cow, chicken, goat or kid, hog or pig,
poultry, lamb or sheep or turkey.

(ii) A common name for a characteristic of a
species of the agricultural food animal subject to slaughter and
processing based on age, breed or sex.

(iii) Meat, including:

1. Beef or veal;

2. Broiler, fryer, poulet or yearling;

3. Cabrito or chevon;

4. Lamb or mutton;

5. Pork;

6. A common name used to describe a major cut
of a meat of an agricultural food animal slaughtered and
processed, including:

a. A major meat cut specified in 9 CFR
Section 317.344;

b. A poultry product such as breast,
drumstick, giblet, thigh or wing; or

c. The common name of an organ or offal,
including gizzard, heart, liver, kidney or tongue; and

7. Any other common name that a reasonable
purchaser would immediately and exclusively associate with a meat
product prepared for sale in normal commercial channels such as
bacon, baloney, bologna, bone, brat or bratwurst, brisket, burger



or hamburger, butt, chop, chuck, cold cut, cutlet, filet, flat iron, frank or frankfurter, ham, hock, hot dog, jerky, liverwurst, loin, London broil, lunch meat, New York strip, pepperoni, porterhouse, ribeye, roast, rib or sparerib, salami, sausage, shank, sirloin, tenderloin, or a comparable word or phrase as approved by the department.

(g) "Insect-protein food product" means a food product having one or more sensory attributes that resemble a type of tissue originating from an agricultural food animal but that, in lieu of being derived from meat processing, is derived from manufacturing insect parts.

(h) "Label" means a display of written, printed or graphic matter placed upon any container storing a food product that is offered for sale or sold on a wholesale or retail basis, regardless of whether the label is printed on the container's packaging or a sticker affixed to the container.

(i) "Manufactured-protein food product" means a cultivated-protein food product, insect-protein food product or plant-protein food product.

(j) "Meat processing" means the handling, preparation, and slaughter of an agricultural food animal; the dressing of its carcass; or the cutting, storage, and packaging of its tissue or other parts as a food product.

(k) "Meat product" means a food product derived from meat processing.



(l) "Plant-protein food product" means a food product having one or more sensory attributes that resemble a type of tissue found in a species of agricultural food animal but that, in lieu of being derived from meat processing, is derived from manufacturing plant parts.

(m) "Qualifying term" means a word, compound word or phrase that would clearly disclose to a reasonable purchaser of meat products from a food processing plant that a food product is not a meat product. "Qualifying term" includes, but is not limited to, cell-cultivated, cell-cultured, fake, grown in a lab, imitation, insect, insect-based, insect-protein, lab-created, lab-grown, meat free, meatless, plant, plant-based, vegan, vegetable, vegetarian, veggie, or a comparable word or phrase as approved by the department.

(n) "Regulatory authority" means the Mississippi Department of Agriculture and Commerce, the State Department of Health, or the United States Department of Agriculture, with whom the Department of Agriculture and Commerce has a cooperative relationship under Section 75-35-201 for the purpose of carrying out the enforcement of this act pursuant to authority granted in Section 75-35-203.

SECTION 2. (1) In conducting a routine inspection of the premises of a food processing plant licensed under Chapter 33, Title 75, Mississippi Code of 1972, retail or food establishment, the Department of Agriculture and Commerce is not required to



determine if any food product located on the premises is misbranded as a meat product as provided in Section 3 of this act.

(2) The department shall inspect an inventory of food products offered for sale or sold at a food processing plant, retail or food establishment based on a credible complaint that the food products are misbranded as meat products as provided in Section 3 of this act.

(3) The department shall have the same powers to inspect a food processing plant under this act as it does under Chapters 33 and 35, Title 75, Mississippi Code of 1972.

SECTION 3. (1) A food product is misbranded as a meat product if all of the following apply:

(a) Except as provided in paragraph (b), the food product is a manufactured-protein food product or the food product contains a manufactured-protein food product;

(b) The food product is not misbranded as a meat product only because it contains a trace amount of one or more plant-protein food products as determined by the department;

(c) The food product is offered for sale or sold by a food processing plant;

(d) A label that is part of or placed on the package or other container storing the food product includes an identifying meat term; and

(e) Paragraph (d) does not apply if the label contains a conspicuous and prominent qualifying term in close proximity to



an identifying meat term.

(2) A food processing plant, retail or food establishment shall not offer for sale or sell a food product that is misbranded as a meat product as provided in this section.

SECTION 4. (1) If the department has reasonable cause to believe that a food processing plant, retail or food establishment is offering for sale or selling a food product that is misbranded as a meat product in violation of Section 3 of this act, the department shall issue a stop order. Upon being issued the stop order, the food processing plant shall not offer for sale or sell the food product until the department determines that the food product is or is not misbranded as a meat product.

(2) The department may require that the food product be held by the food processing plant and be secured from purchase.

(3) If the department determines that the food product being offered for sale or sold by a food processing plant, retail or food establishment is misbranded as a meat product, the appropriate regulatory authority may issue an embargo order requiring the food processing plant, retail or food establishment to dispose of the misbranded meat product other than by sale to purchasers in this state.

(4) The department or the Attorney General shall enforce the stop order or embargo order by petitioning the chancery court of that county.



SECTION 5.

(1) A food processing plant, retail or food establishment shall not misbrand a food product as a meat product as provided in Section 3 of this act as determined by the department.

(2) A food processing plant, retail or food establishment violating subsection (1) is subject to a civil penalty of not more than Five Hundred Dollars (\$500.00), not to exceed Ten Thousand Dollars (\$10,000.00) total for violations arising out of the same transaction or occurrence. Each day that a violation continues constitutes a separate offense. Civil penalties collected under this subsection shall be deposited in the State General Fund.

(3) A food processing plant, retail or food establishment may contest the civil penalty imposed by the department through judicial review.

(4) An appeal from the decision of the department to impose a civil penalty shall be made by filing a written notice of appeal with the circuit court clerk of the county where the accused resides, or in the case of a nonresident accused, in the Circuit Court of the First Judicial District of Hinds County. The notice of appeal and the payment of costs must be filed and paid with the circuit clerk, within thirty (30) days of the entry of the order being appealed. The appeal shall otherwise be conducted in accordance with existing laws and rules.



(5) Any party aggrieved by the action of the circuit court may appeal to the Mississippi Supreme Court in the manner provided by law and rules.

SECTION 6. The department shall suspend or revoke a license issued to a food processing plant, retail or food establishment under this chapter for offering for sale or selling a food product that is misbranded as a meat product in violation of Section 3.

SECTION 7. (1) The executive administrative officers of state institutions of higher learning under the authority of the Board of Trustees of State Institutions of Higher Learning, the respective boards of trustees of public community and junior colleges and local school boards, shall establish policies to prevent the purchase of food products that are misbranded as a meat product as prohibited in this act, or is a cultivated-protein food product as defined in this act.

SECTION 8. (1) All retail and food service establishments of food products, meats, meat-food products, cultivated-protein food products, manufactured-protein food products, insect-protein food products and plant-protein food products shall inform consumers, at the final point of sale, of the products' authenticity as a meat or nonmeat product with appropriate labeling indicating such.

(2) The methods of notification required under subsection (1) shall be accomplished as follows:



(a) Retailers shall provide information to consumers by means of a label, stamp, mark, placard or other clear and visible sign on the meat or nonmeat product or on the package, display, holding unit or bin containing the meat or nonmeat at the final point of sale to consumers. If the product is already individually labeled for retail sale regarding its authenticity as a meat or nonmeat product, the retailer shall not be required to provide any additional information to comply with this section.

(b) Food service establishments shall provide information to the consumer by indications on the menu of the food service establishment. For inauthentic meat items derived from cultivated-protein food products, manufactured-protein food products, insect-protein food products and plant-protein food products, the information shall be adjacent to the item on the menu and printed in the same font style and size as the item. If the food service establishment offers for sale only authentic meat and meat-food products as defined in Section 75-35-3, then the food service establishment may generally disclose this in a prominent location in the food service establishment in lieu of disclosure on the menu. The signage disclosing the sale of only authentic meat and meat-food products, that is to be placed in a prominent location in the food service establishment, shall be approved by the Mississippi Department of Agriculture and Commerce, which shall be held harmless in a cause of action for a retail or food service establishment's failure to disclose or



fraudulent disclosure. Any liability arising from failure to disclose authenticity shall remain with the processor, distributor, wholesaler and the retail or food service establishment.

(3) The commissioner may require that any person that prepares, stores, handles or distributes food products, meats, meat-food products, cultivated-protein food products, manufactured-protein food products, insect-protein food products and plant-protein food products for retail sale maintains a verifiable record-keeping audit trail that permits the commissioner to verify compliance with this act and any regulations promulgated hereunder.

(4) Any distributor or wholesaler engaged in the business of supplying meat, meat-food products, cultivated-protein food products, manufactured-protein food products, insect-protein food products and plant-protein food products to a retailer or food service establishment shall provide information to the retailer or food service establishment indicating the authenticity of product as a meat or nonmeat. The information shall include certification of origin through a state or federal agency that regulates the processing of meat or through a federal agency that verifies that meat and/or other products produced in countries other than the United States meets similar sanitation requirements.

SECTION 9. Section 75-35-3, Mississippi Code of 1972, is amended as follows:



75-35-3. As used in this chapter, except as otherwise specified, the following terms shall have the meanings stated below:

(a) The term "commissioner" means the "commissioner of agriculture and commerce of the State of Mississippi," or his duly authorized deputies.

(b) The term "firm" means any partnership, association, or other unincorporated business organization.

(c) The term "meat broker" means any person, firm, or corporation engaged in the business of buying or selling carcasses, parts of carcasses, meat, or meat-food products of cattle, sheep, swine, goats, horses, mules, or other equines on commission, or otherwise negotiating purchases or sales of such item or products other than for his own account or as an employee of another person, firm, or corporation.

(d) The term "renderer" means any person, firm, or corporation engaged in the business of rendering carcasses, or parts or products of the carcasses, of cattle, sheep, swine, goats, horses, mules, or other equines, except rendering conducted under inspection under this article.

(e) The term "animal food manufacturer" means any person, firm, or corporation engaged in the business of manufacturing or processing animal food derived wholly or in part from carcasses or parts or products of the carcasses, of cattle, sheep, swine, goats, horses, mules, or other equines.



335 (f) The term "unfit for human food" means as defined in
336 the "Meat, Meat-Food and Poultry Regulation and Inspection Law of
337 1960," appearing in subsection (c) of Section 75-33-3, Mississippi
338 Code of 1972.

339 (g) The term "meat-food product" means any product
340 capable of use as human food which is made wholly or in part from
341 any meat or other portion of the carcass of any cattle, sheep,
342 swine, or goats, excepting products which contain meat or other
343 portions of such carcasses only in a relatively small proportion
344 or historically have not been considered by consumers as products
345 of the meat-food industry, and which are exempted from definition
346 as a meat-food product by the commissioner under such conditions
347 as he may prescribe to assure that the meat or other portions of
348 such carcasses contained in such product are not adulterated and
349 that such products are not represented as meat-food products.
350 This term as applied to food products of equines shall have a
351 meaning comparable to that provided in this paragraph with respect
352 to cattle, sheep, swine, and goats.

353 (h) The term "capable of use as human food" shall apply
354 to any carcass, or part or product of a carcass, of any animal,
355 unless it is denatured or otherwise identified as required by
356 regulations prescribed by the commissioner to deter its use as
357 human food, or it is naturally inedible by humans.



(i) The term "prepare" means slaughtered, canned, salted, rendered, boned, cut up, or otherwise manufactured or processed.

(j) The term "adulterated" shall apply to any carcass, part thereof, meat or meat-food product under one or more of the following circumstances:

(1) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such article shall not be considered adulterated under this clause if the quantity of such substance in or on such item or product does not ordinarily render it injurious to health;

(2) (A) If it bears or contains (by reason of administration of any substance to the live animal or otherwise) any added poisonous or added deleterious substance (other than one which is (i) a pesticide chemical in or on a raw agricultural commodity; (ii) a food additive; or (iii) a color additive) which may, in the judgment of the commissioner, make such item or product unfit for human food;

(B) If it is, in whole or in part, a raw agricultural commodity and such commodity bears or contains a pesticide chemical which is unsafe within the meaning of Section 408 of the Federal Food, Drug, and Cosmetic Act, as amended;



381 (C) If it bears or contains any food additive
382 which is unsafe within the meaning of Section 409 of the Federal
383 Food, Drug, and Cosmetic Act, as amended;

384 (D) If it bears or contains any color
385 additive which is unsafe within the meaning of Section 706 of the
386 Federal Food, Drug, and Cosmetic Act: provided, that an article
387 which is not adulterated under clause (B), (C), or (D) shall
388 nevertheless be deemed adulterated if use of the pesticide
389 chemical, food additive, or color additive in or on such item or
390 product is prohibited by regulations of the commissioner in
391 establishments at which inspection is maintained under this
392 article;

393 (3) If it consists, in whole or in part, of any
394 filthy, putrid, or decomposed substance or is for any other reason
395 unsound, unhealthful, unwholesome, or otherwise unfit for human
396 food;

397 (4) If it has been prepared, packed, or held under
398 insanitary conditions whereby it may have become contaminated with
399 filth, or whereby it may have been rendered injurious to health;

400 (5) If it is, in whole or in part, the product of
401 an animal which has died otherwise than by slaughter; or which was
402 diseased or was in a dying condition at the time of slaughter;

403 (6) If its container is composed, in whole or in
404 part, of any poisonous or deleterious substance which may render
405 the contents injurious to health;



406 (7) If it has been intentionally subjected to
407 radiation, unless the use of the radiation was in conformity with
408 a regulation or exemption in effect pursuant to Section 409 of the
409 Federal Food, Drug, and Cosmetic Act;

410 (8) If any valuable constituent has been, in whole
411 or in part, omitted or abstracted therefrom; or if any substance
412 has been substituted, wholly or in part therefor; or if damage or
413 inferiority has been concealed in any manner; or if any substance
414 has been added thereto or mixed or packed therewith so as to
415 increase its bulk or weight, or reduce its quality or strength, or
416 make it appear better or of greater value than it is; or

417 (9) If it is margarine containing animal fat and
418 any of the raw material used therein consisted, in whole or in
419 part of, any filthy, putrid, or decomposed substance.

420 (k) The term "misbranded" shall apply to any carcass,
421 part thereof, meat or meat-food product under one or more of the
422 following circumstances:

423 (1) If its labeling is false or misleading in any
424 particular;

425 (2) If it is offered for sale under the name of
426 another food;

427 (3) If it is an imitation of another food, unless
428 its label bears, in type of uniform size and prominence, the word
429 "imitation" and immediately thereafter, the name of the food
430 imitated;



431 (4) If its container is so made, formed, or filled
432 as to be misleading;

433 (5) If in a package or other container unless it
434 bears a label showing (A) the name and place of business of the
435 manufacturer, packer, or distributor; and (B) an accurate
436 statement of the quantity of the contents in terms of weight,
437 measure, or numerical count; provided, that under clause (B) of
438 this subparagraph (5), reasonable variations may be permitted, and
439 exemptions as to small packages may be established, by regulations
440 prescribed by the commissioner.

441 (6) If any word, statement, or other information
442 required by or under authority of this chapter to appear on the
443 label or other labeling is not prominently placed thereon with
444 such conspicuousness (as compared with other words, statements,
445 designs, or devices, in the labeling) and in such terms as to
446 render it likely to be read and understood by the ordinary
447 individual under customary conditions of purchase and use;

448 (7) If it purports to be or is represented as a
449 food for which a definition standard of identity or composition
450 has been prescribed by regulations of the commissioner under
451 Section 75-35-15 unless (A) it conforms to such definition and
452 standard, and (B) its label bears the name of the food specified
453 in the definition and standard and, insofar as may be required by
454 such regulations, the common names of optional ingredients (other
455 than spices, flavoring, and coloring) present in such food;



456 (8) If it purports to be or is represented as a
457 food for which a standard or standards of fill of container have
458 been prescribed by regulations of the commissioner under Section
459 75-35-15, and it falls below the standard of fill of container
460 applicable thereto, unless its label bears, in such manner and
461 form as such regulations specify, a statement that it falls below
462 such standard;

463 (9) If it is not subject to the provisions of
464 subparagraph (7), unless its label bears (A) the common or usual
465 name of the food, if any there be, and (B) in case it is
466 fabricated from two (2) or more ingredients, the common or usual
467 name of each such ingredient; except that spices, flavorings, and
468 colorings may, when authorized by the commissioner, be designated
469 as spices, flavorings, and colorings without naming each:
470 provided, that to the extent that compliance with the requirements
471 of clause (B) of this subparagraph (9) is impracticable, or
472 results in deception or unfair competition, exemptions shall be
473 established by regulations promulgated by the commissioner;

474 (10) If it purports to be or is represented for
475 special dietary uses, unless its label bears such information
476 concerning its vitamin, mineral, and other dietary properties as
477 the commissioner, after consultation with the Secretary of
478 Agriculture of the United States, determines to be, and by
479 regulations prescribes as, necessary in order fully to inform
480 purchasers as to its value for such uses;



481 (11) If it bears or contains any artificial
482 flavoring, artificial coloring, or chemical preservative, unless
483 it bears labeling stating that fact: provided, that, to the
484 extent that compliance with the requirements of this subparagraph
485 (11) is impracticable, exemptions shall be established by
486 regulations promulgated by the commissioner; or

487 (12) If it fails to bear, directly thereon or on
488 its container, as the commissioner may by regulations prescribe,
489 the inspection legend and, unrestricted by any of the foregoing,
490 such other information as the commissioner may require in such
491 regulations to assure that it will not have false or misleading
492 labeling and that the public will be informed of the manner of
493 handling required to maintain the item or product in a wholesome
494 condition.

495 (1) The term "label" means a display of written,
496 printed, or graphic matter upon * * * any container * * *
497 a food product that is offered for sale or sold on a wholesale or
498 retail basis, regardless of whether the label is printed on the
499 container's packaging or a sticker affixed to the container.

500 (m) The term "labeling" means all labels and other
501 written, printed, or graphic matter (1) upon any item or product
502 or any of its containers or wrappers, or (2) accompanying such
503 item or product.



504 (n) The term "Federal Meat Inspection Act" means the
505 act so entitled approved March 4, 1907 (34 Stat 1260), as amended
506 by the Wholesome Meat Act (8 Stat 584).

507 (o) The term "Federal Food, Drug, and Cosmetic Act"
508 means the act so entitled, approved June 25, 1938 (52 Stat 1040),
509 and acts amendatory thereof or supplementary thereto.

510 (p) The term "pesticide chemical," "food additive,"
511 "color additive" and "raw agricultural commodity" shall have the
512 same meanings for purposes of this chapter as under the Federal
513 Food, Drug, and Cosmetic Act.

514 (q) The term "official mark" means the official
515 inspection legend or any other symbol prescribed by regulations of
516 the commissioner to identify the status of any product or animal
517 under this chapter.

518 (r) The term "official inspection legend" means any
519 symbol prescribed by regulations of the commissioner showing that
520 an item or product was inspected and passed in accordance with
521 this chapter.

522 (s) The term "official certificate" means any
523 certificate prescribed by regulations of the commissioner for
524 issuance by an inspector or other person performing official
525 functions under this chapter.

526 (t) The term "official device" means any device
527 prescribed or authorized by the commissioner for use in applying
528 any official mark.



(u) "Cultivated-protein food product" means a food product having one or more sensory attributes that resemble a type of tissue originating from an agricultural food animal but that, in lieu of being derived from meat processing, is derived from manufacturing cells, in which one or more stem cells are initially isolated from an agricultural food animal, are grown in vitro, and may be manipulated, as part of a manufacturing operation.

(v) "Insect-protein food product" means a food product having one or more sensory attributes that resemble a type of tissue originating from an agricultural food animal but that, in lieu of being derived from meat processing, is derived from manufacturing insect parts.

(w) "Manufactured-protein food product" means a cultivated-protein food product, insect-protein food product or plant-protein food product.

(x) "Plant-protein food product" means a food product having one or more sensory attributes that resemble a type of tissue found in a species of agricultural food animal but that, in lieu of being derived from meat processing, is derived from manufacturing plant parts.

SECTION 10. Section 75-35-15, Mississippi Code of 1972, is amended as follows:

75-35-15. (1) When any meat or meat-food product has been inspected as hereinbefore provided and marked "Mississippi



554 inspected and passed" or appropriate marking shall be placed or
555 packed in any can, pot, tin, canvas, or other receptacle or
556 covering in any establishment where inspection under the
557 provisions of this chapter is maintained, the person, firm, or
558 corporation preparing said product shall cause a label to be
559 attached to said can, pot, tin, canvas, or other receptacle or
560 covering, under supervision of an inspector, which label shall
561 state that the contents thereof have been "Mississippi inspected
562 and passed" or appropriate marking under the provisions of this
563 chapter, and no inspection and examination of meat or meat-food
564 products deposited or enclosed in cans, tins, pots, canvas, or
565 other receptacle or covering in any establishment where inspection
566 under the provisions of this chapter is maintained shall be deemed
567 to be complete until such meat or meat-food products have been
568 sealed or enclosed in said can, tin, pot, canvas, or other
569 receptacle or covering under the supervision of an inspector.

570 (2) All carcasses, parts of carcasses, meat and meat-food
571 products inspected at any establishment under the authority of
572 this chapter and found to be not adulterated, shall at the time
573 they leave the establishment bear, in distinctly legible form,
574 directly thereon or on their containers, as the commissioner may
575 require, the information required under paragraph (k) of Section
576 75-35-3.

577 (3) The commissioner, whenever he determines such action is
578 necessary for the protection of the public, may prescribe:



579 (a) The styles and sizes of type to be used with
580 respect to material required to be incorporated in labeling to
581 avoid false or misleading labeling of any products or animals
582 subject to this article or Article 3 of this chapter; and

583 (b) Definitions and standards of identity or
584 composition for items subject to this article and standards of
585 fill of container for such products not inconsistent with any such
586 standards established under the Federal Food, Drug, and Cosmetic
587 Act, or under the Federal Meat Inspection Act, and there shall be
588 consultation between the commissioner and the Secretary of
589 Agriculture of the United States prior to the issuance of such
590 standards to avoid inconsistency between such standards and the
591 federal standards.

592 (4) (a) No item or product subject to this article shall be
593 sold or offered for sale by any person, firm, * * * corporation,
594 retailer or food service establishment under any name or other
595 marking or labeling which is false or misleading, or in any
596 container of a misleading form or size, but established trade
597 names and other marking and labeling and containers which are not
598 false or misleading and which are approved by the commissioner,
599 are permitted. A food product or cultivated-protein food product
600 that contains cultured animal tissue produced from animal cell
601 cultures outside of the organism from which it is derived shall
602 not be * * * manufactured or sold within the state. A
603 plant-based * * *, plant-protein, insect-based or insect-protein



604 food product shall not be labeled as meat or a meat-food product.
605 A manufactured-protein food product, as defined in Section 1 of
606 this act, shall not be labeled as meat or a meat-food product.

607 (b) Every person, firm, corporation, retailer or food
608 service establishment governed by the provisions of this chapter
609 shall inform consumers, at the final point of sale, of the
610 products' authenticity as a meat or nonmeat product with
611 appropriate labeling indicating such in a manner consistent with
612 the requirements of Section 8 of this act.

613 (5) If the commissioner has reason to believe that any
614 marking or labeling or the size or form of any container in use or
615 proposed for use with respect to any item subject to this article
616 is false or misleading in any particular, he may direct that such
617 use be withheld unless the marking, labeling, or container is
618 modified in such manner as he may prescribe so that it will not be
619 false or misleading. If the person, firm, or corporation using or
620 proposing to use the marking, labeling or container does not
621 accept the determination of the commissioner, such person, firm,
622 or corporation may request a hearing, but the use of the marking,
623 labeling, or container shall, if the commissioner so directs, be
624 withheld pending hearing and final determination by the
625 commissioner. Any party aggrieved by such final determination
626 may, within thirty (30) days after receipt of notice of such final
627 determination, effect an appeal therefrom to the chancery court of
628 the county in which such party resides or in which the principal



place of his business is domiciled; and, on appeal, such chancery court shall affirm, modify, or set aside the commissioner's final determination.

SECTION 11. Section 75-33-3, Mississippi Code of 1972, is amended as follows:

75-33-3. (1) For the purpose of this article, the words and terms used herein shall have ascribed to them the following meanings:

(a) The word "person" shall include individuals, partnerships, corporations, associations, and any other legal entity recognized by law.

(b) The terms "meat" and "meat-food products" whenever used in this article, shall include the carcasses or parts thereof, of cattle, sheep, goats, other ruminants, including exotic animals, swine, horses, mules, rabbits, poultry and ratites and the meat and meat-food products of such animals.

(c) The term "food unfit for human consumption" shall be construed to include the meat and meat-food products of horses and mules and all meats or meat-food products which are so affected with disease that it would be dangerous to use the meat or other parts for human food; also, all meats or meat-food products which are contaminated, putrid, unsound, unhealthful, or otherwise unfit for food, or which have been derived from any animal which has died as a result of disease or accident, or which was in a dying condition at the time of slaughter.



654 (d) The word "establishment" as used in this article,
655 shall include: (i) any building or structure in which
656 slaughtering, butchering, meat processing, meat canning, meat
657 packing, meat manufacturing or rendering is carried on; and (ii)
658 the ground upon which such building or structure is erected, and
659 so much ground adjacent thereto as is used in carrying on the
660 business of such establishment, including drains, gutters, waste
661 disposal and cesspools used in connection with the establishment.

662 (e) The word "equipment" as used in this article, shall
663 include all machinery, fixtures, containers, vessels, tools,
664 implements and apparatus used in and about an establishment.

665 (f) The word "commissioner" as used in this article,
666 shall mean the Commissioner of Agriculture and Commerce, or his
667 duly authorized deputies.

668 (g) The word "ratite" means a member of a group of
669 large flightless birds including the ostrich, rhea and emu.

670 (h) The words "exotic animal" mean a member of a
671 species of game not indigenous to this state, including axis deer,
672 fallow deer, red deer or other cloven-hooved ruminant animals and
673 ratites.

674 (i) The term "food establishment" means any place,
675 vehicle, or vessel that prepares, stores, holds, transports,
676 serves, or dispenses food for human consumption.

677 (2) All persons engaged in business as a meat broker,
678 jobber, dealer, distributor, peddler, transporter, or wholesaler



679 of any carcasses of meat animals or poultry or parts or products
680 thereof, whether fresh, frozen, cured or otherwise and whether
681 canned, wrapped, packaged or prepackaged, but not otherwise
682 handled, whether intended for human food or other purposes, or any
683 person engaged in the business as a public warehouseman storing
684 any such items or products shall register with the commissioner on
685 forms provided and shall operate under the applicable inspection
686 authority provided in this article and by the Mississippi Meat
687 Inspection Act of 1968 [Chapter 35 of Title 75], provided persons
688 operating the aforementioned nonslaughter and nonprocessing
689 businesses are exempt from the license and fee specified in
690 Section 75-33-7.

691 (3) The slaughtering by any person of animals and poultry of
692 his own raising, and the processing and transportation by him of
693 animals and poultry products exclusively for use by him and
694 members of his household and his nonpaying guests and employees,
695 shall be exempt from the provisions of this article. Any other
696 operations of an unlicensed, unapproved slaughterhouse and/or
697 processing facility to escape the provisions of this article shall
698 be unlawful, and any person found guilty of such violation shall
699 be punished as provided in Section 75-33-37.

700 (4) The provisions of this article shall not apply to
701 poultry producers with respect to poultry of their own raising on
702 their own farms on the same basis as now provided in the United
703 States Wholesome Poultry Products Act and regulations thereunder,



and such exemptions shall be consistent with said act and regulations. However, the adulteration and misbranding provisions of said act, other than the requirement of the inspection legend, shall apply to articles which are exempt from inspection by said act and regulations.

SECTION 12. Section 75-33-7, Mississippi Code of 1972, is amended as follows:

75-33-7. (1) It shall be the duty of every person operating an establishment or food establishment as defined in Section 75-33-3, except retail dealers, restaurants or eating places and establishments operating under the United States Department of Agriculture system of inspection, to apply to the commissioner for a license to operate such establishment * * *, and annually thereafter before July of each succeeding year, and pay to the commissioner at the time said application for registration and license is filed, a fee of Ten Dollars (\$10.00) for each establishment operated, and a like fee of ten dollars (\$10.00) for the renewal thereof.

The fees for the issuance of the license and the renewals thereof, together with such other fees and charges authorized by this article, shall be kept by the commissioner in a separate fund to be used to defray the expenses of the enforcement of this article. A strict accounting shall be made of all funds received and disbursed.



728 (2) The application for a license shall be made on a form to
729 be supplied by the commissioner, and shall show the location of
730 each establishment and the name and address of the owner, and the
731 name and address of the lessor or lessee. The application shall
732 have attached thereto the affidavit of the person applying for the
733 license that the facts set forth are true and correct.

734 (3) Upon approval of application for license and payment of
735 license fee, and upon approval of sanitary conditions in the
736 establishment, and every place used in connection therewith, the
737 commissioner shall issue to each applicant a license which shall
738 expire on June 30 of each year, and which shall authorize the
739 operation of said establishment for the fiscal year, or portion
740 thereof, for which a license is issued.

741 (4) Such license shall be posted in a conspicuous place in
742 or at the place of business of such licensee, and exposed for
743 inspection by any person or persons who may be properly authorized
744 to make such examination.

745 (5) From and after the first day of July 1960, it shall be
746 unlawful for any person to operate an establishment unless said
747 establishment is duly licensed and inspected in accordance with
748 the provisions of this article.

749 The Commissioner of Agriculture and Commerce shall develop
750 and administer a poultry inspection program which shall require
751 mandatory poultry product inspection that imposes antemortem and
752 postmortem inspection, reinspection and sanitation requirements



753 that are at least equal to those under the federal Poultry
754 Products Inspection Act of 1968 [21 USCS 451 et seq.], and the
755 regulations thereunder with respect to all or certain classes of
756 persons engaged in slaughtering poultry or processing poultry
757 products for use as human food solely for distribution with this
758 state.

759 Any existing provision of law in regard to fees, mandatory
760 requirements, other options, or inspection administration in
761 conflict herewith, shall not affect the foregoing mandatory
762 inspection provision.

763 Provided, further, that the Commissioner of Agriculture and
764 Commerce shall be authorized to enter into a cooperative agreement
765 with the United States Department of Agriculture for compliance
766 with the Poultry Products Inspection Act of 1968 and amendments
767 thereto [21 USCS 451 et seq.], for the purpose of financing and
768 enforcing a mandatory antemortem and postmortem inspection,
769 reinspection and sanitation requirements that are at least equal
770 to those under the within cited federal act with respect to all or
771 certain persons engaged in slaughtering poultry or processing
772 poultry products in this state for use as human food solely for
773 distribution within this state. The commissioner is further
774 empowered to make inspection of other poultry slaughtering and
775 processing facilities when he deems same necessary to the proper
776 sanitation and distribution of such products solely within this
777 state.



778 **SECTION 13.** This act shall take effect and be in force from
779 and after July 1, 2025.

