

By: Representatives Pigott, Mangold, Morgan, To: Agriculture
Steverson, Tubb, Carpenter

HOUSE BILL NO. 1296

1 AN ACT TO AMEND SECTION 69-24-5, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE DEFINITIONS TO CERTAIN TERMINOLOGY UNDER THE
3 MISSISSIPPI PLANT AND SOIL AMENDMENT LAW OF 1978 BY REPLACING THE
4 TERM "AMENDING INGREDIENT" WITH "BENEFICIAL SUBSTANCE"; TO DEFINE
5 THE TERM "PLANT BIOSTIMULANT"; TO AMEND SECTION 69-24-7,
6 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE COMMISSIONER OF
7 AGRICULTURE AND COMMERCE AND THE STATE CHEMIST TO ADOPT A RULE
8 ADMINISTRATIVELY CODIFYING RECOMMENDED BENEFICIAL SUBSTANCES
9 LABELS ADOPTED BY THE ASSOCIATION OF AMERICAN PLANT FOOD CONTROL;
10 TO PRESCRIBE THE INFORMATION REQUIRED FOR DISPLAY ON CONTAINERS
11 AND BULK SHIPMENTS OF SOIL OR BENEFICIAL SUBSTANCES; AND FOR
12 RELATED PURPOSES.

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

14 **SECTION 1.** Section 69-24-5, Mississippi Code of 1972, is
15 amended as follows:

16 69-24-5. As used in this chapter, the following terms shall
17 have the definition ascribed to them herein unless the context
18 requires otherwise:

19 (a) * * * "Beneficial substance" means any substance or
20 compound, other than primary, secondary, and micro plant
21 nutrients, and excluding pesticides, that can be demonstrated by
22 scientific research to be beneficial to one or more species of
23 plants, soil or media. For the purposes of this chapter, the term



"beneficial substance" includes plant biostimulant and soil amendment and may be used interchangeably with the term "amending ingredient."

(b) "Brand" means the term, designation, trade mark, product name or other specific designation under which individual soil or plant amendments are offered for sale.

(c) "Bulk" means in nonpackaged form.

(d) "Distribute" means to import, consign, manufacture, produce, compound, mix or blend soil or plant amendments, or offer for sale, sell, barter or otherwise supply soil or plant amendments in this state.

(e) "Distributor" means any person who imports, consigns, manufactures, produces, compounds, mixes or blends soil or plant amendments, or who offers for sale, sells, barter, or otherwise supplies soil or plant amendments in this state.

(f) "Inert ingredients" means the non-amending ingredients present in soil or plant amendments.

(g) "Ingredient form" means the chemical compound, such as salt, chelate, oxide, acid, etc., of an ingredient or the physical form of an ingredient.

(h) "Investigational allowance" means an allowance for variations inherent in the taking, preparation and analysis of an official sample of soil or plant amendment.



(i) "Label" means the display of all written, printed or graphic matter upon the immediate container or statement accompanying a soil or plant amendment.

(j) "Labeling" means all written, printed, or graphic matter, upon or accompanying any soil or plant amendment, or advertisements, brochures, posters, or television or radio announcements used in promoting the sale of such soil or plant amendment.

(k) "Minimum percentage" means that percent of soil or plant amending ingredient, when mentioned in any form or manner, that must be present before the product will be accepted for registration.

(l) "Official sample" means any sample of soil or plant amendment taken by the commissioner or his agent and designated as "Official" by the commissioner and state chemist.

(m) "Percent" or "percentage" means parts per hundred by weight.

(n) "Person" means individual, partnership, association, firm, or corporation.

(o) "Plant amendment" means any substance applied to plants or seeds which is intended to improve germination, growth, yield, product quality, reproduction, flavor or other desirable characteristics of plants except commercial fertilizers, soil amendments, agricultural liming materials, unmanipulated animal and vegetable manures, pesticides, plant regulators, Rhizobium



legume inoculants, and other materials which may be exempted by regulation; provided that, commercial fertilizer shall be included if it is represented to contain, as an amending ingredient, a substance other than a recognized plant food element or is represented as promoting plant growth by means other than supplying a recognized plant food element.

(p) "Plant biostimulant" means a substance, microorganism, or mixtures thereof, that, when applied to seeds, plants, the rhizosphere, soil or other growth media, act to support a plant's natural nutrition processes independently of the biostimulant's nutrient content. The plant biostimulant thereby improves nutrient availability, uptake, or use efficiency, tolerance to abiotic stress, and consequent growth, development, quality or yield, and shall be considered a soil amendment for the purposes of this chapter.

(* * *g) "Registrant" means the person who registers soil or plant amendments under the provisions of this chapter.

(* * *r) "Soil amendment" means and includes any substance which is intended to improve the physical, chemical or other characteristics of the soil or improve crop production, except the following: commercial fertilizers, plant amendments, agricultural liming materials, agricultural gypsum, unmanipulated animal manures, topsoil, unmanipulated vegetable manures, pesticides, and herbicides, Rhizobium legume inoculants, and other material which may be exempted by regulation; provided that



commercial fertilizer shall be included if it is represented to contain, as an amending ingredient, a substance other than a recognized plant food element or is represented as promoting plant growth by means other than supplying a recognized plant food element.

(* * *s) "Ton" means a net weight of two thousand (2,000) pounds avoirdupois.

(* * *t) "Weight" means the weight of material as offered for sale.

SECTION 2. Section 69-24-7, Mississippi Code of 1972, is amended as follows:

69-24-7. (1) The commissioner and State Chemist may adopt a rule administratively codifying the Association of American Plant Food Control Officials, recommended beneficial substances label, having been adopted in February 2024, which pertains to plant and soil amendment and plant biostimulant products. The * * * required information shall include brand, net weight or net volume, name and address of guarantor, purpose statement, directions for use, and statement of composition showing the amount of each ingredient, and shall appear on the fact or display side of all containers or accompany bulk shipments of soil or plant amendments; it shall be in a readable and conspicuous form * * *.

* * *



121 (2) No information or statement shall appear on any package,
122 label, delivery slip, or advertising matter which is false or
123 misleading to the purchaser as to the use, value, quality,
124 analysis, type or composition of the soil or plant amendment.

125 (3) The commissioner and State Chemist may require proof of
126 claims made for any soil or plant amendments. If no claims are
127 made, the commissioner and State Chemist may require proof
128 obtained in controlled scientific experiments of usefulness and
129 value of the soil or plant amendment. For evidence of proof they
130 may rely on experimental data, evaluation, or advice supplied from
131 such sources as the director of the Mississippi Agricultural and
132 Forestry Experiment Station and the director of the Mississippi
133 Cooperative Extension Service. The experimental results shall be
134 related to Mississippi conditions for which the product is
135 intended. The commissioner and State Chemist may accept or reject
136 other sources of proof cited as additional evidence in their
137 evaluation of soil or plant amendments.

138 (4) No amending ingredient may be listed or guaranteed on
139 the labels or labeling of soil or plant amendments without the
140 permission of the commissioner and State Chemist. The
141 commissioner and State Chemist may allow a soil or plant amending
142 ingredient to be listed and guaranteed on the label or labeling if
143 satisfactory supportive data is provided to substantiate the value
144 and usefulness of such soil or plant amending ingredient. The
145 commissioner and State Chemist may rely on outside sources such as



the director of the Mississippi Agricultural and Forestry Experiment Station and the director of the Mississippi Cooperative Extension Service for assistance in evaluating the data submitted. When a soil amending ingredient is permitted to be listed or guaranteed, its concentration in the soil or plant amendment must be determinable by approved laboratory methods, and it shall be subject to inspection and analysis. The commissioner and State Chemist may prescribe methods and procedures of inspection and analysis of the soil or plant amending ingredient. The commissioner and State Chemist may stipulate, by regulation, the minimum qualities of soil or plant amending ingredient(s) required in soil or plant amendments.

(5) The commissioner and State Chemist may allow labeling by volume rather than weight in subsection (1) for liquid products. The commissioner and State Chemist may allow payment of inspection fees on a calculated weight equivalent to that volume.

SECTION 3. This act shall take effect and be in force from and after July 1, 2025.

