

By: Representative Aguirre

To: Agriculture

HOUSE BILL NO. 1305

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:



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

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

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

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

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

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

87 (i) A common name for the species of the
88 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 may 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, the Attorney General or the county attorney in the county where the food product is being offered for sale or sold may 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 not 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.



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

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

354 (h) The term "capable of use as human food" shall apply
355 to any carcass, or part or product of a carcass, of any animal,
356 unless it is denatured or otherwise identified as required by
357 regulations prescribed by the commissioner to deter its use as
358 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;



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

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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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



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

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

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



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

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

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

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



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

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

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

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

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

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

527 (t) The term "official device" means any device
528 prescribed or authorized by the commissioner for use in applying
529 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



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

571 (2) All carcasses, parts of carcasses, meat and meat-food
572 products inspected at any establishment under the authority of
573 this chapter and found to be not adulterated, shall at the time
574 they leave the establishment bear, in distinctly legible form,
575 directly thereon or on their containers, as the commissioner may
576 require, the information required under paragraph (k) of Section
577 75-35-3.

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



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

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

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



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

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

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



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

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

635 75-33-3. (1) For the purpose of this article, the words and
636 terms used herein shall have ascribed to them the following
637 meanings:

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

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

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



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

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

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

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

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

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

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



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

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

(4) The provisions of this article shall not apply to poultry producers with respect to poultry of their own raising on their own farms on the same basis as now provided in the United 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.



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

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

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

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

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



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

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

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



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

