

By: Representative Eubanks

To: Public Health and Human Services; Agriculture

## HOUSE BILL NO. 1365

1       AN ACT TO AMEND TO PROHIBIT THE ADMINISTRATION OR INOCULATION  
2 OF ANY VACCINE DEVELOPED USING MESSENGER RIBONUCLEIC ACID (mRNA)  
3 TECHNOLOGY FOR USE IN ANY LIVESTOCK, AQUACULTURAL SPECIMEN,  
4 POULTRY, PRODUCE OR OTHER FOOD PRODUCT INTENDED FOR HUMAN  
5 CONSUMPTION IN THIS STATE; TO PROVIDE THAT A VIOLATION CONSTITUTES  
6 A MISDEMEANOR; TO AMEND SECTIONS 75-35-3 AND 75-33-3, MISSISSIPPI  
7 CODE OF 1972, TO DEFINE THE TERM MESSENGER RIBONUCLEIC ACID (mRNA)  
8 VACCINE; TO AMEND SECTION 75-35-7, MISSISSIPPI CODE OF 1972, TO  
9 PRESCRIBE DUTIES TO LIVESTOCK AND MEAT INSPECTORS APPOINTED BY THE  
10 COMMISSIONER OF AGRICULTURE AND COMMERCE; TO AMEND SECTION  
11 75-35-15, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT NOTHING  
12 PROHIBITS A PERSON FROM LABELING MEAT OR A MEAT PRODUCT AS "mRNA  
13 FREE" IF THE ANIMALS FROM WHICH THE MEAT OR MEAT PRODUCT WAS  
14 DERIVED WERE NOT ADMINISTERED AN mRNA VACCINE; AND FOR RELATED  
15 PURPOSES.

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

17       SECTION 1. (1) Notwithstanding any other provision of law  
18 to the contrary, no person shall provide or administer a vaccine  
19 developed using messenger ribonucleic acid technology for use in  
20 any livestock, aquacultural specimen, poultry, produce or other  
21 food product intended for human consumption in this state.

22       (2) Any person who violates this section is guilty of a  
23 misdemeanor.

24           **SECTION 2.** Section 75-35-3, Mississippi Code of 1972, is

25 amended as follows:

26           75-35-3. As used in this chapter, except as otherwise  
27 specified, the following terms shall have the meanings stated  
28 below:

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

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

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

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

46           (e) The term "animal food manufacturer" means any  
47 person, firm, or corporation engaged in the business of  
48 manufacturing or processing animal food derived wholly or in part



49 from carcasses or parts or products of the carcasses, of cattle,  
50 sheep, swine, goats, horses, mules, or other equines.

51 (f) The term "unfit for human food" means as defined in  
52 the "Meat, Meat-Food and Poultry Regulation and Inspection Law of  
53 1960," appearing in subsection (c) of Section 75-33-3, Mississippi  
54 Code of 1972.

55 (g) The term "meat-food product" means any product  
56 capable of use as human food which is made wholly or in part from  
57 any meat or other portion of the carcass of any cattle, sheep,  
58 swine, or goats, excepting products which contain meat or other  
59 portions of such carcasses only in a relatively small proportion  
60 or historically have not been considered by consumers as products  
61 of the meat-food industry, and which are exempted from definition  
62 as a meat-food product by the commissioner under such conditions  
63 as he may prescribe to assure that the meat or other portions of  
64 such carcasses contained in such product are not adulterated and  
65 that such products are not represented as meat-food products.  
66 This term as applied to food products of equines shall have a  
67 meaning comparable to that provided in this paragraph with respect  
68 to cattle, sheep, swine, and goats.

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



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

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

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

93 (B) If it is, in whole or in part, a raw  
94 agricultural commodity and such commodity bears or contains a  
95 pesticide chemical which is unsafe within the meaning of Section  
96 408 of the Federal Food, Drug, and Cosmetic Act, as amended;



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

100 (D) If it bears or contains any color  
101 additive which is unsafe within the meaning of Section 706 of the  
102 Federal Food, Drug, and Cosmetic Act: provided, that an article  
103 which is not adulterated under clause (B), (C), or (D) shall  
104 nevertheless be deemed adulterated if use of the pesticide  
105 chemical, food additive, or color additive in or on such item or  
106 product is prohibited by regulations of the commissioner in  
107 establishments at which inspection is maintained under this  
108 article;

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

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

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



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

126 (8) If any valuable constituent has been, in whole  
127 or in part, omitted or abstracted therefrom; or if any substance  
128 has been substituted, wholly or in part therefor; or if damage or  
129 inferiority has been concealed in any manner; or if any substance  
130 has been added thereto or mixed or packed therewith so as to  
131 increase its bulk or weight, or reduce its quality or strength, or  
132 make it appear better or of greater value than it is; or

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

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

139 (1) If its labeling is false or misleading in any  
140 particular:

141 (2) If it is offered for sale under the name of  
142 another food:

143 (3) If it is an imitation of another food, unless  
144 its label bears, in type of uniform size and prominence, the word  
145 "imitation" and immediately thereafter, the name of the food  
146 imitated;



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

149 (5) If in a package or other container unless it  
150 bears a label showing (A) the name and place of business of the  
151 manufacturer, packer, or distributor; and (B) an accurate  
152 statement of the quantity of the contents in terms of weight,  
153 measure, or numerical count; provided, that under clause (B) of  
154 this subparagraph (5), reasonable variations may be permitted, and  
155 exemptions as to small packages may be established, by regulations  
156 prescribed by the commissioner.

157 (6) If any word, statement, or other information  
158 required by or under authority of this chapter to appear on the  
159 label or other labeling is not prominently placed thereon with  
160 such conspicuousness (as compared with other words, statements,  
161 designs, or devices, in the labeling) and in such terms as to  
162 render it likely to be read and understood by the ordinary  
163 individual under customary conditions of purchase and use;

164 (7) If it purports to be or is represented as a  
165 food for which a definition standard of identity or composition  
166 has been prescribed by regulations of the commissioner under  
167 Section 75-35-15 unless (A) it conforms to such definition and  
168 standard, and (B) its label bears the name of the food specified  
169 in the definition and standard and, insofar as may be required by  
170 such regulations, the common names of optional ingredients (other  
171 than spices, flavoring, and coloring) present in such food;



172 (8) If it purports to be or is represented as a  
173 food for which a standard or standards of fill of container have  
174 been prescribed by regulations of the commissioner under Section  
175 75-35-15, and it falls below the standard of fill of container  
176 applicable thereto, unless its label bears, in such manner and  
177 form as such regulations specify, a statement that it falls below  
178 such standard;

179 (9) If it is not subject to the provisions of  
180 subparagraph (7), unless its label bears (A) the common or usual  
181 name of the food, if any there be, and (B) in case it is  
182 fabricated from two (2) or more ingredients, the common or usual  
183 name of each such ingredient; except that spices, flavorings, and  
184 colorings may, when authorized by the commissioner, be designated  
185 as spices, flavorings, and colorings without naming each:  
186 provided, that to the extent that compliance with the requirements  
187 of clause (B) of this subparagraph (9) is impracticable, or  
188 results in deception or unfair competition, exemptions shall be  
189 established by regulations promulgated by the commissioner;

190 (10) If it purports to be or is represented for  
191 special dietary uses, unless its label bears such information  
192 concerning its vitamin, mineral, and other dietary properties as  
193 the commissioner, after consultation with the secretary of  
194 agriculture of the United States, determines to be, and by  
195 regulations prescribes as, necessary in order fully to inform  
196 purchasers as to its value for such uses;



197 (11) If it bears or contains any artificial  
198 flavoring, artificial coloring, or chemical preservative, unless  
199 it bears labeling stating that fact: provided, that, to the  
200 extent that compliance with the requirements of this subparagraph

201 (11) is impracticable, exemptions shall be established by  
202 regulations promulgated by the commissioner; or

203 (12) If it fails to bear, directly thereon or on  
204 its container, as the commissioner may by regulations prescribe,  
205 the inspection legend and, unrestricted by any of the foregoing,  
206 such other information as the commissioner may require in such  
207 regulations to assure that it will not have false or misleading  
208 labeling and that the public will be informed of the manner of  
209 handling required to maintain the item or product in a wholesome  
210 condition.

211 (1) The term "label" means a display of written,  
212 printed, or graphic matter upon the immediate container (not  
213 including package liners) of any item or product.

214 (m) The term "labeling" means all labels and other  
215 written, printed, or graphic matter (1) upon any item or product  
216 or any of its containers or wrappers, or (2) accompanying such  
217 item or product.



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

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

228 (q) The term "official mark" means the official  
229 inspection legend or any other symbol prescribed by regulations of  
230 the commissioner to identify the status of any product or animal  
231 under this chapter.

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

236 (s) The term "official certificate" means any  
237 certificate prescribed by regulations of the commissioner for  
238 issuance by an inspector or other person performing official  
239 functions under this chapter.

240 (t) The term "official device" means any device  
241 prescribed or authorized by the commissioner for use in applying  
242 any official mark.

243 (u) The term "mRNA vaccine or vaccine material" means a  
244 substance to stimulate the production of antibodies and provide



245 immunity against disease by introducing messenger ribonucleic acid  
246 (mRNA) that corresponds to a viral protein.

247 **SECTION 3.** Section 75-35-7, Mississippi Code of 1972, is  
248 amended as follows:

249 75-35-7. ( \* \* \*1) For the purpose of preventing the use in  
250 intrastate commerce, as hereinafter provided, of meat and meat  
251 food products which are adulterated, the commissioner shall cause  
252 to be made, by inspectors appointed for that purpose, an  
253 examination and inspection of all cattle, sheep, swine, goats,  
254 horses, mules, and other equine before they shall be allowed to  
255 enter into any slaughtering, packing, meat canning, rendering, or  
256 similar establishment in this state in which slaughtering and  
257 preparation of meat and meat food products of such animals are  
258 conducted; and all cattle, sheep, swine, goats, horses, mules, and  
259 other equine found on such inspection to show symptoms of disease  
260 shall be set apart and slaughtered separately from all other  
261 cattle, sheep, swine, goats, horses, mules, or other equine, and  
262 when so slaughtered, the carcasses of said cattle, sheep, swine,  
263 goats, horses, mules, or other equine shall be subject to a  
264 careful examination and inspection, all as provided by the rules  
265 and regulations to be prescribed by the commissioner as herein  
266 provided for.

267 ( \* \* \*2) For the purpose of preventing the inhumane  
268 slaughtering of livestock, the commissioner shall cause to be  
269 made, by inspectors appointed for that purpose, an examination and



270 inspection of the method by which cattle, sheep, swine, ratites,  
271 nontraditional livestock, rabbits, goats, horses, mules and other  
272 equine are slaughtered and handled in connection with slaughter in  
273 the slaughtering establishments inspected under this article. The  
274 commissioner may refuse to provide inspection to a new  
275 slaughtering establishment or may cause inspection to be suspended  
276 temporarily at a slaughtering establishment if the commissioner  
277 finds that any cattle, sheep, swine, ratites, nontraditional  
278 livestock, rabbits, goats, horses, mules or other equine have been  
279 slaughtered or handled in connection with slaughter at such  
280 establishment by any method not in accordance with Sections  
281 75-35-21(d) and 75-35-8 until the establishment furnishes  
282 assurances satisfactory to the commissioner that all slaughtering  
283 and handling in connection with slaughter of livestock shall be in  
284 accordance with such a method.

285        (3) The commissioner shall appoint inspectors who are  
286 authorized to:

287            (a) Order tests of animals within this state or  
288 imported into this state for the purpose of protecting the health  
289 of animals in this state;

290            (b) Recommend vaccinations of livestock, as defined in  
291 Section 69-29-103, within this state or imported into this state  
292 for the purpose of protecting the health of livestock in this  
293 state; and

(c) Order vaccinations of nonlivestock animals within this state or imported into this state for the purpose of protecting the health of nonlivestock animals in this state.

**SECTION 4.** 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 inspected and passed" or appropriate marking shall be placed or packed in any can, pot, tin, canvas, or other receptacle or covering in any establishment where inspection under the provisions of this chapter is maintained, the person, firm, or corporation preparing said product shall cause a label to be attached to said can, pot, tin, canvas, or other receptacle or covering, under supervision of an inspector, which label shall state that the contents thereof have been "Mississippi inspected and passed" or appropriate marking under the provisions of this chapter, and no inspection and examination of meat or meat food products deposited or enclosed in cans, tins, pots, canvas, or other receptacle or covering in any establishment where inspection under the provisions of this chapter is maintained shall be deemed to be complete until such meat or meat food products have been sealed or enclosed in said can, tin, pot, canvas, or other receptacle or covering under the supervision of an inspector.

(2) All carcasses, parts of carcasses, meat and meat food products inspected at any establishment under the authority of



319 this chapter and found to be not adulterated, shall at the time  
320 they leave the establishment bear, in distinctly legible form,  
321 directly thereon or on their containers, as the commissioner may  
322 require, the information required under paragraph (k) of Section  
323 75-35-3.

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

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

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

339 (4) No item or product subject to this article shall be sold  
340 or offered for sale by any person, firm, or corporation, under any  
341 name or other marking or labeling which is false or misleading, or  
342 in any container of a misleading form or size, but established  
343 trade names and other marking and labeling and containers which



344 are not false or misleading and which are approved by the  
345 commissioner, are permitted. A food product that contains  
346 cultured animal tissue produced from animal cell cultures outside  
347 of the organism from which it is derived shall not be labeled as  
348 meat or a meat food product. A plant-based or insect-based food  
349 product shall not be labeled as meat or a meat food product.

350 (5) If the commissioner has reason to believe that any  
351 marking or labeling or the size or form of any container in use or  
352 proposed for use with respect to any item subject to this article  
353 is false or misleading in any particular, he may direct that such  
354 use be withheld unless the marking, labeling, or container is  
355 modified in such manner as he may prescribe so that it will not be  
356 false or misleading. If the person, firm, or corporation using or  
357 proposing to use the marking, labeling or container does not  
358 accept the determination of the commissioner, such person, firm,  
359 or corporation may request a hearing, but the use of the marking,  
360 labeling, or container shall, if the commissioner so directs, be  
361 withheld pending hearing and final determination by the  
362 commissioner. Any party aggrieved by such final determination  
363 may, within thirty (30) days after receipt of notice of such final  
364 determination, effect an appeal therefrom to the chancery court of  
365 the county in which such party resides or in which the principal  
366 place of his business is domiciled; and, on appeal, such chancery  
367 court shall affirm, modify, or set aside the commissioner's final  
368 determination.



369                   (6) Nothing in this section or any other law prohibits a  
370                   person from labeling meat or a meat product as "mRNA free" or any  
371                   similar designation, if the animals from which the meat or meat  
372                   product was derived were not administered a mRNA vaccine or  
373                   vaccine material.

374                   **SECTION 5.** Section 75-33-3, Mississippi Code of 1972, is  
375                   amended as follows:

376                   75-33-3. (1) For the purpose of this article, the words and  
377                   terms used herein shall have ascribed to them the following  
378                   meanings:

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

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

387                   (c) The term "food unfit for human consumption" shall  
388                   be construed to include the meat and meat-food products of horses  
389                   and mules and all meats or meat-food products which are so  
390                   affected with disease that it would be dangerous to use the meat  
391                   or other parts for human food; also, all meats or meat-food  
392                   products which are contaminated, putrid, unsound, unhealthful, or  
393                   otherwise unfit for food, or which have been derived from any



394 animal which has died as a result of disease or accident, or which  
395 was in a dying condition at the time of slaughter.

396 (d) The word "establishment" as used in this article,  
397 shall include: (i) any building or structure in which  
398 slaughtering, butchering, meat processing, meat canning, meat  
399 packing, meat manufacturing or rendering is carried on; and (ii)  
400 the ground upon which such building or structure is erected, and  
401 so much ground adjacent thereto as is used in carrying on the  
402 business of such establishment, including drains, gutters, waste  
403 disposal and cesspools used in connection with the establishment.

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

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

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

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

416 (i) The term "mRNA vaccine or vaccine material" means a  
417 substance to stimulate the production of antibodies and provide

418 immunity against disease by introducing messenger ribonucleic acid  
419 (mRNA) that corresponds to a viral protein.

420 (2) All persons engaged in business as a meat broker,  
421 jobber, dealer, distributor, peddler, transporter, or wholesaler  
422 of any carcasses of meat animals or poultry or parts or products  
423 thereof, whether fresh, frozen, cured or otherwise and whether  
424 canned, wrapped, packaged or prepackaged, but not otherwise  
425 handled, whether intended for human food or other purposes, or any  
426 person engaged in the business as a public warehouseman storing  
427 any such items or products shall register with the commissioner on  
428 forms provided and shall operate under the applicable inspection  
429 authority provided in this article and by the Mississippi Meat  
430 Inspection Act of 1968 [Chapter 35 of Title 75], provided persons  
431 operating the aforementioned nonslaughter and nonprocessing  
432 businesses are exempt from the license and fee specified in  
433 Section 75-33-7.

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



443 (4) The provisions of this article shall not apply to  
444 poultry producers with respect to poultry of their own raising on  
445 their own farms on the same basis as now provided in the United  
446 States Wholesome Poultry Products Act and regulations thereunder,  
447 and such exemptions shall be consistent with said act and  
448 regulations. However, the adulteration and misbranding provisions  
449 of said act, other than the requirement of the inspection legend,  
450 shall apply to articles which are exempt from inspection by said  
451 act and regulations.

452           **SECTION 6.** This act shall take effect and be in force from  
453 and after July 1, 2025.

