

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.



(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;



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;

109 (3) If it consists, in whole or in part, of any
110 filthy, putrid, or decomposed substance or is for any other reason
111 unsound, unhealthful, unwholesome, or otherwise unfit for human
112 food;

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.

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



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

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

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

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

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

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

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



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

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

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

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



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

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

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

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



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

297 **SECTION 4.** Section 75-35-15, Mississippi Code of 1972, is
298 amended as follows:

299 75-35-15. (1) When any meat or meat food product has been
300 inspected as hereinbefore provided and marked "Mississippi
301 inspected and passed" or appropriate marking shall be placed or
302 packed in any can, pot, tin, canvas, or other receptacle or
303 covering in any establishment where inspection under the
304 provisions of this chapter is maintained, the person, firm, or
305 corporation preparing said product shall cause a label to be
306 attached to said can, pot, tin, canvas, or other receptacle or
307 covering, under supervision of an inspector, which label shall
308 state that the contents thereof have been "Mississippi inspected
309 and passed" or appropriate marking under the provisions of this
310 chapter, and no inspection and examination of meat or meat food
311 products deposited or enclosed in cans, tins, pots, canvas, or
312 other receptacle or covering in any establishment where inspection
313 under the provisions of this chapter is maintained shall be deemed
314 to be complete until such meat or meat food products have been
315 sealed or enclosed in said can, tin, pot, canvas, or other
316 receptacle or covering under the supervision of an inspector.

317 (2) All carcasses, parts of carcasses, meat and meat food
318 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



are not false or misleading and which are approved by the commissioner, are permitted. A 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 or insect-based food product shall not be labeled as meat or a meat food product.

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



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



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

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

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

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

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

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

(i) The term "mRNA vaccine or vaccine material" means a 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.

