

By: Senator(s) Hill

To: Agriculture

SENATE BILL NO. 2007

1 AN ACT TO AMEND SECTION 75-31-65, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT THE CONSTRUCTION OF THE PROVISIONS OF LAW
3 REGULATING MILK AND MILK PRODUCTS SHALL NOT BE DEEMED TO PROHIBIT
4 ANY INDEPENDENT OR PARTIAL OWNER OF ANY COW, GOAT OR SHEEP FROM
5 USING THE MILK FROM SUCH ANIMAL FOR THE OWNER'S PERSONAL
6 CONSUMPTION OR OTHER PERSONAL USE; TO ALLOW THE SALE OF RAW MILK
7 ON FARMS SO LONG AS THE SALE IS NOT FOR INSTITUTIONAL USE; AND FOR
8 RELATED PURPOSES.

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

10 **SECTION 1.** Section 75-31-65, Mississippi Code of 1972, is
11 amended as follows:

12 75-31-65. (1) The State Board of Health shall:

13 (a) Exercise general supervision over the production,
14 processing and sale of milk and milk products and the processing
15 and sale of frozen desserts * * *;

16 (b) Adopt, modify, repeal and promulgate rules and
17 regulations, after due notice and hearing, and, where not
18 otherwise prohibited by federal law or state law, make exceptions
19 to, grant exemptions from and enforce rules and regulations
20 implementing or effectuating the duties of the board under this
21 section to protect the public health * * *; and



22 (c) Use the most current edition of the Pasteurized
23 Milk Ordinance, or its successor, as the basis for * * *
24 regulating Grade "A" milk and milk products. Unless * * *
25 otherwise provided by law, the board, in its discretion, may
26 amend, modify or make additions to the Pasteurized Milk Ordinance
27 if the board determines that such amendment, modification or
28 addition is in the best interest of public health.

29 (2) The board shall assess fees in the following amount and
30 for the following purpose:

31 Milk product processing plant annual permit fee.....\$300.00
32 Frozen dessert processing plant annual permit fee.....\$300.00

33 Any increase in the fees charged by the board under this
34 subsection shall be in accordance with the provisions of Section
35 41-3-65.

36 The fees authorized under this subsection shall not be
37 assessed for milk or frozen dessert processing plants operated by
38 public schools, by public junior colleges or by state agencies or
39 institutions, including, without limitation, the state
40 institutions of higher learning.

41 (3) Incidental sales of raw * * * milk shall be legal if:

42 (a) The milk is sold directly to the consumer on the
43 premises where the milk is produced;

44 (b) No more than nine (9) producing cows, goats or
45 sheep are located on the premises where the milk is produced;



(c) The person selling the raw milk does not advertise the milk for sale and provides adequate notice to potential consumers of the inherent risks associated with the consumption of unprocessed dairy products; and

(d) The following conditions, which apply to the milking of cows, goats and sheep involved in legal incidental sales of raw * * * milk, are satisfied:

(i) The milking takes place in a clean environment on a cement or comparable floor;

(ii) The milking place is enclosed by a wall and/or a screen to prevent insects from entering the milking area;

(iii) A fly strap is located in the milking area; and

(iv) Sterile containers are used in the milking process and for storage.

It shall not be unlawful to store raw cow, goat or sheep milk in a separate sterile place from pasteurized cow, goat or sheep milk. The Cooperative Extension Service at Alcorn State University shall publish and make available literature on the requirements of this subsection, and other related milk * * * maintenance, explaining the recommended care of milk cows, goats or sheep, and the process of cow, goat or sheep milk production and other related subjects. For the purposes of this subsection, the term "incidental sales" means sales from a farm where not more than nine (9) cows, goats or sheep are producing milk.



71 (4) For purposes of this section, the term "person" includes
72 an individual, firm, partnership, association or corporation,
73 foreign or domestic.

74 (5) All fees collected by the board under this section shall
75 be paid into a special fund within the Department of Health to be
76 used by the department to discharge its duties under this section.

77 (6) Any person coming within the provisions of this section
78 who fails to comply with or violates any of the provisions of this
79 section or regulations promulgated thereunder, unless otherwise
80 specifically provided in this section, is guilty of a misdemeanor
81 and, upon conviction, shall be fined not more than One Hundred
82 Dollars (\$100.00) or confined in jail for not more than sixty (60)
83 days, or both.

84 (7) Any person who sells or offers for sale adulterated milk
85 or milk products or cream or frozen desserts or any milk or cream
86 having therein any foreign substance or coloring matter or any
87 chemicals or preservatives, whether for the purpose of increasing
88 the quantity of milk or cream or for improving its appearance or
89 for the purpose of preserving the condition of sweetness thereof,
90 or for any other purpose whatsoever, or unpasteurized milk or milk
91 products except as otherwise authorized by law, is guilty of a
92 misdemeanor, and, upon conviction, shall be fined not more than
93 Five Hundred Dollars (\$500.00) or confined in jail not more than
94 sixty (60) days, or both; however, nothing in this subsection
95 shall be construed to prevent the addition of vitamins to milk or



96 milk products in accordance with the rules and regulations
97 promulgated by the board or to prohibit the sale of pasteurized
98 milk or cream or frozen desserts except unlawful cream or unlawful
99 milk products or unlawful frozen desserts as defined in the rules
100 and regulations promulgated by the board.

101 (8) (a) Any person doing business in the State of
102 Mississippi and engaged in the production, manufacture, sale or
103 distribution of any dairy products that, for the purpose of
104 destroying the business of a competitor in any locality or
105 creating a monopoly, discriminates between different sections,
106 localities, communities, cities or towns of the state by selling
107 such commodity at a lower rate or price in one (1) section,
108 locality, community, city or town than such commodity is sold by
109 such person in any other section, locality, community, city or
110 town, after making due allowance for the difference, if any, in
111 the grade or quality and in the actual cost of the transportation
112 from the point of production or purchase, if a raw product, to the
113 place of sale, storage or distribution, is guilty of unfair
114 discrimination, which is prohibited and declared unlawful;
115 however, prices made to meet competition in such section,
116 locality, community, city or town shall not be in violation of
117 this subsection.

118 (b) Any person doing business in the State of
119 Mississippi and engaged in the business of purchasing for
120 manufacture, storage, sale or distribution of any dairy product,



121 that, for the purpose of destroying the business of a competitor
122 or creating a monopoly, discriminates between different sections,
123 localities, communities, cities or towns in the state by
124 purchasing such commodity at a higher rate or price in one (1)
125 section, locality, community, city or town than is paid for such
126 commodity by such person in any other section, locality,
127 community, city or town, after making due allowance for the
128 difference, if any, in the grade or quality, and in the actual
129 cost of transportation from the point of purchase to the point of
130 manufacture, sale or distribution or storage, is guilty of unfair
131 discrimination, which is prohibited and declared to be unlawful;
132 however, prices made to meet competition in such locality,
133 section, community, city or town shall not be a violation of this
134 subsection.

135 (c) Any person convicted of a violation of this
136 subsection * * * shall be fined not less than Five Hundred Dollars
137 (\$500.00) nor more than Five Thousand Dollars (\$5,000.00) or shall
138 be imprisoned in jail not more than twelve (12) months, or both.

139 (9) Nothing in this section shall be construed to apply to
140 any person who does not sell his or her milk, cream, butter or
141 other products mentioned herein to others.

142 (10) Nothing in this section or any other provision of law
143 shall be construed as prohibiting the independent or partial owner
144 of a cow, goat or sheep from using the milk from such animal in
145 its raw or unadulterated form for the owner's personal consumption



146 or other personal use, or from selling raw milk directly to
147 consumers, so long as the sale is not for institutional use.

148 **SECTION 2.** This act shall take effect and be in force from
149 and after July 1, 2025.

