

By: Senator(s) Whaley, Berry, Younger,
Rhodes

To: Agriculture

SENATE BILL NO. 2026

1 AN ACT TO AMEND SECTION 69-24-5, MISSISSIPPI CODE OF 1972, TO
2 ADD BENEFICIAL SUBSTANCE AND PLANT BIOSTIMULANT TO THE DEFINITION
3 SECTION OF THE FERTILIZING MATERIALS AND ADDITIVES CHAPTER; TO
4 AMEND SECTION 69-24-7, MISSISSIPPI CODE OF 1972, TO PROVIDE
5 ADDITIONAL LABEL REQUIREMENTS FOR SOIL AMENDMENTS AND BIOSTIMULANT
6 PRODUCTS; AND FOR RELATED PURPOSES.

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

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

10 69-24-5. As used in this chapter, the following terms shall
11 have the definition ascribed to them herein unless the context
12 requires otherwise:

13 (a) * * * "Beneficial substance" means any substance
14 or compound, other than primary, secondary and micro plant
15 nutrients, and excluding pesticides, that can be demonstrated by
16 scientific research to be beneficial to one or more species of
17 plants, soil or media. For the purposes of this chapter, the term
18 "beneficial substance" includes plant biostimulant and soil
19 amendment and may be used interchangeably with the term "amendment
20 ingredient."



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

24 (c) "Bulk" means in nonpackaged form.

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

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

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

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

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

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

44 (j) "Labeling" means all written, printed, or graphic
45 matter, upon or accompanying any soil or plant amendment, or



46 advertisements, brochures, posters, or television or radio
47 announcements used in promoting the sale of such soil or plant
48 amendment.

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

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

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

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

60 (o) "Plant amendment" means any substance applied to
61 plants or seeds which is intended to improve germination, growth,
62 yield, product quality, reproduction, flavor or other desirable
63 characteristics of plants except commercial fertilizers, soil
64 amendments, agricultural liming materials, unmanipulated animal
65 and vegetable manures, pesticides, plant regulators, Rhizobium
66 legume inoculants, and other materials which may be exempted by
67 regulation; provided that, commercial fertilizer shall be included
68 if it is represented to contain, as an amending ingredient, a
69 substance other than a recognized plant food element or is



represented as promoting plant growth by means other than
supplying a recognized plant food element.

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

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

(* * * r) "Soil amendment" means and includes any
substance which is intended to improve the physical, chemical or
other characteristics of the soil or improve crop production,
except the following: commercial fertilizers, plant amendments,
agricultural liming materials, agricultural gypsum, unmanipulated
animal manures, topsoil, unmanipulated vegetable manures,
pesticides, and herbicides, Rhizobium legume inoculants, and other
material which may be exempted by regulation; provided that
commercial fertilizer shall be included if it is represented to
contain, as an amending ingredient, a substance other than a
recognized plant food element or is represented as promoting plant



growth by means other than supplying a recognized plant food element.

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

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

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

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

(a) net weight

(b) brand name

(c) minimum guaranteed analysis amending ingredients
name of ingredient _____ %



and continued until all soil and/or plant amending ingredients are listed and percentages given.

(d) inert ingredients. _____ %

(e) purpose of product

(f) direction for application

(g) name and address of the registrant

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

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

(4) No amending ingredient may be listed or guaranteed on the labels or labeling of soil or plant amendments without the



143 permission of the commissioner and State Chemist. The
144 commissioner and State Chemist may allow a soil or plant amending
145 ingredient to be listed and guaranteed on the label or labeling if
146 satisfactory supportive data is provided to substantiate the value
147 and usefulness of such soil or plant amending ingredient. The
148 commissioner and State Chemist may rely on outside sources such as
149 the director of the Mississippi Agricultural and Forestry
150 Experiment Station and the director of the Mississippi Cooperative
151 Extension Service for assistance in evaluating the data submitted.
152 When a soil amending ingredient is permitted to be listed or
153 guaranteed, its concentration in the soil or plant amendment must
154 be determinable by approved laboratory methods, and it shall be
155 subject to inspection and analysis. The commissioner and State
156 Chemist may prescribe methods and procedures of inspection and
157 analysis of the soil or plant amending ingredient. The
158 commissioner and State Chemist may stipulate, by regulation, the
159 minimum qualities of soil or plant amending ingredient(s) required
160 in soil or plant amendments.

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

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

