

By: Representative Eubanks

To: Public Health and Human Services

HOUSE BILL NO. 736

1 AN ACT TO AMEND SECTION 75-35-15, MISSISSIPPI CODE OF 1972,
 2 TO PROHIBIT THE SALE OF ANY FOOD THAT CONTAINS A MESSENGER
 3 RIBONUCLEIC ACID (MRNA) VACCINE OR VACCINE MATERIAL UNLESS THE
 4 FOOD LABELING CONTAINS A CONSPICUOUS NOTIFICATION OF THE PRESENCE
 5 OF THE MRNA VACCINE OR VACCINE MATERIAL IN THE FOOD; TO PROVIDE
 6 THAT NOTHING PROHIBITS A PERSON FROM LABELING MEAT OR A MEAT
 7 PRODUCT AS "MRNA FREE" IF THE ANIMALS FROM WHICH THE MEAT OR MEAT
 8 PRODUCT WAS DERIVED WERE NOT ADMINISTERED AN MRNA VACCINE; AND FOR
 9 RELATED PURPOSES.

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

11 **SECTION 1.** Section 75-35-15, Mississippi Code of 1972, is
 12 amended as follows:

13 75-35-15. (1) When any meat or meat food product has been
 14 inspected as hereinbefore provided and marked "Mississippi
 15 inspected and passed" or appropriate marking shall be placed or
 16 packed in any can, pot, tin, canvas, or other receptacle or
 17 covering in any establishment where inspection under the
 18 provisions of this chapter is maintained, the person, firm, or
 19 corporation preparing said product shall cause a label to be
 20 attached to said can, pot, tin, canvas, or other receptacle or
 21 covering, under supervision of an inspector, which label shall



22 state that the contents thereof have been "Mississippi inspected
23 and passed" or appropriate marking under the provisions of this
24 chapter, and no inspection and examination of meat or meat food
25 products deposited or enclosed in cans, tins, pots, canvas, or
26 other receptacle or covering in any establishment where inspection
27 under the provisions of this chapter is maintained shall be deemed
28 to be complete until such meat or meat food products have been
29 sealed or enclosed in said can, tin, pot, canvas, or other
30 receptacle or covering under the supervision of an inspector.

31 (2) All carcasses, parts of carcasses, meat and meat food
32 products inspected at any establishment under the authority of
33 this chapter and found to be not adulterated, shall at the time
34 they leave the establishment bear, in distinctly legible form,
35 directly thereon or on their containers, as the commissioner may
36 require, the information required under paragraph (k) of Section
37 75-35-3.

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

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

44 (b) Definitions and standards of identity or
45 composition for items subject to this article and standards of
46 fill of container for such products not inconsistent with any such



47 standards established under the Federal Food, Drug, and Cosmetic
48 Act, or under the Federal Meat Inspection Act, and there shall be
49 consultation between the commissioner and the Secretary of
50 Agriculture of the United States prior to the issuance of such
51 standards to avoid inconsistency between such standards and the
52 federal standards.

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

64 (5) If the commissioner has reason to believe that any
65 marking or labeling or the size or form of any container in use or
66 proposed for use with respect to any item subject to this article
67 is false or misleading in any particular, he may direct that such
68 use be withheld unless the marking, labeling, or container is
69 modified in such manner as he may prescribe so that it will not be
70 false or misleading. If the person, firm, or corporation using or
71 proposing to use the marking, labeling or container does not



72 accept the determination of the commissioner, such person, firm,
73 or corporation may request a hearing, but the use of the marking,
74 labeling, or container shall, if the commissioner so directs, be
75 withheld pending hearing and final determination by the
76 commissioner. Any party aggrieved by such final determination
77 may, within thirty (30) days after receipt of notice of such final
78 determination, effect an appeal therefrom to the chancery court of
79 the county in which such party resides or in which the principal
80 place of his business is domiciled; and, on appeal, such chancery
81 court shall affirm, modify, or set aside the commissioner's final
82 determination.

83 (6) The manufacture, sale, or delivery, holding, or offering
84 for sale of any food that contains a messenger ribonucleic acid
85 (mRNA) vaccine or vaccine material unless the food labeling
86 contains a conspicuous notification of the presence of the vaccine
87 or vaccine material in the food. For purposes of this subsection
88 "mRNA vaccine or vaccine material" means a substance intended for
89 use in humans to stimulate the production of antibodies and
90 provide immunity against disease, prepared from the causative
91 agent of a disease, its products, or a synthetic substitute,
92 treated to act as an antigen without inducing the disease, that is
93 authorized or approved by the United States Food and Drug
94 Administration.

95 (7) Nothing in this section or any other law prohibits a
96 person from labeling meat or a meat product as "mRNA free" or any



97 similar designation, if the animals from which the meat or meat
98 product was derived were not administered a mRNA vaccine or
99 vaccine material.

100 **SECTION 2.** This act shall take effect and be in force from
101 and after July 1, 2024.

