

By: Representative Pigott

To: Agriculture

HOUSE BILL NO. 1153
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 75-36-1, 75-36-3, 75-36-5, 75-36-7,
2 75-36-9, 75-36-11, 75-36-13 AND 75-36-15, MISSISSIPPI CODE OF
3 1972, WHICH PROVIDES FOR THE LABELING OF PRODUCTS AT FOOD
4 PROCESSING PLANTS, RETAILS OR OTHER ESTABLISHMENT, TO CLARIFY AND
5 EXPAND DEFINITIONS RELATING TO MEAT, MANUFACTURED-PROTEIN,
6 CULTIVATED-PROTEIN, INSECT-PROTEIN, PLANT-PROTEIN AND
7 CELL-CULTURED DAIRY PRODUCTS; TO PROHIBIT THE MANUFACTURE, SALE OR
8 OFFER FOR SALE OF CELL-CULTURED DAIRY PRODUCTS IN THIS STATE; TO
9 STRENGTHEN AND CLARIFY MISBRANDING PROHIBITIONS INVOLVING THE USE
10 OF IDENTIFYING MEAT TERMS AND REQUIRED QUALIFYING DISCLOSURES; TO
11 REVISE INSPECTION AUTHORITY, COMPLAINT-BASED ENFORCEMENT
12 PROCEDURES, STOP-SALE AND EMBARGO POWERS AND JUDICIAL ENFORCEMENT
13 MECHANISMS OF THE MISSISSIPPI DEPARTMENT OF AGRICULTURE AND
14 COMMERCE; TO REVISE CIVIL PENALTIES, DEPOSIT AND USE OF FINES AND
15 APPEAL RIGHTS FOR VIOLATIONS; TO REQUIRE STATE AGENCIES, PUBLIC
16 SCHOOLS AND INSTITUTIONS OF HIGHER LEARNING TO ADOPT PROCUREMENT
17 POLICIES PREVENTING THE PURCHASE OF MISBRANDED OR
18 CULTIVATED-PROTEIN FOOD PRODUCTS; TO REQUIRE CLEAR CONSUMER
19 DISCLOSURE AT THE FINAL POINT OF SALE BY RETAILERS, DISTRIBUTORS,
20 WHOLESALERS AND FOOD SERVICE ESTABLISHMENTS REGARDING THE
21 AUTHENTICITY OF MEAT AND NONMEAT PRODUCTS; TO AUTHORIZE
22 RECORD-KEEPING AND AUDIT TRAIL REQUIREMENTS TO ENSURE COMPLIANCE;
23 TO MAKE TECHNICAL AND CONFORMING AMENDMENTS FOR CONSISTENCY,
24 ENFORCEABILITY AND CLARITY; AND FOR RELATED PURPOSES.

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

26 **SECTION 1.** Section 75-36-1, Mississippi Code of 1972, is
27 amended as follows:



28 75-36-1. As used in this chapter, the following terms shall
29 have the meanings ascribed in this section, unless the context
30 otherwise requires:

31 (a) "Agricultural food animal" means a domesticated
32 animal belonging to the bovine, caprine, ovine, or porcine
33 species; or live domestic fowl limited to chickens or turkeys.

34 (b) "Cell-cultured dairy product" means a product that
35 is intended to replicate or to substitute for milk and that is
36 derived from animal cells cultured outside of a live animal. This
37 includes products produced through the growth of mammary or other
38 animal cells in vitro.

39 (* * *c) "Cultivated-protein food product" means a
40 food product having one or more sensory attributes that resemble a
41 type of tissue originating from an agricultural food animal but
42 that, in lieu of being derived from meat processing, is derived
43 from manufacturing cells, in which one or more stem cells are
44 initially isolated from an agricultural food animal, are grown
45 in vitro, and may be manipulated, as part of a manufacturing
46 operation.

47 (* * *d) "Department" means the Mississippi Department
48 of Agriculture and Commerce.

49 (* * *e) "Food processing plant" means a commercial
50 operation that manufactures, packages, labels or stores food for
51 human consumption and does not provide food directly to a
52 consumer. The term does not include any of the following:



53 (i) A premises covered by the legalized sale of
54 beer, light spirit products and light wines under the provisions
55 of Chapter 3, Title 67, Mississippi Code of 1972;

56 (ii) A premises of a residence in which honey is
57 stored, prepared, packaged, including by placement in a container,
58 labeled or from which honey is distributed, as regulated under the
59 provisions of Chapter 29, Title 75, Mississippi Code of 1972;

60 (iii) The premises of a raw milk dairy where raw
61 milk is produced, processed, labeled, marketed, or distributed by
62 a raw milk producer in compliance with Chapter 31, Title 75,
63 Mississippi Code of 1972; or

64 (iv) The premises of a raw milk dairy where a raw
65 milk product or raw milk dairy product is manufactured, labeled,
66 marketed or distributed by a raw milk producer in compliance with
67 Chapter 31, Title 75, Mississippi Code of 1972.

68 (* * *f) "Food product" means a perishable or
69 nonperishable item stored in a container or package, if the item
70 is fit for human consumption.

71 (* * *g) "Identifying meat term" means any word or
72 phrase that states, indicates, suggests, or describes a meat
73 product, regardless of whether the word or phrase is used
74 individually, as a portmanteau, or as a compound word.
75 "Identifying meat term" includes, but is not limited to, any of
76 the following:



77 (i) A common name for the species of the
78 agricultural food animal subject to slaughter and processing,
79 including a calf or cow, chicken, goat or kid, hog or pig,
80 poultry, lamb or sheep or turkey.

81 (ii) A common name for a characteristic of a
82 species of the agricultural food animal subject to slaughter and
83 processing based on age, breed or sex.

84 (iii) Meat, including:

85 1. Beef or veal;

86 2. Broiler, fryer, poulet or yearling;

87 3. Cabrito or chevon;

88 4. Lamb or mutton;

89 5. Pork;

90 6. A common name used to describe a major cut
91 of a meat of an agricultural food animal slaughtered and
92 processed, including:

93 a. A major meat cut specified in 9 CFR
94 Section 317.344;

95 b. A poultry product such as breast,
96 drumstick, giblet, thigh or wing; or

97 c. The common name of an organ or offal,
98 including gizzard, heart, liver, kidney or tongue; and

99 7. Any other common name that a reasonable
100 purchaser would immediately and exclusively associate with a meat



101 product prepared for sale in normal commercial channels such as
102 bacon, baloney, bologna, bone, brat or bratwurst, brisket, burger
103 or hamburger, butt, chop, chuck, cold cut, cutlet, filet, flat
104 iron, frank or frankfurter, ham, hock, hot dog, jerky, liverwurst,
105 loin, London broil, lunch meat, New York strip, pepperoni,
106 porterhouse, ribeye, roast, rib or sparerib, salami, sausage,
107 shank, sirloin, tenderloin, or a comparable word or phrase as
108 approved by the department.

109 (* * *h) "Insect-protein food product" means a food
110 product having one or more sensory attributes that resemble a type
111 of tissue originating from an agricultural food animal but that,
112 in lieu of being derived from meat processing, is derived from
113 manufacturing insect parts.

114 (* * *i) "Label" means a display of written, printed
115 or graphic matter placed upon any container storing a food product
116 that is offered for sale or sold on a wholesale or retail basis,
117 regardless of whether the label is printed on the container's
118 packaging or a sticker affixed to the container.

119 (* * *j) "Manufactured-protein food product" means a
120 cultivated-protein food product, insect-protein food product or
121 plant-protein food product.

122 (* * *k) "Meat processing" means the handling,
123 preparation, and slaughter of an agricultural food animal; the
124 dressing of its carcass; or the cutting, storage, and packaging of
125 its tissue or other parts as a food product.



126 (* * *l) "Meat product" means a food product derived
127 from meat processing.

128 (* * *m) "Plant-protein food product" means a food
129 product having one or more sensory attributes that resemble a type
130 of tissue found in a species of agricultural food animal but that,
131 in lieu of being derived from meat processing, is derived from
132 manufacturing plant parts.

133 (* * *n) "Qualifying term" means a word, compound word
134 or phrase that would clearly disclose to a reasonable purchaser of
135 meat products from a food processing plant that a food product is
136 not a meat product. "Qualifying term" includes, but is not
137 limited to, cell-cultivated, cell-cultured, fake, grown in a lab,
138 imitation, insect, insect-based, insect-protein, lab-created,
139 lab-grown, meat free, meatless, plant, plant-based, vegan,
140 vegetable, vegetarian, veggie, or a comparable word or phrase as
141 approved by the department.

142 * * *

143 **SECTION 2.** Section 75-36-3, Mississippi Code of 1972, is
144 amended as follows:

145 75-36-3. * * *

146 (* * *1) The department shall inspect an inventory of
147 food products offered for sale or sold at a food processing
148 plant, retail or food establishment based on a credible complaint
149 that the food products are misbranded as meat products as provided
150 in Section 75-36-5.



151 (* * *2) The department shall have the same powers to
152 inspect a food processing plant under this chapter as it does
153 under Chapters 33 and 35, Title 75, Mississippi Code of 1972.

154 **SECTION 3.** Section 75-36-5, Mississippi Code of 1972, is
155 amended as follows:

156 75-36-5. (1) A food product is misbranded as a meat product
157 if all of the following apply:

158 (a) Except as provided in paragraph (b), the food
159 product is a manufactured-protein food product or the food product
160 contains a manufactured-protein food product;

161 (b) The food product is not misbranded as a meat
162 product only because it contains a trace amount of one or more
163 plant-protein food products as determined by the department;

164 (c) The food product is offered for sale * * * in
165 Mississippi;

166 (d) A label that is part of or placed on the package or
167 other container storing the food product includes an identifying
168 meat term; and

169 * * *

170 (2) Notwithstanding subsection (1) of this section, a food
171 product is not misbranded if the label contains a conspicuous and
172 prominent qualifying term in close proximity to an identifying
173 meat term.



174 (* * *3) A food processing plant, retail or food
175 establishment shall not offer for sale or sell a food product that
176 is misbranded as a meat product as provided in this section.

177 **SECTION 4.** Section 75-36-7, Mississippi Code of 1972, is
178 amended as follows:

179 75-36-7. (1) If the department has reasonable cause to
180 believe that a food processing plant, retail or food establishment
181 is offering for sale or selling a food product that is misbranded
182 as a meat product in violation of Section 75-36-5, the department
183 shall issue a stop order. Upon being issued the stop order, the
184 food processing plant, retail or food establishment shall not
185 offer for sale or sell the food product until the department
186 determines that the food product is or is not misbranded as a meat
187 product.

188 (2) The department may require that the food product be held
189 by the food processing plant, retail or food establishment and be
190 secured from purchase.

191 (3) If the department determines that the food product being
192 offered for sale or sold by a food processing plant, retail or
193 food establishment is misbranded as a meat product, the * * *
194 department may issue an embargo order requiring the food
195 processing plant, retail or food establishment to dispose of the
196 misbranded meat product other than by sale to purchasers in this
197 state.



198 (4) Upon notification of the violation by the
199 department * * *, the Attorney General shall enforce the stop
200 order or embargo order by petitioning the chancery court of * * *
201 the county where the violation occurred.

202 **SECTION 5.** Section 75-36-9, Mississippi Code of 1972, is
203 amended as follows:

204 75-36-9. (1) * * * No entity subject to the provisions in
205 this chapter shall * * * misbrand a food product as a meat product
206 as provided in Section 75-36-5 as determined by the department.

207 (2) No person shall manufacture, sell or offer for sale in
208 this state any cell-cultured dairy product as defined in Section
209 75-36-1.

210 (* * *3) A food processing plant, retail or food
211 establishment violating subsections (1) or (2) of this section is
212 subject to a civil penalty of not more than Five Hundred Dollars
213 (\$500.00), per day for all violations. Each day shall constitute
214 a continuing violation subject to an additional Five Hundred
215 Dollars (\$500.00) per day penalty. The total penalties for
216 violations arising out of the same transaction or occurrence shall
217 not * * * exceed Ten Thousand Dollars (\$10,000.00) * * *. Civil
218 penalties collected under this subsection shall be deposited in
219 the State General Fund.

220 (* * *4) * * * Any entity having been found to be in
221 violation may contest the civil penalty imposed by the department
222 through judicial review.



223 (* * *5) An appeal from the decision of the department to
224 impose a civil penalty shall be made by filing a written notice of
225 appeal with the circuit court clerk of the county where the
226 accused resides, or in the case of a nonresident accused, in the
227 Circuit Court of the First Judicial District of Hinds County. The
228 notice of appeal and the payment of costs must be filed and paid
229 with the circuit clerk, within thirty (30) days of the entry of
230 the order being appealed. The appeal shall be on the record and
231 otherwise be conducted in accordance with existing laws and rules.

232 (* * *6) Any party aggrieved by the action of the circuit
233 court may appeal to the Mississippi Supreme Court in the manner
234 provided by law and rules.

235 **SECTION 6.** Section 75-36-11, Mississippi Code of 1972,
236 grants the Mississippi Department of Agriculture and Commerce with
237 authority to suspend or revoke licenses issued to a food
238 processing plant, retail or food establishment, is repealed.

239 **SECTION 7.** Section 75-36-13, Mississippi Code of 1972, is
240 amended as follows:

241 75-36-13. * * * The executive administrative officers of
242 state institutions of higher learning under the authority of the
243 Board of Trustees of State Institutions of Higher Learning, the
244 respective boards of trustees of public community and junior
245 colleges and local school boards, shall establish policies to
246 prevent the purchase of food products that are misbranded as a



247 meat product as prohibited in this chapter, or is a
248 cultivated-protein food product as defined in this chapter.

249 **SECTION 8.** Section 75-36-15, Mississippi Code of 1972, is
250 amended as follows:

251 75-36-15. (1) All retail and food service establishments of
252 food products, meats, meat-food products, cultivated-protein food
253 products, manufactured-protein food products, insect-protein food
254 products and plant-protein food products shall inform consumers,
255 at the final point of sale, of the products' authenticity as a
256 meat or nonmeat product with appropriate labeling indicating such.
257 Notwithstanding the above reference to regulation, labeling, and
258 recordkeeping for cultivated-protein food products, nothing
259 contained herein is meant to legalize or authorize the manufacture
260 or sale of such products, which are specifically made illegal by
261 Section 75-35-15(4).

262 (2) The methods of notification required under subsection
263 (1) shall be accomplished as follows:

264 (a) Retailers shall provide information to consumers by
265 means of a label, stamp, mark, placard or other clear and visible
266 sign on the meat or nonmeat product or on the package, display,
267 holding unit or bin containing the meat or nonmeat at the final
268 point of sale to consumers. If the product is already
269 individually labeled for retail sale regarding its authenticity as
270 a meat or nonmeat product, the retailer shall not be required to
271 provide any additional information to comply with this section.



272 (b) Food service establishments shall provide
273 information to the consumer by indications on the menu of the food
274 service establishment. For inauthentic meat items derived from
275 cultivated-protein food products, manufactured-protein food
276 products, insect-protein food products and plant-protein food
277 products, the information shall be adjacent to the item on the
278 menu and printed in the same font style and size as the item. If
279 the food service establishment offers for sale only authentic meat
280 and meat-food products as defined in Section * * * 75-33-3, then
281 the food service establishment may generally disclose this in a
282 prominent location in the food service establishment in lieu of
283 disclosure on the menu. The signage disclosing the sale of only
284 authentic meat and meat-food products, that is to be placed in a
285 prominent location in the food service establishment, shall be
286 approved by the Mississippi Department of Agriculture and
287 Commerce, which shall be held harmless in a cause of action for a
288 retail or food service establishment's failure to disclose or
289 fraudulent disclosure. Any liability arising from failure to
290 disclose authenticity shall remain with the processor,
291 distributor, wholesaler and the retail or food service
292 establishment.

293 (3) The commissioner may require that any person that
294 prepares, stores, handles or distributes food products, meats,
295 meat-food products, cultivated-protein food products,
296 manufactured-protein food products, insect-protein food products



297 and plant-protein food products for retail sale maintains a
298 verifiable record-keeping audit trail that permits the
299 commissioner to verify compliance with this chapter and any
300 regulations promulgated hereunder.

301 (4) Any distributor or wholesaler engaged in the business of
302 supplying * * * cultivated-protein food products,
303 manufactured-protein food products, insect-protein food products
304 and plant-protein food products to a retailer or food service
305 establishment shall provide information to the retailer or food
306 service establishment indicating the authenticity of product as a
307 meat or nonmeat. * * *

308 **SECTION 9.** This act shall take effect and be in force from
309 and after July 1, 2026.

