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Chapter No. 481

13/SS01/R877SG

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SENATE BILL NO. 2553

Originated in Senate

Liz Welch

Secretary

SENATE BILL NO. 2553

AN ACT TO EXEMPT COTTAGE FOOD PRODUCTION OPERATIONS FROM REGULATION; TO RENAME THE MISSISSIPPI SMALL FARM DEVELOPMENT CENTER AT ALCORN STATE UNIVERSITY AS THE MISSISSIPPI SMALL FARM AND AGRIBUSINESS CENTER; AND FOR RELATED PURPOSES.

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

SECTION 1. (1) (a) A cottage food operation must comply with the applicable requirements of this chapter but is exempt from the permitting requirements of Section 41-3-18 if the cottage food operation complies with the section and has annual gross sales of cottage food products that do not exceed Twenty Thousand Dollars (\$20,000.00).

(b) For purposes of this subsection, a cottage food operations annual gross sales include all sales of cottage food products at any location, regardless of the types of products sold or the number of persons involved in the operation. A cottage food operation must provide the department, upon request, with written documentation to verify the operation's annual gross sales.

(2) A cottage food operation may not sell or offer for sale cottage food products over the Internet, by mail order, or at wholesale or to a retail establishment. Cottage food products are nonpotentially hazardous food products as defined by the department.

(3) A cottage food operation may only sell cottage food products which are prepackaged with a label affixed that contains the following information:

- (a) The name and address of the cottage food operation.
- (b) The name of the cottage food product.
- (c) The ingredients of the cottage food product, in descending order of predominance by weight.
- (d) The net weight or net volume of the cottage food product.
- (e) Allergen information as specified by federal labeling requirements.
- (f) If any nutritional claim is made, appropriate nutritional information as specified by federal labeling requirements.
- (g) The following statement printed in at least ten-point type in a color that provides a clear contrast to the background of the label: "Made in a cottage food operation that is not subject to Mississippi's food safety regulations."

(4) This section does not exempt a cottage food operation from any federal tax law, rule, regulation, or certificate that applies to all cottage food operations.

(5) (a) The department may investigate any complaint which alleges that a cottage food operation has violated an applicable provision of this chapter or rule adopted under this chapter.

(b) Only upon receipt of a complaint, the department's authorized officer or employee may enter and inspect the premises of a cottage food operation to determine compliance with this chapter and department rules. A cottage food operation's refusal to permit the department's authorized officer or employee entry to the premises or to conduct the inspection is grounds for disciplinary action pursuant to Section 41-3-59.

(6) This section does not apply to a person operating under a food permit issued pursuant to Section 41-3-18.

SECTION 2. The Mississippi Small Farm Development Center (MSFDC) on the campus of Alcorn State University in Lorman, Mississippi, shall be renamed the Mississippi Small Farm and Agribusiness Center (MSFAC).

SECTION 3. This act shall take effect and be in force from and after its passage.

PASSED BY THE SENATE
February 7, 2013



PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
March 12, 2013



SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR



GOVERNOR

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