3/5/18 11:05 P.M.

Chapter No. 301
18/SS26/R494
aj / hlc

SENATE BILL NO. 2924

Originated in Senate Liz Welch Secretary

SENATE BILL NO. 2924

AN ACT TO CREATE NEW SECTION 69-1-56, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE DEPARTMENT OF AGRICULTURE AND COMMERCE TO ENTER INTO AN AGREEMENT WITH THE FOOD AND DRUG ADMINISTRATION (FDA) FOR THE PURPOSES OF ENFORCING THE FDA PRODUCE SAFETY RULE OF THE FOOD SAFETY MODERNIZATION ACT; AND FOR RELATED PURPOSES.

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

SECTION 1. The following shall be codified as Section 69-1-56, Mississippi Code of 1972:

69-1-56. (1) The Department of Agriculture and Commerce is hereby designated as the state agency responsible for cooperating with the United States Food and Drug Administration (FDA) to enforce the provisions of 21 CFR Part 112. The department is further authorized to cooperate with the FDA in developing and administering the Produce Safety Rule Program of this state. The program requirements will be at least equal to those imposed under 21 CFR Part 112, and the program will be administered in a manner that will prevent or remediate the adulteration of raw agricultural commodities on farms. The department is authorized to enter into such other cooperative agreements as may be

necessary to carry out the provisions of the Produce Safety Rule Program.

(2) The Department of Agriculture and Commerce may accept advisory assistance from the Food and Drug Administration in developing the program authorized by this section, technical and laboratory assistance and training, including necessary curriculum, instructional materials, and equipment, and financial assistance or other aid for administration of the program authorized by this section.

(3) The Department of Agriculture and Commerce shall represent the state in all communications and negotiations with the FDA regarding the implementation of this section and the provisions of the FDA Food Safety Modernization Act that fall within the department's authority granted by this section.

(4) (a) The commissioner is authorized to adopt rules and regulations as may be necessary to carry out the provisions of this section, including the following:

(i) Enter the premises of any covered farm for the purpose of inspecting the farm to determine if any provision of this section is being violated;

(ii) Enter the premises of any covered farm for the purpose of securing samples or specimens to determine if any provision of this section is being violated; and

(iii) Seize, condemn, or destroy any produce that is being grown, kept, exposed for sale, held in possession or

under the control of any person on a covered farm if that produce is in violation of this section.

(b) No person shall impede, obstruct, hinder, or otherwise prevent or attempt to prevent the commissioner, an inspector of the department or any other person in the performance of his duties pursuant to this section.

(5) The provisions of this section shall remain in effect only as long as the federal funds required to implement the provisions of the FDA Food Safety Modernization Act referenced in this section are provided or upon the date of repeal of 21 CFR Part 112.

(6) Any person who violates a provision of this section or a regulation adopted pursuant to the provisions of this section may be subject to a civil penalty of not more than Five Thousand Dollars ($5,000.00) per violation. Any civil penalty imposed by ruling of the commissioner under this section shall be based upon an administrative hearing held in accordance with the provisions of Section 69-1-18.

SECTION 2. This act shall take effect and be in force from and after its passage.

PASSED BY THE SENATE
January 31, 2018

Tate Reeves

PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
February 21, 2018

Philip Gunn

SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR

Phil Bryant

GOVERNOR

March 5, 2018
11:05 a.m.