

2010 Mississippi Code

TITLE 75 - REGULATION OF TRADE, COMMERCE AND INVESTMENTS

Chapter 31 - Milk and Milk Products.

75-31-65 - Regulation of milk and milk products by State Board of Health.

§ 75-31-65. Regulation of milk and milk products by State Board of Health.

(1) The State Board of Health shall:

(a) Exercise general supervision over the production, processing and sale of milk and milk products and the processing and sale of frozen desserts.

(b) Adopt, modify, repeal and promulgate rules and regulations, after due notice and hearing, and, where not otherwise prohibited by federal law or state law, make exceptions to, grant exemptions from and enforce rules and regulations implementing or effectuating the duties of the board under this section to protect the public health.

(c) Use the most current edition of the Pasteurized Milk Ordinance, or its successor, as the basis for regulation of Grade "A" milk and milk products. Unless as otherwise provided by law, the board, in its discretion, may amend, modify or make additions to the Pasteurized Milk Ordinance if the board determines that such amendment, modification or addition is in the best interest of public health.

(2) The board shall assess fees in the following amount and for the following purpose: Milk product processing plant annual permit fee \$300.00 Frozen dessert processing plant annual permit fee \$300.00 The fees authorized under this subsection shall not be assessed for milk or frozen dessert processing plants operated by public schools, by public junior colleges or by state agencies or institutions, including, without limitation, the state institutions of higher learning.

(3) Incidental sales of raw goat milk shall be legal if:

(a) The milk is sold directly to the consumer on the premises where the milk is produced;

(b) No more than nine (9) producing goats are located on the premises where the milk is produced;

(c) The person selling the milk does not advertise the milk for sale; and

(d) The following conditions, which apply to the milking of goats involved in legal incidental sales of raw goat milk, are satisfied:

(i) The milking takes place in a clean environment on a cement or comparable floor;

(ii) The milking place is enclosed by a wall and/or a screen to prevent insects from entering the milking area;

(iii) A fly strap is located in the milking area; and

(iv) Sterile containers are used in the milking process and for storage. It shall not be unlawful to store raw goat milk in a separate sterile place from pasteurized goat milk. The Cooperative Extension Service at Alcorn State University shall publish and make available literature on the requirements of this subsection, and other related milk-goat maintenance, explaining the recommended care of milk goats and the process of goat milk production and other related subjects. For the purposes of this subsection, the term "incidental sales" means sales from a farm where not more than nine (9) goats are producing milk.

(4) For purposes of this section, the term "person" includes an individual, firm, partnership, association or corporation, foreign or domestic.

(5) All fees collected by the board under this section shall be paid into a special fund within the Department of Health to be used by the department to discharge its duties under this section.

(6) Any person coming within the provisions of this section who fails to comply with or violates any of the provisions of this section or regulations promulgated thereunder, unless otherwise specifically provided in this section, is guilty of a misdemeanor and, upon conviction, shall be fined not more than One Hundred Dollars (\$100.00) or confined in jail for not more than sixty (60) days, or both.

(7) Any person who sells or offers for sale adulterated milk or milk products or cream or frozen desserts or any milk or cream having therein any foreign substance or coloring matter or any chemicals or preservatives, whether for the purpose of increasing the quantity of milk or cream or for improving its appearance or for the purpose of preserving the condition of sweetness thereof, or for any other purpose whatsoever, or unpasteurized milk or milk products except as otherwise authorized by law, is guilty of a misdemeanor, and, upon conviction, shall be fined not more than Five Hundred Dollars (\$500.00) or confined in jail not more than sixty (60) days, or both; however, nothing in this subsection shall be construed to prevent the addition of vitamins to milk or milk products in accordance with the rules and regulations promulgated by the board or to prohibit the sale of pasteurized milk or cream or frozen desserts except

unlawful cream or unlawful milk products or unlawful frozen desserts as defined in the rules and regulations promulgated by the board.

(8) (a) Any person doing business in the State of Mississippi and engaged in the production, manufacture, sale or distribution of any dairy products that, for the purpose of destroying the business of a competitor in any locality or creating a monopoly, discriminates between different sections, localities, communities, cities or towns of the state by selling such commodity at a lower rate or price in one (1) section, locality, community, city or town than such commodity is sold by such person in any other section, locality, community, city or town, after making due allowance for the difference, if any, in the grade or quality and in the actual cost of the transportation from the point of production or purchase, if a raw product, to the place of sale, storage or distribution, is guilty of unfair discrimination, which is prohibited and declared unlawful; however, prices made to meet competition in such section, locality, community, city or town shall not be in violation of this subsection.

(b) Any person doing business in the State of Mississippi and engaged in the business of purchasing for manufacture, storage, sale or distribution of any dairy product, that, for the purpose of destroying the business of a competitor or creating a monopoly, discriminates between different sections, localities, communities, cities or towns in the state by purchasing such commodity at a higher rate or price in one (1) section, locality, community, city or town than is paid for such commodity by such person in any other section, locality, community, city or town, after making due allowance for the difference, if any, in the grade or quality, and in the actual cost of transportation from the point of purchase to the point of manufacture, sale or distribution or storage, is guilty of unfair discrimination, which is prohibited and declared to be unlawful; however, prices made to meet competition in such locality, section, community, city or town shall not be a violation of this subsection.

(c) Any person convicted of a violation of this subsection, shall be fined not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00) or shall be imprisoned in jail not more than twelve (12) months, or both.

(9) Nothing in this section shall be construed to apply to any person who does not sell his milk, cream, butter or other products mentioned herein to others.

Sources: Laws, 1999, ch. 439, § 1, eff from and after July 1, 1999.