

## Mississippi State Laws Affected by H.R. 4879

- I. Food
  - a. Food Safety
    - i. Date Label Laws
      - 1. These laws require and regulate “sell-by” date labels on food items. They are intended to promote both food quality and safety.
      - 2. Code Miss. R. 22-1-12:11
    - ii. Date Packaged, Produced, or Harvested
      - 1. These laws require manufacturers to indicate on items the date on which they were harvested, produced, or otherwise packaged and processed. They are intended to inform consumers as to freshness and quality.
      - 2. Code Miss. R. 22-1-12:11
  - b. Shellfish
    - i. Date Labels
      - 1. These laws require shellfish containers be marked with a “sell-by,” “best if used by,” or “date shucked” label to indicate to consumers when the product was packaged or the date by which it should be consumed.
      - 2. Code Miss. R. 22-1-12:11
  - c. Oleomargarine (“Margarine”)
    - i. Labeling
      - 1. Federal regulations prohibit the labeling of oleomargarine (“margarine”) as a dairy product and require certain information be included on margarine labels. Some states impose additional labeling requirements on these products such as those requiring specific ingredients be listed, that individual sticks be labeled, and that various other information be included.
      - 2. Miss. Admin. Code 2-1-4:09
  - d. Cottage Food Production
    - i. Labeling, Production, and Restriction of Sale
      - 1. These laws place conditions or restrictions the production and sale of cottage foods—those foods not produced in a commercial kitchen but instead created in home kitchens or small-scale production facilities. They are intended to ensure that the food is safe and properly labeled.
      - 2. Miss. Code Ann. §75-29-951
- II. Alcohol
  - a. None
- III. Drugs
  - a. Recreational
    - i. Salvia

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1. *Salvia divinorum* or “*Salvia*” is a species of plant whose leaves have psychoactive properties when consumed or inhaled. Some laws criminalize the sale or possession of *salvia*, while others impose age restrictions for purchase.
      2. MS ST § 41-29-113
    - b. Tobacco
      - i. Fire Safety Standards
        1. These state laws require that any cigarettes offered for sale or sold in the state be tested in accordance with specific test methods and meet certain flammability standards. They are intended to reduce the risk of unintended fires caused by discarded cigarettes.
        2. Miss. Code. Ann. § 45-12-5
        3. Miss. Code. Ann. § 45-12-7
        4. Miss. Code. Ann. § 45-12-9
- IV. Fishing
  - a. Ocean Fishing: Commercial and Sport
    - i. Equipment Requirements, Harvest Techniques, and Prohibitions
      1. These laws impose equipment requirements or prescribe special harvesting techniques for out-of-state fishing operations that bring their catch to shore in the state. They are intended to prohibit the use of unsporting or environmentally damaging fishing practices and ensure a safe and sustainable harvest.
      2. Miss. Code. Ann. § 49-7-87
      3. Miss. Code. Ann. § 49-15-64.3
      4. Miss. Code. Ann. § 49-15-78
      5. Miss. Code. Ann. § 49-15-79
- V. Wood and Lumber
  - a. None
- VI. Home Goods and Products
  - a. None
- VII. Live Animal Imports
  - a. Authorizations
    - i. Authority to Quarantine
      1. These laws establish the authority of state officials to impose embargoes, quarantines, or other regulations restricting the importation of agricultural products coming into the state. They are intended to affirm the state’s police powers and ability to protect local interests from pests and disease.
      2. Miss. Code Ann. § 69-25-23
    - b. Birds
      - i. Avian Influenza and Newcastle Disease
        1. Highly Pathogenic Avian Influenza is a contagious virus most often spread by contact between infected and healthy birds (including

wild birds). Humans also can contract this disease. The 2014-15 avian influenza outbreak required the destruction of 50 million birds costing the industry \$3.3 billion in losses. Similarly, Newcastle disease is a contagious viral bird disease affecting the poultry industry and wild avians that is transmissible to humans. States have imposed laws requiring testing, reporting, and regulating imports of poultry to control these diseases, that work in conjunction with federal restrictions.

2. Miss. Admin. Code 2-101-2:12

c. Cattle and Bison

i. Anthrax

1. Anthrax is an infectious bacterial disease often found in cattle and sheep that causes sudden death and is transmissible to humans. Most often, it is spread through exposure to the spores formed during the decay of deceased animals. Federal regulation prohibits the interstate movement of animals affected by anthrax. However, states impose further restrictions on the importation of animals that have been or may have been exposed to the disease.

2. Miss. Admin. Code 2-101-2:12

3. Miss. Admin. Code 2-101-2:15

ii. Brucellosis

1. Brucellosis is a contagious and costly disease typically affecting cattle, bison, cervids (elk and deer), and swine that also affects humans. It is a bacterial infection that spreads from animals to people most often through ingestion of unpasteurized milk, cheese, and other dairy products. All 50 states participate in a voluntary program with the federal government to control brucellosis in cattle, and many states impose additional regulations requiring testing, reporting, and regulating of imports.

2. Miss. Admin. Code 2-101-2:12

iii. Bovine Tuberculosis

1. In the early 19th century, bovine tuberculosis caused more deaths of cattle than all other diseases combined. It is a chronic bacterial disease of cows that can spread to humans, typically by the inhalation of aerosols or the ingestion of unpasteurized milk. All 50 states participate in a voluntary program administered in conjunction with the federal government requiring testing, quarantine, and destruction of diseased animals. In addition many states have enacted special legislation addressing the importation of cattle into the state.

2. Miss. Admin. Code 2-101-2:12

iv. Rabies

1. Rabies can occur in all warm-blooded animals and is always fatal if not treated promptly after exposure. All forms of livestock and

companion animals are at risk for contracting the disease. Transmission often occurs through a bite from a rabid animal and as such the disease can travel between wild and domestic species. These laws prohibit the importation of animals exposed to rabies or impose additional restrictions to prevent the spread of this disease.

2. Miss. Admin. Code 2-101-2:12
3. Miss. Admin. Code 2-101-2:15

d. Cervids

i. Chronic Wasting Disease (“CWD”): Embargo

1. Like mad cow disease in cattle, chronic wasting disease in cervids is a degenerative neurologic disease caused by an infectious agent known as a prion (a malfunctioning protein in the brain and nervous system). It causes muscle loss, deterioration of the brain and, eventually, death. It is found in both wild and captive deer populations. These laws prohibit all cervid imports in order to curb the spread of chronic wasting disease and protect local deer populations.
2. Miss. Admin. Code 2-101-2:06

e. Bees

i. Import Requirements and Health Certifications

1. These laws impose certification, permitting, or registration requirements prior to the movement of bees into the state. They are intended to ensure the health of bee colonies prior to import in order to protect the health of local bee populations and prevent the spread of disease.
2. Miss. Code Ann. § 69-25-101

ii. Bee Quarantines

1. These laws impose or authorize quarantines that restrict the importation of bees or apiary equipment. They are intended to protect local bee populations and combat the spread of disease.
2. Miss. Admin. Code 2-1-3:06

iii. Prohibition on Africanized Bees

1. These regulations prohibit the introduction of Africanized bees into the state. Some impose certification requirements to confirm that only European honeybees are allowed into the state for transport or sale and to protect the public from more aggressive Africanized bees.
2. Miss. Admin. Code 2-1-3:06
3. Miss. Admin. Code 2-1-3:01

iv. Destruction or Treatment of Colonies with American Foulbrood

1. These regulations work to limit the spread of American Foulbrood, a hive-destroying mite that can spread between colonies. Some require the immediate destruction of entering

hives found to contain American Foulbrood. Others require hives to be sprayed or treated for Foulbrood prior to import into the state.

2. Miss. Admin. Code 2-1-3:06

v. Disease Free Certifications for Sale

1. These laws require certification that bees or bee equipment be free of disease, or confirmation that each has been sterilized prior to being offered for sale within the state. They are intended to protect local consumers and bee populations.

2. Miss. Admin. Code 2-1-3:06

f. Horses

i. Equine Infectious Anemia

1. Equine Infectious Anemia (“EIA” or “Swamp Fever”) is a viral disease that is extremely contagious, spread through fly bites, and leads to severe, chronic disease or death. Federal regulations restrict the interstate movement of horses once they test positive for EIA but impose no testing requirement. States regulate the importation of horses, often requiring a negative EIA test prior to import.

2. Miss. Admin. Code 2-101-2:12

g. Sheep and Goats

i. Scrapie

1. Scrapie is a fatal, degenerative disease that affects the nervous systems of infected sheep and goats. It is one of several transmissible spongiform encephalopathies (“TSEs”)—which are related to bovine spongiform encephalopathy (“BSE” or “mad cow disease”) and chronic wasting disease in deer. Some states participate in the voluntary National Scrapie Eradication Program to test and destroy animals that test positive for scrapie. In addition, many states require negative testing or certification prior to importation.

2. Miss. Admin. Code 2-101-2:16

h. Swine

i. Pseudorabies

1. Pseudorabies is an infectious, herpes-virus disease of the central nervous system that causes convulsions, intense itching, and is generally fatal. Some states participate in the voluntary Pseudorabies Eradication State-Federal-Industry Program which includes surveillance, herd certification, and herd cleanup once an animal tests positive. Additionally, many states require testing or certification prior to import.

2. Miss. Admin. Code 2-101-2:12

ii. Swine Vesicular Disease

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1. Swine vesicular disease causes lesions on the feet, snout, and mouth of swine, and is economically costly because it must be distinguished from foot-and-mouth disease. These laws restrict the importation of pigs to prevent the spread of swine vesicular disease.
    2. Miss. Admin. Code 2-101-2:12
    3. Miss. Admin. Code 2-101-2:15
  - i. Exotic Meats
    - i. Camelids: Camel, Alpaca, and Llama
      1. These regulations require health certificates prior to the importation of camels, alpacas, and/or llamas.
      2. Miss. Admin. Code 2-101-2:12
- VIII. Companion Animals
  - a. Dogs and Cats
    - i. Veterinary Inspection Requirements
      1. These laws impose veterinary health screening or permit requirements prior to selling dogs, cats, and other companion animals, or importing them into the state. They are intended to reduce the spread of communicable disease from one state to another.
      2. Miss. Admin. Code 02-101-212
- IX. Products for Animals
  - a. Prohibited Foods
    - i. Feed Garbage to Swine
      1. Swine Health Protection Act (“SHPA”) requires that meat and animal-byproduct-containing food scraps are heat treated before being fed to swine. However, states can impose additional regulations including more stringent heat treatments, conditions on vegetable food scraps, regulations on what can be feed to owner’s own swine, import regulations, etc. For the purposes of this discussion, only regulations addressing restrictions on the importation of garbage-fed swine are relevant.
      2. Miss. Admin. Code 2-101-2:12
- X. Dead Animals and Animal Parts
  - a. Dog and Cat Meat
    - i. Prohibition
      1. These laws impose prohibit the sale of companion animals for human consumption or otherwise prohibit human consumption of dog and cat meat.
      2. Miss. Code Ann. § 97-27-19
- XI. Invasive Pests, Plants, and Disease
  - a. Ash Trees
    - i. Emerald Ash Borer

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1. The emerald ash borer is a green jewel beetle from Asia that causes nearly 100% mortality of ash trees in an infected area within 10 years. These laws supplement federal regulation and establish additional quarantines, prohibit the importation of regulated articles, or impose other conditions or inspection systems affecting regulated articles prior to import.
2. Miss. Admin. Code 2-1-3:01
- b. Peach, Plum, Apricot, Nectarine, and Almond Trees
  - i. Phony Peach Disease
    1. These laws impose quarantines on other import restrictions on plants or plant products that have been known to carry *Xylella fastidiosa*, the bacteria that causes phony peach disease. These regulations are intended to protect local fruit tree stocks and limit the spread of the disease that stops infected trees from bearing fruit.
    2. Miss. Admin. Code 2-1-3:01
- c. Oak Trees
  - i. Oak Wilt
    1. These laws impose quarantines or restrictions on products and nursery stock that may be carrying *Ceratocystis fagacearum*, the fungus responsible for oak wilt. Some require wood be treated prior to entry in order to ensure it does not spread the fungus. Oak wilt is an infectious disease that leads to the death of a variety of types of oak trees by disabling the tree's ability to conduct water. These regulations seek to protect local trees and curb the spread of the infection.
    2. Miss. Admin. Code 2-1-3:01
- d. Oak, Aspen, and Other Species of Tree
  - i. Gypsy Moth
    1. These regulations declare gypsy moths to be a pest. They are intended to supplement federal standards and provide for additional quarantines on plant imports or further prohibit the importation of regulated articles in order to contain the moths' spread. Gypsy moths affect hundreds of different plant species and cause the defoliation of millions of acres annually. These regulations seek to protect local plant populations.
    2. Miss. Admin. Code 2-1-3:01
- e. Blueberries and Huckleberries
  - i. Blueberry Scorch Virus
    1. These laws impose quarantines on blueberries or huckleberries that may have been exposed to the blueberry scorch virus. They are intended to protect local berry producers.
    2. Miss. Admin. Code 2-1-3:01
- f. Sweet Potatoes

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- i. Sweet Potato Weevils
    - 1. These laws impose quarantines or other import conditions on the interstate movement of sweet potatoes or other host materials. They are intended to protect local crops from the pests that render infested crops bitter, odiferous, and inedible.
    - 2. Miss. Admin. Code 2-1-3:01
    - 3. Miss. Code Ann. § 69-25-23
- g. Rice
  - i. Bakanae Disease
    - 1. These laws impose import restrictions or quarantines on products that may be carrying the fungus *Gibberella fujikuroi*. The fungus causes rice plants to stop producing edible grains. These regulations seek to limit the spread of disease and protect local production.
    - 2. Miss. Admin. Code 2-1-3:01
- h. Cotton
  - i. Boll Weevil and Pink Bollworm
    - 1. The boll weevil and pink bollworm are both insects that feed on cotton buds and seeds and led to the devastation of the cotton industry in the 1920's. These laws are intended to supplement federal regulations. They impose quarantines, restrict movement of products, and establish programs to treat all infected cotton with pesticides.
    - 2. MS ST § 69-37-33
    - 3. Miss. Admin. Code 2-1-3:01
- i. Various Other Plants
  - i. European Brown Garden Snails
    - 1. The European brown garden snail is a plant feeder that is very destructive to host plants and readily transported on infested nursery stock. These laws impose restrictions such as inspection requirements, fumigation, quarantines, or bans of infected or potentially infected plants.
    - 2. Miss. Admin. Code 2-1-3:01
- j. Noxious Weeds
  - i. These laws augment and supplement the federal list of noxious weeds according to the concerns of a particular state. Some prohibit any importation of a plant or seedling, while others set maximum allowances for noxious weed seeds that may be intermixed with any other agricultural seed sold within the state. They are intended to inhibit the spread of undesirable plants and weeds throughout the United States.
  - ii. Miss. Admin. Code 2-1-3:01
- k. Noxious Weed Seeds
  - i. In many cases, states that have put forth a list of noxious weeds also establish an upper bound for the ratio of noxious weed seeds to other

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seeds that can be contained in packages of mixed seed sold within the state. These laws prohibit the sale of seeds that contain noxious seed amounts in excess of those limits.

ii. Miss. Admin. Code 2-1-3:12

XII. Procurement

a. Agricultural Goods

1. These laws regulate government bid and solicitation preferences for products or services. Often they impose preferences for in-state producers of agricultural products.
2. Miss. Code Ann. § 31-7-15
3. Miss. Code Ann. § 31-5-23

XIII. General Prohibitions

a. None

XIV. Miscellaneous

a. None