

**MISSISSIPPI FOOD SANITATION LAW**  
**(Section 69-1-18, Mississippi Code of 1972, as amended)**

**Regulation 3. Retail Sale of Fresh and Frozen Fish, Meat, Poultry or Frozen Desserts from Mobile Vehicles.**

**Section 1. Definitions:**

(a) Mobile vehicle is any land vehicle that is capable of being moved from place to place and is not stationary.

(b) Transient vendor is a retailer who engages in the selling of (1) fresh fish, meat or poultry or (2) frozen fish, meat, poultry or frozen desserts at any place in the state temporarily and who does not intend to become or does not become a permanent retailer of such place.

(c) Fish means fresh or saltwater finfish, crustaceans, and other forms of aquatic life (including alligator, frog, aquatic turtle, jellyfish, sea cucumber and sea urchin and the roe of such animals) other than birds or mammals, and all mollusks if such animals are intended for human consumption.

(d) Meat means the flesh of animals intended for human consumption including the dressed flesh of cattle, swine, sheep, or goats and other edible animals except fish and poultry.

(e) Poultry means any domesticated bird intended for human consumption including chickens, turkeys, ducks, geese, or guineas but does not include ratites.

(f) Frozen Desserts means any foods which conform to the provisions of the United States Food and Drug Administration, Title 21, Code of Federal Regulation, Part 135, Subpart B. Frozen Desserts shall include such products as ice cream, frozen custard, ice milk, sherbet, frozen yogurt, ice cream sandwiches, bars or cookies.

**Section 2. Retail Sale of Fresh Fish, Meat or Poultry from Mobile Vehicles by Transient Vendors.**

(a) A retail food store license must be obtained for each vehicle in operation prior to putting each vehicle into service. The license shall be conspicuously displayed on the vehicle during sales. The vendor shall present the vehicle to the Department for inspection prior to the licensing process and once every six months thereafter, for as long as it remains in service. Mobile vehicles may also be inspected by Department personnel during their hours of operation.

(b) The vehicle's storage areas shall be completely enclosed.

(c) Floors and walls of the vehicle and the product container shall be made of material having a smooth surface and cleaned and maintained in a sanitary condition with the use of a cleaning product recognized by the food industry and used in accordance with the manufacturer's labeling instructions.

(d) The vehicle shall have adequate toilet facilities unless the licensee has a written agreement with a readily accessible facility to use that facility's toilet facilities during the licensee's hours of operation. This agreement or a copy of it shall remain in the vehicle at all times during hours of operation.

(e) The vehicle shall have lavatory facilities with hot and cold running water under pressure and cake, powder, or liquid soap shall be made available with individual paper, individual cloth, or other type towels. In lieu of this requirement, employees may use chemically treated towelettes for handwashing.

(f) All food products stored or offered for sale from mobile vehicles must have containers that are leak proof or placed in a leak proof container. Water accumulation from melting ice shall drain into a waste disposal holding tank (sized at least 15% larger than the food container) for disposal later in an approved sewage treatment system, such as a public sewage treatment plant or an individual sewage disposal system that is sized, constructed, maintained and operated according to the law unless the vehicle can be connected to an approved disposal system at each point of operation.

~~(g) All fresh fish, meat, or poultry shall be maintained at 41 degrees Fahrenheit or less. This can be accomplished by maintaining adequate ice on the fish or poultry without mechanical refrigeration or a combination of ice and mechanical refrigeration. All meat shall be maintained at 41 degrees or less by mechanical refrigeration only. If a vendor's equipment is in place at the time of adoption of this regulation, the product may be maintained at 45 degrees until August 22, 2002, at which time all products of transient vendors under mechanical refrigeration must be maintained at 41 degrees temperature.~~

~~(h) All food shall be protected from contamination from dust, dirt, foreign or injurious contamination and from cross-contamination by other type food products.~~

~~(i) The name, address and telephone number of the vendor shall be conspicuously displayed on the vehicle during sales.~~

~~(j) Advertisements must be completely in accordance with the labeling of the containers. The price per pound of each product must be included in the advertisement.~~

~~(k) All phases of the retail transaction shall be accomplished within the enclosed vehicle. This would include obtaining the particular product requested by a customer from storage within the vehicle, weighing the product and packaging the product.~~

~~(l) In addition to the above, applicable parts of the Mississippi Department of Agriculture and Commerce laws, rules and regulations covering foods would also apply.~~

~~(m) Firms or individuals presently licensed for sale from vehicles must comply with these regulations within 90 days from the date of their adoption unless otherwise stated.~~

~~**Section 3. Retail Sale of Frozen Fish, Meat, Poultry, or Frozen Desserts from Mobile Vehicles by Transient Vendors.**~~

~~(a) A retail food store license must be obtained for each vehicle in operation prior to putting each vehicle into service. The license shall be conspicuously displayed on the vehicle during sales. The vendor shall present the vehicle to the Department for inspection prior to the licensing process and once every six months thereafter, for as long as it remains in service. Mobile vehicles may be randomly inspected at anytime by Department personnel~~

~~(b) The vehicle's storage areas shall be completely enclosed.~~

~~(c) Floors and walls of the vehicle and the product containers shall be made of material having a smooth surface and cleaned and maintained in a sanitary condition with the use of a cleaning product recognized by the food industry and used in accordance with the manufacturer's labeling instructions.~~

~~(d) Advertisements must be completely in accordance with the labeling on the containers. The price per pound of random weight products must be included in the advertisement. Standard weight packages may show a total price only in the advertisement.~~

~~(e) Refrigerated vehicles must have a workable mechanical refrigeration system as the primary refrigeration source. Products shall remain in the vehicle until sold. Products in a frozen state must be maintained at all times and all sales must be by unbroken box or package.~~

~~(f) All food shall be protected from contamination from dust, dirt, foreign or injurious contamination and from cross-contamination by other type food products.~~

~~(g) The name, address and telephone number of the vendor shall be conspicuously displayed on the vehicle at all times during sales.~~

~~(h) Sample boxes shall not be displayed out of refrigeration. Products sold to customers at locations other than the vehicle must be picked up by the customer from the vehicle.~~

~~(i) In addition to the above, applicable parts of the Mississippi Department of Agriculture and Commerce laws, rules and regulations covering foods would also apply.~~

~~(j) Firms presently licensed for sale from vehicles must comply with these regulations within 90 days from the date of their adoption.~~

~~(Repealed March 7, 2007.)~~