



NOTICE OF PROPOSED RULE ADOPTION

STATE OF MISSISSIPPI

DEPARTMENT OF AGRICULTURE AND COMMERCE

Mr. John Tillson, Director
Consumer Protection Division
P.O. Box 1609
Jackson, MS 39215-1609
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JohnT@mdac.state.ms.us

Specific Legal Authority authorizing the promulgation of
Rule: Miss. Code Ann. §69-1-18(2)(a) (2006)

Reference to Rules repealed, amended or suspended by the
Proposed Rule: Section 103 of the Retail Food Sanitation
Regulations

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule:

The purpose of the amendment is to update the rules regarding the sale of certain foods from mobile vehicles to include other potentially hazardous foods and to exclude seafood and frozen desserts pursuant to agreement with the Health Department as to the regulation of these foods. The amendment also deletes references to cut and shelled vegetables that were included as a temporary amendment that has since expired by time.

This rule is proposed as a [X] Final Rule, and/or a [ ] Temporary Rule (Check one or both boxes as applicable.)

Persons may present their views on the proposed rule by addressing written comments to the agency at the above address. Persons making comments should include their name and address, as well as other contact information, and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

Oral Proceeding: (Check one box below)

[ ] An oral proceeding is scheduled on this rule on Date: Time:
Place:

If you wish to be heard and present evidence at the oral proceeding you must make a written request to the agency at the above address at least days prior to the proceeding to be placed on the agenda. The request should include your name, address, telephone number as well as other contact information; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

[X] An oral proceeding is not scheduled on this rule. Where an oral proceeding is not scheduled, an oral proceeding will be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address and telephone number of the person(s) making the request; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

Economic Impact Statement: (Check one box below)

- [X] The agency has determined that an economic impact statement is not required for this rule, or
[ ] The concise summary of the economic impact statement required is attached.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Date Rule Proposed: May 12, 2009

Proposed Effective Date of Rule: July 2, 2009

Rickey Gray, Deputy Commissioner (with signature)