

Mississippi Secretary of State
700 North Street P. O. Box 136, Jackson, MS 39205-0136

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME Mississippi Department of Agriculture and Commerce		CONTACT PERSON John Tillson	TELEPHONE NUMBER 601-359-1148	
ADDRESS P.O. Box 1609		CITY Jackson	STATE MS	ZIP 39215-1609
EMAIL JohnT@mdac.state.ms.us	SUBMIT DATE June 28, 2010	Name or number of rule(s): MDAC Rules, Subpart 4, Chapter 01, "Retail Food Store Sanitation," Section 100.01		

Short explanation of rule/amendment/pepeal and reason(s) for proposing rule/amendment/pepeal:

The Department presently adopts the current edition of the US Food Code. Recently, the US Food Code was amended and included several changes in terminology regarding violations of sanitation practices. Specifically, the terminology that set out violations as "critical" and "noncritical" was changed. This shift would require a change in the Department's administrative enforcement of the US Food Code that may affect the sanitation in retail food stores. Therefore, the Department adopts the 2005 US Food Code as the rules for retail sanitation in the State. A copy of the 2005 US Food Code may be obtained by emailing JohnT@mdac.state.ms.us.

Specific legal authority authorizing the promulgation of rule: Miss Code Ann 69-1-18(2)(a)

List all rules repealed, amended, or suspended by the proposed rule: "Retail Food Store Sanitation," Section 100.01

ORAL PROCEEDING:

- An oral proceeding is scheduled for this rule on Date: Time: Place:
- Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more 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, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/pepeal may be submitted to the filing agency.

ECONOMIC IMPACT STATEMENT:

- Economic impact statement not required for this rule.
- Concise summary of economic impact statement attached.

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
<input type="checkbox"/> Original filing <input type="checkbox"/> Renewal of effectiveness To be in effect in ____ days Effective date: <input type="checkbox"/> Immediately upon filing <input type="checkbox"/> Other (specify):	Action proposed: <input type="checkbox"/> New rule(s) <input type="checkbox"/> Amendment to existing rule(s) <input type="checkbox"/> Repeal of existing rule(s) <input type="checkbox"/> Adoption by reference Proposed effective date: <input type="checkbox"/> 30 days after final filing <input type="checkbox"/> Other (specify):	Date Proposed Rule Filed: June 28, 2010 Action taken: <input checked="" type="checkbox"/> Adopted with no changes in text <input type="checkbox"/> Adopted with changes <input checked="" type="checkbox"/> Adopted by reference <input type="checkbox"/> Withdrawn <input type="checkbox"/> Repeal adopted as proposed Effective date: <input checked="" type="checkbox"/> 30 days after filing <input type="checkbox"/> Other (specify):

Printed name and Title of person authorized to file rules: Rickey Gray, Deputy Commissioner
Signature of person authorized to file rules: *Rickey Gray, Dep Com*

OFFICIAL FILING STAMP

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FILED
 JUL 27 2010
 MISSISSIPPI
 SECRETARY OF STATE
 17163

Accepted for filing by *AF*