

**Title 15 - Mississippi Department of Health**

**Part 13 – Food Protection**

**Subpart 74 – Milk and Dairy**

**Chapter 1. REGULATION GOVERNING THE MANUFACTURE AND SALE OF FROZEN DESSERTS**

**Subchapter 1. Purpose**

Rule 1.1.1. This regulation prescribes sanitary practices relating to the transport, processing, packaging, storage and distribution of frozen desserts. The ultimate concern of this regulation is the quality of frozen dessert offered to the consuming public.

*SOURCE: Miss. Code Ann. § 75-31-65*

Rule 1.1.2. **Authority of Regulation:** The State Board of Health is authorized to promulgate these rules and regulations and exercise control over the processing and sale of frozen desserts under and by virtue of sections 75-31-41 through 75-31-49 of the Mississippi Code of 1972, Annotated.

*SOURCE: Miss. Code Ann. § 75-31-65*

Rule 1.1.3. **Permits:** It shall be unlawful for any person who does not possess a permit from the Mississippi State Department of Health to bring into, send into or receive into the state of Mississippi or its jurisdiction, for sale, or to sell, or offer for sale therein or to have in storage any frozen dessert products defined in this regulation. Provided, that grocery stores, restaurants, soda fountains and similar establishments where frozen dessert products are served or sold at retail, may be exempt from the requirements of this section.

*SOURCE: Miss. Code Ann. § 75-31-65*

Rule 1.1.4. Each frozen dessert manufacturer shall obtain an annual permit. An application for a permit shall be made to the Health Authority upon forms provided by the Health Authority and shall contain such information as the Health Authority may require. Each application for a permit shall be accompanied by a permit fee in the amount set forth in Chapter 4 of this Subpart. When the Health Authority is in receipt of all required information and the permit fee, the annual permit shall be issued..

*SOURCE: Miss. Code Ann. § 75-31-65*

Rule 1.1.5. Each permit shall be issued from the date permitted until June 30th each year.

*SOURCE: Miss. Code Ann. § 75-31-65*

Rule 1.1.6. Only a person who complies with the requirements of this regulation shall be entitled to receive and retain such a permit. Permits shall not be transferable with respect to persons and/or locations.

*SOURCE: Miss. Code Ann. § 75-31-65*

## **Subchapter 2. Suspension/Revocation of Permit**

Rule 1.2.1. When any requirement(s) of this regulation is violated, the permit holder is subject to the suspension of his/her permit. The regulatory agency may forego suspension of the permit, provided the product or products in violation are not sold or offered for sale.

*SOURCE: Miss. Code Ann. § 75-31-65*

Rule 1.2.2. The regulatory agency shall suspend such permit, whenever it has reason to believe that a public health hazard exists; or whenever the permit holder has violated any of the requirements of this regulation; or whenever the permit holder has interfered with the regulatory agency in the performance of its duties: provided, that the regulatory agency shall, in all cases except where the frozen dessert product involved creates, or appears to create, an imminent hazard to the public health; or whenever adulterated or misbranded frozen dessert products are found: or in any case of a willful refusal to permit authorized inspection, serve upon the holder a written notice of intent to suspend permit, which notice shall specify with particularity the violation(s) in question and afford the holder such reasonable opportunity to correct such violation(s) as may be agreed to by the parties, or in the absence of agreement, fixed by the regulatory agency before making any order of suspension effective. A suspension of permit shall remain in effect until the violation(s) has been corrected to the satisfaction of the regulatory agency.

*SOURCE: Miss. Code Ann. § 75-31-65*

Rule 1.2.3. Upon repeated violation(s), the regulatory agency may revoke such permit following reasonable notice to the permit holder and an opportunity for a hearing.

*SOURCE: Miss. Code Ann. § 75-31-65*

## **Subchapter 3. Hearings**

Rule 1.3.1. If requested in writing, a hearing shall be scheduled within the State Department of Health not less than ten days nor more than 30 days following receipt of the request. On the basis of such hearing, the State Department of Health shall make a decision with the respect to proposed action. This decision, together with the finding of the hearing officer and reasons for the decision, shall be forwarded to the owner/applicant within 30 days of the hearing.

*SOURCE: Miss. Code Ann. § 75-31-65*

Rule 1.3.2. **Reinstatement of Permits:** Any frozen dessert manufacturer whose permit has been suspended may make written application for the reinstatement of his/her permit. Within one (1) week of the receipt of notification of any person whose permit has been suspended, the Health Authority shall make such inspection(s) and/or take samples as deemed necessary to determine compliance with the requirements of this regulation.

*SOURCE: Miss. Code Ann. § 75-31-65*

Rule 1.3.3. Whenever the permit suspension has been due to a violation of a requirement other than bacteriological, coliform, drug residue test, or cooling temperature standards, the notification shall indicate that the violation(s) has been corrected. Within one week of the receipt of such notification, the regulatory agency shall make an inspection of the applicant's establishment, and as many additional inspections thereafter as are deemed necessary, to determine that the applicant's establishment is complying with the requirements. When the findings justify, the permit shall be reinstated.

*SOURCE: Miss. Code Ann. § 75-31-65*

Rule 1.3.4. **Examination or Sampling of Frozen Desserts:** Frozen dessert samples for laboratory analysis may be collected by the Health Authority as often as necessary for the enforcement of the regulation.

*SOURCE: Miss. Code Ann. § 75-31-65*

Rule 1.3.5. **Labeling:** Prior to an issuance of a permit to a manufacturer of frozen desserts regulated by the State Department of Health, labels shall be submitted to the Health Authority for review and approval. All containers and packages enclosing frozen dessert products defined in this regulation shall be labeled in accordance with the applicable requirements of the Federal Food, Drug and Cosmetic Act as amended, the Nutrition Labeling and Education Act of 1990 and 21 CFR Part 101.

*SOURCE: Miss. Code Ann. § 75-31-65*

Rule 1.3.6. The FDA - Milk Safety Branch Frozen Dessert Processing Guidelines shall become requirements of this regulation.

*SOURCE: Miss. Code Ann. § 75-31-65*

## **Chapter 2. REGULATION GOVERNING THE PRODUCTION AND SALE OF MILK AND MILK PRODUCTS**

### **Subchapter 1. Authority of Regulation**

Rule 2.1.1. Section 41-3-15, (5) (a) and (ix), Mississippi Code of 1972, Annotated, gives the Mississippi State Board of Health (MSBH) the authority, in its discretion, to

establish programs to promote public health in Milk Sanitation. Section 41-3-17 gives the MSBH "Power to make and publish rules and regulations".

*SOURCE: Miss. Code Ann. § 75-31-65*

Rule 2.1.2. **Adoption by Reference:** The current revision of the "Grade A Pasteurized Milk Ordinance", including all public health reasons, administrative procedures, and all appendices, recommended by the U. S. Public Health Service/Food and Drug Administration (hereinafter referred to as the "Milk Ordinance") is adopted by reference. Copies of this Regulation including the adopted Milk Ordinance may be obtained from the Dairy Farm Inspection Branch and/or the Milk Plant Inspection Branch.

*SOURCE: Miss. Code Ann. § 75-31-65*

Rule 2.1.3. **Modifications of the Adoption by Reference:** The provisions of this Regulation make amendments, additions, and deletions to the Milk Ordinance adopted by reference in Section 5.2 of this Regulation.

*SOURCE: Miss. Code Ann. § 75-31-65*

Rule 2.1.4. In the Milk Ordinance, several blank spaces are identified by three periods ("..."). The following provisions identify the location of the blank spaces in the Milk Ordinance and provide the words to be inserted in the blanks:

1. On page 31, Part II, the second paragraph, the word "State" is inserted in the first blank, and the word "Mississippi" is inserted in the second blank.
2. On page 36, Section 1, Item X, the words "delegated representative" are inserted in the first blank, and the words "Mississippi State Department of Health" are inserted in the second blank, and the rest of the sentence is deleted.
3. On page 37, Section 2, the first paragraph, the word "State" is inserted in the first blank, and the word "Mississippi" is inserted in the second blank.
4. On page 38, Section 3, the first paragraph, the word "State" is inserted in the first and third blanks, and the word "Mississippi" is inserted in the second and fourth blanks.
5. On page 42, Section 5, the first paragraph, the word "State" is inserted in the first blank, and the word "Mississippi" is inserted in the second blank.
6. On page 46, Section 6, the last paragraph, the word "latest" is inserted in both blanks.
7. On page 76, Section 7, Item 6p, the first paragraph, the word "State" is inserted in the first blank, and the word "Mississippi" is inserted in the second paragraph.

8. On page 77, Section 7, Item 6p, Administrative Procedure #1, the word "State" is inserted in the first blank, and the word "Mississippi" is inserted in the second blank.
9. On page 112, Section 11, the first paragraph, the word "State" is inserted in the first blank, and the word "Mississippi" is inserted in the second and third blanks.

*SOURCE: Miss. Code Ann. § 75-31-65*

Rule 2.1.5. The Milk Ordinance is amended by:

1. Deleting the words "or its jurisdiction" wherever the words appear in the Milk Ordinance, and substitute the words "Health Authority" for the words "Regulatory Agency" wherever the words appear in the Milk Ordinance.
2. Deleting the words "twelve months from the date this ordinance is adopted" as they appear on page 121, Section 9, Milk and Milk Products Which May Be Sold, of the Milk Ordinance, and substitute the words "the effective date of this Ordinance".
3. Adding the following Definitions to Section 1:
  - a. **Imitation Milk or Imitation Milk Products.** Imitation milk or imitation milk products shall be taken to mean any substance, mixture, or compound in part or whole regardless of the name under which it may be processed, packaged, or sold or offered for sale in imitation or having the appearance or semblance of milk or milk products and which may or may not contain any milk or milk products. Imitation milk and milk products shall contain the minimum percentages of wholesome fat or oil other than milkfat and solids not fat as defined in this Regulation for milk and milk products. Where the words "milk" and/or "milk products" appear in this Regulation, they shall be interpreted to include "imitation milk" and/or "imitation milk products". Except that, substances, mixtures, or compounds having the appearance or semblance of milk or milk products that are prominently and conspicuously labeled as NON-DAIRY PRODUCTS and which contain no amount of any major milk constituent shall not be defined as imitation milk or imitation milk products and are exempt from the requirements of this Regulation. NON-DAIRY-PRODUCTS may contain very small amounts of milk constituent derivatives added for functional purposes.
  - b. **Breed Milk.** Breed milk is milk produced from dairy farms milking exclusively one recognized breed of dairy cows, and complying with the definition of "milk".

- a. **Sour Cream Dressing.** Sour cream dressing is made in semblance of sour cream and contains not less than 18 percent milkfat; except, that when the product is characterized by the addition of nutritive sweetener or bulky flavoring ingredients, the weight of the milkfat is not less than 18 percent of the remainder obtained by subtracting the weight of such optional ingredients from the weight of the product; but, in no case does the product contain less than 14.4 percent milkfat. Sour cream dressing has a titratable acidity of not less than one-half (0.5%) percent calculated as lactic acid. The blend of all ingredients used shall be pasteurized; except, that volatile flavoring substances, enzymes, bacterial cultures, and acidifying agents may be added following pasteurization.
  - b. **Cottage Cheese.** Cottage cheese is the soft uncured cheese which is prepared by mixing cottage cheese dry curd with a creaming mixture of safe and suitable ingredients and containing by weight not less than four (4%) percent milkfat and not more than 80 percent moisture. This product is further defined in the Code of Federal Regulations, Title 21, Section 133.128.
  - c. **Lowfat Cottage Cheese.** Lowfat cottage cheese is the soft uncured cottage cheese prepared by mixing cottage cheese dry curd with a creaming mixture of safe and suitable ingredients and containing by weight not less than one-half (0.5%) percent milkfat and not more than two (2%) percent milkfat and not more than 82.5 percent moisture. This product is further defined in the Code of Federal Regulations, Title 21, Section 133.131.
  - d. **Cottage Cheese Dry Curd or Dry Curd Cottage Cheese.** Cottage cheese dry curd or dry curd cottage cheese is the soft uncured cheese prepared by mixing cottage cheese dry curd with a creaming mixture of safe and suitable ingredients and containing by weight less than one-half (0.5%) percent milkfat and not more than 80 percent moisture. This product is further defined in the Code of Federal Regulations, Title 21, Section 133.129.
4. Making the following changes in Section 3, Permits:
    - a. After the first paragraph on page 38, add the following paragraphs:
      - i. Dairy farms, milk haulers, transfer stations, and receiving stations shall obtain annual permits. When such permits expire, but were in good standing prior to expiration, an application for permit will not be required, and the health authority shall issue the annual permit. When such permits expire, but were not in good standing prior to expiration (the permitting inspection revealed a violation or violations), an application for a permit shall be made to the Health Authority

upon forms provided by the Health Authority and shall contain such information as the Health Authority may require. Fees will be assessed in accordance with Chapter 4 of this Subpart

- ii. Milk plants including milk and milk product processing plants, imitation milk and imitation milk product processing plants, and single-service container and closure (for milk and milk products and imitation milk and imitation milk products) fabricating plants shall obtain annual permits. An application for a permit shall be made to the Health Authority upon forms provided by the Health Authority and shall contain such information as the Health Authority may require. Each application for a permit shall be accompanied by a permit fee in the amount set forth in Mississippi Chapter 4 of this Subpart, payable to the Mississippi State Department of Health. Failure to submit fee on initial application shall result in disapproval of application. Failure to submit fee with subsequent annual application shall result in revoking the permit. When the Health Authority is in receipt of all required information and the permit fee, the annual permit shall be issued.
5. Insert the following italicized phrase shown below into the same sentence of the third paragraph on page 38: “.....*imminent hazard to the public health; or whenever adulterated or misbranded milk and milk products are found; or in any case of a willful refusal.....*”
  6. Delete the last paragraph of Administrative Procedures under Suspension of Permit on page 39. Substitute the following paragraph for the first and second paragraphs under Reinstatement of Permits - Administrative Procedures on page 39: “*Any milk producer, milk hauler, or milk plant, receiving station, or transfer station operator whose permit has been suspended may make written application for the reinstatement of his/her permit. Within one (1) week or less of the receipt of notification of any person whose permit has been suspended, the Health Authority shall make such inspections(s) and/or take sample(s) as deemed necessary to determine compliance with the requirements of this Regulation, in accordance with Sections 5, 6, and 7 of the Milk Ordinance.*”
  7. Making the following change in Section 4, Labeling:
    - a. Amend #1. labeling requirement on page 40 as follows:
    - b. The words "Grade A"; except, in the case of imitation milk and imitation milk products.
  8. Making the following changes in Section 5, Inspection of Dairy Farms and Milk Plants:

- a. Delete the entire paragraph and title concerning Certified Industry Inspection Program under the Administrative Procedures on page 44.
  - b. Change the first sentence of the paragraph under Inspection Reports of the Administrative Procedures on page 45 as written below:
    - i. A copy of the inspection report shall be filed by the regulatory agency and retained for at least 24 months.
9. Making the following changes in Section 6, the Examination of Milk and Milk Products:
- a. Insert the italicized phrase shown below into the same sentence of the fifth paragraph on page 45: “.....*During any consecutive six months, at least four samples of pasteurized milk, ultra-pasteurized, and aseptically processed milk, flavored milk, flavored lowfat milk, flavored skim milk,.....*”
  - b. Delete the italicized phrase shown below from the fifth paragraph on page 45: “.....*flavored skim milk, each fat level of lowfat milk and each milk product defined in this Ordinance, except aseptically processed, shall be collected in at least four separate months,.....*”
  - c. Insert the italicized sentence below into the sixth paragraph on page 45: “.....*Samples of milk and milk products shall be taken while in the possession of the producer or distributor at any time prior to delivery to the store or consumer. Samples may be collected by the Health Authority from "drop shipments" of packaged milk and milk products after such products have been delivered to the cooler of a retail establishment by a distributor and are no longer in the possession of the distributor. Samples of milk and milk products from dairy retail stores, food service establishments, grocery stores, and other places where milk and milk products are sold shall be examined periodically as determined by the Health Authority.....*”
  - d. Amend the first paragraph on page 46 to read as follows by adding the italicized wording as shown below: *Required bacterial counts, somatic cell counts, cooling temperature checks, and such other tests deemed necessary shall be performed on raw milk for pasteurization. In addition, drug tests on producer's milk shall be conducted at least four times during any consecutive 6 months. Required bacterial counts, test for milkfat content, coliform determination, drug test, phosphatase test, adulterant test, cooling temperature check, and such other tests deemed necessary shall be performed on pasteurized milk, ultra-pasteurized, and aseptically processed milk and milk products as applicable.*
  - e. Insert the italicized words shown below into the same sentence of the second paragraph on page 46.

- i. ....Whenever two of the last four consecutive bacterial counts (except those for aseptically processed milk and milk products), milkfat tests, somatic cell counts, coliform determinations, or cooling temperatures, taken on separate days,.....
    - ii. ....instituted whenever the standard is violated by three of the last five bacterial counts (except those for aseptically processed milk and milk products), milkfat tests, coliform determinations, cooling temperatures or somatic cell counts.
  - f. Insert the following paragraph between the second and third paragraphs on page 46: *“Whenever a freezing point determination exceeds the standard, the cause shall be determined. Where the cause is added water, it shall be corrected and any milk or milk product involved shall not be offered for sale.”*
  - g. Insert the following paragraph between the fifth and sixth paragraphs on page 46: *“The suspension of permit shall be rescinded when the results of the last sample comply with applicable standards. However, when the permit is suspended within six (6) months of the last suspension, it will be reinstated when the results of three (3) of the last five (5) samples comply with applicable standards. Samples shall be taken at a rate of not more than two (2) per week. No milk produced on a dairy farm while under permit suspension shall be sold Grade A.”*
- 10. Adding provisions promulgated concerning "Equivalent Penalty" immediately after the Paragraph on Penalties of Appendix "N"; Part II, Regulatory Agency Responsibilities; Part B, Enforcement, on page 315 that are required by the "Grade A Pasteurized Milk Ordinance" to be developed and enforced by the Mississippi State Department of Health as follows: ***“Equivalent Penalties.** The Health Authority shall use equivalent penalties where their use is allowed in Appendix "N". Provided; all milk used as equivalent penalty has been dumped to waste, and the dairy farmer whose Grade A permit has been suspended due to drug residual has not been paid for the milk dumped to waste nor has benefited financially for the milk dumped to waste. The weight of milk or the number of milkings proposed as equivalent penalty against the suspension period may include: (1) the dairy farmer's production found to be adulterated that is contributed to a tanker load that is also found to be adulterated; (2) the remaining weight of milk on the same adulterated tanker load of milk that was paid for by the dairy farmer whose Grade A permit was suspended: and/or, (3) milk in the dairy farmer's bulk milk tank(s) at the time of suspension of permit, due to positive drug residual, that is dumped to waste on the farm. Equivalent penalty cannot be "saved" and applied to a future permit suspension. The Health Authority shall request evidence in the form of information by telephone and documentation from the dairy farmer and/or management of the member dairy farmer's bulk tank unit concerning certification of the weight of milk or number of*

*milking dumped to waste. Financial instruments indicating payment or non-payment to the suspended dairy farmer for milk dumped to waste and indicating payment by the suspended dairy farmer for other milk on the adulterated tanker load of milk that was dumped to waste due to drug residual shall be provided the Health Authority upon request. If at any time and for any reason the Health Authority cannot obtain the evidence required above, an equivalent penalty counted against the suspension period will not be allowed when dealing with a suspended dairy farmer belonging to the non-cooperating bulk tank unit; and, the penalty will be the dumping of milk on the farm for the suspension period from that time forward.”*

11. Amending Table 1., Chemical, Bacteriological, And Temperature Standards, in Section 7 on page 51 as follows:

a. Insert the following standards after "Somatic Cell Count" in the "Grade A Raw Milk And Milk Products For Pasteurization, Ultra-Pasteurization, Or Aseptic Processing" Section of the Table:

**Freezing Point** . . . . . - 0.530 Degrees C. or Lower.

**Pesticides and Other Deleterious Chemicals**.....Federal Food and Drug Administration and Mississippi State Department of Health Tolerances and Save Levels

12. Insert the following standards after "Drugs" in the "Grade A Pasteurized Milk And Bulk Shipped Heat-Treated Milk Products" Section of the Table:

**Freezing Point** . . . . . - 0.525 Degrees C. or Lower.

**Pesticides and Other Deleterious Chemicals** . . . . Federal Food and Drug Administration and Mississippi State Department of Health Tolerances and Safe Levels.

**Milkfat Content** . . . . . As required by Product Definition herein.

13. Insert the following standards after "Drugs" in the "Grade A Aseptically Processed Milk And Milk Products" Section of the Table:

**Freezing Point** . . . . . - 0.525 Degrees C. or Lower.

**Pesticides and Other Deleterious Chemicals** . . . . Federal Food and Drug Administration and Mississippi State Department of Health Tolerances and Safe Levels.

**Milkfat Content** . . . . . As required by Product Definition herein.

14. Making the following changes in the "Sanitation Requirements for Grade A Pasteurized, Ultra-Pasteurized and Aseptically Processed Milk and Milk

Products" in Section 7, Standards for Milk and Milk Products, starting on page 73:

- a. Insert the italicized phrase shown below into the same sentence of the first paragraph under Item 1p., Floors--Construction, on page 73:  
*".....sloped, provided with trapped drains at least four (4) inches in diameter and kept in good repair....."*
- b. Substitute the following paragraphs as appropriate for the first paragraph and Administrative Procedures 1 and 2 under Item 2p on page 74: *"Walls and ceilings of rooms in which milk or milk products are handled, processed, or stored, or in which milk containers, utensils, and equipment are washed, and of all rooms in which the functional purpose may require cleaning with water and or chemicals, shall have a smooth, washable, light-colored surface, in good repair, equivalent to glazed tile, and not less than ten (10) feet in height."*

15. Administrative Procedures

- a. This item is deemed satisfied when: *Walls of all rooms in which milk is handled, processed or stored, or in which milk containers, utensils, or cases are washed, and of all rooms in which the functional purpose may require cleaning with water and/or chemicals, such as mechanical rooms, clean-in-place operations room, tank gallery, and refrigerated rooms, are constructed of sheet metal, dairy type tile, cement block, brick, concrete, cement plaster, or similar impervious materials of light color and smooth, washable surface.*

*SOURCE: Miss. Code Ann. § 75-31-65*

Rule 2.1.6. Walls of other rooms and ceilings of all rooms are finished with smooth, washable, light-colored painted wood, tile, smooth-surface concrete, cement plaster, brick, or other equivalent materials with washable, light-colored surfaces.

*SOURCE: Miss. Code Ann. § 75-31-65*

Rule 2.1.7. Insert the following into Item 5p., Separate Rooms, following Sub-item #4 on page 75:

3. Cold storage.
4. Dry storage of ingredients and containers and packaging materials; and,
5. For mechanical purposes.

*SOURCE: Miss. Code Ann. § 75-31-65*

Rule 2.1.8. Plants receiving milk in bulk transport tanks shall provide for unloading, cleaning, and sanitizing facilities. Unless all milk and milk products are received in bulk transport tanks, a receiving room, mentioned in four (4) above shall be required.

*SOURCE: Miss. Code Ann. § 75-31-65*

Rule 2.1.9. Insert the following into Item 5p., Separate Rooms, following the second paragraph of the Item on page 75: *“Cottage cheese vats shall be located in a separate room, maintained free from flies and other vermin, and kept in a clean condition: provided, that in existing installations, cottage cheese vats may be located in the processing room when there is no evidence of overcrowding, excessive traffic, condensation, or splash. Cottage cheese vats located in processing rooms shall be equipped with multiple-service or single-service covers which shall be kept in place at all times during the “setting” operation.”*

*SOURCE: Miss. Code Ann. § 75-31-65*

Rule 2.1.10. Insert the following into the Administrative Procedures of Item 5p., Separate Rooms, following Administrative Procedure #7 on page 76:

3. *“Cottage cheese vats are located in a separate room, maintained free from flies and other vermin, and kept in a clean condition: provided, that in existing installations, cottage cheese vats may be located in the processing room when there is no evidence of overcrowding, excessive traffic, condensation, or splash.*
4. *Cottage cheese vats located in processing rooms are equipped with multiple-service or single-service covers which are kept in place at all times during the “setting” operation.”*

*SOURCE: Miss. Code Ann. § 75-31-65*

Rule 2.1.11. Substitute the following paragraph for the first paragraph under Item 6p., Toilet-Sewage Disposal Facilities, on page 76: *“Every milk plant shall be provided with flush type toilet facilities conforming with the Regulations of the State of Mississippi. Toilet rooms shall not open directly into any room in which milk and/or milk products are handled or processed. Toilet rooms shall be completely enclosed and shall have tight-fitting, self-closing doors. Toilet rooms shall have a lavatory including hot and cold running water, soap, and individual sanitary towels. Dressing rooms, toilet rooms, and fixtures shall be kept in a clean condition, in good repair, and shall be well-ventilated and well-lighted. Signs shall be posted in all toilet rooms used by employees directing them to wash their hands before returning to work. Sewage and other liquid wastes shall be disposed of in a sanitary manner approved by the Health Authority.”*

*SOURCE: Miss. Code Ann. § 75-31-65*

Rule 2.1.12. Add the following to the Administrative Procedures of Item 6p., Toilet-Sewage Disposal Facilities, after Administrative Procedure #8 on page 77:

3. *Toilet rooms are supplied with a hand-washing lavatory including hot and cold running water, soap, and individual sanitary towels.*
4. *Signs are posted in all toilet rooms used by employees directing them to wash their hands before returning to work.*
5. *All drains from a flush type toilet room shall be trapped and drain into the sanitary sewer including floor drains, showers, lavatories, and all toilet room fixtures.*
6. *All wastes resulting from the cleaning and rinsing of containers, equipment, and floors, from flush toilets, and from washing facilities are disposed of in a sanitary manner by proper connection of the plant's sewer system to a public sewer; provided, if a public sewer is not available, a proper connection shall be made to a properly designed, installed, and operated individual wastewater disposal system approved by the Mississippi State Department of Environmental Quality.*
7. *All new sanitary toilet facilities serving plant processing facilities have floors constructed of dairy type tile, concrete, or similar impervious material sloped to drain; and, are provided with a trapped drain of at least two (2) inches in diameter draining into the sanitary sewer. The joints between the floor and walls are impervious; and, the floor and joint are maintained in good repair.*
8. *All new sanitary toilet facilities serving plant processing facilities have walls constructed of dairy type glazed tile, cement block, concrete, brick, or similar impervious, light-colored, smooth surfaced and washable material. The walls are maintained in good repair; and, the ceiling and painted surfaces are repainted when the finish discolors.*

*SOURCE: Miss. Code Ann. § 75-31-65*

- Rule 2.1.13. Add the following to the Administrative Procedures of Item 7p., Water Supply, after Administrative Procedure #8 on page 78: *“Water supply outlets are provided immediately available to the cottage cheese vats. The hose for transport of water for washing cottage cheese curd shall be arranged in such a way as to preclude the possibility of the hose touching the floor or the product.”*

*SOURCE: Miss. Code Ann. § 75-31-65*

- Rule 2.1.14. Amend Administrative Procedure #6 of Item 10p., Sanitary Piping, on page 81 by adding a second sentence to the paragraph as follows: *“Provided, that cottage cheese, cheese dressings, or cheese ingredients may be transported by other methods which protect the product from contamination.”*

*SOURCE: Miss. Code Ann. § 75-31-65*

- Rule 2.1.15. Insert the italicized phrases shown below into the same sentence of the first paragraph under Item 11p., Construction and Repair of Containers and

Equipment, on page 81: “.....shall be constructed for ease of cleaning; shall be kept in good repair; shall meet the 3-A Sanitary Standards, and be approved by the State Health Authority. All equipment and appurtenances shall be at least two (2) feet from the wall and other stationary equipment; and adequate work space shall be provided. All single-service containers, closures, gaskets, and other articles with.....”

*SOURCE: Miss. Code Ann. § 75-31-65*

Rule 2.1.16. Add the following to the Administrative Procedures of Item 11p., Construction and Repair of Containers and Equipment, after Administrative Procedure #10 on page 82: “Woven wire screens or multiple screen packs used in fill nozzles to minimize the generation of foam in containers are designed, constructed, and installed in compliance with 3-A Sanitary Standards.”

*SOURCE: Miss. Code Ann. § 75-31-65*

Rule 2.1.17. Insert the italicized sentences shown below into the same sentences of the first paragraph of Item 15p., Protection From Contamination, on page 87: “.....*The processing or handling of products other than milk or milk products in the pasteurization plant shall be performed to preclude the contamination of such milk and milk products. **Breed milk and imitation milk and milk products as defined under Section 1 may be handled, processed, and packaged in a plant with other milk; provided, they are kept separate, and sufficient records maintained as directed by the State Health Authority. No ungraded milk and/or milk products are permitted in a plant; except, as provided under Section 2, Section 4, Item (1), and Section 9.** The storage, handling and use of poisonous or toxic materials shall be performed to preclude the contamination of milk and milk products, or ingredients of such milk and milk products or the product-contact -surfaces of all equipment, containers or utensils.*”

*SOURCE: Miss. Code Ann. § 75-31-65*

Rule 2.1.18. Insert the italicized sentence shown below into the same sentences of the first paragraph of Item 17p., Cooling of Milk, on page 114: “.....*Every room or tank in which milk or milk products are stored shall be equipped with an accurate thermometer. Open type surface coolers are prohibited. Provided, that aseptically processed milk and milk products to be packaged in hermetically sealed containers shall be exempt from the cooling requirements of this item.*”

*SOURCE: Miss. Code Ann. § 75-31-65*

Rule 2.1.19. Substitute the following sentence for all paragraphs of Administrative Procedure #4 under Item 17p., Cooling of Milk, on pages 114 and 115: “*All open type surface coolers are prohibited.*”

*SOURCE: Miss. Code Ann. § 75-31-65*

Rule 2.1.20. Amend the first paragraph of Administrative Procedure #3 under Item 17p., Cooling of Milk, on page 114 by adding the following sentence to the first paragraph: *“Each delivery vehicle shall be equipped with an accurate thermometer.”*

*SOURCE: Miss. Code Ann. § 75-31-65*

Rule 2.1.21. Amend the first paragraph under Item 18p., Bottling and Packaging, on page 11 by adding the following sentence: *“Provided, that cottage cheese, dry curd cottage cheese, and lowfat cottage cheese may be transported in sealed containers in a protected, sanitary manner from one plant to another for creaming and/or packaging.”*

*SOURCE: Miss. Code Ann. § 75-31-65*

Rule 2.1.22. Amend the Administrative Procedures under Item 18p., Bottling and Packaging, by adding a new Administrative Procedure on page 116 as follows: *“Cottage cheese, dry curd cottage cheese, and lowfat cottage cheese are protected in a sanitary manner; they may be transported in sealed containers from one plant to another for creaming and/or packaging.”*

*SOURCE: Miss. Code Ann. § 75-31-65*

Rule 2.1.23. Amend the Administrative Procedures under Item 19p., Capping, by adding to the end of each indicated Administrative Procedure on page 117 the appropriate sentence written below:

3. Provided further, that if suitable equipment is not available for capping cottage cheese, dry curd cottage cheese and lowfat cottage cheese, other methods of capping which eliminate possible chances of contamination may be approved by the Health Authority.
4. Closures for cottage cheese, dry curd cottage cheese and lowfat cottage cheese containers shall extend over the top edges of the container so as to protect the product from contamination during subsequent handling.
5. Provided, that this requirement shall not apply to cottage cheese, dry curd cottage cheese, and lowfat cottage cheese container closures, when such closures are supplied in a totally enclosed package, or wrapped so as to protect the closures.

*SOURCE: Miss. Code Ann. § 75-31-65*

Rule 2.1.24. Making the following changes in Section 11, Milk and Milk Products From Points Beyond the Limits of Routine Inspection:

*SOURCE: Miss. Code Ann. § 75-31-65*

Rule 2.1.25. Add to the Administrative Procedures on page 123 as follows:

3. 7. After receipt, aseptically processed milk and milk products shall comply with the bacteriological and chemical requirements of Section 7.
4. 8. All milk and milk products that are proposed for sale in the State of Mississippi shall comply with the labeling requirements of Section 4 upon receipt.

*SOURCE: Miss. Code Ann. § 75-31-65*

Rule 2.1.26. Making the following change in Section 15, Enforcement: Substitute the following paragraph for the only paragraph under Section 15 on page 126: *“This Regulation shall be enforced by the Health Authority in accordance with the Grade A Pasteurized Milk Ordinance with Administrative Procedures – 1993 Recommendations of the United States Public Health Service/Food and Drug Administration and its subsequent amended editions, a certified copy of which shall be on file in the Office of the Executive Secretary, Mississippi State Board of Health. Where the mandatory compliance with provisions of the appendices is specified, such provisions shall be deemed a requirement of the Regulation.”*

*SOURCE: Miss. Code Ann. § 75-31-65*

Rule 2.1.27. Making the following change in Section 16, Penalty: Substitute the following paragraph for the only paragraph under Section 16 on page 126: *“Any person who shall violate any of the provisions of this Regulation shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine as provided by law, at the discretion of the Court and/or such persons may be enjoined from continuing such violations. Each day upon which such a violation occurs shall constitute a separate violation.”*

*SOURCE: Miss. Code Ann. § 75-31-65*

Rule 2.1.28. Making the following change in Section 17, Repeal and Date of Effect: Substitute the following paragraph for the only paragraph under Section 17 on page 126: *“All Regulations and parts of Regulations in conflict with this Regulation are hereby repealed. This Regulation shall be in full force and effective immediately upon adoption as provided by law.”*

*SOURCE: Miss. Code Ann. § 75-31-65*

### **Chapter 3 REGULATION GOVERNING THE PRODUCTION AND SALE OF MILK AND MILK PRODUCTS**

### **Chapter 4 REGULATION GOVERNING FEES**

Rule 4.1.1 Fees necessary to support program functions shall be assessed according to the following chart:

Activity Type	Payment Frequency	Fee
Frozen Dessert Permit	Per year	\$396.75
Milk Processor Permit	Per year	\$396.75
IMS Rating Fee	Per rating	\$230.00
Milk Processor – Startup Plan Review	Per new facility application	\$230.00
Milk Producer and/or Processor Reinspection and/or Followup	Per visit	\$57.50
Industry tester/equipment reseal fee	Per visit	\$230.00
Receiver/sampler Permit	Per year	\$115.00
Unofficial, Warning, Degrade samples	Per visit	\$57.50
Water samples taken at milk processing plants and wash stations	Per sample	\$57.50
Single Service Container sampling	Per collection	\$57.50

*SOURCE: Miss. Code Ann. § 75-31-65*

## Part 13: Office of Health Protection

### Subpart 75: Food Safety

#### Chapter 1 REGULATION GOVERNING BOTTLED WATER

##### Subchapter 1 Purpose

Rule 1.1.1 This regulation prescribes sanitary practices relating to the source, transportation, processing, bottling, storage and distribution of bulk, vended or bottled drinking water. The ultimate concern of this regulation is the quality of water offered to the consuming public. Seltzer and soda waters are not included in this regulation.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 1.1.2 **Authorization:** The State Board of Health is authorized to promulgate these rules under and by virtue of section 41-3-15, 41-3-18 and 75-29-801 through 75-29-809 of the Mississippi Code of 1972, annotated.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 1.1.3 **Adoption by Reference:** The Code of Federal Regulations 21 CFR Parts 103, 129, 165, and 184, recommended by the U.S. Department of Health and Human Services/Food and Drug Administration is adopted by reference. Copies of this Regulation may be obtained from the Milk Plant and Bottled Water Inspection Branch.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 1.1.4 **Modifications of the Adoption by Reference:** The provisions in sections 104 thru 110 of this Regulation make amendments, additions, and deletions to the Code of Federal Regulations Parts 110, 129, 165, and 184.1563 adopted by reference.

*SOURCE: Miss. Code Ann. § 75-29-19*

##### Subchapter 2 Definitions

Rule 1.2.1 For this regulation, the following words and phrases shall have the meanings indicated:

- 1 **Approved Laboratory** means a laboratory approved by the United States Environmental Protection Agency, Mississippi State Department of Health or any agency of another state or foreign country to perform drinking water analyses in accordance with water quality testing procedures outlined by the United States Environmental Protection Agency.

- 2     **Bottled Water Plant** means any place or establishment where water is received, prepared, processed, packaged and provided for human consumption or other consumer uses.
- 3     **Department** shall mean the Mississippi State Department of Health or its designated employees.
- 4     **Health Authority** shall mean the Mississippi State Department of Health or its representative.
- 5     **Plant Operator** means any person who owns or operates a bottled water plant.
- 6     **Water Dealer** means any person who imports bulk water or causes bulk water to be transported for bottling for human consumption or other consumer use.
- 7     **Vended Water** means water dispensed by a water vending machine.
- 8     **Water Vending Machine** means any self-service device that upon insertion of money or tokens or upon receipt of payment by other means, dispenses unit servings of water in bulk into a container, without the necessity of refilling the machine between each operation. For the purpose of this rule, bottled water coolers or dispensers providing individual servings are not included.
- 9     **Water Vending Machine Operator** means any person who owns, leases, manages, or is otherwise responsible for the operation of a water vending machine.

*SOURCE: Miss. Code Ann. § 75-29-19*

### **Subchapter 3 Permits**

Rule 1.3.1     Each person who establishes, maintains, or operates a bottled water plant in the state shall first secure an annual bottled water plant operating permit from the Mississippi State Department of Health.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 1.3.2     Each person who imports water or causes water to be transported into or within the state for human consumption or other consumer uses shall secure an annual water dealer permit from the Mississippi State Department of Health. Bulk water that is transported into the state shall be from approved sources.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 1.3.3     Each person who is both a bottled water plant operator and water dealer shall be issued a combination permit and shall be required to pay one fee only.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 1.3.4 Bottled water that is imported into and offered for sale in the state shall be processed and packaged in an approved bottled water plant that holds a valid annual bottled water operating permit issued by the Mississippi State Department of Health.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 1.3.5 An out-of-state bottler or water dealer that has a permit to bottle or transport water in that state in which the facility is located may receive a permit under this law based on reciprocity provided the finished water meets the quality standards as provided in this regulation. All information submitted shall be legible and in English or have an adequate English translation attached.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 1.3.6 A bottler outside the United States may receive a permit under this law based on a showing satisfactory to the Department that the permit requirements and regulations for the source, bottling facility, treatment and bottling practices, and product water be at least as stringent as the requirements of this regulation. All information submitted shall be legible and in English or have an adequate English translation attached.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 1.3.7 An out- of-state or out-of-country bottled water plant or bottled water dealer that is located in an area absent of any bottled water regulation may receive a permit under this law based on a showing satisfactory to the Department that the source, bottling facility, treatment and bottling practices and product water meet the requirements of this regulation. All information submitted shall be legible and in English or have an adequate English translation attached.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 1.3.8 If, after considering the source of water and the treatment process provided by a bottled water plant operator or water dealer, the Department finds that the finished water will meet the quality standards as defined by this regulation and the inspection determines the plant complies with the physical requirements set forth in this regulation, the permit will be issued.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 1.3.9 Emergency Suspension of Permit

- 1 Any permit issued pursuant to this regulation may be suspended prior to a hearing if the Health Authority has reasonable cause to suspect that the continued operation of the permitted bottled water plant or water dealer constitutes a substantial hazard to the public health,

- 2 Whenever a permit is suspended the holder of the permit or person in charge shall be notified in writing that the permit is, upon service of the notice, immediately suspended and that an opportunity for hearing will be provided if requested in writing within ten days of the receipt of the notice of suspension. If no written request for hearing is filed within ten days, the suspension is sustained.
- 3 The Health Authority may relinquish the suspension at any time if reasons for the suspension no longer exist.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 1.3.10 Denial or Revocation of Permit: Grounds for denial or revocation of a permit shall include but not limited to:

- 1 Failure to complete the information requested on the application.
- 2 Falsification of information submitted on an application for permit.
- 3 Refusal to allow inspections by the Health Authority, or other interference in the inspection.
- 4 Violation of the Regulation Governing Bottled Water.
- 5 Failure to correct violations of inspection standards within the time specified following inspection.
- 6 Any circumstances where the operation of the bottled water plant or water dealer constitutes a hazard to the public health.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 1.3.11 Notice. Prior to revocation or denial of a permit, the owner of the bottled water plant or water dealer shall be notified, in writing, of the proposed action, together with the reasons for the same. Said notice shall provide owners/applicants ten days in which to request a hearing.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 1.3.12 Hearing. If requested in writing, a hearing shall be scheduled within the State Department of Health not less than ten days nor more than 30 days following receipt of the request. On the basis of such hearing, the State Department of Health shall make a decision with respect to proposed action. This decision, together with the finding of the hearing officer, and reasons for the decision, shall be forwarded to the owner/applicant within 30 days of the hearing.

*SOURCE: Miss. Code Ann. § 75-29-19*

## **Subchapter 4 Inspections**

Rule 1.4.1 The Health Authority shall inspect annually each instate bottled water plant prior to issuing a permit, and shall make as many additional inspections as necessary for the enforcement of this regulation.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 1.4.2 Whenever an inspection is made of a bottled water plant the findings shall be recorded on an official inspection form, and finished to the person in charge of the bottled water plant at the time of the inspection, or posted in a conspicuous place.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 1.4.3 If violations noted on the inspection form are not corrected within the period specified by the Health Authority, a permit may be denied, suspended or revoked in accordance with this regulation.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 1.4.4 The Health Authority may enter any bottled water plant, water dealer warehouse or distribution center during normal hours of operation, for the purpose of making inspections, or investigations to determine compliance with this regulation.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 1.4.5 Out-of-state and out-of-country bottled water plants shall submit copies of current inspection and reports as prescribed in 105 items 105.06 and 105.07 of this section and as often as deemed necessary by the Department in order to assure compliance with this regulation.

*SOURCE: Miss. Code Ann. § 75-29-19*

## **Subchapter 5 Permit Applications**

Rule 1.5.1 Application for an original or renewal permit for a bottled water plant operator or water dealer shall be made in writing to the Mississippi State Department of Health on forms provided by the Department. The application, incorporated by reference herein and titled Application for Water Dealer Permit or Application for Bottled Water Plant Operating Permit, shall state the location of the source of water, the location of the bottled water plant; the mailing address of the dealer and/or bottler, the treatment the water receives; the physical, microbiological, chemical and radiological qualities of the water, and other information determined necessary by the Department to carry out the provisions of this regulation. All information submitted shall be legible and in English or have an adequate English translation attached.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 1.5.2 Each permit shall be issued only for the water dealer or the bottled water plant named in the application, and shall not be transferable or assignable.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 1.5.3 Each permit shall be issued from date permitted until December 31st each year.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 1.5.4 Prior to approval of any application for a permit, the State Department of Health shall inspect the proposed instate bottled water plant to determine compliance with the requirements of this regulation.

*SOURCE: Miss. Code Ann. § 75-29-19*

### **Subchapter 6 Review of Plans and Specifications**

Rule 1.6.1 Prior to construction, remodeling or conversion for use as a bottled water plant, plans and specifications shall be submitted to the Health Authority for review and approval. The plans and specifications shall indicate the proposed layout, arrangement, and construction materials of work areas and the type and model of proposed equipment and facilities to the extent necessary to determine whether the proposed facility will comply with the Regulation Governing Bottled Water.

*SOURCE: Miss. Code Ann. § 75-29-19*

### **Subchapter 7 Penalties**

Rule 1.7.1 Any person who operates a bottled water plant or causes water to be transported into or within the state for sale without first obtaining a permit as required by Section 105 of this regulation; or who operates a bottled water plant or water transportation vehicle violating an order to cease operations; or who maintains or operates a bottled water plant or water transport vehicle or vessel after revocation of the permit; or who at any time during the plant's working hours or downtime during the normal workday fails to allow a duly authorized representative of the Department to enter the premises to conduct an inspection is guilty of a misdemeanor, punishable as provided by law.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 1.7.2 **Fees:** The annual permit fee for a bottled water plant and/or dealer is specified in Chapter 5 of this Subpart.

*SOURCE: Miss. Code Ann. § 75-29-19*

## **Subchapter 8 Transportation of Bulk Water**

Rule 1.8.1 All water transported in bulk shall be from an approved source that meets the standards of protection, microbiological, chemical, radiological and physical qualities as outlined in this regulation.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 1.8.2 As part of the pre-treatment process, bulk tanks, hoses, pumps and connections used for loading, transporting and unloading water shall be cleaned and sanitized. Raw water for transport shall be treated with an effective disinfectant.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 1.8.3 Tanks and filling and delivery hose connections shall be cleaned and sanitized regularly. The tank shall be sealed always unless being filled, being cleaned and sanitized and when the water is being delivered. A record of such cleaning and sanitizing shall be maintained with the vehicle and shall be available when requested by the Department. Pumps, hoses, connections and fittings shall be capped and protected from contamination when not in use. The tank manhole shall not be used as a means of filling the tank. During delivery of bulk water, to prevent collapse of the tank, the manhole may be opened but shall be provided with a single service air filter to prevent contamination.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 1.8.4 All surfaces that come into contact with water during storage prior to transport, during transport or during storage after transport, shall be made of smooth impervious, non-absorbent, corrosion resistant and non-toxic material such as stainless steel of the American Iron and Steel Institute 300 Series, or equally corrosion-resistant non-toxic material. All water contact surfaces shall be free of substances that may render the water injurious to health or which may adversely affect the flavor, color, turbidity, odor, radiological, microbiological or chemical quality of the water.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 1.8.5 Bulk water transport is intended to move raw water from one area to another for the purpose of treatment, packaging and human consumption. Such water shall not be dispensed directly to consumers from a bulk water transport or indirectly through some other vending device. In the case of an emergency such as a drinking water shortage or outage or a contaminated water supply, treated water may be dispensed directly from a properly sanitized water transport vehicle to the affected consumers provided such operation has been approved by a state or local health, environmental or emergency management group.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 1.8.6 Suitable shelter shall be provided that protects the transport tank and its content from rain, dust, aerosols or other contaminants during the filling and delivery process. Overhead protection of the entire transport tanker including a work space at the rear of the tank and an overhead work space of adequate size shall be provided for use during the unloading process.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 1.8.7 Any plant that is to receive bulk water must be constructed in a manner to receive water properly and to clean and sanitize the tanker after unloading. The tanker must be tagged and sealed after cleaning and sanitizing by the plant.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 1.8.8 The cleaning tag shall be removed by the receiving plant and attached to the invoice or load manifest and provide the information as directed in item 109.09 of this section.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 1.8.9 The cleaning tag shall specify:

- 1 name and address of plant where cleaned and sanitized
- 2 date of cleaning
- 3 signature of person who sanitized the unit

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 1.8.10 All vehicles and transport tanks containing bulk raw water for processing, processed water for bottling, or bottled water shall be legibly marked with the name and address of the water bottling plant or water dealer in possession of the contents.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 1.8.11 Tanks or vehicles transporting raw water for processing and bottling or processed water for bottling shall be sealed; and, in addition, for each shipment a shipping statement, invoice, or manifest shall be prepared by the dealer making the shipment indicating at least the following information:

- 1 Shipper's (dealer) name, address, and permit number.
- 2 Source and/or point of origin of shipment.
- 3 Tanker identity.

- 4 Name of product.
- 5 Net content.
- 6 Date of loading and date of shipment.
- 7 Name of supervising Health Authority at the source and at the point of origin if different.
- 8 Whether the contents are raw or processed.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 1.8.12 Discontinuance of Operation: The Department shall order a bottled water plant or water dealer to discontinue operation if conditions represent a threat to the life or health of any person, or if the finished water or bulk water does not meet standards established by these rules. Such bottled water plant shall not operate until such time as the Department determines that the conditions that caused the operation to be discontinued no longer exist.

*SOURCE: Miss. Code Ann. § 75-29-19*

### **Subchapter 9 Water Vending Machines**

Rule 1.9.1 A water vending machine shall comply with the regulation for bottled water plants except when inconsistent with the special requirements prescribed in this section and then the following requirements take precedent.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 1.9.2 Water vending machines shall be designed and constructed to allow easy cleaning and maintenance of all exterior and interior surfaces and component parts.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 1.9.3 Water contact surfaces and parts of the water vending machine shall be of non-toxic, corrosion-resistant, non-absorbent material capable of withstanding repeated cleaning and sanitizing treatment.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 1.9.4 Water vending machines shall have a guarded corrosion resistant dispensing spout.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 1.9.5 Water vending machines shall be equipped to disinfect the vended water by ultraviolet light, ozone, or equally effective methods prior to delivery into the customer's container.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 1.9.6 Water vending machines shall be equipped with monitoring devices designed to shut down operations of the machine when the treatment or disinfectant unit fails to function properly.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 1.9.7 Water vending machines shall be equipped with a self-closing, tight-fitting door on the vending compartment.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 1.9.8 Water vending machines shall be located only in retail food establishments or may be considered in other establishments routinely regulated by the Mississippi State Department of Health.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 1.9.9 The floor on which a water vending machine is located shall be smooth and of cleanable construction.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 1.9.10 Each machine shall have an adequate system for collecting and disposing of drippage, spillage, and overflow of water to prevent creation of a nuisance.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 1.9.11 Each machine shall have a backflow prevention device for all connections with the water supply source.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 1.9.12 The source of the water supply shall be an approved public water system.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 1.9.13 Owners, managers and operators of water vending machines shall ensure that the methods used for treatment of vended water are acceptable to the Department. Acceptable treatment includes distillation, ion-exchange, filtration, ultraviolet light, mineral addition and reverse osmosis.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 1.9.14 Operator Requirements

1 All water vending operators shall have a program that includes:

- 2 Cleaning, sanitizing and servicing of machines monthly.
- 3 Written servicing instructions.
- 4 Technical manuals for the machines.
- 5 Technical manuals for the water treatment appurtenances involved.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 1.9.15 Parts and surfaces of water vending machines shall be kept clean and maintained by the water vending machine operator. The vending chamber and the vending nozzle shall be cleaned and sanitized each time the machine is serviced. A record of cleaning and maintenance operations shall be kept by the operator for each water vending machine. These records shall be made available to the Department's employees upon request.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 1.9.16 Water vending machine operators shall ensure that machines are maintained and monitored to dispense water meeting quality standards specified in this regulation. Analyses shall be performed by a laboratory certified by the Department to perform microbiological analyses of drinking water. Each machine's finished product shall be sampled at least once every 3 months to determine total coliform content. However, provided a satisfactory method of post-treatment disinfection is utilized and based on a sustained record of satisfactory total coliform analyses, the Department shall allow modification of the 3-month sampling requirement as follows:

- 1 When three consecutive 3-month samples are each found to contain zero coliform colonies per 100 milliliters of the vended water, microbiological sampling intervals shall be extended to a period not exceeding 6-months. Should a subsequent 6-month sample test positive for total coliform, the required sampling frequency shall revert to the 3-month frequency until 3 consecutive samples again test negative for total coliform bacteria.
- 2 If any sample collected from a machine is determined to be unsatisfactory, the machine shall be cleaned, sanitized and resampled immediately. If, after being cleaned and sanitized, the vended product is determined to be positive for coliform, the machine shall be taken out of service until the source of contamination has been located and corrected.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 1.9.17 All records pertaining to the sampling and analyses shall be retained by the operator for a period of not less than 2 years. Results of the analyses shall be available for Department review upon request.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 1.9.18 Each water vending machine shall have in a position clearly visible to customers the following information:

- 1 Name and address of operator.
- 2 The operator's permit issued by the department.
- 3 Name of the water supply purveyor.
- 4 The method of treatment that is utilized.
- 5 The method of post-treatment disinfection utilized.
- 6 A local or toll-free number that may be called for further information, problems, or complaints; or the name of the store or building manager can be listed when the machine is located within a business establishment and the establishment manager is responsible for the operation of the machine.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 1.9.19 The vending machine shall bear the following label in type at least one inch in height: NOTICE: USE ONLY CONTAINERS THAT HAVE BEEN PROPERLY WASHED AND SANITIZED.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 1.9.20 When containers are provided by the operator, the caps, closures and containers shall be stored and dispensed in a manner that prevents contamination of the article and also the remaining stock. Consumers may provide their own containers.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 1.9.21 The Department shall collect and analyses samples of vended water when necessary to determine if the vended water meets the standards of potable water.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 1.9.22 Fees. Each person seeking an operating permit to install, operate, or maintain a water vending machine shall pay an annual fee as specified in Chapter 5 of this Subpart, for each machine to the Department. Fees shall be non-refundable. Specific authority: Section 41-3-18, MS Code of 1972, Annotated.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 1.9.23 The Department shall order a water vending machine operator to discontinue the operation of any water vending machine that represents a threat to the life or

health of any person, or whose finished water does not meet the minimum standards provided for in this chapter. Such water vending machines shall not be returned to use or used until such time the Department determines that the conditions that caused the discontinuance of operation no longer exist.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 1.9.24 The Department shall revoke a permit when it is determined that there has been a substantial failure to comply with the provisions of the rule by which the health or life of an individual, or the health or lives of individuals is threatened or impaired, or by which or through which, directly or indirectly, disease is caused.

*SOURCE: Miss. Code Ann. § 75-29-19*

## **Chapter 2 FOOD CODE**

### **Subchapter 1 Purpose**

Rule 2.1.1 This regulation consists of requirements for the design, construction, management and operation of food service establishments. It provides for plans submission and approval, issuance of permits, and collection of fees. The requirements are to safeguard the public health.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 2.1.2 **Authorization:** The Mississippi State Department of Health is authorized to promulgate these regulations under and by virtue of Sections 41-3-15(4)(I)(I) and 41-3-17 of the Mississippi Code of 1972, Annotated.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 2.1.3 **Adoption of the Food Code:** This Regulation adopts by reference the current revision of the Food Code, Recommendations of the United States Public Health Service / Food and Drug Administration, as published by the U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration.

*SOURCE: Miss. Code Ann. § 75-29-19*

### **Subchapter 2 Insertions and Changes to the 2001 FDA Food Code**

Rule 2.2.1 Chapter 1, Subpart 1-201.10 (B)(36)(a): *"Food Establishment" means an operation that stores, prepares, packages, serves, vends or otherwise provides FOOD for human consumption (for pay):*

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 2.2.2 Chapter 1, Subpart 1-201.10 (B)(36)(b)(ii): *An operation that is conducted in a mobile, stationary, temporary or permanent facility or location; where consumption is on or off the PREMISES.*

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 2.2.3 Chapter 2, Subpart 2-101.11: Assignment: *The PERMIT HOLDER shall be the PERSON IN CHARGE or shall designate a PERSON IN CHARGE and shall ensure that a PERSON IN CHARGE is present at the FOOD ESTABLISHMENT during all hours of operation. The permit holder, or his/her designee, must have successfully completed a manager certification course approved by the Regulatory Authority. This course shall include knowledge as specified in 2-102.11. This shall be effective for any new facility from July 1, 1998. It shall be effective for existing facilities from January, 1999.*

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 2.2.4 Chapter 3, Subpart 303-1.11: Preventing Contamination from Hands: (B) *Except when washing fruits and vegetables as specified under § 3-302.15, FOOD EMPLOYEES may not contact exposed, READY-TO-EAT FOOD with their bare hands and shall use suitable UTENSILS such as deli tissue, spatulas, tongs, SINGLE-USE gloves, or dispensing EQUIPMENT.*

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 2.2.5 Chapter 8, Subpart 8-403.50: Public Information: (B) *Post the current Food Permit/Inspection Record in a location in the food establishment conspicuous to consumers, as directed by the Health Authority.*

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 2.2.6 Chapter 8, Subpart 8-405.11: Timely Correction: (C) *When the same critical violation is identified during a subsequent inspection within a 12-month period, establishment management is required to develop a "Risk Control Plan" to prevent the recurrence of the same hazard.*

*SOURCE: Miss. Code Ann. § 75-29-19*

### **Subchapter 3            Annexes**

Rule 2.3.1 **The following Annexes to the Food Code are hereby inserted as Appendices of this Regulation:**

1. *Annex 1. Compliance and Enforcement*
2. *Annex 3. Public Health Reasons*
3. *Annex 5. HACCP Guidelines*

4. Annex 6. Food Processing

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 2.3.2 Annex 1, Subparagraph 8-801.10: *The REGULATORY AUTHORITY may seek an administrative or judicial remedy to achieve compliance with the provisions of this Code if a PERSON operating a FOOD ESTABLISHMENT or EMPLOYEE: (C) Allows serious or repeated code violations to remain uncorrected beyond time frames for correction APPROVED, directed, or ordered by the REGULATORY AUTHORITY under 8-405.11(A), (B) and (C), and 8-406.11(A) and (B);*

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 2.3.3 Annex 1, Subparagraph 8-804.10: Conditions Warranting Action: *The REGULATORY AUTHORITY may summarily suspend a PERMIT to operate a FOOD ESTABLISHMENT: If it determines through inspection or examination of EMPLOYEES, FOOD, records or other means as specified in this Code, that an IMMINENT HEALTH HAZARD exists, or (B) when 6 or more critical items have been identified during the two most recent routine inspections of a FOOD ESTABLISHMENT.*

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 2.3.4 Annex 1, Subparagraph 8-811.10: Authorities, Methods, Fines and Sentences: (B)(1) A fine of not more than \$500 dollars, or by imprisonment not exceeding 1 year, or both the fine and imprisonment.

*SOURCE: Miss. Code Ann. § 75-29-19*

### **CHAPTER 3: REGULATION GOVERNING THE MANUFACTURE, STORAGE AND HANDLING OF ICE**

#### **Subchapter 1 Purpose**

Rule 3.1.1 To establish a uniform regulation for all plants within the State of Mississippi for the purpose of protecting public health.

*SOURCE: Miss. Code Ann. § 75-29-19*

#### **Subchapter 2 Definitions**

Rule 3.2.1 The term “**ice**” as used herein shall include the product in any form obtained as a result of freezing water mechanically or naturally.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 3.2.2 An “**ice plant**” is any place or establishment where ice is manufactured, stored, or processed for sale as ice.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 3.2.3     **“Adequate”** means that which is needed to accomplish the intended purpose in keeping with good public health practice.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 3.2.4     **“Plant”** means the building or buildings or parts thereof, used in connection with the manufacturing, processing, packaging, labeling, or holding of ice intended for human consumption.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 3.2.5     **“Sanitize”** means adequate treatment for surfaces by a process that is effective in destroying vegetative cells of pathogenic bacteria and in substantially reducing other microorganisms. Such treatments shall not adversely affect the product and shall be safe for the consumer.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 3.2.6     **“Stand-alone ice vending machine”** means a free-standing, on-demand ice plant providing point of sale.

*SOURCE: Miss Code Ann. §75-29-19*

### **Subchapter 3 Grounds**

Rule 3.3.1     The grounds around an ice plant under the control of the operator shall be free from conditions which may result in the contamination of ice including, but not limited to, the following:

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 3.3.2     Improperly stored equipment, litter, waste, refuse, and uncut weeds or grass within the immediate vicinity of the plant buildings or structures that may constitute an attractant, breeding place, or harborage for rodents, insects, and other pests.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 3.3.3     Excessively dusty roads, yards, or parking lots that may constitute a source of contamination in areas where ice is exposed.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 3.3.4     Inadequately drained areas that may contribute contamination to ice products through seepage or foot-borne filth and by providing a breeding place for insects or microorganisms.

*SOURCE: Miss. Code Ann. § 75-29-19*

#### **Subchapter 4 Plant Construction and Design**

Rule 3.4.1 Plant buildings and structures shall be suitable in size, construction, and design to facilitate maintenance and sanitary operations. The plant and facilities shall:

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 3.4.2 Provide sufficient space for such placement of equipment and storage of materials as is necessary for sanitary operations and production of safe ice. Floors, walls, and ceilings in the plant shall be of such construction as to be adequately cleanable and shall be kept clean and in good repair. Fixtures, ducts, and pipes shall not be so suspended over working areas that drip or condensate may contaminate ice or ice contact surfaces. Aisles or working spaces between equipment and between equipment and walls shall be unobstructed and of sufficient width to permit employees to perform their duties without contamination of ice or ice contact surfaces with clothing or personal contact.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 3.4.3 Provide separation by partition, location, or other effective means for those operations which may cause contamination of ice products with undesirable microorganisms, chemicals, filth, or other extraneous material.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 3.4.4 Provide adequate lighting to handwashing areas, dressing and locker rooms, and toilet rooms. Light bulbs, fixtures, skylights, or other glass suspended over exposed ice in any step of preparation shall be of the safety type or otherwise protected to prevent contamination in case of breakage.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 3.4.5 Provide adequate ventilation or control equipment to minimize odors and noxious fumes or vapors. Such ventilation or control equipment shall not create conditions that may contribute to contamination by airborne contaminants.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 3.4.6 Provide, where necessary, effective screening or other protection against birds, animals, and vermin (including, but not limited to, insects and rodents).

*SOURCE: Miss. Code Ann. § 75-29-19*

#### **Subchapter 5 Water Supply**

Rule 3.5.1 All water used in the manufacture of ice shall be of a quality meeting the standards of the State Board of Health for potable water, and the water supplies used by ice plants shall be subject to the approval of the State Department of Health. Samples for bacteriological analysis should be taken within each six (6) month period and samples for chemical analysis should be taken every two (2) years.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 3.5.2 Submerging or spraying of ice cakes shall be carried out only with water of sanitary quality.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 3.5.3 Cross connections between water supplies of approved quality and unapproved water supplies shall be prohibited. Cross connections between private water supplies and municipal water supplies are not approved.

*SOURCE: Miss. Code Ann. § 75-29-19*

### **Subchapter 6 Sewage Disposal**

Rule 3.6.1 Sewage disposal shall be made into an adequate sewage system or disposed of through other adequate means.

*SOURCE: Miss. Code Ann. § 75-29-19*

### **Subchapter 7 Plumbing**

Rule 3.7.1 Plumbing shall be of adequate size and design and adequately installed and maintained to:

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 3.7.2 Carry sufficient quantities of water to required locations throughout the plant.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 3.7.3 Properly convey sewage and liquid disposable waste from the plant.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 3.7.4 Not constitute a source of contamination.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 3.7.5 Provide adequate floor drainage in all areas where floors are subject to flooding type cleaning or where normal operations release or discharge water or other liquid waste on the floor.

*SOURCE: Miss. Code Ann. § 75-29-19*

### **Subchapter 8 Toilet Facilities**

Rule 3.8.1 Each plant shall provide its employees with adequate toilet and associated hand-washing facilities within the plant. Toilet rooms shall be furnished with toilet tissue. The facilities shall be maintained in a sanitary condition and kept in good repair at all times. Doors to toilet rooms shall be self-closing and shall not open directly into areas where ice is exposed to airborne contamination, except where alternate means have been taken to prevent such contamination (such as double doors, positive air-flow systems, etc.). Signs shall be posted directing employees to wash their hands with cleaning soap or detergents after using toilet.

*SOURCE: Miss. Code Ann. § 75-29-19*

### **Subchapter 9 Hand-washing Facilities**

Rule 3.9.1 Adequate and convenient facilities for hand washing and, where appropriate, hand sanitizing shall be provided at each location in the plant where good sanitary practices require employees to wash or sanitize and dry their hands. Such facilities shall be furnished with running water at a suitable temperature for hand washing, effective hand-cleaning and sanitizing preparations, sanitary towel service or suitable drying devices, and, where appropriate, easily cleanable waste receptacles.

*SOURCE: Miss. Code Ann. § 75-29-19*

### **Subchapter 10 Rubbish and Offal Disposal**

Rule 3.10.1 Rubbish and any offal shall be so conveyed, stored, and disposed of as to minimize the development of odor, prevent waste from becoming an attractant and harborage or breeding place for vermin, and prevent contamination.

*SOURCE: Miss. Code Ann. § 75-29-19*

### **Subchapter 11 Equipment**

Rule 3.11.1 All plant equipment and utensils should be (1) suitable for their intended use, (2) so designed and of such material and workmanship as to be adequately cleanable, and (3) properly maintained. The design, construction and use of such equipment and utensils shall preclude the adulteration of ice with lubricants, fuel, metal fragments, contaminated water, or any other contaminants. All equipment should be so installed and maintained as to facilitate the cleaning of the equipment and of all adjacent spaces.

*SOURCE: Miss. Code Ann. § 75-29-19*

### **Subchapter 12 Personnel**

Rule 3.12.1 No person affected by disease in a communicable form, or while a carrier of such disease, or while affected with boils, sores, infected wounds, or other abnormal sources of microbiological contamination, shall work in an ice plant in any capacity in which there is a reasonable possibility of ice becoming contaminated by such person, or of disease being transmitted by such person to other individuals.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 3.12.2 All persons while working in direct contact with ice shall

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 3.12.3 Wear clean outer garments, maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty, to the extent necessary to prevent contamination of ice products.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 3.12.4 Wash their hands thoroughly (and sanitize if necessary to prevent contamination by undesirable microorganisms) in an adequate hand-washing facility before starting work, after each absence from the work station and at any other time when the hands may have become soiled or contaminated.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 3.12.5 Remove all insecure jewelry and, during periods where ice is manipulated by hand, remove from hands any jewelry that cannot be adequately sanitized.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 3.12.6 If gloves are used in ice handling, maintain them in an intact, clean and sanitary condition. Such gloves should be of an impermeable material except where their usage would be inappropriate or incompatible with the work involved.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 3.12.7 Wear hair nets, headbands, caps, or other effective hair restraints.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 3.12.8 Take any other necessary precautions to prevent contamination of foods with microorganisms or foreign substances including, but not limited to, perspiration, hair, cosmetics, tobacco, chemicals, and medicants.

*SOURCE: Miss. Code Ann. § 75-29-19*

## Subchapter 13 Labeling

Rule 3.13.1 All bags, boxes, or other containers of ice intended for human consumption must clearly state the plant number, name and location of the manufacturer with the exception of those provided by stand-alone ice vending machines.

*SOURCE: Miss Code Ann. §75-29-19*

Rule 3.13.2 All stand-alone ice vending machines must clearly display the permit number, name, and physical location of the manufacturer, and the phone number of a responsible official.

*SOURCE: Miss Code Ann. §75-29-19*

## Chapter 4 REGULATION GOVERNING MANUFACTURE AND SALE OF FOOD AND FOOD PRODUCTS

### Subchapter 1 Purpose

Rule 4.1.1 This regulation prescribes requirements for the intrastate and interstate sale of food and food products, prevents the sale of adulterated or mislabeled food or food products, prescribes good manufacturing practices, adopts requirements for specific standardized foods, and provides for the issuing of permits to food manufacturers, processors, and warehouses. This regulation applies only to food and food products not otherwise regulated by existing state law.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.1.2 **Authorization:** The State Board of Health is authorized to promulgate these regulations under and by virtue of Section 75-29-19, Mississippi Code of 1972, Annotated.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.1.3 **Adoption by Reference:** This regulation adopts by reference specific parts of the Code of Federal Regulations, 21 CFR, ( Subchapter B ( Food for Human Consumption ), recommended by the U.S. Food and Drug Administration/U.S. Department of Health and Human Services, including, but not limited to, the following sections.

*SOURCE: Miss. Code Ann. § 75-29-19*

### Subchapter 2 Food for Human Consumption

Rule 4.2.1 General requirements, including state and local requirements, misbranding for reasons other than labeling, and specific administrative rulings and decisions shall be regulated as set forth in 21 CFR Part 100.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.2.2 Food labeling shall be regulated as set forth in 21 CFR Part 101.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.2.3 Common or usual name for nonstandardized foods shall be regulated as set forth in 21 CFR Part 102.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.2.4 Quality standards for food with no identity standards shall be regulated as set forth in 21 CFR Part -103.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.2.5 Nutritional quality guidelines for foods shall be regulated as set forth in 21 CFR Part 104.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.2.6 Foods for special dietary use shall be regulated as set forth in-21 CFR Part 105. Infant formula quality control procedures shall be regulated as set forth in 21 CFR Part 106.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.2.7 Infant formula shall be regulated as set forth in 21 CFR Part 107.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.2.8 Unavoidable contaminants in food for human consumption and food-packaging material shall be regulated as set forth in 21 CFR Part 109.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.2.9 Current good manufacturing practice in manufacturing, packing, or holding human food shall be regulated as set forth in 21 CFR Part 117 Subpart A, Subpart B, and Subpart F.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.2.10 Thermally processed low-acid foods packaged in hermetically sealed containers shall be regulated as set forth in 21 CFR Part 113.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.2.11 Acidified foods shall be regulated as set forth in 21 CFR Part 114.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.2.12 Seafood HACCP shall be regulated as set forth in 21 CFR Part 123.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.2.13 Food standards: General shall be regulated as set forth in 21 CFR Part 130.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.2.14 Cheeses and related cheese products shall be regulated as set forth in 21 CFR Part 133.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.2.15 Bakery products shall be regulated as set forth in 21 CFR Part 136.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.2.16 Cereal flours and related products shall be regulated as set forth in 21 CFR Part 137.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.2.17 Macaroni and noodle products shall be regulated as set forth in 21 CFR Part 139.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.2.18 Canned fruits shall be regulated as set forth in 21 CFR Part 145.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.2.19 Canned fruit juices shall be regulated as set forth in 21 CFR Part 146.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.2.20 Fruit butters, jellies, preserves, and related products shall be regulated as set forth in 21 CFR Part 150.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.2.21 Fruit pies shall be regulated as set forth in 21 CFR Part 152.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.2.22 Canned vegetables shall be regulated as set forth in 21 CFR Part 155.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.2.23 Vegetable juices shall be regulated as set forth in 21 CFR Part 156.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.2.24 Frozen vegetables shall be regulated as set forth in 21 CFR Part 158.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.2.25 Eggs and egg products shall be regulated as set forth in 21 CFR Part 160.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.2.26 Cacao products shall be regulated as set forth in 21 CFR Part 163.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.2.27 Tree nut and peanut products shall be regulated as set forth in 21 CFR Part 164.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.2.28 Margarine shall be regulated as set forth in 21 CFR Part 166.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.2.29 Food dressings and flavorings shall be regulated as set forth in 21 CFR Part 169.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.2.30 Food additives shall be regulated as set forth in 21 CFR Part 170.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.2.31 Food additive petitions shall be regulated as set forth in 21 CFR Part 171.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.2.32 Food additives permitted for direct addition to food for human consumption shall be regulated as set forth in 21 CFR Part 172.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.2.33 Secondary direct food additives permitted in food for human consumption shall be regulated as set forth in 21 CFR Part 173.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.2.34 Indirect food additives: General shall be regulated as set forth in 21 CFR Part 174.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.2.35 Indirect food additives: Adhesives and components of coatings shall be regulated as set forth in 21 CFR Part 175.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.2.36 Indirect food additives: Paper and paperboard components shall be regulated as set forth in 21 CFR Part 176.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.2.37 Indirect food additives: Polymers shall be regulated as set forth in 21 CFR Part 177.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.2.38 Indirect food additives: Adjuvants, production aids, and sanitizers shall be regulated as set forth in 21 CFR Part 178.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.2.39 Irradiation in the production, processing and handling of food shall be regulated as set forth in 21 CFR Part 179.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.2.40 Food additives permitted in food on an interim basis or in contact with food pending additional study shall be regulated as set forth in 21 CFR Part 180.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.2.41 Prior-sanctioned food ingredients shall be regulated as set forth in 21 CFR Part 181.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.2.42 Substances generally recognized as safe shall be regulated as set forth in 21 CFR Part 182.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.2.43 Direct food substances affirmed as generally recognized as safe shall be regulated as set forth in 21 CFR Part 184.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.2.44 Indirect food substances affirmed as generally recognized as safe shall be regulated as set forth in 21 CFR Part 186.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.2.45 Substances prohibited from use in human food, shall be regulated as set forth in 21 CFR Part 189.

*SOURCE: Miss. Code Ann. § 75-29-19*

### **Subchapter 3 Definitions of Food Establishment Types**

Rule 4.3.1 **Labeler/Relabeler.** An establishment which affixes the original labeling to a food product or changes in any way the labeling on a food product without affecting the product: or its container.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.3.2 **Manufacturer.** An establishment which makes a new or a changed food product from one or more ingredients.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.3.3 **Own Label Distributor.** An establishment which distributes a food product under a custom or own label. The product is manufactured and labeled by another establishment.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.3.4 **Packer/Repacker.** An establishment which packs a food product or products into different containers without making any change in the form of the product.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.3.5 **Salvage Operation.** A wholesaler or repacker who deals primarily in the resale and reconditioning of damaged food products.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.3.6 **Warehouse.** A facility for the storage of consumer food products or the reshipment of products from the producer or grower to the manufacturer or other consumer. This can be temporary storage such as cream stations, the traditional warehouse, or grain elevator storing human food.

*SOURCE: Miss. Code Ann. § 75-29-19*

### **Subchapter 4 Procedures for Permits**

Rule 4.4.1 **General:** From and after January 1, 1999, no person shall operate a food establishment without first obtaining a permit for the operation of that facility from the State Department of Health (hereafter referred to as Health Authority).

An annual permit fee shall be paid as authorized in Sec. 41-3-18 Mississippi Code of 1972, Annotated, and as specified in Chapter 5 of this Subpart.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.4.2     **Issuance of Permit:** Any person desiring to operate a food establishment of a type required to have a permit or who is requesting a permit shall make written application for a permit on forms provided by the Health Authority.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.4.3     Prior to approval of an application for a permit, the Health Authority shall inspect the proposed food establishment to determine compliance with the requirements of this regulation and applicable state law.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.4.4     The Health Authority shall issue a permit if the inspection reveals that the proposed food establishment complies with the requirements of this regulation and applicable state law.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.4.5     Each permit shall be issued only for the premises and owner named in the application, and shall not be transferable or assignable.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.4.6     Each permit shall be issued for a period of one year.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.4.7     **Renewal of Permit:** A permit issued under the provisions of this regulation shall be renewed annually upon determination by inspection that the facility complies with this regulation.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.4.8     **Emergency Suspension of Permit:** Any permit issued pursuant to this regulation may be suspended prior to a hearing if the Health Authority has reasonable cause to suspect that the continued operation of the permitted establishment constitutes a substantial hazard to the public health.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.4.9     Whenever a permit is suspended, the holder of the permit or person in charge shall be notified in writing that the permit is, upon service of the notice, immediately suspended and that an opportunity for hearing will be provided if

requested in writing within ten days of the receipt of the notice of suspension. If no written request for hearing is filed within ten days, the suspension is sustained.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.4.10 The Health Authority may relinquish the suspension at any time if reasons for suspension no longer exist.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.4.11 **Denial or Revocation of Permit:** Grounds for denial or revocation of a permit shall include but not be limited to:

- 1 Failure to complete the information requested on the application.
- 2 Falsification of information submitted on an application for a permit.
- 3 Refusal to allow inspections by the Health Authority, or other interference in the performance of duty.
- 4 Violation of the Regulation Governing Manufacture and Sale of Food and Food Products of the State Board of Health or violations of Sections 75-29-1 through 75-29-29, Mississippi Code of 1972, Annotated.
- 5 Failure to correct violations of inspection standards within the time specified following inspection.
- 6 Any circumstances where the operation of the food establishment constitutes a hazard to the public health.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.4.12 **Notice:** Prior to revocation or denial of a permit, the owner of the food establishment shall be notified, in writing of the proposed action, together with the reasons for same. Said notice shall provide owners/applicants ten days in which to request a hearing.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.4.13 **Hearing:** If requested in writing, a hearing shall be scheduled within the State Department of Health not less than ten days nor more than 30 days following receipt of the request. On the basis of such hearing, the State Department of Health shall make a decision with respect to proposed action. This decision, together, with the findings of the hearing officer, and reasons for the decision, shall be forwarded to the owner/applicant within 30 days of the hearing.

*SOURCE: Miss. Code Ann. § 75-29-19*

## **Subchapter 5 Plan Review, Inspections, Sampling and Labeling**

Rule 4.5.1 **Review of Plans and Specifications:** Prior to the construction, remodeling or conversion for use as a food establishment plans and specifications shall be submitted to the Health Authority for review and approval. The plans and specifications shall include a description of the food processing; indicate the proposed layout, arrangement, and construction materials of work areas and the type and model of proposed fixed equipment and facilities to the extent necessary to determine whether the proposed facility will comply with the Regulation Governing Manufacture and Sale of Food and Food Products. A Plan Review fee must be submitted to the department in accordance with Chapter 5 of this Subpart.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.5.2 **Inspections:** The Health Authority shall inspect each food establishment prior to issuing a permit, and shall make as many additional inspections as are necessary for the enforcement of this regulation.

- 1 Whenever an inspection is made of a food establishment, the findings shall be recorded on an official inspection form, and furnished to the person in charge of the food establishment at the time of the inspection, or posted in a conspicuous place.
- 2 If violations noted on the inspection form are not corrected within the period of time specified by the Health Authority, a permit may be denied, suspended or revoked in accordance with this regulation.
- 3 The Health Authority may enter any food establishment, during normal hours of operation, for the purpose of making inspections, or investigations to determine compliance with this regulation, or collecting necessary information or documents.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.5.3 **Examination or Sampling of Food:** Food samples for laboratory analysis may be collected by the Health Authority as often as necessary for enforcement of the regulation.

*SOURCE: Miss. Code Ann. § 75-29-19*

Rule 4.5.4 **Review of Labels:** Labels of any food or food product regulated by the State Department of Health are subject to review and approval by the Health Authority.

*SOURCE: Miss. Code Ann. § 75-29-19*

## **Subchapter 6 Hazard Analysis Critical Control Points (HACCP)**

Rule 4.6.1 Any permitted food establishment shall operate under a HACCP plan / food safety plan approved by the Health Authority, if required under Federal statutes. If not required under Federal statutes, any permitted food manufacturer,

repacker/packer, and/or salvage operation which is in a risk category 3 or 4 shall establish and operate under a HACCP plan / food safety plan, as approved by the Health Authority, and which shall contain as a minimum:

1. A hazard analysis for all types of potentially hazardous foods that are manufactured, packed/repacked, or salvaged.
2. A flow diagram by specific food or category type identifying critical control points and providing information on
  - a. ingredients, materials, and equipment, and
  - b. formulations or recipes.
  - c. A written HACCP plan / food safety plan which identifies:
    - d. each critical control point,
    - e. the critical limits for each critical control point,
    - f. the method and frequency for monitoring and controlling each critical control point,
    - g. corrective action to be taken if the critical limits for each critical control point are not met,
    - h. written records to document that the HACCP plan / food safety plan is properly implemented, and
    - i. written Standard Sanitation Operating Procedures (SSOP's) in place which insure compliance with the good manufacturing practices of 21 CFR Part 110; and additional scientific data or other information or training, as required by the Health Authority, supporting the determination that food safety is not compromised by the proposal.

*SOURCE: MS Code Ann. § 75-29-19*

## **Chapter 5 FEES**

Rule 5.1.1 Fees shall be collected by the Department for the following services:

<b>Fee Description</b>	<b>Fee Amount</b>	<b>Frequency</b>
Bottled Water Plant Permit	\$264.50	Annually
Water Vending Permit	\$39.68	Annually
Plan Review Fee	\$224.25	With Application
Re-inspection Fee	\$165.00	Upon Owner's request

Certificate of Free Sale	\$10.00 per certificate	Upon Owner's request
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SOURCE: Miss. Code Ann. § 41-3-15

Rule 5.1.2 Risk categorization allows establishments to be ranked by considering risk factors and creating a variable inspection frequency for each category. There shall be from one to four levels of risks established. The minimal frequency of inspection shall be as follows:

Risk Level	Fee	Risk Level Category Description	Minimum number of inspections per year
1	\$40.00	<ul style="list-style-type: none"> <li>• Pre-packaged non-time, temperature controlled for safety (TCS) food</li> <li>• Limited prep of non-TCS food</li> <li>• Two-three day events if TCS food limited to one- two items with no cooling or reheating</li> </ul>	1
2	\$132.25	<ul style="list-style-type: none"> <li>• Limited menu (one or two primary items)</li> <li>• Minimal food preparation</li> <li>• Products cooked, prepared, and served immediately</li> <li>• Hot or cold hold limited to single meal service</li> <li>• Raw ingredients requiring minimal preparation</li> </ul>	1
3	\$198.00	<ul style="list-style-type: none"> <li>• Handling of several TCS foods</li> <li>• Preparation including cooking, cooling, and reheating of TCS foods</li> <li>• Retail food operations including deli and seafood departments</li> <li>• Hot and cold holding of foods</li> <li>• Wholesale processing (non-TCS) foods</li> </ul>	2
4	\$264.50	<ul style="list-style-type: none"> <li>• Extensive handling of raw ingredients</li> <li>• Preparation processes include the cooking, cooling, and reheating of TCS foods</li> <li>• Processing requiring hot and cold holding of TCS foods</li> <li>• Food processes include advance preparation of TCS foods for next day service</li> <li>• Facilities whose primary service is to the immuno- compromised</li> <li>• Wholesale TCS foods</li> <li>• Extensive handling of raw potentially hazardous ingredients extended hours</li> <li>• Food processing of TCS foods (wholesale or retail)</li> </ul>	2

*SOURCE: Miss. Code Ann. § 41-3-15*