

Title 2: Agriculture and Commerce
Part 1: Rules of the Mississippi Department of Agriculture and Commerce

Subpart 5-Central Market Board
Chapter 01-Organization of Central Market Board

Purpose of this Subpart

100 In accordance with Section 25-43-2.104 of the Mississippi Administrative Procedures Law, this subpart describes the Central Market Board's duties and responsibilities, the organization of the Board, and its methods of operation.

Source: *Miss. Code Ann.* §69-7-109.

Purpose of the Mississippi Central Market Board

101 The legislature created the Central Market Board for the purpose of establishing and providing facilities for the handling, disposal and sale of farm and other food products in the interest of farmers, consumers, the general public and the State of Mississippi in *Miss. Code Ann.* Section 69-7-101.

Source: *Miss. Code Ann.* §69-7-109.

Mississippi Central Market Board Composition

102 By law, the Board is composed of six members. *Miss. Code Ann.* Section 69-7-103 provides that the Commissioner of Agriculture and Commerce shall be a member along with four other members to be appointed by the governor from each highway commissioner's district and one other member to be appointed from the state at large. The law provides that one member shall be a wholesale groceryman dealing in fruits and vegetables, one retail groceryman dealing in fruits and vegetables, one farmer growing fruits and vegetables and one farmer producing poultry and eggs. Each member is appointed to a four-year term.

Source: *Miss. Code Ann.* §69-7-109.

Chairman

103 The Commissioner of Agriculture and Commerce serves as ex officio chairman of the Central Market Board pursuant to law.

Source: *Miss. Code Ann.* §69-7-109.

Powers of the Central Market Board

104 The law provides for the powers and duties of the Board in *Miss. Code Ann.* Section 69-7-109. Primarily, the Board is charged with operating a farmers market and doing those things necessary to successfully operate such a market, including but not limited to

setting rules for those people that come onto the market, setting hours of operation, renting and leasing real or personal property under the control of the market and build any facilities on the grounds under control of the Board that will make the market successful.

Source: *Miss. Code Ann.* §69-7-109.

State Market Manager

105 The State Market Manager is an officer of the executive branch of state government appointed by the Board. The law provides that the state market manager have the ability to operate a large business, have knowledge of the problems of growers and distributors, and have had experience in the marketing of perishable vegetables.

Source: *Miss. Code Ann.* §69-7-109.

Duties of the State Market Manager

106 The State Market Manager is charged with managing and controlling the market subject to the supervision of the Board and is authorized to employ personnel necessary for the operation of the market subject to the approval of the Board. The state market manager shall attend all the meetings of the Board and keep the minutes and shall have custody of all of the Board's books, records, papers and accounts.

Source: *Miss. Code Ann.* §69-7-109.

Contacting the Central Market Board

107 The Central Market Board may be contacted in person, by U.S. Mail, Courier mail, e-mail, telephone, and telefacsimile. The Central Market Board maintains and provides interactive services on the Internet at www.mdac.state.ms.us.

1. Location. The Central Market Board's offices are located in Jackson at the following locations:
 - a. 929 High Street; Jackson, MS 39202. This is the physical location of the farmers market and the State Market Manager.
 - b. 121 North Jefferson Street; Jackson, MS 39201. This is the office of the chairman.
2. The mailing address for the Central Market Board is: P.O. Box 1609; Jackson, MS 39215.
3. The Central Market's telephone and facsimile numbers are:
 - a. Market: 601-354-6573, Chairman: 601-359-1100
 - b. FAX: 601-354-7330

Source: *Miss. Code Ann.* §69-7-109.

Subpart 5-Central Market Board

Chapter 02-Procedure for Oral Proceedings on Rule-Making

Scope

100 Rules 100-112 are promulgated pursuant to *Miss. Code Ann.* §25-43-3.104(2)(d) of the Administrative Procedures Law, and apply to all oral proceedings held for the purpose of providing the public with an opportunity to make oral presentations on proposed new rules and amendments to rules before the Market pursuant to §25-43-3.104.

(Adopted June 21, 2005.)

Source: *Miss. Code Ann.* §69-7-109.

When Oral Proceedings Will Be Scheduled on Proposed Rules

101 The Market will conduct an oral proceeding on a proposed rule or amendment if requested by a political subdivision, an agency or ten (10) persons in writing within twenty (20) days after the filing of the notice of the proposed rule.

(Adopted June 21, 2005.)

Source: *Miss. Code Ann.* §69-7-109.

Request Format

102 Each request must be printed or typewritten, or must be in legible handwriting. Each request must be submitted on standard business letter-size paper (8-1/2 inches by 11 inches). Requests may be in the form of a letter addressed to the Market and signed by the requestor(s).

(Adopted June 21, 2005.)

Source: *Miss. Code Ann.* §69-7-109.

Notification of Oral Proceeding

103 The date, time and place of all oral proceedings shall be filed with the Secretary of State's office and mailed to each requestor. The oral proceedings will be scheduled no earlier than twenty (20) days from the filing of this information with the Secretary of State.

(Adopted June 21, 2005.)

Source: *Miss. Code Ann.* §69-7-109.

Presiding Officer

104 The Chairman or his designee, who is familiar with the substance of the proposed rule, shall preside at the oral proceeding on a proposed rule.

(Adopted June 21, 2005.)

Source: *Miss. Code Ann.* §69-7-109.

Public Presentations and Participation

105 At an oral proceeding on a proposed rule, persons may make oral statements and make documentary and physical submissions, which may include data, views, comments or arguments concerning the proposed rule.

(Adopted June 21, 2005.)

Source: *Miss. Code Ann.* §69-7-109.

106 Persons wishing to make oral presentations at such a proceeding shall notify the Market at least one business day prior to the proceeding and indicate the general subject of their presentations. The presiding officer in his or her discretion may allow individuals to participate that have not previously contacted the Board.

(Adopted June 21, 2005.)

Source: *Miss. Code Ann.* §69-7-109.

107 At the proceeding, those who participate shall indicate their names and addresses, identify any persons or organizations they may represent, and provide any other information relating to their participation deemed appropriate by the presiding officer.

(Adopted June 21, 2005.)

Source: *Miss. Code Ann.* §69-7-109.

108 The presiding officer may place time limitations on individual oral presentations when necessary to assure the orderly and expeditious conduct of the oral proceeding. To encourage joint oral presentations and to avoid repetition, additional time may be provided for persons whose presentations represent the views of other individuals as well as their own views.

(Adopted June 21, 2005.)

Source: *Miss. Code Ann.* §69-7-109.

109 Persons making oral presentations are encouraged to avoid restating matters that have already been submitted in writing.

(Adopted June 21, 2005.)

Source: *Miss. Code Ann.* §69-7-109.

110 There shall be no interruption of a participant who has been given the floor by the presiding officer, except that the presiding officer may in his or her discretion interrupt or end the partisan's time where the orderly conduct of the proceeding so requires.

(Adopted June 21, 2005.)

Source: *Miss. Code Ann.* §69-7-109.

Conduct of Oral Proceeding

111 Presiding officer. The presiding officer shall have authority to conduct the proceeding in his or her discretion for the orderly conduct of the proceeding. The presiding officer shall (a) call the proceeding to order; (b) give a brief synopsis of the proposed rule, a statement of the statutory authority for the proposed rule, and the reasons provided by the Market for the proposed rule; (c) call on those individuals who have contacted the Market about speaking on or against the proposed rule; (d) allow for rebuttal statements following all participants' comments; (e) adjourn the proceeding.

(Adopted June 21, 2005.)

Source: *Miss. Code Ann.* §69-7-109.

112 Questions. The presiding officer, where time permits and to facilitate the exchange of information, may open the floor to questions or general discussion. The presiding officer may question participants and permit the questioning of participants by other participants about any matter relating to that rule-making proceeding, including any prior written submissions made by those participants in that proceeding; but no participant shall be required to answer any question.

(Adopted June 21, 2005.)

Source: *Miss. Code Ann.* §69-7-109.

Subpart 5-Central Market Board
Chapter 03-Procedure for Issuing Declaratory Opinions

Scope of Rules

100 This chapter sets forth the Central Market Board's, hereinafter "Market," rules governing the form and content of requests for declaratory opinions, and the Market's procedures regarding the requests, as required by *Miss. Code Ann.* § 25-43-2.103. These rules are intended to supplement and be read in conjunction with the provisions of the Mississippi Administrative Procedures Law, which may contain additional information regarding the issuance of declaratory opinions. In the event of any conflict between these rules and the Mississippi Administrative Procedures Law, the latter shall govern.

(Adopted June 21, 2005.)

Source: *Miss. Code Ann.* §69-7-109.

Persons Who May Request Declaratory Opinions

101 Any person with a substantial interest in the subject matter may request a declaratory opinion from the Market by following the specified procedures. "Substantial interest in the subject matter" means: an individual, business, group or other entity that is directly affected by the Market's administration of the laws within its primary jurisdiction. "Primary jurisdiction of the Market" means the Market has a constitutional or statutory grant of authority in the subject matter at issue.

(Adopted June 21, 2005.)

Source: *Miss. Code Ann.* §69-7-109.

Subjects That May Be Addressed In Declaratory Opinions

102 The Market will issue declaratory opinions regarding the applicability to specified facts of: (1) a statute administered or enforceable by the Market or (2) a rule promulgated by the Market. The Market will not issue a declaratory opinion regarding a statute or rule that is outside the primary jurisdiction of the Market.

(Adopted June 21, 2005.)

Source: *Miss. Code Ann.* §69-7-109.

Circumstances In Which Declaratory Opinions Will Not Be Issued

103 The Market may, for good cause, refuse to issue a declaratory opinion. The circumstances in which declaratory opinions will not be issued include, but are not necessarily limited to:

1. lack of clarity concerning the question presented;
2. there is pending or anticipated litigation, administrative action, or other adjudication which may either answer the question presented by the request or otherwise make an answer unnecessary;

3. the statute or rule on which a declaratory opinion is sought is clear and not in need of interpretation to answer the question presented by the request;
4. the facts presented in the request are not sufficient to answer the question presented;
5. the request fails to contain information required by these rules or the requestor failed to follow the procedure set forth in these rules;
6. the request seeks to resolve issues that have become moot, or are abstract or hypothetical such that the requestor is not substantially affected by the statute or rule on which a declaratory opinion is sought;
7. no controversy exists concerning the issue, as the requestor is not faced with existing facts or those certain to arise that raise a question concerning the application of the statute or rule;
8. the question presented by the request concerns the legal validity of a statute or rule;
9. the request is not based upon facts calculated to aid in the planning of future conduct but is, instead, based on past conduct in an effort to establish the effect of that conduct;
10. no clear answer is determinable;
11. the question presented by the request involves the application of a criminal statute or a set of facts that may constitute a crime;
12. the answer to the question presented would require the disclosure of information that is privileged or otherwise protected by law from disclosure;
13. the question is currently the subject of an Attorney General's opinion request or has been answered by an Attorney General's opinion;
14. a similar request is pending before this Market or any other agency or a proceeding is pending on the same subject matter before any agency, administrative or judicial tribunal, or where such an opinion would constitute the unauthorized practice of law.
15. where issuance of a declaratory opinion may adversely affect the interests of the State, the Market or any of their officers or employees in any litigation, which is pending or may reasonably be expected to arise;
16. the question involves eligibility for a license, permit, certificate or other approval by the Market or some other agency, and there is a statutory or regulatory application process by which eligibility for said license, permit, certificate or other approval would be determined.

(Adopted June 21, 2005.)

Source: *Miss. Code Ann.* §69-7-109.

Written Request Required

104 Each request must be printed or typewritten, or must be in legible handwriting. Each request must be submitted on standard business letter-size paper (8-1/2 inches by 11 inches). Requests may be in the form of a letter addressed to the Market.

(Adopted June 21, 2005.)

Source: *Miss. Code Ann.* §69-7-109.

Where to Send Requests

105 All requests must be mailed, delivered or transmitted via facsimile to the Market. The request shall clearly state that it is a request for a declaratory opinion. Oral and telephone requests and email requests will not be accepted for official opinions.
(Adopted June 21, 2005.)

Source: *Miss. Code Ann.* §69-7-109.

Name, Address and Signature of Requestor

106 Each request must include the full name, telephone number, and mailing address of the requestor. All requests shall be signed by the person filing the request, who shall attest that the request complies with the requirements set forth in these rules, including but not limited to a full, complete, and accurate statement of relevant facts and that there are no related proceedings pending before any other administrative or judicial tribunal.
(Adopted June 21, 2005.)

Source: *Miss. Code Ann.* §69-7-109.

Question Presented

107 Each request shall contain the following:

1. a clear and concise statement of all facts on which the opinion is requested;
2. a citation to the statute or rule at issue;
3. the question(s) sought to be answered in the opinion, stated clearly;
4. a suggested proposed opinion from the requestor, stating the answers desired by petitioner and a summary of the reasons in support of those answers;
5. the identity of all other known persons involved in or impacted by the described factual situation, including their relationship to the facts, name, mailing address and telephone number; and
6. a statement to show that the person seeking the opinion has a substantial interest in the subject matter.

(Adopted June 21, 2005.)

Source: *Miss. Code Ann.* §69-7-109.

Time For Market's Response

108 Within forty-five (45) days after the receipt of a request for a declaratory opinion that complies with the requirements of these rules, the Market shall, in writing:

1. issue a declaratory opinion regarding the specified statute or rule as applied to the specified circumstances;
2. decline to issue a declaratory opinion, stating the reasons for its action; or
3. agree to issue a declaratory opinion by a specified time but not later than ninety (90) days after receipt of the written request.

(Adopted June 21, 2005.)

Source: *Miss. Code Ann.* §69-7-109.

109 The forty-five (45) day period shall begin running on the first State of Mississippi business day on or after the request is received by the Market, whichever is sooner. (Adopted June 21, 2005.)

Source: *Miss. Code Ann.* §69-7-109.

Opinion Not Final for Sixty Days

110 A declaratory opinion shall not become final until the expiration of sixty (60) days after the issuance of the opinion. Prior to the expiration of sixty (60) days, the Market may, in its discretion, withdraw or amend the declaratory opinion for any reason that is not arbitrary or capricious. Reasons for withdrawing or amending an opinion include, but are not limited to, a determination that the request failed to meet the requirements of these rules or that the opinion issued contains a legal or factual error. (Adopted June 21, 2005.)

Source: *Miss. Code Ann.* §69-7-109.

Notice by Market to Third Parties

111 The Market may give notice to any person, agency or entity that a declaratory opinion has been requested and may receive and consider data, facts, arguments and opinions from other persons, agencies or other entities other than the requestor. (Adopted June 21, 2005.)

Source: *Miss. Code Ann.* §69-7-109.

Public Availability of Requests and Declaratory Opinions

112 Declaratory opinions and requests for declaratory opinions shall be available for public inspection and copying in accordance with the Market's public records request procedure. All declaratory opinions and requests shall be indexed by name and subject. Declaratory opinions and requests that contain information that is confidential or exempt from disclosure under the Mississippi Public Records Act or other laws shall be exempt from this requirement and shall remain confidential. (Adopted June 21, 2005.)

Source: *Miss. Code Ann.* §69-7-109.

Effect of a Declaratory Opinion

113 The Market will not pursue any civil or criminal or administrative action against a person who is issued a declaratory opinion from the Market and who, in good faith, follows the direction of the opinion and acts in accordance therewith unless a court of competent jurisdiction holds that the opinion is manifestly wrong. Any declaratory opinion rendered by the Market shall be binding only on the Market and the person to whom the opinion is issued. No declaratory opinion will be used as precedent for any other transaction or occurrence beyond that set forth by the requesting person.

(Adopted June 21, 2005.)

Source: *Miss. Code Ann.* §69-7-109.

Subpart 5-Central Market Board
Chapter 04-Public Records Request Procedure

Scope

100 The following regulation is hereby adopted by the Mississippi Central Market Board (“Market”) as provided by Section 3 of the Mississippi Public Records Act of 1983 (“Act”), for the orderly implementation of said law.

(Adopted May 8, 2007.)

Source: *Miss. Code Ann.* §69-7-109.

Schedule of Fees

101 Personnel. Staff time shall be charged as follows: \$10.00 per hour per person for clerical time and \$20.00 per hour per person for supervisory or professional time for searching, reviewing and/or duplicating public records. Any part of an hour spent in such activities shall be prorated to the nearest half hour.

(Adopted May 8, 2007.)

Source: *Miss. Code Ann.* §69-7-109.

102 Copies. \$.50 per page for each copy. Copies of pages printed on both sides (front and back) shall be considered as two pages for copy charge purposes.

(Adopted May 8, 2007.)

Source: *Miss. Code Ann.* §69-7-109.

103 Packing fee. A \$5.00 packing and handling fee shall be charged on all requests for copies of public records to be shipped or mailed.

(Adopted May 8, 2007.)

Source: *Miss. Code Ann.* §69-7-109.

104 Mailing fee. The cost shall be calculated at the applicable rate for each such mailing. If request involves notice to be given to a third party, the cost of mailing such notice via certified mail return receipt requested shall be charged to person requesting such public records.

(Adopted May 8, 2007.)

Source: *Miss. Code Ann.* §69-7-109.

105 Payment of fees. Requestor shall deposit a certified check, money order or cash in escrow with the Market for the estimated costs of answering this request. However, if

actual costs exceed the estimated costs, the additional costs shall be paid by the person requesting such records prior to the release of the records.

(Adopted May 8, 2007.)

Source: *Miss. Code Ann.* §69-7-109.

Requests

106 General. No person requesting public records shall be permitted to review Market files, however, copies of all records requested; within limitations imposed by the Act and this regulation, will be furnished such person.

(Adopted May 8, 2007.)

Source: *Miss. Code Ann.* §69-7-109.

107 Where to Send Requests. All requests must be mailed, delivered or transmitted via facsimile to the Market. Oral and telephone requests and email requests will not be accepted.

(Adopted May 8, 2007.)

Source: *Miss. Code Ann.* §69-7-109.

108 Written Request Required. Each request must be printed or typewritten, or must be in legible handwriting. Each request must be submitted on standard business letter-size paper (8-1/2 inches by 11 inches). Requests may be in the form of a letter addressed to the Market. All requests must include a specific description, identity and name of the records requested.

(Adopted May 8, 2007.)

Source: *Miss. Code Ann.* §69-7-109.

109 Name, Address and Signature of Requestor. Each request must include the full name, telephone number, and mailing address of the requestor. All requests shall be signed by the person filing the request.

(Adopted May 8, 2007.)

Source: *Miss. Code Ann.* §69-7-109.

110 Market Response. All records or information in the possession of the Market not specifically exempt as a public record by the Act, or this Regulation, shall be made available upon written request within seven (7) working days from the date of receipt of said request.

All requests must include a specific description, identity and name of the records requested. If the Market is unable to produce a public record by the seventh working day after the request is made, the Market must provide a written explanation to the requestor stating that the record requested will be produced, unless exempt by law, and specifying

with particularity why the records cannot be produced within the seven-day period. Unless there is mutual agreement of the requestor and the Market, in no event shall the date for the Market's production of the requested records be any later than fourteen (14) working days from the receipt by the Market of the original request. If the requestor and the Market agree, a response period of longer than fourteen (14) working days from the receipt of the request shall be allowed. If the request is denied, the Market shall notify the requestor in writing that the request is denied and provide the specific reason or exemption relied upon by the Market for the denial.

(Adopted May 8, 2007; Revised January 20, 2011.) Source: *Miss. Code Ann.* §69-7-109.

Source: *Miss. Code Ann.* §69-7-109.

Availability of Records

- 111 The availability of all records in the possession of the Market shall be subject to the following limitations:
1. Any public record specifically declared to be confidential, privileged or exempt by the Act, or any constitutional or statutory law or decision of a court of this state or the United States shall be exempt from the provisions of the Act.
 2. Any records furnished to the Market which contain trade secrets or confidential commercial or financial information shall not be subject to inspection, examination, copying or reproduction until forty five (45) days following written notice from the Market to person furnishing such records advising that request has been made for copies of such documents. The notice shall contain a listing of specific documents requested and the name and address of the person requesting such documents or records. Notices shall be mailed certified mail return receipt requested. At the end of the forty five (45) day notice period, copies of all records listed in said notice shall be released to person requesting such records unless person furnishing such records shall have obtained a court order protecting such records as confidential and exempting such records from the provisions of the Act.
 3. Personnel records and applications for employment, letters of recommendation for employment or respecting admission to any educational agency or institution in the possession of the Market, except those which may be released to the person who made the application or released upon the prior written consent of the person who made the application, shall be exempt from the provisions of the Act.
 4. Test questions and answers in the possession of the Market shall be exempt from the provisions of the Act.
 5. Records which represent and constitute the work product of any attorney, district attorney or county prosecuting attorney representing the Market and which are related to litigation made by or against the Market or in anticipation of prospective litigation, including all communications between such attorney made in the courses of an attorney-client relationship shall be exempt from the provisions of the Act.
 6. Records in the possession of the Market which would disclose information about a persons individual tax payment or status shall be exempt from the provisions of the Act.

7. Information or records in the possession of the Market which concerns the sale or purchase of real or personal property for public purposes shall be exempt from the provisions of the Act, prior to public announcement of the purchase or sale, where the release of such records could possibly have a detrimental effect on such sale or purchases.

8. Records in the possession of the Market which are not otherwise protected by law, that (a) are compiled in the process of detecting and investigating any unlawful activity or alleged unlawful activity, disclosure of which would harm such investigation; (b) would reveal the identity of informants; (c) would prematurely release information that would impede the Market's enforcement, investigation or detection efforts in such proceedings; (d) would disclose investigatory techniques; (e) would deprive a person of a right to a fair trial or impartial adjudication; (f) would endanger the life or safety of any Market personnel; (g) are matters pertaining to quality control or PEER review activities shall be exempt from the provisions of the Act.

9. Applications for licensure or test questions that are to be used in future license examinations in the possession of the Market, except that which may be released to the person who made the application or with the prior written consent of the person who made the application, shall be exempt from the provisions of the Act.

10. Commercial and financial information or records of a proprietary nature required to be submitted to the Market by a firm, business, partnership, association, corporation, individual or other like entity, shall be exempt from the provisions of the Act.

11. Records in the possession of the Market as defined by Section 2(b) of the Act, which are not otherwise protected by law, that are compiled by reason of inspection or investigation of specific facilities, organizations, or devices pursuant to any law requiring such inspections or investigations to determine, insure, or enforce compliance with such law, shall be exempt from the provisions of the Act.

(Adopted May 8, 2007.)

Source: *Miss. Code Ann.* §69-7-109.

Subpart 5-Central Market Board

Chapter 05- Rules Governing The Farmers Market

100 Definitions:

1. **Crafts** – Products that have been developed by the handiwork of artisans and crafters to create a value-added good.
2. **Home-based processor**- means a person who, in his or her home, produces or processes whole fruit and vegetables, missed-greens, jams, jellies, sweet sorghum syrup, preserves, fruit butter, bread, fruit pies, cakes or cookies.
3. **Market Manager** – A state employee designated by the Board to supervise the daily operations of the Mississippi Farmers' Market and to implement the guidelines and decisions of the Mississippi Central Market Board.
4. **Mississippi Central Market Board** – Governor appointed individuals in cooperation with the Mississippi Commissioner of Agriculture as outlined in Section 69-7-103 of the *Miss. Code Ann.* .
5. **Nursery/Landscape** – Horticultural and arboricultural plant materials used for aesthetic purposes.

6. **Potentially hazardous goods**-are those goods as defined in section 1-201.10 of the current U.S. Food Code.
 7. **Produce** – Raw, horticultural and agronomic products to include all varieties of fruits, vegetables, herbs, nuts and cut flowers.
 8. **Specialty Foods** – Processed goods derived from raw commodities to include but not to be limited to refined, baked, canned and cooked foods, honey, and eggs.
 9. **Stall** – Pre-designated space for rent on the market premises.
 10. **Vendor** – One who meets the requirements of the Mississippi Farmers’ Market certification process and sells produce or other approved products at the Market.
- (Amended February 28, 2008.)

Source: *Miss. Code Ann.* §69-7-109.

Purpose

- 101 The Mississippi Farmers’ Market (“the Market”) is created to promote and provide a marketplace for Mississippi grown fruits, vegetables, plant materials, and other products made in Mississippi. These rules apply only to the Market on Jefferson Street. The primary objectives of the Market are to offer a diverse product selection, attract a large and repeating customer base, and afford farmers a profitable location to sell produce and other goods.

Source: *Miss. Code Ann.* §69-7-109.

Time Of Operation

- 102 The Mississippi Central Market Board (“the Board”) shall have the authority to establish days and hours of operation of all sectors of the Farmers’ Market at the Fairgrounds with monthly reevaluation of such operating guidelines. All participating vendors must adhere to hours of operation.

Source: *Miss. Code Ann.* §69-7-109.

Vendor Certification And Selection Priority

- 103.01 All vendors must complete the Market Certification Form upon annual application for participation in the Market.
1. Mississippi Department of Agriculture and Commerce staff will evaluate submitted certification forms and approve those deemed eligible.
 2. A copy of the approved certificate must be posted in plain view during operation for all vendors at the market.
 3. All items intended for sale shall be listed on the certificate, and only those items approved for sale will be allowed.
 4. It is the intent of the certification process to ensure all products for sale are produced by those actively involved in the production process and that only those individuals may become eligible vendors at the Market.

103.02 Vendors shall be selected and stalls allocated to promote equity, diversity, and a competitive environment to benefit both vendors and customers.

103.03 Mississippi Department of Agriculture and Commerce staff shall perform inspections on vendor property after certifications have been completed.

Source: *Miss. Code Ann.* §69-7-109.

Operating Guidelines

104 The following guidelines apply to Market operations:

1. The Board shall have the authority to set rent rates for vendors on Market grounds and shall reevaluate such rates on an annual basis. Rates shall be set to support financial stability of the Market and to encourage participation in the Market.
2. Each vendor, whether in cooperation with other growers or not, shall individually pay a stall fee. Rental fees will be paid on a daily basis for each stall space occupied.
3. Vendors must use the space as authorized by the Market Manager.
4. Vendors must notify the Market Manager before delivering, engaging in business, or occupying space on the market grounds.
5. At no time may a vendor's display restrict the view of other vendors at the market.
6. No vendor may sub-lease or sub-let their space at any given time.
7. The Market Manager must approve signage.
8. Vendors may have coolers, as approved by the Market Manager, in the rented space.
9. The Market will provide waste containers and basic electrical service. The Market will not provide electrical cords or other electrical extensions.
10. The Market will also provide water connections for the vendors. The Market will not provide hoses or other connection equipment needed to dispense water.
11. Hoses and other watering apparatuses must be put away and turned off immediately upon termination of use and must not pose a threat to others.
12. Standing water must be swept to the nearest drain.
13. No vendor shall enter into price agreements to raise, lower, or fix prices for products on the Market. Vendors are not to influence other vendors to sell lower or higher other than through natural competition.
14. Each vendor operates privately and separately, and it is the individual responsibility of each vendor to comply with all city, county, state and federal laws and regulations concerning packaging, labeling, taxation, food safety and sanitation, etc.
15. No vendor is to approach customers while at the location of another vendor. No calling out of prices will be permitted.
16. Use of the product label "Organic" must be in accordance with all Federal and State laws, rules, and regulations.
17. No live animals shall be offered for sale at the Market.
18. No smoking or tobacco use shall be allowed in the building.
19. No alcohol, intoxicating beverage or narcotic, nor any person under the influence thereof, shall be allowed on the market premises.
20. Loitering in or around the Market after designated operating hours is prohibited.
21. No eighteen-wheelers shall be allowed on Market grounds.
22. No repairs on vehicles, other than emergency repairs, may be performed on Market grounds.

23. All vehicles belonging to or used by the vendor must be parked directly behind their rented stall or in customer parking, and must be moved on a daily basis (cannot stay after Market closes).
24. No soliciting of products other than approved items will be permitted.
25. No pets are allowed in the building with the exception of dogs aiding the handicapped.
26. No loading or unloading of products in a stall in front of the customer walkway is allowed.
27. No person shall deface or damage the Market building.
28. Vendors are responsible for the actions, behavior, and dress of their representatives, employees or agents. Shoes and shirts must be worn at all times.
29. All vendors and vendor personnel are responsible for a daily proper disposal and removal of refuse, discards, and garbage from their rented space, including, without limitation, the ten feet in front and rear of rented space and five feet on all sides of any vehicle parked at a rented space.
30. Vendor displays and storage must be kept sanitary on a daily basis.
31. The Market is not liable and assumes no responsibility for any personal items or property in or around the stall(s).
32. The Mississippi Department of Agriculture and Commerce has the right to invite any outside vendor for temporary, promotional events with those individuals adhering to only the 'Operational Guidelines.'
33. To the fullest extent allowed by law, each vendor shall indemnify, defend, save, hold harmless, protect and exonerate the Board, its directors, employees, agents, representatives, the Market Manager, and the State of Mississippi from and against all claims, demands, liabilities, suits, actions, damages and losses for personal injury, death or property damage, including, without limitation, court costs, investigative fees and attorneys' fees arising out of such vendor's operations on the Board's grounds, and whether caused by the vendor or his agents, employees or subcontractors. Each vendor shall be solely responsible for all costs and/or expenses associated with such defense.
34. Vendors may leave their products and other property in the stall space over night only if the rental fee has been paid in advance.
35. Upon departure, all space for which tenant is responsible, as described above, must be left clean.
36. If the vendor has been absent from Market and rent has accrued, tenant must, upon his return to the Market, pay all delinquent rent and/or fees before engaging in business again.
37. The Market Manager reserves the right to eject from the grounds any individual who interferes with the commerce and operation of the Market.
38. If a vendor violates any of these rules, he may be debarred by the Market Manager from operating as a vendor at the Market.
39. If the Mississippi Legislature or the United States Congress fails to appropriate the funds necessary to operate the Market, the Market Manager may debar any or all of the vendors from operating at the Market.
40. The Market Manager may debar any or all of the vendors from operating at the Market at the convenience of the Market Manager.
41. Based on variation in market products and seasonal changes of available products, the Board gives the Market Manager, with the Board's approval, the flexibility to set the

- ratio of Mississippi producer grown products and the non-MS producer grown products available for sale at the market.
42. No person or organization may solicit money, votes or signatures or engage in a protest, demonstration or political activity/speech, including distribution of written material until after he has registered with the Market Manager. Such activities must be conducted at least 100 feet from the Market building and in an area specifically designated by the Market Manager. No more than twenty-five (25) people may engage in such activities on behalf of the subject organization, political candidate or ideology being advocated. Any person participating in a protest, demonstration or political speech at the market may carry a sign, display or poster no larger than nine (9) square feet in area in his hands or on his body during such activity. The Market Manager reserves the right to eject from the grounds any individual who interferes with or disrupts the commerce and operation of the Market. This regulation should not be considered a limitation on the rental of the Market for political rallies or activities during non-operating hours.

(Adopted January 20, 2011; Revised February 3, 2014.)

Source: *Miss. Code Ann.* §69-7-109.

Produce

- 105 The following rules and regulations are only applicable to those vendors selling fresh produce, nuts, and cut flowers and foliage.
1. A single vendor may rent a maximum of three consecutive stalls, with approval by the Market Manager.
 2. Produce products will receive preference for space over plant materials and other goods available at the market.
 3. Trees and produce shall not be sold from the same stall.
 4. Pre-packaged items sold by weight must be labeled in a manner pursuant to *Miss. Code Ann.* Section 75-27-41 of the Mississippi Weights and Measures Law.

Source: *Miss. Code Ann.* §69-7-109.

Nursery/Landscape

- 106 The following rules and regulations are only applicable to those vendors selling plant materials classified as either Nursery or Landscape.
1. If available, a single vendor may rent a number of consecutive stalls, with approval by the Market Manager.
 2. Vendors, if deemed eligible by the Market Manager, may expand the size of their operation for an additional fee by utilizing the parking area behind the stall. Expansion displays must not block the driving space of other vendors at the market and must adhere to the width and length restrictions of the rented stall(s).
 3. At no time may the vendor expand beyond the side and front lines of the stall(s).
 4. A tent or other shading structure that has been approved by the Market Manager maybe placed directly behind the stall to expand the rented stall.

5. Re-stocking is permitted. Vendors may be subject to a surcharge in an amount determined by the Board and reviewed annually for every truckload brought in. Payment will be given to the Market Manager immediately upon delivery.
6. The Bureau of Plant Industry must certify all vendors selling nursery plant materials before entering the market. Proof of certification and licensing must be provided and on file with the Market Manager.
7. All plant materials sold at the market must have been grown in Mississippi. Plugs and other starter plants not originating in Mississippi may be considered a Mississippi product if and only if it is finished in the state. For such consideration, the plant material must not be in its original container, and it must have matured in Mississippi for a minimum of four weeks.
8. All plant materials must be disease and pest free.
9. Vendors may water plants as necessary but may not spray fertilizer, pesticides, or any other chemicals at any time at the Market.

Source: *Miss. Code Ann.* §69-7-109.

Specialty Foods

107 The following rules and regulations are applicable only to those individuals selling goods that have been processed altered from its original form as well as to those individuals selling farm raised eggs.

1. In the event a stall is vacant and vendors selling produce or nursery/landscape materials are not available or a lack of variety is present at the market, the Market Manager may rent a stall to a vendor selling specialty foods.
2. Government approved methods for preparing, storing, handling, and packaging of food products must be adhered to.
3. All processed foods products are to be packaged, covered, sealed, or wrapped at all times.
4. Complaints regarding quality, unsafe practices, or reports of illness must be given directly to the Market Manager.
5. All products are subject to revocation by the Market Manager.

(Amended February 2012.)

Source: *Miss. Code Ann.* §69-7-109.

Home-based processors

108.01 A home-based processor may sell non-potentially hazardous goods at the Mississippi Farmers' Market provided the following conditions are met:

1. All finished product containers are clean and sanitary and are labeled to show:
 - a. the name and address of the home-based processor;
 - b. the common or usual name of the food;
 - c. if the food is prepared from two or more ingredients, the ingredients of the food product in descending order of predominance by weight;
 - d. the net weight, standard measure or numerical count;

- e. the date the product was processed; and
 - f. a statement that the product was home processed
2. All goods processed by home-based processors are neither adulterated nor misbranded.
 3. Glass containers for jams, jellies, marmalades and similar products are provided with suitable metal covers.

(Adopted February 28, 2008.)

108.02 Potentially hazardous goods may be sold at the market if the vendor has a permit from the State Health Department and meets the labeling requirements in subsection 108.01(1)(a)-(f).

(Adopted February 28, 2008.)

108.03 The following chart provides examples of what home-based processed products are non-potentially hazardous. The list is not exclusive

Non-potentially hazardous goods
<ul style="list-style-type: none"> • Jams • Jellies • Sweet sorghum syrup • Preserves • Fruit butter • Fruit pies • Cakes • Cookies • Breads (that do not contain meat and/or seafood)

(Adopted February 28, 2008.)

Source: *Miss. Code Ann.* §69-7-109.

Arts and Crafts

109 Vendors with handcrafted items and/ or art must complete the Art & Craft Vendor application. Once submitted the application and potential products will be reviewed for approval by the Arts and Crafts Standards Committee. Notification of approval will be communicated to the applicant within two weeks of the review committees' decision.

1. All arts and craft vendors must complete the Mississippi Farmers Market Application for Certification. Individuals making products using inputs sourced directly from a Mississippi farm and Members of the Craftsmen's Guild of Mississippi will be given first preference. Other applicants will be reviewed and must be approved by a Standards Committee appointed by the Central Market Board. The Standards Committee will conduct reviews twice per calendar year and will rate applicants work based on criteria of design, creativity, craftsmanship and overall impact. Applicants work must be approved to qualify for active vendor status.

2. Only crafts that are handcrafted by the vendor will be allowed.

(Amended February 2012.)

Source: *Miss. Code Ann.* §69-7-109.