

§ 69-7-651. Short title.

## **Mississippi Statutes**

### **Title 69. AGRICULTURE, HORTICULTURE, AND ANIMALS**

#### **Chapter 7. MARKETS AND MARKETING; DOMESTIC FISH FARMING**

##### **Article 15. MISSISSIPPI CATFISH PROCESSOR FAIR PRACTICES ACT**

*Current through 3/27/2018*

### **§ 69-7-651. Short title**

This chapter shall be known and may be cited as the "Mississippi Catfish Processor Fair Practices Act of 1986."

**Cite as Miss. Code § 69-7-651**

**Source: Laws, 1986, ch. 431, § 1, eff. 7/1/1986.**

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§ 69-7-653. Administration of article.

## **Mississippi Statutes**

### **Title 69. AGRICULTURE, HORTICULTURE, AND ANIMALS**

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*Current through 3/27/2018*

### **§ 69-7-653. Administration of article**

This article shall be administered by the Commissioner of Agriculture and Commerce.

**Cite as Miss. Code § 69-7-653**

**Source: Laws, 1986, ch. 431, § 2, eff. 7/1/1986.**

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§ 69-7-655. Legislative findings and purpose.

## **Mississippi Statutes**

### **Title 69. AGRICULTURE, HORTICULTURE, AND ANIMALS**

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#### **§ 69-7-655. Legislative findings and purpose**

The Legislature finds that a burden on and an obstruction to intrastate commerce in the catfish farming industry is caused when payment is not made for the catfish and that such arrangements are contrary to the public interest. This article is intended to remedy such burden on and obstruction to intrastate commerce in catfish and to protect the public interest.

**Cite as Miss. Code § 69-7-655**

**Source: Laws, 1986, ch. 431, § 3, eff. 7/1/1986.**

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§ 69-7-657. Definitions.

## **Mississippi Statutes**

### **Title 69. AGRICULTURE, HORTICULTURE, AND ANIMALS**

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#### **§ 69-7-657. Definitions**

For purposes of this article, the following terms shall have the meaning ascribed herein unless the context otherwise requires:

- (a) "Capable of use as human food" means and shall apply to any catfish or part or product

thereof unless it is denatured or otherwise identified as required by regulations prescribed by the commissioner to deter its use as human food, or unless it is naturally inedible by humans.

- (b) "Cash sale" means a sale in which the seller does not expressly extend credit to the buyer.
- (c) "Catfish" means any species within the family of Ictaluridae.
- (d) "Commissioner" means the Commissioner of Agriculture and Commerce of the State of Mississippi.
- (e) "Direct retail sale" means the sale of catfish products directly to the consumer.
- (f) "Person" includes any individual, partnership, corporation and association or other legal entity.
- (g) "Processor" means any person engaged in handling, storing, preparing, manufacturing, packing or holding catfish products.
- (h) "Producer" means any person engaged in the business of producing catfish, by any method.
- (i) "Product" means any catfish product capable of use as human food which is made wholly or in part from any catfish or portion thereof.
- (j) "Secured party" means a lender who has a perfected security interest pursuant to the Uniform Commercial Code in the catfish being sold.

**Cite as Miss. Code § 69-7-657**

**Source: Laws, 1986, ch. 431, § 4; Laws, 2004, ch. 377, §5; Laws, 2005, ch. 390, §1, eff. 3/16/2005.**

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§ 69-7-659. Methods of purchasing catfish products; bonds and other security requirements; unfair practices.

## **Mississippi Statutes**

### **Title 69. AGRICULTURE, HORTICULTURE, AND ANIMALS**

#### **Chapter 7. MARKETS AND MARKETING; DOMESTIC FISH FARMING**

##### **Article 15. MISSISSIPPI CATFISH PROCESSOR FAIR PRACTICES ACT**

*Current through 3/27/2018*

**§ 69-7-659. Methods of purchasing catfish products; bonds and other security requirements; unfair practices**

- (1) Each processor shall use one of the following methods to purchase catfish products:
  - (a) The processor may deliver to the producer or his duly authorized representative and any secured parties the full amount of the purchase price on the same day the catfish product is purchased and possession is transferred.
  - (b) The processor may before the close of the twenty-eighth (28th) calendar day following the purchase of the catfish products and transfer of possession thereof, deliver to the producer or his duly authorized representative and any secured parties the full amount of the purchase price. If the producer or his duly authorized representative or secured parties are not present to receive payment at the point of transfer or possession, as herein provided, the processor shall wire transfer funds or place a check in the United States mail for the full amount of the purchase price, properly addressed to the producer and any secured parties, within the time limits specified in this subsection. Such action shall be deemed in compliance with the requirement for prompt payment under this paragraph.
  - (c) The parties to the purchase and sale of catfish products may expressly agree in writing, before such purchase or sale, to effect payment in a manner other than that required in paragraphs (a) or (b) provided the manner of payment does not interfere with the rights of secured parties. Any such agreement shall be disclosed in the records of any producer selling the catfish, and in the processors records and on the accounts or other documents issued by the processors relating to the transaction.
- (2) In the event the processor shall elect the method prescribed in subparagraph (1)(b) of this section, to purchase catfish products, such processor shall, prior to such transaction, be required to:
  - (a) Be bonded in the amount of Two Hundred Fifty Thousand Dollars (\$ 250,000.00) or in an amount which may be determined by the commissioner;
  - (b) Post a security bond in the amount of Two Hundred Fifty Thousand Dollars (\$ 250,000.00) or in an amount which may be determined by the commissioner; or
  - (c) Provide cash security, letters of credit and/or such other evidences of security as shall be authorized by the commissioner.
- (3) Any delay or attempt to delay, by a processor purchasing catfish products, the collection of funds as herein provided, or otherwise, for the purpose of or resulting in extending the normal period of payment for such catfish shall be considered an "unfair practice" in

violation of this article.

**Cite as Miss. Code § 69-7-659**

**Source: Laws, 1986, ch. 431, § 5, eff. 7/1/1986.**

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§ 69-7-661. Registration of processors; orders with respect to insolvent registrants.

## **Mississippi Statutes**

### **Title 69. AGRICULTURE, HORTICULTURE, AND ANIMALS**

#### **Chapter 7. MARKETS AND MARKETING; DOMESTIC FISH FARMING**

##### **Article 15. MISSISSIPPI CATFISH PROCESSOR FAIR PRACTICES ACT**

*Current through 3/27/2018*

##### **§ 69-7-661. Registration of processors; orders with respect to insolvent registrants**

On and after July 1, 1986, every catfish processor shall register with the Commissioner of Agriculture and Commerce. The commissioner shall promulgate such rules and regulations as he may deem necessary to secure the performance of catfish purchasing obligations, and whenever, after due notice and hearing, the commissioner finds any registrant is insolvent or has violated any provisions of this article he may issue an order suspending such registrant for a reasonable specified period. Such order of suspension shall take effect within not less than five (5) days, unless suspended or modified or set aside by the commissioner or a court of competent jurisdiction. If the commissioner finds any processor is insolvent, he may after notice and hearing issue an order requiring such processor to cease and desist from purchasing catfish while insolvent except under such conditions as the commissioner may prescribe to effectuate the purposes of this article. Provided, however, that (a) those processors whose average annual purchases do not exceed Fifty Thousand Dollars (\$ 50,000.00), and (b) those processors who deliver to the producer or his duly authorized representative the full amount of the purchase price on the same day the catfish product is purchased and possession thereof is transferred, shall be exempt from the provisions of this section.

**Cite as Miss. Code § 69-7-661**

**Source: Laws, 1986, ch. 431, § 6, eff. 7/1/1986.**

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§ 69-7-663. Unlawful practices.

## **Mississippi Statutes**

### **Title 69. AGRICULTURE, HORTICULTURE, AND ANIMALS**

#### **Chapter 7. MARKETS AND MARKETING; DOMESTIC FISH FARMING**

##### **Article 15. MISSISSIPPI CATFISH PROCESSOR FAIR PRACTICES ACT**

*Current through 3/27/2018*

### **§ 69-7-663. Unlawful practices**

It shall be unlawful, with respect to catfish or catfish products, for any processor to engage in or use any unfair, unjustly discriminatory, or deceptive practice.

**Cite as Miss. Code § 69-7-663**

**Source: Laws, 1986, ch. 431, § 7, eff. 7/1/1986.**

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§ 69-7-665. Promulgation of rules and regulations.

## **Mississippi Statutes**

### **Title 69. AGRICULTURE, HORTICULTURE, AND ANIMALS**

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##### **Article 15. MISSISSIPPI CATFISH PROCESSOR FAIR PRACTICES ACT**

*Current through 3/27/2018*

### **§ 69-7-665. Promulgation of rules and regulations**

- (1) The commissioner is authorized to promulgate such rules and regulations as may be necessary for the efficient enforcement of this article.
- (2) Before the issuance, amendment or repeal of any rule or regulation authorized by this article, the commissioner shall publish the proposed regulation, amendment or notice to repeal an existing regulation in a manner reasonably calculated to give interested parties

adequate notice and shall afford all interested persons an opportunity to present their views thereon, orally or in writing, within a reasonable period of time. After consideration of all views presented by interested persons, the commissioner shall take appropriate action to issue the proposed rules or regulations or to amend or repeal an existing rule or regulation.

**Cite as Miss. Code § 69-7-665**

**Source: Laws, 1986, ch. 431, § 8, eff. 7/1/1986.**

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§ 69-7-667. Injunctions against violations; judicial review.

## **Mississippi Statutes**

### **Title 69. AGRICULTURE, HORTICULTURE, AND ANIMALS**

#### **Chapter 7. MARKETS AND MARKETING; DOMESTIC FISH FARMING**

##### **Article 15. MISSISSIPPI CATFISH PROCESSOR FAIR PRACTICES ACT**

*Current through 3/27/2018*

#### **§ 69-7-667. Injunctions against violations; judicial review**

- (1) The commissioner is hereby authorized to apply for and the court to grant a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of this article or any rule or regulation promulgated under this article, notwithstanding the existence of other remedies at law. Said injunction shall be issued without bond.
- (2) Any person adversely affected by an act, order or ruling made by the commissioner pursuant to the provisions of this article may, within forty-five (45) days thereafter, bring action in the Hinds County Circuit Court, First Judicial District, for judicial review of such actions. The form of the proceeding shall be any which may be provided by statutes of this state to review decisions of administrative agencies, or in the absence or inadequacy thereof any applicable form of legal action, including actions for declaratory judgments or writs of prohibitory or mandatory injunctions.

**Cite as Miss. Code § 69-7-667**

**Source: Laws, 1986, ch. 431, § 9, eff. 7/1/1986.**

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§ 69-7-669. Liability of violators; enforcement.

**Mississippi Statutes**

**Title 69. AGRICULTURE, HORTICULTURE, AND ANIMALS**

**Chapter 7. MARKETS AND MARKETING; DOMESTIC FISH FARMING**

**Article 15. MISSISSIPPI CATFISH PROCESSOR FAIR PRACTICES ACT**

*Current through 3/27/2018*

**§ 69-7-669. Liability of violators; enforcement**

- (1) If any person subject to this article violates any of the provisions of this article, or of any order of the commissioner under this article, relating to the purchase, sale or handling of catfish, he shall be liable to the person or person injured thereby for the full amount of damages sustained in consequence of such violation.
- (2) Such liability may be enforced either (a) by complaint to the commissioner or (b) by suit in any circuit court of competent jurisdiction; but this section shall not in any way abridge or alter the remedies now existing at common law or by statute, but the provisions of this article are in addition to such remedies.

**Cite as Miss. Code § 69-7-669**

**Source: Laws, 1986, ch. 431, § 10, eff. 7/1/1986.**