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USDA's United States Grain Standards Act: *Mississippi*



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USDA's United States Grain Standards Act: Mississippi

[Miss. Code Ann. §§ 69-1-19; 69-1-21; 69-1-23](#)
[Miss. Code Ann. §§ 75-43-37; 75-43-39; 75-43-45](#)

§ 69-1-19. Commissioner to establish grades and standards of farm products.

The Commissioner of Agriculture and Commerce is hereby authorized to establish grades and standards from time to time for farm products grown or produced in this state, provided that any grade or standard on any farm product which may be established by the United States Department of Agriculture under authority of congress shall also be established by the commissioner of agriculture and commerce as the standard for this state.

The Commissioner of Agriculture and Commerce may also establish standard sizes for boxes, or containers, used in the handling of fruits and vegetables in this state, provided such standards established by the commissioner shall conform with the federal standard container act of congress. The commissioner may also establish the standard weight of each box or container when filled with fruits or vegetables.

§ 69-1-21. Certifying grade and condition of farm products.

1. The Commissioner of Agriculture and Commerce is hereby authorized to investigate and certify to shippers and other financially interested parties, the grade, quality or condition of farm products in accordance with the standard established by him. The certificates issued by the commissioner pursuant to this chapter shall be received in all counties of this state as prima facie evidence of the truth of statements contained therein. For this service the commissioner may charge reasonable fees designed to cover the cost of these services.
2. All fees collected under the provisions of this section shall be deposited in the general fund of the state treasury.

§ 69-1-23. Inspection of grain crops; definitions; licensing of inspectors; grading samples.

1. The Mississippi Department of Agriculture and Commerce is hereby designated as the official inspection agency within the State of Mississippi, or for a company domiciled in the State of Mississippi, to certify to producers, shippers, and other financially interested parties the grade, quality, or condition of grain crops. Grain crops for the purpose of this chapter shall be those crops for which standards have been established under the United States Grain Standards Act; namely, wheat, oats,



corn, barley, rye, flaxseed, soybeans, grain sorghum, and mixed grains and other crops for which standards may hereafter be established.

2. The Mississippi Department of Agriculture and Commerce shall have the sole authority to recommend to the U. S. Department of Agriculture the licensing of inspectors for the purpose of carrying out the inspection, grading and certification of grain inspection under the United States Department of Agriculture Grain Standards Act, except that those persons already licensed as of this date under any other authority may continue to operate in their respective designated areas.
3. The Commissioner of Agriculture and Commerce shall adopt rules and regulations to provide that any grain producer, submitting grain for sale at any elevator in the state, shall be entitled to have that grain graded by an official inspector. The grain producer shall be responsible for and shall pay the cost of grading such sample.

§ 75-43-37. Maintenance of grade of grain; failure to maintain grade.

1. It shall be the duty of each farm warehouseman to whom a warehouse receipt or receipts have been issued to maintain the grade of the grain which he certified in his application for a warehouse receipt, as required by Section 75-43-7.
2. If the farm warehouseman does not maintain the grade of the grain which he certified in the application, he shall be liable on his bond, or on the amount posted in lieu of the bond, to the holder of the warehouse receipt who has made demand for the redemption of the receipt for the amount of the damages sustained by the holder of the receipt. The holder of the receipt shall give notice to the commissioner, and payment shall be made, in accordance with the procedure set forth in Section 75-43-35.
3. The right of the holder of the warehouse receipt to make a claim against the bond or amount posted in lieu of the bond for failure of the warehouseman to maintain the grade of the grain shall exist only while the grain is still in the warehouse or on the premises of the storage facility. Once the holder of the receipt removes the grain from the premises of the storage facility, he relinquishes all right to make a claim against the bond or amount posted in lieu of the bond for damages sustained because of a decrease in the grade of the grain.

§ 75-43-39. Examination of warehouse by commissioner.

Every farm warehouse for which there is a warehouse receipt outstanding shall be examined monthly by the commissioner. The cost of such examination shall be included in the annual license fee. The commissioner, at his discretion, may make additional examinations of any public grain warehouse at any time. If any discrepancy is found as a result of additional examination, the cost of such examination is to be paid by the farm warehouseman. The commissioner shall examine and inspect the grain stored in the farm warehouse, and shall determine the quantity of the grain stored in each container in the warehouse. The commissioner shall maintain a record and file of all inspections made of the warehouses and of the results of such inspections.

§ 75-43-45. Issuance of new warehouse receipt for undelivered portion of grain.



If a farm warehouseman delivers only a part of a lot of grain for which a warehouse receipt has been issued, the commissioner, upon proper notice, shall take up and cancel such receipt and issue a new receipt for the undelivered portion of grain.

