

Mississippi Secretary of State
125 S. Congress Street, Jackson, MS 39201

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME MS Department of Education		CONTACT PERSON Kym Wiggins	TELEPHONE NUMBER 601-359-1379	
ADDRESS 359 N. West Street		CITY Jackson	STATE MS	ZIP 39201
EMAIL kwiggins@mdek12.org	SUBMIT DATE 10/25/21	Name or number of rule(s): Beverage Regulations – Part 3 Chapter 38, Rule 38.3, Snack Regulations – Part 3 Chapter 38, Rule 38.4 West Tallahatchie Rental Housing – Part 3, Chapter 76, Rule 76.10		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: **Both rules, 38.3 and 38.4, are proposed for repeal due to updated USDA Federal Regulations, Rule 17.10 was established to align with the new federal requirements. Rule 76.10 is proposed for repeal, as it a restatement of current governing statute and does not promulgate any administrative rules beyond the statute.**

Specific legal authority authorizing the promulgation of rule: **38.3 and 38.4 - United States Department of Agriculture (USDA), Food and Nutrition Service (FNS): Federal Law # 7 CFR 210.11 (Adopt 10/2015)**

76.10 - Source: Miss. Code Ann. § 37-1-3 (Adopted 6/1998)

List all rules repealed, amended, or suspended by the proposed rule: **Repeal of Beverage Regulations – Part 3 Chapter 38, Rule 38.3 and Repeal of Snack Regulations – Part 3 Chapter 38, Rule 38.4; Repeal of Rule Part3, Chapter 76, Rule 76.10**

ORAL PROCEEDING:

☐ An oral proceeding is scheduled for this rule on Date: _____ Time: _____ Place: _____

☒ Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.

ECONOMIC IMPACT STATEMENT:

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

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
_____ Original filing _____ Renewal of effectiveness To be in effect in _____ days Effective date: _____ Immediately upon filing _____ Other (specify): _____	Action proposed: _____ New rule(s) _____ Amendment to existing rule(s) _____ Repeal of existing rule(s) _____ Adoption by reference Proposed final effective date: _____ 30 days after filing _____ Other (specify): _____	Date Proposed Rule Filed: <u>08/20/2021</u> Action taken: _____ Adopted with no changes in text _____ Adopted with changes _____ Adopted by reference _____ Withdrawn ☒ Repeal adopted as proposed Effective date: _____ 30 days after filing ☒ Other (specify): <u>11/25/2021</u>

Printed name and Title of person authorized to file rules: Kym Wiggins, Compliance Director

Signature of person authorized to file rules: _____

OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
Accepted for filing by _____	Accepted for filing by _____	 Accepted for filing by <u>25925</u> <u>POM</u>

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.