

HOUSE BILL NO. 1040

1. AN ACT ENTITLED THE MISSISSIPPI UNIFORM TRADE SECRETS ACT; TO
2. SET FORTH DEFINITIONS OF "TRADE SECRET," "MISAPPROPRIATION" AND
3. "IMPROPER MEANS"; TO PROVIDE THAT ACTUAL OR THREATENED
4. MISAPPROPRIATION OF A TRADE SECRET MAY BE ENJOINED; TO ALLOW A
5. COMPLAINANT TO RECOVER DAMAGES FOR ACTUAL LOSS AND UNJUST ENRICHMENT
6. CAUSED BY MISAPPROPRIATION OF A TRADE SECRET; TO PROVIDE FOR AWARD
7. OF ATTORNEYS' FEES IN CASES INVOLVING BAD FAITH OR WILLFUL AND
8. MALICIOUS MISAPPROPRIATION; TO PROVIDE FOR THE PRESERVATION OF
9. SECRECY IN MERITORIOUS TRADE SECRET LITIGATION; TO SET THE STATUTE
10. OF LIMITATIONS ON ACTIONS FOR MISAPPROPRIATION AT THREE YEARS
11. WITHIN DISCOVERY OF THE MISAPPROPRIATION; TO AMEND SECTIONS
12. 17-17-27, 25-61-9, 53-7-75, 53-9-41, 69-23-5, 75-45-191 AND
13. 79-23-1, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR
14. RELATED PURPOSES.

15. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

16. SECTION 1. This act may be cited as the Mississippi Uniform
17. Trade Secrets Act.

18. SECTION 2. As used in this act, unless the context requires
19. otherwise:

20. (a) "Improper means" includes theft, bribery,
21. misrepresentation, breach or inducement of a breach of a duty to
22. maintain secrecy, or espionage through electronic or other means;

23. (b) "Misappropriation" means:

24. (i) Acquisition of a trade secret of another by a
25. person who knows or has reason to know that the trade secret was
26. acquired by improper means; or

27. (ii) Disclosure or use of a trade secret of
28. another without express or implied consent by a person who:

29. 1. Used improper means to acquire knowledge
30. of the trade secret; or

31. 2. At the time of disclosure or use, knew or
32. had reason to know that his knowledge of the trade secret was:
33. a. Derived from or through a person who
34. had utilized improper means to acquire it;
35. b. Acquired under circumstances giving
36. rise to a duty to maintain its secrecy or limit its use; or
37. c. Derived from or through a person who
38. owed a duty to the person seeking relief to maintain its secrecy
39. or limits its use; or
40. 3. Before a material change of his or her
41. position, knew or had reason to know that it was a trade secret
42. and that knowledge of it had been acquired by accident or mistake.
43. (c) "Person" means a natural person, corporation,
44. business trust, estate, trust, partnership, association, joint
45. venture, government, governmental subdivision or agency or any
46. other legal or commercial entity.
47. (d) "Trade secret" means information, including a
48. formula, pattern, compilation, program, device, method, technique
49. or process, that:
50. (i) Derives independent economic value, actual or
51. potential, from not being generally known to, and not being
52. readily ascertainable by proper means by, other persons who can
53. obtain economic value from its disclosure or use, and
54. (ii) Is the subject of efforts that are reasonable
55. under the circumstances to maintain its secrecy.
56. SECTION 3. (1) Actual or threatened misappropriation may be
57. enjoined. Upon application to the court, an injunction shall be
58. terminated when the trade secret has ceased to exist, but the
59. injunction may be continued for an additional reasonable period of
60. time in order to eliminate commercial advantage that otherwise
61. would be derived from the misappropriation.

62. (2) In exceptional circumstances, an injunction may
63. condition future use upon payment of a reasonable royalty for no
64. longer than the period of time for which use could have been
65. prohibited. Exceptional circumstances include, but are not limited
66. to, a material and prejudicial change of position prior to
67. acquiring knowledge or reason to know of misappropriation that
68. renders a prohibitive injunction inequitable.

69. (3) In appropriate circumstances, affirmative acts to
70. protect a trade secret may be compelled by court order.

71. SECTION 4. (1) Except to the extent that a material and
72. prejudicial change of position prior to acquiring knowledge or
73. reason to know of misappropriation renders a monetary recovery
74. inequitable, a complainant is entitled to recover damages for
75. misappropriation. Damages can include both the actual loss caused
76. by misappropriation and the unjust enrichment caused by
77. misappropriation that is not taken into account in computing
78. actual loss. In lieu of damages measured by any other methods, the
79. damages caused by misappropriation may be measured by imposition
80. of liability for a reasonable royalty for a misappropriator's
81. unauthorized disclosure or use of a trade secret.

82. (2) If willful and malicious misappropriation exists, the
83. court may award exemplary damages in an amount not exceeding twice
84. any award made under subsection (1).

85. SECTION 5. If (a) a claim of misappropriation is made in bad
86. faith, (b) a motion to terminate an injunction is made or resisted
87. in bad faith or (c) willful and malicious misappropriation exists,
88. the court may award reasonable attorney's fees to the prevailing
89. party.

90. SECTION 6. In an action under this act, a court shall
91. preserve the secrecy of an alleged trade secret by reasonable
92. means, which may include granting protective orders in connection

93. with discovery proceedings, holding in-camera hearings, sealing
94. the records of the action and ordering any person involved in the
95. litigation not to disclose an alleged trade secret without prior
96. court approval.

97. SECTION 7. An action for misappropriation must be brought
98. within three (3) years after the misappropriation is discovered or
99. by the exercise of reasonable diligence should have been
100. discovered. For the purposes of this section, a continuing
101. misappropriation constitutes a single claim.

102. SECTION 8. (1) Except as provided in subsection (2), this
103. act displaces conflicting tort, restitutionary and other law of
104. this state providing civil remedies for misappropriation of a
105. trade secret.

106. (2) This act does not affect:

107. (a) Contractual remedies, whether or not based upon
108. misappropriation of a trade secret;

109. (b) Other civil remedies that are not based upon
110. misappropriation of a trade secret; or

111. (c) Criminal remedies, whether or not based upon
112. misappropriation of a trade secret.

113. SECTION 9. This act shall be applied and construed to
114. effectuate its general purpose to make uniform the law with
115. respect to the subject of this act among states enacting it.

116. SECTION 10. If any provision of this act or its application
117. to any person or circumstances is held invalid, the invalidity
118. does not affect other provisions or applications of the act which
119. can be given effect without the invalid provision or application,
120. and to this end the provisions of this act are severable.

121. SECTION 11. Section 17-17-27, Mississippi Code of 1972, is
122. amended as follows:

123. 17-17-27. (1) The department shall exercise such
124. supervision over restrictions, equipment, methodology and

125. personnel in the management of solid wastes as may be necessary to
126. enforce sanitary requirements; and the commission shall adopt such
127. rules and regulations as may be needed to specify methodology and
128. procedures to meet the requirements of this chapter, which shall
129. include at a minimum:

130. (a) Criteria for the determination of whether any waste
131. or combination of wastes is hazardous for the purposes of this
132. chapter;

133. (b) Rules and regulations for the storage, treatment
134. and disposal of solid wastes;

135. (c) Rules and regulations for the transportation,
136. containerization and labeling of hazardous wastes, which rules
137. shall be consistent with those issued by the United States
138. Department of Transportation;

139. (d) Rules and regulations specifying the terms and
140. conditions under which the permit board shall issue, modify,
141. suspend, revoke or deny such permits as may be required by this
142. chapter. Such rules and regulations shall include, and not by way
143. of limitation, specific authority for the permit board to consider
144. the financial capability and performance history of an applicant;

145. (e) Rules and regulations establishing standards and
146. procedures for the safe storage or transportation of hazardous
147. waste and for the safe operation and maintenance of hazardous
148. waste treatment or disposal facilities or sites or equipment;

149. (f) A listing of those wastes or combinations of wastes
150. which are not compatible, and which may not be stored or disposed
151. of together;

152. (g) Procedures and requirements for the use of a
153. manifest during the transport of hazardous wastes;

154. (h) Standards for financial responsibility to cover the
155. liability, closure and post-closure of any site and perpetual care

156. of a commercial hazardous waste landfill. Rules and regulations
157. promulgated hereunder may include, and not by way of limitation,
158. requirements for maintaining liability insurance coverage if such
159. coverage is not required under rules and regulations promulgated
160. by the United States Environmental Protection Agency;

161. (i) Rules and regulations establishing minimum
162. distances within which any hazardous waste disposal facility may
163. be located from any municipality, school, residence, church or
164. health care facility;

165. (j) Other rules and regulations as the commission deems
166. necessary to manage hazardous wastes in the state, provided that
167. such rules and regulations shall be equivalent to the United
168. States Environmental Protection Agency's rules and regulations.

169. (2) In complying with this section the commission shall
170. consider the variations within this state in climate, geology,
171. population density and such other factors as may be relevant to
172. the management of hazardous wastes. It is the intent of the
173. Legislature that commercial hazardous waste landfills be located
174. on those sites which, by virtue of their geologic conditions,
175. provide a high degree of environmental protection. In carrying
176. out the intent of this provision, the commission is authorized to
177. adopt siting criteria for commercial hazardous waste landfills
178. which are more stringent or extensive in scope, coverage and
179. effect than the rules and regulations promulgated by the United
180. States Environmental Protection Agency.

181. (3) Except as hereinafter provided, hazardous wastes shall
182. not be disposed of in this state by the use of underground
183. injection methods, as herein defined according to 40 CFR
184. 260.10(74) to mean "subsurface emplacement of fluids through a
185. bored, drilled, or driven well, or through a dug well, where the
186. depth of the dug well is greater than the largest surface

187. dimension." This prohibition shall not apply to the disposal on
188. the generation site of hazardous wastes generated in the
189. production of oil or gas or in a commercial or manufacturing
190. operation. Commercial hazardous waste underground injection wells
191. designed or intended to dispose of multiple nonhomogeneous types
192. of wastes from multiple sources other than the owner of the well
193. are hereby prohibited in the State of Mississippi.

194. A commercial hazardous waste landfill shall not be located on
195. the same site or within one thousand (1,000) feet of an existing
196. or abandoned ordinary waste disposal site, unless the hazardous
197. waste to be disposed of in said commercial landfill is
198. specifically approved as exempted.

199. (4) After promulgation of the regulations required under
200. this section, no person shall construct, substantially alter or
201. operate any solid waste treatment or disposal facility or site,
202. nor shall any person store, treat or dispose of any hazardous
203. waste without first obtaining a permit from the permit board for
204. such facility, site or activity. However, no person shall
205. construct any new hazardous waste treatment or disposal facility
206. or site or substantially alter any such existing facility or site,
207. nor shall the permit board issue a permit for any such
208. construction or alteration, until the commission has promulgated
209. rules and regulations under the provisions of subsection (1)(j) of
210. this section. Said rules and regulations shall be equivalent to
211. counterpart rules and regulations of the Environmental Protection
212. Agency whether now in effect or hereinafter promulgated. Any
213. person who has made an application for a permit for an existing
214. facility under this section shall be treated as having been issued
215. such permit until such time as final administrative disposition of
216. such application has been made unless the cause of such delay is
217. the result of the failure of the applicant to furnish information

218. reasonably required or requested in order to process the
219. application.

220. (5) Any permit issued under this section may be revoked by
221. the issuing agency at any time when the permittee fails to comply
222. with the terms and conditions of the permit. Where the obtaining
223. of or compliance with any permit required under this section
224. would, in the judgment of the department, cause undue or
225. unreasonable hardship to any person, the department may issue a
226. variance from these requirements. In no case shall the duration
227. of any such variance exceed one (1) year. Renewals or extensions
228. may be given only after an opportunity has been given for public
229. comment on each such renewal or extension.

230. (6) Information obtained by the commission concerning
231. environmental protection including but not limited to information
232. contained in applications for solid or hazardous waste disposal
233. permits shall be public information and shall be made available
234. upon proper request. Other information obtained by the
235. commission, department, or permit board in the administration of
236. Sections 17-17-1 through 17-17-47 concerning trade secrets,
237. including, but not limited to, marketing or financial information,
238. treatment, transportation, storage or disposal processes or
239. devices, methods of manufacture, or production capabilities or
240. amounts shall be kept confidential if and only if: (a) a written
241. confidentiality claim is made when the information is supplied;
242. (b) such confidentiality claim allows disclosure to authorized
243. department employees and/or the United States Environmental
244. Protection Agency (EPA); and (c) such confidentiality claim is
245. determined by the commission to be valid. If the confidentiality
246. claim is denied, the information sought to be covered thereby
247. shall not be released or disclosed, except to the Environmental
248. Protection Agency, until the claimant has been notified in writing

249. and afforded an opportunity for a hearing and appeal therefrom, as
250. with other orders of the commission. Disclosure of confidential
251. information by the EPA shall be governed by federal law and EPA
252. regulations. Misappropriation of a trade secret shall be governed
253. by the Mississippi Uniform Trade Secrets Act, Sections 1 through
254. 11 of this act.

255. (7) Anyone making unauthorized disclosure of information
256. determined to be confidential as herein provided shall be liable
257. in a civil action for damages arising therefrom and shall also be
258. guilty of a misdemeanor punishable as provided by law.

259. (8) Notwithstanding any other provision of this chapter, the
260. executive director, upon receipt of information that the
261. generation, storage, transportation, treatment or disposal of any
262. solid waste may present an imminent and substantial hazard to the
263. public health or to the environment, may take any legal, equitable
264. or other action, including injunctive relief, necessary to protect
265. the health of such persons or the environment.

266. SECTION 12. Section 25-61-9, Mississippi Code of 1972, is
267. amended as follows:

268. 25-61-9. (1) Records furnished to public bodies by third
269. parties which contain trade secrets or confidential commercial or
270. financial information shall not be subject to inspection,
271. examination, copying or reproduction under this chapter until
272. notice to said third parties has been given, but such records
273. shall be released within a reasonable period of time unless the
274. said third parties shall have obtained a court order protecting
275. such records as confidential.

276. (2) If any public record which is held to be exempt from
277. disclosure pursuant to this chapter contains material which is not
278. exempt pursuant to this chapter, the public body shall separate
279. the exempt material and make the nonexempt material available for
280. examination and/or copying as provided for in this chapter.

281. (3) Trade secrets and confidential commercial and financial
282. information of a proprietary nature developed by a college or
283. university under contract with a firm, business, partnership,
284. association, corporation, individual or other like entity shall
285. not be subject to inspection, examination, copying or reproduction
286. under this chapter.

287. (4) Misappropriation of a trade secret shall be governed
288. by the provisions of the Mississippi Uniform Trade Secrets Act,
289. Sections 1 through 11 of this act.

290. SECTION 13. Section 53-7-75, Mississippi Code of 1972, is
291. amended as follows:

292. 53-7-75. Information submitted to the commission and to
293. local soil and water district commissioners pertaining to deposits
294. or materials, or information concerning trade secrets or
295. privileged commercial or financial information that relates to the
296. competitive rights of the applicant and specifically identified as
297. confidential by the applicant and which is not essential for any
298. public review as determined by the commission, shall not be
299. disclosed by any member, agency or employee of the commission or
300. local soil and water conservation district.

301. Any public officer or employee who shall violate the
302. provisions of this section shall be guilty of a misdemeanor, and,
303. upon conviction, shall be fined a sum not to exceed One Thousand
304. Dollars (\$1,000.00) and dismissed from public office or
305. employment.

306. In addition to the criminal remedy set forth herein, remedies
307. for misappropriation of a trade secret shall be governed by the
308. Mississippi Uniform Trade Secrets Act, Sections 1 through 11 of
309. this act.

310. SECTION 14. Section 53-9-41, Mississippi Code of 1972, is
311. amended as follows:

312. 53-9-41. (1) Coal exploration operations which substantially
313. disturb the natural land surface shall be conducted in accordance
314. with the regulations governing such operations which are
315. promulgated by the commission. Such regulations shall require any
316. person planning to conduct exploration operations to obtain an
317. exploration permit from the administrator prior to conducting such
318. operations. The application for such a permit shall require the
319. applicant to give a description of the exploration area and the
320. period of supposed exploration, provisions for reclamation in
321. accordance with the performance standards in the regulations
322. promulgated pursuant to Section 53-9-45 of all lands disturbed in
323. exploration, including excavations, roads, drill holes and the
324. removal of necessary facilities and equipment, and such other
325. information as the commission may prescribe.

326. (2) Information submitted to the administrator pursuant to
327. this section as confidential concerning trade secrets, or
328. privileged commercial or financial information which relates to
329. the competitive rights of the person or entity intended to explore
330. the described area, shall not be available for public examination.
331. Misappropriation of a trade secret shall be governed by the
332. provisions of Mississippi Uniform Trade Secrets Act, Sections 1
333. through 11 of this act.

334. (3) Any person who conducts any coal exploration activities
335. which substantially disturb the natural land surface in violation
336. of this section or regulations issued pursuant thereto shall be
337. subject to the provisions of sections 53-9-55 through 53-9-59 and
338. section 53-9-63.

339. (4) No operator shall remove more than two hundred fifty
340. (250) tons of coal pursuant to an exploration permit without the
341. specific written approval of the administrator.

342. SECTION 15. Section 69-23-5, Mississippi Code of 1972, is
343. amended as follows:

344. 69-23-5. (1) It shall be unlawful for any person to
345. distribute, sell or offer for sale within this state or deliver
346. for transportation or transport in intrastate commerce or between
347. points within this state through any point outside this state any
348. of the following:

349. (a) Any pesticide which has not been registered pursuant
350. to the provisions of Section 69-23-7 or any pesticide if any of
351. the claims made for it or any of the directions for its use differ
352. from its composition or representations made in connection with
353. its registration; provided, that in the discretion of the
354. commissioner a change in the labeling or formula of a pesticide
355. may be made within a reregistration period within requiring
356. registration of the product if the registration is amended to
357. reflect such change and if the changes will not violate any
358. provisions of FIFRA or this chapter.

359. (b) Any pesticide unless it is in the registrant's or
360. the manufacturer's unbroken immediate container, and there is
361. affixed to such container, and to the outside container or wrapper
362. of the retail package, if there be one (1) through which the
363. required information on the immediate container cannot be clearly
364. read, a label bearing:

365. (i) The name and address of the manufacturer;
366. registrant or person for whom manufactured;

367. (ii) The name, brand, or trademark under which said
368. article is sold;

369. (iii) The net weight or measure of the content,
370. subject, however, to such reasonable variations as the
371. commissioner may permit;

372. (iv) A batch number from which the date of
373. packaging can be determined for certain pesticides which have been
374. determined to deteriorate in relatively short periods, when
375. requested by the commissioner;

376. (v) The EPA registration number assigned to each
377. establishment in which it was produced and the EPA registration
378. number assigned to the pesticide if required by regulation under
379. FIFRA;

380. (vi) Any other information required by this chapter
381. or regulation promulgated thereunder; Except that this subsection
382. (b) shall not apply:

383. (i) To the transportation, within the meaning
384. of this section, of refined petroleum naphtha or refined petroleum
385. distillate, by tank truck, or by tank cars, or in tanks by rail;

386. (ii) To the delivery of refined petroleum
387. naphtha or refined petroleum distillate from a storage tank, or
388. tank truck, in a quantity of not less than fifty (50) gallons, if,
389. at the time of such delivery the person delivering the said
390. material delivers to the person to whom the delivery is made, or
391. his agent or representative, a written or printed statement
392. containing the information, with respect to the material
393. delivered, required by the provision of clauses (i), (ii) and
394. (iii) of this subsection (b);

395. Provided, however, that the commissioner may designate that
396. certain specific pesticides may be distributed or offered for sale
397. by the manufacturer and/or registrant in bulk, in which case the
398. label information required and any other statements required by
399. this chapter must be stated in or attached to the invoice; and in
400. addition, a copy of said invoice must be given to the purchaser at
401. the time the pesticide is delivered. In addition to the above,
402. the commissioner may set rules and regulations for the sale,
403. dispensing, storing, handling and transportation of pesticides in
404. bulk.

405. (c) Any pesticide which contains any substance or
406. substances in quantities highly toxic to man, determined as

407. provided in Section 69-23-9, unless the label shall bear, in
408. addition to any other matter required by this chapter:
409. (i) The skull and crossbones;
410. (ii) The word "poison" prominently, in red on a
411. background of distinctly contrasting color;
412. (iii) A statement of a practical treatment (first
413. aid or otherwise) in case of poisoning by the pesticide.
414. (d) Any pesticide which has not been colored or
415. discolored pursuant to the provisions of this chapter.
416. (e) Any pesticide which is adulterated or misbranded.
417. (f) Any pesticide in containers which are unsafe due to
418. damage.
419. (2) It shall be unlawful:
420. (a) For any person to detach, alter, deface or destroy,
421. in whole or in part, any label or labeling provided for in this
422. chapter or regulations promulgated hereunder, or to add any
423. substance to, or take any substance from, a pesticide in a manner
424. that may defeat the purpose of this chapter;
425. (b) For any person to use for his own advantage or to
426. reveal, other than to the commissioner or proper officials or
427. employees of the state or the EPA, or to the courts of this state
428. in response to a subpoena, or to physicians, or in emergencies to
429. pharmacists and other qualified persons, for use in preparation of
430. antidotes, any information relative to formulas of products
431. acquired by authority of this chapter or any information judged by
432. the commissioner as containing or relating to trade secrets or
433. commercial or financial information obtained by authority of this
434. chapter and marked as confidential by the registrant;
435. (c) For any person to distribute any pesticide labeled
436. for restricted use to any person, or his agent who is not
437. certified to use or purchase such pesticide;

438. (d) For any person to use or cause to be used any
439. pesticide in a manner inconsistent with its labeling or to
440. regulations of the commissioner if those regulations further
441. restrict the uses provided on the labeling;

442. (e) For any person to handle, transport, store, display,
443. distribute or dispose of any pesticide or container in such a
444. manner as to endanger man and his environment.

445. The commissioner is hereby authorized, empowered and directed
446. to authorize and grant a permit to any person, firm or corporation
447. to dispose of any existing stock of pesticide it may have on hand
448. at the time this chapter becomes effective, including all
449. packages, labels and containers; provided that such stock is
450. packaged and labeled in accordance with federal laws and
451. regulations governing the packaging and labeling of such products.

452. (3) In addition to any criminal remedy set forth in
453. subsection (2), remedies for misappropriation of a trade secret
454. shall be governed by the Mississippi Uniform Trade Secrets Act,
455. Sections 1 through 11 of this act.

456. SECTION 16. Section 75-45-191, Mississippi Code of 1972, is
457. amended as follows:

458. 75-45-191. Any person who uses to his own advantage, or
459. reveals to other than the commissioner and state chemist, or
460. officers of the Mississippi Department of Agriculture and Commerce
461. and Mississippi State Chemical Laboratory, or to the courts when
462. relevant in any judicial proceeding, any information acquired
463. under the authority of this article, concerning any method,
464. record, formulation or process which as a trade secret is entitled
465. to protection, is guilty of a misdemeanor and shall be punished
466. according to law. In addition to the criminal remedy set forth
467. herein, remedies for misappropriation of a trade secret shall be
468. governed by the Mississippi Uniform Trade Secrets Act, Sections 1

469. through 11 of this act. This prohibition shall not be deemed as
470. prohibiting the commissioner and state chemist, or their duly
471. authorized agents, from exchanging information of a regulatory
472. nature with duly appointed officials of the United States
473. Government, or of other states, who are similarly prohibited by
474. law from revealing this information.

475. SECTION 17. Section 79-23-1, Mississippi Code of 1972, is
476. amended as follows:

477. 79-23-1. (1) Commercial and financial information of a
478. proprietary nature required to be submitted to a public body, as
479. defined by paragraph (a) of Section 25-61-3, by a firm, business,
480. partnership, association, corporation, individual or other like
481. entity, shall be exempt from the provisions of the Mississippi
482. Public Records Act of 1983; provided, however, that nothing herein
483. shall be construed to deny access to such information submitted to
484. a regulatory agency by a public utility that is related to the
485. establishment of, or changes in, rates regulated by such agency.

486. (2) Nothing in this section shall be construed to deny a
487. public utility the right to protect trade secrets or confidential
488. commercial or financial information, as provided in subsection (1)
489. of Section 25-61-9.

490. (3) Trade secrets and confidential commercial and financial
491. information of a proprietary nature developed by a college or
492. university under contract with a firm, business, partnership,
493. association, corporation, individual or other like entity shall be
494. exempt from the provisions of the Mississippi Public Records Act
495. of 1983.

496. (4) Misappropriation of a trade secret shall be governed by
497. the provisions of Mississippi Uniform Trade Secrets Act, Section 1
498. through 11 of this act.

499. SECTION 18. This act shall take effect and be in force from
500. and after July 1, 1990, and does not apply to misappropriation
501. occurring prior to the effective date. With respect to a
502. continuing misappropriation that began prior to the effective
503. date, the act also does not apply to the continuing
504. misappropriation that occurs after the effective date.

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