



# SELLING HONEY in Texas

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**S**mall honey producers may now sell their honey in Texas, under certain conditions, without having to obtain a state license as a food manufacturer or comply with all of the state regulations for food manufacturers.

Senate Bill 1766, which went into effect September 1, 2015, allows those qualifying as “small honey production operations” to sell honey directly to consumers in Texas. Small honey producers are defined as those that:

- Produce less than 2,500 pounds of honey each year
- Sell the honey themselves or allow it to be sold by an immediate family member
- Sell only honey that is produced from a hive located in Texas and owned and managed by that beekeeper
- Sell only honey that is pure, raw, and not blended with any other product or otherwise adulterated

- Deliver the honey or honeycomb to the consumer or sell it directly to the consumer at the beekeeper’s home, another designated location, a farmer’s market, a farm stand, or a municipal, county, or nonprofit fair, festival, or event
- Include on the label the name of the product, a net weight statement, the beekeeper’s name and address, and the statement: *Bottled or packaged in a facility not inspected by the Texas Department of State Health Services.*

This exemption for small honey producers does not extend to wholesale or Internet sales. The act also stipulates that local governmental authorities, including health departments, may not regulate the production of honey or honeycombs by small honey producers.

Those who do not meet the criteria as small honey producers must be licensed as food manufacturers to sell honey retail, wholesale, or over the Internet.





To sell honey, beekeepers must comply with federal, state, and sometimes local requirements.

### Regulations for all Texas honey producers

Beekeepers wanting to sell honey from Texas wholesale or over the Internet, in addition to retail, must comply with the requirements of up to four entities:

- U.S. Food and Drug Administration (FDA)
- Texas Department of State Health Services
- Local health department, if applicable
- Homeowner association, if applicable

### FDA

Federal regulations require some honey producers to register their facilities, comply with current U.S. good manufacturing practices, and include nutritional labeling on their products.

**Registration** as a FDA Food Facility is needed only for the producers selling honey wholesale and engaging in interstate commerce. It is not required for those selling honey directly to consumers who will not reuse the honey in any other products to be sold.

There is no fee to register, but filing is required by law. The purpose is for the FDA to be able to contact businesses regarding food alerts. More information and registration application

forms are posted on the FDA website at <http://www.fda.gov/Food/GuidanceRegulation/FoodFacilityRegistration/default.htm>.

Federal **good manufacturing practices** (GMPs) cover training, audits, documentation, and evaluation as well as safety for buildings, equipment, production, and processes. Guidelines on those practices are posted at <http://www.fda.gov/Food/GuidanceRegulation/CGMP/ucm110877.htm>.

Foods must bear FDA **nutrition labeling**, unless it is produced by businesses employing fewer than 10 full-time equivalent employees and selling fewer than 10,000 units of that product in the United States in the previous 12 months. Other exemptions for nutritional labeling are in 21 Code of Federal Regulations 101.9(j).

The FDA *Food Labeling Guide* contains general information on food labeling regulations: <http://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/LabelingNutrition/ucm2006828.htm>.

A voluntary but recommended label cautions against feeding honey to infants under 1 year old. The statement commonly used is “Do not feed honey to infants under 1 year of age.” The warning is recommended because some children under age 1 could contract infant botulism after eating honey.

### Texas Department of State Health Services

Unless exempted as a small honey producer, a business wanting to produce and sell honey in Texas must obtain a food-manufacturing license, meet state labeling requirements, and follow good manufacturing practices (GMPs) as specified by the state.

A **Texas food-manufacturing license** enables producers to sell and distribute honey via retail, wholesale, and Internet venues as long as they label it with the manufacturer’s name.

The license application form is posted under “Applications and Forms” on the Texas Depart-



ment of State Health Services website at [www.dshs.state.tx.us/foods](http://www.dshs.state.tx.us/foods).

If you have questions about filling out the application, call 512.834.6626. The license is renewable in every 2 years.

**Labeling** is required for all bottled honey by Chapter 131 of the Texas Agriculture Code: <http://www.statutes.legis.state.tx.us/Docs/AG/hm/AG.131.htm>.

**GMPs** are detailed in in sections §§229.210–§§229.222 of the Texas Administrative Code (TAC). For example, TAC 229.184(3) addresses living areas:

*No manufacturing or holding of foods for distribution shall be conducted in any room used as living or sleeping quarters. All food manufacturing and storage shall be separated from any living or sleeping quarters by complete partitioning.*

However, beekeepers may extract and/or bottle honey on their property if they meet the following conditions:

- The room used is completely separate or completely partitioned from living, eating, or sleeping quarters.
- The room used has an exterior entrance.
- The room used meets all applicable requirements of the *Current Good Man-*

*ufacturing Practice and Good Warehousing Practice in Manufacturing, Packing, or Holding Human Food* (25 TAC §§229.210–§§229.222). Some of the requirements:

- Floors, walls and ceilings that are smooth, non-absorbent and easily cleanable
- Ware-washing facilities (typically a two- or three-compartment sink) with hot and cold running water
- A separate hand-washing sink, with soap, paper towels, and hot and cold running water.
- Adequate grey water disposal and access to a restroom (may be the home restroom if it is accessible)
- Tight-fitting closures on windows and doors
- The business maintains the appropriate license from the Texas Department of State Health Services.

These regulations, posted at <https://www.dshs.state.tx.us/foods/laws-rules.aspx>, govern manufacturing and storage facilities for manufactured food in Texas. The page also links to the basic labeling requirements.

**For more information** on Texas regulations, visit the website or contact Policy Standards and Quality Assurance–Foods at 1100 W. 49th St, Mail Code 1987, P.O. Box 149347,

Austin, Texas 78756; phone: 512.834.6670; or fax: 512.834.6681.

### **Local health departments and homeowner regulations**

Beekeepers should also check with the local health department, which also may issue a permit or license for this type of operation. This does not apply to small honey-production operations—only to those wanting to obtain a food manufacturer’s license.

Also, some homeowner associations prohibit food manufacturing in the neighborhood.



Labeling laws apply to honey offered for sale.



# Selling Honey in Texas

## Frequently Asked Questions

1. If I am properly licensed as a food manufacturer, and my facility (the honey house) is compliant, can I bottle my honey, or honey that I buy from other beekeepers or honey suppliers, and sell it anywhere—including retail, wholesale, and on the Internet?

Yes. You may sell honey anywhere if you hold a manufactured foods license.

2. Would I need to get a separate manufactured foods license if I used a licensed facility to bottle my own honey (or buy honey in bulk) and to sell it retail, wholesale, and on the Internet under my business name?

Yes, you would be required to obtain and hold a current manufactured foods license. The finished product would need to be stored either at that facility or at your business address.

If the business address is at your home, it would need to have a separate storage facility partitioned off or separate from the living quarters and not used to store anything else that may contaminate or adulterate the product, such as lawn mowers, gas cans, and fertilizer.

3. If I use another business's facility to bottle my own or purchased honey, what address do I put on the label—mine, or that facility's business address?

Because the license is generally for the address on the label, you should use your own business address. However, you could use the other business's address as long as the owner has no problem with it.

The license application has a place to put the physical location, which is where the honey is

extracted and bottled, and a separate place to put the firm's business address.

4. What would a coop using my facility need to do about licensing?

It depends. The coop could obtain a license itself. But if individual members wanted to list their own addresses on the label, each business address on the label would be required to hold a manufactured foods license.

5. If I want to sell honey that was bottled in another business's facility, what would I need to show a retail store, farmers market, or health department inspector to prove that the facility is in compliance?

That facility will demonstrate compliance or lack thereof to the health department when it is inspected. For retail stores and/or farmer's markets, you could make a copy of the license and possibly the latest inspection letter to show that the required license has been obtained and that the facility is in compliance.



Only pure honey qualifies for exemptions for "small honey producers."

6. Am I required to keep any kind of records of my use of the other business's facility?

No, it is not required but probably advisable.

7. If a problem arose related to the honey that I processed at the other business's facility, who would the state contact to resolve the issue? Me, the other business, or both?

It probably depends on the nature of the problem. However, the person/company on the product label is generally considered responsible for the purity of the product, so the state would probably contact you.

8. Do I need a license to sell "capped" frames of honey?

No. Beekeepers who sell capped frames are not required to have a license. But those who bottle that honey and put their business name on the label must hold a manufactured foods license.

If a coop has only the coop name on the label, and the individual participants just bring in capped frames and share the profits, only the coop would need to obtain a manufactured foods license.



### Acknowledgment

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The Texas A&M University System, U.S. Department of Agriculture, and the County Commissioners Courts of Texas Cooperating.