



DIVISION FOR REGULATORY SERVICES  
ENVIRONMENTAL AND CONSUMER SAFETY SECTION  
POLICY, STANDARDS, AND QUALITY ASSURANCE UNIT  
FOODS GROUP

## Selling Honey in Texas

When you are deciding to sell honey wholesale or over the internet, there are 5 areas of jurisdiction with which you may need to comply:

- 1) Texas Department of State Health Services – to sell honey as food in Texas, you will need to follow the rules for Good Manufacturing Practices (GMPs) 25 TAC §§229.210-229.222 and obtain a food manufacturing license.
- 2) FDA Food Facility Registration (only if selling wholesale and engaging in interstate commerce)
- 3) FDA Food Labeling
- 4) Local Health Department Guidelines, if applicable
- 5) Homeowner or Deed Restrictions, if applicable

### **Texas Food Manufacturing license from Texas Department of State Health Services**

A *Texas Food Manufacturing* license allows retail, wholesale, internet sales and distribution of honey that is labeled with manufacturer's name. The license application may be found at the following website: [www.dshs.state.tx.us/foods](http://www.dshs.state.tx.us/foods). In the left side column you will see "Applications and Forms". Clicking on this brings up another page from which you may choose to apply online (the second bolded topic) or print out a hard copy and mail in with a check (the third bolded topic). If you have any questions on filling out the license application you may call our licensing group at 512-834-6626. The license is renewable in every two years.

**Texas Administrative Code 229.183(3) 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, if a beekeeper wishes to extract and/or bottle honey on their property it is a possibility if the following conditions are met:

### **Manufacturing and/or storage of food products may be permitted at a private residence if the following conditions are met:**

- 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 25 TAC §§229.210-229.222 (also known as the *Current Good Manufacturing Practice and Good Warehousing*

*Practice in Manufacturing, Packing, or Holding Human Food*). Some of the requirements are:

- 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 hot and cold running water, soap and paper towels
- Adequate grey water disposal and access to a restroom (may be the home restroom if accessible)
- Tight fitting closures a windows and doors
- Your firm obtains the appropriate license from this department.

You will want to become familiar with the “Current Good Manufacturing Practices” which may be found on the Foods homepage under “Laws and Rules” on the left hand side of the page, specifically, sections 229.210-229.222. These are the regulations that govern the manufacturing facility and the storage facility for manufactured food. Basic labeling information is addressed in the menu on the left hand side of the page as well.

### ***Food Labeling Guidance guide***

General food labeling information may be found in the “FDA Food Labeling Guide” publication which was written in a more user friendly way to help business label products properly. It may be found by searching on the internet (FDA Food Labeling Guide) or simply go to the following website:

<http://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/LabelingNutrition/ucm2006828.htm>

All bottled honey is also subject to the labeling requirements in Chapter 131 of the Texas Agricultural Code Subchapter E - Labeling and Sale of Honey.

There is an additional labeling recommendation for honey: a warning on the label to not feed honey to infants under one year old. This is a voluntary warning. The statement that is commonly used is the following: “Do not feed honey to infants under one year of age”. The warning statement is advisable due to the chance that an infant could contract Infant botulism after ingesting honey.

### ***FDA Food Facility Registration***

Note: This is not required if you are only selling your honey directly to consumers that will not reuse the honey in any other sale of products.

If you wholesale your honey, once you send in your food manufacturing license application, there is also a FDA Food Facility Registration that is required by all wholesalers. There is no fee to register but it *is required by law to file*. The registration is easy and its purpose is to have

your firm on record so that your firm can be contacted in case of any food alerts. You will want to visit their website at: <http://www.access.fda.gov> . If you have any trouble registering on-line, just call their toll free number at 1-800-216-7331.

### **Exemptions: What about using my home kitchen?**

Senate Bill 1766, which passed during the 84<sup>th</sup> Legislative Session, provides an exemption for “small honey producers” as defined by the law. This exemption prohibits wholesaling or selling via the internet. The effective date of this bill was September 1, 2015. There are very specific restrictions which are summarized below:

- Applies to “small honey producers”, defined as a beekeeper that:
  - Produces less than 2500 pounds of honey each year
  - Sells the honey personally or honey is sold by an immediate family member
  - Honey must be produced from a hive that is located in Texas and owned and managed by that beekeeper
  - Delivers the honey or honeycomb to the consumer or sells it directly to the consumer at the beekeeper’s home, another designated location or at a farmer’s market, a farm stand or a municipal, county or nonprofit fair, festival or event
- In addition to standard required labeling (name of the product, net weight statement and name and address of business) all containers must have an additional statement, “Bottled or packaged in a facility not inspected by the Texas Department of State Health Services”
- Honey producers that do not meet the definition of “small honey producer” as outlined in Senate Bill 1766 will have to license as a food manufacturer and will be subjected to regulation under the Current Good Manufacturing Practices (GMPs).

### ***Local Health Departments and Homeowner Regulations***

It is advisable to check your local health department as they may also issue a permit or license for your operation. This does not apply to small honey production operations only to those wishing to obtain and hold a Food Manufacturer’s license.

Also check with your Homeowner’s Associations can have regulations or even deed restrictions against food or manufacturing in the neighborhood.

For additional information please feel free to contact any of the Compliance Officers with Foods Group PSQA:

Policy Standards and Quality Assurance - Foods

1100 W. 49th St - Mail Code 1987

P.O. Box 149347

Austin, Texas 78756

Phone: 512-834-6670, fax: 512-834-6681

## Selling Honey in Texas Frequently Asked Questions

Some scenarios regarding a manufactured Foods license-- in question and answer format:

- 1. Assuming B1 is properly licensed (as a Food manufacturer) and B1's facility (honey house) is compliant, then B1 can bottle and sell B1's honey or bottle honey that B1 buys from other beekeepers or honey suppliers and sell it anywhere, retail, internet, etc. Is that correct?** *Yes, that is correct. B1 would also be allowed to wholesale (sell to other firms—hardware stores, grocery stores, gift shops, etc.) if they hold a manufactured Foods license.*
- 2. If B2 wanted to bottle their own honey (or buy honey in bulk) and sell it retail, internet, etc. using B1's facility, but under B2's own business name, what would B2 need to do? Would B2 need to get their own manufactured foods license?** *Yes, B2 would be required to obtain and hold a current manufactured Foods license. The finished product would need to be stored either at B1's facility or at the firm's (B2's) business address (if the business address is at their home they would need to have a separate storage facility partitioned off or separate from their living quarters and not used to store anything else that may contaminate or adulterate the product-eg lawn mowers, gas cans, fertilizer, etc.)*
- 3. Would B2 need to put the address of B1's facility on their label or could they use their own business address?** *The license is generally for the address on the label so they should put their own business address. We don't have a problem with them putting B1's address as long as B1 doesn't have an issue with it. The license application actually has a place to put the physical location, which should be the location at which the honey is extracted and bottled, and a separate place to put the firm's business address.*
- 4. What about a co-op that would use B1's facility. What would they need to do?** *It would depend on how they wanted to operate. I don't believe there's any prohibition from a co-op obtaining a license but each business address on the label (if individuals wanted to list their own address) would be required to hold a manufactured Foods license.*
- 5. If B2 was selling honey in a retail store or at a farmers market, what would B2 need to provide to a health department inspector to show that B2 is fully in compliance?** *When B1's facility is inspected that will demonstrate compliance or lack thereof. If I were B2, I would make a copy of my license, and possibly the latest inspection, (now called an inspection letter) to show to retail stores and/or farmer's market (they should ask but most do not) that the required license had been obtained and the facility is in compliance.*

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6. **Would B1 be required to keep any kind of records of B2's use of B1's facility?** *Not required but probably advisable.*
7. **If a problem arose related to the honey processed by B2 at B1's facility, who would the state contact to resolve the issue?** B1 or B2 or both? *It would probably depend on the nature of the problem. Generally the person/company on the product label is considered responsible for the purity of the product.*
8. **What if a beekeeper chooses to sell "capped" frames of honey?** *If a beekeeper chooses to sell capped frames to someone else no license would be required (except for the bottler)....but, if that honey is bottled with the beekeeper's business name on a label-that requires a manufactured Foods license. So- if a co-op has only the co-op name on the labels and each individual participant brings in capped frames and they just agree to share the profits then only the co-op would need to obtain a manufactured Foods license.*

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