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## **House Bill 2565- HONEY EXEMPTION**

This HB amended Act 106, Section 5703 (Retail) and Section 5734 (Wholesale/Processor registration).

### **RETAIL**

#### **Section 5703- License requirements**

Under (b), Exempt retail food facilities-

(2)A licenser shall exempt the following retail food facilities from the license requirements of this section.

**\*\*ADDED\*\***(iii) – A retail food facility that is in compliance with the Act of July 20, 1974 (P.L. 537, No 184) referred to as the Honey Sale and Labeling Act, and in which 100% of the regulated product offered for human consumption are produced or processed on the farm on which the retail food facility is located.

#### **Notes for retailers affected by this Act:**

- The regulated product referenced in Honey Sale and Labeling Act is “honey”.
- This is for determination of whether or not a RFF license should be issued at a Retail Food Facility.
- If there is a retail food facility on the farm where 100% of the honey is produced- the RFF is exempt from RFF License- even if in an unpackaged form.
- This act is not intended to automatically exempt on-the-farm RFFs who are selling other food products, other than honey, from ‘the farm’.
- Bee hives may be kept ‘off the farm’ in other locations within PA for pollination as long as the hive/bees are the property of the owner of the honey production business, the honey is returned to the farm where 100% of the honey is processed and produced. The retail food facility on the farm would still be exempt from needing a RFF license.
- Exemption to licensing fees is NOT an exemption to INSPECTION. All RFF should be inspected under the guidance of the Food Code.
- RFF off the farm, for example a Farmers Market, are exempt from RFF license if they are selling all pre-packaged honey (exempt under 5703 (b)(2)(ii)). RFF off the farm who are selling non-pre-packaged honey or bulk honey are not exempt from needing a RFF license.

#### **Wholesale/Manufacturing/Distribution/ Warehouses-**

Section 2: Section 5734. Registration of food establishments

5734 (d) Exemptions- all of the following shall be exempt from the provisions of this section

(1) SAME

(2) **\*\*ADDED\*\*** A Food Establishment that is in compliance with the Act of July 20, 1974 (P.L. 537, No 184), referred to as the Honey Sale and Labeling Act, and in which **100%** of the regulated products offered for human consumption are produced or processed on the farm in which the food establishment is located.

Notes for processor affected by this Act:

- The regulated product referenced in Honey Sale and Labeling Act is “honey”.
- **This is for determination of issuance of a REGISTRATION on “the farm” where ONLY honey is produced/processed. Do not evaluate how the honey is sold when making this determination.**
- This act is not intended to exempt other on-the-farm food processors who are processing food products, other than honey, from ‘the farm’
- This exemption would ONLY apply to honey that is **100% produced or processed “on the farm” that the Food Establishment is located at.** The location at which the honey is sold (the RFF) is insignificant in determining if the honey exemption is given at the processing site.
- Bee hives may be kept ‘off the farm’ in other locations within PA for pollination as long as the hive/bees are the property of the owner of the honey production business and are returned to the food establishment where 100% of the honey will be produced and processed. In this case, the processor would be exempt from having to register.
- Food facilities that move their hives out of PA for pollination (mobile hives) are NOT exempt from registration when the honey returns to the farm in PA.
- Food Facilities who process or use honey from other owner’s hives are not exempt from registration.
- Food Establishments ‘on the farm’ that are producing any product other than honey are NOT exempt from Registration under this ‘honey’ provision.
- This exemption does not exempt a Food Establishment from having to comply with any other state or Federal requirements as a food processor.
- Farm is not specifically defined in the Act. “On the farm” could be a true farm, a home/apartment/residential property. It is the site in which the honey is processed and produced.
- All Limited Food Establishment guidelines still apply.
- **\*\*\*Any producer of honey using, or wanting to use, the statement "Reg. Penna. Dept. Agr." under §5735 must be Registered and pay the \$35 dollar registration fee.\*\*\***
- **Exemption from Registration fees is NOT an exemption to INSPECTION.** All Food Establishments should be inspected under the guidance of the Code of Federal Regulations.

**Community Processing Kitchen (CPK)**

CPK is a single processing kitchen in which several ‘farmers’ of raw honey come together and use the same facility and equipment to process the honey into its final bottled/packaged form. This type of food establishment is not legally exempt under the honey provision of the Act, as not all honey is at the location of the processing kitchen. Therefore, the main honey processing site, CPK, must be registered and inspected as a Food Establishment.

The CPK, as a single entity, must take responsibility for the equipment and honey processing even if the ‘farmers’ of the honey are helping to process the honey. Each individual honey ‘farmer’ should have documentation from the CPK, validating that their honey was processed at the CPK, and the CPK is responsible for the equipment and production (co-packing) of the product. The honey must

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be processed and stored at the CPK facility until transported to a retail location. In this situation one registration to the CPK can be issued in lieu of each farmer being registered.

If a honey 'farmer' is storing product at a location different than the registered CPK establishment, that storage location must be registered as a food establishment / warehouse as well.

**Inspection Guidelines for exempt honey producers**

1. Process and sell honey ONLY at the farm (at the processing site)- Do not enter into database. No routine inspections needed. Complaints should be investigated.
2. Process honey on the farm, but only sell honey at a retail location off the farm- Enter into the database and inspection rotation of 24 months.
3. Process honey on the farm, but sell honey wholesale- Enter into database and inspection rotation of 18 months.