

SENATE BILL 193

M4

2lr1524
CF HB 159

By: **Senators Young, Colburn, Forehand, Madaleno, Middleton, and Montgomery**

Introduced and read first time: January 20, 2012

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 21, 2012

CHAPTER _____

1 AN ACT concerning

2 **Agriculture – Maryland Standard of Identity for Honey**

3 FOR the purpose of establishing a Maryland standard of identity for honey; requiring
4 the standard to be applied to certain products; authorizing the designation of
5 certain products as honey; requiring certain products to be distinguished from
6 pure honey under certain circumstances; authorizing certain naming and
7 labeling requirements for honey; requiring that the country of origin be declared
8 on the label for a certain honey designation; requiring that certain styles of
9 honey be declared on the label; authorizing a person that has suffered certain
10 damages to bring a certain action to recover damages in a certain court;
11 authorizing certain persons to bring an enforcement action in a certain circuit
12 court; authorizing the court to enjoin certain persons from distributing
13 mislabelled honey products in the State; clarifying that, notwithstanding certain
14 provisions of law, the Department of Agriculture is not required to enforce the
15 requirements of this Act; defining certain terms; and generally relating to
16 establishing a standard of identity for honey in Maryland.

17 BY adding to

18 Article – Agriculture

19 Section 10–1901 through 10–1907 to be under the new subtitle “Subtitle 19.
20 Standard of Identity for Honey”

21 Annotated Code of Maryland

22 (2007 Replacement Volume and 2011 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – Agriculture**

4 **SUBTITLE 19. STANDARD OF IDENTITY FOR HONEY.**

5 **10–1901.**

6 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
7 INDICATED.

8 (B) “BLOSSOM HONEY” OR “NECTAR HONEY” MEANS HONEY THAT
9 COMES FROM NECTARS OF PLANTS.

10 (C) “HONEY” MEANS THE NATURAL FOOD PRODUCT THAT:

11 (1) HONEY BEES PRODUCE FROM THE NECTAR OF PLANTS,
12 SECRETIONS OF LIVING PARTS OF PLANTS, OR EXCRETIONS OF
13 PLANT–SUCKING INSECTS ON THE LIVING PARTS OF PLANTS;

14 (2) HONEY BEES COLLECT, TRANSFORM BY COMBINING WITH
15 SPECIFIC SUBSTANCES OF THEIR OWN, DEPOSIT, DEHYDRATE, STORE, AND
16 LEAVE IN THE HONEY COMB TO RIPEN AND MATURE;

17 (3) CONSISTS ESSENTIALLY OF DIFFERENT SUGARS,
18 PREDOMINANTLY FRUCTOSE AND GLUCOSE, AND OTHER SUBSTANCES,
19 INCLUDING ORGANIC ACIDS, ENZYMES, AND SOLID PARTICLES DERIVED FROM
20 HONEY COLLECTION;

21 (4) HAS THE COLOR THAT MAY VARY FROM NEARLY COLORLESS
22 TO DARK BROWN;

23 (5) HAS THE CONSISTENCY THAT MAY BE FLUID, VISCOUS, OR
24 PARTLY TO ENTIRELY CRYSTALLIZED; AND

25 (6) HAS THE FLAVOR AND AROMA THAT ARE DERIVED FROM THE
26 PLANT OF ORIGIN AND MAY VARY.

27 (D) “HONEYDEW HONEY” MEANS HONEY THAT COMES MAINLY FROM
28 EXCRETIONS OF PLANT–SUCKING INSECTS (HEMIPTERA) ON THE LIVING PARTS
29 OF PLANTS OR SECRETIONS OF LIVING PARTS OF PLANTS.

30 **10–1902.**

1 **THERE IS A MARYLAND STANDARD OF IDENTITY FOR HONEY.**

2 **10-1903.**

3 **THE MARYLAND STANDARD OF IDENTITY FOR HONEY SHALL APPLY TO:**

4 **(1) ALL HONEY PRODUCED BY HONEY BEES FROM NECTAR;**

5 **(2) ALL STYLES OF HONEY PRESENTATION THAT ARE PROCESSED**
6 **AND ULTIMATELY INTENDED FOR DIRECT CONSUMPTION; AND**

7 **(3) ALL HONEY PACKED, PROCESSED, OR INTENDED FOR SALE IN**
8 **BULK CONTAINERS AS HONEY THAT MAY BE REPACKED FOR RETAIL SALE OR**
9 **FOR USE AS AN INGREDIENT IN OTHER FOODS.**

10 **10-1904.**

11 **(A) A PRODUCT MEETS THE MARYLAND STANDARD OF IDENTITY FOR**
12 **HONEY IF THE PRODUCT:**

13 **(1) DOES NOT CONTAIN ANY SUBSTANCE OTHER THAN HONEY,**
14 **INCLUDING ANY FOOD ADDITIVE AS DEFINED IN § 21-101 OF THE**
15 **HEALTH – GENERAL ARTICLE;**

16 **(2) HAS NOT BEEN SUBJECTED TO CHEMICAL OR BIOCHEMICAL**
17 **TREATMENTS USED TO INFLUENCE HONEY CRYSTALLIZATION;**

18 **(3) HAS NOT HAD ANY WATER ADDED TO THE PRODUCT IN THE**
19 **COURSE OF EXTRACTION OR PACKING FOR SALE OR RESALE AS HONEY;**

20 **(4) HAS NOT BEGUN TO FERMENT OR EFFERVESCE;**

21 **(5) DOES NOT HAVE A MOISTURE CONTENT GREATER THAN:**

22 **(I) 23% FOR HEATHER HONEY (CALLUNA); OR**

23 **(II) 18.6% FOR ALL OTHER HONEY;**

24 **(6) DOES NOT HAVE A WATER-INSOLUBLE-SOLIDS CONTENT**
25 **GREATER THAN:**

26 **(I) 0.5 GRAM PER 100 GRAMS FOR PRESSED HONEY; OR**

27 **(II) 0.1 GRAM PER 100 GRAMS FOR ALL OTHER HONEY;**

1 **(7) DOES NOT HAVE A FRUCTOSE CONTENT GREATER THAN 50**
2 **GRAMS PER 100 GRAMS;**

3 **(8) HAS A TOTAL AMOUNT OF FRUCTOSE AND GLUCOSE EQUAL TO**
4 **AT LEAST:**

5 **(I) 45 GRAMS PER 100 GRAMS FOR HONEYDEW HONEY AND**
6 **BLENDS OF HONEYDEW HONEY WITH BLOSSOM HONEY; OR**

7 **(II) 60 GRAMS PER 100 GRAMS FOR ALL OTHER HONEY; AND**

8 **(9) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION,**
9 **HAS A SUCROSE CONTENT NO GREATER THAN 5 GRAMS PER 100 GRAMS.**

10 **(B) (1) THE SUCROSE CONTENT OF THE FOLLOWING TYPES OF**
11 **HONEY MAY BE GREATER THAN 5 GRAMS PER 100 GRAMS BUT NOT GREATER**
12 **THAN 10 GRAMS PER 100 GRAMS TO MEET THE MARYLAND STANDARD OF**
13 **IDENTITY FOR HONEY:**

14 **(I) ALFALFA (MEDICAGO SATIVA);**

15 **(II) CITRUS SPP.;**

16 **(III) FALSE ACACIA (ROBINIA PSEUDOACACIA);**

17 **(IV) FRENCH HONEYSUCKLE (HEDYSARUM);**

18 **(V) MENZES BANKSIA (BANKSIA MENZIESII);**

19 **(VI) RED GUM (EUCALYPTUS CAMALDULENSIS);**

20 **(VII) LEATHERWOOD (EUCRYPHIA LUCIDA); AND**

21 **(VIII) EUCRYPHIA MILLIGAMI.**

22 **(2) THE SUCROSE CONTENT OF THE FOLLOWING TYPES OF**
23 **HONEY MAY BE GREATER THAN 5 GRAMS PER 100 GRAMS BUT NOT GREATER**
24 **THAN 15 GRAMS PER 100 GRAMS TO MEET THE MARYLAND STANDARD OF**
25 **IDENTITY FOR HONEY:**

26 **(I) LAVENDER (LAVANDULA SPP.); AND**

27 **(II) BORAGE (BORAGO OFFICINALIS).**

28 **10-1905.**

1 (A) A PERSON MAY DESIGNATE A FOOD PRODUCT AS “HONEY” IF THE
2 PRODUCT CONFORMS TO THE MARYLAND STANDARD OF IDENTITY FOR HONEY
3 SET FORTH IN § 10-1904 OF THIS SUBTITLE.

4 (B) IF A FOOD PRODUCT CONTAINS ANY FLAVORING, SPICE, OR OTHER
5 INGREDIENT IN ADDITION TO HONEY, THE NAME OF THE PRODUCT SHALL
6 DISTINGUISH THE PRODUCT FROM PURE HONEY AND DESIGNATE THE FOOD
7 ADDITIVE.

8 (C) IF PROCESSING MATERIALLY CHANGES THE FLAVOR, COLOR,
9 VISCOSITY, OR OTHER MATERIAL CHARACTERISTIC OF PURE HONEY, THE NAME
10 OF THE PRODUCT SHALL DISTINGUISH THE PRODUCT FROM PURE HONEY AND
11 DESIGNATE THE MODIFICATION.

12 (D) FOR BLOSSOM OR NECTAR HONEY, THE NAME OF THE FOOD MAY BE
13 SUPPLEMENTED BY THE TERM “BLOSSOM” OR “NECTAR”.

14 (E) FOR HONEYDEW HONEY, THE WORD “HONEYDEW” MAY BE PLACED
15 IN CLOSE PROXIMITY TO THE NAME OF THE FOOD.

16 (F) FOR MIXTURES OF BLOSSOM OR NECTAR HONEY WITH HONEYDEW
17 HONEY, THE NAME OF THE FOOD MAY BE SUPPLEMENTED WITH THE WORDS “A
18 BLEND OF HONEYDEW HONEY WITH BLOSSOM HONEY” OR “A BLEND OF
19 HONEYDEW HONEY WITH NECTAR HONEY”.

20 (G) (1) HONEY MAY BE DESIGNATED BY THE NAME OF A
21 GEOGRAPHICAL OR TOPOGRAPHICAL REGION IF THE HONEY WAS PRODUCED
22 EXCLUSIVELY WITHIN THE AREA REFERRED TO IN THE DESIGNATION.

23 (2) WHEN HONEY HAS BEEN DESIGNATED BY THE NAME OF A
24 GEOGRAPHICAL OR TOPOGRAPHICAL REGION, THE NAME OF THE COUNTRY
25 WHERE THE HONEY HAS BEEN PRODUCED SHALL BE DECLARED ON THE LABEL.

26 (H) (1) HONEY MAY BE DESIGNATED ACCORDING TO A FLORAL OR
27 PLANT SOURCE IF IT COMES WHOLLY OR MAINLY FROM THAT PARTICULAR
28 SOURCE AND HAS THE ORGANOLEPTIC, PHYSICOCHEMICAL, AND MICROSCOPIC
29 PROPERTIES CORRESPONDING WITH THAT ORIGIN.

30 (2) WHEN HONEY HAS BEEN DESIGNATED ACCORDING TO A
31 FLORAL OR PLANT SOURCE:

32 (I) THE COMMON NAME OR THE BOTANICAL NAME OF THE
33 FLORAL SOURCE SHALL BE IN CLOSE PROXIMITY TO THE WORD “HONEY”; AND

1 **(II) THE NAME OF THE COUNTRY WHERE THE HONEY HAS**
2 **BEEN PRODUCED SHALL BE DECLARED ON THE LABEL.**

3 **(I) (1) HONEY MAY BE DESIGNATED ACCORDING TO THE FOLLOWING**
4 **METHODS OF REMOVAL FROM THE COMB:**

5 **(I) “EXTRACTED HONEY” IS HONEY OBTAINED BY**
6 **CENTRIFUGING DECAPPED BROODLESS COMBS;**

7 **(II) “PRESSED HONEY” IS HONEY OBTAINED BY PRESSING**
8 **BROODLESS COMBS; OR**

9 **(III) “DRAINED HONEY” IS HONEY OBTAINED BY DRAINING**
10 **DECAPPED BROODLESS COMBS.**

11 **(2) THE DESIGNATIONS IN PARAGRAPH (1) OF THIS SUBSECTION**
12 **MAY NOT BE USED UNLESS THE HONEY CONFORMS TO THE APPLICABLE**
13 **DESCRIPTION.**

14 **(J) (1) HONEY MAY BE DESIGNATED ACCORDING TO THE FOLLOWING**
15 **STYLES:**

16 **(I) “HONEY” THAT IS HONEY IN LIQUID, CRYSTALLINE**
17 **STATE, OR A MIXTURE OF THE TWO;**

18 **(II) “COMB HONEY” THAT IS HONEY STORED BY BEES IN**
19 **THE CELLS OF FRESHLY BUILT BROODLESS COMBS AND THAT IS SOLD IN**
20 **SEALED WHOLE COMBS OR SECTIONS OF SUCH COMBS; OR**

21 **(III) “CUT COMB IN HONEY”, “HONEY WITH COMB”, OR**
22 **“CHUNK HONEY” THAT IS HONEY CONTAINING ONE OR MORE PIECES OF COMB**
23 **HONEY.**

24 **(2) THE STYLES DESIGNATED IN PARAGRAPH (1)(II) AND (III) OF**
25 **THIS SUBSECTION SHALL BE DECLARED ON THE LABEL.**

26 **10-1906.**

27 **(A) A PERSON THAT SUFFERS DAMAGES AS A RESULT OF A VIOLATION**
28 **OF THIS SUBTITLE MAY BRING A CIVIL ACTION FOR DAMAGES IN ANY COURT OF**
29 **COMPETENT JURISDICTION.**

1 **(B) (1) THE FOLLOWING PERSONS MAY BRING AN ACTION TO**
2 **ENFORCE THIS SUBTITLE IN THE APPROPRIATE CIRCUIT COURT:**

3 **(I) A BEEKEEPER OR PRODUCER OF HONEY IN THE STATE;**

4 **(II) AN ASSOCIATION OF BEEKEEPERS OR HONEY**
5 **PRODUCERS IN THE STATE; AND**

6 **(III) THE ATTORNEY GENERAL.**

7 **(2) IF A PERSON VIOLATES THIS SUBTITLE, THE COURT MAY:**

8 **(I) ENJOIN A PRODUCER, MANUFACTURER, OR**
9 **DISTRIBUTOR FROM DISTRIBUTING THE MISLABELED PRODUCT IN THE STATE;**
10 **OR**

11 **(II) ORDER ANY OTHER RELIEF THE COURT FINDS**
12 **APPROPRIATE.**

13 **10-1907.**

14 **NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE RELATING**
15 **TO THE EXERCISE OF THE DEPARTMENT’S ENFORCEMENT AUTHORITY, THE**
16 **DEPARTMENT IS NOT REQUIRED TO ENFORCE THE REQUIREMENTS OF THIS**
17 **SUBTITLE.**

18 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
19 **October 1, 2012.**

Approved:

_____ Governor.

_____ President of the Senate.

_____ Speaker of the House of Delegates.