

# HOUSE BILL 159

M4

2lr1082  
CF SB 193

---

By: **Delegates Afzali, Barkley, Clagett, Elliott, Feldman, Gaines, Glass, Hershey, Hogan, Ivey, Jacobs, A. Kelly, Krebs, Luedtke, McComas, McDermott, McHale, A. Miller, Myers, Niemann, Otto, Parrott, Ready, Ross, Schulz, Sophocleus, Walker, and Wilson**

Introduced and read first time: January 23, 2012

Assigned to: Environmental Matters

---

Committee Report: Favorable with amendments

House 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 file an action to enforce this Act in a certain  
12 court; authorizing the court to order certain relief under certain circumstances;  
13 clarifying that, notwithstanding certain provisions of law, the Department of  
14 Agriculture is not required to enforce the requirements of this Act; defining  
15 certain terms; and generally relating to establishing a standard of identity for  
16 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

---

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.



(2007 Replacement Volume and 2011 Supplement)

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

**Article – Agriculture**

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

**10–1901.**

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

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

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

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

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

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

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

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

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

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

1 **10-1902.**

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

3 **10-1903.**

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

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

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

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

11 **10-1904.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (I) ALFALFA (MEDICAGO SATIVA);

16 (II) CITRUS SPP.;

17 (III) FALSE ACACIA (ROBINIA PSEUDOACACIA);

18 (IV) FRENCH HONEYSUCKLE (HEDYSARUM);

19 (V) MENZES BANKSIA (BANKSIA MENZIESII);

20 (VI) RED GUM (EUCALYPTUS CAMALDULENSIS);

21 (VII) LEATHERWOOD (EUCRYPHIA LUCIDA); AND

22 (VIII) EUCRYPHIA MILLIGAMI.

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

27 (I) LAVENDER (LAVANDULA SPP.); AND

28 (II) BORAGE (BORAGO OFFICINALIS).

1 **10-1905.**

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

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

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

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

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

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

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

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

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

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

1 (I) THE COMMON NAME OR THE BOTANICAL NAME OF THE  
2 FLORAL SOURCE SHALL BE IN CLOSE PROXIMITY TO THE WORD "HONEY"; AND

3 (II) THE NAME OF THE COUNTRY WHERE THE HONEY HAS  
4 BEEN PRODUCED SHALL BE DECLARED ON THE LABEL.

5 (I) (1) HONEY MAY BE DESIGNATED ACCORDING TO THE FOLLOWING  
6 METHODS OF REMOVAL FROM THE COMB:

7 (I) "EXTRACTED HONEY" IS HONEY OBTAINED BY  
8 CENTRIFUGING DECAPPED BROODLESS COMBS;

9 (II) "PRESSED HONEY" IS HONEY OBTAINED BY PRESSING  
10 BROODLESS COMBS; OR

11 (III) "DRAINED HONEY" IS HONEY OBTAINED BY DRAINING  
12 DECAPPED BROODLESS COMBS.

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

16 (J) (1) HONEY MAY BE DESIGNATED ACCORDING TO THE FOLLOWING  
17 STYLES:

18 (I) "HONEY" THAT IS HONEY IN LIQUID, CRYSTALLINE  
19 STATE, OR A MIXTURE OF THE TWO;

20 (II) "COMB HONEY" THAT IS HONEY STORED BY BEES IN  
21 THE CELLS OF FRESHLY BUILT BROODLESS COMBS AND THAT IS SOLD IN  
22 SEALED WHOLE COMBS OR SECTIONS OF SUCH COMBS; OR

23 (III) "CUT COMB IN HONEY", "HONEY WITH COMB", OR  
24 "CHUNK HONEY" THAT IS HONEY CONTAINING ONE OR MORE PIECES OF COMB  
25 HONEY.

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

28 10-1906.

29 ~~A PERSON THAT SUFFERS DAMAGES AS A RESULT OF A VIOLATION OF~~  
30 ~~THIS SUBTITLE MAY BRING A CIVIL ACTION FOR DAMAGES IN ANY COURT OF~~  
31 ~~COMPETENT JURISDICTION.~~

1           **(A) AN ACTION TO ENFORCE THIS SUBTITLE MAY BE FILED IN THE**  
2 **CIRCUIT COURT OF THE COUNTY IN WHICH THE VIOLATION OCCURRED BY:**

3                   **(1) A BEEKEEPER OR AN ASSOCIATION OF BEEKEEPERS;**

4                   **(2) A HONEY PACKER OR AN ASSOCIATION OF HONEY PACKERS;**

5                   **(3) A HONEY PRODUCER OR AN ASSOCIATION OF HONEY**  
6 **PRODUCERS; OR**

7                   **(4) THE ATTORNEY GENERAL.**

8           **(B) IF THE COURT DETERMINES THAT A VIOLATION OF THIS SUBTITLE**  
9 **EXISTS, THE COURT MAY ORDER APPROPRIATE RELIEF, INCLUDING AN ORDER**  
10 **TO ENJOIN A PRODUCER, MANUFACTURER, OR DISTRIBUTOR FROM**  
11 **DISTRIBUTING IN THE STATE A PRODUCT DESIGNATED AS “HONEY” IF THE**  
12 **PRODUCT DOES NOT CONFORM TO THE MARYLAND STANDARD OF IDENTITY FOR**  
13 **HONEY ESTABLISHED UNDER THIS SUBTITLE.**

14 **10-1907.**

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

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

Approved:

\_\_\_\_\_  
Governor.

\_\_\_\_\_  
Speaker of the House of Delegates.

\_\_\_\_\_  
President of the Senate.