



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

## **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 §§229.210-229.225 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

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.texas.gov/foods](http://www.dshs.texas.gov/foods).

On 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 a two year, renewable license.

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 operating under a manufacturer's license wishes to extract and/or bottle honey on their property it is a possibility 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 §§229.210-229.225 (also known as the Current Good Manufacturing Practice and Good Warehousing Practice in Manufacturing, Packing, or Holding Human Food). Some of the requirements are:
  - 1) Floors, walls and ceilings that are smooth, non-absorbent and easily cleanable
  - 2) Ware-washing facilities (typically a two or three compartment sink) with hot and cold running water
  - 3) A separate hand-washing sink, with hot and cold running water, soap and paper towels
  - 4) Adequate grey water disposal and access to a restroom (may be the home restroom if accessible)
  - 5) 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 Group homepage under "Laws and Rules" on the left hand side of the page, specifically, sections 229.210-229.225. 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:

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 products that they will produce and sell to consumers.

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 filing is required by law if wholesaling food products. The registration is easy and the 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 84th 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:
  - 1) Produces less than 2500 pounds of honey each year
  - 2) Sells the honey personally or honey is sold by an immediate family member
  - 3) Honey must be produced from a hive that is located in Texas and owned and managed by that beekeeper
  - 4) 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 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 deed restrictions against food or manufacturing in the neighborhood.

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

Policy Standards and Quality Assurance - Foods Unit

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