

HOUSE BILL No. 2158

By Representative Schmoe

Requested by the Kansas Honey Producers Association and the Northeastern
Beekeepers Association

1-29

1 AN ACT concerning agriculture; relating to food; permitting beekeepers
2 who meet certain requirements to sell packaged honey and honeycombs
3 without holding a food establishment or food processing plant license
4 under the Kansas food, drug and cosmetic act; amending K.S.A. 65-689
5 and repealing the existing section.
6

7 *Be it enacted by the Legislature of the State of Kansas:*

8 New Section 1. (a) As used in this section:

9 (1) "Honey" means the nectar and saccharine exudations of plants
10 that are gathered, modified and stored in the comb by honey bees.

11 (2) "Honeycomb" means a structure of cells composed of beeswax in
12 which bees store honey.

13 (3) "Unaltered" means left raw and in the original state after
14 harvesting and, if applicable, straining. "Unaltered" does not include honey
15 or honeycombs that have been pasteurized.

16 (b) Any beekeeper shall be exempt from the requirement to hold a
17 license pursuant to K.S.A. 65-689, and amendments thereto, if such
18 beekeeper meets the following requirements:

19 (1) Honey and honeycombs are packaged on the property of the
20 beekeeper harvesting and selling such products;

21 (2) packaged honey and honeycombs are labeled with the following
22 information in legible English and otherwise be in accordance with state
23 and federal law:

24 (A) A "honey" or "honeycomb" designation. The floral source may be
25 part of the name if the product contains a significant amount of pollen
26 from that flower;

27 (B) the name, address and zip code of the beekeeper packaging the
28 honey or honeycomb; and

29 (C) the net weight of the contents;

30 (3) the beekeeper keeps such honey and honeycombs unaltered and
31 free from additional additives;

32 (4) the hive or hives from which the honey or honeycombs originated
33 was located in the state of Kansas when such honey or honeycombs were
34 harvested;

1 (5) the beekeeper's annual gross sales from honey and honeycombs
 2 does not exceed \$50,000; and

3 (6) the beekeeper harvesting and selling the honey or honeycombs
 4 maintains a record of sales of such products. The record shall be available
 5 to the Kansas department of agriculture when requested. The record of
 6 sales shall include, but not be limited to:

- 7 (A) The amount of honey or honeycombs sold by container size;
- 8 (B) where such honey or honeycombs were sold; and
- 9 (C) the date of such sales.

10 (c) This section shall be a part of and supplemental to the Kansas
 11 food, drug and cosmetic act.

12 Sec. 2. K.S.A. 65-689 is hereby amended to read as follows: 65-689.

13 (a) It shall be unlawful for any person to engage in the business of
 14 conducting a food establishment or food processing plant unless such
 15 person shall have in effect a valid license therefor issued by the secretary.

16 (b) Applications for such licenses shall be made on forms prescribed
 17 by the secretary, and each such application shall be accompanied by an
 18 application fee and by a license fee. Prior to the issuance of any such
 19 license, the secretary shall inspect or cause to be inspected the food
 20 establishment or food processing plant designated in the application; to
 21 determine that it complies with rules and regulations adopted pursuant to
 22 the food, drug and cosmetic act, ~~and amendments thereto~~. If the food
 23 establishment or food processing plant is found to be in compliance; and
 24 the completed application and accompanying fees have been submitted,
 25 the secretary shall issue the license. If the food establishment or food
 26 processing plant is found not to be in compliance, the secretary shall deny
 27 the application for a license after providing notice and opportunity for a
 28 hearing in accordance with the provisions of the Kansas administrative
 29 procedure act.

30 (c) Every license issued hereunder shall be displayed conspicuously
 31 in the food establishment or food processing plant for which it is issued,
 32 and no such license shall be transferable to any other person or location.
 33 Whenever any such license is lost, destroyed or mutilated, a duplicate
 34 license shall be issued to any otherwise qualified licensee upon application
 35 therefor and the payment of a fee in the amount of \$5.

36 (d) A license shall not be required ~~by~~ *for*:

37 (1) A plant or facility registered or licensed by the department of
 38 agriculture pursuant to article 7 of chapter 65 of the Kansas Statutes
 39 Annotated, and amendments thereto, or licensed or registered by the
 40 department of agriculture pursuant to article 6a of chapter 65 of the Kansas
 41 Statutes Annotated, and amendments thereto, shall not be required to
 42 obtain a separate license pursuant to this section if the inspections
 43 conducted under the respective acts encompass all operations of the

1 facility.

2 (2) A registered nonprofit organization that provides food without
3 charge solely to people who are food insecure, including, but not limited to,
4 to, soup kitchens and food pantries.

5 (3) A location where prepackaged individual meals are distributed to
6 persons eligible under the federal older Americans act.

7 (4) A person who produces food for distribution directly to the end
8 consumer, if such food does not require time and temperature control for
9 safety or specialized processing, as determined by the secretary.

10 (5) A person who serves food exclusively on interstate conveyances
11 or common carriers.

12 (6) A person operating a food establishment for less than seven days
13 in any calendar year.

14 (7) A person who prepares, serves or sells food for the sole purpose
15 of soliciting funds to be used for community or humanitarian purposes or
16 educational or youth activities.

17 (8) A person operating a food vending machine, if the food vending
18 machine company:

19 (A) Is licensed as a food establishment, or if located in another state,
20 licensed according to the laws of such state;

21 (B) maintains, and makes available to the secretary, a current record
22 of the location of each food vending machine it operates or services; and

23 (C) conspicuously displays the company name, phone number and
24 any additional information the secretary may require on each such vending
25 machine.

26 (9) A person providing only complimentary coffee to its patrons
27 whose primary business is unrelated to operating a food establishment or
28 food processing plant.

29 (10) A person operating a farm winery, as defined in K.S.A. 41-102,
30 and amendments thereto, who does not produce or offer any food products
31 other than wine produced at such farm winery.

32 (11) A retailer, as defined in K.S.A. 41-102, and amendments thereto,
33 that sells only alcoholic liquors and cereal malt beverages.

34 (12) A food establishment that sells or offers for sale only packaged
35 foods that are non-hazardous and are received directly from a licensed
36 food production facility in packaged form, if such food establishment
37 contains less than 200 cubic feet as measured pursuant to K.S.A. 65-
38 688(e), and amendments thereto.

39 (13) A person who provides food samples, without charge, to
40 promote, advertise or compliment the sale of food or associated food
41 preparation equipment.

42 (14) A guest house, as defined in K.S.A. 36-501, and amendments
43 thereto.

1 (15) *A beekeeper who meets the requirements of section 1, and*
2 *amendments thereto.*

3 (e) The exemption provided to those entities provided in subsection
4 (d) shall not be exempt from inspection or regulation when a violation is
5 observed or reported to the secretary.

6 (f) A food establishment operated in connection with any premises
7 licensed, registered or permitted by the secretary of health and
8 environment, the secretary for children and families, the secretary of
9 corrections or the secretary for aging and disability services that is
10 inspected and regulated pursuant to the respective law or rule and
11 regulation of such secretary; shall not require a license, and the secretary of
12 agriculture shall not be authorized to inspect or cause such premises to be
13 inspected. This subsection shall not apply to a food establishment whose
14 primary function is not in connection with any premises licensed,
15 registered or permitted pursuant to the respective law or rule and
16 regulation of such secretary.

17 Sec. 3. K.S.A. 65-689 is hereby repealed.

18 Sec. 4. This act shall take effect and be in force from and after its
19 publication in the statute book.