

Chapter 189

(Senate Bill 193)

AN ACT concerning

Agriculture – Maryland Standard of Identity for Honey

FOR the purpose of establishing a Maryland standard of identity for honey; requiring the standard to be applied to certain products; authorizing the designation of certain products as honey; requiring certain products to be distinguished from pure honey under certain circumstances; authorizing certain naming and labeling requirements for honey; requiring that the country of origin be declared on the label for a certain honey designation; requiring that certain styles of honey be declared on the label; ~~authorizing a person that has suffered certain damages to bring a certain action to recover damages in a certain court; authorizing certain persons to bring an enforcement action in a certain circuit court; authorizing the court to enjoin certain persons from distributing mislabeled honey products in the State~~ *authorizing certain persons to file an action to enforce this Act in a certain court; authorizing the court to order certain relief under certain circumstances*; clarifying that, notwithstanding certain provisions of law, the Department of Agriculture is not required to enforce the requirements of this Act; defining certain terms; and generally relating to establishing a standard of identity for honey in Maryland.

BY adding to

Article – Agriculture

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

Annotated Code of Maryland

(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.

10-1902.

THERE IS A MARYLAND STANDARD OF IDENTITY FOR HONEY.

10-1903.

THE MARYLAND STANDARD OF IDENTITY FOR HONEY SHALL APPLY TO:

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

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

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

10-1904.

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

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

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

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

(4) HAS NOT BEGUN TO FERMENT OR EFFERVESCE;

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

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

(II) 18.6% FOR ALL OTHER HONEY;

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

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

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

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

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

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

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

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

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

- (I) ALFALFA (MEDICAGO SATIVA);**
- (II) CITRUS SPP.;**
- (III) FALSE ACACIA (ROBINIA PSEUDOACACIA);**
- (IV) FRENCH HONEYSUCKLE (HEDYSARUM);**
- (V) MENZES BANKSIA (BANKSIA MENZIESII);**
- (VI) RED GUM (EUCALYPTUS CAMALDULENSIS);**
- (VII) LEATHERWOOD (EUCRYPHIA LUCIDA); AND**
- (VIII) EUCRYPHIA MILLIGAMI.**

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

- (I) LAVENDER (LAVANDULA SPP.); AND**
- (II) BORAGE (BORAGO OFFICINALIS).**

10-1905.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10-1906.

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

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

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

~~(II) AN ASSOCIATION OF BEEKEEPERS OR HONEY PRODUCERS IN THE STATE; AND~~

~~(III) THE ATTORNEY GENERAL.~~

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

~~(I) ENJOIN A PRODUCER, MANUFACTURER, OR DISTRIBUTOR FROM DISTRIBUTING THE MISLABELED PRODUCT IN THE STATE; OR~~

~~(II) ORDER ANY OTHER RELIEF THE COURT FINDS APPROPRIATE.~~

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

(1) A BEEKEEPER OR AN ASSOCIATION OF BEEKEEPERS;

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

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

(4) THE ATTORNEY GENERAL.

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

10-1907.

NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE RELATING TO THE EXERCISE OF THE DEPARTMENT'S ENFORCEMENT AUTHORITY, THE DEPARTMENT IS NOT REQUIRED TO ENFORCE THE REQUIREMENTS OF THIS SUBTITLE.

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

Approved by the Governor, May 2, 2012.