

Date: February 1st, 2025
Bill Number: HB 2158
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Testimony By: Matthew Brandes
On Behalf Of: New Hope Farm & Apiary, LLC. (Owner)
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Dear Chairman and Members of the Committee on Commerce, Labor, and Economic Development;

My wife, Sandi, and I own and operate New Hope Farm & Apiary, a small beekeeping business in Wellsville, KS. We are writing to express our strong opposition to HB 2158, which would allow Kansas beekeepers to sell honey in retail settings without obtaining a KDA Food Processor license. We will also be speaking in person on this matter.

To provide some background, we have been beekeepers for eight years, selling honey at local farmers' markets and festivals for the past four years. I hold both an EAS Master Beekeeper certification and a Master Beekeeper Certificate from the University of Montana. Additionally, I serve as the Vice President of the Northeastern Kansas Beekeepers Association (NEKBA) and manage approximately 40 colonies. We are also a licensed food processor in the State of Kansas. Our perspective as beekeepers who have met these regulatory standards underscores why this bill should not move forward.

Food Safety Concerns

Food safety is a critical component of public trust in our food supply. Consumers reasonably expect that honey purchased in a retail setting has been processed, stored, and packaged under safe, sanitary conditions. HB 2158 undermines this expectation.

The most important point I urge you to consider:

- While honey is classified as a low-risk food product, contamination can still occur during storage and packaging. Consider the image below, which depicts honey being bottled in a shed with unsanitary conditions—honey being poured on a dirty floor, surrounded by non-food-grade equipment, and stored in a non-food-grade bucket. Is this the type of honey you want available on retail shelves? (*Source: Public Facebook post.*) If this image alone does not give you pause, I encourage you to consider the broader implications.

Further key concerns:

- No documented safety issues? Proponents of HB 2158 argue that Kansas has never had a honey-related food safety incident. However, this is likely because current regulations exist to protect consumers. Does this mean that any food product without a prior safety issue should be exempt from oversight? What about traceability if a problem arises?
- Fermentation risks: Honey with improper moisture content can ferment, posing a health risk. Experienced beekeepers understand moisture control, but many hobbyist beekeepers do not. Reports of improperly stored honey fermenting after sale are not uncommon.
- Lack of labeling provisions: HB 2158 does not require labeling to indicate that honey was produced outside of food safety regulations. Other states that permit similar sales typically require a label stating:

“Bottled in a facility not subject to retail food establishment regulations or inspections.”

If these food safety concerns are not enough to dissuade you, let's discuss the economic impact.

Economic Implications

HB 2158 is not just about small-scale hobbyists—this bill has major economic ramifications.

- \$50,000 in sales is not "small-scale." The bill allows beekeepers to sell up to \$50,000 worth of honey and honeycomb annually—a full-time income for many. Given the average retail price of local honey at \$10 per pound, a beekeeper could legally sell 5,000 pounds of honey without regulation. To produce that amount, one would need approximately 100 colonies—far beyond a typical "backyard" beekeeper. The beekeeping industry classifies anyone with 50+ colonies as a "side-liner" (small business). If a beekeeper is managing that volume of bees, they should be meeting the same regulatory standards as other food producers.
- Existing sales channels already support small-scale beekeepers. Kansas law already allows direct-to-consumer sales without a license, including sales to family, friends, neighbors, and at local farmers' markets. Beekeepers can also sell honey in bulk to licensed food retailers without requiring a processor license.
- Unfair disadvantage to compliant businesses. Many beekeepers have already invested significant time and money to comply with Kansas' food safety regulations. Passing this bill would penalize responsible beekeepers while creating an unfair advantage for those who bypass licensing requirements.

Addressing Proponents' Arguments

- "Empowering Small Business": If someone is selling honey as a business, they should be subject to the same rules and regulations as other food producers, including paying sales tax on their products.
- "Boosting the Rural Economy": As noted, Kansas already provides ample opportunities for small beekeepers to sell honey. HB 2158 is unnecessary.
- "Aligning with Neighboring States": Competition from neighboring state beekeepers is minimal and primarily from large commercial operations, not small-scale producers. This argument is misleading.

Conclusion

I urge the committee to reject HB 2158. This bill weakens food safety regulations, disrupts fair competition, and provides no real economic benefit to Kansas beekeepers or consumers. I welcome the opportunity to discuss this further with any committee members.

Thank you for your time and consideration.

Sincerely,

Matthew Brandes

Owner – New Hope Farm & Apiary

3rd Congressional District, 59th District of Representatives

Image posted on a public Facebook group.

