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**Position:** Support  
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**For Meeting on:** February 5 at 1:30 PM  
**Testimony By:** Buck Bradley  
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Dear Chairman and Members of the Committee on Commerce, Labor, and Economic Development,

Thank you for taking the time to review the current regulations on the retail sale of honey. As a **small business owner and beekeeper, I strongly support HB 2158**. The existing regulations have directly limited my business's growth and placed an unnecessary burden on small-scale beekeepers.

At least two local businesses have expressed interest in selling my honey in their stores. However, because I do not have a commercial kitchen, I am legally prohibited from doing so. Yet, under current regulations, I can sell the exact same bottle of honey directly to customers at farmers' markets or even to the business owner for use in their products. This inconsistency creates an unfair barrier for small beekeepers looking to expand their market access.

During my time in the Marine Corps, I was stationed in North Carolina, where I began beekeeping. North Carolina, home to one of the nation's largest and oldest beekeeping associations, does **not** require a food processor or commercial kitchen license for retail honey sales. Local honey is widely available in hardware stores and small businesses in North Carolina. Similarly, **Missouri has not required a food processing license for small-scale retail honey sales since at least 2015**. To my knowledge, neither state has reported foodborne illnesses related to honey.

Additionally, the **Kansas Department of Health and Environment (KDHE) acknowledges that honey is shelf-stable due to its natural properties, which inhibit bacterial growth**. The primary concern cited is infant botulism, which affects children under 12 months old. However, KDA inspections for a food processor license do not test honey for infant botulism, and leading health organizations—including the CDC and the American Academy of Pediatrics—already advise against feeding honey to infants, just as they do with several other foods.

I urge the committee to remove this unnecessary regulation, which serves as a barrier to entry for small business owners like myself. I have also provided a **PowerPoint presentation** with additional details supporting the need for this change.

Thank you for your time and consideration. I respectfully ask for your support of **HB 2158**.

Respectfully,

Buck Bradley  
House District 5, Senate District 19



# Honey Laws of Kansas

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# Current Kansas Law

- ▶ Current honey laws prevent Kansas Beekeepers from selling honey in a retail setting unless they have a certified kitchen approved by the KDA<sup>1,2</sup>
- ▶ This puts small-scale Kansas Beekeepers at a disadvantage when competing with large producers of honey or neighboring states by creating an unnecessary barrier to entry
- ▶ Consider the following under current Kansas law:
  - ▶ Beekeeper Adam can **legally** sell bottles of honey at the local farmer's market
  - ▶ Beekeeper Adam can **legally** sell bulk honey to a local bakery or brewery
  - ▶ The local bakery or brewery can **legally** use the honey to make products to sell to the local community
  - ▶ It is **illegal** for Beekeeper Adam to sell his bottles of honey retail at the local bakery or brewery without a certified kitchen

# Current Law (for unaltered honey)

- ▶ Can sell directly to consumers without needing a license (cottage food laws)<sup>1, 2</sup>
- ▶ Sales of packaged honey to grocery stores and other businesses (including consignment sales) for resale requires a KDA Food Processing License<sup>1</sup>
- ▶ Beekeepers can sell bulk honey to businesses without a license for use in their products or for packaging for resale to customers. I.E., bakeries or breweries could make a product with the honey, or someone with a KDA processing license could package the honey for retail sales<sup>3,4</sup>

# Response from the KDHE (Nov 2023)

“It has **not** had a foodborne illness or outbreak investigations related to honey. Raw honey is shelf stable because its properties **inhibit bacterial growth**. The only foodborne risk that KDHE looks out for with honey is botulism, because those spores can survive in honey and cause botulism in children less than one year old. The agency has **not** had any cases of infant botulism linked to honey in the past five years” (emphasis added)

## Important notes:

- ▶ CDC, American Academy of Pediatrics, and the National Honey Board don't recommend honey be fed to children under the age of 12 months because of the risk of infant botulism<sup>5,6,10</sup>
- ▶ No regulation at the Federal or State Level requiring a warning label on honey for children under 12 months<sup>7</sup>



# Kansas Beekeepers are at a Disadvantage

- ▶ Several thousand to tens of thousands of dollars are needed to meet the initial requirements of a KDA food processor license, and hundreds in annual licensing fees
  - ▶ The main driver of cost is the need for a separate facility/room to bottle and store the honey with power, water, and sewage
    - ▶ Estimated between \$5,000 - \$30,000, depending on the type of building an individual already possesses before they start the process
  - ▶ Annual renewal fee ranges from \$150 - \$400 depending on the size of the facility<sup>9</sup>
  - ▶ Average retail price of a pound of honey in Kansas is ~\$10.00

# Kansas Beekeepers are at a Disadvantage cont.

- ▶ Puts Kansas Beekeepers at a disadvantage with out-of-state competitors next door
  - ▶ Since 2015, Missouri has exempted beekeepers who sell less than \$50K in honey from needing a processing license<sup>8</sup>, meaning Missouri beekeepers can legally sell honey retail in Kansas without getting a food processing license. However, Kansas beekeepers can not.
- ▶ Striking this requirement for small-scale beekeepers means one less regulation the KDA is required to monitor, inspect, and enforce, freeing them up to focus on more pressing matters



# Recommendations

- ▶ Exempt small-scale Kansas beekeepers from food processing licensing requirements if they follow the requirements below:
  - ▶ Follow all State and Federal labeling laws
  - ▶ Honey or honeycomb is unaltered, and nothing is added to the honey
  - ▶ Honey must be harvested from hives that have resided in Kansas for the whole calendar year
  - ▶ Agree to follow basic sanitary practices set forth by KDHE
  - ▶ Annual sales of honey don't exceed \$50,000

# Recommended language:

- ▶ Sellers of honey or honeycomb are exempt from needing a KDA Food Processing License when their annual sales of honey and/or honeycomb if they meet the following requirements:
  1. Honey shall be bottled on the property of the person harvesting and selling the honey.
  2. Honey shall be labeled with the following information in legible English as outlined in subsection 2.
  3. Honey or honeycomb is unaltered and free from additional additives.
  4. Hive(s) from which the honey or honeycomb was produced has resided in the State for the calendar year.
  5. Annual gross sales shall not exceed \$50,000. The person harvesting the honey shall maintain a record of sales of bottled honey or honeycomb sold. The record shall be available to the regulatory authority when requested. The record of sales shall at least include the following: the amount of honey sold by container size, location of honey sold, and date.

# Recommended language cont.

- ▶ Subsection 2 – The honey shall be labeled with the following information to ensure compliance with State and Federal regulations:
  1. The name “honey”. The floral source (clover, wildflower, etc.) can be part of the name if the product contains a significant amount of pollen from that flower.
  2. Name, address, and zip code of the person bottling the honey
  3. Net contents in ounces/pounds and grams

# References:

1. Foods Sold Direct to Consumers in Kansas: Regulations and Food Safety Best Practice by K-State Research and Extension revised Jan 2023 (<chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://bookstore.ksre.ksu.edu/pubs/mf3138.pdf>)
2. KSA 65-689(d)(4) – direct to consumer exception
3. KSA 65-656(w) – exemption for bulk sales to other business
4. Handout #30: Food Establishment Licensing ([https://agriculture.ks.gov/docs/default-source/fsl--handouts/-30foodeestablishmentlicensing4B25093919D2.pdf?sfvrsn=6933b632\\_6](https://agriculture.ks.gov/docs/default-source/fsl--handouts/-30foodeestablishmentlicensing4B25093919D2.pdf?sfvrsn=6933b632_6))
5. CDC: Food and Drinks to Avoid and Limit (<https://www.cdc.gov/nutrition/infantandtoddlernutrition/foods-and-drinks/foods-and-drinks-to-limit.html#:~:text=Honey%20before%2012%20months%20may,formula%2C%20or%20on%20their%20pacifier>)
6. American Academy of Pediatrics: Remind families: honey can cause infant botulism (<https://publications.aap.org/aapnews/news/13225/Remind-families-honey-can-cause-infant-botulism?autologincheck=redirected>)

# Reference cont.:

7. Guidance for Industry: Proper Labeling of Honey and Honey Products (<https://www.fda.gov/regulatory-information/search-fda-guidance-documents/guidance-industry-proper-labeling-honey-and-honey-products>)

8. Missouri Honey Law exempt for small-scale beekeepers ([https://revisor.mo.gov/main/OneSection.aspx?section=261.241#:~:text=\(1\)%20Honey%20shall%20be%20bottled,not%20exceed%20fifty%20thousand%20dollars](https://revisor.mo.gov/main/OneSection.aspx?section=261.241#:~:text=(1)%20Honey%20shall%20be%20bottled,not%20exceed%20fifty%20thousand%20dollars) )

9. KDA Licensing information (<https://agriculture.ks.gov/divisions-programs/food-safety-lodging/food-safety-licenses>)

10. National Honey Board (<https://honey.com/about-honey/honey-benefits#:~:text=Important%20Reminder,but%20not%20before4%2C%205>)