

UPDATED
SESSION OF 2025

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2158

As Amended by Senate Committee on
Agriculture and Natural Resources

Brief*

HB 2158, as amended, would exempt beekeepers who meet certain requirements from obtaining a state food establishment or food processing plant (processor) license to sell packaged honey or honeycomb at retail.

[*Note:* The Kansas Department of Agriculture (KDA) issues two types of food licenses: food establishment licenses and food processor licenses. Food establishment licenses include restaurants, grocery stores, convenience stores, and mobile food units. Food processor licenses include food wholesalers, food warehouses, food re-packers, and food manufacturers.]

Definitions

The bill would define the following terms:

- “Honey” would mean the nectar and saccharine exudation of plants that are gathered, modified, and stored in the comb by honeybees;
- “Honeycomb” would mean a structure of cells composed of beeswax in which bees store honey; and

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <https://klrd.gov/>

- “Unaltered” would mean left raw and in the original state after harvesting and, if applicable, straining. “Unaltered” would not include honey or honeycomb that has been pasteurized.

Exemption From State Licensing

Any beekeeper who wishes to sell honey or honeycomb for sale or resale at a retailer would be exempt from the requirement to hold a food establishment or food processor license, but would be required to register with the KDA at no cost to the beekeeper, if the beekeeper meets the following requirements:

- Package honey and honeycomb on the property of the beekeeper harvesting and selling the products;
- Label packaged honey and honeycomb with:
 - A “honey” or “honeycomb” designation; the floral source could be a part of the name if the product contains a significant amount of pollen from that flower;
 - The name, address, and zip code of the beekeeper packaging the honey or honeycomb;
 - The net weight of the contents; and
 - A disclaimer stating “Product not subject to routine inspection by the Kansas Department of Agriculture.”;
- Keep honey and honeycomb unaltered and free from additional additives;
- Harvest honey or honeycomb within the state;
- Maintain annual gross sales from honey and honeycomb that does not exceed \$25,000;

- Follow the minimum sanitary standards adopted by the KDA for packaging the honey and honeycomb; and
- Maintain a record of sales of the products and make the record available to the KDA when requested; the record would include:
 - The amount of honey or honeycomb sold by container size;
 - Where the honey or honeycomb was sold; and
 - The date of the sales.

Any beekeeper that qualifies for registration pursuant to the bill would not be required to acquire or maintain facilities or equipment required for temperature-controlled food items, including a kitchen permitted for commercial food preparation.

The bill would state that nothing in the bill would be construed to prohibit a beekeeper from applying for and holding a food establishment or food processor license.

Background

The bill was introduced by Representative Schmoe at the request of the Kansas Honey Producers Association and the Northeastern Kansas Beekeepers' Association.

House Committee on Commerce, Labor and Economic Development

In the House Committee hearing, **proponent** testimony was provided by a representative of the Kansas Justice Institute, a representative from the Kansas Honey Producers Association, and a private citizen. The proponents generally stated honey and honeycomb are safe products due to their

natural properties, and the bill could remove restrictions to business growth.

Written-only proponent testimony was provided by four private citizens.

Opponent testimony was provided by a private citizen, who stated the bill would weaken food safety regulations and disrupt fair competition.

No other testimony was provided.

The House Committee amended the bill to remove the requirement for beekeepers to acquire or maintain a commercial kitchen if they meet all other requirements of the bill excluding the annual gross sales requirements.

Senate Committee on Agriculture and Natural Resources

In the Senate Committee hearing, **proponent** testimony was provided by a representative of the Kansas Honey Producers and Shawnee County Area Beekeepers; a representative of the Kansas Justice Institute; and one private citizen. The proponents stated the bill would reduce requirements on small businesses that would like to sell their product in retail stores but cannot do so because of the requirement that they hold a state-issued license and process their product in a commercial kitchen.

Written-only proponent testimony was provided by representatives of the Heartland Beekeepers Association of Southeast Kansas, Northeastern Kansas Beekeepers' Association, Wichita Beekeeper Alliance, and 22 private citizens.

Opponent testimony was provided by the Assistant Secretary for Agriculture and four private citizens. The Assistant Secretary stated the KDA's primary concern with the bill is that the public expects food products presented for

sale at retail are safe, packaged safely, and stored in sanitary conditions. The private citizens stated their concerns about quality control, public trust, risk of contamination, and other issues related to business, competition, and economics because of the investment in or lack of availability of commercial kitchens.

Written-only opponent testimony was provided by four private citizens.

The Senate Committee amended the bill to:

- Exempt any beekeeper who wishes to sell honey or honeycomb for sale or resale at a retailer from the requirement to hold a food establishment or food processor license;
- Require any beekeeper who wishes to sell honey or honeycomb for sale or resale at a retailer to register with the KDA at no cost to the beekeeper, if the beekeeper meets the certain requirements;
- For the purposes of registration with the KDA, decrease the limit on annual gross sales from honey and honeycomb from \$50,000 to \$25,000;
- Require registered beekeepers to follow the minimum standards adopted by the KDA for packaging honey and honeycombs;
- Specify that any beekeeper that qualifies for registration would not be required to acquire or maintain facilities or equipment required for temperature-controlled food items, including a kitchen permitted for commercial food preparation; and
- Specify that the provisions of the bill would not be construed to prohibit a beekeeper from applying for

and holding a food establishment or food processor license.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the KDA estimates that up to 37 food processing licenses would be exempted with the enactment of the bill. Each license fee currently costs \$150, which would reduce revenue to the Food Safety and Lodging Program's fee fund by \$5,550 in both FY 2026 and FY 2027 (37 licenses x \$150). The agency notes the loss of revenue would result in the agency not being able to cover the costs for beekeeper inspections on a complaint basis, routine beekeeper inspections occurring every 18 months, or honey- or honeycomb-related illness or outbreaks. The revenue generated by the current fee is designed only to cover expenses to provide this service.

Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2026 Governor's Budget Report*.

Honey; honeycomb; food establishment licensing; food processing plant licensing; Kansas Food, Drug, and Cosmetic Act; Kansas Department of Agriculture