

Selling Honey in Texas

1. Beekeeping Honey Producer

- **Only 100% pure, raw honey, no added ingredient**
- **Packaged & sold by those associated w/ apiary**
- **Can be packaged in any bldg. Not inspected.**
- **Can sell to anyone & deliver any way. Change from previous rules for Small Honey Producer.**

2. Cottage Food Operator

- **Allows adding ingredients, must be labeled**
- **Allows employees beyond your family/home**
- **Process in your kitchen only. Not inspected.**
- **Can only sell to consumer, not re-seller**
- **Must meet buyer in person (at sale or delivery)**
- **Requires food handling card (online, \$7, 30 mins)**

3. Commercial Food Manufacturer

- **Use kitchen meeting criteria, inspected by TX**
- **Pay for license yearly**

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Category	Beekeeping Honey Producer	Cottage Food Operator	Com'l
Product	Only pure, raw honey from your apiary, or pure, raw honey blended with your honey. No processing or adding ingredient(s).	May process &/or add non-potentially hazardous food ingredient(s)	Any
Processing	Only strain, dry, cool, warm, blend, package. Not high heat, pasteurize, whip, cream.	Yes, incl pasteurize, whip, cream	More rules
Kitchen	Can use various facilities. Not inspected.	Your home, not other bldg. Not inspected.	Com'l
Packaging	Prevent contamination		More
Label	Product: Honey, Pure Honey, Raw Honey, etc. Name & place of business Net weight in both English & metric units (No longer requires label about inspections.)	Name of product, Name & physical address If additives, list ingredients, allergen warning. "This food is made in a home kitchen & is not inspected by the Department of State Health Services or local health department." Rules about size & location of text "honey".	More rules
Label, optional	"Do not feed honey to infants under one year of age."		
Employees?	Anyone associated with the farm/apiary	Employees may produce & sell	Any
Sales limits	In TX. No sales limit.	In TX. < \$50,000 / year.	No limit
Customers	Can sell to consumers & re-sellers in TX.	Sell only directly to consumers in TX.	Any
Location of sale & delivery	In person, phone, mail, online, can mail.	If sold online, must deliver in person. If sold in-person, can be mailed.	Any
Advertising	No restrictions (internet advertising allowed)		More
Licenses	None reqd, but Food Handler recom.	Food Handler's Card (\$7 online)	Biz, Food
Local govt	May not regulate or inspect without a warrant. Must record complaints.		Yes
Taxes	No Texas sales tax on honey (food item). Federal income tax per IRS code.		Sales tax

* This is not legal advice, but a summary of public documents. Sellers are required to adhere to local, state, & federal laws.

• Red text shows the big changes in 2020 (law was 2017, but new interpretation comments in 2020, apiary is a farm)

<https://dshs.texas.gov/foods/faqs.aspx>, <https://www.dshs.texas.gov/foodestablishments/cottagefood/default.aspx>,

<https://www.dshs.texas.gov/foodestablishments/pdf/GuidanceDocs/SellingHoneyinTXviaMFG.pdf> (no longer available in 2023)

<https://texasbeesupply.com/pages/monthly-webinar> Dec 2021

2020 Change Allows Web & Retail 3

Source: <https://dshs.texas.gov/foods/faqs.aspx>

Beekeeper Honey Production Frequently Asked Questions - Added July 16, 2020

Did anything change for beekeepers selling honey in Texas with the adoption of the updated 25 TAC 229.210-225 Subchapter N, Current GMP and GWP in Manufacturing, Packing or Holding Human Food that became effective August 2, 2017?

Yes, beekeepers that sell raw honey produced from their own bees/hives are “farms” and are exempt from licensing as food manufacturers when engaged in allowable farm activities. Examples of allowable farm activities include extracting and bottling raw honey **whether for retail or wholesale.** DSHS adopts the clarification provided by the Food and Drug Administration (FDA) in its Questions and Answers Regarding Food Facility Registration (Seventh Edition): Guidance for Industry in Question B.1.19.

The 2017 FDA statement referred to is:

[www.fda.gov/files/food/published/Questions-and-Answers-Regarding-Food-Facility-Registration-\(Seventh-Edition\).pdf](http://www.fda.gov/files/food/published/Questions-and-Answers-Regarding-Food-Facility-Registration-(Seventh-Edition).pdf)

B.1.19 Am I required to register if I extract and bottle honey produced on my farm (i.e., remove the wax seal and spin the honey out of the honeycomb, then bottle the honey)?

No. Many activities associated with beekeeping and honey production are within the “farm” definition and therefore do not require registration. In this case, extracting honey is considered harvesting, and bottling honey is packaging a RAC (raw agricultural commodity), which is a type of manufacturing/processing included within the “farm” definition.

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