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SELLING HONEY IN TEXAS

When determining the laws and regulations for selling honey in Texas, producers must first determine what type of seller they are considered:

- 1. Beekeeper Honey Producers** – beekeepers selling pure, raw honey extracted from their own hives and which is sold retail or wholesale by themselves or anyone associated with their apiary.
- 2. Cottage Food Operator** – an individual who sells honey from their own hive or honey they have purchased. Honey can have added flavoring and must be packaged and produced in their own honey kitchen. The annual gross income must be no more than \$50,000. Honey is sold direct to the consumer (i.e., not in another business) within the state of Texas.
- 3. Licensed Food Manufacturer** – an individual selling and bottling honey from their hives or that they have purchased in an inspected and approved facility. A Texas Food Manufacturing license is required, and honey may be sold to a third party for resell.

This factsheet will cover the rules for those who qualify as a Beekeeper or Cottage Food Operator. For more information on becoming a licensed food manufacturer, please visit the [Texas Department of State Health Services \(DSHS\) website](#).

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BEEKEEPER HONEY PRODUCERS

Beekeeper Honey Producers, as described under number 1 on the left, may sell their honey under certain conditions without having to obtain a state license as a food manufacturer or comply with all state regulations for food manufacturers. Beekeeper Honey Producers are defined as those who:

- ▶ Sell the honey themselves or that of an immediate family member.
- ▶ Sell only honey that is produced from a hive located in Texas and owned and managed by that beekeeper.
- ▶ Sell only honey that is pure, raw, and not blended with any other product or otherwise adulterated.



The same producer may blend or combine all honey from their hives. Creamed honey, dried or dehydrated honey, and blending other raw honey extracted from their hives (i.e., mixing honey from multiple hives) are allowed. Freezing, refrigerating, and heating honey to less than 40 degrees C or 104 degrees F is also allowed.

- Creamed honey (often also called whipped honey) does not include the addition of dairy or air. Creamed honey is raw honey in which crystallization has been controlled to form

a fine granule. It is not temperature-treated, and nothing is added or removed. While there are many methods, creaming honey usually involves combining crystallized honey that has been ground to produce smaller, finer crystals with liquid honey. The liquid honey will crystallize in the same consistency as the fine crystallization and produce a spreadable, thicker honey.

- Dehydrated, or dried, honey has been dehydrated to remove moisture to form a solid or completely crystallized honey. Dehydrating cannot occur at over 40 degrees C or 104 degrees F.
- ▶ Sell retail or wholesale in person, via phone, mail, or online order. Reselling directly to a third-party consumer is also allowed.
- ▶ Harvest, package, hold, and label honey at the primary location where the bees are kept or a secondary location where they do farm activities.

What is Not Allowed:

- ▶ Pasteurizing honey (heating over 40 degrees C or 104 degrees F)
- ▶ Whipping in air (which is not how creamed honey is produced)
- ▶ Adding or infusing spices, flavors, or others

What is Allowed:

- ▶ Selling honey to other entities for resale in locations such as stores, restaurants, or other retail or wholesale businesses
- ▶ Selling honey online

Label Requirements:

- ▶ Name of the commodity (honey, raw honey, pure honey, creamed honey, etc.)
- ▶ Name and location of business or apiary. If not a business, it can be the beekeeper's name
- ▶ Quantity in metric units (i.e., grams) and standard units (i.e., ounces, inches, pounds)
- ▶ Must conform to the Fair Packaging and Label Act
 - Beekeepers harvesting raw honey will not be required to license with DSHS, as long as they



are only engaged in allowable farm activities. Harvesting operations that conduct filtering, packaging, and labeling of honey are still subject to the adulteration and misbranding provisions of Texas Health and Safety Code 431. Texas Agriculture Code, Title 6, Chapter 131, Bees and Honey, Subchapter E, Labeling and Sale of Honey, gives DSHS regulatory authority over the labeling of honey. DSHS will investigate complaints of adulterated honey and mislabeled honey and take appropriate compliance action.

COTTAGE FOOD OPERATORS

Cottage Food Operators, as described in number 2 on page 1:

- ▶ May sell honey extracted from their own bees or purchased from another apiary or source.
- ▶ May add flavoring and/or spices to honey.
- ▶ Are limited to those with an annual gross income of \$50,000 or less in sales of ALL cottage foods.
- ▶ May sell retail within the state of Texas. Cottage food vendors can only sell directly to consumers and may not mail their products. All sales must be directly to consumers.
- ▶ Must operate and produce from a primary residence containing a kitchen and residential-use appliances.



- ▶ Are not required to have a license or permit.
- ▶ Must be Food Handler Certified. Persons or members of the household who engage in cottage food production activities must also be certified unless directly supervised by the Cottage Food Operator.

What is Not Allowed:

- ▶ Selling outside of Texas
- ▶ Selling wholesale (i.e., to restaurants, stores, or other businesses)
- ▶ Shipping products to customers

Label Requirements (Chapter 131 of the Texas Agricultural Code Subchapter E, Labeling and Sale of Honey):

- ▶ Name of the product. If using additional words, they cannot be larger or more prominent than “honey.” This is a Class B misdemeanor if violated (e.g., lavender-infused honey cannot have lavender larger than honey on the label or ingredients list).
- ▶ Name and physical address of cottage food operation
- ▶ Disclosure of food allergens
- ▶ List of all ingredients
- ▶ The statement, “This food is made in a home kitchen and is not inspected by the Department of Health State Services or local health department.”
- ▶ Cannot use a photograph or any depiction of a bee, hive, or comb unless it is pure honey.

REGULATIONS FOR ALL TEXAS HONEY PRODUCERS

Beekeepers wanting to sell honey from Texas wholesale or over the Internet, in addition to retail, must comply with the requirements of up to four entities, if applicable:

- ▶ U.S. Food and Drug Administration (FDA)
- ▶ Texas Department of State Health Services (DSHS)
- ▶ Local health department
- ▶ Homeowner association

FDA

Federal regulations require some honey producers to register their facilities, comply with current U.S. Good Manufacturing Practices (GMPs), and include nutritional labeling on their products.

Registration as an FDA Food Facility is needed only for the producers considered Licensed Food Manufacturers and if the following conditions are met:

- ▶ 50 percent of sales are wholesale; and
- ▶ The products move in interstate commerce. Interstate commerce can be established through the ingredients, packaging, or distribution of the product.

There is no fee to register, but filing is required by law. The purpose is for the FDA to be able to contact businesses regarding food alerts. More information and registration application forms are posted on the FDA’s webpage for [Registration of Food Facilities and Other Submissions](#).

The federal GMPs cover training, audits, documentation, and evaluation as well as safety for buildings, equipment, production, and processes. Guidelines on those practices are posted on the [FDA’s website](#).

Foods must bear FDA nutrition labeling unless they are produced by businesses employing fewer than 10 full-time equivalent employees and selling fewer than 10,000 units of that product in the United States in the previous 12 months. Other exemptions for nutritional labeling are in the FDA’s [Code of Federal Regulations Title 21, Sec. 101.9\(j\)](#).

The FDA provides general information on food labeling regulations on the [Labeling & Nutrition Guidance](#) webpage.



A voluntary but recommended label cautions against feeding honey to infants under 1 year old. The statement commonly used is, "Do not feed honey to infants under 1 year of age." The warning is recommended because some children under age 1 could contract infant botulism after eating honey.

TEXAS DEPARTMENT OF STATE HEALTH SERVICES

Unless exempted by qualifying as a Beekeeper Honey Producer or Cottage Food Operator, a business wanting to produce and sell honey in Texas must obtain a food-manufacturing license, meet state labeling requirements, and follow good manufacturing practices (GMPs) as specified by the state.

A Texas food-manufacturing license enables producers to sell and distribute honey via retail, wholesale, and internet venues, as long as they label it with the manufacturer's name.

The license application form is posted under "Applications and Forms" on the [Texas Department of State Health Services website](https://www.dshs.texas.gov). If you have questions about filling out the application, call (512) 834-6626. The license is renewable every 2 years.



Labeling is required for all bottled honey by [Chapter 131 of the Texas Agriculture Code](#).

GMPs are detailed in sections §§229.210–§§229.222 of the Texas Administrative Code (TAC). For more information on Texas regulations, visit the [TAC website](#) or contact Manufactured Food Operations at food.regulatory@dshs.texas.gov (512) 834-6670.

LOCAL HEALTH DEPARTMENTS AND HOMEOWNER REGULATIONS

Beekeepers should also check with their local health department, which may issue a permit or license for this type of operation. This does not apply to small honey-production operations—only to those wanting to obtain a food manufacturer's license.

In addition, some homeowner associations prohibit food manufacturing in their neighborhood.