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# NOVEMBER 2020 TEXAS AGRICULTURAL LAWS



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**Michelle Boerst**

MASTER CRAFTSMAN BEEKEEPER



# MICHELLE BOERST

Beekeeper for 9 years

Full-time beekeeper for 4 years

First Master Craftsman Beekeeper in Texas

Michelle Boerst

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Texas

# AG LAW CHANGES 2020

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**2017 TEXAS LAW**  
**PREVIOUS HONEY SALES REQUIREMENTS UNDER COTTAGE FOOD LAW.**

- **Under 2500 pounds of honey harvested per year.**
  - **No wholesale or internet sales.**
  - **One part of the transaction must be in person with the beekeeper or an immediate family member.**
  - **Add label stated that honey was not processed in a licensed facility.**
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# AG LAW CHANGES 2021

Texas Administrative Code

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# AGRICULTURE LAW CHANGES

- Amendment to 25 TAC 229.210-225 Subchapter N, Current GMP and GWP in Manufacturing, Packing or Holding Human Food that became effective August 2, 2017

**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.***



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# WHAT DOES THAT MEAN?

- You can extract or bottle honey anywhere.
  - There is no limit to the amount of honey you can extract or bottle.
  - You can sell honey anywhere, online or in person.
  - You can wholesale or retail your honey.
  - Packaging and labeling honey are also considered allowable farm activities.
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# AGRICULTURE LAW CHANGES

**While 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.**

**DSHS regulatory has authority over the labeling of honey and DSHS will investigate complaints of adulterated and mislabeled honey and take appropriate compliance action.**

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# WHAT DOES THAT MEAN?

- You still have to follow food labeling laws.
- You cannot adulterate your honey.
- There are honey police.



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# AGRICULTURE LAW CHANGES

## Pasteurization:

**Pasteurizing raw honey is a manufacturing activity  
that requires a license as a food manufacturer.**

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# WHAT DOES THAT MEAN?

- If you pasteurize your honey, it has to be done in a licensed food facility.

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# AGRICULTURE LAW CHANGES

**As long as some of the raw honey is from the beekeeper's own bees/hives, a beekeeper can blend other raw honey with the beekeeper's honey. If you blend honey no longer considered raw, like pasteurized honey, blending is no longer an exempt farm activity and a food manufacturer license is required..**

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# WHAT DOES THAT MEAN?

- You can only sell your honey that you have extracted and bottled.
- However, you can blend your honey with other honey and sell it.
- Unless any of the honey is no longer raw. (pasteurized)

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# AGRICULTURE LAW CHANGES

**beekeeper drying raw honey from their bees/hives is an allowable farm activity as long as there is no additional manufacturing/processing (other than packaging and labeling).**

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# AGRICULTURE LAW CHANGES

**whipping air into raw honey is a manufacturing activity that requires a food manufacturer license. (creamed honey/Dyce method, etc applies here too)**

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# WHAT DOES THAT MEAN?

- You cannot add any flavoring, spices, nuts etc.
- You cannot adulterate your honey. (creaming, whipping, Dyce method)



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# HONEY LABELS

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# HONEY LABEL REQUIREMENTS

## ➤ Labels must communicate

### The “Common” Name of the Product

The word “honey” must be visible on the label. The name of a plant or blossom may be used if it is the primary floral source for the honey. Honey must be labeled with its common or usual name on the front of your package. (i.e., “Honey” or “Clover Honey”)

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# HONEY LABEL REQUIREMENTS

## ➤ Labels must communicate

### Net Weight

The net weight of your product (excluding packaging), both in pounds/ounces and in metric weight (grams) must be included in the lower third of your front label panel in easy-to-read type (e.g., Net Wt. 16 oz. (454 g)). When determining net weight, use the government conversion factor of one ounce (oz.) = 28.3495 grams or 1 pound (lb.) = 453.592 grams. Round after making the calculation, not before. Use no more than three digits after the decimal point on the package. One may round down the final weight to avoid overstating the contents. When rounding, use typical mathematical rounding rules.

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# WHERE CAN I FIND THIS INFO??

- **FDA Food Labeling Guide**
- **Texas State Food Health Safety Label Guidelines**
- **Bottom third of the container, easy to read font, pounds/oz and metric weight**



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# HONEY LABEL REQUIREMENTS

## ➤ Labels must communicate

### Ingredients

Single-ingredient products (such as honey) do not have to name that single ingredient when already used in the common or usual name on the front panel. However, if there are ingredients other than honey, you must list them in an ingredient statement. Some exceptions are spices, flavorings and incidental additives (additives that have no functional role and with minimal presence in the finished product), which have special rules.

The type size for ingredient listings must be no less than 1/16 of an inch as measured by the small letter “o” or by the large letter “O” if all caps are used in the declaration. There are exemptions that allow smaller type sizes for small packages.

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# WHAT DOES THAT MEAN?

- If you have honey in your logo, or on the front of the label, you don't need any any ingredient list.
- I put 100% honey on my logo

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# HONEY LABEL REQUIREMENTS

## ➤ Labels must communicate

### Country of Origin

Honey packers must include conspicuous and indelible labeling, in English, naming the country of origin of all imported products, regardless of whether the product labeling uses approved USDA marks or grade statements

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# WHAT DOES THAT MEAN?

- Honey packers must include the company of origin
- If someone other than you bottles or packs your honey and sells it, you must include the country



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# HONEY LABEL REQUIREMENTS

## ➤ Labels must communicate

### Contact Information

The label must let consumers know who put the product on the market and how to contact that person. The name and the address of the manufacturer, packer, or distributor of a packaged food product are required to appear on the label of the packaged food. This information, sometimes referred to as the “signature line,” must appear on the front label panel or the information panel. If space permits include a full address and telephone number. The information must be in a type size that is at least 1/16 of an inch tall.

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# WHAT DOES THAT MEAN?

- **Company name, city and state and contact info**
- **Your website qualifies as a contact if you have email, phone number etc listed on your website**



# HONEY LABEL REQUIREMENTS

➤ Labels must communicate

## Dietary label

| Nutrition Facts   |               |
|---|---------------|
| 16 servings per container   |               |
| Serving size  | 1 Tbsp. (21g) |
| Amount per serving  |               |
| Calories  | 60            |
| % Daily Value*  |               |
| Total Fat 0g  | 0%            |
| Saturated Fat 0g  | 0%            |
| Trans Fat 0g  |               |
| Cholesterol 0mg   | 0%            |
| Sodium 0mg  | 0%            |
| Total Carbohydrate 17g  | 6%            |
| Dietary Fiber 0g  | 0%            |
| Total Sugars 17g  | 34%†          |
| Protein 0g  |               |
| Vitamin D 0mcg  | 0%            |
| Calcium 0mg   | 0%            |
| Iron 0mg  | 0%            |
| Potassium 0mg   | 0%            |
| * The % Daily Value (DV) tells you how much a nutrient in a serving of food contributes to a daily diet. 2,000 calories a day is used for general nutrition advice. |               |
| † One serving adds 17g of sugar to your diet and represents 34% of the Daily Value for Added Sugars.  |               |

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# AG LAW SIGN CHANGES 2021

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## AGRICULTURE LAW CHANGES SIGNAGE

### ➤ Update to Texas Farm Animal Liability Act

The Texas Farm Animal Liability Act is a statute offering limited liability to farm animal owners if injuries are caused by an inherent risk to a farm animal activity. For example, when a person rides a horse, there is an inherent risk that person could get bucked off. Through the FALA, the Texas legislature intended to ensure the horse owner in this example would not be liable for resulting injuries. The statute was passed in 1995 and was amended in 2011 to expand the scope beyond just equine animals to all “farm animals.”

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## **AGRICULTURE LAW CHANGES SIGNAGE**

- **Update to Texas Farm Animal Liability Act September 2021**
  - **Now includes ranch hands or employees, not just ranch or animal owners**
  - **Was limited to shows, events, fairs, etc**
  - **Now applies to working ranches, as well**
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## **AGRICULTURE LAW CHANGES SIGNAGE**

### **➤ Update to Texas Farm Animal Liability Act**

**This sign must be posted at a clearly visible location.**

#### **WARNING**

**UNDER TEXAS LAW (CHAPTER 87, CIVIL PRACTICE AND REMEDIES CODE), A FARM ANIMAL PROFESSIONAL OR FARM OWNER OR LESSEE IS NOT LIABLE FOR AN INJURY TO OR THE DEATH OF A PARTICIPANT IN FARM ANIMAL ACTIVITIES, INCLUDING AN EMPLOYEE OR INDEPENDENT CONTRACTOR, RESULTING FROM THE INHERENT RISKS OF FARM ANIMAL ACTIVITIES.**

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## **AGRICULTURE LAW CHANGES SIGNAGE**

### **➤ Update to Texas Farm Animal Liability Act**

**Landowners or lessees can certainly make their own signs, or various groups sell these signs. This includes the Texas & Southwestern Cattle Raisers Association and Texas Farm Bureau.**

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## AGRICULTURE LAW CHANGES SIGNAGE

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# AGRICULTURE LAW CHANGES SIGNAGE

- Recommended signage
- Texas Agritourism Act Signage

**WARNING: UNDER TEXAS LAW (CHAPTER 75A, CIVIL PRACTICE AND REMEDIES CODE), AN AGRITOURISM ENTITY IS NOT LIABLE FOR ANY INJURY TO OR DEATH OF AN AGRITOURISM PARTICIPANT RESULTING FROM AN AGRITOURISM ACTIVITY.**

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## AGRICULTURE LAW CHANGES SIGNAGE

- Recommended signage
- No Trespassing

Texas Penal Code Section 30.05 provides that for a person to be found guilty of criminal trespass, he must have entered the property of another without permission and with knowledge that such entry was prohibited. A landowner, lessee, or occupier can provide this notice that entry is forbidden in a number of ways under the statute including no trespassing signs, purple paint, verbal or written warnings, by having crops under harvest or cultivation, or by having the area completely fenced in obviously designed to keep animals in or people out.

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# BEE LAW CHANGES 2023

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# 2023 BEE LAW UPDATES

- **Apiary Registration Application** – was Free - Registration will not be required, but if requested, a \$35 fee will be assessed. Registration will be valid through the end of the fiscal year and must be renewed each September 1st. All current REGISTRATIONS WILL BE NULL AND VOID ON SEPTEMBER 1ST, 2023!



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# 2023 BEE LAW UPDATES

- **Intrastate Application (county to county)** – was \$35 - Intrastate permitting will be repealed. No longer will there be restrictions on moving bees across county lines. Beekeepers doing live removals will still be required to pay the \$35 fee for the annual registration, but it will be a different form as opposed to the Removal Transportation Form.

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# 2023 BEE LAW UPDATES

- **Import/Export Application** – was \$100 for each state the beekeeper is bringing bees from & \$75 for each state the beekeeper is shipping bees to - Beekeepers moving bees into and out of Texas will no longer have to do separate Importation and Exportation permits. One Interstate permit will replace these. This permit will be an annual fiscal year (September 1st – August 31st) operational permit with a fee of \$250. Beekeepers can then come and go with bees.

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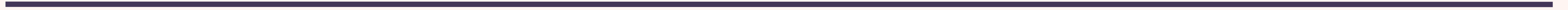
# 2023 BEE LAW UPDATES

- The law changes the registration to “beekeeper” registration, not “apiary” registration.  
The forms will still have space to place apiary location(s).

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# 2023 BEE LAW UPDATES

- Apiary definition will have “six or more” struck.



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# 2023 BEE LAW UPDATES

- **Beekeeper** – means a person who owns, leases, possesses, controls, or manages one or more colonies of bees for any personal or commercial use.  
In situations involving Ag Valuation/Exemption, the beekeeper and/or landowner can decide who should register.





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## Helpful websites

### Chapter 131 of the Agriculture Code

<https://statutes.capitol.texas.gov/Docs/AG/htm/AG.131.htm>

### Honey converter calculator

[https://www.traditionaloven.com/conversions\\_of\\_measures/honey\\_measurements.html](https://www.traditionaloven.com/conversions_of_measures/honey_measurements.html)

[Honey amounts converter | Nutrition facts](#)

### Food handling certification

<https://www.dshs.texas.gov/food-handlers/training/online.aspx>

### State of Texas food health safety labeling guidelines

<https://statutes.capitol.texas.gov/Docs/HS/htm/HS.431.htm>

### Electronic code of federal regulations (food and drug title 21)

<https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/CFRSearch.cfm?CFRPart=101&showFR=1&subpartNode=21:2.0.1.1.2.1>

<https://www.ecfr.gov/cgi-bin/ECFR?page=browse>

### National Honey Board

<https://honey.com/>

