



# Beekeeping Laws and Regulations in Texas

***Better to go the extra mile and do the paperwork to stay legal than suffer the consequences!***

***It's not that hard... even for the hobbyist!***

Byron Compton, STG Farms  
Elm Fork Beekeepers Association

# Texas Agriculture Code, Chapter 131: Bees and Honey

**DEFINITIONS:** Abandoned apiary, equipment, or bees; Apiary; Beekeeper; Bee; Colony; Director; Disease; Equipment; Inspector; Label; Nucleus; Pollen; Pure honey; Queen apiary

**CHIEF APIARY INSPECTOR.** a person qualified by scientific training or personal experience as chief apiary inspector to make inspections and administer this chapter under the direction and control of the director.

**SALE OF QUEEN BEE AND ATTENDANTS, PACKAGE BEES, AND NUCLEI.** A person may not sell or offer for sale a queen bee and attendant bees, package bees, nuclei, or queen cells in this state unless the bees are accompanied by certification from the chief apiary inspector certifying that the apiary from which the queen bee was shipped has been inspected not more than 12 months before the date of shipment and found apparently free from disease; or a copy of an affidavit made by the beekeeper stating that to his knowledge, the bees are not diseased

**SEIZURE OF BEES, EQUIPMENT, POLLEN, OR HONEY.** Bees, equipment, pollen, or honey may be seized by the chief apiary inspector under Section 131.021 of this code and shall be treated, destroyed, or sold at public auction.

**DUTY TO REPORT DISEASED BEES.** If a beekeeper knows that a colony of bees is diseased, the beekeeper shall immediately report to the chief apiary inspector all facts known about the diseased bees.

**PERMIT FOR IMPORTATION/EXPORTATION.** A person may not ship bees or equipment into or out of this state unless the person has a permit issued by the chief apiary inspector authorizing the shipment.

**PERMITS FOR INTRASTATE SHIPMENT** (across county lines). A person may not ship bees or equipment between counties in this state unless the person has a permit issued by the chief apiary inspector authorizing the shipment.

**APIARY REGISTRATION.** The chief apiary inspector may provide for the periodic registration of all apiaries in this state.

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# Texas Agriculture Code, Chapter 131: Bees and Honey

**BRANDING AND IDENTIFICATION OF APIARY EQUIPMENT:** A person may not operate an apiary in this state unless the apiary equipment is marked with the name and address of the beekeeper; or branded with a brand registered by the chief apiary inspector. 1-181-680

**LABELING AND SALE OF HONEY: USE OF "HONEY" ON LABEL.** A person may not label, sell, or keep, offer, or expose for sale a product identified on its label as "honey," "liquid or extracted honey," "strained honey," or "pure honey" **unless the product consists exclusively of pure honey.**

**SALE OF IMITATION HONEY.** A person may not label, sell, or keep, expose, or offer for sale a product that resembles honey and is identified on its label as "imitation honey."

**SALE OF HONEY MIXTURES.** A person may not label, sell, or keep, expose, or offer for sale a product that consists of honey mixed with another ingredient unless: the product bears a label with a list of ingredients; and "honey" appears in the list of ingredients in the same size type of print as the other ingredients.

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**WHAT ABOUT USING MY HOME KITCHEN?** Senate Bill 1766 provides an exemption for “*small honey producers*”. This exemption prohibits wholesaling or selling via the internet. There are very specific restrictions which are summarized below:

*“small honey producers”, defined as a beekeeper that: Produces less than 2500 pounds of honey each year; Sells the honey personally or honey is sold by an immediate family member; Honey must be produced from a hive that is located in Texas and owned by that beekeeper; Delivers the honey or honeycomb to the consumer or sells it directly to the consumer at the beekeeper’s home, another designated location or at a farmer’s market, a farm stand or a municipal, county or nonprofit fair, festival or event; In addition to standard required labeling (name of the product, net weight statement; and name and address of business) all containers must have an additional statement,:*

*“Bottled or packaged in a facility not inspected by the Texas Department of State Health Services”*

Honey producers that do not meet the definition of “small honey producer” as outlined in Senate Bill 1766 will have to license as a food manufacturer and will be subjected to regulation under the Current Good Manufacturing Practices (GMPs).

# Texas Agriculture Code, Chapter 131: Bees and Honey

**“Small Scale Beekeeper” Labels are available from the Texas Beekeepers Association**



*“Bottled or packaged in a facility not inspected by the Texas Department of State Health Services”*

# TAIS Forms and Fees



Texas Apiary  
Inspection Service

TEXAS A&M AGRILIFE RESEARCH

- ✓ Registration Application - Free
- ✓ Registration of Apiary Equipment Brands Application – \$10
  - Intrastate Application (county to county) – \$35
  - Bee Removal Transportation Application – \$35 (*consider liability insurance...!*)
    - You need a Pest Control License if you use chemicals in removals
  - Apiary Inspection (requested by beekeeper) – \$75
    - Needed if you want to sell Nuc's or Packages – or you provide your own certification.
  - Queen Breeder Inspection – \$300
  - Import Application – \$100 for each state the beekeeper is bringing bees from
  - Export Application – \$75 for each state the beekeeper is shipping bees to
    - Don't forget about Import/Export fees for the other states...!

# State Forms and Fees

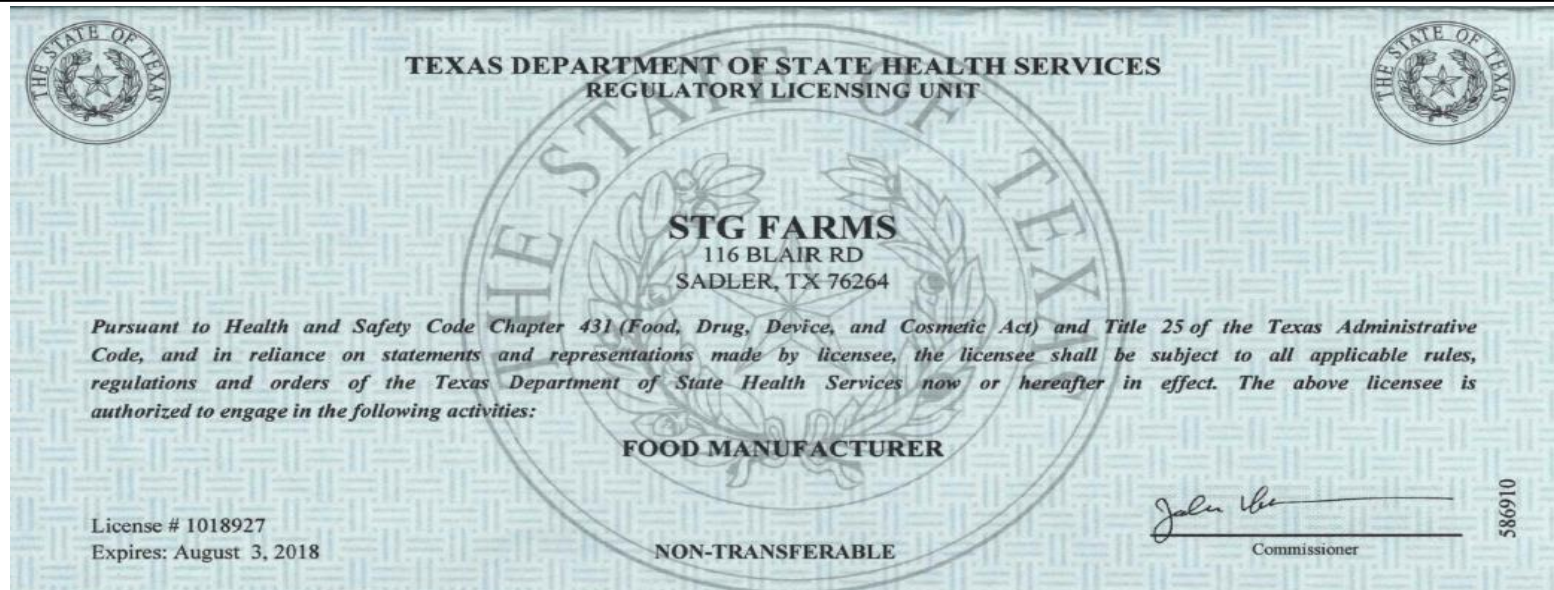


**TEXAS**  
Health and Human  
Services

Texas Department of State  
Health Services

## Texas Department Of State Health Services: Food Manufacturer License

<b>Type of Manufacturer (Check all that apply):</b> <input checked="" type="checkbox"/> Processor/Packer (includes bagging ice) <input type="checkbox"/> Re-packer <input type="checkbox"/> Water Store <input type="checkbox"/> Water Vending Machine <input type="checkbox"/> Ice & Water Vending Machine <input type="checkbox"/> Ice Vending Machine <input type="checkbox"/> Private Labeler - Name/Address of Co-Packer: _____		<b>Type of Sales:</b> <input checked="" type="checkbox"/> Wholesale and/or Retail <input type="checkbox"/> Retail Only	
GROSS ANNUAL FOOD SALES		FEE FOR INITIAL/RENEWAL LICENSE OR CHANGE OF OWNERSHIP	
<input type="checkbox"/>	\$ 0.00	\$ 9,999.99	- \$ 104.00 for each place of business
<input type="checkbox"/>	\$ 10,000.00	\$ 24,999.99	- \$ 156.00 for each place of business
<input type="checkbox"/>	\$ 25,000.00	\$ 99,999.99	- \$ 258.00 for each place of business





# State Forms and Fees



## Texas Comptroller: Sales Tax Permit – must file quarterly sales report

01-300  
(Rev.1-15/19)

### TEXAS SALES AND USE TAX PERMIT

*This permit is not transferable, and this side must be prominently displayed in your place of business.*

*Retailers: A seller may NOT accept a copy of this permit in lieu of a properly completed exemption or resale certificate. A certificate is necessary to document why tax is not collected on a sale.*

TAXPAYER NAME, BUSINESS LOCATION NAME, and PHYSICAL LOCATION

BYRON P COMPTON AND LISA B COMPTON

STG FARMS  
116 BLAIR  
SADLER  
GRAYSON COUNTY

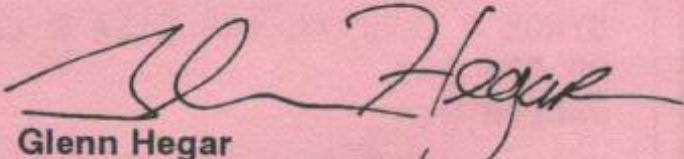
TX 76264-1400

NAICS CODE: 311999 DESCRIPTION ON NEXT LINE:  
All Other Miscellaneous Food MFG

WE SHOW THIS BUSINESS IN THE FOLLOWING LOCAL SALES TAX AUTHORITIES:  
NONE IDENTIFIED

You must obtain a new permit if there is a change of ownership, location, or business location name.

Type of permit	SALES AND USE TAX
Taxpayer number	3-20611-8420-9
Location number	00001
First business date of location	01/09/2016

  
Glenn Hegar  
Comptroller of Public Accounts

# State Forms and Fees



Develop a means to track your non-taxable and taxable sales by quarters

Date	Customer	16 oz Honey	22 oz Comb	12 oz Bears	8 oz Bears	4 oz Whipped	4 oz BB	Misc	Paid	S&H	/Comm Fe	Pkging	Shipping
1/2/2019	name							\$ 120.00	Y	\$ -	\$ -	\$ -	\$ -
1/31/2019	name		2						Y	\$ -	\$ -	\$ -	\$ -
1/31/2019	name	2							Y	\$ -	\$ -	\$ -	\$ -
1/12/2019	name	2							Y	\$ -	\$ -	\$ -	\$ -
1/24/2019	name	2							Y	\$ -	\$ -	\$ -	\$ -
2/7/2019	name	2							Y	\$ -	\$ -	\$ -	\$ -
										\$ -	\$ -	\$ -	\$ -
										\$ -	\$ -	\$ -	\$ -
										\$ -	\$ -	\$ -	\$ -
										\$ -	\$ -	\$ -	\$ -
										\$ -	\$ -	\$ -	\$ -
										\$ -	\$ -	\$ -	\$ -
Q1-2019	<b>Total</b>	\$ 80.00	\$ 40.00	\$ -	\$ -	\$ -	\$ -	\$ 120.00		\$ -	\$ -	\$ -	\$ -
Q2-2019	<b>Total</b>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	\$ -
Q3-2019	<b>Total</b>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	\$ -
Q4-2019	<b>Total</b>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	\$ -

# Honey Labeling Guidance

## National Honey Board / USDA / FDA:

- **“COMMON” NAME OF THE PRODUCT** - The word “honey” must be visible on the label. And labeled with its common or usual name on the front of your package. (i.e., “Honey” or “Clover Honey”)
- **NET WEIGHT** - The net weight of your product (excluding packaging), both in pounds/ounces and in metric weight (grams)
- **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.
- **COUNTRY OF ORIGIN** - Honey packers must include in English, naming the country of origin of all imported products, regardless of whether the product labeling uses approved USDA marks or grade statements. For further Country of Origin Labeling information, please review the rules and regulations detailed in the Federal Register.
- **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.



# Honey Labeling Guidance

## Texas Agricultural Code 131: LABELING AND SALE OF HONEY:

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- **USE OF BEE, HIVE, OR COMB DESIGN.** A person may not label or sell a product that resembles honey and that has on its label a picture or drawing of a bee, hive, or comb unless the product consists exclusively of pure honey.
- **SALE OF IMITATION HONEY OR HONEY MIXTURES.** A person may not label or sell a product that resembles honey and is identified on its label as “imitation honey,” or honey mixed with another ingredient unless: (1) the product bears a label with a list of ingredients; and (2) “honey” appears in the list of ingredients in the same size type of print as the other ingredients.
- **VOLUNTARY WARNING.** The statement commonly used is : *“Do not feed honey to infants under one year of age”*.

# Honey Labeling Guidance – Hobby Beekeepers

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- **VOLUNTARY WARNING.** The statement commonly used is : *“Do not feed honey to infants under one year of age”*.

# State Forms and Fees



## Texas Comptroller: Texas Ag and Timber Sales Tax Exemption

- Apply online and get your certificate immediately – **Free**
- **NOT tied to Property Tax Valuation...!**
- Beekeeping is a recognized Agricultural Activity and qualifies for exemption of sales tax for related expenditures

Woodenware

Tools

Sugar/Pollen

Seeds

Plants

Chemicals

Equipment (trailers?)

***Not Clothing***

A registration certificate from the Office of the Comptroller of Texas. The certificate is titled "Texas Agricultural or Timber Registration" and includes the following information: Registration Number: 32 [REDACTED] 05; Name: BYRON COMPTON; DBA, Farm or Ranch Name: FARM; and Validity: VALID 07/24/2013 THRU 12/31/2019. The certificate features the official seal of the Office of the Comptroller of Texas, which includes a star and the words "OFFICE OF THE COMPTROLLER TEXAS".

OFFICE OF THE COMPTROLLER  
TEXAS

**Texas Agricultural or  
Timber Registration**

Registration  
Number: 32 [REDACTED] 05

Name:  
**BYRON COMPTON**

DBA, Farm or Ranch Name:  
**FARM**

VALID 07/24/2013 THRU 12/31/2019

- Don't forget to file IRS Schedule F – Farm Income/Loss – deductions are over and above the standard or itemized deductions

# County Property Valuation

## Most\* Counties grant agricultural property valuation for Beekeeping

- Beekeeping shall qualify for agricultural use valuation if used for pollination for the production of human food or other tangible products that have a commercial value.
- The land must be devoted to agricultural use for 5 of the preceding 7 years.
- A minimum of 5\* acres and a maximum of 20 acres are necessary to qualify beekeeping as an agricultural use.
- To allow 1-d-1 agricultural use valuation for beekeeping, a minimum of 6 colonies/hives AND a minimum of 5 acres. Additionally, 1 hive per additional 2.5 acres\* (up to a maximum of 20 acres) resulting to a range of 6-12 hives,
- The hives must be alive and maintained.

Cooke/Grayson Fannin/Denton	Acres:	5		7.5		10		12.5		15		17.5		20
	Hives:	6		7		8		9		10		11		12
Travis	Acres:	5	7		9		11		13	15	17		19	
	Hives:	6	7		8		9		10	11	12		13	



# County Property Valuation

## **Transitioning from another type of Agricultural Enterprise – Cattle, Hay, Goats, etc.**

- The 5/20 acre limits still apply. If you have 150 acres, you can only use Beekeeping for 20 of those 150 acres.
- You MAY NOT have to have ALL the hives needed for your property size in year 1. But you should notify the local appraisal officer of your intent to switch and begin documentation of your activities/expenses related to Beekeeping.

## **Starting with NO Ag Valuation**

- Same applies if you are starting with NO AG VALUATION – You MAY NOT have to have ALL the hives needed for your property size in year 1. But notifying the appraisal district is always a good idea.
- For both situations, you can may drop below the number of colonies needed for your property size in any year as long as you replace them – splits or new Nucs – most valuation officers understand sometimes colonies die.

# Other Considerations if You Want to Go BIG

- **Website Hosting**
  - Pick a user friendly site – compare hosting rates
  - Should have a “store” for online sales that is easy to setup and maintain
- **Credit Card Acceptance/Payment Setup and Fees**
  - If you want to take credit cards or online sales. PayPal and Square are easy to add-on to most hosting sites.
- **Consignment Sales**
  - Be careful – rent on a stall can be more than your sales
- **Trademarks**
  - If you want your “brand” to stand out, consider applying to the USPTO to register your logo or name – cost can be up to ~\$300-400; and you need to challenge/defend it if it is being used by someone else
- **Insurance**
  - Umbrella liability policy – at least \$2,000,000 coverage if you do removals or sell online
  - Can insure apiary equipment and tools, not Bees (coverage is \$400/working hive)
- **DBA Filing with County for a Business Bank Account / Consider setting up a LLC**
  - Protects YOU and YOUR PROPERTY – all they can take is what you put under the LLC (hives, tools, etc.)
  - Contact a CPA and a Lawyer to be safe



**Questions...?**

