

SENATE BILL 1026

J1, M4

3lr3342
CF HB 1388

By: **Senator Colburn**

Introduced and read first time: February 25, 2013

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, March 4, 2013

Reassigned: Finance, March 5, 2013

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 20, 2013

CHAPTER _____

1 AN ACT concerning

2 ~~Honey License Exemptions~~
3 Department of Health and Mental Hygiene – Study of Honey-Related
4 Licenses and Permits

5 FOR the purpose of ~~altering the definition of “raw agricultural product” to include~~
6 ~~honey and herb mixtures and flavored honey; exempting a person that~~
7 ~~manufactures, processes, and sells honey and herb mixtures or flavored honey~~
8 ~~from the requirement to obtain an on-farm home processing facility license or~~
9 ~~permit~~ requiring the Department of Health and Mental Hygiene to study
10 whether it is necessary to continue to require a certain license and permit for
11 the sale, manufacturing, and processing of honey and herb mixtures, including
12 flavored honey; requiring the Department to report its findings and
13 recommendations to the General Assembly on or before a certain date; providing
14 for the termination of this Act; and generally relating to a study on license and
15 permit requirements for the sale, manufacturing, and processing of honey and
16 herb mixtures and flavored honey.

17 ~~BY repealing and reenacting, with amendments,~~
18 ~~Article – Health – General~~
19 ~~Section 21-304(d) and 21-308(e)~~
20 ~~Annotated Code of Maryland~~
21 ~~(2000 Replacement Volume and 2012 Supplement)~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 ~~BY repealing and reenacting, without amendments,~~
 2 ~~Article — Health — General~~
 3 ~~Section 21-308(a)~~
 4 ~~Annotated Code of Maryland~~
 5 ~~(2009 Replacement Volume and 2012 Supplement)~~

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 7 MARYLAND, That ~~the Laws of Maryland read as follows:~~

8 ~~Article — Health — General~~

9 ~~21-304.~~

10 ~~(d) (1) (i) In this subsection the following words have the meanings~~
 11 ~~indicated.~~

12 ~~(ii) “Farmer’s market” means a public market in the State~~
 13 ~~where producers of raw agricultural products sell the products directly to the public.~~

14 ~~(iii) “Raw agricultural product” includes:~~

15 ~~1. Whole, unprocessed grains, flowers, herbs, nuts,~~
 16 ~~fruits, and vegetables supplied directly from the farm on which they were produced;~~
 17 ~~[and]~~

18 ~~2. HONEY AND HERB MIXTURES, INCLUDING~~
 19 ~~FLAVORED HONEY; AND~~

20 ~~[2.] 3. Any agricultural products the Department~~
 21 ~~identifies in regulation.~~

22 ~~(2) A local jurisdiction may not require a license for the sale of raw~~
 23 ~~agricultural products at a farmer’s market or at a public festival or event.~~

24 ~~21-308.~~

25 ~~(a) In this section, “on farm home processing facility” means a home or~~
 26 ~~domestic kitchen located on an individual’s farm that manufactures and processes~~
 27 ~~foods for commercial sale.~~

28 ~~(e) (1) An on farm home processing facility may obtain an on farm home~~
 29 ~~processing plant license for a fee established in regulations.~~

30 ~~(2) An on farm home processing facility that obtains an on farm home~~
 31 ~~processing plant license may manufacture or process only foods provided for in~~
 32 ~~regulations of the Department.~~

1 ~~(3) A license or permit is not required.~~

2 ~~(I) [to] TO deliver prepackaged foods to fill an order of a~~
3 ~~customer; OR~~

4 ~~(II) FOR THE MANUFACTURING, PROCESSING, AND SALE OF~~
5 ~~HONEY AND HERB MIXTURES, INCLUDING FLAVORED HONEY.~~

6 (a) The Department of Health and Mental Hygiene shall study whether it is
7 necessary to continue to require:

8 (1) a license for the sale of honey and herb mixtures, including
9 flavored honey, at a farmer’s market or at a public festival or event; or

10 (2) an on-farm home processing plant license or permit is necessary
11 for the manufacturing, processing, and sale of honey and herb mixtures, including
12 flavored honey.

13 (b) On or before December 31, 2013, the Department shall report its findings
14 and recommendations to the General Assembly in accordance with § 2-1246 of the
15 State Government Article.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 ~~October~~ June 1, 2013. It shall remain effective for a period of 1 year and, at the end of
18 May 31, 2014, with no further action required by the General Assembly, this Act shall
19 be abrogated and of no further force and effect.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.