

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Deregulate the In-state Extraction and Sale of Raw Honey

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §2152, sub-§4-A, ¶F, as amended by PL 2011, c. 407, Pt. A, §2, is further amended to read:

F. Establishments that are engaged in the drying of single herbs that are generally recognized as safe under 21 Code of Federal Regulations, Sections 182 to 189. The single herbs may be packaged for sale, ~~provided that~~ as long as the packaging is not by a vacuum packaging process or a modified atmosphere packaging process; and

Sec. 2. 22 MRSA §2152, sub-§4-A, ¶G, as enacted by PL 2011, c. 407, Pt. A, §2, is amended to read:

G. A primary caregiver, as defined in section 2422, subsection 8-A, conducting an activity allowed in section 2423-A for a qualifying patient who is a member of the family, as defined in section 2422, subsection 5-A, or member of the household, as defined in section 2422, subsection 5-B, of the primary caregiver; and

Sec. 3. 22 MRSA §2152, sub-§4-A, ¶H is enacted to read:

H. Establishments that are engaged solely in the production, extraction, packaging or in-state sale of raw honey if the raw honey is sold in a container that is clearly labeled with the following statement: "Raw honey is not produced under license or inspected by the State of Maine and is not intended for sale outside of the State."

Sec. 4. 22 MRSA §2152, sub-§9 is enacted to read:

9. Raw honey. "Raw honey" means honey as it exists in the beehive or as obtained by extraction, settling or straining and that has not been heat treated.

Sec. 5. 22 MRSA §2162, as amended by PL 1985, c. 785, Pt. B, §88 and PL 1999, c. 547, Pt. B, §78 and affected by §80 and amended by PL 2011, c. 657, Pt. W, §6, is further amended to read:

§ 2162. Packing of food; permit; inspection

The Commissioner of Agriculture, Conservation and Forestry shall, upon application for permit and receipt of such fee as ~~he deems~~ the commissioner considers necessary from any food packer or processor, inspect all operations of ~~said~~ that packer or processor for compliance with this subchapter and shall ~~cause the same law to be diligently enforced~~ enforce this section. Each such permit shall ~~shall~~ must cover one group of buildings constituting a packing plant in one location.

Only the holder of ~~such~~ a permit under this section may mark or label any food so inspected as packed or processed or inspected and passed under this subchapter.

The permit and inspection requirements of this section do not apply to a facility if the only food packaged or processed at that facility is raw honey intended for in-state sale as long as the raw honey is sold in a container that is clearly labeled with the following statement: "Raw honey is not produced under license or inspected by the State of Maine and is not intended for sale outside of the State."

~~Said~~The commissioner may, in a manner consistent with the Maine Administrative Procedure Act as to adjudicatory proceedings, refuse to renew, and the District Court, in a manner consistent with the Maine Administrative Procedure Act, may revoke ~~and any~~ permit whenever there is a lack of compliance with this subchapter. ~~He shall establish such rules and regulations as he deems necessary. He shall make such charges as will be reasonable and as nearly as may be to cover the cost of the service rendered.~~The commissioner may adopt rules necessary to implement this section. All ~~such fees and all such money thus~~ collected for services rendered by the commissioner ~~shall~~under this section must be paid by ~~him~~the commissioner to the Treasurer of State. ~~Said~~These fees and money are appropriated for the purposes of this section.

The commissioner may employ such agents and assistants, subject to the Civil Service Law, and make such purchases as may be necessary in the performance of ~~his~~the commissioner's duties.

Sec. 6. 22 MRSA §2164, sub-§4 is enacted to read:

4. Exemption. This section does not apply to a facility if the only food packaged or processed at that facility is raw honey intended for in-state sale as long as the raw honey is sold in a container that is clearly labeled with the following statement: "Raw honey is not produced under license or inspected by the State of Maine and is not intended for sale outside of the State."

SUMMARY

This bill exempts raw honey producers and sellers from licensing and inspection by the Department of Agriculture, Conservation and Forestry as long as the raw honey is both extracted and sold within the State.