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Legislative Document

No. 1167

S.P. 388

In Senate, March 23, 2017

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

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator VOLK of Cumberland.
Cosponsored by Representative HICKMAN of Winthrop and
Senators: DAVIS of Piscataquis, LANGLEY of Hancock, Representatives: DUNPHY of Old
Town, McLEAN of Gorham, TERRY of Gorham, WARD of Dedham.

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

2 **Sec. 1. 22 MRSA §2152, sub-§4-A, ¶F**, as amended by PL 2011, c. 407, Pt. A,
3 §2, is further amended to read:

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

8 **Sec. 2. 22 MRSA §2152, sub-§4-A, ¶G**, as enacted by PL 2011, c. 407, Pt. A,
9 §2, is amended to read:

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

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

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

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

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

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

25 **§2162. Packing of food; permit; inspection**

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

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

34 The permit and inspection requirements of this section do not apply to a facility if the
35 only food packaged or processed at that facility is raw honey intended for in-state sale as
36 long as the raw honey is sold in a container that is clearly labeled with the following

1 statement: "Raw honey is not produced under license or inspected by the State of Maine
2 and is not intended for sale outside of the State."

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

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

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

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

22 SUMMARY

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