

3321

2011-2012 Regular Sessions

I N S E N A T E

February 16, 2011

Introduced by Sens. GRIFFO, LARKIN, RANZENHOFER -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to the definition of honey and standards for honey sold in this state; and to repeal section 205 of such law relating thereto

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 Section 1. Section 205 of the agriculture and markets law is REPEALED
2 and a new section 205 is added to read as follows:
3 S 205. HONEY. 1. FOR PURPOSES OF THIS ARTICLE, THE FOLLOWING TERMS
4 SHALL HAVE THE FOLLOWING MEANINGS:
5 A. "HONEY" SHALL MEAN THE NATURAL SWEET SUBSTANCE PRODUCED BY HONEY-
6 BEES FROM THE NECTAR OF PLANTS OR EXCRETIONS OF PLANT SUCKING INSECTS ON
7 THE LIVING PARTS OF PLANTS, WHICH BEES COLLECT, TRANSFORM BY COMBINING
8 SUCH SUBSTANCE WITH SPECIFIC SUBSTANCES OF THEIR OWN, DEPOSIT, DEHY-
9 DRATE, STORE, AND LEAVE IN THE HONEYCOMB TO RIPEN AND MATURE.
10 B. "BLOSSOM HONEY" OR "NECTAR HONEY" SHALL MEAN THE HONEY THAT COMES
11 FROM THE NECTAR OR NECTARS OF A PLANT OR PLANTS.
12 C. "HONEYDEW HONEY" MEANS THE HONEY THAT COMES PRIMARILY FROM THE
13 EXCRETIONS OF PLANT SUCKING INSECTS (HEMIPTERA) ON LIVING PARTS OF
14 PLANTS.
15 2. HONEY SHALL CONSIST OF DIFFERENT SUGARS, PREDOMINANTLY FRUCTOSE AND
16 GLUCOSE, AS WELL AS OTHER SUBSTANCES, INCLUDING, BUT NOT LIMITED TO
17 ORGANIC ACIDS, ENZYMES, AND SOLID PARTICLES DERIVED FROM HONEY
18 COLLECTION. THE COLOR OF HONEY MAY VARY FROM NEARLY COLORLESS TO DARK
19 BROWN. THE CONSISTENCY OF HONEY MAY BE FLUID, VISCOUS, OR PARTIALLY TO
20 COMPLETELY CRYSTALLIZED. THE FLAVOR AND AROMA OF HONEY MAY VARY BUT
21 SHALL BE DERIVED FROM PLANT ORIGIN.
22 3. HONEY SOLD IN THIS STATE SHALL MEET THE STANDARDS SET FORTH IN THIS
23 SECTION AND SHALL NOT HAVE ADDED TO IT ANY FOOD INGREDIENT, INCLUDING

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 FOOD ADDITIVES, NOR SHALL ANY OTHER ADDITIONS OR ADDITIVES BE MADE TO
2 SUCH HONEY. HONEY SHALL NOT HAVE ANY FOREIGN MATTER, OR ANY FLAVOR,
3 AROMA, OR TAINT ABSORBED FROM FOREIGN MATTER DURING ITS PROCESSING AND
4 STORAGE. HONEY SHALL NOT HAVE BEGUN TO FERMENT OR EFFERVESCE AND NO
5 POLLEN OR CONSTITUENT PARTICULAR TO HONEY MAY BE REMOVED EXCEPT WHERE
6 UNAVOIDABLE IN THE REMOVAL OF FOREIGN ORGANIC OR INORGANIC MATTER. HONEY
7 MAY CONTAIN THE HIVE PRODUCTS BEESWAX AND PROPOLIS.

8 4. HONEY SOLD IN THIS STATE SHALL MEET THE FOLLOWING STANDARDS:

9 A. HONEY SHALL NOT BE HEATED OR PROCESSED TO SUCH AN EXTENT THAT ITS
10 ESSENTIAL COMPOSITION IS CHANGED OR ITS QUALITY IMPAIRED.

11 B. CHEMICAL OR BIOCHEMICAL TREATMENTS SHALL NOT BE USED TO INFLUENCE
12 HONEY CRYSTALLIZATION.

13 C. HONEY SHALL NOT CONTAIN MORE THAN 18.6 PERCENT MOISTURE CONTENT.

14 D. HONEY SHALL NOT CONTAIN LESS THAN SIXTY PERCENT FRUCTOSE AND
15 GLUCOSE, COMBINED.

16 E. HONEYDEW HONEY AND BLENDS OF HONEYDEW HONEY WITH BLOSSOM HONEY
17 SHALL NOT CONTAIN LESS THAN FORTY-FIVE PERCENT FRUCTOSE AND GLUCOSE,
18 COMBINED.

19 F. BLOSSOM HONEY SHALL NOT CONTAIN MORE THAN FIVE PERCENT SUCROSE,
20 EXCEPT FOR THE FOLLOWING:

21 (I) ALFALFA (MEDICAGO SATIVA), CITRUS SUBSPECIES, FALSE ACACIA (ROHI-
22 NIA PSEUDO ACACIA), FRENCH HONEYSUCKLE (HEDYSARUM), MENZIES BANKSIAS
23 (BANKSIA MENISCI), RED GUM (EUCALYPTUS CAMALDULENSIS), LEATHERWOOD
24 (EUCALYPTUS LUCIDA), AND EUCALYPTUS MILLIGANI MAY CONTAIN UP TO TEN
25 PERCENT SUCROSE.

26 (II) LAVENDER (LAVANDULA SPP.) AND BORAGE (BORAGE OFFICINALIS) MAY
27 CONTAIN UP TO FIFTEEN PERCENT SUCROSE.

28 S 2. Section 206 of the agriculture and markets law, as amended by
29 chapter 423 of the laws of 1979, is amended to read as follows:

30 S 206. Relative to selling a commodity in imitation or semblance of
31 honey. No person or persons shall package, label, sell, keep for sale,
32 expose or offer for sale, any article or product in imitation or
33 semblance of honey depicting thereon a picture or drawing of a bee,
34 beehive or honeycomb, or branded as "honey," "liquid or extracted
35 honey," "strained honey" or "pure honey" which is not [pure] honey AS
36 SUCH TERM IS DEFINED IN SECTION TWO HUNDRED FIVE OF THIS ARTICLE. No
37 person or persons, firm, association, company or corporation, shall
38 manufacture, sell, expose or offer for sale, any compound or mixture
39 branded or labeled as and for honey which shall be made up of honey
40 mixed with any other substance or ingredient. There may be printed on
41 the package containing such compound or mixture a statement giving the
42 ingredients of which it is made; if honey is one of such ingredients it
43 shall be so stated in the same size type as are the other ingredients,
44 but it shall not be packaged, sold, exposed for sale, or offered for
45 sale as honey; nor shall such compound or mixture be branded or labeled
46 with the word "honey" in any form other than as herein provided; nor
47 shall any product in semblance of honey, whether a mixture or not, be
48 sold, exposed or offered for sale as honey, or branded or labeled with
49 the word "honey," unless such article is [pure] honey AS SUCH TERM IS
50 DEFINED IN SECTION TWO HUNDRED FIVE OF THIS ARTICLE. A product which is
51 in semblance or imitation of liquid honey shall be labeled as "honey
52 flavored syrup" or "artificially honey flavored syrup", as is appropri-
53 ate.

54 S 3. This act shall take effect immediately.