

5164

2011-2012 Regular Sessions

I N A S S E M B L Y

February 14, 2011

Introduced by M. of A. MAGEE -- read once and referred 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 ASSEM-
BLY, 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 Section 205 of the agriculture and markets law is REPEALED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
24 FOOD ADDITIVES, NOR SHALL ANY OTHER ADDITIONS OR ADDITIVES BE MADE TO

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

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1 SUCH HONEY. HONEY SHALL NOT HAVE ANY FOREIGN MATTER, OR ANY FLAVOR,
2 AROMA, OR TAIN T ABSORBED FROM FOREIGN MATTER DURING ITS PROCESSING AND
3 STORAGE. HONEY SHALL NOT HAVE BEGUN TO FERMENT OR EFFERVESCE AND NO
4 POLLEN OR CONSTITUENT PARTICULAR TO HONEY MAY BE REMOVED EXCEPT WHERE
5 UNAVOIDABLE IN THE REMOVAL OF FOREIGN ORGANIC OR INORGANIC MATTER. HONEY
6 MAY CONTAIN THE HIVE PRODUCTS BEESWAX AND PROPOLIS.

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

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

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

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

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

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

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

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

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

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

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

53 S 3. This act shall take effect immediately.