

5164

2011-2012 Regular Sessions

I N   A S S E M B L Y

February 14, 2011

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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 Section 205 of the agriculture and markets law is REPEALED  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.