



# Department of Public Health and Human Services

Public Health & Safety Division ♦ Communicable Disease Control & Prevention Bureau

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**Steve Bullock, Governor**

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## GUIDANCE DOCUMENT

### Food and Consumer Safety Section

<b>DOCUMENT CODE</b>	RF160706
<b>DATE</b>	July 6, 2016
<b>SUBJECT</b>	Honey Sales

**Intended Audience: State and Local Environmental Health offices and Sanitarians.**

**Question: Is a license or permit required to sell honey in Montana?**

**Answer:** It depends on whether the seller intends to sell honey directly to the consumer (retail) or if they intend to sell the product to another business who then sells the product to the consumer (wholesale).

- In general the retail sale, or direct to consumer sale, of raw honey does not require a license. More specifically:
  - Farmers' Markets: if the operator intends to sell only raw honey they are not required to have a retail license to sell their product at a Farmers' Market (Definition of Farmers' Market below).
  - Cottage Food: the cottage food rule does require registration for the sale of honey outside of a Farmers' Market.
  - Retail Food: a retail food license is not required if an establishment plans to only sell raw honey. However, it is required if the establishment intends to use a heat process to extract the honey from the comb, filter, add a flavor, whip or do any other added value process. FCS recommends directing questions to our office regarding what constitutes a value added process so that we can help provide consistency in application across the state.
- A wholesale license is required if the honey is provided to retail outlets for resale to the end consumer.
- Labeling requirements apply to all honey products (50-50-126 (6) MCA). Please see an example Honey label below that meets all of Montana's labeling requirements for Honey.

**Background:** There are two separate statutory chapters that govern food licensing in Montana, the retail chapter and the wholesale chapter.

Title 50 Chapter 50 of the Montana Code annotated regulates Farmer's Markets, Cottage Food, and Retail Food establishments. Per this code, honey is included in the definition of a raw agricultural product, and therefore, does not need a license to be sold at retail, directly to a consumer.

Title 50 Chapter 57, MCA regulates the wholesaling of food or the sale of food to an entity that then resells that food to a consumer. In chapter 57, honey is not specifically mentioned, however, a

wholesale food manufacturing establishment means a facility and the facility's buildings or structures used to manufacture or prepare food at the wholesale level.

**Additional Information:**

**Farmers' Market Definition:**

"Farmer's market" means a farm premises, a food stand owned and operated by a farmer, or an organized market authorized by the appropriate municipal or county authority under 7-21-3301.

**What is raw honey?**

Raw honey that *has not* been:

- heat processed to extract the honey from the comb;
- filtered;
- had flavor added;
- whipped; or,
- been processed by any other value-added method.

**Example Label:**

Since there are scenarios where a honey retailer would not need a license but would still be required to provide a label, we've made an example label below that could be handed out to individuals operating without labels.

<p style="text-align: center;"><b>HONEY</b></p> <p style="text-align: center;">Net Wt. ___oz (____g)</p> <p style="text-align: center;">Address</p> <p style="text-align: center;">Name: _____</p> <p style="text-align: center;">Street: _____</p> <p style="text-align: center;">City, State, Zip: _____</p>
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