

BILL ANALYSIS

H.B. 3764
By: Metcalf
Agriculture & Livestock
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties suggest that small-scale beekeepers who own and manage their own small honey production operations in Texas, either acting alone or with the help of immediate family members, should be allowed to produce and sell a certain amount of honey directly to consumers at a beekeeper's home, a farmer's market, farm stand, and other local events or fairs, with little government interference or regulation. H.B. 3764 seeks to provide for such permission.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 3764 amends the Health and Safety Code to establish that a small honey production operation is not a food service establishment for purposes of statutory provisions regulating food service establishments and to prohibit a local government authority, including a local health department, from regulating the production of honey or honeycomb at a small honey production operation. The bill requires honey or honeycomb sold or distributed by a small honey production operation to be labeled in accordance with statutory provisions regarding the labeling and sale of honey and requires the label to include the net weight of the honey expressed in both the avoirdupois and metric systems, the beekeeper's name and address, and a statement containing specified disclaimer language.

H.B. 3764 defines "small honey production operation" as a beekeeper that meets the following conditions:

- produces less than 2,500 pounds of honey each year;
- sells or distributes the honey or honeycomb that the beekeeper produces either personally or with the help of the beekeeper's immediate family members;
- only sells or distributes directly to consumers at the beekeeper's home, a farmer's market, a farm stand, or a municipal, county, or nonprofit fair, festival, or event honey or honeycomb that is produced from a hive located in Texas and owned and managed by the beekeeper and that is pure honey, raw, and not blended with any other product or otherwise adulterated; and
- delivers the honey or honeycomb that the beekeeper produces to the consumer at the point of sale or another location designated by the consumer.

EFFECTIVE DATE

September 1, 2015.