

AMENDED IN SENATE JUNE 30, 2009

AMENDED IN SENATE JUNE 22, 2009

AMENDED IN ASSEMBLY MAY 4, 2009

AMENDED IN ASSEMBLY APRIL 21, 2009

AMENDED IN ASSEMBLY APRIL 2, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1216

Introduced by Assembly Member Evans

February 27, 2009

An act to amend Section 29413 of, ~~and to add Chapter 27 (commencing with Section 79401) to Part 2 of Division 22 of, the Food and Agricultural Code, relating to bees, and making an appropriation therefor.~~ *the Food and Agricultural Code, relating to honey.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1216, as amended, Evans. ~~Bees: honey: California Apiary Research Commission.~~ *Honey.*

~~(1) Existing~~

Existing law defines "honey" for purposes of those provisions of law that regulate the content, labeling, and container standards of honey.

This bill would establish a new definition of honey for these purposes, *including new technical standards*, as specified, *the violation of which would be a crime under other provisions of law.*

By creating a new crime, this bill would impose a state-mandated local program.

~~(2) Existing law establishes various commissions to promote agricultural products from the state.~~

~~This bill would create the California Apiary Research Commission in state government with a prescribed membership, and would specify the powers, duties, and responsibilities of the commission. The commission would be authorized to carry out programs of education, promotion, marketing, and research relating to pollination units, bees, honey, or hive products. The bill would authorize the commission to levy an assessment, as provided, on producers, as defined, and would authorize the expenditure of those funds for purposes of implementing the bill, thereby making an appropriation.~~

~~The bill, except as necessary to conduct an election, would not become operative until the producers, by referendum, vote in favor of the bill's provisions, as prescribed. The bill would also provide for the suspension of the operation of its provisions and for concluding the operations of the commission. The bill would make rendering or furnishing false reports, statements, or records, or affecting the shipment and marketing of pollination units, bees, honey, or hive products to avoid payment of assessments, a misdemeanor, thereby imposing a state-mandated local program by creating a new crime. The bill would authorize the commission to bring certain civil actions to enforce the bill's provisions and regulations adopted pursuant to these provisions. The bill would also authorize the commission to recommend to the Secretary of Food and Agriculture the adoption of honey and pollinating unit standards or marketing activity, as provided.~~

~~(3) The~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

~~Vote: majority. Appropriation: yes-no. Fiscal committee: yes. State-mandated local program: yes.~~

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 29413 of the Food and Agricultural Code*
- 2 *is amended to read:*
- 3 *29413. (a) "Honey" means the nectar of floral exudations of*
- 4 *plants gathered and stored in the comb by honeybees. It is a*

1 ~~levorotatory, contains not more than 20 percent of water, not more~~
2 ~~than 25 one hundredths of 1 percent of ash, not more than 8 percent~~
3 ~~of sucrose, its specific gravity is not less than 1.412, its weight not~~
4 ~~less than 11 pounds, 12 ounces per standard gallon of 231 cubic~~
5 ~~inches at 68 degrees Fahrenheit~~ *natural sweet substance produced*
6 *by honeybees from the nectar of plants or from secretions of living*
7 *parts of plants or excretions of plant sucking insects on the living*
8 *parts of plants, which the bees collect, transform by combining*
9 *with specific substances of their own, deposit, dehydrate, store,*
10 *and leave in the honeycomb to ripen and mature.*

11 (b) *“Blossom honey” or “nectar honey” means the honey that*
12 *comes from nectars of plants.*

13 (c) *“Honeydew honey” means the honey that comes mainly*
14 *from excretions of plant sucking insects (Hemiptera) on living*
15 *parts of plants or secretions of living parts of plants.*

16 (d) *Honey consists essentially of different sugars, predominantly*
17 *fructose and glucose as well as other substances such as organic*
18 *acids, enzymes, and solid particles derived from honey collection.*
19 *The color of honey can vary from nearly colorless to dark brown.*
20 *The consistency can be fluid, viscous, or partially to completely*
21 *crystallized. The flavor and aroma vary, but are derived from plant*
22 *origin.*

23 (e) *Honey sold as described in subdivision (d) shall not have*
24 *added to it any ingredient, including food additives, nor shall any*
25 *other additions be made other than honey. Honey shall not have*
26 *any objectionable matter, flavor, aroma, or taint absorbed from*
27 *foreign matter during its processing and storage. Honey shall not*
28 *have begun to ferment or effervesce and no pollen or constituent*
29 *particular to honey may be removed except where unavoidable in*
30 *the removal of foreign inorganic or organic matter.*

31 (f) *Honey shall meet the following standards:*

32 (1) *Honey shall not be heated or processed to such an extent*
33 *that its essential composition is changed or its quality is impaired.*

34 (2) *Chemical or biochemical treatments shall not be used to*
35 *influence honey crystallization.*

36 (3) *Honey shall not contain more than 20 percent moisture*
37 *content and for heather honey not more than 23 percent.*

38 (4) *Honey shall contain not less than 60 percent fructose and*
39 *glucose, combined.*

1 (5) Honeydew honey and blends of honeydew honey with
2 blossom honey shall not contain less than 45 percent fructose and
3 glucose, combined.

4 (6) Blossom honey shall not contain more than 5 percent
5 sucrose, except for the following:

6 (A) Alfalfa (*Medicago saliva*), citrus spp., false acacia (*Robinia*
7 *pseudoacacia*), French honeysuckle (*Hedysarum*), Menzies
8 banksias (*Banksia menziesii*), red gum (*Eucalyptus camaldulensis*),
9 leatherwood (*Eucryphia lucida*), and *Eucryphia milligani* may
10 contain up to 10 percent sucrose.

11 (B) Lavender (*Lavandula spp.*) and borage (*Borago officinalis*)
12 may contain up to 15 percent sucrose.

13 (7) The water insoluble solids content for honey other than
14 pressed honey shall not be more than 0.1g/100g. The content for
15 pressed honey shall not be more than 0.5g/100g.

16 SEC. 2. No reimbursement is required by this act pursuant to
17 Section 6 of Article XIII B of the California Constitution because
18 the only costs that may be incurred by a local agency or school
19 district will be incurred because this act creates a new crime or
20 infraction, eliminates a crime or infraction, or changes the penalty
21 for a crime or infraction, within the meaning of Section 17556 of
22 the Government Code, or changes the definition of a crime within
23 the meaning of Section 6 of Article XIII B of the California
24 Constitution.

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**All matter omitted in this version of the bill
appears in the bill as amended in the
Senate, June 22, 2009 (JR11)**