

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 the Food and Agricultural Code, relating to honey.

LEGISLATIVE COUNSEL'S DIGEST

AB 1216, as amended, Evans. Honey.

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, *and new honey designation provisions*, 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.

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: no. Fiscal committee: yes.
State-mandated local program: yes.

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

SECTION 1. Section 29413 of the Food and Agricultural Code is amended to read:

29413. (a) "Honey" means the natural food product resulting from the harvest of nectar by honeybees and the natural activities of the honeybees in processing nectar. It consists essentially of different sugars, predominantly fructose and glucose as well as other substances such as organic acids, enzymes, and solid particles derived from honey collection. The color of honey can vary from nearly colorless to dark brown. The consistency can be fluid, viscous, or partially to completely crystallized. The flavor and aroma vary, but are derived from the plant's origin. Honey sold as such shall not have added to it any food additives, nor shall any other additions be made other than honey. It shall not have begun to ferment or effervesce and no pollen or constituent unique to honey may be removed except where unavoidable in the removal of foreign matter. Chemical or biochemical treatments shall not be used to influence honey crystallization. Honey shall meet the following standards:

(a)

(1) Honey shall not have a moisture content exceeding 23 percent. No water may be added to honey in the course of extraction or packing for sale or resale as honey.

(b)

(2) The ratio of fructose to glucose shall be greater than 0.9. Sucrose content shall not exceed 10 percent, except for lavender (*Lavandula*) or borage (*Borago officinalis*) which may contain up to 15 percent sucrose. Maltose content shall not exceed 10 percent.

(c)

(3) The absolute value of Carbon Stable Isotope Ratio Analysis shall be more negative than -20.0.

(b) *Products conforming to the standard of identity in subdivision (a) shall be designated "honey." Foods containing honey and any flavoring, spice, or food additive, or honey processed in such a way that a modification of honey occurs that materially changes the flavor, color, viscosity, or other material characteristic of pure honey, shall be distinguished in the food name from honey by declaration of the food additive or modification.*

1 (c) *Honey may be designated according to floral or plant source*
2 *if it comes predominantly from that particular source and has the*
3 *organoleptic, physiochemical, and microscopic properties*
4 *corresponding with that origin.*

5 (d) *Where honey has been designated according to floral or*
6 *plant source, then the common name or botanical name of the*
7 *floral source shall be used in conjunction with or joined with the*
8 *word “honey.”*

9 SEC. 2. No reimbursement is required by this act pursuant to
10 Section 6 of Article XIII B of the California Constitution because
11 the only costs that may be incurred by a local agency or school
12 district will be incurred because this act creates a new crime or
13 infraction, eliminates a crime or infraction, or changes the penalty
14 for a crime or infraction, within the meaning of Section 17556 of
15 the Government Code, or changes the definition of a crime within
16 the meaning of Section 6 of Article XIII B of the California
17 Constitution.