


**Date:** February 27, 2019

**To:** All Local Health Departments & Other Indiana Food Regulatory Agencies

**From:** George C. Jones, Interim Director   
Food Protection Program

**Subject:** Indiana Honey Production and Sales

**Purpose**

This memorandum is provided to answer questions and promote consistency among regulators at local health departments and other Indiana food regulatory agencies regarding honey processing and selling for both “food establishments,” wholesale food establishments (WFEs) and retail food establishments (RFEs), and producers who conditionally are not food establishments and are often referred to as “home-based vendors” (HBVs).

**Background**

Indiana Code 16-42-5-29 was initially passed into law by the State Legislature in 2009 as, then named, HEA 1309. There have been several modifications of the law since then. That same year, the Indiana State Department of Health (ISDH), Food Protection Program released a guidance document to assist in regulatory consistency in applying the new law. The term “home-based vendor” (HBV) was developed there and continues to be used along with the term “Section 29 Vendor” to quickly describe a vendor making and selling products under that section of law.

Prior to the 2009 law, ISDH released a series of guidance documents on apple cider, honey, maple syrup, sorghum, freezer beef, and whole, uncut produce, which were intended to enable small-scale producers to meet food safety requirements. These have been referred to as “value-added foods”. This document is intended to revise and supersede the former document on honey production. Sellers of “freezer beef” (which may also include other types of raw meat) continue to be considered retail food establishments and should be registered/permitted by the jurisdictional regulating agency.

Since IC 16-42-5-29 was initially passed, many honey producers operate under that section of law as HBVs, which are not “food establishments” when they comply with that section of law. Some honey producers operate as either RFEs or WFEs under either 410 IAC 7-21 for wholesalers or 410 IAC 7-24 for retailers. Larger volume honey processors of honey usually sell as wholesalers or retailers, but, since there is no volume limit for sales under IC 16-42-5-29, some may sell as HBVs. Since a person operating as a HBV is not a food establishment, they cannot produce items that will be sold as a food establishment. They cannot be both a “food establishment” and “not-a-food establishment” at the same time. Freezer beef/meat producers continue to operate as retail food establishments, not HBVs.

### **Honey Producers**

Since the passage of the 2009 law, honey producers sell their product under IC 16-42-5-29 as HBVs or sell under ISDH rules, 410 IAC 7-21, The Wholesale Food Establishment Sanitation Requirements, or 410 IAC 7-24, the Sanitary Standards for the Operation of Retail Food Establishments, both of which are sub-types of “food establishments” under IC 16-42-5. These rules can be reviewed at:

<https://www.in.gov/isdh/21062.htm>.

The definition of “retail food establishment” in 410 IAC 7-24-79 **excludes** those who sell prepackaged, non-potentially hazardous food. This means the site where honey is extracted from the hive and packaged into containers may be treated as a WFE or RFE, but the site where the packaged honey is then retailed (sold directly to a consumer), as long as there are no opened containers of honey, this site **would not be a RFE**. Opened samples of honey could cause the seller to be considered a RFE. If small, fully contained samples are provided for a consumer to open, the seller would still be excluded as a RFE while at that site.

Producers wanting to operate as a Wholesale Food Establishment should contact the Food Protection Program of the Indiana State Department of Health for registration information. Producers wanting to operate as a Retail Food Establishment (for selling open honey or for selling unpackaged items made from their honey) should contact the local health department in the county where they extract their honey. By regulatory tradition, persons operating as a RFE can also have up to 25% of their gross annual sales as a wholesaler. A beekeeper who hires another business to extract and package their honey would need to store the packaged, labeled honey on shelves that are not inside their residence away from any other food or non-food items.

Since most of the elements of the 2006 ISDH “Guidance on Honey Production” are still valid to assist in regulatory consistency for inspecting regulated food establishments, they have been excerpted/revised here. This document provides an avenue for complying with IC 16-42-5 for a small-volume honey producer extracting and selling only up to a few gallons of single ingredient honey per year and may not be suitable for larger volume producers who wish to operate as a WFE or RFE and possibly produce more food products than just single ingredient honey. Other requirements of sections of 16-42-5 not discussed here should also be met.

HBVs are not required to use the guidelines in this document, but are encouraged to do so.

### **2019 ISDH Guidance on Honey Production**

The purpose of this program guidance is to provide retail honey producers with regulatory information for honey processing operations, with an emphasis on smaller volume honey producers. This guidance is intended to assist the industry in being able to produce their honey intended for sale in a safe manner and for agencies to use in the inspection of these operations.

Honey is a low risk food product made by honey bees of the genus *Apis*. It is a raw agricultural commodity and is sold either with the sealed honeycomb; naturally settled or extracted, then strained and packaged in containers or stored in 55 gallon barrels. Usually, gentle heating is used to liquefy the honey before filling containers.

There are three categories of honey producer/sellers:

- 1) a wholesale food establishment (WFE) operated under 410 IAC 7-21 and IC 16-42-5
- 2) a retail food establishment (RFE) operated under 410 IAC 7-24 and IC 16-42-5; and
- 3) a vendor operating under IC 16-42-5-29 (“HBV”).

Honey is often processed in what is commonly referred to as a honey house. A honey house is a building where honey supers (honey super: A large wooden box that holds individual frames that contain honey and the wax foundation for making the honey comb) are taken and the frames removed prior to uncapping for extraction. The extracted honey may be filtered and packaged into various container sizes.

A honey house may be considered acceptable to regulatory officials when it meets the more general requirements stated in IC 16-42-5 as compared to some of the specific requirements in 410 IAC 7-21 or 410 IAC 7-24. For purposes of this guidance document, a honey house includes a structure that may be located in a woods, close to a house or an indoor facility located at another location, but used for extracting and packaging honey. This may include a room, such as a garage or other room which can be made inaccessible from rooms that are otherwise living or sleeping space of a residence. This could also include concession stand-type trailers or vehicles that are used only during a honey extracting period.

The following guidance states the statutory provision (in italics) followed by guidance specific to a honey extracting or packaging area.

***IC 16-42-5-6 Conditions of health and comfort***

*Sec. 6. A food establishment must meet the following conditions:*

- (1) Be adequately lighted, heated, drained, and ventilated.*
- (2) Be supplied with uncontaminated running water.*
- (3) Have adequate sanitary facilities.*

A honey extracting/packaging area or any other place used as a food establishment, must meet the following requirements:

1. Adequately lighted, heated, drained and ventilated
  - Lighting may be electrical, natural light coming through windows, artificial electrical lights or gas lanterns. Lighting must be placed as to avoid contamination of honey, if a fixture should break.
  - Light bulbs shall be shielded, coated, or otherwise shatter resistant over the processing and bottling equipment.
  - Since minimal water is used for hot water washing of equipment and for warming the honey prior to packaging, this water should be disposed of in a manner that does not create a safety or unsanitary condition for the food establishment.
  - Ventilation should be such as to minimize odors and vapors. Fans, screened windows or other effective means may be used to achieve adequate ventilation.
2. Supplied with uncontaminated running water
  - For purposes of small-volume honey producers only, a portable container of potable water, such as a water cooler, may be used as the source of running water.
  - If well water is used, a sample must be collected and tested annually to determine that it is potable. A copy of the sample results shall be kept on site and available for review.
3. Adequate sanitary facilities
  - Toilet facilities in a nearby farmstead, home or business may be used if the honey extracting/packaging area is remotely located.

***IC 16-42-5-7 Construction to facilitate cleanliness***

*Sec. 7. Each food establishment and the machinery used in each food establishment must be constructed so as to be easily and thoroughly cleaned.*



- Each food establishment and the machinery used must be constructed so as to be easily and thoroughly cleaned.
- The honey extracting/packaging area and equipment must be constructed to meet the needs of the honey process and be easily cleanable.

***IC 16-42-5-8 Cleanliness and sanitation of premises and vehicles***

*Sec. 8. The floors, sidewalls, ceiling, furniture, receptacles, implements, and machinery of a food establishment and a vehicle used to transport food products must at all times be clean and sanitary.*

- The floors, sidewalls, ceiling, furniture, receptacles, implements, and machinery of a food establishment and a vehicle used to transport food products must at all times be clean and sanitary.
- Non-food contact surfaces, such as floors, sidewalls, ceiling and vehicles, shall be cleaned prior to the start of the season and as needed. Surfaces should be free of any loose paint or other foreign material that could fall into the extractor or other equipment and be a source of contamination.
- All food contact equipment shall be stored off the floor.
- Food contact surfaces shall be in good repair, easily cleanable, food grade quality and not contain any chemicals or other hazardous materials. This includes storage tanks/barrels, piping, sump tank, filtering cloths, and any other processing or filling equipment and containers.
- Equipment shall not contain any deleterious substances, such as lead, lead solder or lead paint. Use only approved preservatives and paints on the hives.
- Glass or plastic jars should be cleaned, as needed, before filling either by using pressurized air, a dishwasher or manually washed and air dried.
- Honey may be sampled at the time of inspection to test for lead content, foreign material, added sugars or any other appropriate analyses.
- Food contact equipment and surfaces shall be cleaned prior to and after use, and whenever it becomes contaminated, using suitable cleaning compounds.
- Vehicles used to transport the supers or used for delivery of finished products shall be clean and free of any contaminants.

***IC 16-42-5-9 & 10 Walls, ceilings, floors; construction; washing***

*Sec. 9. (a) The sidewalls, woodwork, and ceiling of a food establishment must be made of an impervious material with a finish that is washable. (b) The sidewalls, woodwork, and ceiling must be kept washed clean with detergent and water.*

*Sec. 10. (a) The floor of a food establishment must be made of nonabsorbent material that can be flushed with water. (b) The floor of a food establishment must be kept washed clean with detergent and water.*

- The sidewalls, woodwork, ceiling and floor of a food establishment must be made of impervious/nonabsorbent material that can be washed clean with detergent and water.
- Walls and ceilings may be constructed of smooth sealed wood or other impervious material, but must be free from unnecessary dust or soil accumulations.
- The floor must be sealed concrete, treated or sealed wood or other material that is nonabsorbent and can be easily cleaned.

***IC 16-42-5-11 Domestic animals; rodents; insects***

*Sec. 11. A food establishment must be protected by all reasonable means against the presence of and entrance of domestic animals, rodents, flies, and other insects.*

- A food establishment must be protected by all reasonable means against the presence of, and entrance of domestic animals, rodents, flies, bees and other insects.

- Outer openings should be protected and floor/wall junctures sealed as necessary against rodents, squirrels and other vermin. Domestic animals are not allowed in the food establishment.

#### ***IC 16-42-5-13 & 14 Toilet room; Washrooms***

*Sec. 13. (a) A food establishment must have a convenient toilet room separate and apart from and not opening directly into a room that is used for food handling. (b) The floor of the toilet room must be made of a nonabsorbent material. (c) The floor of the toilet room shall be washed and scoured daily. (d) Each toilet fixture and each toilet room must be adequately ventilated. Sec. 14. (a) A food establishment must have a washroom adjacent to each toilet room. (b) The washroom shall be supplied with adequate lavatories, soap, hot and cold running water, and clean individual towels. (c) The washroom shall be kept clean by washing with detergent and water.*

- A food establishment must have a convenient toilet room separate and apart from and not opening directly into a room that is used for food handling. A washroom must be adjacent to each toilet room.
- If the food establishment does not have a toilet room provided, then a restroom, in a nearby home, outbuilding, farmstead or business can be utilized. The restroom must have a toilet with a handsink, soap, potable hot and cold running water, and clean individual towels.

#### ***IC 16-42-5-15 & 18 Food handling rooms; exclusive use***

##### ***Sleeping in food handling rooms***

*Sec. 15. A room that is used for food handling or that is equipped for use for food handling may not be used for any other purpose.*

*Sec. 18. A person may not live or sleep in a room used for food handling or in a room opening directly into a food establishment.*

- Whatever facility is used, it cannot be used for any other purpose other than for honey extracting/packaging at the time of processing. If a home kitchen is used as a food establishment for this seasonal operation, then no other rooms can open directly into the kitchen that is used for living or sleeping purposes without at least a closed/closeable door that can minimize unauthorized entry.
- If a minimally constructed honey house is used, it can only be used for honey extracting and packaging; however, if the room meets all requirements of IC 16-42-5 and 410 IAC 7-21, it can be used for producing other honey products such as honey candy, salad dressings, etc. Non-food products made from beeswax should not be produced in the same area at the same time as honey processing, unless it is separated and not a source of contamination.
- In the food establishment, no storage or handling of gasoline, oil, pesticides, or other hazardous materials shall be allowed.
- Equipment may be stored in the honey extracting/packaging area in the off season.

#### ***IC 16-42-5-16 Dressing rooms***

*Sec. 16. (a) Rooms separate and apart from rooms used for food handling must be provided for the changing and hanging of wearing apparel. (b) The rooms for changing and hanging wearing apparel must be kept clean.*

- Clothing apparel must be stored in another room not used for any part of the food establishment. The changing of clothing apparel must also be conducted in areas not part of the food establishment.

**IC 16-42-5-19 Diseases; employees**

*Sec 19. A person who has a communicable or infectious disease may not work in a food establishment in any capacity in which epidemiological evidence indicates the person may spread the disease.*

- Have a policy that controls what happens to any employee working with honey or containers if the employee:

(1) is diagnosed with an illness due to:

- (A) Salmonella spp.;
- (B) Shigella spp.;
- (C) Shiga toxin-producing Escherichia coli;
- (D) Hepatitis A virus; or
- (E) Norovirus; or

(2) has a symptom caused by illness, infection, or other source that is:

(A) associated with an acute gastrointestinal illness, such as:

- (i) diarrhea;
- (ii) fever;
- (iii) vomiting;
- (iv) jaundice; or
- (v) sore throat with fever; or

(B) a lesion containing pus, such as a boil or infected wound that is open or draining and is on:

- (i) the hands or wrists unless an impermeable cover, such as a finger cot or stall, protects the lesion and a single-use glove is worn over the impermeable cover;
- (ii) exposed portions of the arms unless the lesion is protected by an impermeable cover; or
- (iii) other parts of the body, unless the lesion is covered by a dry, durable, tight-fitting bandage;

(3) had a past illness from an infectious agent specified under (1); or

(4) meets one (1) or more of the following high-risk conditions, such as:

(A) Being suspected of causing, or being exposed to, a confirmed disease outbreak caused by Salmonella spp., Shigella spp., Shiga toxin-producing Escherichia coli, Hepatitis A virus or Norovirus because the food employee or applicant:

- (i) prepared food implicated in the outbreak;
- (ii) consumed food implicated in the outbreak; or
- (iii) consumed food at the event prepared by a person who is infected or ill with the infectious agent that caused the outbreak or who is suspected of being a shedder of the infectious agent.

(B) Living in the same household as a person who is diagnosed with a disease caused by Salmonella spp., Shigella spp., Shiga toxin-producing Escherichia coli, Hepatitis A virus or Norovirus.

**IC 16-42-5-21 Washing; employees**

*Sec. 21. A person who works in a food establishment shall wash the person's hands and arms thoroughly with soap and clean water before beginning work, before resuming work after a rest period, and before resuming work after visiting a toilet room.*

- Persons working in a food establishment must be able to wash their hands and arms with soap and clean water before beginning work, before resuming work after breaks; or visiting a toilet room.

- If the restroom is not located nearby and convenient to the food establishment, a hand washing facility shall be provided at the site in the processing area. Soap, disposable paper towels, and a method to adequately wash hands shall be provided and used. A portable water dispenser may be used as part of a hand washing facility.

**IC 16-42-1 and IC 16-42-2; Food, Drug & Cosmetic Act**

This statute seeks to ensure that foods are safe, wholesome, not adulterated and not misbranded. These include the requirement that honey in packaged form must be labeled with name and address of the manufacturer, packer or distributor, and an accurate statement of the quantity of the contents in terms of weight or volume. In addition, 21 Code of Federal Regulations (CFR), Part 131-169, states the final product cannot contain ingredients that are deceptive or fraudulent to the consumer. These products may not have added ingredients, such as coloring or preservative, if they are to maintain the common name of the product.

**Conclusion**

Honey is a low risk product that can be produced safely by home-based vendors, retail food establishments, and wholesale food establishments using this guidance. A person wanting to sell honey as a wholesaler should contact ISDH, and, as a retailer, they should contact the local health department in the county where the honey will be extracted and/or packaged.

Indiana Code 16-42-5-29, passed by the legislature in 2009, resulted in the ISDH development of the home-based vendor concept along with guidance to aid in consistent application of the law across all Indiana food safety agencies. Prior existing ISDH documents from 2006, and now, this document, seek to guide regulators and assist small-volume honey producers in complying with IC 16-42-5.

Questions related to this document or topic may be directed to [dmiller@isdh.in.gov](mailto:dmiller@isdh.in.gov), your ISDH Food Protection Program field staff, or to the ISDH, Food Protection Program Office at 317-234-8569. Additional information is also available at: <https://www.in.gov/isdh/20640.htm>.