

The Arkansas Food Freedom Act & Hobbyist Beekeeper Operations

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As of July 28, 2021, the Arkansas Food Freedom Act has expanded and replaced regulations under the Arkansas Cottage Food Law. These rules allowed a few specific homemade food products to be sold directly to consumers without having to be made in a facility certified and inspected by the Arkansas Department of Health, which could be a confusing and expensive process for low-volume producers.

Act 1040 of 2021 seeks to encourage the sale and consumption of fresh agricultural products to enhance Arkansas' agricultural economy, and to provide citizens with easier access to locally produced farm products. When food and agricultural products are locally produced and traded, more money stays within the area economy, and consumers can feel good knowing they have supported their neighbors.

The system empowers women, minorities and members of rural communities who may otherwise be excluded from

economic opportunities because of financial limitations or bureaucratic obstacles. The cottage food industry expands consumer choices, helps to fill gaps in local markets, and increases consumers' options for purchasing fresh local foods.

The Food Freedom Act allows for the preparation and sale of homemade food and drink products that are shelf-stable, and have low risk for dangerous bacterial contamination due to their acidity or high sugar content. These "non-time/temperature control for safety" foods (also referred to as non-TCS foods) should remain safe to consume at room temperature.

The new law also updates labeling requirements for producers and expands where and how these products may be sold. While the Food Freedom Act covers a multitude of food and drink products, this guide briefly outlines only some of the items that relate specifically to beekeepers and honey producers.

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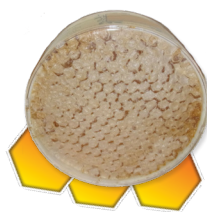
Honey_miele.jpg by Marcobeltrametti, Wikimedia commons, CC BY-SA 4.0

What Can Beekeepers Sell Under This Law?

Apiary products that can be produced and sold under these updated regulations include extracted honey, comb honey, chunk honey and creamed honey (also called whipped honey or spun honey). Honey is naturally antiseptic, needs no heating or pasteurization, and requires no refrigeration to remain shelf-stable.



Extracted honey is honey in its liquid form that has been removed from the wax honeycombs. Honey that has been fully ripened and capped by the bees requires minimal processing to remove, strain and bottle. All honey will eventually crystallize, but it can be returned to a liquid state by gently heating the container in warm water (~100°F).



Comb honey is honey that has been removed from the beehive while still inside of the sealed wax honeycombs, just as it was produced by the bees. These combs may be cut from wooden frames or top bars, or produced inside the hive in special removable frames. The combs should be sealed in clean, airtight packaging before being offered for sale.



Chunk honey is produced by placing a piece of sealed honeycomb in a jar and filling the remainder of the space in the container with extracted liquid honey. This niche product is considered a treat by many people.



Creamed honey is produced by controlled granulation, which results in extremely small sugar crystals. The resulting product remains creamy and easy to spread. While traditionally made from pure honey, creamed honey may contain other ingredients (such as spices, nuts or fruit powders) as long as these ingredients are also non-TCS. Additional ingredients should be dried so as not to affect the moisture content of the honey. Any potential allergens (such as tree nuts) should be listed in the ingredients.

Label Requirements

The information below must be disclosed to the consumer or buyer, printed clearly on a label affixed to the product container. For products sold online, the information should also be provided on the producer's website.

- The common name of the product. In most cases this would simply be "honey." However, it is permissible

to add a descriptive term if applicable, such as "wildflower honey" or "clover honey."

- The name, address and telephone number of the producer of the homemade food product must be listed. In lieu of displaying personal information, a unique identification number can be requested from the Arkansas Department of Agriculture to protect the producer's safety and privacy. Producers can apply online to request this number at tinyurl.com/arfoodfreedom.
- Any flavorings or other ingredients added to the product must be listed, in order of descending importance.
- The date that the homemade food or drink was prepared, produced, processed or bottled.
- The label must include the following statement: **"This product was produced in a private residence that is exempt from state licensing and inspection. This product may contain allergens."**



Raw Honey vs. Organic Honey

Raw honey is essentially the same substance that the bees produce. It contains enzymes, vitamins and grains of pollen. Raw honey may be strained to remove impurities, such as bits of wax, but is never heated excessively, which destroys the natural enzymes. Commercial packers will heat honey to lower its viscosity for pumping through bottling equipment, and they typically filter out pollen and other particles that promote rapid crystallization.

Honey is a naturally pure and safe food. Microorganisms cannot grow in honey because it has a high sugar content, low moisture level and mild acidity. It never needs pasteurization or refrigeration. Descriptive terms on honey labels, such as "pure," "raw," or "natural" are not regulated by law. The FDA, however, defines "natural" foods as foods containing nothing that a consumer would not expect to find.

Use of the term "organic" on a product label is regulated by law and indicates that the item was produced without conventional pesticides, synthetic fertilizers, bioengineering or ionizing radiation. Honey



Being exempt from health department permits is not the same thing as being exempt from local business permits. Check with your local city or county clerk regarding permitting or licensing requirements you need.

Sales of raw agricultural products, where the sale is made directly by the producer to the consumer, including sales at farmers markets, are exempt from Arkansas state sales tax (Act 386 of 1941, Act 458 of 1991, Act 1205 of 2009; Ark. Code Ann. § 26-52). Producers are responsible for checking with their local county or municipal authorities regarding the collection and remittance of other local sales taxes.

This act does not exempt producers or sellers from any other applicable tax laws. Nor does it exempt producers them from reporting taxable income to state or federal authorities. Producers and sellers should consult a qualified accountant or tax specialist for accurate the most up-to-date tax information on this topic.

Additional Resources

uaex.uada.edu/bees

www.uaex.uada.edu/business-communities/public-policy-center/

www.healthy.arkansas.gov/programs-services/topics/food-protection

www.arkleg.state.ar.us/Acts/FTPDocument?file=1040&path=%2FACTS%2F2021R%2FPublic%2F&ddBienniumSession=2021%2F2021R

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