

KEEPING BEES IN MICHIGAN: RULES AND REGULATIONS



PHOTO BY SARAH SCOTT

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This article outlines the updated rules, regulations, and recommendations for keeping bees in Michigan for 2017. Please check regulations often, as many are updated every year.

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TRANSPORTING BEES

Beekeepers can bring bees across state lines *into* Michigan from any other state without any inspections or paperwork. It is up to the beekeeper to ensure that the bees they are purchasing or transporting are in good health and are free from disease. Purchase bees only from a firm that is inspected and certified in their state of origin. Unless you know and trust the producer, the state inspection is the one of the few ways to determine if the firm has an active disease and pest prevention program in place.

If you are moving bees *from* Michigan to another state, you may be required to have them inspected and request a health certificate to meet the requirements of the receiving state. State requirements are available by contacting the state apiarist for the destination state. Links to state apiary requirements can be found at the [Apiary Inspectors of America website](#).

If you need or would like an inspection in Michigan, contact the Michigan Department of Agriculture and Rural Development (MDARD) at 1-800-292-3939, and ask for State Apiarist Michael Hansen. Fees are charged for inspections as required by the Michigan Apiary Law. [The Michigan Apiary Law, Act 412 of 1976](#) provides for the suppression of serious diseases among bees; prescribes certain powers and duties of the director of the department of agriculture; and repeals certain acts and parts of acts.



REGISTRATION OF HIVES IN MICHIGAN

There is no apiary registration requirement for apiaries in Michigan.

Beekeepers can take advantage of the voluntary program Bee Check (run by FieldWatch, previously DriftWatch) which is a voluntary program designed to alert pesticide applicators as to where their yards are located. You can [sign up for Bee Check](#) through the [DriftWatch Website](#).

LOCATING YOUR HONEY BEE COLONIES

Siting regulations

Michigan's Apiary law does not limit locations for hive placement. However, cities or townships may limit or prohibit beekeeping through a local ordinance. Check with local government agencies for local ordinances that may restrict beekeeping.

Raising bees can be considered as an agricultural activity by some local standards, and your area may not allow for any agricultural activities, including beekeeping.

Zoning and tax classifications

Zoning is a tool used by many local units of government to regulate acceptable land use, including beekeeping and other agricultural operations. The zoning of your property may determine if you are able to keep bees on your property. To determine how your property is zoned, or to apply for a change in zoning, contact the zoning administrator for your municipality or county.

Keep in mind that zoning and tax classifications are different, even though they use the same groupings. Beekeeping may change the tax classification, but not your zoning. Raising bees as a hobby (less than 25 colonies) would usually not result in being classified agricultural for tax purposes. Sideliners (25-300 colonies) are generally a unit of other agricultural operations. Commercial producers (300 or more colonies) may best be classified agricultural although the commercial storage, processing, distribution, marketing, or shipping portions of the operation are not agricultural. To determine what classifies as Agricultural Classification, according to the tax commission, check the [State of Michigan Classification of Property](#).

Michigan Right to Farm Act

On the state level, agricultural producers, including beekeepers, can get protection under the [Michigan Right to Farm Act](#) (RTFA). To be covered under the RTFA, a farm must satisfy a three-part test: It must (1) be a "farm" or "farm operation" that is producing a farm product; (2) be commercial in nature; and (3) conform to [Generally Accepted Agricultural and Management Practices \(GAAMPs\)](#). The GAAMPs are *voluntary* practices to promote sound environmental stewardship and to help maintain a farmer's right to farm. In January 2009, beekeeping and apiary management were included for the first time under the [Care of Animals GAAMPs](#). This document is updated every year, and [current versions](#) and proposed drafts can be accessed at [MDARD's website](#).

The *Beekeeping and Apiary Management* section of the GAAMPs provides recommendations regarding hive densities, distances apiaries should be set from property lines, hive placement within the apiary, ensuring a fresh water source to keep your bees out of your neighbor's pool, controlling diseases in your colonies, transporting bees, etc. (and a lot of other good beekeeping information). Beekeepers *do not have to* comply with the GAAMPs - it is not a regulatory document - but failure to follow the regulations means that MDARD cannot provide support under RTFA if you are cited or sued. If a beekeeper is following the management practices outlined in the GAAMPs, the state can provide protection under the RTFA in the case of a nuisance complaint. After an on-site inspection, the state would provide them with a letter that can be used as part of their defense against a nuisance lawsuit. Just because a beekeeper follows the GAAMPs does not guarantee them freedom from nuisance lawsuits, ordinance and zoning requirements, or other restrictions.

For further information or for a copy of the RTFA, you can contact the Michigan Department of Agriculture and Rural Development (MDARD) Environmental Stewardship Division, 1-800-292-3939, or visit their website at www.michigan.gov/righttofarm.

LABELING AND SELLING HONEY

Labeling Requirements

If you are selling your honey, you must have it appropriately labeled. Any label must include the following:

- The name and address of the operation.
- The name of the product (Honey)
- The net weight or volume of the product.
- If any nutritional claim is made, appropriate labeling as specified by Federal labeling requirements.
- If necessary, the label would have to include the following statement printed in at least the equivalent of 11-point font size in a color that provides a clear contrast to the background: "Made in a home kitchen that has not been inspected by the Michigan Department of Agriculture."



TERMS SUCH AS 'RAW,' 'LOCAL,' 'NATURAL,' 'PURE,' AND 'UNFILTERED' ARE NOT REGULATED, AND DO NOT HAVE OFFICIAL DEFINITIONS. IT IS UP TO THE BEEKEEPER TO ENSURE THAT THEIR PRODUCT AND ITS HANDLING IS APPROPRIATE TO THE USE OF THESE TERMS.

Federal Nutrition Labeling Requirements

All products sold in the United States are required to have a nutrition label in accordance to the [FDA food labeling guide](#). You don't have to have this label if you are a small business, and you file for a [small business exemption](#). This exemption [can be filled out online](#), and must be done annually. The FDA definition of a small business is one that meets the following two criteria: 1) sells less than 100,000 units in the US each year, and 2) has less than 100 full time (or equivalent) employees. You must have the nutrition label if you are making any nutritional or health claims, or have any other ingredients (oils, flavors, etc.). In these cases, you cannot file for an exemption. If you have a nutritional label, you must follow [the most recent requirements](#) for these labels. As of the end of 2016, the recent requirements included that honey must have an 'added sugars' declaration on the label. This is currently under comment, and the FDA has been working with the honey producers on this language. It is likely to change in the near future, so make sure you check the most recent requirements often. For updates on the added sugars labeling you can email the FDA at nutritionprogramstaff@FDA.hhs.gov.

As of early 2017, the FDA is still currently working on the guidance for labeling honey products. There is currently a [draft guidance for the industry](#). It has not yet been accepted, but can be used as a guide to what will likely be accepted in the near future.

Organic Honey

If you want to claim that your honey is organic, it must be certified. ‘Organic’ is a regulated term; if you are not certified organic, you must not make any organic claim on the principal display panel or use the USDA organic seal anywhere on the package, or you can be fined. If you are interested in becoming a certified organic operation, you will have to be certified by an accredited certifying agent. The USDA [National Organic Program \(NOP\)](#) [outlines the certification process](#) and maintains [lists of USDA-Authorized Organic Certifying Agents](#). Agents can also be found through the [NOP database of certified operations](#) by searching “honey” in the “Products-Produced” field.



As of 2016, organic honey regulations are in transition, and the status is a bit confusing. The Agricultural Marketing Service of the USDA has issued a written statement affirming that apicultural operations may be certified as organic. Currently certifying agents adapt the [USDA organic regulations for the scope of livestock production](#) (sections 205.236 – 205.240). In addition, they refer to the [recommendations from the National Organic Standards Board](#) regarding organic honey production, which includes parameters specific to beekeeping, such as foraging areas, supplemental feed, and hive construction. These recommendations have not yet been adopted by the National Organic Program, but there is a drafted proposed rule that recommends the addition of apiculture-specific practice standards to the USDA organic regulations. A conservative estimate for the publication of a final rule would probably be late 2017.



[The Michigan Organic Products Act \(Public Act 316 of 2000\)](#) establishes an organic registration requirement for organic producers, handlers and certifying agents. It also prescribes fees associated with registration, development of a data system to track organic products produced by registered producers, development and implementation of organic production standards, and enforcement through investigation and sampling programs. This act does not specifically list honey, but anyone producing organic products, handling organic products or certifying organic operations in Michigan, needs to comply with Act 316 registration requirements.

Photo by Sarah Scott

[USDA Guide for Organic Livestock Producers](#)
[A Guide for Conventional Farmers Transitioning to Organic Certification](#)

HONEY PROCESSING

Small operation exemptions

If your operation is small, you do not need a licensed facility to extract honey. Under the [Michigan Food Law](#), honey retail outlets and processing facilities operated by the producer are exempt from licensure if gross sales are \$15,001 or less (Food Law Act 92 of 2000, 289.4105). Honey is not considered a [cottage food](#), because the regulatory requirements and exemptions have some significant differences. Honey (and maple syrup), however, has its own set of licensing exemptions under the law. Here are some of the basic differences and similarities between honey regulations and those for cottage foods outlined on [MDARD's website](#).

Honey producers who meet licensing exemptions must follow the same labeling requirements for their honey as those outlined for cottage food products. (The label should read, "Processed in a facility not inspected by the Michigan Department of Agriculture & Rural Development.")

Just because you don't require a license does not mean that you can extract honey in unsanitary conditions. You are still expected to follow food safety guidelines, and MDARD can still visit a non-licensed facility if they are following up on a complaint, so make sure that your honey house follows the best food processing practices available (see Appendix I for guidelines). **Even if you don't use a licensed facility, you still must meet all requirements of the Michigan Food Law** (sanitation, building construct and design, employee hygiene, etc.)

Small scale honey producers can wholesale their products, including to grocery stores and other retailers who will then resell them, as long as they are labeled correctly. Honey producers are not limited to direct sales as cottage food products are.

Honey House Guidelines and Requirements

If your sales are over \$15,000/year, you will be required to have your honey processed at a licensed facility. A licensed honey house would require License FLP – Limited Wholesale Food Processor (\$25,000 or less in sales) or FFP – Wholesale Food Processor, over \$25,000. You will have to fill out an [application for a Food Establishment License](#) (the prices listed are current as of February 2016 – [check with MDARD](#), as they may increase). If you are interested in having your facility licensed, you should call MDARD, Food and Dairy Division (1-800-292-3939), and ask for your area food inspector (based on zip code / county).

MDARD offers a no-cost plan review service to beekeepers starting up a honey processing facility. The plan review process can help prevent costly revisions by evaluating the proposed facility before construction begins. This process also facilitates communication between the MDARD Inspector and the operator throughout the construction process. For example, they can identify often-missed gaps in the plan such as an unsealed floor, improper sinks, or lights that aren't sufficiently covered, so that you do not have to remodel or replace fixtures after they are installed. An overview of some of the requirements are outlined in Appendix I of this document. This review service, along with their [step-by-step guide, and a plan review worksheet](#) are useful tools for beekeepers before any construction or major remodel.



RESOURCES FOR BEEKEEPERS

Michigan Beekeepers Association

Michigan Beekeepers' Association: (MBA) the oldest continually operating honey bee organization in the country, started in 1865. Their missions are to promote the honey bees to the general public, to help one another in maintaining healthy honey bees, and to encourage more research on honey bees. For information on bees and beekeeping in Michigan, or to contact your district representative visit

[http://www.michiganbees.org/.](http://www.michiganbees.org/)

Local Beekeeping Clubs

Many areas have local beekeeping clubs that provide education, meeting space, resources, mentoring, etc to area beekeepers. Check the map at <http://www.michiganbees.org/about/clubs/> for updated contact information and to find a club near you.

University Extension

- Michigan State University Beekeeping Resources - pollinators.msu.edu
- Michigan State University pollinator-related news and events
http://msue.anr.msu.edu/topic/info/pollinators_and_pollination
- eXtension.org - http://articles.extension.org/bee_health
- MSU Extension
 - Walter Pett, Honey Bee Extension Specialist, pett@msu.edu
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APPENDIX I – HONEY HOUSE REGULATIONS

These regulations should be used as a guide to set up your honey processing facility to meet food safety standards. Contact Michigan Department of Agriculture and Rural Development for licensing information and updated standards.

Processing facility. A honey house is any stationary or portable building, or any room or place within a building used for the purpose of extracting, processing and/or handling of honey. It must be constructed in a sanitary manner, suitable to the operation, well maintained, in good repair and vermin proof. During the processing of honey, this place is to be used only for operation or storage of equipment incidental to the activity. (This room excludes the family kitchen.) The grounds adjacent to this building should be free from all litter, waste, refuse or anything that may constitute an attractant, breeding place or harborage for rodents, insects and other pests.

Floors. Floors of all rooms in which honey is handled must be of impervious and easily cleaned material and must be smooth, in good repair and kept clean. Floors that have a drain should drain into an approved sewage disposal system.

Walls and Ceilings. Walls and ceilings shall have washable surfaces, be clean, and kept in good repair.

Ventilated Openings. There shall be adequate ventilation and all ventilated openings shall be screened to exclude insects. It may be that honey bees enter the extracting facility, but efforts should be made to control entry and to eliminate bees once inside.

Lighting. Permanently fixed light source shall be sufficient to permit efficient operations. All lights over the processing area shall have protective shielding or be shatter resistant.

Water Supply. There shall be an adequate source of safe potable water under pressure in accordance with local sanitary codes. Water from a nonpublic source (private well) shall be tested at least once a year. Contact local health department about testing procedures and locations.

Approved septic systems - Water Disposal. MDARD does not approve septic systems but does require that the system be approved by the local health department. Beekeepers starting up a facility should contact their local health department for information on the approval process.

Toilets. Toilet facilities, including hand-washing basins, shall be conveniently available to honey-house personnel.

Vector Control. No chemicals or poisons shall be used to control insects or rodents while supers of honey are stored in the facility or extracting of honey is proceeding. Follow label instructions and use only approved pesticides.

Construction, Care, Use and Repair of Honey House, Containers and Equipment. During operation, the honey house shall be used exclusively for extraction, processing, packing or other handling of honey and storage of equipment related to the activity of the honey house. Containers shall be free of internal rust, cleaned before use. Honey shall not be packed in containers which have previously contained pesticides, creosote, petroleum products, paint, toxic substances or anything that would react with honey. All equipment should be covered when not in use. Extracting equipment shall have hard surfaces that will not permit reaction of the acid in honey and should be lubricated only with food-grade grease.

Heating Equipment. No boiler, oil stove or other heating equipment that gives off odor or dust may be used within the honey house, unless it is properly ventilated and complies with fire regulations.

Keeping bees in Michigan: Rules and Regulations

Workers Sanitation. Workers shall maintain a high degree of personal cleanliness and wear clean, washable outer garments.

Hand Washing Station. This area shall be conveniently located, easily accessible and supplied with tempered water, soap, single service disposable paper towels or an effective sanitary drying device.

Ware wash sinks/cleaning and sanitizing. The Food Law of 2000 adopted the Federal “Current Good Manufacturing Practices in Manufacturing, Packing or Holding Human Food” (21 CFR part 110), for the regulation of honey facilities. This regulation requires that all food-contact surfaces, including utensils and equipment, shall be cleaned as frequently as necessary to protect against contamination of food. The standard method of cleaning and sanitizing equipment and utensils is a three compartment sink. In addition to the wash sinks, the facility needs to have at least one conveniently located hand washing sink. If using fresh hot water, sanitization equipment / utensil surface temperatures must reach at least 171F (77C).

Processing Equipment. Processing equipment shall be constructed of durable, smooth and easily cleanable materials, well maintained and stored to avoid contamination.

Bee Hive Equipment. Extracting supers shall be clean and free of contamination. Medication is to be applied only when required following label directions. Supers should be covered, transported in clean vehicles and stored in a clean/sanitary area prior to extracting.

Extracting Honey. Uncapping should be done under sanitary conditions. Extracted honey should be covered if the process is not continuous. Each lot is processed separately and a sample of each lot shall be retained with proper label identification.

Straining of honey shall be done with a clean mesh –cloth material or stainless steel mesh. Reuse of cloth mesh is not advisable. If honey is filtered, the filters should be checked for damage to ensure they are clean and free from extraneous material.

Packaging Honey (Bottling) and Labeling Requirements. The processing of honey for bottling shall be done in a clean/sanitary devoted facility. Retail and wholesale honey containers should be labeled with: product identity, ingredients if any are added, a production or lot code, name, address of manufacturer, packer or distributor, and net weight.

Cooperative Honey Houses (Central Kitchens). As a cooperative honey house, multiple processors can use the licensed facility. The processors that use the facility are not required to obtain a license. Accurate records of members using the facility will be kept. From time to time, MDARD will examine the production records to verify that honey found in commerce was actually produced at the cooperative.

Transport of Supers. Vehicles used to transport supers after removal must be clean. Supers must be covered during transport to prevent environmental contamination. Storage of supers must occur in a clean and sanitary environment.