

119TH CONGRESS
1ST SESSION

S. _____

To provide for the protection of the integrity of honey marketed in the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. TUBERVILLE introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To provide for the protection of the integrity of honey marketed in the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Honey Integrity Act”.

5 **SEC. 2. STANDARD OF IDENTITY FOR HONEY.**

6 Not later than 1 year after the date of the enactment
7 of this Act, the Secretary shall establish a standard of
8 identity for honey in accordance with applicable United
9 States Pharmacopeia standards under section 401 of the
10 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341).

1 **SEC. 3. REPORT TO CONGRESS ON ENFORCEMENT ACTIONS**
2 **WITH RESPECT TO MISBRANDED HONEY.**

3 Not later than 2 years after the date of the enact-
4 ment of this Act, the Secretary shall submit a report to
5 Congress on enforcement actions taken under the Federal
6 Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.)
7 with respect to—

8 (1) honey that is adulterated under section 402
9 of such Act (21 U.S.C. 342); and

10 (2) honey that is misbranded under section 403
11 of such Act (21 U.S.C. 343).

12 **SEC. 4. HONEY INTEGRITY PROGRAM.**

13 (a) **IN GENERAL.**—The Secretary shall establish a
14 program for the purposes of detecting economically moti-
15 vated adulteration and improving honey integrity for
16 honey introduced, or delivered for introduction, into inter-
17 state commerce. Such program shall be known as the
18 Honey Integrity Program.

19 (b) **TESTING REQUIRED.**—

20 (1) **IN GENERAL.**—Pursuant to the Honey In-
21 tegrity Program, beginning 180 days after the date
22 of the enactment of this Act, the Secretary shall re-
23 quire that each qualifying commercial honey packer
24 in the United States—

1 (A) conduct testing on honey the packer
2 intends to be marketed in the United States, as
3 described in paragraph (2);

4 (B) certify to the Secretary that the packer
5 has complied with the requirements of this sec-
6 tion and that the packer has no reason to be-
7 lieve that the packer has traded in honey that
8 has been the subject of economically motivated
9 adulteration; and

10 (C) report the results of such testing to
11 the Secretary at such time and in such manner
12 as the Secretary may specify.

13 (2) TESTING REQUIREMENTS.—A qualifying
14 commercial honey packer shall ensure that testing
15 conducted pursuant to paragraph (1) shall—

16 (A) use all the best available science, in-
17 cluding nuclear DNA testing, mitochondrial
18 DNA testing, and any other established forensic
19 DNA identity testing methods, nuclear mag-
20 netic resonance, high-resolution mass spectrom-
21 etry, and other tests in a combined protocol de-
22 signed to produce the most scientifically valid
23 outcomes with respect to detecting economically
24 motivated adulteration;

1 (B) ensure that a minimum volume of
2 honey is tested to be effective according to law
3 enforcement protocols to be developed by the
4 Secretary, in consultation with the Commis-
5 sioner of U.S. Customs and Border Protection,
6 and the heads of other Federal agencies, as the
7 Secretary determines appropriate; and

8 (C) be consistent with, or superior to, the
9 best practices of other countries with respect to
10 conducting testing of honey for economically
11 motivated adulteration (as defined by the Sec-
12 retary).

13 (3) PACKER OBLIGATIONS.—The Secretary
14 shall require each qualifying commercial honey pack-
15 er to—

16 (A) report to the Secretary findings of
17 testing conducted under this section, at such
18 time and in such manner as the Secretary may
19 specify; and

20 (B) in the case of a packer identifying eco-
21 nomically motivated adulteration (as defined by
22 the Secretary) in any honey the packer intends
23 to market in the United States—

24 (i) report such information to the Sec-
25 retary and such law enforcement officials

1 as the Secretary may require, not later
2 than 24 hours after that identification; and

3 (ii) refuse receipt of such honey.

4 (4) EFFECT OF EMA IDENTIFICATION.—Upon
5 receipt of an alert of the identification of economi-
6 cally motivated adulteration (as defined by the Sec-
7 retary), the Secretary shall—

8 (A) investigate, test, and destroy honey de-
9 termined to be so adulterated after confirming
10 results through Federal laboratory findings;

11 (B) maintain and share data on such iden-
12 tification with relevant enforcement agencies at
13 the Federal, State, and local level, including the
14 Commissioner of U.S. Customs and Border
15 Protection and the Secretary of Agriculture;
16 and

17 (C) maintain and share data on such iden-
18 tification with stakeholders, including national
19 domestic producer associations.

20 (e) LIST OF PACKERS.—The Secretary shall—

21 (1) publish, and update as necessary, a list of
22 each qualifying commercial honey packer in the
23 United States, including packers excluded by the
24 Secretary from being considered a qualifying com-
25 mercial honey packer; and

1 (2) distribute such list, upon initial publication,
2 and upon each update, to relevant stakeholders, as
3 determined by the Secretary.

4 (d) INTERAGENCY COOPERATION.—

5 (1) CONSULTATION.—In developing the testing
6 requirements under subsection (b), the Secretary
7 shall consult with the Commissioner of U.S. Cus-
8 toms and Border Protection, the Secretary of Agri-
9 culture, and the head of any other Federal agency
10 the Secretary determines to be appropriate, and the
11 Secretary may consult with such Commissioner, such
12 Secretary, and the heads of such other Federal
13 agencies in otherwise carrying out this section.

14 (2) RESOURCES.—In the case that the Food
15 and Drug Administration lacks the necessary re-
16 sources and laboratories available to test honey, U.S.
17 Customs and Border Protection and the Department
18 of Agriculture shall make available to the Secretary
19 laboratory and other resources required by the Sec-
20 retary for purposes of carrying out this section.

21 (e) FEES AND FUNDING.—

22 (1) ASSESSMENT.—Each qualifying commercial
23 honey packer shall be subject to a fee due at such
24 time and in such amounts as the Secretary may
25 specify.

1 (2) CREDITING AND AVAILABILITY OF FEES.—

2 Fees authorized under paragraph (1) shall be col-
3 lected and available for obligation only to the extent
4 and in the amount provided in advance in appropria-
5 tions Acts. Such fees are authorized to remain avail-
6 able until expended.

7 (3) AUTHORIZATION OF APPROPRIATIONS.—

8 There is authorized to be appropriated for fees
9 under this section an amount equal to the amount
10 necessary to carry out this section.

11 (f) DEFINITIONS.—In this section:

12 (1) The term “economically motivated adultera-
13 tion” means any practice, such as intentionally leav-
14 ing out, taking out, substituting a valuable ingre-
15 dient or part of a food, or adding a substance to a
16 food, that is intended to increase the value of a food
17 (as defined in section 201 of the Federal Food,
18 Drug, and Cosmetic Act (21 U.S.C. 321)) that
19 makes such food adulterated within the meaning of
20 section 402 of such Act (21 U.S.C. 342).

21 (2)(A) The term “qualifying commercial honey
22 packer” means any packer who is required to pay an
23 assessment to the National Honey Board established
24 pursuant to the Commodity Promotion, Research,

1 and Information Act of 1996 (7 U.S.C. 7411 et
2 seq.).

3 (B) Such term excludes packers who meet such
4 criteria for exclusion as the Secretary may develop.

5 (3) The term “Secretary”, except as otherwise
6 specified, means the Secretary of Health and
7 Human Services, acting through the Commissioner
8 of Food and Drugs.