Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bill 93 (as enacted)
Sponsor: Senator Sam Singh
Committee: Natural Resources and Agriculture

PUBLIC ACT 42 of 2025

Date Completed: 1-16-26

RATIONALE

Under the Food Law, cottage food refers to certain foods that do not require time or temperature controls for safety and so may be produced and sold directly to consumers without licensure or inspection from the Michigan Department of Agriculture and Rural Development (MDARD).[1] The annual gross sales of cottage food businesses cannot exceed $25,000 until March 24, 2026, at which the cap will increase to $50,000 annually. Currently, retail sellers of honey and maple syrup are also exempt from licensure and inspection if their gross sales remain under $15,001. Due to the similar nature of honey and syrup and other cottage foods, it was suggested to increase the annual gross sale limit of honey and maple syrup producers to align with the cottage food sale limit.

CONTENT

The bill amends the Food Law to increase, from $15,001 to $25,000, the gross sales threshold at which a honey or maple syrup producer's retail outlet and processing facility are no longer exempt from licensure under the Law.

The bill will take effect on March 24, 2026.

Generally, the Law prohibits a person from operating a food establishment unless licensed by MDARD. Certain cottage food operations, including retail outlets and processing facilities for honey and maple syrup, among other sellers and establishments, are exempt from licensure.

Specifically, the Law exempts from licensure retail outlets selling prepacked honey or maple syrup produced in the State if the outlet is operated by the producer and the processing facility is licensed under the Law. Both retail outlets and processing facilities are exempt from licensure for producers with gross sales of $15,001 or less of honey or maple syrup. In such cases, the honey and maple syrup must have labeling substantially similar to the label for cottage food products, which must have an ingredients and allergen list, among other things.

The bill modifies the provision above to specify that retail outlets and processing facilities will be exempt from licensure for producers with gross sales that do not exceed the gross sale limitation for cottage food products described in Section 4102(5) for honey and maple syrup.

(Currently, Section 4102(5) prescribes that the gross sales of cottage food products by a food operation must not exceed $25,000 annually and that gross sales must be computed based on the amount of gross sales within a particular domestic residence and must not be computed on a per-person basis within that residence. Public Act 51 of 2025 amends this provision to

[1] "Cottage food products" means a food that is not potentially hazardous and includes jams, jellies, dried fruit, candy, cereal, granola, dry mixes, vinegar, dried herbs, and baked goods that do not require temperature control for safety.

increase the limit for gross sales to $50,000 annually, or if the producers sell any products for $250 or more per unit, $75,000 annually. This provision will take effect March 24, 2026, and beginning December 1, 2026, may be adjusted for inflation at the rate of the Detroit Consumer Price Index.)

MCL 289.4105

PREVIOUS LEGISLATION

(This section does not provide a comprehensive account of previous legislative efforts on this subject matter.)

The bill is a reintroduction of Senate Bill 882 of the 2023-2024 Legislative Session. Senate Bill 882 passed the Senate and was reported by the House Committee on Agriculture but received no further action.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Aligning the honey and syrup industry with the cottage food industry is critical to the ongoing success of small business beekeepers in the State. According to testimony before the Senate Committee on Natural Resources and Agriculture, beekeeping is primarily a hobby industry for many but can be moderately cost prohibitive; many beekeepers sell honey products as a side business to recover some of the costs to practice and maintain their hives. Generally, an individual looking to start beekeeping will need smokers, hive tools, protective gear, and for each colony of bees, around 32 frames and two boxes, among other specialized equipment.[2] Lots smaller than one acre are recommended to have no more than six colonies.[3] From 2010 to 2020, the average colony produced 57 pounds of honey annually.[4] Reportedly, due to the amount of honey produced and the cost of inflation, many beekeepers meet the $15,001 cap easily through the sales of raw and local honey. Some beekeepers have excess honey that could be used to recover some beekeeping costs and to sustain their small business but are unable to sell that honey because of the sales limit; however, the excess is not enough move to commercial production forcing many to choose to forgo sales to stay under the cap. Like other cottage food producers, beekeepers purchase and maintain the tools to create their products, spend time preparing products, and market through farmers markets or other direct to customer sales methods, and the licensure threshold should be consistent between the two industries.

FISCAL IMPACT

The bill will have no fiscal impact on State or local government.

Fiscal Analyst: Bruce R. Baker

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[2] "How to Start Beekeeping", Beekeeping Made Simple. https://www.beekeepingmadesimple.com/blog/how-to-start-beekeeping. Retrieved 10-15-24.

[3] "Michigan Beekeeping Rules and Regulations", Michigan State University. https://www.canr.msu.edu/resources/starting_and_keeping_bees_in_michigan_rules_and_regulations. Retrieved 10-15-24.

[4] "Number of U.S. Honey Bee Colonies Rises as Honey Yield Per Colony Drops", United States Drug Administration https://www.ers.usda.gov/data-products/chart-gallery/gallery/chart-detail/?chartId=102065. Retrieved 10-15-24.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.