

BEE KEEPING AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kay L. McIff

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies and renames the Utah Bee Inspection Act.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ renames the act to the Utah Bee Inspection and Registration Act;
- ▶ changes the registration requirements for commercial beekeepers;
- ▶ creates a registration time period for new and renewal registrations;
- ▶ describes a process for moving an apiary;
- ▶ states that a violation of the act is a class B misdemeanor;
- ▶ sets an administrative fine for a violation of the act; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

This bill appropriates for the fiscal year beginning July 1, 2015, and ending June 30, 2016:

- ▶ to the Department of Agriculture and Food - Plant Industry as a one-time appropriation:
 - from the General Fund, \$25,000

Other Special Clauses:

This bill provides a special effective date.



28 **Utah Code Sections Affected:**

29 AMENDS:

30 **4-11-1**, as enacted by Laws of Utah 1979, Chapter 2

31 **4-11-2**, as last amended by Laws of Utah 2014, Chapter 411

32 **4-11-4**, as last amended by Laws of Utah 2010, Chapter 73

33 ENACTS:

34 **4-11-4.5**, Utah Code Annotated 1953

35 **4-11-18**, Utah Code Annotated 1953

36 **4-11-19**, Utah Code Annotated 1953

37 **4-11-20**, Utah Code Annotated 1953

38 **4-11-21**, Utah Code Annotated 1953



40 *Be it enacted by the Legislature of the state of Utah:*

41 Section 1. Section **4-11-1** is amended to read:

42 **CHAPTER 11. UTAH BEE INSPECTION AND REGISTRATION ACT**

43 **4-11-1. Title.**

44 This chapter [~~shall be~~] is known [~~and may be cited~~] as the "Utah Bee Inspection and
45 Registration Act."

46 Section 2. Section **4-11-2** is amended to read:

47 **4-11-2. Definitions.**

48 As used in this chapter:

49 (1) "Abandoned apiary" means any apiary:

50 (a) to which the owner or operator fails to give reasonable and adequate attention
51 during a given year, with the result that the welfare of a neighboring colony is jeopardized; or

52 (b) that is not properly identified in accordance with this chapter.

53 (2) "Apiary" means any place where one or more colonies of bees are located.

54 (3) "Apiary equipment" means hives, supers, frames, veils, gloves, or other equipment
55 used to handle or manipulate bees, honey, wax, or hives.

56 (4) "Appliance" means any apparatus, tool, machine, or other device used to handle or
57 manipulate bees, wax, honey, or hives.

58 (5) "Bee" means the common honey bee, *Apis mellifera*, at any stage of development.

- 59 (6) (a) "Beekeeper" means a person who keeps bees in order to:
- 60 (i) collect honey and beeswax;
- 61 (ii) pollinate crops; or
- 62 (iii) produce bees for sale to other beekeepers.
- 63 (b) "Beekeeper" includes an ~~[apiarists]~~ apiarist.
- 64 (7) "Colony" means an aggregation of bees in any type of hive that includes queens,
- 65 workers, drones, or brood.
- 66 (8) "Commercial apiary" means a location that is used by a commercial beekeeper.
- 67 (9) "Commercial beekeeper" means a person who owns 21 or more hives.
- 68 ~~[(8)]~~ (10) "Disease" means any infectious or contagious disease affecting bees, as
- 69 specified by the department, including American foulbrood.
- 70 ~~[(9)]~~ (11) "Hive" means a frame hive, box hive, box, barrel, log, gum skep, or other
- 71 artificial or natural receptacle that may be used to house bees.
- 72 (12) "Hobbyist" means a person who owns 20 or fewer hives.
- 73 (13) "Holding yard" means an area where colonies are temporarily placed prior to
- 74 leaving the state or returning from pollination in another state.
- 75 ~~[(10)]~~ (14) "Package" means any number of bees in a bee-tight container, with or
- 76 without a queen, and without comb.
- 77 ~~[(11)]~~ (15) "Parasite" means an organism that parasitizes any developmental stage of a
- 78 bee.
- 79 ~~[(12)]~~ (16) "Pest" means an organism that:
- 80 (a) inflicts damage to a bee or bee colony directly or indirectly; or
- 81 (b) may damage apiary equipment in a manner that is likely to have an adverse affect
- 82 on the health of the colony or an adjacent colony.
- 83 ~~[(13)]~~ (17) "Raise" means:
- 84 (a) to hold a colony of bees in a hive for the purpose of pollination, honey production,
- 85 study, or similar purpose; and
- 86 (b) when the person holding a colony, holds the colony or a package of bees in the state
- 87 for a period of time exceeding 30 days.
- 88 (18) "Season" means the normal buildup and honey producing season that runs from
- 89 April 15 through September 30 each year.

90 (19) "Spray yard" means a temporary location where colonies are moved prior to any
91 pesticide application in the area of the beekeeper's registered location.

92 ~~[(14)]~~ (20) "Terminal disease" means a pest, parasite, or pathogen that will kill an
93 occupant colony or subsequent colony on the same equipment.

94 Section 3. Section 4-11-4 is amended to read:

95 **4-11-4. Bee raising -- State policy -- Registration required -- Application -- Fees --**
96 **Renewal -- Grandfather provision -- Wax-salvage plants.**

97 (1) It is the policy of this state that all beekeepers and apiaries be registered with the
98 department and that the department monitor the keeping of bees to prevent disease, avoid
99 excessive concentration, and foster healthy hives, colonies, and apiaries.

100 (2) Prior to July 1, 2016, all registered commercial beekeepers shall file with the
101 department on forms prescribed and furnished by the department the information required in
102 Subsection (3)(c) for all commercial apiaries.

103 (a) To qualify as an established commercial apiary, each commercial apiary shall:

104 (i) have satisfied the requirements of Section 4-11-19 during the 2015 and 2016
105 seasons; and

106 (ii) provide written verification of the location of the commercial apiary on a form
107 provided by the department and signed by the commercial beekeeper and the owner or renter of
108 the land.

109 (b) A commercial apiary that does not qualify as an established commercial apiary
110 shall be registered as a new commercial apiary and subject to the restriction of Subsection
111 (3)(g).

112 ~~[(1)]~~ (3) (a) A person may not raise bees in this state without being registered with the
113 department.

114 (b) Application for a new registration to raise bees, or for an apiary location not subject
115 to renewal, shall be made to the department upon ~~[tangible or electronic]~~ forms prescribed and
116 furnished by the department, within 30 days after the person:

117 (i) takes possession of the bees; or

118 (ii) moves the bees into the state.

119 (c) A new commercial registration application may be filed at any time from January 1
120 through October 31, and shall include:

- 121 (i) the applicant's name and address;
 122 (ii) the total number of colonies of bees the beekeeper owns;
 123 (iii) the location of the apiary, including the latitude and longitude coordinates
 124 determined using GPS;
 125 (iv) the name of the owner or renter of the land on which each apiary is located;
 126 (v) a signed statement from the owner or renter giving consent for the apiary location;
 127 (vi) the date the apiary was established;
 128 (vii) the class of apiary registration for which application is being made; and
 129 (viii) the new application registration fee.
 130 (d) A hobbyist shall register with the department by providing the following
 131 information:
 132 (i) the applicant's name and address;
 133 (ii) the total number of hives the applicant owns; and
 134 (iii) the location of the applicant's hives if the location is not the address in Subsection
 135 (d)(i).
 136 (e) Upon receipt of the registration application and payment of the fees, the department
 137 may issue a certificate of registration for an apiary. The registration is valid through December
 138 31 of the year in which the registration is issued.
 139 (f) Registration shall be renewed annually. An application for renewal may be made at
 140 any time between November 1 and December 31 on forms prescribed and furnished by the
 141 department, and accompanied by the renewal fee. An established apiary in compliance with all
 142 department statutes and rules shall be renewed upon receipt of all forms and fees.
 143 (g) A new commercial location may not be situated within a two-mile radius of an
 144 already registered commercial location. If there is a conflict between new applicants with
 145 respect to location, the department shall give preference to the applicant with the earliest filed
 146 application.
 147 ~~[(e)]~~ (h) Nothing in Subsection [(1)] (3)(b) limits the requirements of Section 4-11-11.
 148 ~~[(d) An application in accordance with this chapter shall specify:]~~
 149 ~~[(i) the name and address of the applicant;]~~
 150 ~~[(ii) the number of bee colonies owned by the applicant at the time of the application~~
 151 ~~that will be present in the state for a period exceeding 30 days; and]~~

152 ~~[(iii) any other relevant information the department considers appropriate.]~~

153 ~~[(e) Upon receipt of a proper application and payment of an annual registration fee~~
154 ~~determined by the department pursuant to Subsection 4-2-2(2), the commissioner shall issue a~~
155 ~~registration to the applicant valid through December 31 of the year in which the registration is~~
156 ~~issued, subject to suspension or revocation for cause.]~~

157 ~~[(f) A bee registration is renewable for a period of one year upon the payment of an~~
158 ~~annual registration renewal fee as determined by the department pursuant to Subsection~~
159 ~~4-2-2(2).]~~

160 ~~[(g) Registration shall be]~~

161 ~~(i) A registration not renewed on or before December 31 of each year will lapse and~~
162 ~~will require a new registration.~~

163 ~~[(2)] (4) (a) A person may not operate a wax-salvage plant without a license issued by~~
164 ~~the department.~~

165 (b) Application for a license to operate a wax-salvage plant shall be made to the
166 department upon ~~[tangible or electronic]~~ forms prescribed and furnished by the department.

167 (c) The application shall specify ~~[such]~~ information ~~[as]~~ the department considers
168 appropriate.

169 (d) Upon receipt of a proper application and payment of a license fee as determined by
170 the department pursuant to Subsection 4-2-2(2), the commissioner, if satisfied that the
171 convenience and necessity of the industry and the public will be served, shall issue a license
172 entitling the applicant to operate a wax-salvage plant through December 31 of the year in
173 which the license is issued, subject to suspension or revocation for cause.

174 (e) A wax-salvage license is renewable for a period of one year, on or before December
175 31 of each year, upon the payment of an annual license renewal fee as determined by the
176 department pursuant to Subsection 4-2-2(2).

177 Section 4. Section 4-11-4.5 is enacted to read:

178 **4-11-4.5. Fees for registration of apiaries -- Deposited as a dedicated credit.**

179 (1) The department shall set registration and renewal fees in accordance with Section
180 4-2-2.

181 (2) Fees collected under this section shall be deposited into the General Fund as a
182 dedicated credit to be used by the department to implement and monitor ongoing compliance

183 with the requirements of this chapter.

184 Section 5. Section **4-11-18** is enacted to read:

185 **4-11-18. Commercial apiary restrictions.**

186 (1) Commercial apiaries registered to different persons shall be located at least two
187 miles apart during the season.

188 (2) The department may not issue a certificate of registration for any commercial apiary
189 located less than two miles from another commercial apiary that satisfied the requirements of
190 Section [4-11-19](#) during the last season unless:

191 (a) the apiary is a spraying yard and the hives are removed within 16 days of being
192 placed;

193 (b) the apiary is a holding yard and the hives are removed within 16 days of being
194 placed or granted a variance by the department to remain for a specific length of time; or

195 (c) the commercial beekeeper provides the department with satisfactory documentation
196 that the apiary is being used for specific paid pollination purposes.

197 (3) The department may issue a variance upon request for a commercial beekeeper in
198 case of drought conditions, crop rotation, adverse circumstances, or the involuntary loss of a
199 site due to circumstances beyond the beekeeper's control.

200 (4) Circumstances that may cause the involuntary loss of a site may include
201 urbanization of the area, making the site unsuitable for an apiary.

202 Section 6. Section **4-11-19** is enacted to read:

203 **4-11-19. Minimum number of colonies.**

204 (1) All registered commercial apiary locations shall consist of not less than 10 colonies
205 of bees during a minimum of 60 out of 67 continuous days during any part of the season.

206 (2) The registration of an apiary that does not meet the requirements of Subsection (1)
207 for two consecutive seasons expires and all rights under the certificate of registration terminate
208 at the end of the second season.

209 Section 7. Section **4-11-20** is enacted to read:

210 **4-11-20. Changing locations -- Selling apiaries.**

211 (1) An owner of a commercial apiary may not move the apiary without first receiving
212 authorization from the department to establish a new apiary. The owner shall inform the
213 department of the GPS coordinates for the new location in the same manner prescribed for the

214 original registration.

215 (2) Notwithstanding Subsection (1), a commercial apiary may be moved not more than
216 1/2 mile from its registered location without establishing a new apiary if the department issues
217 a variance in accordance with Section [41-11-18](#).

218 (3) A registered apiary location may not be rented or subleased by a commercial
219 beekeeper unless the landowner provides written permission to the lessee and sublessee. The
220 sublease rate may not exceed the original lease rate.

221 (4) A registered commercial apiary may not be sold or transferred to a purchaser
222 unless:

223 (a) all bees and equipment are sold together to the purchaser; and

224 (b) the purchaser receives approval in writing from the landowner to remain on the
225 property.

226 Section 8. Section **4-11-21** is enacted to read:

227 **4-11-21. Penalty.**

228 (1) A person who violates a provision of this chapter:

229 (a) is guilty of a class B misdemeanor; and

230 (b) may be subject to administrative fines, payable to the department, of up to \$1,000
231 per violation.

232 (2) Each day a violation of this act continues is a separate violation.

233 **Section 9. Appropriation.**

234 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for
235 the fiscal year beginning July 1, 2015, and ending June 30, 2016, the following sums of money
236 are appropriated from resources not otherwise appropriated, or reduced from amounts
237 previously appropriated, out of the funds or amounts indicated. These sums of money are in
238 addition to amounts previously appropriated for fiscal year 2016.

239 To the Department of Agriculture and Food - Plant Industry

240 From General Fund, One-time \$25,000

241 Schedule of Programs:

242 Insect Infestation \$25,000

243 **Section 10. Effective date.**

244 If approved by two-thirds of all the members elected to each house, this bill takes effect

245 upon approval by the governor, or the day following the constitutional time limit of Utah
246 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
247 the date of veto override.

Legislative Review Note
Office of Legislative Research and General Counsel