

Representative Kay L. McIff proposes the following substitute bill:

BEEKEEPING 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 an infraction;
- ▶ 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



26 **Other Special Clauses:**

27 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 4-11-3.5, Utah Code Annotated 1953

35 4-11-4.5, Utah Code Annotated 1953

36 4-11-18, Utah Code Annotated 1953

37 4-11-19, Utah Code Annotated 1953

38 4-11-20, Utah Code Annotated 1953

39 4-11-21, Utah Code Annotated 1953

40 4-11-22, Utah Code Annotated 1953

41 4-11-23, Utah Code Annotated 1953



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

44 Section 1. Section 4-11-1 is amended to read:

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

46 **4-11-1. Title.**

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

49 Section 2. Section 4-11-2 is amended to read:

50 **4-11-2. Definitions.**

51 As used in this chapter:

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

53 (a) to which the owner or operator fails to give reasonable and adequate attention
54 during a given year, with the result that the welfare of a neighboring ~~[colony]~~ apiary is
55 jeopardized; or

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

- 57 (2) "Apiary" means any place where one or more registered colonies of bees are
58 located.
- 59 (3) "Apiary equipment" means hives, supers, frames, veils, gloves, or other equipment
60 used to handle or manipulate bees, honey, wax, or hives.
- 61 (4) "Appliance" means any apparatus, tool, machine, or other device used to handle or
62 manipulate bees, wax, honey, or hives.
- 63 (5) "Bee" means the common honey bee, *Apis mellifera*, at any stage of development.
- 64 (6) (a) "Beekeeper" means a person who keeps bees in order to:
65 (i) collect honey and beeswax;
66 (ii) pollinate crops; or
67 (iii) produce bees for sale to other beekeepers.
- 68 (b) "Beekeeper" includes an [~~apiarists~~] apiarist.
- 69 (7) "Colony" means an aggregation of bees in any type of hive that includes queens,
70 workers, drones, or brood.
- 71 (8) "Commercial apiary" means a location that is used by a commercial beekeeper.
- 72 (9) "Commercial beekeeper" means a person who owns 100 or more colonies of bees.
- 73 [~~(8)~~] (10) "Disease" means any infectious or contagious disease affecting bees, as
74 specified by the department, including American foulbrood.
- 75 [~~(9)~~] (11) "Hive" means a frame hive, box hive, box, barrel, log, gum skep, or other
76 artificial or natural receptacle that may be used to house bees.
- 77 (12) "Hobbyist" means a person who owns 20 or fewer colonies of bees.
- 78 (13) "Holding yard" means an area where colonies are temporarily placed prior to
79 leaving the state or returning from pollination in another state.
- 80 (14) "Household" means the same as that term is defined in Section [78B-5-503](#).
- 81 [~~(10)~~] (15) "Package" means any number of bees in a bee-tight container, with or
82 without a queen, and without comb.
- 83 [~~(11)~~] (16) "Parasite" means an organism that parasitizes any developmental stage of a
84 bee.
- 85 [~~(12)~~] (17) "Pest" means an organism that:
86 (a) inflicts damage to a bee or bee colony directly or indirectly; or
87 (b) may damage apiary equipment in a manner that is likely to have an adverse affect

88 on the health of the colony or an adjacent colony.

89 ~~[(13)]~~ (18) "Raise" means~~[-(a)]~~ to hold a colony of bees in a hive for the purpose of
90 bee production, pollination, honey production, study, or similar purpose~~[-and]~~.

91 ~~[(b) when the person holding a colony, holds the colony or a package of bees in the~~
92 ~~state for a period of time exceeding 30 days.]~~

93 (19) "Season" means the normal buildup and honey producing season that runs from
94 April 15 through September 30 each year.

95 (20) "Sideliner" means a person who owns 21 or more, but less than 100, colonies of
96 bees.

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

99 ~~[(14)]~~ (22) "Terminal disease" means a pest, parasite, or pathogen that will kill an
100 occupant colony or subsequent colony on the same equipment.

101 Section 3. Section 4-11-3.5 is enacted to read:

102 **4-11-3.5. Classes of beekeepers.**

103 There are three classes of beekeepers within the state and subject to registration.

104 (1) A hobbyist beekeeper:

105 (a) shall register with the department in accordance with Subsection 4-11-4(3)(e);

106 (b) includes all members in the person's household for the restriction on the number of
107 colonies;

108 (c) may place colonies owned and operated by the beekeeper on property owned by the
109 beekeeper without regard for the restriction in Subsection 4-11-18(1);

110 (d) may place colonies on land not owned by the beekeeper, provided permission of the
111 landowner is obtained in writing; and

112 (e) is subject to any local, municipal, or county restrictions.

113 (2) A sideliner beekeeper:

114 (a) shall register with the department in accordance with Subsection 4-11-4(3)(e);

115 (b) includes all members in the person's household for the restriction on the number of
116 colonies;

117 (c) may place colonies owned and operated by the beekeeper on property owned by the
118 beekeeper without regard for the restriction in Subsection 4-11-18(1);

119 (d) may place an apiary on land not owned by the beekeeper, provided the permission
 120 of the landowner is obtained in writing; and

121 (e) may not place an apiary within 1/2 mile of a registered commercial apiary.

122 (3) A commercial beekeeper shall register all locations in accordance with Subsection
 123 4-11-4(d).

124 Section 4. Section 4-11-4 is amended to read:

125 **4-11-4. Bee raising -- State policy -- Registration required -- Application -- Fees --**
 126 **Renewal -- Grandfather provision -- Wax-salvage plants.**

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

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

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

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

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

139 (b) A commercial apiary that does not qualify as an established commercial apiary
 140 shall be registered as a new commercial apiary and subject to the restriction of Subsection
 141 (3)(h).

142 ~~[(H)]~~ (3) (a) A person may not raise bees in this state without being registered with the
 143 department. All beekeepers in the state shall register with the department not later than July 1,
 144 2016.

145 (b) Application for a new commercial registration to raise bees, or for a commercial
 146 apiary location that does not qualify as an established commercial apiary under Subsection (2),
 147 shall be made to the department ~~[upon tangible or electronic forms prescribed and furnished by~~
 148 ~~the department, within 30 days after the person:] on forms prescribed and furnished by the~~
 149 department not less than 14 days before taking possession of, siting, or relocating bees within

150 the state, or moving bees into the state.

151 ~~[(i) takes possession of the bees; or]~~

152 ~~[(ii) moves the bees into the state.]~~

153 (c) The department shall approve or deny the registration application within seven days
154 of receipt.

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

157 (i) the applicant's name and address;

158 (ii) the total number of colonies of bees the beekeeper owns;

159 (iii) the location of the apiary, including the latitude and longitude coordinates
160 determined using GPS;

161 (iv) the name of the owner or renter of the land on which each apiary is located;

162 (v) a signed statement from the owner or renter giving consent for the apiary location;

163 (vi) the date the apiary was established;

164 (vii) the class of apiary registration for which application is being made; and

165 (viii) the new application registration fee.

166 (e) A hobbyist or sideliner shall register with the department by providing the
167 following information:

168 (i) the applicant's name and address;

169 (ii) the total number of colonies of bees the applicant owns; and

170 (iii) the location or locations of the applicant's colonies if the colonies are not at the
171 address supplied in Subsection (3)(e)(i).

172 (f) Upon receipt of the registration application and payment of the fees, the department
173 may issue a certificate of registration for an apiary. The registration is valid through December
174 31 of the year in which the registration is issued.

175 (g) Registration shall be renewed annually. An application for renewal may be made at
176 any time between November 1 and December 31 on forms prescribed and furnished by the
177 department, and accompanied by the renewal fee. An established apiary in compliance with all
178 department statutes and rules shall be renewed upon receipt of all forms and fees.

179 (h) A new commercial location may not be situated within a two-mile radius of an
180 already registered commercial location or 1/2 mile of a registered sideliner location. If there is

181 a conflict between new applicants with respect to location, the department shall give preference
182 to the applicant with the earliest filed application.

183 ~~[(e)] (i) Nothing in Subsection [(1)] (3)(b) limits the requirements of Section 4-11-11.~~

184 ~~[(d) An application in accordance with this chapter shall specify:]~~

185 ~~[(i) the name and address of the applicant;]~~

186 ~~[(ii) the number of bee colonies owned by the applicant at the time of the application~~
187 ~~that will be present in the state for a period exceeding 30 days; and]~~

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

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

193 ~~[(f) A bee registration is renewable for a period of one year upon the payment of an~~
194 ~~annual registration renewal fee as determined by the department pursuant to Subsection~~
195 ~~4-2-2(2).]~~

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

197 ~~[(j) A registration not renewed on or before December 31 of each year will lapse and~~
198 ~~require a new registration.~~

199 ~~[(2)] (4) (a) A person may not operate a wax-salvage plant without a license issued by~~
200 ~~the department.~~

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

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

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

210 (e) A wax-salvage license is renewable for a period of one year, on or before December
211 31 of each year, upon the payment of an annual license renewal fee as determined by the

212 department pursuant to Subsection [4-2-2](#)(2).

213 Section 5. Section **4-11-4.5** is enacted to read:

214 **4-11-4.5. Fees for registration of apiaries -- Deposited as a dedicated credit.**

215 (1) The department shall set registration and renewal fees in accordance with Section
216 [4-2-2](#).

217 (2) Fees collected under this section shall be deposited into the General Fund as a
218 dedicated credit to be used by the department to implement and monitor ongoing compliance
219 with the requirements of this chapter.

220 Section 6. Section **4-11-18** is enacted to read:

221 **4-11-18. Commercial apiary restrictions.**

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

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

227 (a) the apiary is a spraying yard and the colonies are removed within 16 days of being
228 placed;

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

231 (c) the commercial beekeeper provides the department with satisfactory documentation
232 that the apiary is being used for specific paid pollination purposes in accordance with Section
233 [4-11-21](#); or

234 (d) the apiary is on land owned by the beekeeper in accordance with Section [4-11-22](#).

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

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

240 Section 7. Section **4-11-19** is enacted to read:

241 **4-11-19. Minimum number of colonies -- Transition from sideliner to commercial**
242 **beekeeper.**

243 (1) To maintain the status of a commercial apiary, a registered commercial apiary
244 location shall consist of not less than 20 colonies of bees during a minimum of 60 out of 67
245 continuous days during any part of the season.

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

249 (3) A sideliner that exceeds 100 colonies during a season may complete that season
250 without registering as a commercial beekeeper, and may complete a commercial registration by
251 the beginning of the next season. A sideliner shall complete a commercial registration upon
252 attaining 150 colonies.

253 Section 8. Section **4-11-20** is enacted to read:

254 **4-11-20. Changing locations -- Selling apiaries.**

255 (1) An owner of a commercial apiary may not move the apiary without first receiving
256 authorization from the department to establish a new apiary. Not less than 14 days before
257 moving the apiary, the owner shall inform the department of the GPS coordinates for the new
258 location in the same manner prescribed for the original registration. The department shall
259 authorize or deny the move within seven days of receipt of the application.

260 (2) Notwithstanding Subsection (1), a commercial apiary may be moved not more than
261 1/2 mile from its registered location without establishing a new apiary if the department issues
262 a variance in accordance with Section [41-11-18](#).

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

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

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

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

271 Section 9. Section **4-11-21** is enacted to read:

272 **4-11-21. Pollination.**

273 (1) A commercial apiary registered in this state may be moved within two miles of

274 another registered commercial apiary if the move is:

275 (a) for the express purpose of pollinating a crop; and

276 (b) at the request of the owner of the land farming the crop.

277 (2) A commercial apiary not registered in this state shall request approval from the

278 department not less than 14 days before bringing the apiary into the state for pollination

279 purposes by providing the following information:

280 (a) the apiary owner's name and address;

281 (b) the landowner's name and location of the pollination site or sites;

282 (c) the anticipated length of stay; and

283 (d) a copy of the apiary's most recent inspection certificate.

284 (3) The department shall approve or deny the request within seven days of receipt of

285 the request.

286 Section 10. Section **4-11-22** is enacted to read:

287 **4-11-22. Location of colonies by property owners.**

288 A beekeeper may place colonies owned and operated by the beekeeper on property

289 owned by the beekeeper without regard to the proximity restrictions in this chapter. The

290 beekeeper shall register all colonies in accordance with this chapter.

291 Section 11. Section **4-11-23** is enacted to read:

292 **4-11-23. Penalty.**

293 A person who violates a provision of this chapter:

294 (1) is guilty of an infraction; and

295 (2) may be subject to administrative fines, payable to the department, of up to \$1,000

296 per violation. The department shall deposit any fines collected under this section in the General

297 Fund.

298 Section 12. **Appropriation.**

299 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for

300 the fiscal year beginning July 1, 2015, and ending June 30, 2016, the following sums of money

301 are appropriated from resources not otherwise appropriated, or reduced from amounts

302 previously appropriated, out of the funds or amounts indicated. These sums of money are in

303 addition to amounts previously appropriated for fiscal year 2016.

304 To the Department of Agriculture and Food - Plant Industry

305	<u>From General Fund, One-time</u>	<u>\$25,000</u>
306	<u>Schedule of Programs:</u>	
307	<u>Insect Infestation</u>	<u>\$25,000</u>

308 Section 13. **Effective date.**

309 If approved by two-thirds of all the members elected to each house, this bill takes effect
310 upon approval by the governor, or the day following the constitutional time limit of Utah
311 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
312 the date of veto override.