

**Effective 7/1/2017**

## **Chapter 11 Utah Bee Inspection Act**

### **4-11-101 Title.**

This chapter is known as the "Utah Bee Inspection Act."

Renumbered and Amended by Chapter 345, 2017 General Session

### **4-11-102 Definitions.**

As used in this chapter:

- (1) "Abandoned apiary" means any apiary to which the owner or operator fails to give reasonable and adequate attention during a given year as determined by the department.
- (2) "Apiary" means any place where one or more colonies of bees are located.
- (3) "Apiary equipment" means hives, supers, frames, veils, gloves, or other equipment used to handle or manipulate bees, honey, wax, or hives.
- (4) "Appliance" means any apparatus, tool, machine, or other device used to handle or manipulate bees, wax, honey, or hives.
- (5) "Bee" means the common honey bee, *Apis mellifera*, at any stage of development.
- (6)
  - (a) "Beekeeper" means a person who keeps bees.
  - (b) "Beekeeper" includes an apiarist.
- (7) "Colony" means an aggregation of bees in any type of hive that includes queens, workers, drones, or brood.
- (8) "Disease" means any infectious or contagious disease affecting bees, as specified by the department, including American foulbrood.
- (9) "Hive" means a frame hive, box hive, box, barrel, log, gum skep, or other artificial or natural receptacle that may be used to house bees.
- (10) "Package" means any number of bees in a bee-tight container, with or without a queen, and without comb.
- (11) "Parasite" means an organism that parasitizes any developmental stage of a bee.
- (12) "Pest" means an organism that:
  - (a) inflicts damage to a bee or bee colony directly or indirectly; or
  - (b) may damage apiary equipment in a manner that is likely to have an adverse effect on the health of the colony or an adjacent colony.
- (13) "Raise" means:
  - (a) to hold a colony of bees in a hive for the purpose of pollination, honey production, or study, or a similar purpose; and
  - (b) when the person holding a colony holds the colony or a package of bees in the state for a period of time exceeding 30 days.
- (14) "Terminal disease" means a pest, parasite, or pathogen that will kill an occupant colony or subsequent colony on the same equipment.

Amended by Chapter 136, 2019 General Session

### **4-11-103 Department authorized to make and enforce rules.**

- (1) The department is authorized, subject to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to make and enforce rules necessary for the administration and enforcement of this chapter.
- (2) The rules described in Subsection (1) shall include provisions for the identification of each apiary within the state.

Renumbered and Amended by Chapter 345, 2017 General Session

**4-11-104 Bee raising -- Registration required -- Application -- Fees -- Renewal -- License required -- Application -- Fees -- Renewal.**

- (1) A person may not raise bees in this state without being registered with the department.
- (2) Application for registration to raise bees shall be made to the department upon tangible or electronic forms prescribed and furnished by the department, within 30 days after the person:
  - (a) takes possession of the bees; or
  - (b) moves the bees into the state.
- (3) Nothing in Subsection (2) limits the requirements of Section 4-11-111.
- (4) An application in accordance with this chapter shall specify:
  - (a) the name and address of the applicant;
  - (b) the number of bee colonies owned by the applicant at the time of the application that will be present in the state for a period exceeding 30 days; and
  - (c) any other relevant information the department considers appropriate.
- (5) Upon receipt of a proper application and payment of an annual registration fee determined by the department pursuant to Subsection 4-2-103(2), the commissioner shall issue a registration to the applicant valid through December 31 of the year in which the registration is issued, subject to suspension or revocation for cause.
- (6) A bee registration is renewable for a period of one year upon the payment of an annual registration renewal fee as determined by the department pursuant to Subsection 4-2-103(2).
- (7) Registration shall be renewed on or before December 31 of each year.

Renumbered and Amended by Chapter 345, 2017 General Session

**4-11-105 County bee inspector -- Appointment -- Termination -- Compensation.**

- (1) The county executive upon the petition of five or more persons who raise bees within the respective county shall, with the approval of the commissioner, appoint a qualified person to act as a bee inspector within the county.
- (2) A county bee inspector shall be employed at the pleasure of the county executive and the commissioner and is subject to termination of employment, with or without cause, at the instance of either.
- (3) Compensation for the county bee inspector shall be fixed by the county legislative body.
- (4) To be appointed a county bee inspector, a person shall demonstrate adequate training and knowledge related to this chapter, bee diseases, and pests.
- (5) A record concerning bee inspection shall be kept by the county executive or commissioner.
- (6) The county executive and the commissioner shall investigate a formal, written complaint against a county bee inspector.

Renumbered and Amended by Chapter 345, 2017 General Session

**4-11-106 Hives to have removable frames -- Consent of county bee inspector to sell or transport diseased bees.**

- (1) A person may not house or keep bees in a hive unless the hive is equipped with movable frames to all the hive's parts so that access to the hive can be had without difficulty.
- (2) No person who owns or has possession of bees (whether queens or workers) with knowledge that they are infected with terminal disease, parasites, or pests, or with knowledge that they have been exposed to terminal disease, parasites, or pests, shall sell, barter, give away, or move the bees, colonies, or apiary equipment without the consent of the county bee inspector or the department.

Renumbered and Amended by Chapter 345, 2017 General Session

**4-11-107 Inspector -- Duties -- Diseased apiaries -- Examination of diseased bees by department -- Election to transport bees to wax-salvage plant.**

- (1) The county bee inspector or the department may inspect:
  - (a) all apiaries within the county at least once each year; and
  - (b) immediately any apiary within the county that is alleged in a complaint to be severely diseased, parasitized, or abandoned.
- (2) If, upon inspection, the inspector determines that an apiary is diseased or parasitized, the inspector may take the following action based on the severity of the disease or parasite present:
  - (a) prescribe the course of treatment that the owner or caretaker of the bees shall follow to eliminate the disease or parasite;
  - (b) personally, for the purpose of treatment approved by the department, take control of the afflicted bees, hives, combs, broods, honey, and equipment; or
  - (c) destroy the afflicted bees and, if necessary, their hives, combs, broods, honey, and all appliances that may have become infected.
- (3) If, upon reinspection, the inspector determines that the responsible party has not executed the course of treatment prescribed by Subsection (2), the inspector may take immediate possession of the afflicted colony for control or destruction in accordance with Subsection (2)(b) or (c).
- (4)
  - (a) The owner of an apiary who is dissatisfied with the diagnosis or course of action proposed by an inspector under this section may, at the owner's expense, have the department examine the alleged diseased bees.
  - (b) The decision of the commissioner with respect to the condition of bees at the time of the examination is final and conclusive upon the owner and the inspector involved.

Renumbered and Amended by Chapter 345, 2017 General Session

**4-11-108 County bee inspector -- Disinfection required before leaving apiary with diseased bees.**

- (1) Before inspecting the premises of any apiary, an inspector and any assistant of an inspector shall disinfect any equipment that will be used in the inspection.
- (2) Before leaving the premises of any apiary, the bee inspector, or any assistant, shall thoroughly disinfect any part of the inspector's own person, clothing, or any appliance that has come in contact with infected material.
- (3) The method of disinfection required by Subsection (2):

- (a) may be determined by the department; and
- (b) shall be sufficient to destroy disease, parasites, and pathogens encountered.
- (4) A county bee inspector shall maintain a record of each inspection, including disinfection practices.
- (5) The county executive or the commissioner may review a county bee inspector's records kept in accordance with Subsection (4).

Renumbered and Amended by Chapter 345, 2017 General Session

**4-11-109 Inspection of apiaries where queen bees raised for sale -- Honey from apiaries where queen bees raised for sale not to be used for candy for mailing cages unless boiled.**

- (1)
  - (a) At least twice each summer the county bee inspector may inspect each apiary in which queen bees are raised for sale.
  - (b) A person may not sell or transport any queen bee from an apiary that is found to be infected with disease without the consent of the county bee inspector or the department.
- (2) No person engaged in raising queen bees for sale shall use any honey for making candy for mailing cages that has not been boiled for at least 30 minutes.
- (3) A person rearing queens shall follow standard methods for minimizing or eliminating unmanageably aggressive stock.

Renumbered and Amended by Chapter 345, 2017 General Session

**4-11-110 Enforcement -- Inspections authorized -- Warrants.**

- (1) The department and all bee inspectors shall have access to all apiaries or places where bees, hives, and appliances are kept for the purpose of enforcing this chapter.
- (2) If admittance is refused, the department, or the bee inspector involved, may proceed immediately to obtain an ex parte warrant from the nearest court of competent jurisdiction to allow entry upon the premises for the purpose of making an inspection.

Renumbered and Amended by Chapter 345, 2017 General Session

**4-11-111 Importation of bees or appliances into state -- Certification required -- Inspection discretionary -- Authority to require destruction or removal of diseased bees and appliances.**

- (1)
  - (a) A person may not bring or import any bees in packages or hives or bring or import any used beekeeping equipment or appliances into this state without obtaining a certificate from an inspector authorized in the state of origin certifying that:
    - (i) the bees, apiary equipment, or appliances have been inspected within the current production season; and
    - (ii) all diseased colonies in the apiary at the time of the inspection were destroyed or treated.
  - (b) A person bringing or importing bees into the state shall advise the department of the address of the bees' destination and furnish the department with a copy of the certificate of inspection upon entry into the state.
  - (c) A person intending to hold bees in the state for a period of time exceeding 30 days shall comply with Section 4-11-104.
- (2)

- (a) A person may not bring or import any used apiary equipment, except after obtaining a certificate from an inspector authorized in the state of origin certifying that all potentially pathogen-conductive apiary equipment or appliances are appropriately sterilized immediately before importation.
- (b) A person bringing or importing used apiary equipment shall advise the department of the address of the destination in the state and furnish the department with a copy of the certificate of inspection upon entry into the state.
- (3) Used apiary equipment or appliances that have been exposed to terminal disease may not be sold without the consent of the bee inspector or the commissioner.
- (4) In lieu of the certificate required by Subsection (1), the certificate may be a Utah certificate.
- (5)
  - (a) If the department determines it is necessary for any reason to inspect any bees, apiary equipment, or appliance upon arrival at a destination in this state, and upon this inspection finds terminal disease, the department shall cause all diseased colonies, appliances, and equipment to be either:
    - (i) destroyed immediately; or
    - (ii) removed from the state within 48 hours.
  - (b) The costs of complying with Subsection (5)(a)(i) or (ii) shall be paid by the person bringing the diseased colonies, appliances, or equipment into the state.

Renumbered and Amended by Chapter 345, 2017 General Session

**4-11-112 Quarantine authorized.**

The commissioner, in order to protect the bee industry of the state against bee health or management issues, may quarantine the entire state, an entire county, or any apiary or specific hive within the state.

Renumbered and Amended by Chapter 345, 2017 General Session

**4-11-113 Unlawful acts specified.**

It is unlawful for a person to:

- (1) extract honey in any place where bees can gain access either during or after the extraction process;
- (2) maintain any neglected or abandoned hives, apiary equipment, or appliances other than in an enclosure that prohibits the entrance of bees;
- (3) raise bees without being registered with the department; or
- (4) knowingly sell a colony, apiary equipment, or appliance that is inoculated with terminal disease pathogens.

Renumbered and Amended by Chapter 345, 2017 General Session

**4-11-114 Maintenance of abandoned apiary, equipment, or appliance -- Nuisance.**

- (1) It is a public nuisance to keep an abandoned or diseased apiary, apiary equipment, or appliance anywhere other than in an enclosure that prohibits the entry of bees.
- (2) Items listed in Subsection (1) are subject to seizure and destruction by the county bee inspector.

- (3) Upon discovery of, or receipt of a written complaint concerning, an abandoned apiary site, apiary equipment, or appliance, the bee inspector shall attempt to notify the registered owner, if any.
- (4)
  - (a) A registered owner notified under Subsection (3) shall remove the abandoned apiary, apiary equipment, or appliance or provide a bee-proof enclosure within 15 days.
  - (b) The bee inspector or the department shall verify the removal or protection in accordance with Subsection (4)(a) at the expiration of the 15-day period.
  - (c) If a registered owner does not comply with Subsection (4)(a), the bee inspector or the department may seize and destroy the abandoned apiary, apiary equipment, and appliances.
- (5) A bee inspector or the department may seize and destroy an abandoned apiary, apiary equipment, or appliances if the abandoned apiary, apiary equipment, or appliances do not indicate a registered owner.

Renumbered and Amended by Chapter 345, 2017 General Session

**4-11-115 Maintaining gentle stock.**

A beekeeper may not intentionally maintain an aggressive or unmanageable stock, whether African or European in origin.

Renumbered and Amended by Chapter 345, 2017 General Session

**4-11-116 Regulation of beekeeping reserved to state -- Exceptions -- Rulemaking authorized.**

- (1) As used in this section, "governmental entity" means the same as that term is defined in Section 11-13a-102.
- (2) Except as authorized by Subsection (3), a governmental entity may not adopt or enforce any restriction related to the raising of bees on private property that is more restrictive than the restrictions in this chapter.
- (3) A governmental entity may adopt and enforce a restriction related to the number and location of hives on property within the governmental entity's jurisdiction if the restriction complies with the department's rules described in Subsection (4).
- (4) The department may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for governmental entities to follow when adopting beekeeping restrictions in the governmental entity's jurisdiction related to:
  - (a) the number of hives permitted on a property;
  - (b) the location of hives on a property; and
  - (c) any locations unsuitable for beekeeping.
- (5) This section does not restrict or expand private property rights.

Enacted by Chapter 61, 2024 General Session

**4-11-117 Beekeeping working group -- Development of standards.**

- (1) As used in this section:
  - (a) "Municipality" means the same as that term is defined in Section 10-1-104.
  - (b) "Urban county" means a county of the first or second class.
  - (c) "Urban municipality" means a municipality located within the boundaries of:
    - (i) an urban county; or
    - (ii) a county of the third class, if the municipality has a population of 10,000 or more.

- (2) On or before November 30, 2024, the department shall convene a working group to develop recommendations for standards related to:
  - (a) the number and characteristics of hives appropriate for properties in urban and nonurban counties or municipalities, considering lot size and neighborhood population density;
  - (b) the location and barrier guidance for hives appropriate for properties in urban and nonurban counties or municipalities, to minimize the impact on a neighboring property;
  - (c) any locations in urban and nonurban counties or municipalities unsuitable for beekeeping;
  - (d) swarm prevention;
  - (e) water sources related to beekeeping; and
  - (f) open feeding related to beekeeping.
- (3)
  - (a) The working group described in Subsection (2) shall include:
    - (i) department staff as determined by the commissioner;
    - (ii) a majority of the county bee inspectors, as described in Section 4-11-105, in the state;
    - (iii) one member representing county government, as determined by the commissioner; and
    - (iv) one member representing municipal government, as determined by the commissioner.
  - (b) A member of the working group may not receive compensation for membership on or participation in the working group.
- (4) On or before December 31, 2024, the working group described in Subsection (2) shall report the working group's recommendations to the commissioner.
- (5) On or before April 30, 2025, the department shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement the recommendations from the working group's report described in Subsection (4).

Enacted by Chapter 61, 2024 General Session