

Representative Marc K. Roberts proposes the following substitute bill:

BEEKEEPING MODIFICATIONS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Marc K. Roberts

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions relating to the Utah Bee Inspection Act.

Highlighted Provisions:

This bill:

- ▶ amends bee raising registration requirements;
- ▶ amends county bee inspector duties;
- ▶ modifies inspection provisions;
- ▶ provides for bee raising restrictions under certain circumstances;
- ▶ prohibits a political subdivision from adopting an ordinance, rule, regulation, or

resolution prohibiting a property owner from establishing or maintaining an apiary;

and

- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



- 26 4-11-4, as last amended by Laws of Utah 2010, Chapter 73
- 27 4-11-5, as last amended by Laws of Utah 2010, Chapter 73
- 28 4-11-6, as last amended by Laws of Utah 2010, Chapter 73
- 29 4-11-7, as last amended by Laws of Utah 2015, Chapter 414
- 30 4-11-8, as last amended by Laws of Utah 2010, Chapter 73
- 31 4-11-10, as last amended by Laws of Utah 2010, Chapter 73
- 32 4-11-13, as last amended by Laws of Utah 2010, Chapter 73

33 ENACTS:

34 4-11-18, Utah Code Annotated 1953



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

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

38 **4-11-4. Bee raising -- Registration required -- Application -- Fees -- Renewal --**
 39 **Wax-salvage plants -- License required -- Application -- Fees -- Renewal.**

40 (1) (a) A person ~~[may not raise bees in this state without being registered]~~ who raises
 41 more than five colonies of bees in the state shall register with the department.

42 (b) A person who registers under Subsection (1)(a) may receive inspections,
 43 educational training, and other information from the department.

44 ~~[(b)]~~ (c) Application for registration to raise bees shall be made to the department upon
 45 tangible or electronic forms prescribed and furnished by the department~~[, within 30 days after~~
 46 ~~the person:]~~.

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

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

49 ~~[(c) Nothing in Subsection (1)(b) limits the requirements of Section 4-11-11.]~~

50 (d) An application in accordance with this chapter shall specify:

51 (i) the name and address of the applicant;

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

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

55 (e) Upon receipt of a proper application and payment of an annual registration fee
 56 determined by the department pursuant to Subsection 4-2-2(2), the commissioner shall issue a

57 registration to the applicant valid through December 31 of the year in which the registration is
58 issued[~~,- subject to suspension or revocation for cause~~].

59 (f) A bee registration is renewable for a period of one year upon the payment of an
60 annual registration renewal fee as determined by the department pursuant to Subsection
61 4-2-2(2).

62 (g) [~~Registration shall be renewed~~] A person who raises bees may renew the person's
63 registration on or before December 31 of each year.

64 (h) A person who is exempt from registration may voluntarily register and receive
65 inspections, educational training, or other information from the department.

66 (2) (a) A person may not operate a wax-salvage plant without a license issued by the
67 department.

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

70 (c) The application shall specify such information as the department considers
71 appropriate.

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

77 (e) A wax-salvage license is renewable for a period of one year, on or before December
78 31 of each year, upon the payment of an annual license renewal fee as determined by the
79 department pursuant to Subsection 4-2-2(2).

80 Section 2. Section **4-11-5** is amended to read:

81 **4-11-5. County bee inspector -- Appointment -- Termination -- Compensation.**

82 (1) The county executive upon the petition of five or more persons who raise bees
83 within the respective county shall, with the approval of the commissioner, appoint a qualified
84 person to act as a bee inspector within the county.

85 (2) A county bee inspector shall be employed at the pleasure of the county executive
86 and the commissioner, and is subject to termination of employment, with or without cause, at
87 the instance of either.

88 (3) Compensation for the county bee inspector shall be fixed by the county legislative
89 body.

90 (4) ~~[To be appointed a]~~ A county bee inspector~~[, a person]~~ shall demonstrate adequate
91 training and knowledge related to this chapter, bee diseases, and pests.

92 (5) A ~~[record concerning]~~ county bee inspector shall submit bee inspection ~~[shall be~~
93 ~~kept by the county executive or commissioner]~~ records to the county and the department.

94 (6) The county executive and the commissioner shall investigate a formal, written
95 complaint against a county bee inspector.

96 (7) The department may authorize an inspection if:

97 (a) a county bee inspector is not appointed; and

98 (b) a conflict of interest arises with a county bee inspector.

99 Section 3. Section 4-11-6 is amended to read:

100 **4-11-6. Consent of county bee inspector to sell or transport diseased bees.**

101 (1) A person may not house or keep bees in a hive unless it is equipped with movable
102 frames to all its parts so that access to the hive can be had without difficulty.

103 (2) ~~[No]~~ A person who owns or has possession of bees (whether queens or workers)
104 with knowledge that they are infected with terminal disease, parasites, or pests, or with
105 knowledge that they have been exposed to terminal disease, parasites, or pests, ~~[shall]~~ may not
106 sell, barter, give away, or move the bees, colonies, or apiary equipment without the consent of
107 the county bee inspector or the department.

108 Section 4. Section 4-11-7 is amended to read:

109 **4-11-7. Inspector -- Duties -- Diseased apiaries -- Examination of diseased bees by**
110 **department -- Election to transport bees to wax-salvage plant.**

111 (1) The county bee inspector or the department may:

112 (a) inspect all apiaries within the county at least once each year; and~~[, also, inspect~~
113 ~~immediately any]~~

114 (b) after giving notice to the owner of the apiary, inspect immediately any apiary within
115 the county that is alleged in a written complaint to be severely diseased, parasitized, or
116 abandoned.

117 (2) If, upon inspection, the inspector determines that an apiary is diseased or
118 parasitized, the inspector shall ~~[take the following action]~~, based on the severity of the disease

119 or parasite present:

120 (a) prescribe the course of treatment that the owner or caretaker of the bees shall follow
121 to eliminate the disease or parasite;

122 (b) personally, for the purpose of treatment approved by the department, take control of
123 the afflicted bees, hives, combs, broods, honey, and equipment; or

124 (c) destroy the afflicted bees and, if necessary, their hives, combs, broods, honey, and
125 all appliances that may have become infected.

126 (3) If, upon reinspection, the inspector determines that the responsible party has not
127 executed the course of treatment prescribed by Subsection (2), the inspector may take
128 immediate possession of the afflicted colony for control or destruction in accordance with
129 Subsection (2)(b) or (c).

130 (4) (a) The owner of an apiary who is dissatisfied with the diagnosis or course of action
131 proposed by an inspector under this section may, at the owner's expense, have the department
132 examine the alleged diseased bees.

133 (b) The decision of the commissioner with respect to the condition of bees at the time
134 of the examination is final and conclusive upon the owner and the inspector involved.

135 (5) The owner of a diseased apiary, notwithstanding the provisions of Subsections (2),
136 (3), and (4), may elect under the direction of the county bee inspector to kill the diseased bees,
137 seal their hives, and transport them to a licensed wax-salvage plant.

138 (6) A county bee inspector may, with the consent of the owner, inspect an apiary and
139 offer educational training or information to the owner.

140 Section 5. Section 4-11-8 is amended to read:

141 **4-11-8. County bee inspector -- Disinfection required before leaving apiary with**
142 **diseased bees.**

143 (1) Before leaving the premises of [~~any~~] an apiary where disease exists, [~~the~~] a county
144 bee inspector, [~~or~~] and any [~~assistant~~] individual assisting the inspector, shall thoroughly
145 disinfect any part of the inspector's or assistant's own person, clothing, or [~~any~~] appliance that
146 has come in contact with infected material.

147 (2) The method of disinfection required by Subsection (1):

148 (a) may be determined by the department; and

149 (b) shall be sufficient to destroy disease, parasites, and pathogens encountered.

150 (3) A county bee inspector shall maintain and submit to the county and the department
151 a record of each inspection, including disinfection practices.

152 (4) The county executive or the commissioner may review a county bee inspector's
153 records kept in accordance with Subsection (3).

154 Section 6. Section **4-11-10** is amended to read:

155 **4-11-10. Enforcement -- Inspections authorized -- Warrants.**

156 (1) The department and all county bee inspectors shall have access to all apiaries [~~or~~
157 ~~places where bees, hives, and appliances are kept~~] for the purpose of [~~enforcing this chapter~~]
158 conducting an inspection under Section 4-11-7 or Section 4-11-9 or establishing a quarantine
159 under Section 4-11-12.

160 (2) If admittance is refused, the department [~~or the county bee inspector involved,~~]
161 may proceed [~~immediately~~] to obtain an ex parte warrant from the nearest court of competent
162 jurisdiction to allow entry upon the premises for the purpose of making an inspection.

163 Section 7. Section **4-11-13** is amended to read:

164 **4-11-13. Unlawful acts specified.**

165 It is unlawful for a person to:

166 [~~(1) extract honey in any place where bees can gain access either during or after the~~
167 ~~extraction process;~~]

168 [~~(2)~~] (1) remove honey or wax, or attempt to salvage, or salvage any hives, apiary
169 equipment, or appliances from a diseased colony, except in a licensed wax-salvage plant,
170 unless specifically authorized by a county bee inspector or the commissioner;

171 [~~(3)~~] (2) maintain any neglected or abandoned hives, apiary equipment, or appliances
172 other than in an enclosure that prohibits the entrance of bees;

173 [~~(4) raise bees without being registered with the department;~~]

174 [~~(5)~~] (3) operate a wax-salvage plant without a license;

175 [~~(6)~~] (4) store an empty hive body, apiary equipment, or appliances in a manner that
176 may propagate pests, disease, or bee feeding frenzy; or

177 [~~(7)~~] (5) knowingly sell a colony, apiary equipment, or appliances that are inoculated
178 with terminal disease pathogens.

179 Section 8. Section **4-11-18** is enacted to read:

180 **4-11-18. Prohibition of beekeeping by a political subdivision.**

181 Beginning July 1, 2016, a political subdivision may not adopt an ordinance, rule,
182 regulation, or resolution prohibiting a property owner from establishing or maintaining an
183 apiary on the property owner's property.