

HB0115S01 compared with HB0115

~~deleted text~~ shows text that was in HB0115 but was deleted in HB0115S01.

inserted text shows text that was not in HB0115 but was inserted into HB0115S01.

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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.

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Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

4-11-5, as last amended by Laws of Utah 2010, Chapter 73

4-11-6, as last amended by Laws of Utah 2010, Chapter 73

4-11-7, as last amended by Laws of Utah 2015, Chapter 414

4-11-8, as last amended by Laws of Utah 2010, Chapter 73

4-11-10, as last amended by Laws of Utah 2010, Chapter 73

4-11-13, as last amended by Laws of Utah 2010, Chapter 73

ENACTS:

4-11-18, Utah Code Annotated 1953

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

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

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

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

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

~~[(b)] (c)~~ 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:~~].

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

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

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

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

(i) the name and address of the applicant;

(ii) 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

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

(e) Upon receipt of a proper application and payment of an annual registration fee determined by the department pursuant to Subsection 4-2-2(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]~~.

(f) 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 4-2-2(2).

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

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

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

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

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

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

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

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

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4-11-5. 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~~] A county bee inspector[~~, a person~~] shall demonstrate adequate training and knowledge related to this chapter, bee diseases, and pests.

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

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

(7) The department may authorize an inspection if:

- (a) a county bee inspector is not appointed; and
- (b) a conflict of interest arises with a county bee inspector.

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

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

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

(2) [~~No~~] A 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~~] may not sell, barter, give away, or move the bees, colonies, or apiary equipment without the consent of the county bee inspector or the department.

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

4-11-7. 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:

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

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

(2) If, upon inspection, the inspector determines that an apiary is diseased or parasitized, the inspector shall ~~[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.

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

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

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

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

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

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

(a) may be determined by the department; and

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

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

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

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

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

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

(2) If admittance is refused, the department~~[-or the county 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.

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

4-11-13. 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)]~~ (1) remove honey or wax, or attempt to salvage, or salvage any hives, apiary equipment, or appliances from a diseased colony, except in a licensed wax-salvage plant, unless specifically authorized by a county bee inspector or the commissioner;

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

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

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

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

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

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

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

~~[(A)]~~ Beginning July 1, 2016, a political subdivision may not adopt an ordinance, rule, regulation, or resolution prohibiting a property owner from establishing or maintaining an apiary on the property owner's property.

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Legislative Review Note

~~Office of Legislative Research and General Counsel~~