

# HB0297S01 compared with HB0297

~~text~~ shows text that was in HB0297 but was deleted in HB0297S01.

inserted text shows text that was not in HB0297 but was inserted into HB0297S01.

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Representative Rex P. Shipp proposes the following substitute bill:

## UTAH BEE INSPECTION ACT AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor:** ~~text~~ Rex P. Shipp

**Senate Sponsor:** ~~text~~ \_\_\_\_\_

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### LONG TITLE

#### General Description:

This bill modifies the Utah Bee Inspection Act.

#### Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ restricts the ability of a governmental entity to regulate beekeeping on private property~~text~~
- ▶ provides exceptions for governmental entities to restrict beekeeping in a governmental entity's jurisdiction;
- ▶ requires the Department of Agriculture and Food to convene a working group to develop recommendations for standards that governmental entities must follow

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when restricting beekeeping:

- ▶ authorizes the Department of Agriculture and Food to adopt rules based on the working group's recommendations; and
- ▶ provides an automatic repeal date for the working group once the Department of Agriculture and Food has implemented the working group's recommendations into rule.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

#### AMENDS:

63I-2-204, as last amended by Laws of Utah 2023, Chapters 33, 273

#### ENACTS:

4-11-116, Utah Code Annotated 1953

4-11-117, Utah Code Annotated 1953

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

Section 1. Section 4-11-116 is enacted to read:

**4-11-116. Regulation of beekeeping reserved to state -- Exceptions -- Development of standards -- 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 ~~the state~~ Subsection (3), no governmental entity may adopt or enforce any restriction relating to the raising of bees on private property that is more restrictive than the restrictions in this chapter.

(3) A governmental entity may:

(a) adopt and enforce a restriction related to the number and location of hives on property within the governmental entity's jurisdiction so long as:

(i) the governmental entity does not prohibit beekeeping on private property; and

(ii) the restriction complies with the department's rules described in Subsection (4); and

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(b) prohibit hives on a property that presents a unique health, safety, or public welfare concern.

(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 related to:

(a) the number of hives permitted on a property in the governmental entity's jurisdiction; and

(b) the location of hives on a property in the governmental entity's jurisdiction.

(5) This section does not restrict or expand private property rights.

Section 2. Section 4-11-117 is enacted to read:

### 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; and

(f) open feeding.

(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 beekeepers, as described in Section 4-11-105, from the

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counties 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).

Section 3. Section 63I-2-204 is amended to read:

**63I-2-204. Repeal dates: Title 4.**

(1) Title 4, Chapter 2, Part 6, Local Food Advisory Council, is repealed November 30, 2027.

(2) Section 4-11-117 is repealed May 1, 2025.

~~(2)~~ (3) Section 4-41a-102.1 is repealed January 1, 2024.

~~(3)~~ (4) Title 4, Chapter 42, Utah Intracurricular Student Organization Support for Agricultural Education and Leadership, is repealed on July 1, 2024.

~~(4)~~ (5) Section 4-46-104, Transition, is repealed July 1, 2024.

Section ~~(2)~~4. **Effective date.**

This bill takes effect on May 1, 2024.