

BEE KEEPING AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

LONG TITLE

General Description:

This bill modifies the Utah Bee Inspection Act.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ 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 is a class B misdemeanor;
- ▶ sets an administrative fine for a violation of the act; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

4-11-2, as last amended by Laws of Utah 2014, Chapter 411

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

ENACTS:

4-11-18, Utah Code Annotated 1953

4-11-19, Utah Code Annotated 1953

4-11-20, Utah Code Annotated 1953

4-11-21, Utah Code Annotated 1953

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

Section 1. Section **4-11-2** is amended to read:

33 **4-11-2. Definitions.**

34 As used in this chapter:

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

36 (a) to which the owner or operator fails to give reasonable and adequate attention
37 during a given year, with the result that the welfare of a neighboring colony is jeopardized; or

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

39 (2) "Apiary" means any place where one or more colonies of bees are located.

40 (3) "Apiary equipment" means hives, supers, frames, veils, gloves, or other equipment
41 used to handle or manipulate bees, honey, wax, or hives.42 (4) "Appliance" means any apparatus, tool, machine, or other device used to handle or
43 manipulate bees, wax, honey, or hives.44 (5) "Bee" means the common honey bee, *Apis mellifera*, at any stage of development.

45 (6) (a) "Beekeeper" means a person who keeps bees in order to:

46 (i) collect honey and beeswax;

47 (ii) pollinate crops; or

48 (iii) produce bees for sale to other beekeepers.

49 (b) "Beekeeper" includes an ~~[apiarists]~~ apiarist.50 (7) "Colony" means an aggregation of bees in any type of hive that includes queens,
51 workers, drones, or brood.52 (8) "Commercial apiary" means a location that is used by a commercial beekeeper.53 (9) "Commercial beekeeper" means a person who owns 21 or more hives.54 ~~[(8)]~~ (10) "Disease" means any infectious or contagious disease affecting bees, as
55 specified by the department, including American foulbrood.56 ~~[(9)]~~ (11) "Hive" means a frame hive, box hive, box, barrel, log, gum skep, or other
57 artificial or natural receptacle that may be used to house bees.58 (12) "Holding yard" means an area where colonies are temporarily placed prior to
59 leaving the state or returning from pollination in another state.60 ~~[(10)]~~ (13) "Package" means any number of bees in a bee-tight container, with or
61 without a queen, and without comb.62 ~~[(11)]~~ (14) "Parasite" means an organism that parasitizes any developmental stage of a
63 bee.

64 [(12)] (15) "Pest" means an organism that:

65 (a) inflicts damage to a bee or bee colony directly or indirectly; or

66 (b) may damage apiary equipment in a manner that is likely to have an adverse affect
67 on the health of the colony or an adjacent colony.

68 [(13)] (16) "Raise" means:

69 (a) to hold a colony of bees in a hive for the purpose of pollination, honey production,
70 study, or similar purpose; and

71 (b) when the person holding a colony, holds the colony or a package of bees in the state
72 for a period of time exceeding 30 days.

73 (17) "Season" means the normal buildup and honey producing season which runs from
74 April 15 through September 30 each year.

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

77 [(14)] (19) "Terminal disease" means a pest, parasite, or pathogen that will kill an
78 occupant colony or subsequent colony on the same equipment.

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

80 **4-11-4. Bee raising -- Registration required -- Application -- Fees -- Renewal --**
81 **Wax-salvage plants -- License required -- Application -- Fees -- Renewal.**

82 (1) (a) A person may not raise bees in this state without being registered with the
83 department .

84 (b) Application for a new registration to raise bees shall be made to the department
85 upon [~~tangible or electronic~~] forms prescribed and furnished by the department, within 30 days
86 after the person:

87 (i) takes possession of the bees; or

88 (ii) moves the bees into the state.

89 (c) A new registration application may be filed at any time from January 1 through
90 October 31, and shall include:

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

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

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

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

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

97 (vi) the date the apiary was established;

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

99 (viii) the new application registration fee.

100 (d) Upon receipt of the application and payment of the fees, the department may issue a
101 certificate of registration for an apiary.

102 (e) An application for renewal may be made at any time between November 1 and
103 December 31 on forms prescribed and furnished by the department, and accompanied by the
104 renewal registration fee. An established apiary in compliance with all department statutes and
105 rules shall be renewed upon receipt of all forms and fees.

106 (f) A new location may not be situated within a two-mile radius of an already
107 registered location. If there is a conflict between new applicants with respect to location, the
108 department shall give preference to the applicant with the earliest completed application.

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

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

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

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

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

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

119 ~~[(f) A bee registration is renewable for a period of one year upon the payment of an~~
120 ~~annual registration renewal fee as determined by the department pursuant to Subsection~~
121 ~~4-2-2(2).]~~

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

123 (h) Registrations not renewed on or before December 31 of each year lapse and will
124 require a new registration.

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

126 department.

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

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

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

136 (e) A wax-salvage license is renewable for a period of one year, on or before December
137 31 of each year, upon the payment of an annual license renewal fee as determined by the
138 department pursuant to Subsection 4-2-2(2).

139 Section 3. Section **4-11-18** is enacted to read:

140 **4-11-18. Commercial apiary restrictions.**

141 (1) Commercial apiaries registered to different persons shall be located at least two
142 miles apart.

143 (2) The department may not issue a certificate of registration for any commercial apiary
144 located less than two miles from another commercial apiary which satisfied the requirements of
145 Section 4-11-19 during the last season unless:

146 (a) the apiary is a spraying yard and the hives are removed within 16 days of being
147 placed;

148 (b) the apiary is a holding yard and the hives are removed within 16 days of being
149 placed; or

150 (c) the commercial beekeeper provides the department with satisfactory documentation
151 that the apiary is being used for specific pollination purposes.

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

155 (4) Circumstances which may cause the involuntary loss of a site may include
156 urbanization of the area, making the site unsuitable for an apiary.

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

158 **4-11-19. Minimum number of colonies.**

159 (1) All registered commercial apiary locations shall consist of not less than 10 colonies
160 of bees during a minimum of 60 continuous days during any part of the season.

161 (2) The registration of an apiary which is not stocked with bees during at least 60
162 continuous days of the season for two consecutive seasons expires and all rights under the
163 certificate of registration terminate on the 61st day of the second season.

164 Section 5. Section **4-11-20** is enacted to read:

165 **4-11-20. Changing locations -- Selling apiaries.**

166 (1) An owner of a commercial apiary may not move the apiary without first receiving
167 authorization from the department to establish a new apiary. The owner shall inform the
168 department of the GPS coordinates for the new location in the same manner prescribed for the
169 original registration.

170 (2) Notwithstanding Subsection (1), a commercial apiary may be moved not more than
171 1/4 mile from its current location without establishing a new apiary if the department issues a
172 variance in accordance with Section 41-11-18.

173 (3) A registered apiary location may not be rented or leased by a commercial beekeeper
174 not listed on the application.

175 (4) A registered commercial apiary may not be leased or subleased.

176 (5) A registered commercial apiary may not be sold or transferred to a purchaser
177 unless:

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

179 (b) the purchaser receives approval from the landowner to remain on the property.

180 Section 6. Section **4-11-21** is enacted to read:

181 **4-11-21. Penalty.**

182 (1) A person who violates a provision of this chapter:

183 (a) is guilty of a class B misdemeanor; and

184 (b) may be subject to administrative fines, payable to the department of, up to \$1,000
185 per violation.

186 (2) Each day a violation of this act continues is a separate violation.