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BEEKEEPING MODIFICATIONS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Marc K. Roberts

Senate Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

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

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ amends bee raising registration requirements;
- 13 ▶ amends county bee inspector duties;
- 14 ▶ modifies inspection provisions;
- 15 ▶ provides for bee raising restrictions under certain circumstances;
- 16 ▶ prohibits a political subdivision from adopting an ordinance, rule, regulation, or
- 17 resolution prohibiting a property owner from establishing or maintaining an apiary;
- 18 and
- 19 ▶ makes technical changes.

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 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

35

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]~~ who raises bees in this state ~~[without being registered]~~

41 may 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 (2) (a) A person may not operate a wax-salvage plant without a license issued by the
 65 department.
 66 (b) Application for a license to operate a wax-salvage plant shall be made to the
 67 department upon tangible or electronic forms prescribed and furnished by the department.
 68 (c) The application shall specify such information as the department considers
 69 appropriate.
 70 (d) Upon receipt of a proper application and payment of a license fee as determined by
 71 the department pursuant to Subsection 4-2-2(2), the commissioner, if satisfied that the
 72 convenience and necessity of the industry and the public will be served, shall issue a license
 73 entitling the applicant to operate a wax-salvage plant through December 31 of the year in
 74 which the license is issued, subject to suspension or revocation for cause.
 75 (e) A wax-salvage license is renewable for a period of one year, on or before December
 76 31 of each year, upon the payment of an annual license renewal fee as determined by the
 77 department pursuant to Subsection 4-2-2(2).
 78 Section 2. Section **4-11-5** is amended to read:
 79 **4-11-5. County bee inspector -- Appointment -- Termination -- Compensation.**
 80 (1) The county executive upon the petition of five or more persons who raise bees
 81 within the respective county shall, with the approval of the commissioner, appoint a qualified
 82 person to act as a bee inspector within the county.
 83 (2) A county bee inspector shall be employed at the pleasure of the county executive
 84 and the commissioner, and is subject to termination of employment, with or without cause, at
 85 the instance of either.
 86 (3) Compensation for the county bee inspector shall be fixed by the county legislative
 87 body.
 88 (4) ~~[To be appointed a]~~ A county bee inspector~~[, a person]~~ shall demonstrate adequate
 89 training and knowledge related to this chapter, bee diseases, and pests.

90 (5) A ~~[record concerning]~~ county bee inspector shall submit bee inspection ~~[shall be~~
 91 ~~kept by the county executive or commissioner]~~ records to the county and the department.
 92 (6) The county executive and the commissioner shall investigate a formal, written
 93 complaint against a county bee inspector.
 94 (7) The department may authorize an inspection if:
 95 (a) a county bee inspector is not appointed; and
 96 (b) a conflict of interest arises with a county bee inspector.
 97 Section 3. Section **4-11-6** is amended to read:
 98 **4-11-6. Consent of county bee inspector to sell or transport diseased bees.**
 99 (1) A person may not house or keep bees in a hive unless it is equipped with movable
 100 frames to all its parts so that access to the hive can be had without difficulty.
 101 (2) ~~[No]~~ A person who owns or has possession of bees (whether queens or workers)
 102 with knowledge that they are infected with terminal disease, parasites, or pests, or with
 103 knowledge that they have been exposed to terminal disease, parasites, or pests, [shall] may not

104 sell, barter, give away, or move the bees, colonies, or apiary equipment without the consent of
 105 the county bee inspector or the department.

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

107 **4-11-7. Inspector -- Duties -- Diseased apiaries -- Examination of diseased bees by**
 108 **department -- Election to transport bees to wax-salvage plant.**

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

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

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

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

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

120 (b) personally, for the purpose of treatment approved by the department, take control of

121 the afflicted bees, hives, combs, broods, honey, and equipment; or

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

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

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

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

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

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

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

139 **4-11-8. County bee inspector -- Disinfection required before leaving apiary with**
 140 **diseased bees.**

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

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

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

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

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

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

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

153 **4-11-10. Enforcement -- Inspections authorized -- Warrants.**

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

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

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

162 **4-11-13. Unlawful acts specified.**

163 It is unlawful for a person to:

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

166 [~~(2)~~] (1) remove honey or wax, or attempt to salvage, or salvage any hives, apiary
167 equipment, or appliances from a diseased colony, except in a licensed wax-salvage plant,
168 unless specifically authorized by a county bee inspector or the commissioner;

169 [~~(3)~~] (2) maintain any neglected or abandoned hives, apiary equipment, or appliances
170 other than in an enclosure that prohibits the entrance of bees;

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

172 [~~(5)~~] (3) operate a wax-salvage plant without a license;

173 [~~(6)~~] (4) store an empty hive body, apiary equipment, or appliances in a manner that
174 may propagate pests, disease, or bee feeding frenzy; or

175 [~~(7)~~] (5) knowingly sell a colony, apiary equipment, or appliances that are inoculated
176 with terminal disease pathogens.

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

178 **4-11-18. Prohibition of beekeeping by a political subdivision.**

179 A political subdivision may not adopt an ordinance, rule, regulation, or resolution
180 prohibiting a property owner from establishing or maintaining an apiary on the property
181 owner's property.

Legislative Review Note
Office of Legislative Research and General Counsel