

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

INTERIM STUDY PROPOSAL 2009-015

State of Arkansas  
87th General Assembly  
Regular Session, 2009

**A Bill**

HOUSE BILL 1873

By: Representative Hopper

Filed with: House Interim Committee on Agriculture, Forestry and Economic Development  
pursuant to A.C.A. §10-3-217.

**For An Act To Be Entitled**

AN ACT TO AUTHORIZE THE STATE PLANT BOARD TO COLLECT FEES FOR PERFORMING VARIOUS REGULATORY FUNCTIONS; TO CREATE THE BEEKEEPER ADVISORY BOARD; TO ESTABLISH STANDARDS FOR BEEKEEPERS; TO REQUIRE THE STATE PLANT BOARD TO PROMULGATE RULES; AND FOR OTHER PURPOSES.

**Subtitle**

THE ARKANSAS APIARY ACT OF 2009.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 2, Chapter 22 is amended to add an additional subchapter to read as follows:

2-22-201. Title.

This subchapter shall be known and may be cited as the "Arkansas Apiary Act of 2009".

2-22-202. Findings.

The General Assembly finds that:

(1) Honeybees are kept in beehives by beekeepers throughout the state, and feral colonies of honeybees have established nests, including nests in hollow trees and in the walls of buildings;

(2) Honeybees perform a pollination function that is essential to

1 the propagation of many species of flowering plants in this state;

2 (3) Flowering plants that benefit from pollination include many  
3 agricultural crops, wildflowers, and forest plants of importance to all  
4 Arkansans, and the honeybees are the major pollinator for most of those  
5 plants; and

6 (4) The state should take appropriate action to ensure the  
7 continued availability of an adequate population of honeybee pollinators.

8  
9 2-22-203. Definitions.

10 As used in this subchapter:

11 (1) "Apiary" means a place where one (1) or more colonies or  
12 nuclei of bees are kept;

13 (2) "Apiary equipment" means equipment used in the handling or  
14 manipulation of bees, honey, beeswax, and hives;

15 (3) "Bee" means any subspecies of Apis mellifera;

16 (4) "Beekeeper" means an individual, person, firm, association,  
17 partnership, corporation, or other entity that owns, possesses, or controls  
18 an apiary;

19 (5) "Bee disease" means a disease or abnormal condition of the  
20 eggs, larvae, pupae, or adult stage of bees;

21 (6) "Bee pest" means an organism that is harmful to a bee;

22 (7) "Bee product" means a product produced by a bee, including  
23 without limitation beeswax, honey, pollen, royal jelly, and propolis;

24 (8) "Certificate of health" means an official document issued by  
25 the State Plant Board or a corresponding agency of another state or nation  
26 that certifies that bees, an apiary, or apiary equipment does not have a bee  
27 disease or a bee pest;

28 (9) "Colony" means an aggregate of worker bees, drones, the  
29 queen, and developing young bees that live together in a hive or other  
30 dwelling;

31 (10) "Commercial beekeeper" means a beekeeper that owns or  
32 operates three hundred (300) or more colonies;

33 (11) "Feral colony" means a colony that is not kept in a hive  
34 provided by a beekeeper and whose nest is usually located in a cavity;

35 (12) "Hive" means a receptacle or container or any part of a  
36 receptacle or container that is used as a domicile for bees;

1           (13) "Inspection report" means a document issued by an agent of  
2 the board or a corresponding agency of another state or nation that states:

3           (A) That bees, an apiary, or apiary equipment has been  
4 inspected; and

5           (B) The results of the inspection;

6           (14) "Move" means to ship bees, to offer to ship bees by a common  
7 carrier, to receive bees for transportation, or to allow bees to be moved by  
8 any person and by any means;

9           (15) "Nucleus" means any division or portion of a colony that  
10 contains a comb;

11           (16) "Nuisance" means a bee disease, a bee pest, or a hive that  
12 cannot be readily inspected;

13           (17) "Package" means an indefinite number of bees in a bee-tight  
14 container with or without a queen and without a comb;

15           (18) "Pollination" means the use of a bee to transfer pollen in  
16 the production of agricultural crops;

17           (19) "Section head" means the Head of the Apiary Section of the  
18 Division of Plant Industries of the State Plant Board;

19           (20) "State apiarist" means the Director of the Division of  
20 Plant Industries of the State Plant Board or a person who holds a  
21 corresponding position in another state or nation; and

22           (21) "State inspector" means a person employed by the board to  
23 inspect apiaries and to perform other duties assigned by the board.

24  
25           2-22-204. Administration – Fees – Personnel.

26           (a) The State Plant Board shall administer this subchapter.

27           (b)(1) The board may establish reasonable fees for the administration  
28 of this subchapter.

29           (2) Moneys collected from fees under this subchapter shall be  
30 paid into the Plant Board Fund, § 19-6-408.

31           (c) The section head shall be responsible for developing and  
32 implementing the apiary program established under this subchapter.

33           (d) The board may appoint assistants, state inspectors, and other  
34 employees to carry out the apiary program established under this subchapter.

35  
36           2-22-205. Beekeeper Advisory Committee.

1       (a) The State Plant Board shall establish a Beekeeper Advisory  
2 Committee to advise the board on issues affecting bees and beekeepers.

3       (b)(1) The committee shall consist of commercial and noncommercial  
4 beekeepers.

5               (2) The board shall ensure that the membership of the committee  
6 is:

7                       (A) Representative of the diverse interests in the  
8 beekeeping industry; and

9                       (B) Large enough to provide the board with a comprehensive  
10 view of the needs of the beekeeping industry.

11  
12       2-22-206. Cooperative agreement.

13       (a) The State Plant Board may enter into a cooperative agreement or  
14 grant, or both, for an inspection under this subchapter with the following:

15               (1) Beekeeper;

16               (2) Person;

17               (3) Municipality;

18               (4) County;

19               (5) State agency;

20               (6) Board of another state or the United States;

21               (7) Official of another state or the United States; or

22               (8) Authority of another state or the United States.

23       (b) The cooperative agreement or grant for an inspection may concern  
24 bee diseases and bee pests, the monitoring or control efforts for bee  
25 diseases and bee pests, and educational programs regarding the beekeeping  
26 industry.

27  
28       2-22-207. Registration.

29       The registration of a colony with the State Plant Board is voluntary.

30  
31       2-22-208. Apiary equipment.

32       (a) A beekeeper shall provide movable frames for the inspection of a  
33 hive.

34       (b)(1) A beekeeper that has a colony or nucleus living in a hive or  
35 other container that does not have movable frames is a nuisance.

36               (2)(A) If the State Plant Board finds a nuisance, the board shall

1 order the transfer of the colony or nucleus to a hive with movable frames  
2 within the time period set by rule.

3 (B) If a beekeeper does not make the transfer under  
4 subdivision (b)(2)(A) of this section within the specified time period, the  
5 board may confiscate the bees and the hive or other container of bees.

6  
7 2-22-209. Inspection – Sale, movement, and delivery of bees.

8 (a) A state inspector:

9 (1) May enter on any private or public property:

10 (A) To ascertain the existence of a bee disease or a bee  
11 pest;

12 (B) For the purpose of:

13 (i) Inspecting, supervising an inspection, taking  
14 samples, and examining and creating records of a hive, nucleus, or colony; or

15 (ii) Treating, removing, or destroying a hive,  
16 nucleus, colony, or articles that may be infected by a bee disease or a bee  
17 pest; and

18 (2)(A) Shall give a beekeeper at least five (5) days' notice of  
19 the state inspector's intent to enter on the beekeeper's property for any of  
20 the reasons under subdivision (a)(1) of this section.

21 (B) The five-day notice period under subdivision (a)(2)(A)  
22 of this section may be shortened by the agreement of the state inspector and  
23 the beekeeper.

24 (b) If a bee disease or bee pest is detected, the beekeeper shall  
25 dispose of or treat the affected hive, nucleus, or colony by using a product  
26 that is appropriate for disposal or treatment of the bee disease or the bee  
27 pest.

28 (c)(1) Upon request of a beekeeper, a state inspector shall make an  
29 inspection of a hive, nucleus, or colony and related materials.

30 (2) If an apiary has been inspected at the request of a  
31 beekeeper and the state inspector finds it to be free from a dangerous,  
32 contagious, or infectious bee disease or a bee pest and the beekeeper has  
33 complied with the other provisions of this subchapter, the state inspector  
34 shall issue an inspection report at the site of the apiary.

35 (d)(1) Bees or a hive can be offered for sale, moved, or sold within  
36 this state without a certificate of health or certificate of inspection.

1 (2) A commercial beekeeper engaged in the business of selling  
2 queens, a package, or a hive shall be inspected annually.

3 (e)(1) A beekeeper that is aggrieved by an action of a state inspector  
4 may appeal to the section head within sixty (60) days after the state  
5 inspector's action.

6 (2) If a beekeeper appeals a decision by the section head, the  
7 Apiary Committee shall grant a hearing to the aggrieved beekeeper.

8  
9 2-22-210. Penalties.

10 (a) The State Plant Board may assess a civil penalty under this  
11 subchapter in a proceeding under § 2-16-203(b) if a person:

12 (1) Violates a provision of this subchapter, a rule promulgated  
13 under this subchapter, or an order or a notice issued under this subchapter;

14 (2) Forges, counterfeits, destroys, or wrongfully or  
15 fraudulently uses any certificate, notice, or other document created under  
16 this subchapter;

17 (3) Knowingly gives false or misleading information in any  
18 matter pertaining to the enforcement of this subchapter; or

19 (4) Impedes, hinders, or otherwise prevents or attempts to  
20 prevent the Director of the State Plant Board, the state apiarist, the  
21 section head, or a state inspector from performing his or her official duty  
22 under this subchapter.

23 (b) A fine collected under subsection (a) of this section shall be  
24 paid into the Plant Board Fund, § 19-6-408.

25  
26 2-22-211. Certified Voluntary Inspector Program.

27 (a)(1) The State Plant Board may establish a Certified Voluntary  
28 Inspector Program to train and certify a volunteer in the fundamentals of  
29 apiary inspection.

30 (2) A certified voluntary inspector:

31 (A) May assist with the apiary inspection program created  
32 under this subchapter;

33 (B) Shall work under the supervision of a state inspector;  
34 and

35 (C) Shall not assist the inspection of his or her colony  
36 or nucleus.

1           (b) The Section Head shall administer the Certified Voluntary  
2 Inspector Program.

3  
4           2-22-212. Rules.

5           The State Plant Board shall:

6           (1) After soliciting comment from the Beekeeper Advisory Committee,  
7 promulgate rules to implement this subchapter;

8           (2) Promulgate rules to:

9                   (A) Establish and implement a program for the inspection  
10 of an apiary in this state to detect a bee disease or a bee pest;

11                   (B) Provide guidelines for the inspection of a beekeeper;  
12 and

13                   (C) Specify the format and contents for an inspection  
14 report; and

15           (3) Establish minimum competency standards for a person to be employed  
16 as a state inspector, including without limitation:

17                   (A) A demonstrated ability to properly handle hives and bees;

18                   (B) Proficiency in the recognition of bee diseases and bee  
19 pests; and

20                   (C) A substantial understanding of the administration of the  
21 apiary programs administered under this subchapter.

22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36 Filed Date: 04/02/2009           By: GLG\JLC