

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.

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007

A Bill

HOUSE BILL 2375

4
5 By: Representative George
6
7

For An Act To Be Entitled

8
9 AN ACT TO CREATE THE ARKANSAS APIARY ACT OF 2007;
10 AND FOR OTHER PURPOSES.
11

Subtitle

12
13 THE ARKANSAS APIARY ACT OF 2007.
14
15

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
17

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

20 2-22-201. Title.

21 This subchapter shall be known and may be cited as the "Arkansas Apiary
22 Act of 2007".
23

24 2-22-202. Findings – Intent.

25 (a) The General Assembly finds that:

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

29 (2) Honeybees perform a pollination function that is essential to
30 the propagation of many species of flowering plants in Arkansas;

31 (3) Flowering plants that benefit from pollination include many
32 agricultural crops, wildflowers, and forest plants of importance to all
33 Arkansans, and the honeybees are the major pollinator for most of these
34 plants;

35 (4) Therefore, the State of Arkansas should take appropriate
36 actions to help ensure the continued availability of an adequate population



1 of honeybee pollinators;

2 (5) Honeybees are susceptible to a variety of diseases and pests
 3 that can cause serious population reductions;

4 (6) The natural behavior of honeybees causes them to interact
 5 with bees from other colonies and the interaction makes the honeybees
 6 vulnerable to transmission of diseases and pests; and

7 (7) Therefore, beekeepers in a given area may unwittingly engage
 8 in beekeeping practices that will have a serious, direct impact on the well-
 9 being of honeybees and the beekeeping industry in surrounding areas.

10 (b) This subchapter is intended to provide for the development of
 11 regulatory programs to protect beekeeping activities in the state by
 12 protecting:

13 (1) Honeybees from diseases, pests, and other threats that might
 14 seriously reduce the availability of the honeybee pollinators; and

15 (2) The safety of the citizens of the state.

16
 17 2-22-203. Definitions.

18 As used in this subchapter:

19 (1) "Abandoned apiary" means an apiary that is not regularly
 20 attended in accordance with good beekeeping practices and that constitutes a
 21 disease or pest hazard to the beekeeping industry;

22 (2) "Apiary" means a place where one (1) or more colonies or
 23 nuclei of bees are kept;

24 (3) "Apiary equipment" means any equipment used in the handling
 25 or manipulation of bees, honey, beeswax, and hives;

26 (4) "Bee" means any subspecies of Apis mellifera in any stage of
 27 development;

28 (5) "Beekeeper" means an individual, person, firm, association,
 29 or corporation owning, possessing, or controlling one (1) or more colonies of
 30 bees;

31 (6) "Bee disease" means a disease or abnormal condition of the
 32 eggs, larvae, pupae, or adult stage of bees;

33 (7) "Bee pest" means any bee-related organism harmful to bees or
 34 beekeeping;

35 (8) "Bee product" means a product produced by bees, including
 36 without limitation, beeswax, honey, pollen, royal jelly, and propolis;

1 (9) "Certificate of health" means an official document issued by
2 the State Plant Board or a corresponding agency of another state or nation
3 that certifies that bees, an apiary, or apiary equipment is free of bee
4 diseases and bee pests;

5 (10) "Colony" means an aggregate of worker bees, drones, the
6 queen, and developing young bees living together as a family unit in a hive
7 or other dwelling;

8 (11) "Commercial beekeeper" means a producer of queen bees,
9 package bees, a seller of hives and nuclei for whom at least fifty percent
10 (50%) of the producer's bee-keeping income comes from the business of selling
11 queens, package bees, and hives, or nuclei.

12 (12) "Feral colony" means bees that are not kept in a hive
13 provided by a beekeeper and whose nest sites are usually located in a cavity
14 including without limitation a cavity in a tree or a cavity in a building;

15 (13) "Hive" means a receptacle or container or any part of a
16 receptacle or container that may be used as a domicile for bees;

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

19 (A) That bees, an apiary, or apiary equipment has been
20 inspected; and

21 (B) The results of the inspection.

22 (15) "Move" means to ship of bees, to offer for shipment of bees
23 by a common carrier, to receive for transportation of bees, or to allow bees
24 to be moved by any person and by any means;

25 (16) "Nucleus" means any division or portion of a colony that
26 contains comb;

27 (17) "Nuisance" means a bee disease or a bee pest or a hive that
28 cannot be readily inspected;

29 (18) "Package" means an indefinite number of bees in a bee-tight
30 container with or without a queen and without comb;

31 (19) "Pollination" means the use of bees for the transfer of
32 pollen in the production of agricultural crops;

33 (20) "Quarantine" means the detaining of bees, an apiary, apiary
34 equipment, or any bee product at its location after a discovery of the
35 presence of a bee disease or bee pest;

36 (21) "Registered apiary" means an apiary location that has been

1 approved and registered with the board under this subchapter;

2 (22) "Registration certificate" means an official document
 3 issued by the board to beekeepers as evidence that an apiary is properly
 4 registered with the board under this subchapter;

5 (23) "Section Head" means the Head of the Apiary Section of the
 6 Plant Industries Division of the State Plant Board;

7 (24) "State Apiarist" means the Director of the Plant Industries
 8 Division of the State Plant Board or an individual who holds corresponding
 9 positions in another state or nation; and

10 (25) "State inspector" means a person employed by the board to
 11 inspect apiaries and to perform other duties authorized by the board; and

12
 13 2-22-204. Administration – Enforcement – Fees – Personnel.

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

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

17 (2) Moneys collected from fees under this subchapter shall be
 18 paid into the Plant Board Fund.

19 (c) The Section Head shall be responsible for developing and
 20 implementing the apiary program established under this subchapter.

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

23
 24 2-22-205. Beekeeper Advisory Committee.

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

27 (b)(1) The committee shall consist of both commercial and
 28 noncommercial beekeepers.

29 (2) The board shall ensure that the membership of the commission
 30 is:

31 (A) Representative of the diverse interests in the
 32 beekeeping industry; and

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

35
 36 2-22-206. Cooperative agreements.

1 (a) The State Plant Board may enter into cooperative agreements or
2 grants, or both with any beekeeper, person, municipality, county, or state
3 agency, or board, official, or authority of another state or the United
4 States for inspections under this subchapter.

5 (b) The cooperative agreements may deal with bee diseases and bee
6 pests, for the monitoring or control efforts for bee diseases and bee pests,
7 and for conducting educational programs regarding the beekeeping industry.

8
9 2-22-207. Registration.

10 (a)(1) The State Plant Board may promulgate rules to establish the
11 requirements necessary to register all apiaries in this state.

12 (2) The rules shall include a specification of a minimum
13 distance from a registered apiary within which a person may not place bees
14 except on his or her own property.

15 (b)(1) A person that owns, leases, or possesses bees shall file with
16 the board an application for registration as an apiary.

17 (2) A person in another state or nation shall be approved by the
18 board as an apiary before moving bees into this state.

19 (c) The application for registration as an apiary shall include:

20 (1) The exact location by legal description of the real property
21 the owner or possessor wishes to place the apiary;

22 (2) The name of the owner or possessor of the apiary;

23 (3) The number of colonies of bees in each apiary owned by or in
24 the possession of or under the control of the applicant; and

25 (4) Other information required by the board.

26 (d) The board shall approve or deny an application in compliance with
27 this subchapter and the rules promulgated under this subchapter.

28
29 2-22-208. Registration required – Enforcement.

30 (a) It is unlawful for a person to maintain or locate an apiary within
31 this state without registering the apiary under this subchapter.

32 (b) If an unregistered apiary is found, the State Plant Board shall
33 make a reasonable effort to locate the owner or owner of the bees and to
34 notify the owner of the registration requirements under this subchapter and
35 of the consequences of noncompliance.

36 (c) If an apiary is designated as an abandoned apiary on the basis of

1 an inspection, the apiary shall either be destroyed or donated to an
 2 appropriate research facility.

3 (d) The board shall create and make available to the public upon
 4 request a list of registered apiary locations.

5
 6 2-22-209. Unlawful exposure of bees to bee disease and bee pests.

7 (a) It is unlawful for a person in this state to knowingly expose
 8 free-flying bees to a known source of a bee disease or bee pest or to the
 9 source of any substance commonly known to kill or harm bees.

10 (b) This section does not apply to farmers, gardeners, state-
 11 supported or federally-supported pest eradication-suppression programs, or
 12 other persons who are using legally registered pesticides in strict
 13 compliance with the label instructions.

14
 15 2-22-210. Apiary equipment.

16 (a)(1) A beekeeper shall provide movable frames in all hives used by
 17 that beekeeper to contain bees.

18 (2) The movable frames shall be removable from the hive for
 19 inspection for bee diseases and bee pests.

20 (b)(1) A beekeeper that has a colony or nuclei of bees living in a
 21 hive or other container that does not have movable frames shall be declared a
 22 nuisance and the board shall order the transfer of the bees into a hive with
 23 movable frames within a time specified by rule.

24 (2) If a beekeeper does not make the transfer required under
 25 subdivision (b)(1) of this section within the specified time period, the
 26 board may confiscate the bees and the hive or other container.

27
 28 2-22-211. Inspection and transportation or sale of bees.

29 (a) The State Plant Board shall promulgate rules to:

30 (1) Establish and implement a program for inspecting apiaries
 31 throughout the state to detect bee diseases and bee pests; and

32 (2) Implement measures to minimize the adverse impacts of those
 33 bee diseases and bee pests on the beekeepers and apiaries in this state.

34 (b)(1) The board shall establish minimum competency standards for an
 35 individual to be employed as a state inspector.

36 (2) The requirements shall include:

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

3 (B) Proficient performance in recognizing bee diseases and
4 bee pests; and

5 (C) A substantial understanding of the administration of
6 the apiary program under this subchapter.

7 (c) Upon request, a state inspector shall make inspections of colonies
8 of bees and related materials.

9 (d) The board shall ensure that sufficient state inspectors are
10 available to make requested inspections.

11 (e)(1) A state inspector may enter upon any private or public property
12 with the right of access, ingress, and egress to ascertain the existence of
13 regulated bee diseases and bee pests.

14 (2) Entry upon public or private property may be for the purpose
15 of inspecting or supervising, taking samples, examining and creating records,
16 treating, removing, and destroying beehives or other articles related to bee
17 diseases or bee pests.

18 (3)(A) Before exercising the authority to enter upon any private
19 or public property, an inspector shall make a reasonable effort to afford the
20 beekeeper an opportunity to be present during the inspection by serving
21 notice at least five (5) days before the inspection of the date and time of
22 the proposed inspection.

23 (B) The five-day period may be shortened upon the mutual
24 consent of the state inspector and the beekeeper.

25 (f) If a bee disease or bee pest is detected, the beekeeper shall
26 dispose of or treat the affected colony using products appropriate for that
27 bee disease or bee pest.

28 (g)(1) If an apiary has been inspected by request and found to be free
29 from dangerous, contagious, or infectious bee diseases or bee pests and all
30 other provisions of this subchapter have been complied with, an inspection
31 report shall be issued at the site of inspection.

32 (2) The board shall specify the format and contents for
33 inspection reports under this subchapter.

34 (h) The board shall promulgate rules for required or requested
35 inspection of bees or hives to be sold, offered for sale, moved, transported,
36 shipped, or delivered within the state.

1 (i)(1) A beekeeper that is aggrieved by the actions of an inspector
2 may appeal to the Section Head within sixty (60) days after the inspector's
3 action.

4 (2) If the beekeeper appeals a decision by the Section Head, a
5 request for an Apiary Committee hearing shall be granted.

6 (j) Bees moved into or through this state shall be inspected under
7 this subchapter.

8
9 2-22-212. Quarantines.

10 A bee-related quarantine shall be imposed at the discretion of the
11 State Plant Board in consultation with the Beekeeper Advisory Committee.

12
13 2-22-213. Penalties.

14 (a)(1) A person may be assessed a civil penalty under this subchapter
15 in a proceeding under § 2-16-203(b) if the person:

16 (A) Violates any provision of this subchapter or any
17 provision of the rules promulgated under this subchapter, or any order or
18 notice issued under this subchapter;

19 (B) Forges, counterfeits, destroys, or wrongfully or
20 fraudulently uses, any certificate, notice, or other document created under
21 this subchapter;

22 (C) Knowingly gives false or misleading information in any
23 matter pertaining to the enforcement of this subchapter; or

24 (D) Impedes, hinders, or otherwise prevents, or attempts
25 to prevent the Director of the State Plant Board, the State Apiarist, the
26 Section Head, or a state inspector from performing his or her official duty
27 under this subchapter.

28 (2) Fines collected under subdivision (a)(1) of this section shall be
29 paid into the Plant Board Fund.

30
31 2-22-214. Certified Master Beekeeper.

32 (a) The State Plant Board may establish a Certified Master Beekeeper
33 program.

34 (b) The Section Head shall administer the program.

35 (c) A beekeeper who successfully completes the program shall be
36 certified as having demonstrated the knowledge and skills necessary to

1 effectively detect, identify, and control bee diseases and bee pests.

2 (d) The program shall be a voluntary program that shall authorize a
 3 Certified Master Beekeeper to conduct activities consistent with the
 4 certification under subsection (c) of this section.

5
 6 2-22-215. Certified Voluntary Inspector program.

7 (a) The State Plant Board may establish a Certified Voluntary
 8 Inspector program to train and certify volunteers in the fundamentals of
 9 apiary inspection so they may assist with the apiary inspection program
 10 created in this subchapter.

11 (b) The Section Head shall administer the program.

12 (c) A Certified Voluntary Inspector shall work under the supervision
 13 of a state inspector and may assist in inspecting colonies that are not his
 14 or her own colonies or nuclei.

15
 16 2-22-216. Confiscation of bees and hives.

17 (a) Bees or hives, or both, confiscated by the State Plant Board under
 18 this subchapter shall be destroyed by burning if the board determines that
 19 the confiscated property is infected or infested with a bee disease or bee
 20 pest to such an extent that the bees or the hive, or both, present a
 21 significant and unacceptable threat to bees in the surrounding area.

22 (b) The board may:

23 (1) Use or authorize the use of the confiscated bees or the
 24 hive, or both, for experimental purposes;

25 (2) Donate the confiscated bees or hive, or both, to any college
 26 or university within the state that requests the bees or the hive, or both,
 27 for research or educational purposes; or

28 (3) Dispose of the bees or the hive, or both.

29
 30 2-22-216. Rules.

31 (a) The State Plant Board shall promulgate all rules to implement this
 32 subchapter.

33 (b) Input on rules shall be solicited from the Beekeeper Advisory
 34 Committee.

35
 36