

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 87th General Assembly
3 Regular Session, 2009

A Bill

HOUSE BILL 1873

4
5 By: Representative Hopper
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7

For An Act To Be Entitled

8
9 AN ACT TO AUTHORIZE THE STATE PLANT BOARD TO
10 COLLECT FEES FOR PERFORMING VARIOUS REGULATORY
11 FUNCTIONS; TO CREATE THE BEEKEEPER ADVISORY
12 BOARD; TO ESTABLISH STANDARDS FOR BEEKEEPERS; TO
13 REQUIRE THE STATE PLANT BOARD TO PROMULGATE
14 RULES; AND FOR OTHER PURPOSES.
15

Subtitle

16
17 THE ARKANSAS APIARY ACT OF 2009.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

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

24 2-22-201. Title.

25 This subchapter shall be known and may be cited as the "Arkansas Apiary
26 Act of 2009".
27

28 2-22-202. Findings.

29 The General Assembly finds that:

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

33 (2) Honeybees perform a pollination function that is essential to
34 the propagation of many species of flowering plants in this state;

35 (3) Flowering plants that benefit from pollination include many
36 agricultural crops, wildflowers, and forest plants of importance to all



1 Arkansans, and the honeybees are the major pollinator for most of those
2 plants; and

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

5
6 2-22-203. Definitions.

7 As used in this subchapter:

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

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

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

13 (4) "Beekeeper" means an individual, person, firm, association,
14 partnership, corporation, or other entity that owns, possesses, or controls
15 an apiary;

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

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

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

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

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

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

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

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

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

36 (A) That bees, an apiary, or apiary equipment has been

1 inspected; and

2 (B) The results of the inspection;

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

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

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

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

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

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

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

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

21

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

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

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

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

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

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

32

33 2-22-205. Beekeeper Advisory Committee.

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

36 (b)(1) The committee shall consist of commercial and noncommercial

1 beekeepers.

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

4 (A) Representative of the diverse interests in the
5 beekeeping industry; and

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

8

9 2-22-206. Cooperative agreement.

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

12 (1) Beekeeper;

13 (2) Person;

14 (3) Municipality;

15 (4) County;

16 (5) State agency;

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

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

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

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

24

25 2-22-207. Registration.

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

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28 2-22-208. Apiary equipment.

29 (a) A beekeeper shall provide movable frames for the inspection of a
30 hive.

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

33 (2)(A) If the State Plant Board finds a nuisance, the board shall
34 order the transfer of the colony or nucleus to a hive with movable frames
35 within the time period set by rule.

36 (B) If a beekeeper does not make the transfer under

1 subdivision (b)(2)(A) of this section within the specified time period, the
 2 board may confiscate the bees and the hive or other container of bees.

3
 4 2-22-209. Inspection – Sale, movement, and delivery of bees.

5 (a) A state inspector:

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

7 (A) To ascertain the existence of a bee disease or a bee
 8 pest;

9 (B) For the purpose of:

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

12 (ii) Treating, removing, or destroying a hive,
 13 nucleus, colony, or articles that may be infected by a bee disease or a bee
 14 pest; and

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

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

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

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

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

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

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

36 (e)(1) A beekeeper that is aggrieved by an action of a state inspector

1 may appeal to the section head within sixty (60) days after the state
2 inspector's action.

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

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6 2-22-210. Penalties.

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

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

11 (2) Forges, counterfeits, destroys, or wrongfully or
12 fraudulently uses any certificate, notice, or other document created under
13 this subchapter;

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

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

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

22
23 2-22-211. Certified Voluntary Inspector Program.

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

27 (2) A certified voluntary inspector:

28 (A) May assist with the apiary inspection program created
29 under this subchapter;

30 (B) Shall work under the supervision of a state inspector;
31 and

32 (C) Shall not assist the inspection of his or her colony
33 or nucleus.

34 (b) The Section Head shall administer the Certified Voluntary
35 Inspector Program.

36

2-22-212. Rules.

The State Plant Board shall:

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

(2) Promulgate rules to:

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

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

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

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

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

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

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

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