

SENATE BILL 1961

By Stewart

AN ACT to amend Tennessee Code Annotated, Title 44,
Chapter 15, relative to bees.

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

SECTION 1. Tennessee Code Annotated, Section 44-15-102(15), is amended by deleting the subdivision in its entirety and substituting instead the following:

(15) "Hive" or "beehive" means that container or structure used by a beekeeper to provide a cavity in which a colony of bees is expected to establish a permanent nest, which includes, but is not limited to, removable framed housing for a honey bee colony;

SECTION 2. Tennessee Code Annotated, Section 44-15-102, is further amended by adding the following language as new, appropriately designated subdivisions:

() "Africanized honey bee (AHB)" means hybrids of the African honey bee with various European honey bees and far more aggressive than the European subspecies;

() "Apiarist" means a beekeeper;

() "Apiculture and beekeeping" means the management of beehives;

() "Bee sting" means an injury sustained and inflicted by a worker honey bee;

() "Caution sign" means a standardized sign with black print on yellow background for posting on or near an apiary as a precaution that honey bees are in the area;

() "Flight path" means the distinct route taken by many bees leaving from or returning to their hive;

() "Honey extraction" means the removal of honey from combs;

() "Honey flow" means the gathering of nectar from flora by honey bees;

() "Honeycomb" means removable frames, containing wax cells which house honey, pollen, or brood, which includes eggs, larvae or pupae;

() "Pollination" means the transfer of pollen by honey bees from anthers to stigmas of flowers for the purpose of plant fertilization;

() "Queen" means an adult, mated female that lives in a honey bee colony or hive;

() "Robbing" means bees attempting to access honey stored or spilled in another hive;

() "Staging area" means a collection site for holding colonies prior to shipment;

() "Swarm" means cluster or flying mass of honey bees including workers, queen, and drones;

() "Undeveloped property" means any idle land that has no structures or facilities intended for human use or occupancy, which includes, but is not limited to property used exclusively for streets, highways, or commercial agriculture;

() "Water supply" means any available source bees could use for water such as, but not limited to, water taps, hoses, pools, hot tubs, streams, ponds, or puddles;

SECTION 3. Tennessee Code Annotated, Section 44-15-105, is amended by deleting the section in its entirety and substituting instead the following:

(a)

(1) Every beekeeper owning one (1) or more colonies of bees shall register each apiary location by January 1, 1996, and every year thereafter. The state apiarist shall furnish an application for registration of each apiary to all persons known to be beekeepers, and shall mail the applications during the month of December to all persons who have registered their apiary.

(2) Upon establishment of a new apiary location, it is the duty of the owners or operators of the apiary to register the new locations within thirty (30) days. Any person, firm, or corporation moving bees into the state shall register all apiary locations within thirty (30) days from the date of the establishment of each apiary.

(3) If an unregistered apiary is found, the state apiarist or any apiary inspector shall make a reasonable effort to locate the owner of the bees and notify the beekeeper by means of a registered letter of the registration requirements and the consequences of noncompliance.

(4) The state apiarist shall issue to each beekeeper with one (1) or more registered apiaries a unique registration number that will be used for apiary identification purposes.

(5) Upon receipt of a properly executed apiary registration application, the state apiarist shall issue a certificate of registration which will be based upon the information provided on the application. The certificate is valid until December 31 of the year issued.

(b)

(1) Any person who plans to import bees for the express purpose of pollination service, honey production or permanent location shall request a permit for entry from the state apiarist at least ten (10) days prior to the arrival of the bees. A valid certificate of inspection from the state of origin identifying any bee diseases that are affecting the bees and the extent of any such bee diseases, if any, must accompany the request.

(2) Any person who plans to import vacant used bee equipment into the state shall request a permit for entry from the state apiarist at least ten (10) days

prior to the arrival of the bee equipment. A valid certificate of inspection from the state of origin identifying any bee disease in the bees that were in the equipment, and stating the treatment that has been made, if any, to the vacated equipment shall accompany the request.

(c)

(1) Any apiarist who has registered an apiary is required to report to the state apiarist additional colonies obtained as packaged bees and any honey bee queens imported from any state, province or territory within ten (10) days of acquisition.

(2) Any apiarist who has registered an apiary and obtains additional colonies from capturing swarms, colony divisions or any other source from within this state, shall report the additional colonies to the state apiarist during the designated annual registration period.

(d) The state apiarist shall give an educational bee registration exemption to any person keeping bees for the express purpose of conducting educational beekeeping projects, classes or programs which are under the direction of a governmental entity or a recognized educational organization such as the 4-H, the Future Farmers of America, or educational promotions sponsored by state or local beekeeping associations. At the conclusion of the educational project or participation in the program any person who keeps bees must register their bees as provided by this section.

SECTION 4. Tennessee Code Annotated, Section 44-15-107, is amended by deleting the section in its entirety and substituting instead the following:

(a)

(1) The state apiarist, assisted by the apiary inspectors identified in this chapter, has the authority and responsibility to establish and implement a

program for inspection of apiaries throughout the state for the purpose of detecting regulated bee diseases and pests and for implementing control measures as needed to minimize the adverse impacts of those diseases and pests on the honeybee population in the state.

(2) The apiary inspection program will be conducted in accordance with standard procedures that are developed by the state apiarist and in accordance with this section.

(3) The state apiarist may require or supervise the treatment, destruction, or disposition of diseased bees or contaminated bee equipment or bee supplies in accordance with rules and regulations promulgated under the authority of this chapter.

(4) Any apiary inspector duly authorized by the state apiarist has the authority to go upon any public or private property for the purpose of conducting an inspection of an apiary located on that property.

(5) The inspector shall make a reasonable effort to notify the beekeeper of a planned inspection prior to the actual inspection.

(b) An inspector shall inspect a colony of bees by removing three (3) or more frames containing developing brood from the hive and examining both sides for evidence of bee disease.

(c)

(1) No person shall keep or maintain bees in any hive or receptacle which does not permit the thorough examination of the brood combs.

(2) Whenever and wherever an inspector finds that the inspection of bees is impossible due to the keeping of bees in hives or other receptacles not equipped to permit the examination of brood combs, the inspector shall inform

the beekeeper in writing of the condition, provided that no transmissible bee disease is found in the environs of the hives or other receptacles. The beekeeper has twelve (12) months from the initial date of notification to correct the condition. Whenever or wherever these conditions are not corrected within twelve (12) months from the date of notification of the beekeeper, the state apiarist shall quarantine the colonies until such time as the condition is corrected.

(3) If a transmissible bee disease is confirmed by laboratory analysis in the department or by the United States department of agriculture in the environs of an apiary equipped with hives or receptacles which do not permit the thorough examination of the brood combs, the colonies contained in the hives or receptacles shall be considered affected with the confirmed bee disease and shall be destroyed or sterilized as the situation warrants. In order to protect the beekeeping industry, the state apiarist shall require immediate destruction or sterilization of such hives or receptacles.

(d) After inspecting or handling any disease infected bee equipment and/or appliances, and before proceeding to any other apiary, the inspector and every assistant, whether a beekeeper or inspector, shall thoroughly disinfect or de-contaminate every portion of their person and clothing, and any appliances that may have been in contact with infected materials.

(e)

(1) The state apiarist shall quarantine all apiaries that are confirmed by laboratory analysis in the department or by the United States department of agriculture as infected with a transmissible bee disease. The inspector will submit to the apiary owner, or person in charge of the apiary, a written document stating the nature of the disease and a statement whether the disease may be

successfully treated or not. In addition, the inspector will include in the document recommendations for treatment, if any, and a statement of policy. Upon receipt of the documents, the apiary owner, or person in charge, will, by signed agreement, willingly acknowledge and accept full responsibility for compliance with the quarantine and the treatment. The apiary owner shall treat, or cause to treat the quarantined colonies as soon as possible, but no later than fourteen (14) days from the notification.

(2) If the incidence of the bee disease is such that, in the judgment of the inspector, chemical control treatment may be successful, the apiary owner shall treat the affected colonies, as prescribed by the inspector.

(3) If the incidence of the bee disease is such that, in the judgment of the inspector, no treatment may be successful, as in the case of infection with American foulbrood, then the inspector shall notify the apiary owner that the affected colonies must be destroyed and related equipment sterilized. The inspector shall be present during the destruction of the colonies and sterilization of the bee equipment.

(f) In cases involving vacant bee equipment that may have been directly or indirectly exposed to contagious bee disease, the equipment shall undergo sterilization by the state apiarist or by the apiary owner by any appropriate method specified by the inspector.

(g) The state apiarist will not quarantine any colonies confirmed infected with any non-transmissible parasitic infestation or bee disease. The apiary owner shall, however, be encouraged to treat the colonies according to the written specifications provided by the inspector.

(h) The state apiarist shall not bring additional regulatory action against any apiary owner who is complying or attempting to comply with the terms of quarantine.

(i) If the state apiarist finds that any colony of bees that is under quarantine needs to be sterilized, due to the owner violating the terms of the quarantine, or for any other reason, then the state apiarist will charge the apiary owner a fee of two dollars and thirty cents (\$2.30) for each hive sterilized. The state apiarist shall charge the fee to recover the costs for the sterilization.

(j) The state apiarist shall review any violation of a quarantine and, depending upon the severity of the violation, shall assess any other applicable penalties as provided in this chapter.

SECTION 5. Tennessee Code Annotated, Title 44, Chapter 15, is amended by adding the following language as a new, appropriately designated section.

44-15-1__.

(a) A beekeeper will obtain limits on liability who:

(1) Signs a compliance agreement to be kept on file at the department;

and

(2) Voluntarily conforms with subsection (b).

(b) In order to comply with subsection (a), a beekeeper shall:

(1) Post a honey bee caution sign in or near the apiary;

(2) Limit the number of hives in relation to property lot size in accordance

with the following:

(A) If less than one-half (1/2) of an acre, then four (4) colonies, whereby one-half (1/2) acre equals twenty-one thousand seven hundred eighty square feet (21,780 sq. ft.), or roughly one hundred feet (100') times two hundred eighteen feet (218');

(B) If more than one-half (1/2) of an acre, but less than one (1) acre, then six (6) colonies, whereby one (1) acre equals forty-three thousand five hundred sixty square feet (43,560 sq. ft.), or roughly one hundred fifty feet (150') times two hundred ninety feet (290');

(C) If one (1) acre or more, then eight (8) colonies, whereby one (1) acre equals forty-three thousand five hundred sixty square feet (43,560 sq. ft.), or roughly one hundred fifty feet (150') times two hundred ninety feet (290'); and

(D) Regardless of the lot size, if all hives are situated at least two hundred feet (200') in any direction from all property lines of the lot on which the apiary is situated, or as long as all adjoining property that falls within a two hundred-foot radius of any hive is undeveloped property, there will be no limit on the number of hives;

(3) Face hive entrances away from neighboring property and in such a direction that bees fly across the beekeeper's property a sufficient distance to gain a height of six feet (6'). If bordering property is within a distance of fifty feet (50'), the use of barriers, including, but not limited to hedges, shrubs or fencing, of at least six feet (6') in height shall be employed to redirect the bees' flight pathway and establish bee flight pathways above head height;

(4) Maintain a water source near the colonies at a distance less than the nearest unnatural water supply;

(5) Not keep an apiary within fifty feet (50') of an established animal that is tethered, kennelled or otherwise prevented from escaping a stinging incident;

(6) Avoid opening colonies for inspection or manipulation when neighbors are present or in the immediate vicinity;

(7) Strive to avoid purchasing queens and honey bees from areas that are documented as having been designated as an established Africanized honey bee (AHB) zone;

(8) Manage all colonies to minimize swarming;

(9) Replace queens in colonies exhibiting defensive behavior that may be injurious to the general public or domesticated animals as determined by the department apiary staff;

(10) For any collection site for holding colonies prior to shipment, or staging area, have undeveloped property surrounded by a natural barrier and shall be marked with a honey bee caution sign;

(11) Secure the load and screen entrances or place a net over the colonies to prevent bees from escaping;

(12) Properly discard all pesticides and other control agents after use according to label directions;

(13) Enclose honey bees used for public demonstrations, entertainment or educational purposes so as to avoid release of honey bees to the public; and

(14) In the event that Africanized honey bee (AHB) infestation is determined to be established in this state by the department, follow any additional rules promulgated by the state apiarist.

SECTION 6. The commissioner is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 7. This act shall take effect July 1, 2011, the public welfare requiring it.