

1-1 By: Kacal (Senate Sponsor - LaMantia) H.B. No. 4538  
1-2 (In the Senate - Received from the House May 8, 2023;  
1-3 May 10, 2023, read first time and referred to Committee on Water,  
1-4 Agriculture & Rural Affairs; May 19, 2023, reported favorably by  
1-5 the following vote: Yeas 9, Nays 0; May 19, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	<u>Perry</u>	X		
1-9	<u>Hancock</u>	X		
1-10	<u>Blanco</u>	X		
1-11	<u>Flores</u>	X		
1-12	<u>Gutierrez</u>	X		
1-13	<u>Johnson</u>	X		
1-14	<u>Kolkhorst</u>	X		
1-15	<u>Sparks</u>	X		
1-16	<u>Springer</u>	X		

1-17 A BILL TO BE ENTITLED  
1-18 AN ACT

1-19 relating to the regulation of beekeeping; imposing fees and  
1-20 authorizing other fees; expanding the applicability of an  
1-21 occupational permit.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 131.001, Agriculture Code, is amended by  
1-24 amending Subdivisions (2), (3), (5), (6), and (8) and adding  
1-25 Subdivisions (8-a) and (12-a) to read as follows:

1-26 (2) "Apiary" means a place where ~~[six or more]~~  
1-27 colonies of bees or nuclei of bees are kept.

1-28 (3) "Beekeeper" means a person who owns, leases,  
1-29 ~~possesses, controls, or manages one or more colonies of bees for any~~  
1-30 ~~[pollination or the production of honey, beeswax, or other~~  
1-31 ~~by-products, either for]~~ personal or commercial purpose ~~[use]~~.

1-32 (5) "Colony" means a distinguishable localized  
1-33 population of bees in which one or more life stages may be present  
1-34 ~~[the hive and its equipment and appurtenances including bees, comb,~~  
1-35 ~~honey, pollen, and brood]~~.

1-36 (6) "Director" means the director of ~~[the]~~ Texas A&M  
1-37 AgriLife Research [Agricultural Experiment Station].

1-38 (8) "Equipment" means hives, supers, frames, veils,  
1-39 gloves, tools, machines, vacuums, or other devices for the handling  
1-40 and manipulation of bees, honey, pollen, wax, or hives,  
1-41 including~~[r]~~ storage or transportation ~~[transporting]~~ containers  
1-42 for pollen, honey, or wax, or other apiary supplies used in the  
1-43 operation of an apiary or honey house.

1-44 (8-a) "Hive" means a box or other shelter containing a  
1-45 colony of bees.

1-46 (12-a) "Package bees" means live bees in cages without  
1-47 combs or honey used in forming a new colony.

1-48 SECTION 2. Section 131.003, Agriculture Code, is amended to  
1-49 read as follows:

1-50 Sec. 131.003. CONFLICTS OF INTEREST. (a) A person may not  
1-51 serve as chief apiary inspector or be an assistant of the chief  
1-52 apiary inspector if the person is an officer, employee, or paid  
1-53 consultant of a trade association in the beekeeping industry.

1-54 (b) A person may not serve as chief apiary inspector or be an  
1-55 assistant of the chief apiary inspector of the grade 17 or over,  
1-56 including exempt employees, according to the position  
1-57 classification schedule under the General Appropriations Act, if  
1-58 the person cohabits with or is the spouse of an officer, managerial  
1-59 employee, or paid consultant of a trade association in the  
1-60 beekeeping industry.

1-61 SECTION 3. Section 131.004(b), Agriculture Code, is amended

2-1 to read as follows:

2-2 (b) The chief apiary inspector shall provide to the chief  
2-3 apiary inspector's ~~[his]~~ assistants and inspectors, as often as is  
2-4 necessary, information regarding their qualifications under this  
2-5 chapter and their responsibilities under applicable laws relating  
2-6 to standards of conduct for state officers or employees.

2-7 SECTION 4. Sections 131.007(b) and (c), Agriculture Code,  
2-8 are amended to read as follows:

2-9 (b) The inspector shall prepare information of public  
2-10 interest describing the functions of the agency and describing the  
2-11 procedure by which complaints are filed with and resolved by the  
2-12 agency ~~[inspector]~~. The inspector shall make the information  
2-13 available to the general public and appropriate state agencies.

2-14 (c) The inspector shall adopt rules establishing methods by  
2-15 which consumers and service recipients can be notified of the name,  
2-16 mailing address, and telephone number of the agency ~~[inspector's~~  
2-17 ~~office]~~ for the purpose of directing complaints to the inspector.  
2-18 The inspector may provide for the notification by including the  
2-19 information:

2-20 (1) on each registration or application form submitted  
2-21 by a person regulated under this chapter;

2-22 (2) on a sign which is prominently displayed in the  
2-23 place of business of each person regulated under this chapter; or

2-24 (3) in a bill for services or goods provided by a  
2-25 person regulated under this chapter.

2-26 SECTION 5. Section 131.008(b), Agriculture Code, is amended  
2-27 to read as follows:

2-28 (b) If a written complaint is filed with the inspector  
2-29 regarding ~~[relating to]~~ a beekeeper who is not in compliance with  
2-30 this chapter or rules adopted ~~[regulated]~~ under this chapter, the  
2-31 inspector shall notify the parties to the complaint, at least  
2-32 quarterly and until final disposition of the complaint, of the  
2-33 status of the complaint, unless notice would jeopardize an  
2-34 undercover investigation.

2-35 SECTION 6. The heading to Subchapter B, Chapter 131,  
2-36 Agriculture Code, is amended to read as follows:

2-37 SUBCHAPTER B. DISEASE AND PEST CONTROL

2-38 SECTION 7. Section 131.021, Agriculture Code, is amended to  
2-39 read as follows:

2-40 Sec. 131.021. POWERS AND DUTIES OF CHIEF APIARY INSPECTOR.

2-41 (a) For the purpose of enforcing this chapter, the chief apiary  
2-42 inspector may:

2-43 (1) adopt rules and act as necessary to control,  
2-44 eradicate, or prevent the introduction, spread, or dissemination of  
2-45 contagious or infectious diseases or pests of bees;

2-46 (2) prohibit the shipment or entry into this state of  
2-47 bees, honey, combs, pollen, or other items capable of transmitting  
2-48 diseases or pests of bees from another state, territory, or foreign  
2-49 country except in accordance with rules adopted by the inspector;  
2-50 and

2-51 (3) seize and order the destruction, treatment, or  
2-52 sale of a colony of bees, equipment, pollen, or honey that is  
2-53 determined to contain pests, be diseased, infectious, or abandoned,  
2-54 or be in violation of this chapter or a rule or quarantine adopted  
2-55 under this chapter.

2-56 (b) For purposes of this section, apiaries, equipment, or  
2-57 bees are considered infectious if:

2-58 (1) the bees are not hived with movable frames or are  
2-59 not stored so as to prevent the possible spread of disease or pests;  
2-60 or

2-61 (2) the bees, equipment, or apiary generally comprise  
2-62 a hazard or threat to disease control in the beekeeping industry.

2-63 SECTION 8. Section 131.022(a), Agriculture Code, is amended  
2-64 to read as follows:

2-65 (a) If the chief apiary inspector determines that the public  
2-66 welfare or protection of the beekeeping industry requires the  
2-67 establishment of a quarantine, the inspector may:

2-68 (1) declare a protective quarantine of a district,  
2-69 county, precinct, or other defined area in which a disease or pest

3-1 of bees [~~or a deleterious exotic species of bees~~] is not known to  
 3-2 exist or in which the disease or pest [~~exotic species~~] is being  
 3-3 eradicated in accordance with this subchapter; or

3-4 (2) declare a restrictive quarantine of a district,  
 3-5 county, precinct, or other defined area in which a disease or pest  
 3-6 of bees [~~or a deleterious exotic species of bees~~] is located.

3-7 SECTION 9. Section 131.023, Agriculture Code, is amended to  
 3-8 read as follows:

3-9 Sec. 131.023. SALE OF QUEEN BEE AND ATTENDANTS, PACKAGE  
 3-10 BEES, COLONIES, AND NUCLEI. A person may not sell or offer for sale  
 3-11 a queen bee and attendant bees, package bees, colonies, nuclei, or  
 3-12 queen cells in this state unless the bees are accompanied by:

3-13 (1) a copy of a certificate from the chief apiary  
 3-14 inspector certifying that the apiary from which the bees were  
 3-15 [~~queen bee was~~] shipped has been inspected not more than 12 months  
 3-16 before the date of shipment and found apparently free from disease;  
 3-17 or

3-18 (2) a copy of an affidavit made by the beekeeper  
 3-19 stating that[+]

3-20 [~~(A)~~] to the beekeeper's [~~his~~] knowledge, the  
 3-21 bees are not diseased[+, and

3-22 [~~(B) the honey used in making the candy contained~~  
 3-23 ~~in the queen cage has been diluted and boiled for at least 30~~  
 3-24 ~~minutes in a closed vessel].~~

3-25 SECTION 10. Section 131.024(c), Agriculture Code, is  
 3-26 amended to read as follows:

3-27 (c) If the inspector sells bees, equipment, pollen, or honey  
 3-28 at a public auction under this section, the inspector shall return  
 3-29 the proceeds of the sale to the former owner, if known, after  
 3-30 deducting the costs of the sale.

3-31 SECTION 11. Section 131.025, Agriculture Code, is amended  
 3-32 to read as follows:

3-33 Sec. 131.025. REPORTABLE DISEASES AND PESTS [DUTY TO REPORT  
 3-34 DISEASED BEES]. (a) The chief apiary inspector shall maintain and  
 3-35 publish a list of reportable diseases and pests.

3-36 (b) If a beekeeper knows that a colony of bees has a  
 3-37 reportable disease or contains a reportable pest [is diseased], the  
 3-38 beekeeper shall immediately report to the chief apiary inspector  
 3-39 all facts known about the affected [diseased] bees.

3-40 SECTION 12. Section 131.041, Agriculture Code, is amended  
 3-41 to read as follows:

3-42 Sec. 131.041. PERMIT FOR INTERSTATE MOVEMENT  
 3-43 [~~IMPORTATION~~]. (a) A person may not ship or cause to be shipped  
 3-44 bees or equipment into or out of this state unless the person has a  
 3-45 permit issued by the chief apiary inspector authorizing the  
 3-46 shipment.

3-47 (b) A permit issued under this section applies to all  
 3-48 shipments made by the beekeeper and expires on August 31 following  
 3-49 the date the permit is issued. The term of a permit may not exceed  
 3-50 one year.

3-51 (c) A person may apply for a permit under this section by  
 3-52 filing an application with the inspector. A person may apply for a  
 3-53 permit at any time, but a person must apply for a permit before the  
 3-54 10th day preceding the date of a [the] shipment if the person does  
 3-55 not hold a permit on the 10th day preceding the date of the  
 3-56 shipment. An application for a permit must include all information  
 3-57 required by the chief apiary inspector.

3-58 (d) A shipment originating outside this state requires:

3-59 (1) [~~a complete description of the shipment,~~  
 3-60 [~~2) the destination of the shipment,~~  
 3-61 [~~3) the approximate date of the shipment,~~  
 3-62 [~~4) the names and addresses of the consignor and~~  
 3-63 ~~consignee, and~~

3-64 [~~5) a certificate of inspection signed by the~~  
 3-65 ~~official apiary inspector or entomologist of the state, territory,~~  
 3-66 ~~or country from which the bees are to be shipped before the shipment~~  
 3-67 ~~may enter the state; or~~

3-68 (2) an inspection of the shipment by the chief apiary  
 3-69 inspector of Texas not more than 12 months before the date of the

4-1 shipment.

4-2 (e) [(e)] A certificate of inspection for a permit required  
4-3 by Subsection (d)(1) [(b)(5) of this section] must certify that the  
4-4 bees or equipment are apparently free from disease and reportable  
4-5 pests based on an actual inspection conducted not more than 12  
4-6 months before the date of the shipment. If the bees or equipment  
4-7 are to be shipped into this state from a state, territory, or  
4-8 country that does not have an official apiary inspector or  
4-9 entomologist:

4-10 (1) [7] the person shipping the bees or equipment may  
4-11 provide other suitable evidence that the bees and equipment are  
4-12 free from disease and reportable pests; or

4-13 (2) the bees may be shipped into this state under  
4-14 quarantine and the person receiving the shipment shall have the  
4-15 bees inspected not later than the 30th day after the date the bees  
4-16 enter this state.

4-17 (f) [(d)] If a person files an application in accordance  
4-18 with Subsection (c) [(b) of this section] and the inspector is  
4-19 satisfied that the shipment or shipments to which the permit  
4-20 applies do [does] not pose a threat to disease and pest control in  
4-21 the beekeeping industry, the inspector shall issue a permit  
4-22 [authorizing the shipment].

4-23 (g) [(e)] This section does not apply to a shipment of  
4-24 package [live] bees [in wire cages without combs or honey].

4-25 (h) The inspector shall charge a fee for each permit issued  
4-26 under this section. The inspector shall set the fee at an amount  
4-27 that is reasonable in relation to the costs of administering this  
4-28 section.

4-29 SECTION 13. Section 131.044, Agriculture Code, is amended  
4-30 to read as follows:

4-31 Sec. 131.044. CERTIFICATE OF INSPECTION. (a) A person who  
4-32 wants a certificate of inspection for bees, equipment, pollen, or  
4-33 honey must [~~file a written~~] request [~~for~~] the inspection from  
4-34 [with] the chief apiary inspector.

4-35 (b) On receipt of a request, the inspector shall authorize  
4-36 the inspection of the bees, equipment, pollen, or honey for the  
4-37 presence of disease or pests.

4-38 (c) If a disease or reportable pest is not found in the bees,  
4-39 equipment, pollen, or honey, the inspector shall certify in writing  
4-40 that the bees, equipment, pollen, or honey is apparently free from  
4-41 disease and reportable pests.

4-42 (d) The inspector shall charge fees for inspections  
4-43 requested under this section. The inspector shall set the fees in  
4-44 amounts that are reasonable in relation to the costs of  
4-45 administering this section[~~, but at not less than the following~~  
4-46 ~~amounts:~~

4-47 [~~(1) for each inspection of an apiary or group of~~  
4-48 ~~apiaries, except a queen apiary, located within an area of 100~~  
4-49 ~~square miles . . . . . \$ 50~~

4-50 [~~(2) for an inspection of a queen apiary or group of~~  
4-51 ~~queen apiaries located within an area of 100 square miles . . . \$200~~

4-52 [~~(3) for each additional inspection of a queen apiary~~  
4-53 ~~or group of queen apiaries located within an area of 100 square~~  
4-54 ~~miles . . . . . \$ 50].~~

4-55 (e) The beekeeper of [~~diseased~~] bees or equipment that  
4-56 contain a reportable disease or reportable pest shall pay an  
4-57 additional fee, in a reasonable amount set by the inspector at not  
4-58 less than [~~that~~] \$25, for each subsequent inspection that the  
4-59 inspector determines is necessary to contain, treat, or eradicate  
4-60 the disease or pest.

4-61 SECTION 14. Section 131.045, Agriculture Code, is amended  
4-62 to read as follows:

4-63 Sec. 131.045. BEEKEEPER [~~APIARY~~] REGISTRATION. (a) Each  
4-64 beekeeper in this state may register on an annual basis with the  
4-65 [The] chief apiary inspector [may provide for the periodic  
4-66 registration of all apiaries in this state]. A registration under  
4-67 this section expires August 31 following the date the registration  
4-68 is issued.

4-69 (b) A registration must include:



5-1 (1) information required by the chief apiary  
 5-2 inspector [~~the beekeeper's name, address, and telephone number~~];  
 5-3 and

5-4 (2) the county or counties in which the beekeeper  
 5-5 operates [~~apiary will be located, and~~  
 5-6 [~~(3) the approximate dates that the apiary will be~~  
 5-7 ~~located in each county~~].

5-8 (c) The inspector may require a beekeeper to submit with the  
 5-9 registration information a map showing the exact location of each  
 5-10 of the beekeeper's apiaries. A map submitted under this section is  
 5-11 a trade secret under Chapter 552, Government Code, and may not be  
 5-12 disclosed.

5-13 (d) The chief apiary inspector may charge a fee for each  
 5-14 registration issued under this section. The inspector shall set  
 5-15 the fee at an amount that is reasonable in relation to the costs of  
 5-16 administering this section.

5-17 SECTION 15. Section 131.046(a), Agriculture Code, is  
 5-18 amended to read as follows:

5-19 (a) Fees collected under this subchapter shall be deposited  
 5-20 in the State Treasury [~~to the credit of a special fund to be known as~~  
 5-21 ~~the bee disease control fund to be used only to defray the costs of~~  
 5-22 ~~administering and enforcing this chapter~~].

5-23 SECTION 16. The heading to Subchapter D, Chapter 131,  
 5-24 Agriculture Code, is amended to read as follows:

5-25 SUBCHAPTER D. BRANDING AND IDENTIFICATION OF HIVES [~~APIARY~~  
 5-26 ~~EQUIPMENT~~]

5-27 SECTION 17. Section 131.061, Agriculture Code, is amended  
 5-28 to read as follows:

5-29 Sec. 131.061. IDENTIFICATION REQUIRED. (a) Except as  
 5-30 provided by Subsection (b), a [A] person may not operate an apiary  
 5-31 in this state unless the hives are [~~apiary equipment is~~]:

5-32 (1) clearly and permanently [~~indelibly~~] marked with  
 5-33 the name [~~and address~~] of the person as provided by Section 131.064;  
 5-34 [~~or~~]

5-35 (2) branded in accordance with Section 131.064 [~~of~~  
 5-36 ~~this code~~] with a brand registered to the person by the chief apiary  
 5-37 inspector; or

5-38 (3) identified by a weatherproof sign posted within  
 5-39 the apiary containing the name and contact information or the brand  
 5-40 number of the person managing the apiary, printed in lettering at  
 5-41 least one inch high.

5-42 (b) An apiary at the principal residence of a beekeeper is  
 5-43 exempt from the requirements of Subsection (a).

5-44 SECTION 18. Section 131.062, Agriculture Code, is amended  
 5-45 to read as follows:

5-46 Sec. 131.062. BRAND; REGISTRATION. (a) The chief apiary  
 5-47 inspector shall maintain a system of registration of beekeeper  
 5-48 [~~apiary equipment~~] brands to identify equipment used by the [~~a~~]  
 5-49 beekeeper [~~in an apiary~~]. The inspector shall assign a brand number  
 5-50 to each beekeeper, if requested, when the beekeeper registers under  
 5-51 Section 131.045.

5-52 (b) Each brand shall consist of seven [~~three~~] numbers  
 5-53 separated by hyphens, with the first number signifying that the  
 5-54 brand is a state-registered brand, the next three numbers [~~second~~  
 5-55 ~~number~~] identifying the registrant's county of residence, and the  
 5-56 last three numbers [~~third number~~] identifying the registrant.

5-57 SECTION 19. Section 131.064, Agriculture Code, is amended  
 5-58 to read as follows:

5-59 Sec. 131.064. MANNER OF AFFIXING NAME OR BRAND TO HIVES  
 5-60 [~~EQUIPMENT~~]. A name or brand must be affixed to a hive [~~registrant~~  
 5-61 ~~shall affix the registered brand to his or her apiary equipment~~] by  
 5-62 burning, [~~or~~] pressing, painting, or otherwise permanently marking  
 5-63 the name or brand, in figures at least one-half [~~three-quarters~~] of  
 5-64 an inch high, into the wood or other material in a manner that shows  
 5-65 the identification of the hive [~~equipment~~]. The [~~registrant shall~~  
 5-66 ~~affix the~~] name or brand must be affixed on one or both ends of the  
 5-67 hive. [On other equipment, including a frame, intercover, top,  
 5-68 bottom, or plank, the registrant may affix the brand in any place.]

5-69 SECTION 20. Section 131.101, Agriculture Code, is amended

6-1 to read as follows:

6-2 Sec. 131.101. ENFORCEMENT AUTHORITY. The chief apiary  
6-3 inspector is the official responsible for enforcing Subchapters B,  
6-4 C, and D [~~of this chapter~~]. The [~~Texas~~] Department of State Health  
6-5 Services is the agency responsible for enforcing Subchapter E [~~of~~  
6-6 ~~this chapter~~].

6-7 SECTION 21. Section 131.102(b), Agriculture Code, is  
6-8 amended to read as follows:

6-9 (b) The [~~Texas~~] Department of State Health Services may  
6-10 enter at a reasonable hour any public or private premises,  
6-11 including a building, depot, express office, storeroom, vehicle, or  
6-12 warehouse, in which bees, equipment, pollen, or honey may be  
6-13 located to determine whether a violation of Subchapter E [~~of this~~  
6-14 ~~chapter~~] has occurred or is occurring.

6-15 SECTION 22. The heading to Section 131.121, Agriculture  
6-16 Code, is amended to read as follows:

6-17 Sec. 131.121. DISEASE AND PEST CONTROL.

6-18 SECTION 23. Section 131.121(a), Agriculture Code, is  
6-19 amended to read as follows:

6-20 (a) A person commits an offense if the person:

6-21 (1) violates a provision of Section 131.022 or 131.023  
6-22 [~~of this code~~];

6-23 (2) fails to report reportable diseases or reportable  
6-24 pests [~~diseased bees~~] in accordance with Section 131.025 [~~of this~~  
6-25 ~~code~~];

6-26 (3) ships or causes bees or equipment to be shipped  
6-27 into this state [~~or between counties in this state~~] without the  
6-28 permit required by Section 131.041 [~~or 131.043 of this chapter~~];

6-29 (4) violates a rule, order, or quarantine of the chief  
6-30 apiary inspector adopted under this chapter;

6-31 (5) prevents or attempts to prevent an inspection of  
6-32 bees, equipment, pollen, or honey under the direction of the  
6-33 inspector under this chapter;

6-34 (6) prevents or attempts to prevent the discovery or  
6-35 treatment of bees with reportable diseases or reportable pests  
6-36 [~~diseased bees~~];

6-37 (7) interferes with or attempts to interfere with the  
6-38 inspector in the discharge of the duties under this chapter;

6-39 (8) as the owner or keeper of a [~~diseased~~] colony of  
6-40 bees that has a reportable disease or contains a reportable pest,  
6-41 barters, gives away, sells, ships, or moves the [~~diseased~~] bees,  
6-42 equipment, pollen, or honey or exposes other bees to the reportable  
6-43 disease or reportable pest; or

6-44 (9) exposes honey, pollen, hives, frames, combs, bees,  
6-45 or appliances from a colony of bees known to have a reportable  
6-46 disease or contain a reportable pest [~~be diseased~~] in a manner that  
6-47 provides access to other bees [~~, or~~

6-48 [~~(10) sells, offers for sale, barters, gives away,~~  
6-49 ~~ships, or distributes honey or pollen taken from a colony of~~  
6-50 ~~diseased bees~~].

6-51 SECTION 24. The following provisions of the Agriculture  
6-52 Code are repealed:

6-53 (1) Section 131.002(c);

6-54 (2) Section 131.042;

6-55 (3) Section 131.043;

6-56 (4) Section 131.063(b);

6-57 (5) Section 131.065(c); and

6-58 (6) Section 131.104(d).

6-59 SECTION 25. The changes in law made by this Act apply only  
6-60 to an offense committed on or after the effective date of this Act.  
6-61 An offense committed before the effective date of this Act is  
6-62 governed by the law in effect on the date the offense was committed,  
6-63 and the former law is continued in effect for that purpose. For  
6-64 purposes of this section, an offense was committed before the  
6-65 effective date of this Act if any element of the offense occurred  
6-66 before that date.

6-67 SECTION 26. This Act takes effect September 1, 2023.

6-68

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