

By: Guillen

H.B. No. 2670

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of beekeeping; authorizing fees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

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

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

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

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

SECTION 2. Section 131.041, Agriculture Code, is amended to read as follows:

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

1 shipment.

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

6 (c) A person may apply for a permit under this section by  
7 filing an application with the inspector. A person may apply for a  
8 permit at any time, but a person must apply for a permit before the  
9 10th day preceding the date of a ~~the~~ shipment if the person does  
10 not hold a permit on the 10th day preceding the date of the  
11 shipment. An application for a permit must include all information  
12 required by the chief apiary inspector.

13 (d) A shipment originating outside this state requires:

14 (1) ~~[a complete description of the shipment,~~  
15 ~~[(2) the destination of the shipment,~~  
16 ~~[(3) the approximate date of the shipment,~~  
17 ~~[(4) the names and addresses of the consignor and~~  
18 ~~consignee, and~~

19 ~~[(5)]~~ a certificate of inspection signed by the  
20 official apiary inspector or entomologist of the state, territory,  
21 or country from which the bees are to be shipped before the shipment  
22 may enter the state; or

23 (2) an inspection of the shipment by the chief apiary  
24 inspector of Texas not more than 12 months before the date of the  
25 shipment.

26 (e) ~~[(c)]~~ A certificate of inspection for a permit  
27 required by Subsection (d)(1) ~~[(b)(5) of this section]~~ must certify

1 that the bees or equipment are apparently free from disease based  
2 on an actual inspection conducted not more than 12 months before the  
3 date of the shipment. If the bees or equipment are to be shipped  
4 into this state from a state, territory, or country that does not  
5 have an official apiary inspector or entomologist:

6 (1) [~~r~~] the person shipping the bees or equipment may  
7 provide other suitable evidence that the bees and equipment are  
8 free from disease; or

9 (2) the bees may be shipped into this state under  
10 quarantine and the person receiving the shipment shall have the  
11 bees inspected not later than the 30th day after the date the bees  
12 enter this state.

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

19 (g) [~~e~~] This section does not apply to a shipment of  
20 package [~~live~~] bees [~~in wire cages without combs or honey~~].

21 (h) The inspector shall charge a fee for each permit issued  
22 under this section. The inspector shall set the fee at an amount  
23 that is reasonable in relation to the costs of administering this  
24 section.

25 SECTION 3. Section 131.045, Agriculture Code, is amended to  
26 read as follows:

27 Sec. 131.045. BEEKEEPER [~~APIARY~~] REGISTRATION. (a) Each

1 beekeeper in this state may register on an annual basis with the  
2 ~~[The] chief apiary inspector [may provide for the periodic~~  
3 ~~registration of all apiaries in this state].~~ A registration under  
4 this section expires August 31.

5 (b) A registration must include:

6 (1) information required by the chief apiary  
7 inspector ~~[the beekeeper's name, address, and telephone number];~~  
8 and

9 (2) the county or counties in which the beekeeper  
10 operates ~~[apiary will be located, and~~

11 ~~[(3) the approximate dates that the apiary will be~~  
12 ~~located in each county].~~

13 (c) The inspector may require a beekeeper to submit with the  
14 registration information a map showing the exact location of each  
15 of the beekeeper's apiaries. A map submitted under this section is  
16 a trade secret under Chapter 552, Government Code, and may not be  
17 disclosed.

18 (d) The chief apiary inspector may charge a fee for each  
19 registration issued under this section. The inspector shall set  
20 the fee at an amount that is reasonable in relation to the costs of  
21 administering this section. The chief apiary inspector may  
22 establish separate registration categories for purposes of setting  
23 and collecting fees under this section.

24 SECTION 4. Section 131.046(a), Agriculture Code, is amended  
25 to read as follows:

26 (a) Fees collected under this subchapter shall be deposited  
27 in the State Treasury ~~[to the credit of a special fund to be known as~~

1 ~~the bee disease control fund to be used only to defray the costs of~~  
2 ~~administering and enforcing this chapter].~~

3 SECTION 5. Section 131.121(a), Agriculture Code, is amended  
4 to read as follows:

5 (a) A person commits an offense if the person:

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

8 (2) fails to report diseased bees in accordance with  
9 Section 131.025 ~~[of this code];~~

10 (3) ships or causes bees or equipment to be shipped  
11 into this state ~~[or between counties in this state]~~ without the  
12 permit required by Section 131.041 ~~[or 131.043 of this chapter];~~

13 (4) violates a rule, order, or quarantine of the chief  
14 apiary inspector adopted under this chapter;

15 (5) prevents or attempts to prevent an inspection of  
16 bees, equipment, pollen, or honey under the direction of the  
17 inspector under this chapter;

18 (6) prevents or attempts to prevent the discovery or  
19 treatment of diseased bees;

20 (7) interferes with or attempts to interfere with the  
21 inspector in the discharge of the duties under this chapter;

22 (8) as the owner or keeper of a diseased colony of  
23 bees, barter, gives away, sells, ships, or moves diseased bees,  
24 equipment, pollen, or honey or exposes other bees to the disease;

25 (9) exposes honey, pollen, hives, frames, combs, bees,  
26 or appliances known to be diseased in a manner that provides access  
27 to bees; or

1           (10) sells, offers for sale, barters, gives away,  
2 ships, or distributes honey or pollen taken from a colony of  
3 diseased bees.

4           SECTION 6. The following provisions of the Agriculture Code  
5 are repealed:

6           (1) Section [131.042](#); and

7           (2) Section [131.043](#).

8           SECTION 7. The changes in law made by this Act apply only to  
9 an offense committed on or after the effective date of this Act. An  
10 offense committed before the effective date of this Act is governed  
11 by the law in effect on the date the offense was committed, and the  
12 former law is continued in effect for that purpose. For purposes of  
13 this section, an offense was committed before the effective date of  
14 this Act if any element of the offense occurred before that date.

15           SECTION 8. This Act takes effect September 1, 2019.