

By: Hall

S.B. No. 677

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the regulation of beekeeping; imposing fees and
3 authorizing other fees; expanding the applicability of an
4 occupational permit.

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

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

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

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

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

19 (12-a) "Package bees" means live bees in cages without
20 combs or honey used in forming a new colony.

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

23 Sec. 131.041. PERMIT FOR INTERSTATE MOVEMENT
24 ~~[IMPORTATION]~~. (a) A person may not ship or cause to be shipped

1 bees or equipment into or out of this state unless the person has a
2 permit issued by the chief apiary inspector authorizing the
3 shipment.

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

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

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

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

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

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

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

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

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

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

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

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

27 SECTION 3. Section 131.045, Agriculture Code, is amended to

1 read as follows:

2 Sec. 131.045. BEEKEEPER [APIARY] REGISTRATION. (a) Each
3 beekeeper in this state may register on an annual basis with the
4 [The] chief apiary inspector [may provide for the periodic
5 registration of all apiaries in this state]. A registration under
6 this section expires August 31.

7 (b) A registration must include:

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

11 (2) the county or counties in which the beekeeper
12 operates [apiary will be located; and

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

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

20 (d) Except as provided by Subsection (e), the chief apiary
21 inspector may charge a fee for each registration issued under this
22 section. The inspector shall set the fee at an amount that is
23 reasonable in relation to the costs of administering this section.
24 The chief apiary inspector may establish separate registration
25 categories for purposes of setting and collecting fees under this
26 section.

27 (e) The chief apiary inspector may not charge a fee for a

1 registration made solely for the purpose of Section 1951.056,
2 Occupations Code.

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

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

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

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

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

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

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

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

21 (5) prevents or attempts to prevent an inspection of
22 bees, equipment, pollen, or honey under the direction of the
23 inspector under this chapter;

24 (6) prevents or attempts to prevent the discovery or
25 treatment of diseased bees;

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

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

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

7 (10) sells, offers for sale, barter, gives away,
8 ships, or distributes honey or pollen taken from a colony of
9 diseased bees.

10 SECTION 6. The following provisions of the Agriculture Code
11 are repealed:

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

13 (2) Section [131.043](#).

14 SECTION 7. The changes in law made by this Act apply only to
15 an offense committed on or after the effective date of this Act. An
16 offense committed before the effective date of this Act is governed
17 by the law in effect on the date the offense was committed, and the
18 former law is continued in effect for that purpose. For purposes of
19 this section, an offense was committed before the effective date of
20 this Act if any element of the offense occurred before that date.

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