



**State Representative Dick Stein
57th House District**

To: Chairman Hackett
From: Representative Dick Stein
Date: 04/16/18
Re: Testimony: HB 392 Apiary Liability Protections

Chairman Hackett, Vice Chair Hoagland, Ranking Member O'Brien, and members of the Senate Agriculture committee, thank you for giving me the opportunity to speak on House Bill 392. During the last decade, beekeeping and urban beekeeping has grown in popularity as people discover the benefits of pollination, and demand for honey products has increased. This legislation seeks to provide immunity for beekeepers in personal injury, stinging incidences, provided they meet specified conditions.

Pollinators play a crucial role in plant breeding and in the production of fruits and vegetables. According to the Ohio Dept. of Agriculture, pollinators provide \$600M value added to our farming sector each year. In 2016, 5,786 beekeepers registered with the Dept. of Agriculture—up nearly 1,000 from 2015. Current law requires each beekeeper to register their colony with the state, place identification placards on hives located off their property, and allow the Dept. of Agriculture access to inspect hives for pests and disease.

The intent of this legislation is to provide a legal shield where a plaintiff claims a specific bee owned by a specific beekeeper caused them injury. There are many challenges in assigning this liability; 1) A bee's foraging range is up to 2 miles from its colony, 2) Each colony may have up to 60,000 bees, 3) Most bees will not attack unless provoked, the action kills the bee, 4) Registered bees exist in an environment with feral bees and wasps. In each recent lawsuit, the claim was dismissed due to these challenges; but not before the defendants spent thousands of dollars defending their livelihoods.

This legislation would provide immunity in such cases, provided the beekeeper:

- 1) Complies with local zoning pertaining to apiaries
- 2) Registers their colonies with the Dept. of Agriculture
- 3) Operates the apiary in compliance with existing provisions
- 4) Implements and maintains compliance with Ohio beekeeping industry best management practices

This limitation of liability does not apply to intentional tortious conduct or acts of omission constituting gross negligence. This legislation has the support of the Ohio Beekeepers Association and the Ohio Farm Bureau.

Chairman Hackett, thank you for giving me time to speak on this legislation, at this time I am happy to answer any questions.