

Sub. H. B. No. 96  
As Passed by the Senate  
AGRCD1

\_\_\_\_\_ moved to amend as follows:

After line 30580, insert:

"Sec. 909.01. As used in sections 909.01 to 909.18 of the  
Revised Code:

(A) "Person" includes corporations, companies, societies,  
associations, partnerships, any individual or combination of  
individuals, or any institution, park, or other public agency  
administered by the state or by any district, county, municipal  
corporation, or other governmental subdivision thereof. When  
construing or enforcing such sections, the act, omission, or  
failure of any officer, agent, servant, or other individual  
acting for or employed by any person as above defined within the  
scope of ~~his~~ the person's employment or office is deemed to be  
the act, omission, or failure of such person, as well as that of  
the officer, agent, servant, or other employee.

(B) "Bees" means any stage of any species of the genus  
Apis.

(C) "Bee diseases" means any infectious or contagious  
disease that is pathogenic or parasitic and affects the eggs, or

the larval, pupal, or adult stages, of bees. 19

(D) "Apiary" means any place where one or more colonies or 20  
nuclei of bees are kept. 21

(E) "Queen rearing apiaries" means any apiary in which 22  
~~queen bees~~queens are ~~reared~~raised or purchased for sale, trade, 23  
or gift; or otherwise distributed or used to create, for sale, 24  
trade or gift, nucs, packages, or colonies. 25

(F) "Hive" means any modern frame hive, box hive, box, 26  
barrel, log gum, skep, or any other natural or artificial 27  
receptacle, or any part thereof, that may be used as a domicile 28  
for bees. 29

(G) "Equipment" means any used hives or parts thereof, 30  
used frames, used honey houses, used tools, used machines, or 31  
used devices employed in the handling or manipulation of bees, 32  
honey, or beeswax, or any used container for honey or beeswax 33  
that may be used in any apiary. 34

(H) "Serious bee diseases" means any bee disease the 35  
director of agriculture determines to be a threat to the 36  
beekeeping industry within the state. 37

(I) "Africanized honey bees" means any bees identified by 38  
the United States department of agriculture by approved 39  
identification methods to be classified as *Apis mellifera* 40  
*scutellata*. 41

(J) "Swarm" means a population of bees that is not 42  
permanently established. 43

(K) "Colony" means the hive and its equipment, including 44  
bees, combs, and brood. 45

(L) "Compliance agreement" means a written agreement 46

between the department of agriculture and any person engaged in 47  
queen rearing in which the person agrees to comply with 48  
stipulated requirements. 49

(M) "Nuc" means a small colony of bees in a hive box to 50  
which all of the following applies: 51

(1) The hive box contains three to five frames. 52

(2) The hive box contains a laying queen bee and the 53  
queen's progeny in egg, larval, pupa, and adult stages. 54

(3) The small colony has honey and a viable population 55  
sufficient enough to develop into a full-sized colony. 56

**Sec. 909.02.** Any person owning or possessing bees shall on 57  
or before the first day of June of each year, or thereafter 58  
within ~~ten~~ thirty days after coming into ownership or possession 59  
of bees, or upon moving bees into this state from outside the 60  
state, file with the director of agriculture an application for 61  
registration setting forth the exact location of ~~his~~ the 62  
person's apiaries and ~~the number of colonies of bees in each~~ 63  
~~apiary, together with~~ such other information as is required by 64  
the director, ~~and accompanied by a registration fee of five~~ 65  
~~dollars for each separate apiary owned or possessed by him at~~ 66  
~~time of registration. Any person who submits his application~~ 67  
~~after the dates specified by this section, or after the dates~~ 68  
~~specified in rules adopted by the director, shall be subject to~~ 69  
~~a ten-dollar late filing fee in addition to the five-dollar~~ 70  
~~registration fee. Upon acceptance of the application, the~~ 71  
~~director shall issue to such person a certificate of~~ 72  
~~registration. All certificates~~ registrations issued in 73  
accordance with this section expire on the following ~~thirty-~~ 74  
~~first day of May next following date of issuance or renewal, and~~ 75

shall be renewed according to the standard renewal procedure of  
sections 4745.01 to 4745.03 of the Revised Code.

No person shall maintain an apiary ~~located on premises~~  
~~other than that of his residence unless such the~~ apiary is  
registered under this section and identifiable by an apiary name  
or identification number assigned to such person by the  
director. Such identification number shall be posted in a  
conspicuous location in the apiary. The moving, raising, and  
production of bees, beeswax, honey, and honey products shall be  
deemed an agricultural pursuit.

**Sec. 909.07.** The board of county commissioners may  
~~appropriate such funds as it deems sufficient for the inspection~~  
~~of apiaries in its county. It may appoint~~ appoint, with the  
consent and concurrence of the director of agriculture, a deputy  
~~apiarist with the consent and concurrence of the director of~~  
~~agriculture, said deputy to serve during the pleasure of said~~  
~~board except as specified in this section. Such Except as~~  
otherwise specified in this section, a deputy serves at the  
pleasure of the applicable board of county commissioners. A  
deputy apiarist shall be paid such a salary as the board of  
~~county commissioners determine for each day, or for each half~~  
~~day of determines for inspection work actually done, together~~  
~~with such and other expenses as are necessarily incurred in the~~  
~~doing of the directly related to inspection work. Before the~~  
board approves ~~said the~~ salary and expenses for payment, ~~such~~  
the deputy apiarist shall submit the same to the director for  
his approval review. Such

A deputy apiarist shall work under the direction of the  
director and shall be responsible ~~to him for the enforcement of~~  
~~sections 909.01 to 909.18, inclusive, of the Revised~~

~~Code~~ inspection of apiaries in assigned counties prescribed by 106  
the department of agriculture and for the administration and 107  
enforcement of this chapter. ~~The~~ 108

The director may terminate the appointment of any deputy 109  
upon ~~submitting to the board a statement that such deputy has~~ 110  
~~shown himself to be~~ apiarist if there is evidence that the 111  
deputy has been unethical, negligent, incompetent, inefficient, 112  
or untrustworthy in the discharge of his official duties. ~~Such A~~ 113  
deputy apiarist shall furnish to the director ~~such~~ reports as 114  
are required and ~~upon blanks furnished by him~~ the director. A 115  
~~duplicate of such reports shall be presented to the board each~~ 116  
~~time that a statement of salary and expense is presented for~~ 117  
~~payment.~~ 118

**Sec. 909.08.** Each person within the state ~~engaged in the~~ 119  
~~rearing of that intends to sell, trade, gift, or otherwise~~ 120  
~~distribute~~ queen bees ~~for sale or gift, before the first day of~~ 121  
~~April of each year, packaged bees, nucs, or colonies~~ shall file 122  
with the ~~director~~ department of agriculture a request for the 123  
~~inspection of his~~ certification of all of the person's queen 124  
rearing apiaries ~~where queen bees are reared~~ for which 125  
certification is requested. Each request shall be accompanied by 126  
a certification fee of fifty dollars or an amount specified in 127  
rules adopted by the director of agriculture. The director ~~shall~~ 128  
~~may~~ require all queen rearing apiaries to be inspected as 129  
specified in rules adopted by the director at least once each 130  
year. If the inspection results in the diagnosis of any serious 131  
bee disease or pest or indicates the presence of Africanized 132  
honey bees, the owner thereof shall not ~~ship, sell, or give away~~ 133  
~~any queen~~ sell, trade, gift, or otherwise distribute any bees 134  
until ~~he has~~ the diagnosed problem has been controlled or 135

eradicated ~~the disease or bees~~ to the satisfaction of the 136  
director. 137

When such serious bee diseases or ~~bees-pests~~ have been 138  
controlled or eradicated in the queen rearing apiary, or if no 139  
serious bee disease or pest is diagnosed or Africanized honey 140  
bees are found, the director ~~shall~~ may issue a ~~an~~ official 141  
certificate, ~~signed by the state apiarist, a copy of which~~. A 142  
copy of the certificate shall be attached to each package or 143  
~~shipment of~~ included with each queen ~~bees~~ mailed or shipped, nuc, 144  
or colony provided by the producer. The certificate shall ~~be~~ 145  
~~valid for, but not to exceed, one year~~ expire on the thirty-first 146  
day of May of the following year and may be renewed annually. 147  
The use of tags or other devices bearing an invalid or altered 148  
certificate and the misuse of any valid certificate is 149  
prohibited. 150

**Sec. 909.09.** No person shall sell, offer for sale, give, 151  
~~offer to give, barter, or offer to barter~~ trade, or otherwise 152  
distribute any bees, honeycombs, or used beekeeping equipment 153  
~~without a permit from the director of agriculture~~ that contains a 154  
serious bee disease or pest. Upon request, the state or a deputy 155  
apiarist may issue a transfer permit if, upon inspection, the 156  
item is determined to be apparently free from serious bee 157  
diseases and pests. The permit, or a copy of it, ~~shall~~ may 158  
accompany any such transfer of ownership. The director may 159  
refuse to issue the permit until ~~he finds~~ it is found by 160  
inspection that any ~~africanized honey bees are eradicated from~~ 161  
~~and any~~ serious bee diseases and pests are controlled or 162  
eradicated from the bees, honeycombs, or used beekeeping 163  
equipment. 164

This section does not apply to the transfer of ownership 165

of honeycomb for human consumption.

**Sec. 909.13.** The director of agriculture, in accordance with sections 119.01 to 119.13, ~~inclusive,~~ of the Revised Code, may suspend or revoke any registration, certificate, or permit issued under sections 909.01 to 909.18, inclusive, of the Revised Code this chapter, or a compliance agreement entered into under this chapter, for cause, including any violation of ~~such sections this chapter~~ or nonconformity with any rule or order promulgated under ~~such sections in accordance with sections 119.01 to 119.13, inclusive, of the Revised Code~~ this chapter. There shall be no revocation of a compliance agreement, registration, certificate, or permit until the compliance agreement holder, registrant, or certificate or permit holder first is given an opportunity for a hearing by the director in regard thereto in accordance with sections 119.01 to 119.13, inclusive, of the Revised Code. An appeal may be taken from the action of the director in revocation of a compliance agreement, registration, certificate, or permit to the court of common pleas as provided in section 119.12 of the Revised Code."

Update the title, amend, enact, or repeal clauses accordingly

The motion was \_\_\_\_\_ agreed to.

#### SYNOPSIS

**Apiary Law changes**

**R.C. 909.01, 909.02, 909.07, 908.08, 909.09, and 909.13**

**Apiary registration**

Makes the following changes to the requirements governing  
apiary registration, which is administered by the Department of  
Agriculture:

1. Increases, from 10 to 30 days, the deadline by which a  
person must register an apiary after the person comes into  
ownership or possession of bees or moves into Ohio with an  
apiary;

2. Eliminates the \$5 annual registration fee;

3. Eliminates the \$10 late fee for failure to meet the  
registration deadline;

4. Eliminates the issuance of physical certificates of  
registration; and

5. Requires any person with a registered apiary to ensure  
that the apiary is identifiable by identification number  
assigned to the person via posting in the apiary, rather than  
only requiring such posting when the person is maintaining an  
apiary on a premises other than the person's residence as under  
current law.

#### **County appropriations for apiary inspections**

Eliminates a board of county commissioner's authority to  
appropriate money in an amount it deems sufficient for the  
inspection of apiaries in its county.

#### **Deputy apiarist**

For purposes of paying a deputy apiarist, requires a board  
of county commissioners to pay the deputy apiarist for  
inspection work and expenses related to that work, as the board  
determines, rather than requiring the board to pay for each day  
or half day of inspection work actually done as under current



law.	218
Requires the Director to review, rather than approve, a deputy apiarist's salary and expenses.	219 220
Allows the Director to assign a deputy apiarist to conduct inspections in multiple counties, instead of only the county in which the deputy is appointed as under current law.	221 222 223
With respect to the Director's authority to terminate a deputy apiarist, does both of the following:	224 225
1. Eliminates the requirement that the Director must submit to the board of county commissioners a statement of the reasons for termination; and	226 227 228
2. Expands the reasons for termination to include unethical or negligent discharge of the deputy's duties.	229 230
Regarding reports furnished to the Director by a deputy apiarist, eliminates a requirement that a duplicate of a report be presented to the board of county commissioners each time that a deputy submits a salary or expense reimbursement request.	231 232 233 234
<b>Sale or gift of queen bees</b>	235
Regarding the law governing the sale or gift of queen bees, makes the following changes:	236 237
1. Expands the law to include the sale of packaged bees, nucs, and bee colonies;	238 239
2. Expands the law to include the trade and distribution of bees;	240 241
3. Requires a person who intends to sell, trade, gift, or otherwise distribute queen bees, packaged bees, nucs, or colonies to file with the Department of Agriculture a request	242 243 244

for certification of all of the person's queen rearing apiaries 245  
for which certification is requested, rather than filing a 246  
request for inspection as under current law; 247

4. Requires the request for certification to be 248  
accompanied by a certification fee of \$50 or an amount set in 249  
rules by the Director; 250

5. Authorizes the Director to require all queen rearing 251  
apiaries to be inspected as specified in rules, but not less 252  
than once each year, rather than requiring inspections once each 253  
year with no authority for the Director to alter inspection 254  
frequency as under current law; and 255

6. Expands the prohibition against distributing diseased 256  
bees to include a prohibition against distributing an apiary 257  
with bee pests and makes conforming changes. 258

Defines a "nuc" as a small colony of bees in a hive box 259  
to which all of the following applies: 260

1. The hive box contains three to five frames; 261

2. The hive box contains a laying queen bee and the 262  
queen's progeny in egg, larval, pupa, and adult stages; and 263

3. The small colony has honey and a viable population 264  
sufficient enough to develop into a full-sized colony. 265

#### **Enforcement authority** 266

Expands the Director's enforcement authority regarding the 267  
Apiary Law to include: 268

1. Compliance agreements between the Department and a 269  
person engaged in queen rearing where the person agrees to 270  
comply with stipulated requirements; 271

2. The authority to suspend any compliance agreement or	272
any registration, certificate, or permit; and	273
3. The authority to revoke any registration or compliance	274
agreement.	275