

Frequently Asked Questions - (as of 12 February 2017)

Chapter 131 Proposed Changes - 2017; HB 1293

The Texas Beekeepers Association (TBA) and local beekeepers are working together to update the beekeeping laws in Texas. The proposed changes are contained in HB 1293 which is available at texasbeekeepers.org.

Below are questions we've received on the contents of HB 1293 and on the process of approval.

If your question is not answered below, please view other questions and answers at the Ag Code 131 blog at texasbeekeepers.org. You may also submit your question to "131questions@texasbeekeepers.org".

The questions are divided into three categories:

- Overview
- HB 1293 Specific
- Next Steps

Overview

1. Bee laws in Texas? I didn't know we had any!

There are laws on the books regulating beekeeping in Texas. Section 131 of the Agriculture Code of Texas details the laws in Texas concerning bees and honey. The laws first came into effect in the early 1900s and were last updated in 1983. The bee laws exist to primarily protect the beekeeping industry in Texas and to give powers to the Texas Apiary Inspection Service (TAIS) to oversee and when necessary enforce the laws for the protection and good of beekeepers and the beekeeping industry. The current laws are available at <http://txbeeinspection.tamu.edu/regulations/>.

2. Why does TBA want to update the laws now?

The present laws do not address current beekeeping issues in Texas. When the 1983 edition of the beekeeping laws came into force the main issue facing the beekeeping industry was American Foulbrood. The varroa destructor mite and a whole host of viruses that come with them were not even known in America back then. Similarly, the science on beekeeping has improved so that we know more about the pests and diseases of honeybees and how they are transmitted. While an individual beekeeper may do a good job of treating pests and diseases in his/her hives, if their neighbor does not, or worse, simply abandons his or her equipment, other beekeepers could suffer adversely. Updating the laws allows all beekeepers to benefit from information submitted to the TAIS.

3. Who were the principle authors of HB 1293? / What part did TAIS play in the drafting of HB 1293?

The Texas Beekeepers Association is the author of HB 1293. More than 60 commercial, sideliner, and hobbyist beekeepers volunteered to participate in drafting HB 1293.

There are four specific goals TBA desires to accomplish with this law update:

- simplifying the permit and inspection requirements,

- providing exemption from specific laws for hobbyist beekeepers with generally less than 25 hives,
- updating the laws to reflect current beekeeping conditions and best practices in Texas, and
- broadening the scope of TAIS's role to include providing educational programs to improve beekeeping practices in Texas.

The TBA committee consulted TAIS for specific information and language. Once the bill is enacted TAIS will begin the rule-making process. This process will include a public comment period.

4. **What was the impetus or concern that led to the drafting of HB 1293?**

In short, the existing laws are both inadequate and ineffective. TBA, as the representative voice of beekeepers in the state of Texas, desired to take a proactive approach to recommending changes, and then ultimately authoring the bill, HB 1293.

Existing bee laws, last updated in 1983, do not reflect current beekeeping practices, contain outdated regulations, and do not allow the Texas Apiary Inspection Service to further their mandate of protecting the beekeeping industry in Texas.

5. **"Why are we just now hearing about this legislation?"**

A subgroup of TBA members has been at work since the November 2015 annual meeting to draft the proposed legislation. The work began in earnest in early 2016 when 60 TBA members who had volunteered at the 2015 annual meeting, met to begin deliberations. The group completed a draft of the legislation in June of 2016. Finally, legislative counsel reviewed the draft and converted it to a form that could be submitted to the 2017 Texas legislature. This was the issue at the November 2016 TBA Annual meeting; the bill was in draft form, awaiting final approval from legislative counsel.

Legislative counsel completed their work in late 2016 and the bill was finally filed in January 2017. TBA could now openly discuss the bill labeled, HB 1293.

6. **What are the main changes being proposed to the existing laws?**

Many of the proposed changes are administrative and would clean up definitions, the names of organizations, the duties of the Chief Apiary Inspector, and the scope of the TAIS activities. The main changes are summarized below. For the exact wording go to www.legis.state.tx.us/tlodocs/85R/billtext/html/HB01293I.htm

- **Reporting Pests** - Beekeepers are required under current law to report all pest and diseases in their hives. The Chief Apiary Inspector, under the new legislation, will maintain a list of "reportable diseases" and "reportable pests" which have a significant impact on the beekeeping industry in Texas. With proper reporting the Chief Apiary Inspector will have a better handle on how to protect the Texas beekeeping industry from an outbreak. The Chief Apiary Inspector will also maintain a list of "unwanted species of bees" for the same reasons.
- **Selling Bees** - Sellers of any quantity of bees or queens in Texas must currently have a certificate of inspection or provide an affidavit of health. Under the proposed changes, sellers of 25 queens, packages, colonies, or nuclei, collectively, or fewer than 100 queen cells would be exempt.
- **Moving Bees** - Beekeepers desiring to move any bees across Texas county lines or state lines are currently required to obtain permits each time to do so. With the proposed changes, there will now be

only one annual permit to move bees, and beekeepers with an annual average of 25 or fewer colonies are exempt from the fee.

- **Beekeepers' Network** - Registering as a beekeeper is voluntary, under current law. If the proposed changes are enacted, all beekeepers with more than an annual average of 25 or more colonies or nuclei will be required to register with the TAIS. This will allow the Chief Apiary Inspector a better overview of the beekeeping industry in Texas and allow the Chief Apiary Inspector to better inform beekeepers of potential threats to their operations.

7. How does HB 1293 benefit the hobbyist beekeeper? / Why should the hobbyist beekeeper support the passage of HB 1293?

If HB 1293 is passed hobbyist beekeepers will see the following benefits:

- **Permits for inter- and intra-state transportation of bees** – No permit will be required for the movement of bees inside of Texas. Hobbyist beekeepers would be exempt from the fee for an interstate movement permit but would still need to apply for the permit.
- **Bee health inspections or affidavit requirements** - Hobbyist beekeepers would be exempt for annual sales of fewer than 25 queens, packages, colonies or nucleus hives, and 100 queen cells
- **Marking or identifying apiary equipment** – Except at the home residence of the beekeeper, all apiary equipment must be marked by branding, a placard on the hive itself, or by a posted sign in the apiary with the name and contact information of the beekeeper utilizing at least 1 inch letters.
- **Reporting every pest, disease, and species of bees** – Beekeepers would only report those that are truly an issue, or could become one, for Texas beekeepers.

Agricultural laws and regulations in Texas are, in general, designed to protect industries important to the state. In the case of Section 131, the industry being protected is the production of bees and honey in Texas. Protection can mean to maintain economic viability for those engaged in beekeeping as a profession. It can also mean to protect all beekeepers from potentially devastating problems be they disease, pests, or abandoned potentially infested equipment. HB 1293 is designed to update and simplify the bee laws to keep pace with advancements in beekeeping and the threats beekeepers face.

HB 1293 Specific

8. The bill seems to be mostly housekeeping. Is that correct?

There are many housekeeping changes to the existing law, last updated in 1983, to bring it up to the state of beekeeping in 2017. One example is that of "reportable pests." In the existing law, ANY pest or disease of honeybees is to be reported to the Chief Apiary Inspector. This would include varroa mites, which we all have! The real intent is to make the Chief Apiary Inspector aware of pests and diseases which will have a real impact on beekeeping, such as the Foulbrood diseases or the most recently discussed Australian Sap Beetle, which is now in California.

9. Why does HB 1293 differentiate between two classes of beekeeper, those with fewer than 25 hives and those with more in terms of registration and fee exemption?

All beekeepers are encouraged to register their presence and the location of their apiaries with the Texas Apiary Inspection Service. This will give TAIS a tool to notify all registered beekeepers with important information on

issues affecting Texas beekeepers.

As for not requiring registration for beekeepers with less than 25 hives, this is a balancing act. The TAIS is charged with protecting the beekeeping industry in Texas which usually means they are concerned about diseases, pests, and unwanted species of bees. The group of beekeepers that drafted the legislation made the determination that those with less than 25 hives would have a negative impact of Texas beekeeping far below that of beekeepers with a greater number of hives. There was also a consideration on TAIS' part to not unduly increase the work or time required to implement the legislation so as to not unduly increase costs and fees. The same could be said with regard to the fee administration for hobbyist beekeepers and so TBA decided to exempt them from certain fees in the proposed legislation.

10. The whole "unwanted species of bee" language has me thinking that TAIS will begin to regulate the native bees as well. Why is this language in HB 1293 and what are you trying to accomplish with it?

The language was placed into the proposed changes to strengthen the State's ability to respond to incursion of exotic bee species, both *Apis* and non-*Apis*. The intent of the bill is not to regulate or classify native species as pests but to protect the industry from damage against such species; the Asian Honey Bee and stingless bees from South America are examples.

11. What are some examples of unwanted species of bees?

The real threat here is from bees that are very different from the bees we keep, *Apis mellifera mellifera*. An example of unwanted bee species would be *Apis mellifera capensis*, or the South African Cape bee. These Cape bees can quickly parasitize an *Apis mellifera mellifera* colony causing great economic harm for the beekeeper. Once established in a colony of another *Apis mellifera* subspecies, Cape laying workers behave like cancer cells; rapidly reproducing and draining colony resources while offering no benefit to the host. Infected colonies eventually dwindle and die. The remaining Cape workers disperse to parasitize new host colonies.

12. Please explain the difference between a pest, disease, or unwanted species of bee, and a "reportable" one. How will this affect your inspections? Do I have to be varroa free to pass an inspection?

This differentiation in the definition allows TAIS to more narrowly define what pests should be reported. Not all reportable pests will require regulatory actions. TAIS will work with other state apiary inspection services and the USDA to designate pests and diseases that may negatively affect the industry and should therefore be reported. American Foulbrood, *Tropilaelaps* mites, and Asian honey bees would be examples of reportable pests if HB 1293 were in effect today.

13. Will there be a mandate to treat hives if this legislation passes?

The only requirement to treat a hive would be if a quarantine is enacted by the Chief Apiary Inspector. This can only be done when the Chief Apiary Inspector has done due diligence with regard to identification of the pest or disease to be treated. Unlike in the existing law, HB 1293 will give beekeepers the right to appeal any proposed quarantine.

14. I don't like the idea of not having a set fee structure in the bill. How do I know that TAIS will not raise fees? Isn't this bill just about getting more money for TAIS? When will we know the new fees? What is the process for discussing them with the industry before enacting them?

TAIS may, from time to time, be required to raise fees. The proposed law provides the following guidance: Sec.131.010. FEES. The Chief Apiary Inspector shall make a reasonable effort to set the fees charged under this chapter at amounts that are reasonable in relation to the costs administering this chapter. In setting fees, the inspector shall balance the revenue needs against the effect of the fees on the industry.

TAIS will follow the mandate set forth in this section to not unduly burden a sector of the industry.

Upon passage of HB 1293 and signing into law by Governor Abbot, TAIS will begin to make rules and regulations to implement HB 1293. There are public comment periods in this rulemaking process for the industry and individual beekeepers to voice their approval or concerns. The new fees would go into effect on September 1, 2017.

15. Bees being inadvertently sprayed with mosquito control chemicals are in the news today. Does HB 1293 address this concern?

The Texas Apiary Inspection Service (TAIS) has no jurisdiction over the application of pesticides in Texas. The Texas Department of Agriculture oversees pesticide application. Their website is <https://www.texasagriculture.gov/RegulatoryPrograms/Pesticides.aspx>.

TAIS, as well as TBA, can serve an advocacy role in making the voice of the beekeeping industry heard as it relates to pesticide use when the beekeeping industry is affected. This is certainly an issue which local governments are wrestling with in trying to balance the concerns of public health and of agriculture.

16. Why did HB 1293 include a requirement for TAIS to be involved in beekeeper education?

TBA desired the TAIS to have a mandate to provide relevant disease and pest education to the beekeeping industry. Under the current law no such mandate exists.

17. Regarding registration of beekeepers, is this by individual, family, or company? If I have 96 colonies and register the four members of my family individually as the owners, will all four of us be considered exempt?

The proposed definition of a beekeeper is "a person, who owns, leases, possesses, controls, or manages one or more colonies of bees for any personal or commercial purpose."

In the specific example given, the four individuals, if they meet the definition of "beekeeper" proposed, would own less than 25 colonies and therefore exempt as provided in HB 1293. Individuals considering such an arrangement should consider all ramifications of this form of colony ownership.

18. What is the status of beekeeper registration in the United States?

The table below details the requirements for each state.

Registration Required	Registration Voluntary	No Registration
Alabama	Hawaii	Colorado
Alaska	Indiana	Georgia
Arizona *	Iowa	Kansas
Arkansas	Massachusetts	Kentucky
California	Mississippi	Michigan
Connecticut	Nevada	Minnesota
Delaware	New Hampshire	Missouri

District of Columbia	North Carolina	Nebraska
Florida	Oklahoma	New York
Idaho		South Carolina
Illinois		Virginia
Louisiana		Wisconsin
Maine*		
Maryland		
Montana		
New Jersey		
New Mexico		
North Dakota*		
Ohio		
Oregon		
Pennsylvania		
Rhode Island		
South Dakota		
Tennessee		
Utah		
Vermont		
Washington		
West Virginia		
Wyoming		

*Something similar to registration

Next Steps

19. How can I find out more information on the proposed changes and legislative updates?

Please e-mail your questions, comments, or concerns to "131questions@texasbeekeepers.org" for a quick response from an informed fellow Texas beekeeper.

The wording of the proposed changes and other legislative updates are available on the TBA website at <http://texasbeekeepers.org/>.

TBA will send out periodic updates to all members and beekeepers of record as the legislation progresses.

20. What can I do to support the enactment of the proposed changes to the Section 131 beekeeping laws?

The bill, HB 1293, containing the proposed changes will make its way through the legislative process. At key times there will be a need to voice your support to your legislators. TBA, through its website, e-mail, and other means will let you know when to contact your legislators.

All beekeepers are encouraged to learn about HB 1293 and to assist other beekeepers in recognizing the advantages HB 1293 offers over the exiting 1983 laws.

21. Will TBA discuss HB1293 at the Winter Delegates Meeting on February 18, 2017 in College Station?

Yes. At the February 18 meeting TBA member associations will receive additional information and resources to communicate the facts about HB 1293 to their association members. TBA directors will also be making

presentations to member associations in their assigned areas. A debate about the proposed legislation is not on the agenda.

In the meantime, if there are questions, please submit them to the TBA mailbox at "131questions@texasbeekeepers.org" for an answer. Beekeepers can also subscribe to the TBA blog at texasbeekeepers.org for updates and downloads of all TBA information on HB 1293.

22. What if there are provisions in HB 1293 that I do not like or cannot agree to?

TBA's desire is that all beekeepers would support the legislation and voice their support to their fellow beekeepers and their respective legislative representatives.

TBA realizes not everyone will agree with the HB 1293 in full. This is to be expected. However, TBA asks all beekeepers to evaluate whether HB 1293, while not perfect, is better than the existing laws. Remember, beekeepers wrote HB 1293 and sought to craft legislation which would be beneficial to the beekeeping industry in Texas.

If an individual is unable to support the bill, they are free to voice their concerns to their legislative representatives. TBA would also ask those dissenting individuals to then be a part of the future committee which will be charged with updating the laws during the next legislative cycle.

23. What is the legislative process and timeline for the proposed changes?

- March to December 2016 - A TBA Committee met to propose changes and draft a working document for legislative drafting of a bill.
- January - February 2017 - Discussions with potential sponsor legislators
- January 2017 - Entered into legislative docket and assigned bill number (HB 1293)
- January - May 2017 - Hearings in committees and legislature; if passed the law would be submitted for Governor Abbot's approval.
- September 2017 - Many provisions of the new law come into effect