
THIRD READING

Bill No: AB 719
Author: Committee on Agriculture
Amended: 8/17/22 in Senate
Vote: 21

SENATE AGRICULTURE COMMITTEE: 5-0, 7/1/21

AYES: Borgeas, Hurtado, Caballero, Eggman, Glazer

SENATE APPROPRIATIONS COMMITTEE: 7-0, 8/26/21

AYES: Portantino, Bates, Bradford, Jones, Kamlager, Laird, McGuire

ASSEMBLY FLOOR: 78-0, 6/1/21 - See last page for vote

SUBJECT: Bees

SOURCE: California State Beekeepers Association

DIGEST: This bill updates portions of the Apiary Protection Act, primarily by changing the makeup of the Apiary Advisory Board, revising definitions, and updating provisions.

Senate Floor Amendments of 8/17/22 remove from the bill Food and Agricultural Code Section 29044 regarding annual registration fees paid to the secretary of the California Department of Food and Agriculture by each beekeeper, apiary owner, apiary operator, broker, or person in possession of any apiary.

ANALYSIS:

Existing law:

- 1) Creates the Apiary Board within the California Department of Food and Agriculture (CDFA). The board is required to consist of five members that are appointed by the secretary of CDFA and are registered beekeepers that reside in California. Existing law also allows the secretary of CDFA to appoint an additional public member.

- 2) Defines, for purposes of the Apiary Protection Act, “pest” to mean American foulbrood or any other infectious disease, parasite, pest, or hereditary disease that affects bees that the secretary declares by regulation detrimental to the welfare of the bee industry.
- 3) Requires an owner or a person in charge or possession of an apiary to, among other things, register the number of colonies in each apiary and the location of each apiary; and abate an infestation of an apiary upon finding an infestation to be present or receiving notice of an infestation.
- 4) Authorizes any person to transport any contaminated hive, together with its contents, or any contaminated comb, including any frame associated with it, to a suitable place for burning or to a licensed wax salvage plant, as specified.
- 5) Specifies no person shall move or transport any bees, comb, appliances, or colonies within the state that are diseased.
- 6) Authorizes an inspector, in a summary manner, to destroy where required, any and all diseased colonies, bees, combs, or hives that are unlawfully moved within the state wherever they may be found.
- 7) Requires a beekeeper to report to the agricultural commissioner of the county in which the beekeeper’s apiary is located, on a form approved by the secretary, each location of apiaries for which notification of pesticide usage is sought.
- 8) Requires each request, except as specified, to be mailed within 72 hours before locating an apiary, where feasible, but in no event later than 72 hours after locating an apiary.
- 9) Provides that no person shall import or transport into the state any comb, bees on comb, queen bees, package bees, bee semen, or any used hive or used appliance, unless each separate load, lot, or shipment is accompanied by a valid certificate, and filed in a form and in the manner as set forth by the secretary, and unless the certificate is delivered to the agricultural commissioner of the county of destination or to the secretary, if there is no agricultural commissioner in the county, within 72 hours after the arrival of the load, lot, or shipment.
- 10) Requires the colony strength of a bee colony to be certified after inspection on the basis of the number of active frames of bees or the square inches of brood per colony, or both, using a sampling system approved by the secretary.

- 11) Requires the inspector, to the greatest extent possible, to endeavor to give the beekeeper advance notice of the scheduled date of the inspection.
- 12) Prescribes various abatement methods for diseased colonies.
- 13) Authorizes the secretary, in cooperation with the Regents of the University of California, to approve programs statewide to train, on a voluntary basis, beekeepers in the maintenance of colonies free of Africanized honey bees.

This bill:

- 1) Increases the number of board members from five to nine.
 - a) Six board members shall be registered beekeepers who live in California and are representative of queen breeding, pollination, and honey production.
 - b) One board member shall be designated as a nonvoting member and will be from the California Agricultural Commissioners and Sealers Association.
 - c) One member shall be a member of an agriculture commodity group that uses the services of pollinators to serve in a nonvoting capacity.
 - d) One member shall be appointed by the secretary of CDFA and will serve as a public member.
- 2) Defines “pest” to include American foulbrood or any other infectious disease, parasite, pest, or hereditary disease that affects bees that the secretary declares by regulation, in consultation with the association representing the beekeeping industry and the Apiary Board to be a pest that is detrimental to the welfare of the bee industry.
- 3) Defines “infected,” “infested,” “contaminated,” or “diseased” to include a viable stage of the life cycle of a “pest,” as defined in Section 29009 Food and Agricultural Code, that can be demonstrated to exist on or within the colony population or on hives, comb, or any appliances associated with beekeeping operations.
- 4) Defines “inspector” to mean any person who has received a certificate issued by the department with curriculum approved by the secretary and who is authorized to enforce this bill.
- 5) Defines “broker” to mean a person or entity that receives a monetary profit from the management of beehives, hive equipment, or honey bees that they do

not own but have control of through a private or public agreement between one or more parties.

- 6) Authorizes any person under the supervision of a local county agricultural commissioner, except when prohibited by other provisions of this bill, to transport any contaminated hive, together with its contents, or any contaminated comb, including any frame associated with it, to a suitable place for disposal or to a licensed wax salvage plant, as specified (Pursuant to Food and Agricultural Code, Section 29208).
- 7) Authorizes any person under the supervision of the local county agricultural commissioner to transport contaminated comb, including any frame associated with it, to a suitable place for burning or disposal or to a wax salvage plant, as specified (Pursuant to Food and Agriculture, Section 29208).
- 8) Authorizes an inspector to destroy any and all colonies, bees, combs, or hives that contain pests that are unlawfully moved within the state to wherever they may be found.
- 9) Authorizes electronic submission of beekeeper reports to the agricultural commissioner of the county in which the beekeeper's apiary is located for which notification of pesticide usage is sought.
- 10) Authorizes operations to abate diseased colonies to be performed by any authorized hazardous waste facility.
- 11) Authorizes the secretary or the county agricultural commissioner to impose an administrative civil penalty on a person who violates specified provisions of law relating to honey production.
- 12) Authorizes the secretary, in consultation with the board, to approve programs statewide to train, on a voluntary basis, beekeepers, inspectors, or county agricultural commissioners in contemporary and geographically relevant colony management, including, but not limited to, the maintenance of colonies free from Africanized honey bees.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Senate Appropriations Committee, CDFA indicates that it would incur costs of \$171,000 in 2021-22, and \$132,000 annually thereafter, to implement the provisions of this bill (General Fund). This bill does not currently grant the department authority to adjust assessments and fees to cover these increased costs.

SUPPORT: (Verified 8/18/22)

California State Beekeepers Association (source)

OPPOSITION: (Verified 8/18/22)

None received

ARGUMENTS IN SUPPORT: According to the author, “This bill updates and changes a portion of the Apiary Protection Act (APA), primarily changing the makeup of the California Department of Food and Agriculture’s (CDFA) Apiary Advisory board, revising definitions, and updating provisions to reflect current technology and industry best practices.”

The California State Beekeepers Association, sponsors of this bill, write in support stating the bill is necessary to update portions of the Apiary Protection Act to bring “critically necessary clarity and consistency to the entire code section.”

ASSEMBLY FLOOR: 78-0, 6/1/21

AYES: Aguiar-Curry, Bauer-Kahan, Bennett, Berman, Bigelow, Bloom, Boerner Horvath, Bryan, Burke, Calderon, Carrillo, Cervantes, Chau, Chen, Chiu, Choi, Cooley, Cooper, Cunningham, Megan Dahle, Daly, Davies, Flora, Fong, Frazier, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Lorena Gonzalez, Gray, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Kiley, Lackey, Lee, Levine, Low, Maienschein, Mathis, Mayes, McCarty, Medina, Mullin, Muratsuchi, Nazarian, Nguyen, O'Donnell, Patterson, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Seyarto, Smith, Stone, Ting, Valladares, Villapudua, Voepel, Waldron, Ward, Akilah Weber, Wicks, Wood, Rendon

NO VOTE RECORDED: Arambula

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8/19/22 13:13:38

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