

40:48-1.5 & 4:6-24

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2015 **CHAPTER:** 76

NJSA: 40:48-1.5 & 4:6-24 (Establishes exclusive State regulatory authority over apiary activities and allows for delegation of monitoring and enforcement authority to municipalities)

BILL NO: A1295 (Substituted for S1975)

SPONSOR(S) Dancer and others

DATE INTRODUCED: January 16, 2014

COMMITTEE: **ASSEMBLY:** Agriculture and Natural Resources

SENATE: Economic Growth

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** June 23, 2014

SENATE: June 29, 2015

DATE OF APPROVAL: July 31, 2015

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (First reprint enacted) Yes

A1295

SPONSOR'S STATEMENT: (Begins on page 3 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

S1975

SPONSOR'S STATEMENT: (Begins on page 3 of introduced bill corrected copy) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"Guadagno Signs Three Bills for Bees," northjersey.com, 7-31-15

"Guadagno Signs Bee Measures," The Press of Atlantic City, 8-1-15

LAW/RWH

P.L.2015, CHAPTER 76, *approved July 31, 2015*

Assembly, No. 1295 (*First Reprint*)

1 AN ACT concerning the regulation of apiary activities, and
2 supplementing Titles 4 and 40 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. a. Except as otherwise provided in ¹**[subsection]**
8 subsections¹ b. ¹and c.¹ of this section, no municipality may:

9 (1) adopt an ordinance, resolution, rule, or regulation
10 concerning the breeding or keeping of honey bees or any activities
11 related thereto, including, but not limited to, the use of honey bees
12 for pollination, the reproduction and sale of honey bees, or the
13 production of honey or other apiary products from such bees; or

14 (2) establish any restriction or requirement that would result in
15 the prohibition of the breeding or keeping of honey bees, the use of
16 honey bees for pollination, or any activities related thereto, in the
17 municipality.

18 b. The State shall regulate apiary activities in the State
19 pursuant to R.S.4:6-1 through R.S.4:6-18, sections 8 and 9 of
20 P.L.1977, c.159 (C.4:6-19 and C.4:6-20), P.L.2007, c.271 (C.4:6-21
21 et seq.), section 2 of P.L. , c. (C.) (pending before the
22 Legislature as this bill), and any applicable laws. However, ¹**[it]**
23 the Department of Agriculture¹ may delegate to a municipality the
24 regulatory authority to monitor and enforce the apiary standards
25 established pursuant to subsection b. of section 2 of P.L. ,
26 c. (C.) (pending before the Legislature as this bill), if the
27 municipality adopts by reference those standards by ordinance.
28 Upon adoption of such an ordinance, the municipality ¹**[may]**
29 shall¹ assume responsibility to monitor apiary activities in the
30 municipality and enforce compliance with the standards adopted
31 pursuant to subsection b. of section 2 of P.L. , c. (C.) (pending
32 before the Legislature as this bill). ¹A municipality may, at any
33 time, repeal any such ordinance, and upon the municipality doing
34 so, the Department of Agriculture shall immediately reassume all
35 authority and associated duties and responsibilities previously
36 delegated to the municipality pursuant to this subsection.

37 c. If a municipality that has assumed responsibility pursuant to
38 subsection b. of this section finds that there is a condition or
39 circumstance in the municipality that is not resolved by the

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AAN committee amendments adopted June 12, 2014.

1 standards adopted pursuant to subsection b. of section 2 of P.L. ,
2 c. (C.) (pending before the Legislature as this bill), the
3 municipality shall request guidance thereon from the Department of
4 Agriculture. The department shall provide the guidance no later
5 than 90 days after the request is received by the department. Upon
6 expiration of the 90-day period and if the standards adopted
7 pursuant to section 2 of P.L. , c. (C.) (pending before the
8 Legislature as this bill) do not sufficiently address the condition or
9 circumstance, the municipality, after consulting with the
10 department, the New Jersey League of Municipalities, the New
11 Jersey Beekeepers Association, and the Mid-Atlantic Apiculture
12 Research and Extension Consortium, or successor organizations
13 with similar purposes, may adopt by ordinance a standard to address
14 the condition or circumstance, provided that the standard reflects
15 consideration of population density, the density and intensity of
16 development, type of land use, and honey bee biology and
17 behavior.¹

18
19 2. a. The Department of Agriculture shall regulate the
20 breeding and keeping of honey bees and any activities related
21 thereto, including, but not limited to, the use of honey bees for
22 pollination, the reproduction and sale of honey bees, and the
23 production of honey and other apiary products from such bees, and
24 may delegate its monitoring and enforcement authority to a
25 municipality pursuant to subsection b. of section 1 of P.L. ,
26 c. (C.) (pending before the Legislature as this bill).

27 b. Pursuant to the “Administrative Procedure Act,” P.L.1968,
28 c.410 (C.52:14B-1 et seq.), the Department of Agriculture shall
29 adopt any rules and regulations necessary for the implementation of
30 P.L. , c. (C.) (pending before the Legislature as this bill),
31 including but not limited to:

32 (1) apiary standards for the breeding and keeping of honey bees,
33 the use of honey bees for pollination, the reproduction and sale of
34 honey bees, and the production of honey and other apiary products
35 from such bees; and

36 (2) standards of administrative procedure for a municipality to
37 monitor and enforce the rules and regulations adopted pursuant to
38 this subsection. The standards shall include provisions for the
39 preparation and submittal to the department by the municipality of
40 periodic reports on the results of monitoring and enforcement
41 activities undertaken by the municipality.

42 ¹c. When developing the standards adopted pursuant to
43 subsection b. of this section, the Department of Agriculture shall
44 consult with the New Jersey League of Municipalities, the New
45 Jersey Beekeepers Association, and the Mid-Atlantic Apiculture
46 Research and Extension Consortium, or successor organizations
47 with similar purposes. The standards shall reflect consideration of:

1 (1) the population densities in rural, suburban, and urban areas
2 of the State;

3 (2) the densities and intensities of development and differing
4 land uses in communities throughout the State; and

5 (3) any other characteristics of various regions of the State that
6 the department determines to be significant to the regulation of
7 apiary activities in the State.¹

8

9 3. This act shall take effect immediately.

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14 Establishes exclusive State regulatory authority over apiary
15 activities and allows for delegation of monitoring and enforcement
16 authority to municipalities.

ASSEMBLY, No. 1295

STATE OF NEW JERSEY 216th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

Assemblyman PARKER SPACE

District 24 (Morris, Sussex and Warren)

Assemblyman BOB ANDRZEJCZAK

District 1 (Atlantic, Cape May and Cumberland)

Assemblywoman MARLENE CARIDE

District 36 (Bergen and Passaic)

Co-Sponsored by:

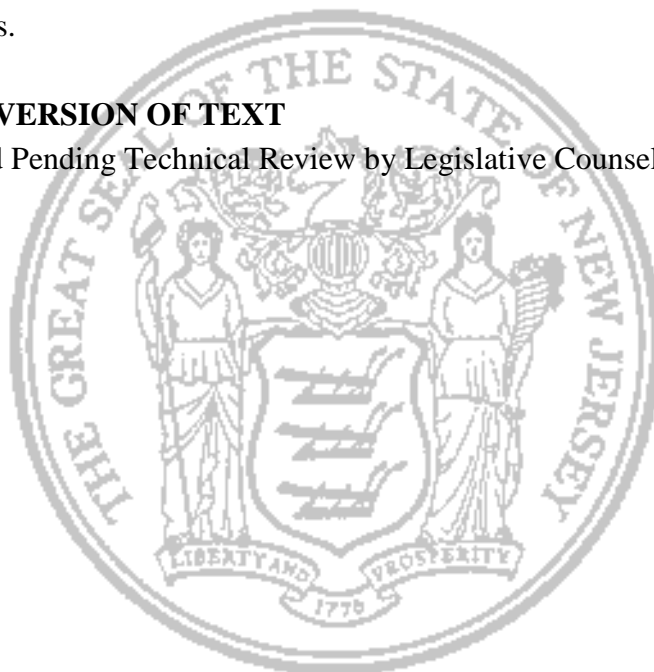
Assemblywomen McHose and Schepisi

SYNOPSIS

Establishes exclusive State regulatory authority over apiary activities and allows for delegation of monitoring and enforcement authority to municipalities.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning the regulation of apiary activities, and
2 supplementing Titles 4 and 40 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. a. Except as otherwise provided in subsection b. of this
8 section, no municipality may:

9 (1) adopt an ordinance, resolution, rule, or regulation
10 concerning the breeding or keeping of honey bees or any activities
11 related thereto, including, but not limited to, the use of honey bees
12 for pollination, the reproduction and sale of honey bees, or the
13 production of honey or other apiary products from such bees; or

14 (2) establish any restriction or requirement that would result in
15 the prohibition of the breeding or keeping of honey bees, the use of
16 honey bees for pollination, or any activities related thereto, in the
17 municipality.

18 b. The State shall regulate apiary activities in the State
19 pursuant to R.S.4:6-1 through R.S.4:6-18, sections 8 and 9 of
20 P.L.1977, c.159 (C.4:6-19 and C.4:6-20), P.L.2007, c.271 (C.4:6-21
21 et seq.), section 2 of P.L. , c. (C.) (pending before the
22 Legislature as this bill), and any applicable laws. However, it may
23 delegate to a municipality the regulatory authority to monitor and
24 enforce the apiary standards established pursuant to subsection b. of
25 section 2 of P.L. , c. (C.) (pending before the Legislature as
26 this bill), if the municipality adopts by reference those standards by
27 ordinance. Upon adoption of such an ordinance, the municipality
28 may assume responsibility to monitor apiary activities in the
29 municipality and enforce compliance with the standards adopted
30 pursuant to subsection b. of section 2 of P.L. , c. (C.) (pending
31 before the Legislature as this bill).

32

33 2. a. The Department of Agriculture shall regulate the
34 breeding and keeping of honey bees and any activities related
35 thereto, including, but not limited to, the use of honey bees for
36 pollination, the reproduction and sale of honey bees, and the
37 production of honey and other apiary products from such bees, and
38 may delegate its monitoring and enforcement authority to a
39 municipality pursuant to subsection b. of section 1 of P.L. ,
40 c. (C.) (pending before the Legislature as this bill).

41 b. Pursuant to the "Administrative Procedure Act," P.L.1968,
42 c.410 (C.52:14B-1 et seq.), the Department of Agriculture shall
43 adopt any rules and regulations necessary for the implementation of
44 P.L. , c. (C.) (pending before the Legislature as this bill),
45 including but not limited to:

46 (1) apiary standards for the breeding and keeping of honey bees,
47 the use of honey bees for pollination, the reproduction and sale of

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1 honey bees, and the production of honey and other apiary products
2 from such bees; and

3 (2) standards of administrative procedure for a municipality to
4 monitor and enforce the rules and regulations adopted pursuant to
5 this subsection. The standards shall include provisions for the
6 preparation and submittal to the department by the municipality of
7 periodic reports on the results of monitoring and enforcement
8 activities undertaken by the municipality.

9

10 3. This act shall take effect immediately.

11

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STATEMENT

14

15 The bill prohibits any municipality from regulating the breeding
16 or keeping of honey bees and any related activities, including the
17 use of honey bees for pollination, reproduction and sale of honey
18 bees, or the production of honey and other apiary products from
19 honey bees. The bill directs the Department of Agriculture to
20 regulate apiary activities in the State and adopt any rules and
21 regulations necessary to do so, including adoption of apiary
22 standards and municipal monitoring and enforcement standards.
23 Finally, the bill authorizes a municipality to assume responsibility
24 for monitoring and enforcing the apiary standards within its borders
25 upon adoption of an ordinance incorporating the standards by
26 reference.

ASSEMBLY AGRICULTURE AND NATURAL RESOURCES
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 1295

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 12, 2014

The Assembly Agriculture and Natural Resources Committee reports favorably, and with committee amendments, Assembly Bill No. 1295.

The bill, as amended, prohibits any municipality from regulating the breeding or keeping of honey bees and any related activities, including the use of honey bees for pollination, the reproduction and sale of honey bees, or the production of honey or other apiary products from honey bees.

The bill directs the Department of Agriculture to regulate apiary activities in the State and adopt any rules and regulations necessary to do so, including adoption of apiary standards and standards of administrative procedure for municipal monitoring and enforcement. The bill requires these standards be reflective of:

- 1) the population densities in rural, suburban, and urban areas of the State;
- 2) the densities and intensities of development and differing land uses in communities throughout the State; and
- 3) any other characteristics of various regions of the State that the department determines to be significant to the regulation of apiary activities.

The bill further directs the department to consult with the New Jersey League of Municipalities, the New Jersey Beekeepers Association, and the Mid-Atlantic Apiculture Research and Extension Consortium, or successor organizations, when developing those standards.

The bill also authorizes a municipality to assume responsibility for monitoring and enforcing the apiary standards within its borders upon adoption of an ordinance incorporating the department standards by reference. The municipality may also at any time repeal the ordinance, whereupon the department would reassume responsibility for monitoring and enforcing the standards. If a municipality that has assumed this responsibility finds that there is a condition or circumstance in the municipality that is not resolved by the

department's apiary standards, the municipality is directed to request guidance about it from the department. The department has 90 days after the request is received to offer guidance, after which if the condition or circumstance is not sufficiently addressed, the municipality is authorized to adopt an ordinance to address the condition or circumstance, provided that the standard reflects consideration of population density, the density and intensity of development, type of land use, and honey bee biology and behavior. Before adopting the ordinance, the municipality is required to consult with the department, the New Jersey League of Municipalities, the New Jersey Beekeepers Association, and the Mid-Atlantic Apiculture Research and Extension Consortium, or successor organizations with similar purposes.

This bill was pre-filed for introduction in the 2014-2015 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS

The committee amendments:

- 1) clarify that a municipality may repeal its monitoring and enforcement ordinance at any time;
- 2) immediately upon such a repeal, direct the Department of Agriculture to reassume the monitoring and enforcement authority previously assumed by the municipality;
- 3) provide for a municipality to establish its own standard for a condition or circumstance not covered by the department standards;
- 4) provide 90 days for the department to provide guidance on such a proposed municipal standard;
- 5) require a municipality establishing such a standard to consult with the department and the New Jersey League of Municipalities, the New Jersey Beekeepers Association, and the Mid-Atlantic Apiculture Research and Extension Consortium, or successor organizations;
- 6) require the department to consult with the same organizations when establishing its standards;
- 7) require any standard established by the department to reflect consideration of population densities and density and intensity of development and differing land uses in communities throughout the State, and regional characteristics that may be significant;
- 8) require any standard established by a municipality to reflect consideration of population density, the density and intensity of development, type of land use, and honey bee biology and behavior; and
- 9) make technical corrections.

SENATE ECONOMIC GROWTH COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 1295

STATE OF NEW JERSEY

DATED: JUNE 11, 2015

The Senate Economic Growth Committee reports favorably Assembly Bill No. 1295 (1R).

As reported, this bill prohibits a municipality from regulating the breeding or keeping of honey bees and any related activities, including the use of honey bees for pollination, the reproduction and sale of honey bees, or the production of honey or other apiary products from honey bees.

The bill directs the Department of Agriculture (department) to regulate apiary activities in the State and adopt any rules and regulations necessary to do so, including adoption of apiary standards and standards of administrative procedure for municipal monitoring and enforcement. The bill requires these standards be reflective of: 1) the population densities in rural, suburban, and urban areas of the State; 2) the densities and intensities of development and differing land uses in communities throughout the State; and 3) any other characteristics of various regions of the State that the department determines to be significant to the regulation of apiary activities. The bill directs the department to consult with the New Jersey State League of Municipalities, the New Jersey Beekeepers Association, and the Mid-Atlantic Apiculture Research and Extension Consortium, or successor organizations, when developing these standards.

The bill authorizes a municipality to assume responsibility for monitoring and enforcing the apiary standards within its borders upon adoption of an ordinance incorporating the department standards by reference. The municipality may, at any time, repeal the ordinance, whereupon the department would reassume responsibility for monitoring and enforcing the standards. If a municipality that has assumed this responsibility finds that there is a condition or circumstance in the municipality that is not resolved by the department's apiary standards, the municipality is directed to request guidance about the standards from the department. The department has 90 days after the request is received to offer guidance, after which if the condition or circumstance is not sufficiently addressed, the municipality is authorized to adopt an ordinance to address the condition or circumstance, provided that the standard reflects

consideration of population density, the density and intensity of development, type of land use, and honey bee biology and behavior. Before adopting the ordinance, the municipality is required to consult with the department, the New Jersey State League of Municipalities, the New Jersey Beekeepers Association, and the Mid-Atlantic Apiculture Research and Extension Consortium, or successor organizations with similar purposes.

As reported by the committee, Assembly Bill No. 1295 (1R) is identical to Senate Bill No. 1975 which was amended and also reported by the committee on this date.

SENATE, No. 1975

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED APRIL 28, 2014

Sponsored by:

Senator JEFF VAN DREW

District 1 (Atlantic, Cape May and Cumberland)

Senator STEVEN V. OROHO

District 24 (Morris, Sussex and Warren)

SYNOPSIS

Establishes exclusive State regulatory authority over apiary activities and allows for delegation of monitoring and enforcement authority to municipalities.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/13/2014)

1 AN ACT concerning the regulation of apiary activities, and
2 supplementing Titles 4 and 40 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. a. Except as otherwise provided in subsection b. of this
8 section, no municipality may:

9 (1) adopt an ordinance, resolution, rule, or regulation concerning
10 the breeding or keeping of honey bees or any activities related
11 thereto, including, but not limited to, the use of honey bees for
12 pollination, the reproduction and sale of honey bees, or the
13 production of honey or other apiary products from such bees; or

14 (2) establish any restriction or requirement that would result in
15 the prohibition of the breeding or keeping of honey bees, the use of
16 honey bees for pollination, or any activities related thereto, in the
17 municipality.

18 b. The State shall regulate apiary activities in the State
19 pursuant to R.S.4:6-1 through R.S.4:6-18, sections 8 and 9 of
20 P.L.1977, c.159 (C.4:6-19 and C.4:6-20), P.L.2007, c.271 (C.4:6-21
21 et seq.), section 2 of P.L. , c. (C.) (pending before the
22 Legislature as this bill), and any applicable laws. However, it may
23 delegate to a municipality the regulatory authority to monitor and
24 enforce the apiary standards established pursuant to subsection b. of
25 section 2 of P.L. , c. (C.) (pending before the Legislature
26 as this bill), if the municipality adopts by reference those standards
27 by ordinance. Upon adoption of such an ordinance, the
28 municipality may assume responsibility to monitor apiary activities
29 in the municipality and enforce compliance with the standards
30 adopted pursuant to subsection b. of section 2 of P.L. , c. (C.)
31 (pending before the Legislature as this bill).

32

33 2. a. The Department of Agriculture shall regulate the
34 breeding and keeping of honey bees and any activities related
35 thereto, including, but not limited to, the use of honey bees for
36 pollination, the reproduction and sale of honey bees, and the
37 production of honey and other apiary products from such bees, and
38 may delegate its monitoring and enforcement authority to a
39 municipality pursuant to subsection b. of section 1 of P.L. ,
40 c. (C.) (pending before the Legislature as this bill).

41 b. Pursuant to the "Administrative Procedure Act," P.L.1968,
42 c.410 (C.52:14B-1 et seq.), the Department of Agriculture shall
43 adopt any rules and regulations necessary for the implementation of
44 P.L. , c. (C.) (pending before the Legislature as this bill),
45 including but not limited to:

46 (1) apiary standards for the breeding and keeping of honey bees,
47 the use of honey bees for pollination, the reproduction and sale of

1 honey bees, and the production of honey and other apiary products
2 from such bees; and

3 (2) standards of administrative procedure for a municipality to
4 monitor and enforce the rules and regulations adopted pursuant to
5 this subsection. The standards shall include provisions for the
6 preparation and submittal to the department by the municipality of
7 periodic reports on the results of monitoring and enforcement
8 activities undertaken by the municipality.

9
10 3. This act shall take effect immediately.

11
12

13 STATEMENT

14

15 As amended and reported, this bill prohibits any municipality
16 from regulating the breeding or keeping of honey bees and any
17 related activities, including the use of honey bees for pollination,
18 reproduction and sale of honey bees, or the production of honey and
19 other apiary products from honey bees. The bill directs the
20 Department of Agriculture (department) to regulate apiary activities
21 in the State and adopt any rules and regulations necessary to do so,
22 including adoption of apiary standards and municipal monitoring
23 and enforcement standards (standards) that include provisions for
24 the preparation and submittal to the department by the municipality
25 of periodic reports on the results of monitoring and enforcement
26 activities undertaken by the municipality. Finally, the bill
27 authorizes the department to delegate to a municipality the
28 responsibility for monitoring and enforcing the standards within the
29 municipality's borders upon adoption of an ordinance incorporating
30 the standards by reference.

31 The committee amended the bill to: 1) require the department, in
32 adopting the standards, to include (a) the breeding or keeping of
33 honey bees, the use of honey bees for pollination, the reproduction
34 and sale of honey bees, and the production of honey and other
35 apiary products from honey bees and (b) the preparation and
36 submittal of a municipality's periodic reports to the department on
37 the results of monitoring and enforcement activities undertaken by
38 the municipality; 2) authorize the department to delegate to a
39 municipality the responsibility for monitoring and enforcing the
40 standards within its borders upon adoption of an ordinance
41 incorporating the standards by reference; and 3) update the bill's
42 title and synopsis.

[Corrected Copy]

SENATE, No. 1975

STATE OF NEW JERSEY
216th LEGISLATURE

INTRODUCED APRIL 28, 2014

Sponsored by:

Senator JEFF VAN DREW

District 1 (Atlantic, Cape May and Cumberland)

Senator STEVEN V. OROHO

District 24 (Morris, Sussex and Warren)

Co-Sponsored by:

Senator Beck

SYNOPSIS

Establishes exclusive State regulatory authority over apiary activities and allows for delegation of monitoring and enforcement authority to municipalities.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/8/2015)

1 AN ACT concerning the regulation of apiary activities, and
2 supplementing Titles 4 and 40 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. a. Except as otherwise provided in subsection b. of this
8 section, no municipality may:

9 (1) adopt an ordinance, resolution, rule, or regulation
10 concerning the breeding or keeping of honey bees or any activities
11 related thereto, including, but not limited to, the use of honey bees
12 for pollination, the reproduction and sale of honey bees, or the
13 production of honey or other apiary products from such bees; or

14 (2) establish any restriction or requirement that would result in
15 the prohibition of the breeding or keeping of honey bees, the use of
16 honey bees for pollination, or any activities related thereto, in the
17 municipality.

18 b. The State shall regulate apiary activities in the State
19 pursuant to R.S.4:6-1 through R.S.4:6-18, sections 8 and 9 of
20 P.L.1977, c.159 (C.4:6-19 and C.4:6-20), P.L.2007, c.271 (C.4:6-21
21 et seq.), section 2 of P.L. , c. (C.) (pending before the
22 Legislature as this bill), and any applicable laws. However, it may
23 delegate to a municipality the regulatory authority to monitor and
24 enforce the apiary standards established pursuant to subsection b. of
25 section 2 of P.L. , c. (C.) (pending before the Legislature
26 as this bill), if the municipality adopts by reference those standards
27 by ordinance. Upon adoption of such an ordinance, the
28 municipality may assume responsibility to monitor apiary activities
29 in the municipality and enforce compliance with the standards
30 adopted pursuant to subsection b. of section 2 of P.L. , c. (C.)
31 (pending before the Legislature as this bill).

32

33 2. a. The Department of Agriculture shall regulate the
34 breeding and keeping of honey bees and any activities related
35 thereto, including, but not limited to, the use of honey bees for
36 pollination, the reproduction and sale of honey bees, and the
37 production of honey and other apiary products from such bees, and
38 may delegate its monitoring and enforcement authority to a
39 municipality pursuant to subsection b. of section 1 of P.L. ,
40 c. (C.) (pending before the Legislature as this bill).

41 b. Pursuant to the "Administrative Procedure Act," P.L.1968,
42 c.410 (C.52:14B-1 et seq.), the Department of Agriculture shall
43 adopt any rules and regulations necessary for the implementation of
44 P.L. , c. (C.) (pending before the Legislature as this bill),
45 including but not limited to:

46 (1) apiary standards for the breeding and keeping of honey bees,
47 the use of honey bees for pollination, the reproduction and sale of

1 honey bees, and the production of honey and other apiary products
2 from such bees; and

3 (2) standards of administrative procedure for a municipality to
4 monitor and enforce the rules and regulations adopted pursuant to
5 this subsection. The standards shall include provisions for the
6 preparation and submittal to the department by the municipality of
7 periodic reports on the results of monitoring and enforcement
8 activities undertaken by the municipality.

9
10 3. This act shall take effect immediately.

11
12

13 STATEMENT

14

15 This bill prohibits any municipality from regulating the breeding
16 or keeping of honey bees and any related activities, including the
17 use of honey bees for pollination, reproduction and sale of honey
18 bees, or the production of honey and other apiary products from
19 honey bees. The bill directs the Department of Agriculture
20 (department) to regulate apiary activities in the State and adopt any
21 rules and regulations necessary to do so, including adoption of
22 apiary standards and municipal monitoring and enforcement
23 standards (standards) that include provisions for the preparation and
24 submittal to the department by the municipality of periodic reports
25 on the results of monitoring and enforcement activities undertaken
26 by the municipality. Finally, the bill authorizes the department to
27 delegate to a municipality the responsibility for monitoring and
28 enforcing the standards within the municipality's borders upon
29 adoption of an ordinance incorporating the standards by reference.

SENATE ECONOMIC GROWTH COMMITTEE

STATEMENT TO

SENATE, No. 1975

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 11, 2015

The Senate Economic Growth Committee reports favorably and with committee amendments Senate Bill No. 1975.

As amended and reported, this bill prohibits a municipality from regulating the breeding or keeping of honey bees and any related activities, including the use of honey bees for pollination, the reproduction and sale of honey bees, or the production of honey or other apiary products from honey bees.

The bill directs the Department of Agriculture (department) to regulate apiary activities in the State and adopt any rules and regulations necessary to do so, including adoption of apiary standards and standards of administrative procedure for municipal monitoring and enforcement. The bill requires these standards be reflective of: 1) the population densities in rural, suburban, and urban areas of the State; 2) the densities and intensities of development and differing land uses in communities throughout the State; and 3) any other characteristics of various regions of the State that the department determines to be significant to the regulation of apiary activities. The bill directs the department to consult with the New Jersey State League of Municipalities, the New Jersey Beekeepers Association, and the Mid-Atlantic Apiculture Research and Extension Consortium, or successor organizations, when developing these standards.

The bill authorizes a municipality to assume responsibility for monitoring and enforcing the apiary standards within its borders upon adoption of an ordinance incorporating the department standards by reference. The municipality may, at any time, repeal the ordinance, whereupon the department would reassume responsibility for monitoring and enforcing the standards. If a municipality that has assumed this responsibility finds that there is a condition or circumstance in the municipality that is not resolved by the department's apiary standards, the municipality is directed to request guidance about the standards from the department. The department has 90 days after the request is received to offer guidance, after which if the condition or circumstance is not sufficiently addressed, the municipality is authorized to adopt an ordinance to address the condition or circumstance, provided that the standard reflects

consideration of population density, the density and intensity of development, type of land use, and honey bee biology and behavior. Before adopting the ordinance, the municipality is required to consult with the department, the New Jersey State League of Municipalities, the New Jersey Beekeepers Association, and the Mid-Atlantic Apiculture Research and Extension Consortium, or successor organizations with similar purposes.

The committee amended the bill to:

1) clarify that a municipality may repeal its monitoring and enforcement ordinance at any time;

2) immediately upon a repeal, direct the Department of Agriculture to reassume the monitoring and enforcement authority previously assumed by the municipality;

3) provide for a municipality to establish its own standard for a condition or circumstance not covered by the department standards;

4) provide 90 days for the department to provide guidance on a proposed municipal standard;

5) require a municipality establishing its own standard to consult with the department and the New Jersey State League of Municipalities, the New Jersey Beekeepers Association, and the Mid-Atlantic Apiculture Research and Extension Consortium, or successor organizations;

6) require the department to consult with the same organizations when establishing its standards;

7) require any standard established by the department to reflect consideration of population densities and density and intensity of development and differing land uses in communities throughout the State, and regional characteristics that may be significant; and

8) require any standard established by a municipality to reflect consideration of population density, the density and intensity of development, type of land use, and honey bee biology and behavior.

As amended and reported by the committee, Senate Bill No. 1975 is identical to Assembly Bill No. 1295 (1R) which was also reported by the committee on this date.

Acting Governor Guadagno Signs Legislation to Protect New Jersey's Bee Industry

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Three Bi-Partisan, Unanimously Passed Bills Support New Jersey's Growing Beekeeping Industry

Trenton, NJ - Acting Governor Kim Guadagno today signed three bi-partisan, unanimously passed bills supporting beekeepers in New Jersey. Among others, the Acting Governor was joined by New Jersey Secretary of Agriculture Douglas H. Fisher, Senator Steven V. Oroho (R-Morris, Sussex, Warren), and representatives of the New Jersey Farm Bureau and the New Jersey Beekeepers Association (NJBA).

"Bees are central to New Jersey's rich agricultural history, and, more important, to New Jersey's agricultural future," said Acting Governor Guadagno. "These bills collectively provide appropriate protection to New Jersey's growing beekeeping industry, support the Garden State's commercial and recreational bee industry, and heighten public awareness of the importance of bees to our food chain."

As New Jersey's official insect, honey bees are among the most well-known, popular, and economically beneficial insects. In addition to honey bees, New Jersey's more than 3,000 registered beekeepers also tend other bee species that are critical to crop pollination, like mason and bumble bees.

"These bills are important to the health and vitality of the beekeeping industry in New Jersey," said Secretary Fisher. "Bees are some of the most interesting creatures in nature and are essential to the pollination of our crops."

Honey bees are social insects that live in large colonies of up to 80,000 bees. According to the Department of Agriculture, more than 80 percent of U.S. food crops are pollinated by honey bees. In New Jersey, pollination is crucial for the state's blueberry, cranberry, pumpkin, squash, strawberry, peach, and apple crops as well as a wide variety of annual and perennial flowers and tree species.

"These bills will aid commercial beekeepers in continuing to provide vital pollination services and give clear, enforceable guidance to municipalities," said Janet A. Katz, NJBA President. "We are confident that these bills will free our organization and the Department of Agriculture to focus on educating the public on the vital role our state insect plays in New Jersey agriculture and in providing our membership and all New Jersey beekeepers with the tools and guidance to be good beekeepers and neighbors."

The Acting Governor signed the following bills today:

A-1294 (Dancer, Space, Andrezejczak, Cande/Van Drew, Oroho) - Extends Right to Farm Act protections to commercial beekeepers, with some restrictions.

→ **A-1295** (Dancer, Space, Andrezejczak, Cande/Van Drew, Oroho) - Establishes exclusive State regulatory authority over apriary activities and allows for delegation of monitoring and enforcement authority to municipalities.

A-1296 (Dancer, Space, Cande/Van Drew, Cruz-Perez) - Establishes penalty for destruction of man-made native bee hive.

More information on beekeeping in New Jersey is available [HERE](#).