

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 157

Introduced by Brewer, 43.

Read first time January 11, 2019

Committee: Agriculture

- 1 A BILL FOR AN ACT relating to the Nebraska Apiary Act; to amend sections
- 2 81-2,165.01 and 81-2,166, Reissue Revised Statutes of Nebraska; to
- 3 define a term; to provide for voluntary registration of Nebraska
- 4 apiaries and bee hives; to provide duties for the Department of
- 5 Agriculture; to prohibit commercial beekeeping operations from
- 6 locating hives as prescribed; to provide a cause of action; to
- 7 harmonize provisions; and to repeal the original sections.
- 8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-2,165.01, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 81-2,165.01 Sections 81-2,165 to 81-2,180 and section 3 of this act
4 shall be known and may be cited as the Nebraska Apiary Act.

5 Sec. 2. Section 81-2,166, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 81-2,166 For purposes of the Nebraska Apiary Act, unless the context
8 otherwise requires:

9 (1) Abandoned apiary shall mean any apiary not regularly attended in
10 accordance with good beekeeping practices and which constitutes a
11 disease, parasite, or pest hazard to the beekeeping industry;

12 (2) Apiary shall mean any place where one or more colonies of bees
13 or nuclei of bees are located;

14 (3) Bee equipment shall mean hives, supers, frames, veils, gloves,
15 or any other apparatus, tool, machine, vehicle, or device used in the
16 handling, moving, or manipulating of bees, honey, wax, or hives,
17 including containers of honey or wax which may be used in any apiary or
18 in transporting bees and their products and apiary supplies;

19 (4) Beekeeping shall mean the moving, raising, and producing of
20 bees, beeswax, and honey which is an agricultural pursuit;

21 (5) Bees shall mean any stage of the common honeybee, *Apis mellifera*
22 L;

23 (6) Colony shall mean the aggregate of worker bees, drones, the
24 queen, and developing young bees living together as a family unit in a
25 hive or other dwelling;

26 (7) Commercial beekeeping operation means an owner or operator of
27 two hundred or more hives;

28 (8) (7) Department shall mean the Department of Agriculture;

29 (9) (8) Director shall mean the Director of Agriculture or his or
30 her designated representative, employee, or authorized agent;

31 (10) (9) Disease shall mean American foulbrood, European foulbrood,

1 chalkbrood, sacbrood, paralysis, or any other abnormal condition of egg,
2 larva, pupa, or adult stages of bees;

3 (11) ~~(10)~~ Exotic disease, parasite, or pest shall mean any disease,
4 parasite, or pest not known to be established in this state;

5 (12) ~~(11)~~ Hive shall mean a frame hive, box hive, box, barrel, log
6 gum, skep, or any other receptacle or container, natural or artificial,
7 or any part thereof, which is used or employed as a domicile for bees;

8 (13) ~~(12)~~ Nuclei shall mean a small mass of bees and combs of brood
9 used in forming a new colony;

10 (14) ~~(13)~~ Parasite shall mean any harmful organism living in or on
11 bees, including, but not limited to, *Varroa jacobsoni*, *Acarapis woodi*,
12 and *Tropilaelaps clareae*; and

13 (15) ~~(14)~~ Pest shall mean any harmful subspecies of the honeybee
14 *Apis mellifera*, including, but not limited to, *Apis mellifera scutellata*.

15 Words used in the act shall be construed to import either the plural
16 or singular, as the case demands.

17 Sec. 3. (1) Any person owning or operating an apiary in the state
18 may register the location of such apiary and associated hive or hives
19 with the department under a voluntary registration program. The
20 department may charge a reasonable fee to defray the costs of
21 administering the voluntary registration program. The purpose of such
22 registration program shall be to protect apiaries and hives from
23 proximity exposure to any other apiaries and hives.

24 (2) No owner or operator of any commercial beekeeping operation
25 shall be allowed to locate any apiary or hive less than three miles from
26 any registered apiary or hive.

27 (3) A person registered pursuant to subsection (1) of this section
28 may bring an action for damages and equitable relief, including
29 injunctive relief, against any commercial beekeeping operation in
30 violation of subsection (2) of this section. In addition to civil
31 remedies, any owner or operator of any commercial beekeeping operation

1 violating subsection (2) of this section shall be in violation of the
2 Nebraska Apiary Act and be punished as provided in section 81-2,179.

3 Sec. 4. Original sections 81-2,165.01 and 81-2,166, Reissue Revised
4 Statutes of Nebraska, are repealed.