



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4709

by Rep. Sue Scherer

SYNOPSIS AS INTRODUCED:

510 ILCS 20/1a	from Ch. 8, par. 123a
510 ILCS 20/2	from Ch. 8, par. 124
510 ILCS 20/2-1.5 new	
510 ILCS 20/2b	from Ch. 8, par. 124b
510 ILCS 20/2c	from Ch. 8, par. 124c

Amends the Bees and Apiaries Act. Provides that every person who keeps bees and who has registered with the Department of Agriculture who obtains additional colonies from capturing swarms, colony divisions, or any other source within the State shall report the additional colonies to the Department during the designated annual registration period. Provides that a beekeeper shall obtain limits on liability who signs a Honey Bee Best Management Practices compliance agreement to be kept on file with the Department and voluntarily conforms with the Honey Bee Best Management Practices. Provides that a person who keeps bees and who has registered them with the Department is required to report to the Department additional colonies obtained as packaged bees and any honey bee queens imported within 10 days of acquisition. Provides that a person who plans to import bees for the express purpose of pollination service, honey production, or permanent location shall request a permit for entry from the Department at least 10 days prior to the arrival of the bees. Provides that a valid inspection certificate from the state of origin identifying any bee diseases that are affecting the bees and the extent of any bee diseases, if any, shall accompany the request. Provides that if the incident of bee disease is, in the judgment of the Director, that chemical treatment may be successful, the apiary owner shall treat the affected colonies as directed. Defines "Africanized honey bee", "queen", "undeveloped property", and "water supply". Makes other changes.

LRB100 17499 SLF 32668 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning animals.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Bees and Apiaries Act is amended by changing
5 Sections 1a, 2, 2b, and 2c and by adding Section 2-1.5 as
6 follows:

7 (510 ILCS 20/1a) (from Ch. 8, par. 123a)

8 Sec. 1a. Definitions. As used in this Act, unless the
9 context otherwise requires:

10 "Abate" means the destruction or disinfection of bees,
11 colonies, or items of bee equipment by burning or by treatment
12 specified by the Department.

13 "Africanized honey bee" means a hybrid of the African honey
14 bee with various European honey bees that is far more
15 aggressive than the European subspecies.

16 "Apiary" means a place where one or more hives or colonies
17 of bees are kept.

18 "Bee diseases" means any infectious or contagious diseases
19 of bees as specified by the Department, including but not
20 limited to American foulbrood.

21 "Bee equipment" means hives, supers, frames, or any other
22 devices used in beekeeping.

23 "Bee parasites" means any parasite of bees as specified by

1 the Department.

2 "Beekeeper" means a person who keeps bees.

3 "Beekeeping" means the raising or producing of bees,
4 beeswax, honey, and by-products and the transporting of bees,
5 colonies or items of bee equipment.

6 "Bees" means the common honey bee, *Apis mellifera* (L) in
7 any stage of its life cycle.

8 "Colony" means the entire honey bee family or social unit
9 living together.

10 "Compliance agreement" means a written agreement between a
11 registrant or other person handling or moving bees, colonies or
12 items of bee equipment and the Department, in which the former
13 agrees to specified conditions or requirements so as to remain
14 in compliance with the terms of this Act.

15 "Department" means the Illinois Department of Agriculture.

16 "Director" means the Director of the Illinois Department of
17 Agriculture or his or her authorized agent.

18 "Exotic strain of bees" means any developed strain of bees
19 not known to be present ordinarily in the State as specified by
20 the Department.

21 "Hive" means a frame hive, box hive, box, barrel, log gum,
22 skep or any other receptacle or container, natural or
23 artificial, or any part thereof, which is used or employed as a
24 domicile for bees.

25 "Inspection certificate" means an official record stating
26 that the bees, colonies, or items of bee equipment have been

1 inspected by an inspector of apiaries or other officer charged
2 with similar duties from this State or other states for bee
3 diseases, bee parasites or other nuisances and found to be in
4 compliance with this Act or Illinois entry requirements.

5 "Nuisance" means bees, colonies, or items of bee equipment
6 where bee diseases, bee parasites or exotic strains of bees
7 exist; or hives that cannot be readily inspected; or colonies
8 that are not registered.

9 "Packages" means bees with or without food supply in
10 special containers for their transportation.

11 "Permit" means a statement of authorization to allow bees,
12 colonies, or items of bee equipment to enter the State or to
13 move within the State whether or not an inspection certificate
14 is available.

15 "Person" means any individual, firm, partnership,
16 association, corporation, or other organized group of persons
17 whether incorporated or not.

18 "Registrant" means the person applying for registration of
19 the apiary or apiaries and the colonies of bees.

20 "Registration" means the recording of the registrant's
21 name, address, apiary location and any other pertinent
22 information on a printed form prescribed by the Department.

23 "Queen" means an adult, mated female that lives in a honey
24 bee colony or hive.

25 "Undeveloped property" means any idle land that has no
26 structures or facilities intended for human use or occupancy,

1 including property used exclusively for streets, highways, or
2 commercial agriculture.

3 "Water supply" means an available source that could be used
4 for water including, but not limited to, a water tap, hose,
5 pool, hot tub, stream, pond, or puddle.

6 (Source: P.A. 88-138.)

7 (510 ILCS 20/2) (from Ch. 8, par. 124)

8 Sec. 2. Registration.

9 (a) Every person keeping one or more colonies of bees shall
10 register with the Department annually.

11 (b) Every person keeping one or more colonies of bees may
12 be required to post his or her registration number in a
13 prominent place within each apiary under his or her control.

14 (c) Every person who keeps bees and who has registered with
15 the Department who obtains additional colonies from capturing
16 swarms, colony divisions, or any other source within this State
17 shall report the additional colonies to the Department during
18 the designated annual registration period.

19 (Source: P.A. 88-138.)

20 (510 ILCS 20/2-1.5 new)

21 Sec. 2-1.5. Limits on liability.

22 (a) A beekeeper shall obtain limits on liability who:

23 (1) signs a Honey Bee Best Management Practices
24 compliance agreement to be kept on file with the

1 Department; and

2 (2) voluntarily conforms with the Honey Bee Best
3 Management Practices contained in subsection (b) of this
4 Section.

5 (b) The contents of the Honey Bee Best Management Practices
6 shall provide that:

7 (1) a beekeeper shall post a honey bee caution sign in
8 or near the apiary;

9 (2) a beekeeper shall limit the number of hives in
10 relation to property lot size as follows:

11 (A) less than 1/2 acre is limited to 4 colonies;

12 (B) more than 1/2 acre, less than one acre is
13 limited to 6 colonies;

14 (C) one acre or more is limited to 8 colonies; or

15 (D) regardless of lot size, if all hives are
16 situated at least 200 feet in any direction from all
17 property lines of the lot on which the apiary is
18 situated, or as long as all adjoining property that
19 falls within a 200 feet radius of any hive is
20 undeveloped property, there shall be no limit on the
21 number of hives;

22 (3) hive entrances shall fly away from neighboring
23 property and in a direction that bees fly across the
24 beekeeper's property at a sufficient distance to gain a
25 height of 6 feet; if the bordering property is within a
26 distance of 50 feet, the use of barriers such as hedges,

1 shrubs, or fencing shall be employed to redirect the bees'
2 flight pathway and establish bee flight pathways above head
3 height;

4 (4) a beekeeper shall maintain a water source near the
5 colonies at a distance less than the nearest unnatural
6 water supply;

7 (5) an apiary shall not be kept within 50 feet of an
8 established animal that is tethered, kenneled, or
9 otherwise prevented from release;

10 (6) a beekeeper shall avoid opening colonies for
11 inspection or manipulation if neighbors are present or in
12 the immediate vicinity;

13 (7) a beekeeper shall avoid purchasing queens and bees
14 from areas that are documented as an Africanized honey bee
15 zone;

16 (8) a beekeeper shall manage all colonies to minimize
17 swarming; and

18 (9) a beekeeper shall replace queens in colonies
19 exhibiting defensive behavior that may be injurious to the
20 general public or domesticated animals as determined by
21 Department personnel.

22 (510 ILCS 20/2b) (from Ch. 8, par. 124b)

23 Sec. 2b. Import.

24 (a) A person who plans to import bees for the express
25 purpose of pollination service, honey production, or permanent

1 location shall request a permit for entry from the Department
2 at least 10 days prior to the arrival of the bees. A valid
3 inspection certificate from the state of origin identifying any
4 bee diseases that are affecting the bees and the extent of any
5 bee diseases, if any, shall accompany the request. A person who
6 plans to import vacant used bee equipment into the State shall
7 request a permit for entry from the Department at least 10 days
8 prior to the arrival of the bee equipment. A valid inspection
9 certificate from the state of origin identifying any bee
10 disease in the bees that was in the equipment, and stating what
11 treatment has been made, if any, to the vacated equipment shall
12 accompany the request. A person who keeps bees and who has
13 registered them with the Department is required to report to
14 the Department additional colonies obtained as packaged bees
15 and any honey bee queens imported within 10 days of
16 acquisition. ~~No person shall transport a colony of bees or~~
17 ~~items of used bee equipment into this State from another State~~
18 ~~or country having an inspector of apiaries or other officer~~
19 ~~charged with similar duties, without a permit or compliance~~
20 ~~agreement which shall be issued based upon an inspection~~
21 ~~certificate.~~ Such colony or items of used bee equipment may be
22 subject to inspection by the Director upon entry into the
23 State.

24 (b) ~~No person shall transport a colony of bees or items of~~
25 ~~used bee equipment into this State from another State or~~
26 ~~country not having an inspector of apiaries or other officer~~

1 ~~charged with similar duties, unless the shipper or consignee~~
2 ~~has obtained from the Department a permit or compliance~~
3 ~~agreement for the shipment into the State.~~ Such colonies or
4 items of used bee equipment may be inspected by the Director
5 after arrival in the State. A colony of bees or items of used
6 bee equipment found to be infected with bee diseases or
7 infested with bee parasites, or exotic strains of bees shall be
8 ordered returned to the place of origin or abated.

9 (c) A colony or item of used bee equipment transported in
10 violation of this Section may be held and inspected by the
11 Department, ordered returned to the place of origin, or abated.
12 (Source: P.A. 88-138.)

13 (510 ILCS 20/2c) (from Ch. 8, par. 124c)

14 Sec. 2c. Quarantine and inspection.

15 (a) Upon a finding that there exist in this State, or in
16 any other state, territory, district, province or country bee
17 diseases, bee parasites, or exotic strains of bees, the
18 Director may impose and enforce a quarantine restricting the
19 transportation of bees, colonies, or items of used bee
20 equipment capable of carrying bee diseases, bee parasites or
21 exotic strains of bees into, within or throughout the State. In
22 carrying out the provisions of this Section or any quarantine,
23 the Director may, at the expense of the owner, when an
24 infestation, infection or nuisance is located, seize or abate
25 bees, colonies, or items of used bee equipment. If the incident

1 of bee disease is, in the judgment of the Director, that
2 chemical treatment may be successful, the apiary owner shall
3 treat the affected colonies as directed. If the incident of the
4 bee disease is, in the judgment of the Director, that no
5 treatment will be successful, such as in the case of American
6 foulbrood, the Director shall notify the apiary owner that the
7 affected colonies shall be destroyed and related equipment
8 sterilized. The Director, or his or her designee, shall be
9 present during the destruction of the colonies and
10 sterilization of the bee equipment. In cases involving vacant
11 bee equipment that may have been directly or indirectly exposed
12 to contagious bee disease, the equipment shall undergo
13 sterilization by the Director or by the apiary owner by any
14 appropriate method specified by the Director, or his or her
15 designee.

16 (b) The Department may not quarantine any colonies
17 confirmed infected with any non-transmissible parasitic
18 infestation or bee disease. The apiary owner shall, however, be
19 encouraged to treat the colonies according to written
20 specifications provided by the Department.

21 (c) The Department shall not bring additional regulatory
22 action against an apiary owner who is complying or attempting
23 to comply with the terms of a quarantine imposed by the
24 Department.

25 (d) If the Department finds that a colony of bees under
26 quarantine needs to be sterilized due to the owner violating

1 the terms of the quarantine, or for any other reason, the
2 Director may impose an appropriate fee to have each hive
3 sterilized to recover the costs for the sterilizations. The
4 Department shall review any violation of a quarantine and
5 depending upon the severity of the violation, shall assess
6 other penalties as provided by rule.

7 (e) When the Director finds that there exist in any other
8 state, territory, district, province or country bee diseases,
9 bee parasites or exotic strains of bees, with respect to which
10 the United States Secretary of Agriculture has not established
11 a quarantine, and that the bee diseases, bee parasites, or
12 exotic strains of bees coming ~~therefrom~~ into this State are
13 likely to convey such diseases, infestations or nuisances, the
14 Director shall report such fact to the Governor. The Governor
15 may thereupon, by proclamation, prohibit the transportation
16 into this State of such bees, colonies, or items of used bee
17 equipment except under such regulations as may be prescribed by
18 the Department.

19 (Source: P.A. 91-357, eff. 7-29-99.)