

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 4262

STATE OF NEW JERSEY
215th LEGISLATURE

ADOPTED DECEMBER 16, 2013

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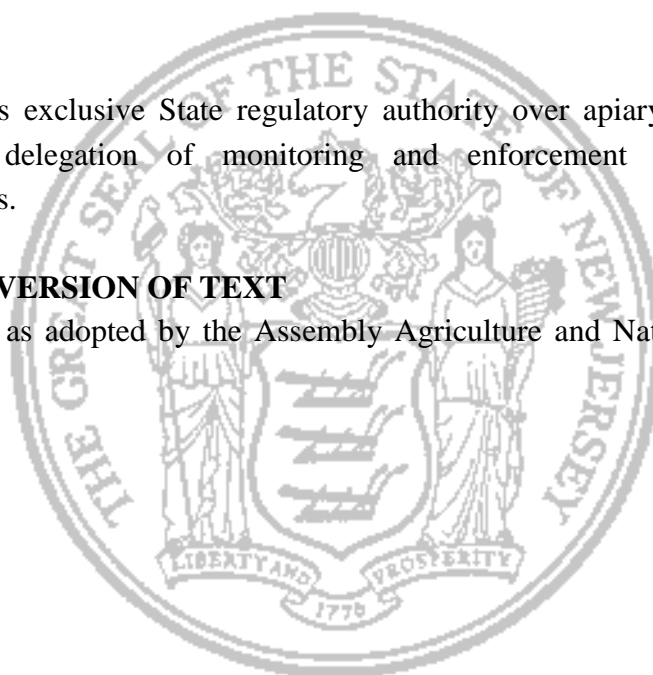
Assemblywomen McHose and Schepisi

SYNOPSIS

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

CURRENT VERSION OF TEXT

Substitute as adopted by the Assembly Agriculture and Natural Resources Committee.



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

- 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.