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HOUSE BILL NO. 535

Offered January 13, 2016

Prefiled January 9, 2016

A *BILL to amend the Code of Virginia by adding a section numbered 3.2-4411.1, relating to limited liability for beekeepers.*

Patrons—Bell, Richard P. and Ransone

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 3.2-4411.1 as follows:

§ 3.2-4411.1. Registration of bees; identification of apiaries; limitation on liability.

A. Beekeepers wishing to participate in the limitation of liability pursuant to this section may apply for an apiary registration from the Commissioner by notifying the Commissioner, in writing, of the number and location of colonies they own, rent, or keep for someone else, whether the bees are located on their own property or someone else's property. All apiary registrations are valid for one year and shall be eligible for annual renewal. The limitation of liability of the applicant shall become effective 30 days after the apiary is registered and remain valid as long as the annual registration periods are renewed.

B. All persons owning or operating an apiary that is not located on their own property shall post the name and address of the owner or operator in a conspicuous place in the apiary.

C. A person who (i) is registered with the Commissioner pursuant to subsection A and (ii) operates the apiary in a reasonable manner and in conformance with the Department of Agriculture and Consumer Services written best management practices as provided by regulation shall not be liable for any personal injury or property damage that occurs in connection with his keeping and maintaining of bees, bee equipment, queen breeding equipment, apiaries, and appliances. The limitation of liability established by this section does not apply to intentional tortious conduct or acts or omissions constituting gross negligence.

The limitation on liability in this section shall not take effect until regulations are adopted by the Board. The Board may adopt initial regulations under this section to implement the provisions of this section to be effective no later than November 1, 2016. Such initial regulations shall be exempt from the requirements of Article 2 (§ 2.2-4006 et seq.) of the Administrative Process Act; however, the Board shall publish proposed regulations in the Virginia Register of Regulations and allow at least 30 days for public comment, to include an online public comment forum on the Virginia Regulatory Town Hall, after publication. Any amendments to such initial regulations or subsequent regulations adopted pursuant to this section shall comply with the requirements of Article 2 of the Administrative Process Act. Any regulations adopted shall include best management standards for the operation of apiaries.

INTRODUCED

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