

CHAPTER 76

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

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

C.40:48-1.5 Regulation of apiary activities.

1. a. Except as otherwise provided in subsections b. and c. of this section, no municipality may:

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

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

b. The State shall regulate apiary activities in the State pursuant to R.S.4:6-1 through R.S.4:6-18, sections 8 and 9 of P.L.1977, c.159 (C.4:6-19 and C.4:6-20), P.L.2007, c.271 (C.4:6-21 et seq.), section 2 of P.L.2015, c.76 (C.4:6-24), and any applicable laws. However, the Department of Agriculture may delegate to a municipality the regulatory authority to monitor and enforce the apiary standards established pursuant to subsection b. of section 2 of P.L.2015, c.76 (C.4:6-24), if the municipality adopts by reference those standards by ordinance. Upon adoption of such an ordinance, the municipality shall assume responsibility to monitor apiary activities in the municipality and enforce compliance with the standards adopted pursuant to subsection b. of section 2 of P.L.2015, c.76 (C.4:6-24). A municipality may, at any time, repeal any such ordinance, and upon the municipality doing so, the Department of Agriculture shall immediately reassume all authority and associated duties and responsibilities previously delegated to the municipality pursuant to this subsection.

c. If a municipality that has assumed responsibility pursuant to subsection b. of this section finds that there is a condition or circumstance in the municipality that is not resolved by the standards adopted pursuant to subsection b. of section 2 of P.L.2015, c.76 (C.4:6-24), the municipality shall request guidance thereon from the Department of Agriculture. The department shall provide the guidance no later than 90 days after the request is received by the department. Upon expiration of the 90-day period and if the standards adopted pursuant to section 2 of P.L.2015, c.76 (C.4:6-24) do not sufficiently address the condition or circumstance, the municipality, after consulting 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, may adopt by ordinance a standard 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.

C.4:6-24 Regulation of breeding, keeping of honey bees.

2. a. The Department of Agriculture shall regulate the breeding and keeping of honey bees and any activities related thereto, including, but not limited to, the use of honey bees for pollination, the reproduction and sale of honey bees, and the production of honey and other apiary products from such bees, and may delegate its monitoring and enforcement authority to a municipality pursuant to subsection b. of section 1 of P.L.2015, c.76 (C.40:48-1.5).

b. Pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), the Department of Agriculture shall adopt any rules and regulations necessary for the implementation of P.L.2015, c.76 (C.40:48-1.5 et al.), including but not limited to:

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

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

c. When developing the standards adopted pursuant to subsection b. of this section, the Department of Agriculture shall 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 with similar purposes. The standards shall reflect consideration 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 in the State.

3. This act shall take effect immediately.

Approved July 31, 2015.