
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 672 Session of
1993

INTRODUCED BY SURRA, LLOYD, DeWEESE, DALEY, COY, TRELLO,
BELFANTI, DERMODY, MARKOSEK AND CLARK, MARCH 22, 1993

SENATOR TILGHMAN, APPROPRIATIONS, IN SENATE, RE-REPORTED AS
AMENDED, SEPTEMBER 26, 1994

AN ACT

1 Amending the act of April 6, 1921 (P.L.95, No.58), entitled, as
2 amended, "An act relating to apiculture, and the sale, giving
3 and transportation of bees, honey, hives and appliances;
4 providing for the inspection of apiaries, and for the
5 prevention, control and eradication of contagious and
6 infectious diseases among bees, and the establishment of
7 quarantines; prescribing the style of hive to be used;
8 prohibiting the importation from any foreign country, except
9 Canada, of the genus Apis; imposing certain duties on certain
10 persons engaged in transportation; and providing penalties
11 and appropriations therefor," increasing criminal penalties;
12 further providing for civil penalties and injunctive relief;
13 providing for the registration of apiaries; and providing for
14 apiary yards.

15 The General Assembly of the Commonwealth of Pennsylvania
16 hereby enacts as follows:

17 Section 1. Section 1 of the act of April 6, 1921 (P.L.95,
18 No.58), referred to as the Bee Law, is amended by adding a <—
19 ~~clause~~ CLAUSES to read: <—

20 Section 1. Be it enacted, &c., That, for the purpose of
21 construing this act, the following definitions shall be applied:

22 * * *

1 (5.1) "Apiary yard" shall be construed to mean a fixed
2 location OR LOCATIONS within this Commonwealth where an apiary <—
3 is maintained on a continuing basis from which hives may be
4 moved to temporary locations for crop pollination and returned.

5 * * *

6 (9) "OWNER OF AN APIARY" SHALL BE CONSTRUED TO INCLUDE ALL <—
7 COLONIES OWNED BY AN INDIVIDUAL AND LOCATED IN ANY PERMANENT
8 LOCATION OR LOCATIONS WITHIN THIS COMMONWEALTH.

9 Section 2. The act is amended by adding a section to read:

10 Section 3.1. (a) The owner of an apiary located within this
11 Commonwealth shall register such apiary with the Secretary of
12 Agriculture.

13 (b) The application for registration of an apiary shall be
14 made on a form provided by the Secretary of Agriculture and
15 shall include:

16 (1) the name and complete mailing address of the owner of
17 the apiary and the name and complete mailing address of the
18 person primarily responsible for maintaining and caring for the
19 apiary if different from the owner;

20 (2) the exact location ~~of the~~ OR LOCATIONS OF EACH apiary; <—

21 (3) the number of colonies contained in the apiary; and

22 (4) such other information as the Secretary of Agriculture
23 may require.

24 (c) The apiary registration fee shall be ten dollars (\$10)
25 per applicant. No fee shall be charged for temporary relocation
26 of a hive or hives for crop pollination from an apiary yard
27 properly registered as an apiary under the provisions of this
28 act.

29 (d) A registration under this section shall be valid for a
30 period of not more than two calendar years and shall expire on

1 December 31 of the year following the initial year of
2 registration.

3 (e) The Secretary of Agriculture may, by regulation, require
4 apiary owners to report the relocation of an apiary from its
5 original location as reported at the time of registration to
6 another location within this Commonwealth: Provided, however,
7 That the owner of an apiary yard which is properly registered as
8 an apiary under the provisions of this act shall not be required
9 to report the temporary relocation of a hive or hives for crop
10 pollination as long as proper records of hive locations are
11 maintained by the owner at a location available to the Secretary
12 of Agriculture for inspection.

13 Section 3. Section 13 of the act is amended to read:

14 Section 13. [Any person convicted of violating any of the
15 provisions of this act, or any order, rule, or regulation
16 promulgated by the Secretary of Agriculture under the authority
17 hereof, shall be subject to a fine or penalty of not less than
18 ten dollars nor more than one hundred dollars (\$100), to be
19 collected by summary conviction before any mayor, burgess,
20 magistrate, alderman, or justice of the peace, as like fines and
21 penalties are now by law collected, or, in case of non-payment
22 of such fine, to undergo imprisonment in the county jail for a
23 period not exceeding ten days: Provided, That any person so
24 convicted shall have the right of appeal as in other cases of
25 summary convictions. All fines collected under this act shall be
26 paid into the State Treasury.] (a) A first violation of this
27 act or any order or regulation promulgated hereunder constitutes
28 a summary offense punishable by a fine of not less than one
29 hundred dollars (\$100).

30 (b) A second violation of this act or any order or

regulation promulgated hereunder constitutes a summary offense punishable by a fine of not less than three hundred dollars (\$300).

(c) A third and subsequent violation of this act or any order or regulation promulgated hereunder constitutes a misdemeanor of the third degree punishable by a fine of not less than one thousand dollars (\$1,000).

Section 4. The act is amended by adding sections to read:

Section 13.1. (a) The Secretary of Agriculture may assess a civil penalty of not more than one thousand dollars (\$1,000) upon a person for each violation of this act or any order or regulation promulgated hereunder.

(b) If a civil penalty is assessed against a person under subsection (a), the Secretary of Agriculture shall notify the person by certified mail of the nature of the violation, the amount of the civil penalty and that the person may notify such Secretary of Agriculture, in writing, within ten calendar days that he wishes to contest the civil penalty.

(c) If within ten calendar days from the receipt of the notification referred to in subsection (b), the person does not notify the Secretary of Agriculture of his intent to contest the assessed penalty, the civil penalty shall become final. If timely notification of the intent to contest the civil penalty is given, the person contesting the civil penalty shall be provided with a hearing in accordance with 2 Pa.C.S. Ch. 5 Subchapter A (relating to practice and procedure of Commonwealth agencies). Appeals may be taken in accordance with 2 Pa.C.S. Ch. 7 Subchapter A (relating to judicial review of Commonwealth agency action).

Section 13.2. The Attorney General, at the request of the

1 Secretary of Agriculture, may initiate in the Commonwealth Court
2 or the court of common pleas of the county in which the
3 defendant resides or has a place of business an action in equity
4 for an injunction to restrain any violation of this act or any
5 order or regulation promulgated hereunder. The Commonwealth
6 shall not be required to furnish a bond or other security in
7 connection with this proceeding.

8 Section 13.3. The penalties and remedies prescribed by this
9 act shall be deemed concurrent and the existence or exercise of
10 any remedy shall not prevent the exercise of any other remedy
11 hereunder, whether at law or at equity.

12 Section 13.4. Moneys received from registration fees, fines
13 and civil penalties shall be paid into the State Treasury and
14 shall be credited to the general government operations
15 appropriation of the Department of Agriculture for administering
16 the provisions of this act.

17 Section 5. This act shall take effect immediately.