STATE OF NEW YORK

4053

2023-2024 Regular Sessions

IN SENATE

February 2, 2023

Introduced by Sen. FERNANDEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to the preservation of honey bee colonies

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The agriculture and markets law is amended by adding a new article 15-B to read as follows:

ARTICLE 15-B

PRESERVATION OF HONEY BEE COLONIES

Section 175-v. Relocating honey bee colonies.

§ 175-v. Relocating honey bee colonies. 1. To preserve honey bee colonies in the state, any person, including certified and licensed responsible pesticide applicators and commercial pesticide applicators and operators operating in the state, shall contact the division of plant industry of the department by phone at least forty-eight hours in advance of extermination of honey bees to obtain assistance in trying to relocate nuisance honey bee colonies or hanging swarms of honey bees, in lieu of destroying such honey bees. Honey bees shall not be destroyed without prior approval from such division.

2. In the event the division of plant industry is not reachable, any person, including certified and licensed responsible pesticide applicators and commercial pesticide applicators and operators, shall attempt to contact no fewer than three beekeepers identified by the local beekeeping association found on the Cornell University's College Agricultural and Life Science's website as swarm collectors servicing the affected county, in order to obtain assistance in relocating nuisance honey bee colonies or hanging swarms before nuisance honey bee colonies or hanging swarms of honey bees may be destroyed. Where there are fewer than three beekeepers listed on such website in the county where the

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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swarm or nuisance colony is located, such person shall contact any available beekeepers on the list in such county.

3. Where a swarm poses an imminent danger to any person or where a beekeeper needs to use an insecticide while attempting to relocate a swarm because such swarm is aggressive or diseased, such person shall be exempt from the provisions of this section.

4. Any person, including certified and licensed responsible pesticide applicators and commercial pesticide applicators and operators operating in the state shall indemnify and hold harmless the state of New York in any action or proceeding arising out of the relocation and preservation of honey bees in accordance with the provisions of this article.

§ 2. This act shall take effect on the sixtieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.