

P.L.2015, CHAPTER 75, *approved July 31, 2015*  
Assembly, No. 1294 (*First Reprint*)

1 AN ACT concerning apiary activities and the right to farm, and  
2 amending and supplementing P.L.1983, c.31.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. Section 3 of P.L.1983, c.31 (C.4:1C-3) is amended to read as  
8 follows:

9 3. As used in this act:

10 "Board" or "county board" means a county agriculture  
11 development board established pursuant to section 7 of P.L.1983,  
12 c.32 (C.4:1C-14).

13 "Commercial farm" means (1) a farm management unit of no less  
14 than five acres producing agricultural or horticultural products  
15 worth \$2,500 or more annually, and satisfying the eligibility criteria  
16 for differential property taxation pursuant to the "Farmland  
17 Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.), **[or]**  
18 (2) a farm management unit less than five acres, producing  
19 agricultural or horticultural products worth \$50,000 or more  
20 annually and otherwise satisfying the eligibility criteria for  
21 differential property taxation pursuant to the "Farmland Assessment  
22 Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.), or (3) a farm  
23 management unit that is a beekeeping operation producing honey or  
24 other agricultural or horticultural apiary-related products, or  
25 providing crop pollination services, worth <sup>1</sup>**[\$2,500] \$10,000<sup>1</sup> or**  
26 more annually.

27 "Committee" means the State Agriculture Development  
28 Committee established pursuant to section 4 of P.L.1983, c.31  
29 (C.4:1C-4).

30 "Farm management unit" means a parcel or parcels of land,  
31 whether contiguous or noncontiguous, together with agricultural or  
32 horticultural buildings, structures and facilities, producing  
33 agricultural or horticultural products, and operated as a single  
34 enterprise.

35 "Farm market" means a facility used for the wholesale or retail  
36 marketing of the agricultural output of a commercial farm, and  
37 products that contribute to farm income, except that if a farm  
38 market is used for retail marketing at least 51% of the annual gross  
39 sales of the retail farm market shall be generated from sales of  
40 agricultural output of the commercial farm, or at least 51% of the

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly AAN committee amendments adopted June 12, 2014.

1 sales area shall be devoted to the sale of agricultural output of the  
2 commercial farm, and except that if a retail farm market is located  
3 on land less than five acres in area, the land on which the farm  
4 market is located shall produce annually agricultural or horticultural  
5 products worth at least \$2,500.

6 (cf: P.L.1998, c.48, s.1)

7

8 2. (New section) Notwithstanding the provisions of section 3  
9 of P.L.1983, c.31 (C.4:1C-3), or any rules or regulations adopted  
10 pursuant thereto, to the contrary, a farm management unit that  
11 qualifies as a commercial farm for the purposes of the "Right to  
12 Farm Act," P.L.1983, c.31 (C.4:1C-1 et seq.), because it is  
13 a beekeeping operation producing honey or other agricultural or  
14 horticultural apiary-related products, or providing crop pollination  
15 services, worth <sup>1</sup>~~[\$2,500]~~ \$10,000 or more annually<sup>1</sup>, shall be  
16 entitled to the protections provided to any other commercial farm  
17 under that act but not for agricultural or horticultural activities that  
18 are not apiary-related activities, unless the farm management unit  
19 also qualifies as a commercial farm pursuant to section 3 of  
20 P.L.1983, c.31 (C.4:1C-3) for reasons other than as a beekeeping  
21 operation as described in that section.

22

23 3. This act shall take effect immediately.

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28 Extends Right to Farm Act protections to commercial  
29 beekeepers, with some restrictions.

P.L.2015, CHAPTER 76, *approved July 31, 2015*

Assembly, No. 1295 (*First Reprint*)

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:

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7 1. a. Except as otherwise provided in <sup>1</sup>**[subsection]**  
8 subsections<sup>1</sup> b. <sup>1</sup>and c.<sup>1</sup> of this 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, <sup>1</sup>**[it]**  
23 the Department of Agriculture<sup>1</sup> may delegate to a municipality the  
24 regulatory authority to monitor and enforce the apiary standards  
25 established pursuant to subsection b. of section 2 of P.L. ,  
26 c. (C. ) (pending before the Legislature as this bill), if the  
27 municipality adopts by reference those standards by ordinance.  
28 Upon adoption of such an ordinance, the municipality <sup>1</sup>**[may]**  
29 shall<sup>1</sup> assume responsibility to monitor apiary activities in the  
30 municipality and enforce compliance with the standards adopted  
31 pursuant to subsection b. of section 2 of P.L. , c. (C. ) (pending  
32 before the Legislature as this bill). <sup>1</sup>A municipality may, at any  
33 time, repeal any such ordinance, and upon the municipality doing  
34 so, the Department of Agriculture shall immediately reassume all  
35 authority and associated duties and responsibilities previously  
36 delegated to the municipality pursuant to this subsection.

37 c. If a municipality that has assumed responsibility pursuant to  
38 subsection b. of this section finds that there is a condition or  
39 circumstance in the municipality that is not resolved by the

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly AAN committee amendments adopted June 12, 2014.

1 standards adopted pursuant to subsection b. of section 2 of P.L. ,  
2 c. (C. ) (pending before the Legislature as this bill), the  
3 municipality shall request guidance thereon from the Department of  
4 Agriculture. The department shall provide the guidance no later  
5 than 90 days after the request is received by the department. Upon  
6 expiration of the 90-day period and if the standards adopted  
7 pursuant to section 2 of P.L. , c. (C. ) (pending before the  
8 Legislature as this bill) do not sufficiently address the condition or  
9 circumstance, the municipality, after consulting with the  
10 department, the New Jersey League of Municipalities, the New  
11 Jersey Beekeepers Association, and the Mid-Atlantic Apiculture  
12 Research and Extension Consortium, or successor organizations  
13 with similar purposes, may adopt by ordinance a standard to address  
14 the condition or circumstance, provided that the standard reflects  
15 consideration of population density, the density and intensity of  
16 development, type of land use, and honey bee biology and  
17 behavior.<sup>1</sup>

18  
19 2. a. The Department of Agriculture shall regulate the  
20 breeding and keeping of honey bees and any activities related  
21 thereto, including, but not limited to, the use of honey bees for  
22 pollination, the reproduction and sale of honey bees, and the  
23 production of honey and other apiary products from such bees, and  
24 may delegate its monitoring and enforcement authority to a  
25 municipality pursuant to subsection b. of section 1 of P.L. ,  
26 c. (C. ) (pending before the Legislature as this bill).

27 b. Pursuant to the “Administrative Procedure Act,” P.L.1968,  
28 c.410 (C.52:14B-1 et seq.), the Department of Agriculture shall  
29 adopt any rules and regulations necessary for the implementation of  
30 P.L. , c. (C. ) (pending before the Legislature as this bill),  
31 including but not limited to:

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

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

42 <sup>1</sup>c. When developing the standards adopted pursuant to  
43 subsection b. of this section, the Department of Agriculture shall  
44 consult with the New Jersey League of Municipalities, the New  
45 Jersey Beekeepers Association, and the Mid-Atlantic Apiculture  
46 Research and Extension Consortium, or successor organizations  
47 with similar purposes. The standards shall reflect consideration of:

1       (1) the population densities in rural, suburban, and urban areas  
2 of the State;

3       (2) the densities and intensities of development and differing  
4 land uses in communities throughout the State; and

5       (3) any other characteristics of various regions of the State that  
6 the department determines to be significant to the regulation of  
7 apiary activities in the State.<sup>1</sup>

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9       3. This act shall take effect immediately.

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

P.L.2015, CHAPTER 77, *approved July 31, 2015*  
Assembly, No. 1296

1 AN ACT concerning man-made bee hives, and supplementing Title 4  
2 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. Any person who intentionally destroys a man-made  
8 native bee hive shall be liable to a civil penalty of up to \$500 for  
9 each offense.

10 b. Any penalty imposed pursuant to subsection a. of this  
11 section shall be collected in a civil action by a summary proceeding  
12 under the "Penalty Enforcement Law of 1999," P.L.1999, c.274  
13 (C.2A:58-10 et seq.) or in any case before a court of competent  
14 jurisdiction wherein injunctive relief has been requested. The  
15 Superior Court and municipal court shall have jurisdiction to  
16 enforce the "Penalty Enforcement Law of 1999" in connection with  
17 this act. If the violation is of a continuing nature, each day during  
18 which it continues shall constitute an additional, separate and  
19 distinct offense. Penalties recovered for violations of this section  
20 shall be remitted to the Department of Agriculture and expended on  
21 programs to manage or revive honey bee or native bee populations  
22 in the State.

23 c. As used in this section:

24 "Man-made native bee hive" means a tube or other apparatus in  
25 which bees may nest, and which is installed to attract native bees  
26 other than honeybees.

27 "Native bee" means a bee of a species that is native to the State  
28 and does not produce honey, but provides for the pollination of  
29 crops or plants, or other agricultural, environmental, or horticultural  
30 benefits.

31  
32 2. This act shall take effect immediately.

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37 Establishes penalty for destruction of man-made native bee hive.