

**PROPOSED REGULATION OF THE DIRECTOR OF THE
STATE DEPARTMENT OF AGRICULTURE**

LCB File No. R158-16

June 14, 2017

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §1, NRS 552.095, 554.110 and 561.153.

A REGULATION relating to quarantined bees; requiring a person to obtain a permit before removing any feral honeybee, colonies or swarm located in an area that is subject to a quarantine against Africanized honeybees; establishing the procedure for obtaining such a permit; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law confers upon the State Department of Agriculture control of all matters pertaining to the apiary industry in this State and authorizes the Director of the Department to adopt regulations to carry out certain provisions related to the apiary industry. (NRS 552.095) Existing law authorizes the Director to prescribe a fee to cover the costs incurred by the Department for any service, product or publication provided by the Department. (NRS 561.153)

Existing law designates the Director of the Department as the ex officio State Quarantine Officer and authorizes the State Quarantine Officer to proclaim and enforce a quarantine relating to certain commodities that have been or may have been exposed to a dangerous infection, contagion or disease. (NRS 554.110, 561.165) Such a quarantine has been established against Africanized honeybees in certain areas of this State. (NAC 554.805) This regulation requires a person to obtain a permit from the Department and pay a fee before collecting, relocating, transporting or otherwise removing a feral honeybee, colony or swarm located in an area that is subject to that quarantine. This regulation also sets forth the requirements for obtaining and renewing such a permit.

Section 1. Chapter 554 of NAC is hereby amended by adding thereto a new section to read as follows:

1. In addition to any written permission required pursuant to NRS 552.280 or any certification required pursuant to NAC 554.815, a person shall not collect, relocate, transport or otherwise remove a feral honeybee, colony or swarm located in an area quarantined

pursuant to NAC 554.805, unless the person first obtains a permit from the State Department of Agriculture.

2. A person may obtain a permit required pursuant to subsection 1 by submitting to the Department:

(a) An application for a permit on a form prescribed by the Director of the Department; and

(b) A fee of \$15 for the issuance of the permit.

3. A permit issued pursuant to subsection 2 is valid for 1 year and may be renewed pursuant to this subsection. The holder of a permit:

(a) Shall, before collecting, relocating, transporting or otherwise removing a feral honeybee, colony or swarm, submit to the Department a risk disclosure statement specified by the Department which is signed by the holder of the permit and the owner of the property harboring the feral honeybees, if other than the holder of the permit;

(b) Shall maintain a copy of any risk disclosure statement submitted pursuant to paragraph (a) for not less than 2 years; and

(c) May annually renew the permit by submitting to the Department:

(1) An application to renew the permit on a form prescribed by the Director; and

(2) A fee of \$15 for renewal of the permit.

4. The Department may revoke or refuse to renew a permit if the Department determines the holder of the permit failed to comply with any term or condition of the permit or any provisions of this section. Notice of the revocation or refusal to renew a permit must be given to the holder of the permit personally, or by registered mail sent to the last known address of

the holder of the permit. If the notice is given by registered mail, the notice shall be deemed received by the holder of the permit on the date 14 days after the notice is mailed.

5. As used in this section, “feral honeybee” means any honeybee which is wild or no longer part of a colony of honeybees that is owned or managed by a person.