

Assembly Bill No. 2755

CHAPTER 138

An act to add Section 29312 to the Food and Agricultural Code, relating to agriculture.

[Approved by Governor August 17, 2016. Filed with Secretary of State August 17, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2755, Gallagher. Agriculture: bees: civil remedies.

Existing law, the Apiary Protection Act, generally regulates bee management and beekeepers and provides various enforcement and penalty provisions for violating the act.

This bill would provide for the damages that are recoverable by a plaintiff in a civil action for the wrongful and willful taking, possessing, harboring, or transporting of a beehive, for the wrongful and willful removal of bees from their beehive, or for the wrongful and willful killing or destroying of bees.

The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) California has the largest beekeeping industry of any state in the United States. Nearly 500,000 colonies of bees are operated by 400 commercial and semicommercial beekeepers.

(2) Commercial beekeepers move their hives at least six times each year to pollinate crops or to place them near natural food sources for bees. Most of the hives of bees in California are rented one or more times a year for pollination of agricultural crops.

(3) Nearly three-fourths of the country's documented commercial honeybee crop pollination is conducted in California.

(4) Drastic reductions in populations of native insect pollinators have created a great need for honeybee pollination to ensure reseeding and perpetuation of wild plants. These plants serve as sources of fruits, nuts, and vegetation for consumption by various birds and mammals.

(5) California is a national leader in the production of honey, with total yields averaging 20,000,000 pounds each year. An average of 400,000 pounds of beeswax is produced as well.

(6) In recent months, there has been a significant reduction in honeybee population due to Colony Collapse Disorder and other problems such as poor nutrition due to lack of available "bee pasture," that is, pollen- and nectar-producing flowers. This has created a serious threat to our food

supply, and this crisis threatens to wipe out production of crops dependent on bees for pollination.

(b) It is therefore the intent of the Legislature to create specific civil remedies for wrongfully taking, possessing, harboring, transporting, destroying, or vandalizing bees.

SEC. 2. Section 29312 is added to the Food and Agricultural Code, to read:

29312. In any civil action for the wrongful and willful taking, possessing, harboring, or transporting of a beehive, for the wrongful and willful removal of bees from their beehive, or for the wrongful and willful killing or destroying of bees without the consent of the owner or the person lawfully in possession of those bees, the damage caused to the plaintiff shall be three times the value of the bees at the time of the taking, possessing, harboring, transporting, destroying, or vandalizing of the bees, plus an amount in fair compensation for the time and money properly expended by the plaintiff in recovering or replacing the bees.