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DIVISION 13. BEE MANAGEMENT AND HONEY PRODUCTION [29000 - 29812] (*Division 13 enacted by Stats. 1967, Ch. 15.*)

)

CHAPTER 1. Bees [29000 - 29322] (*Chapter 1 repealed and added by Stats. 1987, Ch. 1404, Sec. 2.*)

ARTICLE 1. General Provisions [29000 - 29013] (*Article 1 added by Stats. 1987, Ch. 1404, Sec. 2.*)

29000. The Legislature hereby finds and declares that:

A healthy and vibrant apiary industry is important to the economy and welfare of the people of the State of California. Protection and promotion of this important industry is in the interest of the people of the State of California.

(Added by Stats. 1987, Ch. 1404, Sec. 2.)

29001. This chapter shall be known and may be cited as, the "Apiary Protection Act." Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

(Repealed and added by Stats. 1987, Ch. 1404, Sec. 2.)

29002. "Apiary" includes bees, comb, hives, appliances, or colonies, wherever they are kept, located, or found.

(Repealed and added by Stats. 1987, Ch. 1404, Sec. 2.)

29003. "Appliance" means any implement or other device which is used in handling and manipulating bees or comb, any container of bees or comb, or any other equipment which is used in the practice of apiculture.

(Repealed and added by Stats. 1987, Ch. 1404, Sec. 2.)

29004. "Bees" means honey-producing insects of the genus *Apis*. It includes all life stages of these insects.

(Repealed and added by Stats. 1987, Ch. 1404, Sec. 2.)

29005. "Board" means the Apiary Board.

(Repealed and added by Stats. 1987, Ch. 1404, Sec. 2.)

29006. "Colony" means one hive and its contents, including bees, comb, and appliances.

(Repealed and added by Stats. 1987, Ch. 1404, Sec. 2.)

29007. "Comb" includes all materials which are normally deposited into hives by bees. It does not include extracted honey or royal jelly, trapped pollen, and processed beeswax.

(Repealed and added by Stats. 1987, Ch. 1404, Sec. 2.)

29008. "Commissioner" means a county agricultural commissioner.

(Repealed and added by Stats. 1987, Ch. 1404, Sec. 2.)

29009. "Pest" means American foulbrood or any other infectious disease, parasite, pest, or hereditary disease that affects bees which the director by regulations declares is detrimental to the welfare of the bee industry.

(Repealed and added by Stats. 1987, Ch. 1404, Sec. 2.)

29010. "Infected," "infested," "contaminated," or "diseased" means that a viable stage of a life cycle of a "pest" as defined in Section 29009 can be demonstrated to exist on or within the colony population or on hives, comb, or any appliances associated with beekeeping operations.

(Repealed and added by Stats. 1987, Ch. 1404, Sec. 2.)

29011. "Hive" means any receptacle or container, or part of any receptacle or container, which is made or prepared for the use of bees, or which is inhabited by bees.

(Repealed and added by Stats. 1987, Ch. 1404, Sec. 2.)

29012. "Inspector" means any person who is authorized to enforce this chapter.

(Added by Stats. 1987, Ch. 1404, Sec. 2.)

29013. "Location" means any premises upon which an apiary is located.

(Added by Stats. 1987, Ch. 1404, Sec. 2.)


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CHAPTER 1. Bees [29000 - 29322] (*Chapter 1 repealed and added by Stats. 1987, Ch. 1404, Sec. 2.*)

ARTICLE 2. Apiary Board [29020 - 29028] (*Article 2 added by Stats. 1987, Ch. 1404, Sec. 2.*)

29020. There is in the department the Apiary Board, consisting of five members appointed by the director. The members of the board shall be assessment-paying beekeepers who reside in California and who represent the major geographical divisions of the beekeeping industry. The director may appoint an additional member on the board who shall be a public member.

(*Added by Stats. 1987, Ch. 1404, Sec. 2.*)

29021. Upon the director's request, the board shall submit to the director the names of three or more natural persons, each of whom shall be a citizen and resident of this state and not a producer, shipper, distributor, packer, or processor, nor financially interested in any of those entities, for appointment by the director as a public member of the board. The director may appoint one of the nominees as the public member on the board. If all nominees are unsatisfactory to the director, the board shall continue to submit lists of nominees until the director has made a selection. Any vacancy in the office of the public member of the board shall be filled by appointment by the director from the nominee or nominees similarly qualified submitted by the board. The public member of the board shall represent the interests of the general public in all matters coming before the board and shall have the same voting and other rights and immunities as other members of the board.

(*Added by Stats. 1987, Ch. 1404, Sec. 2.*)

29022. It is hereby declared, as a matter of legislative determination, that beekeepers appointed to the board are intended to represent and further the interest of a particular agricultural industry concerned, and that the representation and furtherance is intended to serve the public interest. Accordingly, the Legislature finds that, with respect to persons who are appointed to the board, the particular agricultural industry concerned is tantamount to, and constitutes, the public generally within the meaning of Section 87103 of the Government Code.

(*Added by Stats. 1987, Ch. 1404, Sec. 2.*)

29023. In making his or her selection of the membership of the board, the director shall take into consideration the recommendations of the beekeeping industry, including, but not limited to, the California State Beekeeper's Association.

(*Added by Stats. 1987, Ch. 1404, Sec. 2.*)

29024. The term of office of the members of the board is four years. Appointments shall be for full four-year terms. The director shall solicit the views of the industry, including, but not limited to, the California State Beekeeper's Association before allowing any member to serve as a member of the board; however, no person shall serve successive terms as a member of the board.

(*Added by Stats. 1987, Ch. 1404, Sec. 2.*)

29025. The director may appoint a department representative as the secretary to the board.

(*Added by Stats. 1987, Ch. 1404, Sec. 2.*)

29026. The board shall be advisory to the director on all matters related to the beekeeping industry and may make recommendations on all matters affecting the activities of the department in relation to the beekeeping industry including an annual review of the department's apiary program.

(Added by Stats. 1987, Ch. 1404, Sec. 2.)

29027. The board shall meet at the call of the director or at the request of any three members of the board. It shall meet at least once a year.

(Added by Stats. 1987, Ch. 1404, Sec. 2.)

29028. Each member of the board shall serve without compensation, but each member shall be reimbursed for actual and necessary expenses, including travel expenses, incurred in attending meetings of the board and any other official duty authorized by the board and approved by the director. The reimbursements shall be made in accordance with the rules of the Department of Human Resources.

(Amended by Stats. 2012, Ch. 665, Sec. 22. (SB 1308) Effective January 1, 2013.)


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CHAPTER 1. Bees [29000 - 29322] (*Chapter 1 repealed and added by Stats. 1987, Ch. 1404, Sec. 2.*)

ARTICLE 3. Apiary Assessments [29030.5 - 29032] (*Article 3 added by Stats. 1987, Ch. 1404, Sec. 2.*)

29030.5. The beekeeper, apiary owner, apiary operator, or the person in possession of an apiary, in addition to the annual assessment fee prescribed by subdivision (a) of Section 29030, shall pay to the director an annual assessment fee of three cents (\$0.03) per colony for the purpose of research on Africanized bees. The fee shall be annually collected until July 1, 1992, and the revenue, notwithstanding Section 13340 of the Government Code, is continuously appropriated for that research.

Subdivision (c) of Section 29030 and Section 29032 does not apply to the disposition of funds authorized by this section.

(Added by Stats. 1987, Ch. 1404, Sec. 2.)

29031. The assessment fees shall be payable to the director on July 1 of each year. The director shall send a written notice of the nonpayment of the required assessment fee to any person who fails to pay the assessment fee on that date. If the total amount of the assessment fee is not paid within 31 days after receipt of the written notice from the director, the person shall be required to pay, in addition to his or her regular fee, a penalty fee equal to 10 percent of the amount of the assessment fee prescribed pursuant to Section 29030, plus interest from that date. The interest shall accrue on a daily basis until the amount owed is paid.

(Repealed and added by Stats. 1987, Ch. 1404, Sec. 2.)

29032. (a) Any funds collected by the director pursuant to this article shall be deposited in the Department of Food and Agriculture Fund to be used for the control of pests, and research related to the bee industry, as advised by the board and approved by the director, and to carry out Article 2 (commencing with Section 29020).

(b) The director shall pay by contract entered into pursuant to this section, five-eighths of the funds received from apiary assessments to the counties as reimbursement for costs incurred by the commissioner in the administration and enforcement of this chapter. The payment shall be apportioned to the commissioner in relation to each county's expenditure for the administration and enforcement of the chapter. The director, after consulting with the board, shall establish standards of performance for administration and enforcement. The director shall make the payments to each county only if the commissioner acts in compliance with a contract entered into between the director and the commissioner.

(Repealed and added by Stats. 1987, Ch. 1404, Sec. 2.)


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CHAPTER 1. Bees [29000 - 29322] (*Chapter 1 repealed and added by Stats. 1987, Ch. 1404, Sec. 2.*)

ARTICLE 4. Registration and Identification of Apiaries [29040 - 29056] (*Article 4 added by Stats. 1987, Ch. 1404, Sec. 2.*)

29040. Every person that is the owner or is in possession of an apiary which is located within the state, on the first day of January of each year, shall register the number of colonies in each apiary which is owned by the person and the location of each apiary. Every person required to register under this article, shall do so on the first day of January of each year in which they maintain, possess, or are in possession of an apiary, or within 30 days thereafter, as prescribed in this article.

(*Added by Stats. 1987, Ch. 1404, Sec. 2.*)

29041. Notwithstanding the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code), any information provided in accordance with this article, Section 29070, or Section 29070.5 shall be held confidential, and shall not be disclosed to any person or governmental agency, other than the department or a county department of agriculture. The information shall also be considered privileged under the provisions of Sections 1040 and 1060 of the Evidence Code, with the exception of the location of apiaries for disclosure to pesticide applicators pursuant to Section 29101.

(*Amended by Stats. 2019, Ch. 300, Sec. 1. (AB 450) Effective January 1, 2020.*)

29042. Every person who moves bees into the state or otherwise comes into possession of an apiary that is located within the state after the first day of January, shall register the name of the owner and the number and location of colonies moved into the state or so acquired within 30 days after coming into possession of the apiary.

(*Amended by Stats. 2018, Ch. 320, Sec. 1. (AB 2468) Effective January 1, 2019.*)

29043. Registration of an apiary shall be filed with the commissioner of the county in which the apiary is located, or with the director if there is no commissioner in the county. The director shall adopt a form of registration to be used statewide, which shall include a request for notification of use of pesticide in accordance with Section 29101. All commissioners shall use the same form.

(*Added by Stats. 1987, Ch. 1404, Sec. 2.*)

29044. Each beekeeper, apiary owner, apiary operator, or person in possession of any apiary, shall pay, in addition to any other fees imposed under this chapter, an annual registration fee of ten dollars (\$10) to the commissioner of the county where the bees reside on January 1, to cover the cost of apiary registration. The director shall by regulation adopt and periodically update a schedule of the fees, which shall include late fees for anyone who fails to register an apiary under Sections 29041 and 29042. The board of supervisors of any county may waive the registration fee for any beekeeper, apiary owner, apiary operator, or person, who is a hobbyist not in the business of beekeeping and who possesses nine or fewer colonies.

(*Amended by Stats. 1992, Ch. 146, Sec. 1. Effective January 1, 1993.*)

29045. It is unlawful for a person to maintain any apiary that is not registered pursuant to this article. Each registration is valid until January 1 of the following year.

(*Amended by Stats. 2018, Ch. 320, Sec. 2. (AB 2468) Effective January 1, 2019.*)

29046. (a) No person shall maintain an apiary on premises other than that of his or her residence unless the apiary is identified as follows:

(1) By a sign that is prominently displayed on the entrance side of the apiary or stenciled on the hive, that states in dark letters not less than one inch in height on a background of contrasting color, the name of the owner or person responsible for the apiary, his or her address and telephone number, or if he or she has no telephone, a statement to that effect.

(2) If the governing body of the county or city in which the apiary is located has provided by ordinance for the identification of apiaries, in the manner that is prescribed in the ordinance.

(b) No person shall locate or maintain an apiary on private land not owned or leased by the person unless the person has approval from the owner of record, or an authorized agent of the owner of record, and can establish approval upon demand of the secretary or commissioner. The approval shall include the name and phone number of the person granting approval.

(c) (1) No person shall locate or maintain an apiary on any public land without the expressed oral or written approval of the entity that owns, leases, controls, or occupies the land, and can establish this approval upon demand of the secretary or the commissioner. The approval shall include the name and telephone number of the person granting the approval. During the citrus bloom period, as established by the commissioner, including 72 hours before the declaration of the bloom period until 48 hours after the conclusion of the bloom period, the apiary operator shall obtain written permission to place bees on public land, and shall make it available to the secretary or the commissioner upon demand. Any apiary located or maintained on public land without lawful consent is a public nuisance and may be subject to seizure by the secretary or the commissioner.

(2) The secretary or commissioner may commence proceedings in the superior court of the county or city and county in which the seizure is made petitioning the court for judgment forfeiting the apiary. Upon the filing of the petition, the clerk of the court shall fix a time for a hearing and cause notices to be posted for 14 days in at least three public places in the place where the court is held, if the person owning the apiary is unknown, setting forth the substance of the petition and the time and place fixed for its hearing. At that time, the court shall hear and determine the proceeding and upon proof that the apiary was located or maintained on public lands without approval of the entity, may order the apiary forfeited. Any apiary so forfeited shall be sold or destroyed by the secretary or the commissioner. The proceeds from all sales shall be used in accordance with Section 29032.

(Amended by Stats. 2018, Ch. 320, Sec. 3. (AB 2468) Effective January 1, 2019.)

29047. Any person who owns or is in possession of an apiary may bring an action to recover damages for any injury to the apiary by reason of any pest control operation if the person has complied with Sections 29043, 29046, 29070, and 29070.5, and with regulations adopted by the secretary providing for the protection of bees under Sections 11502, 14005, and 29080 when these requirements apply to the property where the alleged damage has occurred.

(Amended by Stats. 2019, Ch. 300, Sec. 2. (AB 450) Effective January 1, 2020.)

29048. Any pesticide applicator who experiences any loss because of a beekeeper's failure to request notification of a pesticide application pursuant to Section 29101, or pursuant to any department rule or regulation, or who experiences any loss because of a beekeeper's failure to register bees pursuant to Section 29041 or 29042, may bring an action for the recovery of damages against that beekeeper.

(Amended by Stats. 2019, Ch. 300, Sec. 3. (AB 450) Effective January 1, 2020.)

29049. The owner of any apiary equipment may apply to the director for a serial number brand for use on apiary equipment which he or she owns. The application shall contain the name and address of the applicant and shall be accompanied by a fee, as established and periodically updated, by the director by regulation.

(Added by Stats. 1987, Ch. 1404, Sec. 2.)

29050. Upon receipt of the application and fee, the director shall register a serial number brand to the applicant. The serial number shall include a county number followed by an individual number. The county number shall be and remain the same as the number of the class of the county in the classification which was adopted by the Legislature in 1931. As to counties with classification numbers 1 to 9, inclusive, the county number shall be preceded by a dash (—). The county number shall be followed by a dash (—) and the individual number.

(Added by Stats. 1987, Ch. 1404, Sec. 2.)

29051. If a serial number brand is used on wooden equipment, it shall be burned into the wood in numbers which are at least one-half inch in height. Hive bodies shall be branded on the upper left-hand corner. Frames shall be branded or stenciled on top bars. Other wooden equipment may be branded in any manner desired.

(Added by Stats. 1987, Ch. 1404, Sec. 2.)

29052. Serial number brands are transferrable.

(Added by Stats. 1987, Ch. 1404, Sec. 2.)

29053. (a) If the purchaser does not have a registered brand number, he or she may use a brand acquired by purchase if a bill of sale on the purchased brand number is forwarded by registered mail to the director accompanied by a transfer fee as established and periodically updated by the director by regulation.

(b) If the purchaser has a previously registered brand number, he or she may have other brand numbers transferred to his or her name, without charge, but he or she shall destroy any and all branding irons or branding devices acquired by the transfer and notify the director of the destruction.

(Added by Stats. 1987, Ch. 1404, Sec. 2.)

29054. If ownership of branded equipment is transferred, the original brand shall not be defaced or obliterated. The brand, if any, of the new owner shall be placed below the original brand and as near it as possible.

(Added by Stats. 1987, Ch. 1404, Sec. 2.)

29055. It is unlawful for any person to have in his or her possession any apiary equipment which is branded with any serial number brand other than his or her own unless he or she has a bill of sale which he or she obtained from the registered owner of the serial brand number.

(Added by Stats. 1987, Ch. 1404, Sec. 2.)

29056. It is unlawful for any person to do any one of the following:

(a) Use any serial number brand unless it is registered pursuant to this article provided that the National Crime Identification Center (NCIC) numbers may be used.

(b) Alter, deface, remove, or obliterate the brand on any apiary equipment to prevent the identification of the equipment.

(c) Be in possession of any apiary equipment upon which the brand has been altered, defaced, removed, or obliterated.

(Added by Stats. 1987, Ch. 1404, Sec. 2.)


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)

CHAPTER 1. Bees [29000 - 29322] (*Chapter 1 repealed and added by Stats. 1987, Ch. 1404, Sec. 2.*)

ARTICLE 5. Intrastate Movement [29070 - 29074] (*Article 5 added by Stats. 1987, Ch. 1404, Sec. 2.*)

29070. (a) Any person relocating a colony of bees from a registered apiary in one county to another county, where the apiary is not registered for the current calendar year, shall notify the destination commissioner within 72 hours of the first movement or entry into the county. The notification shall include all of the following:

- (1) The name and address of the apiary operator or the operator's designated representative.
- (2) A telephone number where the apiary operator or the operator's designated representative may be reached.
- (b) The apiary operator or the operator's designated representative shall provide locations of each colony upon request by the commissioner of any county.
- (c) Subsequent movement into the destination county shall require further notification to the commissioner within 72 hours of movement.
- (d) When the apiary operator removes the last colony from the county, the operator shall notify the commissioner of that final movement within 72 hours.

(Amended by Stats. 2019, Ch. 300, Sec. 4. (AB 450) Effective January 1, 2020.)

29070.5. Any apiary operator or the apiary operator's designated representative relocating a colony of bees within a county where the apiary is currently registered shall notify the commissioner of the movement within 72 hours of the relocation.

(Amended by Stats. 2019, Ch. 300, Sec. 5. (AB 450) Effective January 1, 2020.)

29071. It is lawful for any person, except when prohibited by other provisions of this chapter, to do any of the following:

- (a) Transport any contaminated hive, together with its contents, to a suitable place for burning, or to a wax salvage plant licensed under Article 11 (commencing with Section 29150), after the person has killed the bees in the hive and sealed the hive to prevent the entrance of live bees.
- (b) Transport contaminated comb, including any frame associated with it, to a suitable place for burning, or to a wax salvage plant, licensed under the provisions of Article 11 (commencing with Section 29150) if the comb is tightly enclosed to prevent access to the comb by bees.

(Added by Stats. 1987, Ch. 1404, Sec. 2.)

29072. No person shall move or transport any bees, comb, appliances, or colonies within the state which are diseased, except for abatement pursuant to this chapter or for research pursuant to Section 29074.

(Added by Stats. 1987, Ch. 1404, Sec. 2.)

29073. The inspector, in a summary manner, may destroy where required, any and all diseased colonies, bees, combs, or hives which are unlawfully moved within the state wherever they may be found.

(Added by Stats. 1987, Ch. 1404, Sec. 2.)

29074. The secretary, by written permit, subject to conditions the secretary may determine are necessary to protect the beekeeping industry of this state, may authorize federal and state agencies to transport and maintain within the state diseased bees, comb, hives, appliances, or colonies for the purpose of studying methods of eradicating and controlling bee diseases.

(Amended by Stats. 2018, Ch. 320, Sec. 6. (AB 2468) Effective January 1, 2019.)


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CHAPTER 1. Bees [29000 - 29322] (*Chapter 1 repealed and added by Stats. 1987, Ch. 1404, Sec. 2.*)

ARTICLE 6. Notification Regions [29080 - 29082] (*Article 6 added by Stats. 1987, Ch. 1404, Sec. 2.*)

29080. As used in this article and in Article 7 (commencing with Section 29100) "director" means the Director of Pesticide Regulation.

(*Added by Stats. 1993, Ch. 166, Sec. 2. Effective January 1, 1994.*)

29080.5. The director may, after notice and hearing, establish regions for the notification of apiary owners relative to pesticide applications if the director determines that the notification could be effectively accomplished on a regional basis and that there would be sufficient interest among beekeepers and pest control operators to make substantial participation in a regional notification system likely. The regions may be composed of more than one county or portions of counties, but no single county or portion of a county may become an entire region.

(*Added by renumbering Section 29080 by Stats. 1993, Ch. 166, Sec. 1. Effective January 1, 1994.*)

29081. Upon the establishment of a notification region, the director shall designate one of the commissioners within the region as the coordinator for the region. The coordinator may receive, upon request, any necessary technical assistance from the University of California, other commissioners, and the department in the development of a regional notification system.

(*Added by Stats. 1987, Ch. 1404, Sec. 2.*)

29082. The coordinator may receive money from any source and shall deposit the funds in the Department of Pesticide Regulation Fund, or with the approval of the director, in the county treasury, for expenditure pursuant to the purposes of this article, upon appropriation therefor by the Legislature, or, if the funds are deposited in the county treasury, by the county board of supervisors. The director may, if he or she determines that it is necessary, establish fees for beekeepers and pest control operators who participate. The fees may, if necessary, vary for different regions, but shall in no case be greater than the amount necessary to defray the expenses of that region. If an unexpended surplus exists for more than two consecutive years, the surplus funds shall be transferred to the beekeeping program. If the operation of the system is suspended or terminated, any unexpended moneys shall be deposited in the Department of Food and Agriculture Fund to be used as prescribed in Section 29032.

(*Amended by Stats. 1993, Ch. 166, Sec. 3. Effective January 1, 1994.*)


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)

CHAPTER 1. Bees [29000 - 29322] (*Chapter 1 repealed and added by Stats. 1987, Ch. 1404, Sec. 2.*)

ARTICLE 7. Use of Pesticides [29100 - 29103] (*Article 7 added by Stats. 1987, Ch. 1404, Sec. 2.*)

29100. (a) The Legislature hereby finds and declares that bees perform a valuable service to agriculture in this state.

(b) The Legislature further finds and declares that the necessary application of certain pesticides to blossoming plants poses a potential hazard to bees.

(c) The Legislature further finds and declares that the use of pesticides is necessary for the protection of agricultural crops.

(d) The Legislature further finds and declares that certain factors, including, but not limited to, the time of application, the type of pesticides used, the type of blossoming plant involved, the proximity of the apiaries, and the ability to locate and notify the owners of the apiaries involved, directly affect the extent of the harm to bees resulting from pesticides.

(*Added by Stats. 1987, Ch. 1404, Sec. 2.*)

29101. (a) Each beekeeper shall report to the commissioner of the county in which the beekeeper's apiary is located, on a form approved by the secretary, each location of apiaries for which notification of pesticide usage is sought. This report for notification may be filed with and be part of the form used for registration pursuant to Article 4 (commencing with Section 29040), or shall be submitted in writing if notice of relocation is made as set forth in Section 29070 or 29070.5. Except for reports filed as part of an initial registration pursuant to Section 29040, each request shall be mailed within 72 hours before locating an apiary, where feasible, but in no event later than 72 hours after locating an apiary.

(b) The beekeeper shall not be entitled to notification until receipt and processing of the report is made by the commissioner. However, the commissioner may provide notice earlier if practicable.

(c) Notice to pesticide applicators shall not be required until the written report by the beekeeper has been received and processed by the commissioner, except that the commissioner may provide notice earlier if practicable.

(d) The commissioner shall process the written report as expeditiously as reasonable, but shall not exceed 16 working hours. The 16-hour period shall commence upon receipt of the written report.

(*Amended by Stats. 2019, Ch. 300, Sec. 6. (AB 450) Effective January 1, 2020.*)

29102. (a) The director shall adopt regulations necessary to minimize the hazard to bees, while still providing for the reasonable and necessary application of pesticides toxic to bees to blossoming plants. The regulations may be limited to specific blossoming plants.

(b) Regulations adopted pursuant to this section may be applicable to either the entire state or specified areas of the state. Regulations that are applicable to only specified areas of the state shall include provisions for the mandatory notice of movement of apiaries, including any relocation thereof within the area to which the regulations are applicable.

(c) The regulations may also include provisions for timely notification of apiary owners of proposed pesticide applications, and limitations on the time and method of application of pesticides and the pesticides used.

(Added by Stats. 1987, Ch. 1404, Sec. 2. Note: See this section as modified on July 17, 1991, in Governor's Reorganization Plan No. 1 of 1991.)

29103. Failure of a beekeeper to remove hives from a specific location, except during specific periods of time, as provided in subdivision (c) of Section 29102 after notification, shall not prevent the application of pesticides to blossoming plants if consistent with the pesticide's labeling and regulations. When the pesticide applicator has complied with the notification pursuant to subdivision (c) of Section 29102 the applicator shall not be liable for injury to bees that enter the area treated during or after the application.

(Added by Stats. 1987, Ch. 1404, Sec. 2.)

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CHAPTER 1. Bees [29000 - 29322] (*Chapter 1 repealed and added by Stats. 1987, Ch. 1404, Sec. 2.*)**ARTICLE 8. Quarantine [29110 - 29114]** (*Article 8 added by Stats. 1987, Ch. 1404, Sec. 2.*)

29110. The director may adopt by regulation and establish, maintain, and enforce a quarantine at the boundaries of, or within, the state, to protect the bee industry against the introduction or spread of any bee pest. The director may make and enforce such regulations as may be necessary to prevent any bees, comb, hives, or appliances from passing over any quarantine line which is established and proclaimed pursuant to this article.

(*Added by Stats. 1987, Ch. 1404, Sec. 2.*)

29111. If any quarantine is established pursuant to this article, no person shall move any bees, comb, hive, or appliance, across the lines established by the quarantine except pursuant to the regulations of the director.

(*Repealed and added by Stats. 1987, Ch. 1404, Sec. 2.*)

29112. If an inspector finds any pest or disease which is known to be contagious in any apiary, the inspector may hold the apiary and may require that abatement be performed under his or her direct supervision. The inspector shall give notice that the apiary is held to the owner or bailee and post a copy of the notice in a conspicuous place in the apiary.

(*Repealed and added by Stats. 1987, Ch. 1404, Sec. 2.*)

29113. If notice that an apiary is being held has been given pursuant to Section 29112, no person shall move the apiary, or any part of the apiary, or any other bee equipment from the location, unless the person is authorized by an inspector, until the hold order is released.

(*Repealed and added by Stats. 1987, Ch. 1404, Sec. 2.*)

29114. Upon request of the owner of any apiary which is held pursuant to an order by an inspector, the inspector shall release the hold order by issuing a permit to move the apiary if the inspector determines that the pest or disease has been abated. The permit shall state on it that the apiary had been under a hold order at the point of origin, was released from the hold order, and the date of release.

(*Repealed and added by Stats. 1987, Ch. 1404, Sec. 2.*)


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ARTICLE 9. Importation [29120 - 29128] (*Article 9 added by Stats. 1987, Ch. 1404, Sec. 2.*)

29120. Except as otherwise provided in Section 29121, no person shall import or transport into the state any comb, bees on comb, queen bees, package bees, bee semen, or any used hive or used appliance, unless each separate load, lot, or shipment is accompanied by a valid certificate prescribed by this article, and filed in a form and in the manner as set forth by the director, and unless the certificate is delivered to the commissioner of the county of destination or to the director, if there is no commissioner in the county, within 72 hours after the arrival of the load, lot, or shipment.

(*Added by Stats. 1987, Ch. 1404, Sec. 2.*)

29121. (a) A person may import or transport any of the following into the state without complying with the requirements prescribed by Section 29120:

- (1) Packaged comb honey.
- (2) Empty package bee cages.
- (3) Moving screens.
- (4) Bee smokers.
- (5) Bee veils.
- (6) Hive tools.

(b) No importation shall be allowed if it would violate any quarantine regulation adopted by the director pursuant to Section 29110.

(*Repealed and added by Stats. 1987, Ch. 1404, Sec. 2.*)

29122. Except as provided in Section 29123, the certificate required by Section 29120 shall be signed by the State Entomologist, State Apiary Inspector, or comparable officer in charge of apiary inspection for the state of origin and shall certify to all of the following facts:

- (a) The name and address of the owner or shipper and the place of destination in this state.
- (b) The number or amount of queen bees, package bees, bee semen, hives, or nuclei which contain bees, the number of used hives either empty or containing comb, and a complete list of any other used beekeeping equipment in the shipment.
- (c) The county and state of origin.
- (d) The date on which inspection was last made of the apiary in which the bees, comb, used hives, and appliances originated.
- (e) That the apiary was found free of all pests denoted as pests by the State of California, using detection procedures and methods approved by the director.
- (f) If the pest is American foulbrood, the total number of colonies in the apiary at the time of inspection, and the number of colonies found infested.

(g) That all American foulbrood colonies of bees found upon inspection were destroyed, removed to a quarantine apiary, or removed to wax salvage, prior to the issuance of the certificates.

(Repealed and added by Stats. 1987, Ch. 1404, Sec. 2.)

29123. In lieu of the requirements of Section 29122, the certificate required by Section 29120 may be a California certificate of inspection issued pursuant to Sections 29140 to 29145, inclusive, and showing the comb, bees on comb, or hives or appliances has or had been inspected in California within the 12 months prior to their return to California and at the time of the inspections had been found to have had less than 1 percent American foulbrood disease. Beekeepers or their agents shall carry a copy of the certificate with them and proof of ownership of the apiary and its contents, for production to the border inspectors on demand upon reentry.

(Repealed and added by Stats. 1987, Ch. 1404, Sec. 2.)

29124. Any shipment of bees on comb, used hives, or used appliances arriving in this state which is not accompanied by, where required by Section 29120, a valid certificate shall be refused entry and returned to the shipper or destroyed, at the option and expense of the owner or person in charge of the shipment.

(Repealed and added by Stats. 1987, Ch. 1404, Sec. 2.)

29125. The certificates required by Section 29120 are valid only during the inspection season in which they were issued, except that a certificate that covers a shipment arriving prior to April 1 from a locality that has severe winters shall be valid if it shows the last inspection of the apiary was made on or after August 15 of the preceding year.

(Repealed and added by Stats. 1987, Ch. 1404, Sec. 2.)

29126. (a) If any bees, comb, hives, or appliances entering California are found to be diseased at the time of inspection in this state within 30 days after arrival, the inspector may hold the apiary, lot, or shipment. The inspector shall give notice to the owner or bailee, as prescribed in Section 29113, that the apiary, lot, or shipment is held.

(b) If any load, lot, or shipment of bees, comb, hives, or appliances, entering California are found at the time of inspection in this state within 30 days after arrival to have more than 2 percent American foulbrood disease, that load, lot, or shipment of bees, comb, hives, or appliances shall be removed from the state and returned to the shipper.

(Repealed and added by Stats. 1987, Ch. 1404, Sec. 2.)

29127. Any American foulbrood disease or other disease found pursuant to subdivision (a) of Section 29126 shall be abated pursuant to Article 14 (commencing with Section 29200) of this chapter.

(Repealed and added by Stats. 1987, Ch. 1404, Sec. 2.)

29128. After the American foulbrood disease or other disease has been abated, the inspector may release the hold order, if the release can be made without menace or harm from the disease to the bee industry of this state. If the release cannot be so made, after the disease has been abated, the remaining bees, comb, hives, and appliances shall be destroyed or shipped out of this state within 72 hours after the expiration of the abatement notice, at the option and expense of the owner or bailee.

(Repealed and added by Stats. 1987, Ch. 1404, Sec. 2.)

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CHAPTER 1. Bees [29000 - 29322] (*Chapter 1 repealed and added by Stats. 1987, Ch. 1404, Sec. 2.*)**ARTICLE 10. Exportation [29140 - 29145]** (*Article 10 added by Stats. 1987, Ch. 1404, Sec. 2.*)

[29140.](#) As used in this article, "certificate" means the certification by a commissioner, or an inspector of the condition of any apiary which is to be transported to another state or country.

(*Added by Stats. 1987, Ch. 1404, Sec. 2.*)

[29141.](#) The board of supervisors of any county may establish a schedule of fees for certificates for bees on comb to be paid by persons that request the certificates.

(*Repealed and added by Stats. 1987, Ch. 1404, Sec. 2.*)

[29142.](#) No fee shall be charged for certification required by any law, regulation, or requirement of the United States.

(*Repealed and added by Stats. 1987, Ch. 1404, Sec. 2.*)

[29143.](#) The schedule of fees for the certificates shall be based upon the estimated cost of the inspection.

(*Repealed and added by Stats. 1987, Ch. 1404, Sec. 2.*)

[29144.](#) A commissioner shall make reasonable inspection as may be necessary to determine the facts which are required by the state or country of intended destination and shall issue a certificate that states the facts which are determined upon receipt of the scheduled fee for a certificate or, if no scheduled fee has been established, upon request.

(*Added by Stats. 1987, Ch. 1404, Sec. 2.*)

[29145.](#) It is unlawful for any person to alter, deface, or misuse any certificate issued pursuant to this article.

(*Repealed and added by Stats. 1987, Ch. 1404, Sec. 2.*)


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ARTICLE 11. Wax Salvage [29150 - 29157] (*Article 11 added by Stats. 1987, Ch. 1404, Sec. 2.*)

29150. No person shall remove, salvage, or attempt to salvage, any bees, comb, honey, royal jelly, pollen, beeswax, or frames from any diseased colony, including American foulbrood disease, except pursuant to this article or Section 29074.

(*Added by Stats. 1987, Ch. 1404, Sec. 2.*)

29151. All wax salvage operations with respect to diseased colonies shall be performed in an enclosure which is constructed in accordance with specifications, and in the manner set forth, in regulations of the director.

(*Repealed and added by Stats. 1987, Ch. 1404, Sec. 2.*)

29152. The director shall prepare and furnish to interested parties upon request, uniform specifications for the construction of wax salvage plants, and adopt regulations for the operation of the plants in a manner to prevent the spread of pests or disease from the plants.

(*Repealed and added by Stats. 1987, Ch. 1404, Sec. 2.*)

29153. Any person that desires to maintain and operate a plant for the salvaging of wax, hives, and appliances from diseased apiaries shall apply to the director for an annual license for each separate wax salvage plant.

(*Repealed and added by Stats. 1987, Ch. 1404, Sec. 2.*)

29154. The director shall make such investigations as the director determines are necessary and shall issue the license without fee if the director is satisfied that the plant is constructed in accordance with specifications in, and that the plant will be operated pursuant to, regulations adopted pursuant to this article.

(*Repealed and added by Stats. 1987, Ch. 1404, Sec. 2.*)

29155. A license is good for the calendar year within which it is issued and shall expire on December 31, of that year, unless it is revoked or suspended sooner.

(*Repealed and added by Stats. 1987, Ch. 1404, Sec. 2.*)

29156. Any license which is issued pursuant to this article may be revoked or suspended, or a license renewal may be refused by the director, after hearing, if the director finds that the licensee has not complied with this article and the regulations adopted pursuant to it.

(*Repealed and added by Stats. 1987, Ch. 1404, Sec. 2.*)

29157. To the greatest extent possible, the proceedings for all hearings under this article shall be conducted pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. The director shall have all the powers which are granted by the chapter.

(*Repealed and added by Stats. 1987, Ch. 1404, Sec. 2.*)

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[29170.](#) No person shall maintain or operate a diseased colony of bees, except pursuant to Section 29074.
(*Added by Stats. 1987, Ch. 1404, Sec. 2.*)

[29171.](#) No person shall conceal or attempt to conceal the fact that disease exists within an apiary.
(*Added by Stats. 1987, Ch. 1404, Sec. 2.*)

[29172.](#) No person shall sell any diseased bees, comb, hive, appliance, or colony.
(*Added by Stats. 1987, Ch. 1404, Sec. 2.*)

[29173.](#) No person shall abandon any diseased apiary.
(*Added by Stats. 1987, Ch. 1404, Sec. 2.*)

[29174.](#) No person shall expose to bees any comb or honey from a diseased colony of bees, except pursuant to Section 29074.
(*Added by Stats. 1987, Ch. 1404, Sec. 2.*)

[29175.](#) No person shall extract or render any honey, pollen, or wax from comb except in a building or enclosure which is so constructed as to prevent access by bees.
(*Added by Stats. 1987, Ch. 1404, Sec. 2.*)

[29176.](#) No person shall possess any comb which is not occupied by a live bee colony unless the comb is tightly enclosed to prevent access to the comb by bees.
(*Added by Stats. 1987, Ch. 1404, Sec. 2.*)

[29177.](#) Any hive or appliance which contains any comb that is not occupied by a live bee colony and that is accessible to bees constitutes a public nuisance. The hive or appliance shall be subject to abatement in the same manner as is provided in Article 14 (commencing with Section 29200) of this chapter for abatement of disease.
(*Added by Stats. 1987, Ch. 1404, Sec. 2.*)

[29178.](#) No person shall make honey available to bees by means of open air feeding.
(*Added by Stats. 1987, Ch. 1404, Sec. 2.*)

[29179.](#) All beekeepers shall provide movable frames in the brood area of all hives which they use to contain bees, and shall make provisions so the bees in the hives shall construct combs in the frames in such a way that the combs may be removed from the hives for inspection without damaging other combs in the hives.
(*Added by Stats. 1987, Ch. 1404, Sec. 2.*)

29180. The inspector shall order the owner or person in charge of any bees which are kept in a box or other unmovable or stationary comb hive to transfer the bees to a movable frame hive within a reasonable time, to be specified in the order. In default of transfer by the owner or person in charge of the bees, the inspector may destroy in a summary manner the hive and its contents.

(Added by Stats. 1987, Ch. 1404, Sec. 2.)

29181. No person shall place, in any combless package of bees or queen bees offered for sale or shipment, any food which contains honey.

(Added by Stats. 1987, Ch. 1404, Sec. 2.)


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ARTICLE 13. Colony Strength [29190 - 29195] (*Article 13 added by Stats. 1987, Ch. 1404, Sec. 2.*)

29190. The director may establish a system for certifying colony strength for bees used in the pollination of agricultural crops.

(*Added by Stats. 1987, Ch. 1404, Sec. 2.*)

29191. The colony strength of a bee colony shall be certified after inspection on the basis of the number of active frames of bees or the square inches of brood per colony, or both, using a sampling system, approved by the director.

(*Repealed and added by Stats. 1987, Ch. 1404, Sec. 2.*)

29192. The inspection and certification of colony strength of bees may be made by department employees, the commissioner or persons authorized by the commissioner, or persons appointed by the director.

(*Repealed and added by Stats. 1987, Ch. 1404, Sec. 2.*)

29193. Inspection and certification shall be made at the request of the beekeeper or agricultural producer involved. The party requesting the inspection and certification shall pay for the service. To the greatest extent possible, the inspector shall endeavor to give the beekeeper advance notice of the scheduled date of the inspection.

(*Repealed and added by Stats. 1987, Ch. 1404, Sec. 2.*)

29194. The director may by regulation establish reasonable fees to cover the cost of inspection and certification performed by department employees and persons appointed by the director, other than the agricultural commissioner.

(*Repealed and added by Stats. 1987, Ch. 1404, Sec. 2.*)

29195. The board of supervisors of the county may establish reasonable fees to cover the cost of inspection and certification performed by the commissioner.

(*Repealed and added by Stats. 1987, Ch. 1404, Sec. 2.*)


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ARTICLE 14. Apiary Inspection [29200 - 29213] (*Article 14 added by Stats. 1987, Ch. 1404, Sec. 2.*)

29200. The Legislature finds that in order to ensure the vitality of the apiary industry, to protect the welfare of the people of the State of California, as well as agricultural crops dependent upon bees for pollination, a pest inspection program should be an integral part of the regulatory scheme contained in this division. The Legislature further finds that without a continuing regular inspection program, as further specified in this article, the programs and requirements of law set forth in this division will be impaired.

(*Added by Stats. 1987, Ch. 1404, Sec. 2.*)

29201. (a) The director, or the commissioner, or any inspector acting under their direction, may enter if he or she determines it to be necessary, any location where an apiary is maintained, and make an inspection of the apiary, including ancillary buildings. The inspector may give prior notice of the inspection where the notice would not interfere with the purpose of the inspection. The right of inspection shall occur at reasonable times, and shall not include any dwelling. If the inspector desires entry to any dwelling because he or she suspects maintenance problems regarding a colony, hive, comb, or appliance therein, the inspector, upon request, shall obtain a warrant pursuant to the provisions of Section 1822.50 of the Civil Code and comply with the provisions therein. No person shall interfere with the entry of an inspector in the official course of his or her duty. The inspector shall report the result of the inspection to the beekeeper, where feasible, within five days of the inspection.

(b) If the inspector finds American foulbrood disease has infected more than two hives of 99 colonies or less, or 2 percent or more of colonies of 100 or more, he or she shall make a complete inspection of all the hives in the apiary and the owner of the hives in the apiary shall pay the cost of the complete inspection. If the inspector finds American foulbrood disease has infested less than 2 percent of colonies of 100 or more as the result of an inspection made after the disease was brought to the inspector's attention in writing, the commissioner may assess the costs of the inspection on the person who brought the disease to the inspector's attention.

(*Added by Stats. 1987, Ch. 1404, Sec. 2.*)

29202. If, in the course of an inspection authorized by Section 29201, the inspector finds or has reason to suspect that there are pests in the apiary, the inspector shall plainly mark the hives or any part thereof which contain evidence of pest infestation. The inspector may place a band with a seal around a diseased hive.

(*Added by Stats. 1987, Ch. 1404, Sec. 2.*)

29203. If infestation is found in an apiary, the inspector shall notify the owner or person in charge or possession of the apiary in writing. The notice shall state the nature of the pest infestation found and the manner in which the inspector has marked the hives or any part thereof which contain evidence of the infestation and shall order the abatement of the infestation within a specified time. No person after receiving notice shall refuse or neglect to abate the infestation within the time specified in the notice or order.

If the inspector, in his or her judgment, believes summary abatement is necessary, the inspector may do so, or require that abatement be performed under his or her direct supervision. The inspector may also issue a hold order against the apiary, giving notice that the apiary is held to the owner or bailee and posting a copy of the hold order in a conspicuous place in the apiary. No person, who has been given notice of a hold order, shall move the apiary or

any part of the apiary or any other bee equipment from the location unless authorized by the inspector, until the hold order is released.

(Added by Stats. 1987, Ch. 1404, Sec. 2.)

29204. Every infested apiary is a public nuisance. The owner or person in charge or possession of any apiary, upon finding an infestation to be present, or upon receiving notice an infestation exists in the apiary, shall abate the infestation without undue delay, pursuant to the requirements of law.

(Added by Stats. 1987, Ch. 1404, Sec. 2.)

29205. The notice may be served upon the person that has possession or that owns the infested apiary, personally or by certified mail to his or her last known address. If the owner or person in charge or possession of any apiary is not known, the notice shall be served by posting it in a conspicuous place in the apiary.

(Added by Stats. 1987, Ch. 1404, Sec. 2.)

29206. If the infestation found in an apiary is American foulbrood, the time specified in the notice shall not be less than 24 hours nor more than 48 hours from the time the notice is served, except that the inspector may extend the time limit if necessary to prevent hardship and it can be done without undue danger of spreading the disease.

(Added by Stats. 1987, Ch. 1404, Sec. 2.)

29207. If American foulbrood is found in an apiary, the abatement shall be by killing the bees in the infested colonies and disposing of the hives and their contents, together with any other infested comb, hives, and associated appliances which are found in the apiary, in one of the following ways:

(a) By delivery to a licensed wax salvage plant pursuant to this chapter.

(b) By burning in a manner as set forth in Section 29208, the contents of the diseased colonies, including the bees, comb, and associated frames, together with any other diseased combs, and associated frames, which are found in the apiary in one of the following ways and disinfecting by scorching the hive bodies, covers, bottom boards, supers, and appliances associated with them:

(1) Burning in a pit and burying the ashes not less than two feet below the surface of the ground.

(2) Burning in an incinerator approved by the director. This section does not prevent federal and state research agencies from securing, transporting, and maintaining infested bees, comb, hives, appliances, or colonies pursuant to Section 29074.

(Added by Stats. 1987, Ch. 1404, Sec. 2.)

29208. (a) If abatement is by burning, the person abating shall act in accordance with applicable air pollution control district or air quality maintenance district regulations and state and local fire control laws. If the regulations or laws prohibit burning immediately, the diseased colonies shall be sealed and placed in an enclosed structure and thereafter burned on the first date allowed by the regulation or law. All the activities shall be reported to the inspector prior to burning, who may require that burning occur only under his or her supervision.

(b) The inspector's supervision shall be in addition to, but not in conflict with, the applicable air pollution control district or air quality management district regulations and fire control laws. Burning without the knowledge of the inspector is a violation of this section.

(c) If abatement is by delivery to a licensed wax salvage plant, the person abating shall provide the inspector with information as to the date and location of delivery.

(d) If the inspector determines that abatement by burning is appropriate, the inspector's costs for supervising the burning shall be borne by the beekeeper with the diseased hives.

(Added by Stats. 1987, Ch. 1404, Sec. 2.)

29209. If the owner or person in charge or possession of an apiary in which an infestation is found to exist cannot be located after diligent search by the inspector, or if notice has been served pursuant to this article and the owner or person in charge or possession of the apiary refuses or neglects to abate the infestation within the time which is specified in the notice, the inspector shall abate the infestation within 72 hours after expiration of the time which is specified in the notice. The cost of abatement shall be paid by the owner of the apiary.

(Added by Stats. 1987, Ch. 1404, Sec. 2.)

29210. If an abatement notice as required by this article has been served upon the owner or bailee of an apiary, the owner or bailee, before the expiration of the time specified in the notice, may appeal from the inspector's field determination of the infestation named in the notice by sending a written appeal to the director with a specimen of the infested material chosen and sealed for transportation jointly by the owner or bailee and the inspector, which is accompanied by a statement signed by the owner or bailee and the inspector, attesting to the fact that such specimen was obtained from the portion of the apiary described in the abatement notice.

(Added by Stats. 1987, Ch. 1404, Sec. 2.)

29211. In those instances when the inspector has sealed the infested hive after making a field determination, if a beekeeper appeals the inspector's field determination, the owner or bailee of the apiary and the inspector shall jointly break the seal and take the sample for appeal. If the band is broken in the absence of the inspector, no appeal shall be valid and the infestation shall be abated as described in the abatement notice.

(Repealed and added by Stats. 1987, Ch. 1404, Sec. 2.)

29212. The specimen shall be subjected to a laboratory diagnosis by the director, or at his or her direction. The written determination which sets forth the findings of the diagnosis is final proof of the nature of the infestation which exists in the apiary.

(Repealed and added by Stats. 1987, Ch. 1404, Sec. 2.)

29213. The disease which is named by the director in a written response to the appeal may be abated pursuant to this chapter. Pending the determination of the director, the time which is specified in the abatement notice shall be extended by the number of hours between the forwarding of the representative specimen and the receipt of the written determination from the director by the inspector, and the service of a copy of the written determination upon the owner or bailee that made the written appeal. If the owner or bailee cannot be found after due diligence, the extended time shall expire when a copy of the director's determination is served by posting it in the apiary.

(Repealed and added by Stats. 1987, Ch. 1404, Sec. 2.)


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CHAPTER 1. Bees [29000 - 29322] (*Chapter 1 repealed and added by Stats. 1987, Ch. 1404, Sec. 2.*)

ARTICLE 15. Enforcement and Penalties [29300 - 29313] (*Article 15 added by Stats. 1987, Ch. 1404, Sec. 2.*)

29300. The director, and the commissioner of each county under the direction and supervision of the director shall enforce this chapter.

(*Added by Stats. 1987, Ch. 1404, Sec. 2.*)

29301. The director may make any regulations that are reasonable and necessary to carry out this chapter.

(*Repealed and added by Stats. 1987, Ch. 1404, Sec. 2.*)

29302. (a) Unless otherwise stated, it shall be an infraction for any person to fail to comply with any requirement of this chapter, or regulations adopted pursuant to this chapter, after a warning notice of seven days is given. However, there shall be no warning notice for infractions involving the following sections:

- (1) Subdivisions (b) and (c) of Section 29046.
- (2) Subdivisions (b) and (c) of Section 29056.
- (3) Section 29072.
- (4) Section 29111.
- (5) Section 29113.
- (6) Section 29120.
- (7) Section 29126.
- (8) Section 29127.
- (9) Section 29145.
- (10) Section 29150.
- (11) Section 29170.
- (12) Section 29171.
- (13) Section 29172.
- (14) Section 29173.
- (15) Section 29204.

(b) Violations shall be referred to the district attorney in the affected county, or to the Attorney General if the district attorney is not able to prosecute the matter. For purposes of this chapter, each incident shall constitute a separate infraction. When violations of provisions governing hives or colonies are involved, each separate hive or colony shall constitute a separate infraction. Notwithstanding any other law, the maximum penalty of each infraction shall be one hundred dollars (\$100) for the first hive or colony, plus one dollar (\$1) for each additional hive or colony not in compliance, as applicable to a maximum penalty not to exceed one thousand dollars (\$1,000), except that a violation of Section 29070 or 29070.5 shall be subject to a maximum fifty dollar (\$50) fine. This section does not prevent the secretary or the commissioner from initiating any procedures for issuance of a prior warning notice or notice to correct.

(Amended by Stats. 2020, Ch. 370, Sec. 122. (SB 1371) Effective January 1, 2021.)

29303. It shall be an infraction for any person to fail to comply with any notice or order which is issued pursuant to this chapter subject to the penalties set forth in Section 29302.

(Repealed and added by Stats. 1987, Ch. 1404, Sec. 2.)

29304. (a) In addition to the penalties outlined in Sections 29302 and 29303 above, any person not complying with any provision of this chapter or regulation adopted thereto, or any notice or order issued pursuant to this chapter or regulation, shall be subject to a civil penalty of not more than five hundred dollars (\$500) for each day that the violation continues.

(b) The director or commissioner may also seek injunctive relief against any person operating in violation of this chapter or regulations adopted thereto, or violation of any order or notice issued pursuant to the authority of this chapter or regulation adopted thereto.

(c) Any action for recovery of civil penalties or injunctive relief shall be referred to the Attorney General.

(Repealed and added by Stats. 1987, Ch. 1404, Sec. 2.)

29305. (a) Any penalties recovered under this chapter, whether criminal or civil, shall be paid into a special account maintained by the department, and shall be used for the administration of Section 29302, except that up to 50 percent of the costs incurred by a district attorney in prosecuting a case under Section 29302 shall be reimbursed from whatever penalties are obtained from the prosecution.

(b) In determining the amount of any civil or criminal penalty provided for in this chapter, the court shall consider the seriousness of the conduct, and all relevant circumstances including, but not limited to, the extent of the harm caused by the conduct; the motive and persistence of the conduct; the length of time over which the conduct occurred; the economic impact on the person involved, whether a corporation or an individual; and any corrective action taken by the person.

(Added by Stats. 1987, Ch. 1404, Sec. 2.)

29306. In addition to any other penalty provided for by law, and by this article, any person who willfully or intentionally violates any provisions of this chapter shall be liable for a civil penalty not to exceed two thousand five hundred dollars (\$2,500) for each violation, which shall be recovered in a civil action brought in the name of the people of the State of California by the Attorney General.

(Added by Stats. 1987, Ch. 1404, Sec. 2.)

29307. Any person who violates any injunctive order issued pursuant to subdivision (b) of Section 29304 shall be subject to a civil penalty, in addition to any other penalty provided for by law, not to exceed six thousand dollars (\$6,000). Where the conduct constituting a violation is of a continuing nature, each day of violative conduct shall be a separate and distinct violation.

(Added by Stats. 1987, Ch. 1404, Sec. 2.)

29308. The director shall appoint a supervisor of apiary inspection and such qualified state apiary inspectors as may be necessary.

(Added by Stats. 1987, Ch. 1404, Sec. 2.)

29309. Each commissioner is an ex officio state apiary inspector and may appoint one or more inspectors, qualified pursuant to the regulations of the director, to be county apiary inspectors.

(Added by Stats. 1987, Ch. 1404, Sec. 2.)

29310. The director may assign one or more qualified state apiary inspectors to perform the duties of a county apiary inspector in any county for such time and rate of compensation as may be determined by agreement with the board of supervisors pursuant to Section 482. The state apiary inspector shall be under the direction and supervision of the commissioner if there is a commissioner in the county to which the inspector is assigned.

(Added by Stats. 1987, Ch. 1404, Sec. 2.)

29311. The penalties prescribed by this chapter are exclusive and no other civil penalties may be assessed.

(Added by Stats. 1987, Ch. 1404, Sec. 2.)

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.

(Added by Stats. 2016, Ch. 138, Sec. 2. (AB 2755) Effective January 1, 2017.)

29313. (a) In lieu of prosecution, and in addition to any other penalty that is provided in this chapter, the secretary or the commissioner may impose an administrative civil penalty on a person who violates Article 4 (commencing with Section 29040) or Article 5 (commencing with Section 29070), or any regulations adopted pursuant to this chapter to implement those articles.

(b) An administrative civil penalty imposed pursuant to this section shall be levied in proportion to the violation, measured as either "serious," "moderate," or "minor."

(1) "Serious" violations are repeat or intentional violations, punishable by an administrative civil penalty of not less than four hundred one dollars (\$401) and up to a maximum of one thousand dollars (\$1,000) per violation.

(2) "Moderate" violations are repeat violations or violations that are not intentional, punishable by an administrative civil penalty of not less than one hundred fifty-one dollars (\$151), but not more than four hundred dollars (\$400) per violation.

(3) "Minor" violations are violations that are procedural in nature, punishable by an administrative civil penalty of not less than fifty dollars (\$50), but not more than one hundred fifty dollars (\$150) per violation.

(c) Before an administrative civil penalty is imposed pursuant to this section, the person charged with the violation shall receive written notice of the proposed action, including the nature of the violation and, if applicable, the amount of the proposed civil penalty. The person shall have the right to request a hearing within 20 days after receiving notice of the proposed action. A notice that is sent by certified mail to the last known address of the person charged shall be considered received even if delivery is refused or if the notice is not accepted at that address. If a hearing is requested, notice of the time and place of the hearing shall be given at least 10 days before the date set for the hearing. At the hearing, the person shall be given an opportunity to review the secretary's or the commissioner's evidence and to present evidence on the person's own behalf. If a hearing is not timely requested, the secretary or the commissioner may take the action proposed without a hearing.

(d) If the person, upon whom the commissioner imposed an administrative civil penalty, requested and appeared at a hearing, the person may appeal the commissioner's decision to the secretary within 30 days of the date of receiving a copy of the commissioner's decision. The following procedures apply to the appeal:

(1) The appeal shall be in writing and signed by the appellant or the appellant's authorized agent, state the grounds for the appeal, and include a copy of the commissioner's decision. The appellant shall file a copy of the appeal with the commissioner at the same time it is filed with the secretary.

(2) The appellant and the commissioner, at the time of filing the appeal or within 10 days thereafter or at a later time prescribed by the secretary, may present the record of the hearing and a written argument to the secretary stating the ground for affirming, modifying, or reversing the commissioner's decision.

(3) The secretary may grant oral arguments upon application made at the time written arguments are filed.

(4) If an application to present an oral argument is granted, written notice of the time and place for the oral argument shall be given at least 10 days before the date set therefor. The times may be altered by mutual agreement of the appellant, the commissioner, and the secretary.

(5) The secretary shall decide the appeal on the record of the hearing, including the written evidence and the written argument described in paragraph (2), that the secretary has received. If the secretary finds substantial evidence in the record to support the commissioner's decision, the secretary shall affirm the decision.

(6) The secretary shall render a written decision within 45 days of the date of appeal or within 15 days of the date of oral arguments or as soon thereafter as practical.

(7) On an appeal pursuant to this section, the secretary may affirm the commissioner's decision, modify the commissioner's decision by reducing or increasing the amount of the civil penalty levied, if applicable, so that it is within the secretary's guidelines for imposing administrative civil penalties, or reverse the commissioner's decision. Any civil penalty increased by the secretary shall not be higher than that proposed in the commissioner's notice of proposed action given pursuant to subdivision (c). A copy of the secretary's decision shall be delivered or mailed to the appellant and the commissioner.

(8) Any person who does not request a hearing with the commissioner pursuant to a civil penalty imposed under subdivision (c) may not file an appeal to the secretary pursuant to this subdivision.

(9) Review of a decision of the secretary may be sought by the appellant within 30 days of the date of the decision pursuant to Section 1094.5 of the Code of Civil Procedure.

(e) After the exhaustion of the appeal and review of procedures provided in this section, the commissioner, or the commissioner's representative, may file a certified copy of a final decision of the commissioner that directs the payment of a civil penalty, and, if applicable, a copy of any decision of the secretary, or the secretary's authorized representative, rendered on an appeal from the commissioner's decision and a copy of any order that denies a petition for a writ of administrative mandamus, with the clerk of the superior court of any county. Judgment shall be entered immediately by the clerk in conformity with the decision or order. No fees shall be charged by the clerk of the superior court for the performance of any official service required in connection with the entry of judgment pursuant to this section.

(f) In addition to the administrative civil penalties prescribed in subdivision (b), the appellant may be required to cover the cost of the administrative hearing unless the decision of the secretary or the commissioner is overturned.

(g) This section shall become operative on January 1, 2021.

(Amended by Stats. 2019, Ch. 300, Sec. 8. (AB 450) Effective January 1, 2020. Section operative January 1, 2021, by its own provisions.)


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DIVISION 13. BEE MANAGEMENT AND HONEY PRODUCTION [29000 - 29812] (*Division 13 enacted by Stats. 1967, Ch. 15.*)

)

CHAPTER 1. Bees [29000 - 29322] (*Chapter 1 repealed and added by Stats. 1987, Ch. 1404, Sec. 2.*)

ARTICLE 16. Africanized Honey Bees [29320 - 29322] (*Article 16 added by Stats. 1994, Ch. 298, Sec. 4.*)

29320. The secretary, in cooperation with the Regents of the University of California, may approve programs statewide to train, on a voluntary basis, beekeepers in the maintenance of colonies free of Africanized honey bees. (*Added by Stats. 1994, Ch. 298, Sec. 4. Effective January 1, 1995.*)

29321. Any hive or comparable apparatus that is not occupied by a live bee colony, and that is accessible to bees, is a public nuisance. The hive or apparatus shall be subject to abatement in the manner provided for in Article 14 (commencing with Section 29200).

(*Amended by Stats. 2017, Ch. 143, Sec. 1. (AB 861) Effective January 1, 2018.*)

29322. (a) The governing board of a city, county, or city and county may, by ordinance, establish procedures for the abatement of a hive or comparable apparatus where Africanized or overly defensive honey bees are present.

(b) In the absence of a local ordinance adopted pursuant to subdivision (a), if a commissioner determines that the presence of Africanized or overly defensive honey bees in a hive is a public nuisance or if Africanized or overly defensive honey bees from a hive are entering land other than the land upon which the hive is located so as to endanger the public health, safety, or welfare or so as to create an unreasonable interference with the use of the property of others, the commissioner may take any action necessary to abate the public nuisance, including, but not limited to, moving, selling, destroying, or otherwise disposing of the infested hive in accordance with local administrative procedures.

(*Added by Stats. 2017, Ch. 143, Sec. 2. (AB 861) Effective January 1, 2018.*)


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DIVISION 13. BEE MANAGEMENT AND HONEY PRODUCTION [29000 - 29812] (*Division 13 enacted by Stats. 1967, Ch. 15.*)

)

CHAPTER 2. Honey [29401 - 29735] (*Chapter 2 enacted by Stats. 1967, Ch. 15.*)

ARTICLE 1. Definitions [29401 - 29421] (*Article 1 enacted by Stats. 1967, Ch. 15.*)

29401. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.
(*Enacted by Stats. 1967, Ch. 15.*)

29402. "Adulterated honey" means any honey to which has been added honeydew, glucose, dextrose, molasses, sugar, sugar sirup, invert sugar, or any other similar product except the nectar of floral exudations of plants gathered and stored in the comb by honeybees.
(*Enacted by Stats. 1967, Ch. 15.*)

29403. "Agent" includes broker, commission merchant, auctioneer, solicitor, seller on consignment, and any other person that is acting upon the actual or implied authority of another.
(*Enacted by Stats. 1967, Ch. 15.*)

29404. "Clean and sound containers" means containers which are virtually free from rust, stains, or leaks.
(*Enacted by Stats. 1967, Ch. 15.*)

29405. "Comb honey" means honey which is in the comb.
(*Enacted by Stats. 1967, Ch. 15.*)

29406. "Container" means any box, crate, chest, carton, barrel, keg, or other receptacle which contains honey.
(*Enacted by Stats. 1967, Ch. 15.*)

29407. "Crystallized honey" means honey which has assumed a solid form due to the crystallization of one or more of the natural sugars in it.
(*Enacted by Stats. 1967, Ch. 15.*)

29408. "Deceptive arrangement" or "deceptive display" means any lot, load, arrangement, or display of honey which has in any exposed surface, honey which is so superior in quality, appearance, or condition, or in any other respects, to any of the honey which is concealed or unexposed as to materially misrepresent any part of the lot, load, arrangement, or display.
(*Enacted by Stats. 1967, Ch. 15.*)

29409. "Deceptive pack" means any container or subcontainer of honey which has, in any exposed surface, honey or honeycomb, so superior in quality, appearance, condition, or in any other respect to the honey in the interior of the container or subcontainer, or the unexposed portion, as to materially misrepresent the contents. It includes any pack:

(a) Even though the honey in a container is virtually uniform in quality as defined in this chapter, if the outer or exposed surface is composed of honey which is not an accurate representation of the variation in quality of the

honey in the entire container.

(b) Which is slack-filled, unless the container is so marked, even though such container is marked with the proper net weight of the honey which it contains.

(Enacted by Stats. 1967, Ch. 15.)

29409.5. "Domestic honey" means comb or extracted honey produced within one of the states of the United States.

(Added by Stats. 1978, Ch. 587.)

29410. "Extracted honey" means honey which has been removed from the comb.

(Enacted by Stats. 1967, Ch. 15.)

29412. "Foreign material" means wax particles, insects, or other materials which were not deposited by bees. It does not, however, include decorative artificial leaves or blossoms.

(Enacted by Stats. 1967, Ch. 15.)

29413. (a) "Honey" means the natural sweet substance produced by honeybees from the nectar of plants or from secretions of living parts of plants or excretions of plant sucking insects on the living parts of plants, which the bees collect, transform by combining with specific substances of their own, deposit, dehydrate, store, and leave in the honeycomb to ripen and mature.

(b) "Blossom honey" or "nectar honey" means the honey that comes from nectars of plants.

(c) "Honeydew honey" means the honey that comes mainly from excretions of plant sucking insects (Hemiptera) on living parts of plants or secretions of living parts of plants.

(d) Honey consists essentially of different sugars, predominantly fructose and glucose as well as other substances such as organic acids, enzymes, and solid particles derived from honey collection. The color of honey can vary from nearly colorless to dark brown. The consistency can be fluid, viscous, or partially to completely crystallized. The flavor and aroma vary, but are derived from plant origin.

(e) Honey sold as described in subdivision (d) shall not have added to it any food ingredient, including food additives, nor shall any other additions be made other than honey. Honey shall not have any objectionable matter, flavor, aroma, or taint absorbed from foreign matter during its processing and storage. Honey shall not have begun to ferment or effervesce and no pollen or constituent particular to honey may be removed except where unavoidable in the removal of foreign inorganic or organic matter.

(f) Honey shall meet the following standards:

(1) Honey shall not be heated or processed to such an extent that its essential composition is changed or its quality is impaired.

(2) Chemical or biochemical treatments shall not be used to influence honey crystallization.

(3) Honey shall not contain more than 20 percent moisture content and for heather honey not more than 23 percent.

(4) Honey shall contain not less than 60 percent fructose and glucose, combined.

(5) Honeydew honey and blends of honeydew honey with blossom honey shall not contain less than 45 percent fructose and glucose, combined.

(6) Blossom honey shall not contain more than 5 percent sucrose, except for the following:

(A) Alfalfa (*Medicago saliva*), citrus spp., false acacia (*Robinia pseudoacacia*), French honeysuckle (*Hedysarum*), Menzies banksias (*Banksia menziesii*), red gum (*Eucalyptus camaldulensis*), leatherwood (*Eucryphia lucida*), and *Eucryphia milligani* may contain up to 10 percent sucrose.

(B) Lavender (*Lavandula* spp.) and borage (*Borago officinalis*) may contain up to 15 percent sucrose.

(7) The water insoluble solids content for honey other than pressed honey shall not be more than 0.1g/100g. The content for pressed honey shall not be more than 0.5g/100g.

(Amended by Stats. 2009, Ch. 388, Sec. 1. (AB 1216) Effective January 1, 2010.)

29414. "Honeybees" means honey-producing insects of the genus *Apis mellifica*.

(Enacted by Stats. 1967, Ch. 15.)

29415. "Honeydew" means the dextrorotatory saccharine exudation of plants or insects, except nectareous exudations, which is gathered and stored in the comb by honeybees.

(Enacted by Stats. 1967, Ch. 15.)

29415.5. "Imported honey" means comb or extracted honey imported from any territory or foreign county or honey which is repackaged into subcontainers as a blend with honey imported from one or more other countries.

(Added by Stats. 1978, Ch. 587.)

29416. "Misabeled" means the placing or presence of any false or misleading statement, design, or device upon, or in connection with, any container or lot of honey, or upon the label, lining, or wrapper of any such container, or any placard used in connection with any container or lot of honey, which has reference to such honey. A statement, design, or device is false and misleading, if the honey to which it apparently or actually refers does not conform in every respect to such statement.

(Enacted by Stats. 1967, Ch. 15.)

29417. "Pack," or "packing" or "packed," means the arrangement of all or a part of the subcontainers in any container.

(Enacted by Stats. 1967, Ch. 15.)

29418. "Placard" means any sign, label, or designation, except an oral designation, which is used in connection with any honey as a description or identification of it.

(Enacted by Stats. 1967, Ch. 15.)

29419. "Section box" means the wood or other frame in which bees have built a small comb of honey.

(Enacted by Stats. 1967, Ch. 15.)

29420. "Slack-filled" means that the contents of any container occupy less than 85 percent of the volume of the closed container.

(Enacted by Stats. 1967, Ch. 15.)

29421. "Subcontainer" means any section box or other receptacle which is used within a container.

(Enacted by Stats. 1967, Ch. 15.)


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DIVISION 13. BEE MANAGEMENT AND HONEY PRODUCTION [29000 - 29812] (*Division 13 enacted by Stats. 1967, Ch. 15.*)

)

CHAPTER 2. Honey [29401 - 29735] (*Chapter 2 enacted by Stats. 1967, Ch. 15.*)

ARTICLE 2. General Provisions [29441 - 29451] (*Article 2 enacted by Stats. 1967, Ch. 15.*)

[29441.](#) The director and the commissioners of each county of the state, their deputies and inspectors, under the supervision and control of the director shall enforce this chapter.

(*Enacted by Stats. 1967, Ch. 15.*)

[29442.](#) The refusal of any officer who is authorized pursuant to this chapter to carry out the orders and directions of the director in the enforcement of this chapter is neglect of duty.

(*Enacted by Stats. 1967, Ch. 15.*)

[29443.](#) The director may do all of the following:

(a) Prescribe by regulation methods of selecting samples of lots or containers of honey, which shall be reasonably calculated to produce by such sampling fair representations of the entire lots or containers sampled.

(b) Establish by regulation and issue official color charts which depict the color standards and requirements established in this chapter.

(c) Make such other regulations as are reasonably necessary to secure uniformity in the enforcement of this chapter.

(*Enacted by Stats. 1967, Ch. 15.*)

[29444.](#) Any sample which is taken pursuant to this chapter is prima facie evidence of the true condition of the entire lot in the examination of which the sample was taken. The presumption established by this paragraph is a presumption affecting the burden of proof.

(*Amended by Stats. 1967, Ch. 262.*)

[29445.](#) An enforcing officer may do all of the following:

(a) Enter and inspect any place or conveyance within the county or district over which he has jurisdiction, where any honey is produced, stored, packed, delivered for shipment, loaded, shipped, being transported, or sold.

(b) Inspect all honey and the containers of honey and equipment which is found in any place or conveyance which he is authorized to enter and inspect.

(c) Take for inspection, such representative samples of the honey and such containers, as may be necessary to determine whether or not this chapter has been violated.

(*Enacted by Stats. 1967, Ch. 15.*)

[29446.](#) An enforcing officer shall cause the prosecution of any person whom he knows or has reason to believe is guilty of violating any provision of this chapter.

(*Enacted by Stats. 1967, Ch. 15.*)

29447. Any enforcement officer may, while enforcing this chapter, seize and hold as evidence all or any part of any pack, load, bulk lot, consignment, or shipment of honey packed, delivered for shipment, loaded, shipped, or being transported, or sold in violation of this chapter, or any container of such product, as may in his judgment be necessary to secure the conviction of the party he knows or believes has violated or is violating any provision of this chapter.

(Enacted by Stats. 1967, Ch. 15.)

29448. If any markings are used or required to be used by this chapter on any container of honey to identify the container or describe its contents, the markings shall be plainly and conspicuously marked, stamped, stenciled, printed, labeled, or branded in the English language, unless the container is intended for and is shipped outside of the United States, in letters which are large enough to be readily discernible by any person, upon the top, front, or side of the container. If the marking is on a placard which is used in a display, the placard shall be placed or posted in such a position that there is no doubt as to the product which it is to identify.

(Enacted by Stats. 1967, Ch. 15.)

29449. Any person, forwarding company, or common carrier may decline to ship or transport any honey if notified by any enforcing officer of this chapter, that the honey is found to be delivered for shipment in violation of this chapter.

(Enacted by Stats. 1967, Ch. 15.)

29450. Any person, forwarding company, or common carrier may reserve the right, in any receipt, bill of lading or other writing which is given to the consignor of any honey, to reject for shipment and to return to the consignor or hold at his expense and risk all honey, which, upon inspection, is found to be delivered for shipment in violation of this chapter.

(Enacted by Stats. 1967, Ch. 15.)

29451. Honey may not be labeled honey or words of similar import or represented to be honey unless manufactured by bees. No product may be labeled imitation honey or words of similar import or represented to be imitation honey.

(Added by Stats. 1973, Ch. 745.)


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)

CHAPTER 2. Honey [29401 - 29735] (*Chapter 2 enacted by Stats. 1967, Ch. 15.*)

ARTICLE 3. Exemptions [29471 - 29474] (*Article 3 enacted by Stats. 1967, Ch. 15.*)

29471. If the requirements prescribed by this article are satisfied, all of the following ungraded honey is exempt from the remaining provisions of this chapter:

- (a) Honey which is intended to be used in commercial processing, as for clarifying and packing in retail or wholesale containers.
- (b) Honey which is intended for the manufacture of honey products for resale.
- (c) Honey which is being delivered to any person for grading, packing, processing, or reconditioning.

(*Enacted by Stats. 1967, Ch. 15.*)

29472. The containers of the ungraded honey shall not bear any false or misleading statements or be deceptively packed

(*Enacted by Stats. 1967, Ch. 15.*)

29473. The owner or person in possession of the ungraded honey shall, on demand of any enforcing officer under this chapter, give to the officer a sworn statement in writing, which was made before a notary public, that specifies all of the following:

- (a) That the honey will be disposed of or used pursuant to this article.
- (b) The name and address of the person to whom such honey is to be delivered.
- (c) An accurate identification of the honey.

(*Enacted by Stats. 1967, Ch. 15.*)

29474. A person who makes a sworn statement pursuant to Section 29473 shall, within a reasonable time after the demand and receipt by the officer of the statement, present a written receipt to the commissioner of the county which is specified in the statement as the destination of the honey.

The receipt shall contain a signed statement by the person receiving such honey, that the honey, giving an accurate description of it, has been received.

(*Enacted by Stats. 1967, Ch. 15.*)



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)

CHAPTER 2. Honey [29401 - 29735] (*Chapter 2 enacted by Stats. 1967, Ch. 15.*)

ARTICLE 4. Standard Honey Containers [29501 - 29504] (*Article 4 enacted by Stats. 1967, Ch. 15.*)

29501. The standard units of net weight of honey in containers are as established by this article.
(*Enacted by Stats. 1967, Ch. 15.*)

29502. Containers which hold the following units of weight of honey are standard containers:

60 pounds	2 pounds
12 pounds	1 1/2 pounds
10 pounds	1 pound
6 pounds	12 ounces avoirdupois
5 pounds	8 ounces avoirdupois
3 pounds	5 ounces avoirdupois
2 1/2 pounds	

(*Enacted by Stats. 1967, Ch. 15.*)

29503. When honey is prepared for, and is shipped directly to, any foreign country, the containers of honey shall not be required to meet the unit of net weight standards required by the provisions of this article.

Any person preparing or shipping such honey shall, upon request of an enforcing officer, furnish such affidavits, receipts, or other evidence as may be required by the director, by regulations, as proof that such honey was, or is being, in fact prepared for, and shipped directly to, a foreign country.

(*Added by Stats. 1974, Ch. 540.*)

29504. The director may promulgate regulations to permit the preparation, packing, shipment, or sale of honey in an experimental type of container which does not conform to the standards prescribed in this article. These regulations shall include container labeling standards which comply with the requirements of this chapter.

(*Added by Stats. 1982, Ch. 733, Sec. 1.*)

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)

CHAPTER 2. Honey [29401 - 29735] (*Chapter 2 enacted by Stats. 1967, Ch. 15.*)**ARTICLE 5. California Color Standards [29531- 29531.]** (*Article 5 enacted by Stats. 1967, Ch. 15.*)

[29531.](#) The classes as to color comprising the California standards shall conform to the United States color standards, using the readings on the Pfund honey scale.

(*Enacted by Stats. 1967, Ch. 15.*)


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DIVISION 13. BEE MANAGEMENT AND HONEY PRODUCTION [29000 - 29812] (*Division 13 enacted by Stats. 1967, Ch. 15.*)

CHAPTER 2. Honey [29401 - 29735] (*Chapter 2 enacted by Stats. 1967, Ch. 15.*)

ARTICLE 6. Emergency Standards, Containers, Color Classifications, and Markings [29551 - 29561] (*Article 6 enacted by Stats. 1967, Ch. 15.*)

29551. As used in this article, "emergency standard" means any emergency standard for honey, standard units of weight, type of container, color classifications, or markings required upon containers which is established by the director pursuant to Section 29552.

(*Enacted by Stats. 1967, Ch. 15.*)

29552. The director, upon petition of persons that are interested in the production or handling of honey, or upon his own motion, may establish emergency standards for honey, standard units of net weight, type of container, color classifications, or marking upon any container, if he makes any of the following findings regarding any provision of this chapter which relates to any of such subjects:

(a) It is difficult or impossible of performance by reason of laws or orders promulgated by authority of the government of the United States, or the standard weights are not appropriate for the country of destination as to honey intended to be shipped outside the United States, or because of scarcity of materials, labor, or equipment used in the production or marketing of honey regulated by this chapter.

(b) It results in a serious waste of honey otherwise available for human consumption, or in serious waste of other resources.

(c) It prevents the utilization of new technological developments to the serious disadvantage of producers or handlers of honey in this state.

(*Enacted by Stats. 1967, Ch. 15.*)

29553. Emergency standards shall apply in lieu of the standards for honey, standard units of net weight, type of container, color classifications, or markings required upon any container set forth in this chapter.

(*Enacted by Stats. 1967, Ch. 15.*)

29554. Every emergency standard which is established pursuant to this article shall be reasonably calculated to effectuate the purposes of the standard which it supersedes. No emergency standard shall be established which tends to lower any standard which relates to carrying or keeping quality of honey.

(*Enacted by Stats. 1967, Ch. 15.*)

29555. No emergency standard shall be construed to modify in any respect any provision of this chapter which is designed to prevent deception or mislabeling, or which is designed to prevent the marketing of honey which is unwholesome or which would fail to give consumer satisfaction.

(*Enacted by Stats. 1967, Ch. 15.*)

29556. Every emergency standard which is issued pursuant to this article, before it may become effective, shall be published in one or more newspapers, trade papers, or industry publications which are deemed best adapted to give notice to interested persons, together with a notice of the time and place for hearing objections.

(*Enacted by Stats. 1967, Ch. 15.*)

29557. The hearing shall be not less than 10 nor more than 20 days from the date of publication.

(Enacted by Stats. 1967, Ch. 15.)

29558. Notice of hearing shall be mailed not less than 10 days prior to the date of the hearing to all persons that have filed with the director a request for notice of such hearings.

(Enacted by Stats. 1967, Ch. 15.)

29559. At the hearing, interested parties shall be heard and a record kept of the proceedings for determination by the director of the facts which are shown at the hearing. If it is developed by competent testimony that additional time will be required to produce further essential evidence, the director shall continue the hearing to a date which will allow sufficient time for the production of such evidence.

(Enacted by Stats. 1967, Ch. 15.)

29560. The director, upon his findings on the facts shown at the hearing, shall rescind, modify, or affirm the emergency standard as published. The action of the director in rescinding, modifying, or affirming any emergency standard shall take effect on the day appointed therefor, and the emergency standard, as modified or affirmed, shall continue in effect until it is suspended or rescinded by the director, or until the 91st day after adjournment of the next regular session of the Legislature, whichever first occurs.

(Enacted by Stats. 1967, Ch. 15.)

29561. Any emergency standard may be amended, suspended, or rescinded upon notice and hearing pursuant to the same procedure as is provided for the establishment of such standard.

(Enacted by Stats. 1967, Ch. 15.)


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CHAPTER 2. Honey [29401 - 29735] (*Chapter 2 enacted by Stats. 1967, Ch. 15.*)

ARTICLE 7. Comb Honey [29581 - 29587] (*Article 7 enacted by Stats. 1967, Ch. 15.*)

29581. All comb honey shall be conspicuously marked, either on the section or on its individual container, with all of the following:

- (a) The name and address of the producer or distributor of the comb honey.
- (b) The net weight of the comb section, stated in terms of whole ounces.
- (c) One of the United States grades which are established for honey by the United States Department of Agriculture.

(*Enacted by Stats. 1967, Ch. 15.*)

29582. All comb honey shall meet the requirements of the color classification and grades as defined in United States grades, color standards, and packing requirements for honey by the United States Department of Agriculture, according to the color classification and grade as marked.

(*Enacted by Stats. 1967, Ch. 15.*)

29583. Any container of comb honey which is marked as to color shall be considered as properly marked if the color of the honey in the container is equal to or lighter than the description as marked.

(*Enacted by Stats. 1967, Ch. 15.*)

29584. Opaque containers of bulk or chunk comb honey shall be marked with the color the honey would be if extracted, unless it is in the unclassified grade.

(*Enacted by Stats. 1967, Ch. 15.*)

29585. If comb honey is in crystallized form, a sample of the honey shall be liquefied and the honey graded on the liquid basis.

(*Enacted by Stats. 1967, Ch. 15.*)

29586. In order to allow for variations which are incident to proper grading and handling, not more than 5 percent, by count, of the containers or of the subcontainers in any lot of honey may be below the requirements for the grade.

(*Enacted by Stats. 1967, Ch. 15.*)

29587. Comb honey which has crystallized shall be conspicuously marked with the word "crystallized" on a placard which is used in connection with such honey that has reference to it.

(*Enacted by Stats. 1967, Ch. 15.*)

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CHAPTER 2. Honey [29401 - 29735] (*Chapter 2 enacted by Stats. 1967, Ch. 15.*)**ARTICLE 8. Extracted Honey [29611 - 29620]** (*Article 8 enacted by Stats. 1967, Ch. 15.*)

29611. Every container or subcontainer of extracted honey shall be conspicuously marked with all of the following:

- (a) The name and address of the producer or distributor of the extracted honey.
- (b) The net weight of the honey in the container.
- (c) One of the United States grades which are established for honey by the United States Department of Agriculture. This subdivision does not, however, apply to honey to which pollen has been added, if the amount of pollen added is visible and each such container is plainly and conspicuously labeled with the words "pollen added".
- (d) In the case of any opaque container, with the color of the honey.

(Enacted by Stats. 1967, Ch. 15.)

29612. All extracted honey shall meet the requirements of the color classifications and grades as defined in United States grades, color standards, and packing requirements for honey by the United States Department of Agriculture, according to the color classification and grade as marked.

(Enacted by Stats. 1967, Ch. 15.)

29613. Any container of extracted honey which is marked as to color shall be considered as properly marked if the color of the honey in the container is equal to or lighter than the description as marked.

(Enacted by Stats. 1967, Ch. 15.)

29614. If extracted honey is in crystallized form, a sample of the honey shall be liquefied and the honey graded on the liquid basis.

(Enacted by Stats. 1967, Ch. 15.)

29615. All extracted honey regardless of grade term as marked, shall be free from serious damage and at least as free from excessive foreign material as honey that has been strained through standard bolting cloth of 23 meshes per inch. Serious damage means any injury or defect that seriously affects the appearance or edibility of the honey such as any of the following:

- (a) Overheating, which destroys both natural color and flavor.
- (b) Fermentation, which causes either foam or sourness, or both.
- (c) Objectionable flavor from any substance or thing other than floral source.

(Enacted by Stats. 1967, Ch. 15.)

29616. In order to allow for variations which are incident to proper grading and handling, not more than 5 percent, by count, of the containers or of the subcontainers in any lot of honey may be below the requirements for the grade, but no part of this tolerance is allowed for defects which cause serious damage, as defined in Section 29615.

(Enacted by Stats. 1967, Ch. 15.)

29617. If the color of extracted honey is designated on the container or subcontainer, or upon a placard which has reference to such honey, it shall conform to the color definitions provided in this chapter.

(Enacted by Stats. 1967, Ch. 15.)

29618. Any honey which is a blend of two or more floral types of honey shall not be labeled as honey from any one particular floral source alone unless one floral type is predominant. If one floral type is predominant, such honey may be labeled as to the predominant floral type, as determined by flavor.

(Enacted by Stats. 1967, Ch. 15.)

29619. Any slack-filled container shall be conspicuously marked "slack-filled."

(Enacted by Stats. 1967, Ch. 15.)

29620. Extracted honey in containers which hold five ounces or more, shall be packed in standard containers and sold in the exact units of weight as set forth in the table of standard weights of honey in containers provided for in Section 29502.

If the combined net weight of the extracted honey in all subcontainers contained in one master container is equal to one of the units of weight specified in Section 29502, the unit is a standard unit of weight if sold as a unit directly to the consumer.

(Enacted by Stats. 1967, Ch. 15.)

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CHAPTER 2. Honey [29401 - 29735] (*Chapter 2 enacted by Stats. 1967, Ch. 15.*)**ARTICLE 9. Labeling of Honey as to Origin and Flavor [29641 - 29644]** (*Article 9 enacted by Stats. 1967, Ch. 15.*)

[29641.](#) Any container or subcontainer of extracted honey which is produced entirely within this state may be conspicuously marked with the name "California."

(*Enacted by Stats. 1967, Ch. 15.*)

[29642.](#) A container or subcontainer of comb or extracted honey shall not be marked or labeled with the name "California" unless the honey in the container or subcontainer was produced entirely within this state.

(*Enacted by Stats. 1967, Ch. 15.*)

[29643.](#) Every container and subcontainer of imported honey shall be labeled with the name of the territory or foreign country from which it is imported or, when it is repackaged subsequent to importation, in accordance with subdivision (a) or (b):

(a) As "imported," if repackaged either as a blend with honey imported from one or more other foreign countries or is repackaged without such blending.

(b) As "domestic and imported blend," if blended with domestic honey.

(*Amended by Stats. 1978, Ch. 587.*)

[29644.](#) If the floral flavor of comb or extracted honey is stated on the container the honey contained in the container or subcontainer shall be true to such flavor, unless the honey is a blend of two or more floral types and one floral type is predominant. If the honey is such a blend, it may be labeled as to the predominant floral type as determined by flavor.

(*Enacted by Stats. 1967, Ch. 15.*)


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CHAPTER 2. Honey [29401 - 29735] (*Chapter 2 enacted by Stats. 1967, Ch. 15.*)

ARTICLE 10. Violations [29671 - 29677] (*Article 10 enacted by Stats. 1967, Ch. 15.*)

29671. It is unlawful for any person to prepare, pack, place, deliver for shipment, deliver for sale, load, ship, transport, or sell any honey, adulterated honey or any product which is marked, labeled, or designated as honey, in bulk or in any container or subcontainer which does not conform to the provisions of this chapter.

(*Enacted by Stats. 1967, Ch. 15.*)

29672. It is unlawful for any person to prepare, pack, place, deliver for shipment, load, ship, transport, or sell a deceptive pack, lot, load, arrangement, or display of honey.

(*Enacted by Stats. 1967, Ch. 15.*)

29673. It is unlawful for any person to mislabel any container or subcontainer of honey or place any false or misleading statement on any wrapper, label, or lining of any container of honey, or on any placard which is used in connection with or which has reference to any honey.

(*Enacted by Stats. 1967, Ch. 15.*)

29674. It is unlawful for any person to place or pack any honey in any container or subcontainer which bears any markings, or any designation of brand, quality, grade, or other matter, unless all of such markings which do not properly and accurately apply to the product placed or packed in the container or subcontainer have been removed, erased, or obliterated.

(*Enacted by Stats. 1967, Ch. 15.*)

29675. (a) It is unlawful for any person to move any honey, or any container of honey, to which any warning tag or notice has been affixed, except under written permit from an enforcing officer or under his or her specific direction.

(b) A violation of this section is a misdemeanor punishable by a fine of not less than one hundred dollars (\$100) nor more than three thousand dollars (\$3,000) or by imprisonment in the county jail for not more than six months, or by both the fine and imprisonment.

(*Amended by Stats. 1987, Ch. 1048, Sec. 1.*)

29676. (a) It is unlawful for any person to do either of the following:

(1) Refuse to submit any container, subcontainer, load, or display of honey to the inspection of any enforcing officer.

(2) Refuse to stop any vehicle which contains any honey, for the purpose of inspection by an enforcing officer.

(b) A violation of this section is a misdemeanor punishable by a fine of not less than one hundred dollars (\$100) nor more than three thousand dollars (\$3,000) or by imprisonment in the county jail for not more than six months, or by both the fine and imprisonment.

(*Amended by Stats. 1987, Ch. 1048, Sec. 2.*)

29677. It is unlawful for any person to prepare, pack, place, deliver for shipment, load, ship, transport, or sell, any of the following:

(a) Adulterated honey, unless the container is conspicuously marked, in letters or type of like size and character, which clearly and plainly indicate the contents.

(b) Any product which is labeled or marked with the designation "honey" alone, if the contents consist of part or all of products other than the nectar of floral exudations of plants which is gathered and stored in the comb by honeybees.

(Enacted by Stats. 1967, Ch. 15.)

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CHAPTER 2. Honey [29401 - 29735] (*Chapter 2 enacted by Stats. 1967, Ch. 15.*)**ARTICLE 11. Criminal Punishment and Procedure [29701 - 29703]** (*Article 11 enacted by Stats. 1967, Ch. 15.*)

29701. (a) Unless otherwise specified, a violation of this chapter is an infraction punishable by a fine of not more than five hundred dollars (\$500).

(b) A conviction of a second or subsequent violation of this chapter within any 12-month period is a misdemeanor punishable by a fine of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) or by imprisonment in the county jail for not more than six months, or by both the fine and imprisonment.

(*Amended by Stats. 1987, Ch. 1048, Sec. 3.*)

29702. Any prosecution for the violation of any provision of this chapter may be made in any county where any part of the offense occurred.

(*Enacted by Stats. 1967, Ch. 15.*)

29703. Any evidence which is taken by any enforcing officer in any county may be admitted in evidence in any prosecution in any other county.

(*Enacted by Stats. 1967, Ch. 15.*)


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CHAPTER 2. Honey [29401 - 29735] (*Chapter 2 enacted by Stats. 1967, Ch. 15.*)

ARTICLE 12. Public Nuisances [29731 - 29735] (*Article 12 enacted by Stats. 1967, Ch. 15.*)

[29731.](#) Any honey which is packed, stored, delivered for shipment, loaded, shipped, or being transported or sold in violation of any provision of this chapter, together with its containers, is a public nuisance. The honey shall be held by the person in whose possession it may be and shall not be moved from the place where it may be, except under the specific direction of an enforcement officer.

(*Enacted by Stats. 1967, Ch. 15.*)

[29732.](#) The enforcement officer may affix a warning tag or notice to the honey and its containers which are a public nuisance.

(*Enacted by Stats. 1967, Ch. 15.*)

[29733.](#) If a packer or owner of honey, or the agent of either, after notification to the packer, owner, or agent that the honey and its containers are a public nuisance, refuses, or fails within a reasonable time, to recondition or remark the honey so as to comply with all requirements of this chapter, the honey and its containers:

(a) May be seized by the director or any enforcement officer.

(b) By order of the superior court of the county within which the honey and its containers may be located, shall be condemned and destroyed, or released upon conditions the court, in its discretion, may impose to ensure that it will not be packed, delivered for shipment, shipped, transported, or sold in violation of this chapter. A proceeding under this section is a limited civil case if the value of the property in controversy is less than or equal to the maximum amount in controversy for a limited civil case under Section 85 of the Code of Civil Procedure.

(*Amended by Stats. 2007, Ch. 43, Sec. 13. Effective January 1, 2008.*)

[29734.](#) If an agent is found in possession of any honey which is a public nuisance, notice of rejection or any order of the court concerning the honey may be served on such agent and need not be served on the packer or owner.

(*Enacted by Stats. 1967, Ch. 15.*)

[29735.](#) It is unlawful for any person to fail to comply with the directions of any officer relating to the disposition of any honey which is a public nuisance, or with any order of court respecting it.

(*Enacted by Stats. 1967, Ch. 15.*)


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DIVISION 13. BEE MANAGEMENT AND HONEY PRODUCTION [29000 - 29812] (*Division 13 enacted by Stats. 1967, Ch. 15.*)

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CHAPTER 3. Seedless Mandarin and Honeybee Coexistence Working Group Act [29810 - 29812] (*Chapter 3 added by Stats. 2007, Ch. 324, Sec. 2.*)

29810. (a) The Legislature finds and declares all of the following:

(1) The California citrus industry is in the process of adapting to a more competitive marketplace and to consumer tastes that continue to change. In the past five years, an estimated 40,000 acres of citrus have been removed from production and replaced with new varieties of citrus, a majority of which is mandarin fruit commonly called Clementines or W. Murcotts, which are intended to be seedless.

(2) According to the 2005 California Citrus Acreage Report, these varieties have increased substantially. In 2004, more than 10,000 acres of these varieties were bearing fruit. Another 2,000 acres began bearing fruit in 2005. The same report states that an additional 12,000 acres of these varieties have been planted but have yet to bear fruit. This production will come into maturity within the next three years, and more is being planted.

(3) Due to the production of other agricultural products in proximity to new seedless varieties of citrus, the production of these varieties may be in jeopardy. According to a University of California at Riverside study published in June of 2005, seedless mandarins command three to four times as much revenue as seeded mandarins. Other citrus-producing nations around the world have adopted citrus protection areas to limit damage created by cross-pollination.

(4) Honeybees are an essential component of agriculture as they pollinate approximately \$6 billion worth of crops in California. Historically, honeybee colonies are placed in the citrus belt of Kern, Tulare, Fresno, and Madera Counties to support existing agricultural practices, including the pollination of several commodities and the production of honey. Colony Collapse Disorder has reduced the nation's bee population by 25 percent in the past three years, which in turn has created pressure on other agricultural sectors that rely on a healthy bee population for pollination of their crops.

(b) Any regulation or best management practice adopted pursuant to this chapter shall not affect the actual pollination process of other commodities during their blooming cycle, nor shall it be implemented when almonds, avocados, peaches, plums, nectarines, seed crops, or other commodities require pollination.

(c) Any regulation or best management practice adopted pursuant to this chapter shall not affect the ability of property owners located within the area impacted by the regulation or best management practice to farm any commercial crop, including, but not limited to, honey, citrus, and other commodities recognized by the Department of Food and Agriculture.

(*Added by Stats. 2007, Ch. 324, Sec. 2. Effective January 1, 2008.*)

29811. (a) Not later than 15 days after enactment of this chapter, the secretary shall designate a Seedless Mandarin and Honeybee Coexistence Working Group from recommendations received by interested stakeholders. The Seedless Mandarin and Honeybee Coexistence Working Group shall be established pursuant to the procedures set forth in subdivision (b) of Section 588. For purposes of this chapter, "grower," as used in subdivision (b) of Section 588, includes a beekeeper.

(b) The Seedless Mandarin and Honeybee Coexistence Working Group shall meet on a regular and consistent basis in an effort to develop best management practices that address the coexistence issues related to production of seedless mandarin varieties located in Fresno, Kern, Madera, and Tulare Counties, while providing for the reasonable access to citrus for the California bee industry.

(Added by Stats. 2007, Ch. 324, Sec. 2. Effective January 1, 2008.)

29812. The secretary shall give the Seedless Mandarin and Honeybee Coexistence Working Group reasonable time to develop best management practices described in Section 29810.

(a) If the Seedless Mandarin and Honeybee Coexistence Working Group reaches consensus of best management practices prior to June 1, 2008, the secretary may adopt regulations if, in the secretary's judgment, this action is necessary to implement and enforce the best management practices.

(b) If the Seedless Mandarin and Honeybee Coexistence Working Group fails to reach consensus on best management practices by June 1, 2008, the secretary shall adopt regulations no later than February 1, 2009. Regulations adopted pursuant to this section shall be limited to Fresno, Kern, Madera, and Tulare Counties, address the coexistence issues related to production of seedless mandarin varieties, and allow seedless mandarin producers to meet retail standards for seedless fruit, while providing reasonable access to citrus for the California bee industry. The regulations adopted may include the establishment of fees, not to exceed the cost of the program, to be paid by seedless mandarin growers, subject to this chapter.

(Added by Stats. 2007, Ch. 324, Sec. 2. Effective January 1, 2008.)