

SENATE BILL REPORT

HB 1133

As Passed Senate - Amended, April 16, 2019

Title: An act relating to limiting liability for registered apiarists.

Brief Description: Limiting liability for registered apiarists.

Sponsors: Representatives Peterson, Griffey, Irwin, McCaslin, Lekanoff, Shea, Goodman and Stanford.

Brief History: Passed House: 2/14/19, 95-1.

Committee Activity: Law & Justice: 2/25/19, 3/14/19 [DPA].

Floor Activity:

Passed Senate - Amended: 4/16/19, 47-1.

Brief Summary of Bill (As Amended by Senate)

- Provides immunity from liability to a registered apiarist for acts or omissions in connection with the keeping and maintaining of bees, bee equipment, queen breeding equipment, apiaries, and appliances.
- Limits immunity to civil damages for ordinary negligence but does not include immunity for gross negligence or willful misconduct.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended.

Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Holy, Kuderer and Wilson, L..

Staff: Tim Ford (786-7423)

Background: Honey bees are not endemic to North America. The honey bee species *apis mellifera*, or European honey bee, is the most common species of honey bee. It is a semi-domesticated species. Honey bees produce hive products such as honey and beeswax. The U.S. Department of Agriculture estimates honey bees produced almost 163 million pounds of honey in 2016. Honey bees primary importance to agriculture are as crop pollinators.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

An apiarist as defined in state law is a person who owns or keeps honey bees (*apis mellifera*). Apiarists are regulated by state department of agriculture. Apiarists who own or operate bee hives in Washington must register annually with the state department of agriculture. Counties have statutory authority to designate apiary coordinating areas limiting the:

- location of apiaries,
- number of bee colonies per apiary,
- distance between apiaries, and
- minimum setback from property boundaries lines.

Honey bees are capable of stinging but unlike wasps, hornets, yellow jackets and other bee species, the honey bee generally only stings once because the sting is usually fatal to the honey bee. For people allergic to bee stings, a bee sting may trigger an anaphylactic reaction that could be deadly if untreated.

Tort Law. A tort is an act or omission that gives rise to injury or harm to a person or property. Tort law is defined in both common or case law, and also statutory law. A person damaged by a tort may seek relief in court for civil damages, which may be monetary relief or an injunctive relief. Torts may be intentional, negligent, or strict liability.

"Negligence" is the failure to exercise ordinary care. The plaintiff in a negligence action must establish:

- the defendant owed a duty of care to the plaintiff,
- the defendant breached that duty;
- the plaintiff suffered injury or damage; and
- the breach was a proximate cause of the injury or damage.

"Gross negligence" means the failure to exercise slight care. According to Washington Pattern Jury Instructions, "It is negligence which is substantially greater than ordinary negligence. Failure to exercise slight care does not mean the total absence of care but care substantially less than ordinary care."

Summary of Amended Bill: A registered apiarist who conforms to all local ordinances regarding beekeeping, is not liable for civil damages for ordinary negligence for keeping bees, unless the acts or omissions constitute gross negligence or willful misconduct.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on House Bill: *The committee recommended a different version of the bill than what was heard.* PRO: This bill creates an opportunity for urban apiarists to do important work. Pollinators are important for our food supply. Home insurance is not easy to obtain for urban apiarist due to the vagueness in law. Under this bill the liability for apiarists is lessened a little bit if you are following standard practices.

Beekeepers are not being sued all the time, but are afraid of being sued all the time. Beekeeping is not a problem at this time. As urbanization has increased native pollinators such as butterflies, carpenter bees, and bumble bees have suffered with less habitat. Beekeeping plays a role in our urban ecosystem and should be encouraged for cities and other urban areas.

Persons Testifying: PRO: Representative Strom Peterson, Prime Sponsor; Tim Hiatt, Washington State Beekeepers Association.

Persons Signed In To Testify But Not Testifying: No one.