



townhall.virginia.gov

Exempt Action Proposed Regulation Agency Background Document

Agency name	Board of Agriculture and Consumer Services
Virginia Administrative Code (VAC) citation(s)	2 VAC 5-319
Regulation title(s)	Best Management Practices for the Operation of Apiaries in Order to Limit Operator Liability
Action title	Promulgate regulations regarding best management practices for apiary operation
Date this document prepared	May 26, 2016

While a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Administrative Process Act (APA), the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of The Virginia Register Act, Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

Chapter 564 of the 2016 Acts of Assembly establishes a new section (Va. Code § 3.2-4411.1) in the Virginia Beekeeping Law (Law) that authorizes the Board of Agriculture and Consumer Services (Board) to adopt regulations establishing best management practices for the operation of apiaries. Section 3.2-4411.1 of the Law also provides that an individual operating an apiary in a responsible manner, in compliance with local zoning restrictions, and in conformance with the regulatory requirements established in this best management practices regulation shall not be liable for any personal injury or property damage that occurs in connection with his keeping and maintenance of bees, bee equipment, queen breeding equipment, apiaries, or appliances. A person is not required to comply with the provisions of the proposed regulation unless he seeks to limit his liability as provided for in § 3.2-4411.1 of the Law.

Section 3.2-4411.1 further requires the full adoption of this regulation by the Board before the limitation of liability can take effect. Section 3.2-4411.1 also permits the Board to adopt initial regulations to implement the provisions of this section to be effective no later than November 1, 2016, and exempts such initial regulations from the requirements of Article 2 (Va. Code § 2.2-4006 *et seq.*) of the Administrative Process Act.

Family impact

Please assess the impact of this regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The promulgation of this regulation will not have an impact on the family or family stability. This regulation will not impact: (i) the authority and rights of parents; (ii) economic self-sufficiency, self-pride, and the assumption of responsibility of oneself or family members; (iii) marital commitment; or (iv) disposable family income.