



State of California

**Volume 2**

**Pesticide  
Use  
Enforcement  
Program  
Standards  
Compendium**

**Laws**

**Food and  
Agricultural  
Code**

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**California  
Food and Agricultural  
Code**

**Division 6.  
Pest Control Operations  
and**

**Excerpts from:  
General Provisions,  
Definitions, and  
Divisions 1, 2, 7, and 13**



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Article 2. Department of Food and Agriculture Fund  
Section 221-224.5 only

221. Continuation of fund; receipts and disbursements; appropriation; exemptions

(a) The "Department of Food and Agriculture Fund," which is a special fund, is continued in existence. Any moneys that are directed by law to be paid into the fund shall be paid into it and, unless otherwise specifically provided, shall be expended solely for the enforcement of the law under which the moneys were derived. The expenditure from the fund for the enforcement of any law shall not, unless otherwise specifically provided, exceed the amount of moneys that is credited to the fund pursuant to the law.

(b) Notwithstanding Section 13340 of the Government Code, all moneys deposited in the fund under the provisions enumerated in subdivision (c) are hereby continuously appropriated to the department without regard to fiscal years for expenditure in carrying out the purposes for which the moneys were deposited and for making the refunds authorized by Section 302. exempted from Sections 13320 to 13324, inclusive, of the Government Code:

(1) Article 7 (commencing with Section 5821) and Article 7.5 (commencing with Section 5850) of Chapter 8 of Part 1 of Division 4, Chapter 1 (commencing with Section 6701)

(c) All moneys deposited in the fund under the provisions enumerated below are hereby of Part 3 of Division 4, and Chapter 5 (commencing with Section 53301) of Division 18.

(2) Article 5 (commencing with Section 6001) of Chapter 9 of Part 1 of Division 4.

(3) Article 8.5 (commencing with Section 6047.1) of Chapter 9 of Part 1 of Division 4.

(4) Article 5 (commencing with Section 6981) of Chapter 2 of Part 3 of Division 4.

(5) Chapter 4 (commencing with Section 14200), Chapter 5 (commencing with Section 14501), and Chapter 6 (commencing with Section 14901) of Division 7.

(6) Part 1 (commencing with Section 16301) and Part 2 (commencing with Section 17401) of Division 9.

(7) Sections 19225, 19227, 19312, and 19315.

(8) Division 10 (commencing with Section 20001).

(9) Division 11 (commencing with Section 23001).

(10) Part 4 (commencing with Section 27501) of Division 12.

(11) Division 16 (commencing with Section 40501).

(12) Chapter 9 (commencing with Section 44971) of Division 17.

(13) Chapter 1 (commencing with Section 52001) of Division 18.

(14) Chapter 2 (commencing with Section 52251) of Division 18.

(15) Chapter 3 (commencing with Section 52651) of Division 18.

(16) Chapter 4 (commencing with Section 52851) of Division 18.

(17) Chapter 6 (commencing with Section 55401), Chapter 7 (commencing with Section 56101), and Chapter 7.5 (commencing with Section 56701) of Division 20.

(18) Section 58582.

(19) Chapter 1 (commencing with Section 61301), Chapter 2 (commencing with Section 61801), and Chapter 3 (commencing with Section 62700) of Part 3 of Division 21.

(20) Division 24 (commencing with Section 81000).

(21) Chapter 5.5 (commencing with Section 12531) of Division 5 of the Business and Professions Code.

(22) Chapter 7 (commencing with Section 12700) of Division 5 of the Business and Professions Code.

221. continued

(c) continued

(23) Chapter 14 (commencing with Section 13400) and Chapter 15 (commencing with Section 13700) of Division 5 of the Business and Professions Code.

(Amended by Stats. 2013, Ch. 398, Section 3. (SB 566) Operative January 1, 2017.)

221.1. Permanent positions with Controller's office; establishment

Notwithstanding Section 221, the department shall establish all permanent positions with the Controller's office, pursuant to standard state administrative practices.

(Amended by Stats. 2011, Ch. 97, Section 1. (AB 222) Effective January 1, 2012.)

222. Record of receipts and disbursements

The director shall keep a separate record of the classes and sources of income which are credited to, and disbursed from, the Department of Food and Agriculture Fund.

(Amended by Stats. 1984, Ch. 144, Section 31.)

223. Revolving fund

A sum not to exceed twenty-five thousand dollars (\$25,000) may, upon approval of the Department of Finance, be withdrawn from the Department of Food and Agriculture Fund to be used as a revolving fund by the department for the purposes for which the Department of Food and Agriculture Fund may be used.

(Amended by Stats. 1982, Ch. 454, Section 25.)

224. Transfer of money from Motor Vehicle Fuel Account; expenditure

Moneys transferred by the Controller to the Department of Food and Agriculture Fund from the Motor Vehicle Fuel Account pursuant to Section 8352.5 of the Revenue and Taxation Code shall be expended by the Secretary of Food and Agriculture as follows:

(a) Of the amount transferred each fiscal year, nine million dollars (\$9,000,000) is hereby appropriated to the Department of Food and Agriculture for payment to the counties for pesticide use enforcement programs supervised by the Director of Pesticide Regulation. Reimbursement shall be apportioned to the counties in relation to each county's expenditures to the total amount expended by all counties for the preceding fiscal year for pesticide use enforcement programs, as determined by the director, or with the collective agreement of the county agricultural commissioners, disbursement to counties for a current fiscal year according to criteria developed in work plans, or any combination of reimbursement and disbursement as agreed upon by the director and the county agricultural commissioners. The amount to be transferred to any county for a fiscal year may be increased or decreased by the director to compensate for incorrect previous transfers to that county, or adjusted based on evaluations of annual county Pesticide Enforcement Work Plans conducted by the Department of Pesticide Regulation.

(b) Of the amount transferred each fiscal year, two hundred fifty thousand dollars (\$250,000) is hereby appropriated to the Department of Food and Agriculture for state and county liaison activities and for departmental expenses directly related to administration of this section.

(c) Of the amount transferred each fiscal year, one million five hundred thousand dollars (\$1,500,000) is hereby appropriated to the Department of Food and Agriculture for divisional and departmental overhead charges to the Department of Food and Agriculture.

224. continued

(d) Of the amount transferred each fiscal year in excess of the amount transferred in the 2006–07 fiscal year, 7 percent is hereby appropriated to the Department of Food and Agriculture for full disbursement to the California Agricultural Commissioners and Sealers Association, as specified in Section 2003, and individual counties. The funds dispersed to individual counties, pursuant to subdivision (g), shall be in a proportion to offset expenses associated with programs, personnel, and materials that ensure the uniform application of state agricultural policy or administer programs supervised by the secretary.

(e) Notwithstanding any other law, of the amount transferred each fiscal year, three million dollars (\$3,000,000) is hereby appropriated for distribution to counties in a manner prescribed by the secretary for pest detection or trapping programs. These funds are intended to supplement funds available for pest detection or trapping in the annual Budget Act. As a condition of receiving these funds, counties shall not reduce their level of support from any other funds for pest detection or trapping programs. If a county declines to participate in a pest detection or trapping program, or fails to conduct the program to the state's satisfaction, the secretary shall reduce, by the amount that would otherwise be allocated to the county, funds available pursuant to this subdivision and any state allocations from the annual Budget Act. Those forfeited funds are hereby appropriated to the Department of Food and Agriculture for purposes of operating the pest detection or trapping programs in those counties.

(f)(1) Of the amount transferred each fiscal year, three million dollars (\$3,000,000) is hereby appropriated to the Department of Food and Agriculture to be used for emergency detection, investigation, or eradication of agricultural plant or animal pests or diseases during the fiscal year, upon approval of the Director of Finance. At the end of each fiscal year, any unencumbered balance of these funds shall be carried over to the next fiscal year, or at the discretion of the secretary, may be used for planning and research involving detection, investigation, eradication, and methods of quarantine compliance for agricultural plant or animal pests or diseases.

(2) The Department of Food and Agriculture shall develop policies, in consultation with the county agricultural commissioners and in compliance with any requirements of the annual Budget Act, to guide the ongoing use of these funds.

224. continued

(g) The total amount transferred during each fiscal year less the amounts provided in subdivisions (a) to (f), inclusive, and any moneys in reserve, is hereby appropriated for either or both of the following purposes:

(1) To be paid to the counties for agricultural programs authorized by this code that are supervised by the Department of Food and Agriculture and administered by county agricultural commissioners. Reimbursement shall be apportioned to the counties in relation to each county's expenditures to the total amount expended by all counties for the preceding fiscal year for agricultural programs, as determined by the secretary, or with the collective agreement of the county agricultural commissioners, disbursement to counties according to criteria developed in work plans for a current fiscal year, or any combination of reimbursement and disbursement as agreed upon by the secretary and the county agricultural commissioners. The amount to be transferred to any county for a fiscal year may be increased or decreased by the secretary to provide that, insofar as those transferred unclaimed refundable gas tax funds for apportionment to the counties are available, no county shall receive smaller combined apportionments of gas taxes and unclaimed refundable gas taxes than that county would have received had the gas taxes been apportioned without the transfer required by

Section 8352.5 of the Revenue and Taxation Code, as determined by the secretary, except that the amount of unclaimed refundable gas tax funds to be transferred to any county for a fiscal year may be increased or decreased by the secretary to compensate for incorrect previous transfers to that county, and to account for any failure to meet the criteria listed in Section 224.5.

(2) To be expended by the Department of Food and Agriculture for statewide agricultural programs as agreed upon by the secretary and the county agricultural commissioners.  
(Amended by Stats. 2019, Ch. 31, Section 4. (SB 85) Effective June 27, 2019.)

224.5. Counties; eligibility for transfer of money from Motor Vehicle Fuel Account; criteria

(a) In order to be eligible for the transfer specified in subdivision (g) of Section 224, counties must meet all of the following criteria, as determined by the secretary:

(1) Currently employ or contract with a licensed agricultural commissioner.

(2) Submit annual agricultural expenditure reports to the department in a timely manner.

(3) Maintain county general fund support for agricultural commissioner services at least equal to the average amount expended for the five preceding fiscal years, unless the county is facing unusual economic hardship that precludes that support.

(b) In the event that a county does not meet the criteria listed in subdivision (a) in a timely fashion, nothing shall preclude the secretary from completing transfers only to those counties that have met the criteria, while reserving funds for distribution to counties that may later be determined to have met them, or to set a date certain each fiscal year by which all available funds will be distributed to the counties that have met the criteria.

(c) This section shall become operative on July 1, 2008.

(Added by Stats. 2007, Ch. 421, Section 3. (AB 1713) Effective January 1, 2008.)

Article 3. Apiary Assessments  
Sections 29030.5-29032

29030.5 Additional annual assessment fees; research on Africanized bees

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, Section 2.)

29031. Due date; notice of nonpayment; penalty fee

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.

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

29032. Disposition of funds

(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.

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

Article 4. Registration and Identification of Apiaries  
Sections 29040-29056

29040. Annual registration of domestic apiaries

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, Section 2.)

29041. Confidential information; evidentiary privilege

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, Section 1. (AB 450) Effective January 1, 2020.)

29042. Registration of imports and new owners

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, Section 1. (AB 2468) Effective January 1, 2019.)

29043. Place of registration

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, Section 2.)

29044. Additional annual registration fee to cover cost of apiary registration; fee schedule

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, Section 1. (AB 2381) Effective January 1, 1993.)



29045. Maintenance of unregistered apiary; duration of registration

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, Section 2. (AB 2468) Effective January 1, 2019.)

29046. Maintaining apiary on premises or private land not owned or leased; apiaries on public land; identification; approval; forfeiture procedure

(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, Section 3. (AB 2468) Effective January 1, 2019.)

**29047. Actions to recover damages from pest control operations; prerequisites**

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, Section 2. (AB 450) Effective January 1, 2020.)

**29048. Loss to pesticide applicator; action for damages**

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, Section 3. (AB 450) Effective January 1, 2020.)

**29049. Serial number brand; application**

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, Section 2.)

**29050. Serial number brand; registration; numbers**

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, Section 2.)

**29051. Branding**

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, Section 2.)

**29052. Serial number brand; transfer**

Serial number brands are transferrable.

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

29053. Serial number brand; use by purchaser

(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, Section 2.)

29054. Transfer of branded equipment

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, Section 2.)

29055. Possession of branded equipment

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, Section 2.)

29056. Serial number brand; unlawful acts

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, Section 2.)

Article 5. Intrastate Movement  
Sections 29070-29074

29070. Notice of relocation of colony to another county where apiary not registered

(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, Section 4. (AB 450) Effective January 1, 2020.)

29070.5. Notice of relocation of colony within county where apiary registered

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, Section 5. (AB 450) Effective January 1, 2020.)

29071. Transportation of contaminated hive or comb for burning or wax salvage

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, Section 2.)

29072. Transportation of diseased bees, comb, appliances, or colonies

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, Section 2.)

29073. Summary destruction of diseased bees, etc., unlawfully moved

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, Section 2.)

29074. Diseased bees, etc.; transportation and maintenance by state and federal agencies

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, Section 6. (AB 2468) Effective January 1, 2019.)

Article 6. Notification Regions  
Sections 29080-29082

29080. Director defined

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, Section 2. (AB 388) Effective January 1, 1994.)

29080.5. Establishment of notification regions relative to pesticide applications

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.

(Section 29080 renumbered by Stats. 1993, Ch. 166, Section 1. (AB 388) Effective January 1, 1994.)

29081. Regional coordinators

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, Section 2.)

29082. Receipt of funds; deposits; imposition of fees

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, Section 3. (AB 388) Effective January 1, 1994.)

Article 7. Use of Pesticides  
Sections 29100-29103

29100. Legislative findings and declarations

(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, Section 2.)

29101. Report of location of apiaries for which notification of pesticide usage sought; notice

(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, Section 6. (AB 450) Effective January 1, 2020.)

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**29102. Regulations**

(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.

(Amended by Gov. Reorg. Plan No. 1 of 1991, Section 62. Effective July 17, 1991.)

**29103. Failure to remove hives after notification of pesticide application; applicator not liable**

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, Section 2.)



Article 15. Enforcement and Penalties  
Sections 29300-29313

29300. Enforcement of chapter

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, Section 2.)

29301. Regulations

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

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

29302. Noncompliance with chapter or regulations; warning notices; referral of violations; penalties

(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 (\$1.00) 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. Nothing in this section shall prevent the secretary or the commissioner from initiating any procedures for issuance of a prior warning notice or notice to correct.

(Amended by Stats. 2019, Ch. 300, Section 7. (AB 450) Effective January 1, 2020.)

**29303. Failure to comply with notice or order; infraction**

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.

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

**29304. Civil penalties; injunctions; actions by attorney general**

(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.

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

**29305. Special account for penalties; determining amount of penalty**

(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, Section 2.)

**29306. Willful or intentional violations; civil penalties**

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, Section 2.)

**29307. Violations of injunctions; civil penalty; separate violations**

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, Section 2.)

29308. Supervisor of apiary inspection; state inspectors

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, Section 2.)

29309. Commissioners as ex officio state inspectors; county inspectors

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, Section 2.)

29310. Assignment of state inspectors to perform duties of county inspectors

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, Section 2.)

29311. Penalties exclusive

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

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

29312. Wrongful taking of beehive, removal of bees from beehive, or killing of bees;  
civil damages

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, Section 2. (AB 2755) Effective January 1, 2017.)

29313. Administrative penalties in lieu of prosecution; notice; hearings; appeals; recording final decision as judgment in superior courts; costs of administrative hearing

(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.

29313. continued

(d) continued

(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, Section 8. (AB 450) Effective January 1, 2020. Section operative January 1, 2021, by its own provisions.)

Article 16. Africanized Honey Bees  
Sections 29321-29322 only (of Article 16: Sections 29320-29328)

29321. Unoccupied hive or apparatus; public nuisance; abatement

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, Section 1. (AB 861) Effective January 1, 2018.)

29322. Procedures for abatement of hive or comparable apparatus

(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, Section 2. (AB 861) Effective January 1, 2018.)