

**State of California  
Office of Administrative Law**

In re:  
Department of Food and Agriculture

Regulatory Action:

Title 03, California Code of Regulations

Adopt sections:

Amend sections: 2950, 2951, 2952, 2953,  
2954

Repeal sections:

NOTICE OF APPROVAL OF REGULATORY  
ACTION

Government Code Section 11349.3

OAL Matter Number: 2025-0303-01

OAL Matter Type: Regular Resubmittal (SR)

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This regular rulemaking action by the California Department of Food and Agriculture amends regulations regarding apiary registration, assessment fees and penalties.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 3/20/2025.

Date: March 20, 2025



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Jenifer Ryan  
Senior Attorney

For: Kenneth J. Pogue  
Director

Original: Karen Ross, Secretary  
Copy: Rachel Avila

## NOTICE PUBLICATION/REGULATIONS SUBMITTAL

STD. 400 (REV. 10/2019)

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z-2024-0903-01</b>	REGULATORY ACTION NUMBER <b>2025-0303-01</b>	EMERGENCY NUMBER <b>SR</b>
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY Department of Food and Agriculture			

OFFICE OF ADMIN. LAW  
2025 MAR 3 PM4:50

For use by Secretary of State only

**ENDORSED - FILED**  
in the office of the Secretary of State  
of the State of California**MAR 20 2025****A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY		ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER <b>2024, 37-2</b>	PUBLICATION DATE <b>9/13/24</b>

**B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**

1a. SUBJECT OF REGULATION(S) <b>Apiary Fees</b>		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) <b>2024-1118-02S</b>	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT	
TITLE(S) <b>3</b>		AMEND <b>2950, 2951, 2952, 2953, 2954</b>	
3. TYPE OF FILING		REPEAL	
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input checked="" type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> File & Print <input type="checkbox"/> Print Only <input type="checkbox"/> Other (Specify) _____			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100) <input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input checked="" type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> \$100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify) _____			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY <input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify) _____			
7. CONTACT PERSON <b>Rachel Avila</b>		TELEPHONE NUMBER <b>916-698-2947</b>	FAX NUMBER (Optional) E-MAIL ADDRESS (Optional) <b>rachel.avila@cdfa.ca.gov</b>

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <b>Victoria Hornbaker</b> <small>Digitally signed by Victoria Hornbaker Date: 2025.02.28 16:01:43 -0800</small>	DATE
TYPED NAME AND TITLE OF SIGNATORY <b>Victoria Hornbaker, Director Plant Health &amp; Pest Prevention Services Division</b>	

For use by Office of Administrative Law (OAL) only

**ENDORSED APPROVED****MAR 20 2025****Office of Administrative Law**

Amend the following:

### **3CCR § 2950. Assessment Registration**

Each beekeeper, apiary owner, apiary operator, broker or the person in possession of any apiary shall pay to the ~~Director~~ Secretary an annual fee in the amount stated in section 2951 based upon the largest number of colonies of bees in California under his their ownership, possession or control during the preceding 12-month period, regardless of origin.

Authority cited: Sections 407 and ~~29032~~ 29044, Food and Agricultural Code.

Reference: Section ~~29304~~29044, Food and Agricultural Code

### **3CCR § 2951. Registration Assessment Fee.**

The apiary registration assessment fee ~~is 15 cents (\$0.15) per colony of honey bees. in the schedule below shall be paid on January 1 of each year for each beekeeper, apiary owner, apiary operator or person in possession of any apiary within the previous 12 months of the calendar year. The broker fee shall be assessed as a flat rate annually regardless of the number of colonies managed and is valid through December 31 of each year.~~

<u>Number of colonies</u>	<u>Fee</u>
<u>1-9</u>	<u>\$10.00</u>
<u>10-49</u>	<u>\$100.00</u>
<u>50+ colonies</u>	<u>\$250.00</u>
<u>Broker</u>	<u>\$250.00</u>

Fee is based on the total number of colonies and not a per colony basis

Authority cited: Sections 407 and ~~29032~~ 29044, Food and Agricultural Code.

Reference: Section 29301, Food and Agricultural Code.

### **3CCR § 2952. Penalties.**

A penalty fee of one-half the amount due shall be added to the required fee for all payments which ~~are not paid within 31 days after receipt of notice from the Director, mailed to the business address, that payment is due; or which are delinquent 31 days and past due from a person who has failed to file his business address with the Director.~~

Authority cited: Sections 407, ~~and 29032~~ 29042, and 29044, Food and Agricultural Code.

Reference: Section 29301 and 29044, Food and Agricultural Code.

### **3CCR § 2953. Filing of Business Address Registration of Apiaries and number of colonies.**

Each beekeeper, apiary owner, apiary operator, broker or person in possession of any apiary who has under his their ownership, possession or control any colonies of bees in California during the reporting year shall ~~file with the Director his business address and telephone number and any changes thereto, within 15 days~~ register the apiary and the number of colonies in each

apiary on the first day of January of each year or within 30 days after obtaining such ownership, possession or control.

Authority cited: Sections 407 ~~and 29032~~ 29040, 29042, 29043, and 29045, Food and Agricultural Code.

Reference: Section 29302 ~~and 29044~~, Food and Agricultural Code.

### 3CCR § 2954. Payment Form.

Each registration assessment payment shall be remitted as an electronic payment through a Internet Web site authorized by the Secretary and shall be accompanied by a duly completed online apiary registration return on a form containing the information required by Food and Agriculture Code 29040, 29042, 29043 and 29101 available from through the Director and Agricultural Commissioner in each county or the Internet Web site authorized by the Secretary. The registrant shall certify under penalty of perjury that the registration ~~information on the return~~ is true and correct.

Authority cited: Sections 407 ~~and 29032~~ 29040, 29042, 29043, 29045, and 29101, Food and Agricultural Code.

Reference: Section 29301 and 29302, Food and Agricultural Code