

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 927

BY SENATORS HART, CHAPMAN, THORNE, TAYLOR, AND

HAMILTON

[Introduced February 12, 2026; referred
to the Committee on Agriculture]

1 A BILL to amend and reenact §19-13-1, §19-13-2, §19-13-3, §19-19-4, and §19-19-7 of the Code
2 of West Virginia, 1931, as amended, relating to agricultural production; providing
3 legislative findings relating to the West Virginia Apiary Act; defining terms; clarifying
4 exclusivity of commissioner of agriculture's authority to regulate bees, bee equipment, and
5 apiaries; and clarifying when legal proceedings may be maintained against certain owners
6 or operators of agricultural land or agricultural operations.

Be it enacted by the Legislature of West Virginia:

ARTICLE 13. ~~INSPECTION AND PROTECTION OF AGRICULTURE~~ THE WEST VIRGINIA APIARY ACT.

§19-13-1. Short title; legislative findings.

1 (a) This article may be cited shall be known as the West Virginia Apiary Act.

2 (b) The Legislature finds and declares that:

3 (1) Pollinators such as honey bees have been in drastic decline in this state and nationwide
4 for several decades.

5 (2) Protecting pollinators, including, but not limited to, honey bees, is of critical importance
6 to building and maintaining the state's economy, specifically with respect to agricultural
7 operations that rely on pollinators.

8 (3) The practice of beekeeping has had a positive economic impact on this state and on
9 the food security of the state's residents.

10 (4) The private keeping and maintaining of honey bee colonies in apiaries by citizens of
11 this state is critical to increasing pollinator populations, which will in turn strengthen the state's
12 agricultural operations. Therefore, it is in the best interest of the state and its citizens to provide for a
13 uniform and predictable statewide regulatory framework applicable to bees, bee equipment, and
14 apiaries.

§19-13-2. Definitions.

1 For the purpose of this article, the term:

2 (1) "Abandoned apiary" means any apiary in which twenty-five percent or more of the
3 colonies are dead or diseased, or the death or disarray of the colonies exposes them to robbing,
4 or diseased or potentially diseased abandoned bee equipment which may jeopardize the welfare
5 of neighboring colonies.

6 (2) "Apiary" means any place where one or more colonies or nuclei of bees are kept or
7 where bee equipment is stored.

8 (3) "Appliances" means any apparatus, tool, machine, or other device used in the handling
9 and manipulating of bees, honey, wax, and hives. ~~It also means, as well as~~ any container of honey
10 and wax that may be used in any apiary or in transporting bees and their products and apiary
11 supplies.

12 (4) "Bees" means any stage of the common hive or honey bee (*Apis mellifera*), or other
13 species of the genus *Apis*.

14 (5) "Bee equipment" means hives, supers, frames, veils, gloves, or any other appliances.

15 (6) "Bee products" means honey, bees wax, pollen, propolis, and royal jelly.

16 (7) "Colony" means the hive and includes bees, comb, honey, and bee equipment.

17 (8) "Commissioner" means the Commissioner of the Department of Agriculture of the State
18 of West Virginia or a duly authorized employee.

19 (9) "Control agents or control mechanisms" means any method of chemical or mechanical
20 control to suppress or eradicate an apiary disease, pest, or parasitic infestation in an apiary or
21 the colonies contained therein.

22 (10) "Department" means the Department of Agriculture of the State of West Virginia.

23 (11) "Hive" means a frame hive, box hive, box, barrel, log, gum, skep, or any other
24 receptacle or container, natural or artificial, or any part thereof, which may be used or employed
25 as a domicile for bees.

26 (12) "Honey bee pest" means American foulbrood (*Bacillus larvae*), European foulbrood
27 (*Melissococcus pluton*), Varroa mite (*Varroa destructor*), honey bee tracheal mite (*Acarapis*

28 woodi), Tropilaelaps mite (Tropilaelaps clareae or Tropilaelaps mercedsae), or any other virus or
29 infectious or parasitic organism determined by the commissioner to be transmissible to other bee
30 colonies and that represents a threat to beekeeping in West Virginia.

31 (13) "Nuclei" means the removal of a split portion or division of any colony of honey bees
32 for the express purpose of creating a numerical increase in colonies for honey production,
33 pollination service, or monetary gain through sale of honey bees.

34 (14) "Packaged bees" means bees shipped in combless packages accompanied by a valid
35 certificate of health from an authorized state or federal agency ~~verifying~~ which verifies:

36 (A) The absence or presence of any infectious or communicable diseases or parasitic
37 infestations; and ~~further providing~~

38 (B) That no honey has been used for food while in transit or that any honey used as food
39 in transit was properly sterilized.

40 (15) "Person" means corporations, partnerships, associations, societies, individuals or
41 group of individuals or any employee, servant, or agent acting for or employed by any person.

42 (16) "Premises" means any parcel of real estate ~~and~~ or structures in which bee equipment,
43 bees, bee products, ~~and~~ or bee appliances are or may be utilized for storage purposes.

44 (17) "Quarantine" means a declaration by the commissioner which specifies a period of
45 enforced isolation to contain and prevent the spread of honey bee pests.

46 (18) "Sterilized or sterilization" means to treat and neutralize honey bee pests by means
47 of steam autoclave, pit incineration, or by any other acceptable method which the commissioner
48 determines effective for control of honey bee pests.

**§19-13-3. Commissioner's powers and duties; rule-making authority; apiary education;
cooperation with governmental agencies; seizure of infected bees and bee
equipment; commissioner's exclusive authority.**

1 (a) The commissioner ~~may~~ shall propose rules for legislative approval in accordance with
2 the provisions of §29A-3-1 *et seq.* of this code:

3 (1) To effectively eradicate, suppress, or control honey bee pests as far as may be
4 practical;

5 (2) To regulate the keeping and maintaining of bees, bee equipment, queen breeding
6 equipment, apiaries, and appliances;

7 (3) To regulate treatments, retreatments, and fees for the services; and

8 (4) ~~any other rules~~ For any other purpose necessary to effectuate the enforcement of this
9 article.

10 (b) The commissioner is authorized to conduct apiary education in a manner which
11 advances and promotes bee culture in West Virginia.

12 (c) The commissioner is authorized to cooperate with the federal government and its
13 agencies, departments, and instrumentalities; other West Virginia agencies, departments,
14 divisions, or political subdivisions; and any other state or commonwealth and its agencies,
15 departments, or political subdivisions, in order to carry out the effective administration of this
16 article.

17 (d) The commissioner is authorized to stop the delivery of, to seize, to destroy, to treat, or
18 to order returned to point of origin, at the owner's expense, all appliances, bees, bee equipment,
19 bee products, or hives transported into or within this state which are found to be infected with
20 honey bee pests, regardless of whether a valid certificate of inspection is attached.

21 (e) The commissioner shall have exclusive authority to register, permit, inspect, sample, and
22 otherwise regulate the keeping and maintaining of bees, bee equipment, and apiaries in this state as
23 provided in this article. No county, municipality, or other political subdivision may, whether by
24 ordinance, charter, resolution, administrative act, or otherwise, enact, adopt, implement, or enforce
25 any ordinance, regulation, or rule which relates to the registration, permitting, inspection, placement,
26 location, or management of apiaries or which otherwise conflicts with the powers and duties of the
27 commissioner or with rules promulgated by the commissioner pursuant to this article. Any such
28 ordinance, regulation, or rule is preempted by the provisions of this article.

ARTICLE 19. PRESERVATION OF AGRICULTURAL PRODUCTION.

§19-19-4. Agriculture not adverse; limitation of actions.

1 The conduct of agriculture upon agricultural land shall not be deemed adverse to other
2 use or uses of adjoining or neighboring land, whether such other land be used or occupied for
3 residential, commercial, business or for governmental, or any uses other than agricultural. No
4 complaint or right of action shall be maintained in any court of this state against the owner or
5 operator of agricultural lands adverse to the conduct of agriculture upon agricultural lands, unless:

6 (1) The complainant's use and occupancy of land of the complainant has existed upon his
7 or her adjoining or neighboring land before the agricultural operation complained of upon the
8 agricultural land; and

9 (2) The conduct of such agricultural operation complained of has, by clear and convincing
10 evidence, caused or will cause actual physical damage to the person or property of the owner or
11 occupant of such adjoining or neighboring lands.

§19-19-7. Additional limitations on nuisance actions.

1 (a) The provisions of this section are in addition to the limitations on actions brought
2 against an agricultural operation in §19-19-4 of this code and shall also apply to any nuisance
3 action brought against an agricultural operation in any court of this state.

4 (b) A person may not file a nuisance action to recover damages in which an agricultural
5 operation is alleged to be a public or private nuisance unless:

6 (1) He or she is the majority legal land owner;

7 (2) He or she owns property adversely affected by agricultural operations within one-half
8 mile of the agricultural operation; and

9 (3) The agricultural operation has materially violated a federal, state, or local law
10 applicable to agriculture.

11 (c) No agricultural operation within this state which has been in operation for a period of
12 more than one year shall be considered a nuisance, either public or private, as the result of a

13 changed condition in or about the locality where such agricultural operation is located. In any
14 nuisance action, public or private, against an agricultural operation or its principals or employees
15 proof that the agricultural operation has existed for one year or more is an absolute defense to
16 the nuisance action, if the operation is in compliance with all applicable state and federal laws,
17 regulations, and permits.

18 (d) No state or local agency, county, municipality, or other political subdivision may bring
19 a criminal or civil action against an agricultural operation for an activity that is in material
20 compliance with all applicable state and federal laws, regulations, and permits.

21 (e) No agricultural operation shall be or become a private or public nuisance if the
22 operators are conducting the agricultural operation in a manner consistent with commonly
23 accepted agricultural practice. If the operation is in material compliance with all applicable state
24 and federal laws, regulations, and permits, it shall be presumed to be conducted in a manner
25 consistent with commonly accepted agricultural practice.

26 (f) No agricultural operation shall be considered a nuisance, private or public, if the
27 agricultural operation makes a reasonable expansion, so long as the operation is in material
28 compliance with all applicable state and federal laws, regulations, and permits.

29 (1) For the purpose of this section, a reasonable expansion includes, but is not limited to:

30 (A) Transfer of the agricultural operation;

31 (B) Purchase of additional land for the agricultural operation;

32 (C) Introducing technology to an existing agricultural operation including, but not limited
33 to, new activities, practices, equipment, and procedures consistent with technological
34 development within the agricultural industry;

35 (D) Applying a Natural Resources Conservation Service program or other United States
36 Department of Agriculture program to an existing or future agricultural operation; or

37 (E) Any other change that is related and applied to an existing agricultural operation, so
38 long as the change does not affect the agricultural operation's compliance with applicable state
39 and federal laws, regulations, and permits.

40 (2) The reasonable expansion exemption provided by this subsection cannot apply to an
41 expansion that:

42 (A) Creates a substantially adverse effect upon the environment; or

43 (B) Creates a hazard to public health and safety.

44 (g) A requirement of a municipality does not apply to an agricultural operation situated
45 outside of the municipality's corporate boundaries on the effective date of this chapter. If an
46 agricultural operation is subsequently annexed or otherwise brought within the corporate
47 boundaries of a municipality, the requirements of the municipality do not apply to the agricultural
48 operation.

49 (h) An agricultural operation is not, nor shall it become, a private or public nuisance after
50 it has been in operation for more than one year, if such operation was not a nuisance at the time
51 the operation began, and the conditions or circumstances complained of as constituting the basis
52 for the nuisance action exist substantially unchanged since the established date of operation. The
53 established date of operation is the date on which an agricultural operation commenced.

54 (i) The provisions of this section shall not apply in any of the following circumstances:

55 (1) Whenever a nuisance results from the negligent operation of any such agricultural
56 operation; or

57 (2) To affect or defeat the right of any person to recover for injuries or damages sustained
58 because of an agricultural operation or portion of an agricultural operation that is conducted in
59 violation of a federal, state, or local statute or governmental requirement that applies to the
60 agricultural operation or portion of agricultural operation.

61 (j) The protected status of an agricultural operation, once acquired, is assignable,
62 alienable, and inheritable. The protected status of an agricultural operation, once acquired, may
63 not be waived by the temporary cessation of operations or by diminishing the size of the operation.