



## Legal Aspects of Beekeeping: Responsibilities and Liabilities

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# Bee Rules

# **Tennessee Apiary Act of 1995 (TCA Sections 44-15-101 *et seq.*)**

**...enables and provides for the development of regulatory programs for beekeeping activities...**

**Every beekeeper owning one (1) or more colonies of bees shall register each apiary location ... every three (3) years**

**No [local government] shall adopt or continue in effect any ordinance or resolution prohibiting the establishment or maintenance of honeybees in hives, provided [such hives are maintained] in compliance with this chapter**

**This section shall not be construed to restrict or otherwise limit the zoning authority of [any local government]**

# **Apiary Act Does NOT Overrule Homeowners Association Rules**

**Tennessee Attorney General Opinion No. 13-02  
(January 7, 2013):**

**...referenced statutes [TCA §§44-15-101 *et seq.*]  
do not apply to restrictive covenants adopted by  
homeowners' associations, nor do they express  
an unequivocal public policy against such  
restrictive covenants...**

# **Apiary Act Does Offer Protection from Liability**

**Any person who has registered an apiary pursuant to [the Apiary Act] ... is otherwise in compliance with [the Apiary Act and] operates such apiary in a reasonable manner ...**

**...shall NOT be liable ...**

**...for any personal injury or property damage that is caused by the keeping and maintaining of [bees or bee equipment]**

## **[HOWEVER]**

**The limitation of liability established by this section shall not apply to intentional tortious conduct or acts or omissions constituting gross negligence**

# **Tennessee Voluntary Honey Bee Best Management Practices**

**Limitation as to number of hives :**

**<0.5 acre : 4 hives**

**0.5 acre - 1 acre : 6 hives**

**1 - 5 acres: 8 hives**

**More than 5 acres: No Limit**

**No limit if all hives are 200+ feet in any direction from all inhabited dwellings on adjoining developed properties , or if all hives are 20 feet or more above the ground on a platform or roof top**

**Hive entrances face away from neighboring property and in such a direction that bees in flight gain an altitude of 6 feet or more when they arrive at neighboring property (naturally or through the use of vegetation, fencing or other barriers**

# Bees Don't Observe Boundaries



# Extracting Labeling and Sale of Bees and Products

**Sales of Bees**

**Extraction of Honey**

**Labeling**

**Sale of Honey and  
Products**





# Whose Bees are They?

- Entity Protection?
  - Sole Proprietorship
  - Corporation
  - Limited Liability Company
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- Will you Honor the Entity?
  - Additional Registration Requirements
  - Additional State Filing Requirement
  - Additional Tax Filings
  - Additional Zoning Issues
  - Will it Help?



# Bee Contracts

- Selling Bees
- Shared Equipment
- Hive Placement
- Consents and Releases
- Swarm Removal
- Removal from Structures



# Capturing and Removing Swarms

- Confirmation of Property Ownership
- Permission of Owner
- Waiver as to Damage?



# Removal of Bees from Structures

- Written Contract
  - Fees and Expenses
  - Acknowledge Contemplated Damage to Structure
  - Disclosures by Owner
  - Transfer of Bees
  - Disposition of Honey and Wax
  - Post-removal Cleanup
  - Repair to Structure
  - Treatment for ants or other resulting pests
  - Indemnifications



# Sources for Tennessee Bee Rules

- <http://www.lexisnexis.com/hottopics/tncode>
- <http://sos.tn.gov/effective-rules>
- <http://attorneygeneral.tn.gov>
- <https://www.tn.gov/agriculture/topic/ag-businesses-bees>
- <https://ag.tennessee.edu/EPP/Pages/Bees%20and%20Beekeeping/home.aspx>

**Follow the rules and...**

