



NEW YORK CITY DEPARTMENT OF
HEALTH AND MENTAL HYGIENE

Ashwin Vasan, MD, PhD
Commissioner

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Gotham Center
42-09 28th St.
Long Island City, NY 11101

May 29, 2024

Jiwoo-Katie Choi
[REDACTED]
Jericho, NY 11753

Dear Jiwoo-Katie Choi:

The New York City Board of Health (“Board”) has reviewed your petition to amend New York City Health Code (“Health Code”) Section 161.01(b)(12) to clarify that it is permissible to harbor all types of non-aggressive bees (not just *Apis mellifera*). For the reasons explained below, the Board declines to amend the Health Code. The Board will, however, ask the New York City Department of Health and Mental Hygiene (“Department”) to revise its website and other relevant materials to clarify the requirements of Section 161.01.

The Board appreciates your efforts to protect these pollinators and raise awareness of the importance of bee diversity. We read with interest about your organization, Project Bee Aware Association, Inc. The Department believes that New Yorkers are healthier when they live in a city that is healthier. The Department’s [HealthyNYC](#) Campaign supports efforts to achieve healthier, longer lives by improving infrastructure, promoting climate resilience and air quality, and addressing climate change as a public health crisis. An important part of climate change resilience is strengthening and supporting natural biodiversity.

Health Code Article 161

Health Code Section 161.01(b)(12) states, as relevant here, that “[n]o person shall sell or give to another person, possess, harbor, keep, or yard ... [a]ll venomous insects, including, but not limited to, bees other than non-aggressive honey bees (*Apis mellifera*), hornet and wasp.” Section 161.01(a) of the Health Code provides exceptions for zoological parks, laboratories, veterinary facilities, and exhibitions and displays that have a permit from the Department.

You have proposed to amend Section 161.01(b)(12) to state that “[n]o person shall sell or give to another person, possess, harbor, keep, or yard ... [a]ll venomous insects, including, but not limited to, **aggressive bees**, hornet and wasp.” (emphasis added). In your petition, you express concern that the current wording of this provision may prohibit the activities conducted by your organization and may be interpreted to mean that *all* species of bees, except for *Apis mellifera*, are aggressive. You also propose the amendment to “raise citizens’ awareness of the importance of bee diversity” and “encourage broader efforts to protect and promote bee species in our community.”

The Health Code Does Not Prohibit the Activities of Project Bee Aware Association, Inc.

Health Code Article 161 does not prohibit property owners from allowing wild animals, including any bee species or any other insect, on their property, so long as such wild animals do not create a nuisance. A person who makes their property hospitable to wildlife without creating a nuisance, such as by planting flowers or through use of the Wild Bee Garden Kits distributed by Project Bee Aware Association, Inc., as we understand that effort, does not “possess, harbor, keep, or yard” the animal within the meaning of Health Code Section 161.01(a)(1). In contrast, a person such as a beekeeper or exotic pet enthusiast who takes responsibility for multiple aspects of the animal’s welfare would fit this definition.

Because the Health Code does not prohibit the activity you seek to promote through your organization, we decline to amend this provision. We understand, however, that the terminology may benefit from clarification, and we have accordingly requested that the Department review its website, including the pages on [bees](#), [wasps](#), and [bee and wasp complaints](#) to clarify relevant Health Code requirements and reflect the importance of [coexisting](#) with and [supporting pollinators](#), such as bees, via the planting of native plants and reducing pesticide use.

Thank you for bringing this matter to our attention.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ashwin Vasani', written in a cursive style.

Ashwin Vasani, MD, PhD
Commissioner
New York City Department of
Health and Mental Hygiene