

## CHAPTER 404—S. F. No. 673

*An act regulating the propagation and keeping of bees; the suppression of contagious diseases among bees; providing for the registration and regulation of apiaries; and to repeal sections 5461 to 5473, inclusive, Mason's Minnesota Statutes of 1927.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Definitions.**—The following terms shall be construed respectively to mean:

(a) "Apiary"—any place where one or more colonies of bees are kept.

(b) "Appliances"—Any apparatus, tools, machines, or other devices, used in the handling and manipulating of bees, honey, wax, and hives. It shall also include any containers of honey and wax which may be used in any apiary or in transporting bees and their products and apiary supplies.

(c) "Bees"—any stage of the common honey bee, *Apis mellifera* L.

(d) "Bee diseases"—American or European foulbrood, sacbrood, bee paralysis, or any other disease or abnormal condition of egg, larval, pupal or adult stages of bees.

(e) "Bee equipment"—hives, supers, frames, veils, gloves, or any other appliances or equipment.

(f) "Colony"—the hive and its appliances, including bees, comb, honey and equipment.

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

(h) "Persons"—Individuals, associations, partnerships and corporations.

(i) "Queen apiary"—any apiary or premises in which queen bees are reared or kept for sale or gift.

Words used in this Act shall be construed to import either the plural or singular, as the case demands.

Sec. 2. **Apiary inspections.**—The State Entomologist of the State Department of Agriculture, Dairy and Food is hereby authorized to establish apiary inspection and to have charge of the inspection of apiaries as hereinafter provided. Said

State Entomologist shall investigate or cause to be investigated outbreaks of bee diseases, and cause suitable measures to be taken for their eradication or control.

**Sec. 3. State entomologists to enforce act.**—For the enforcement of this act, the State Entomologist or his deputies shall have authority to enter upon any private or public premises, and shall have access, ingress and egress to and from all apiaries or places where bees, combs, or apiary appliances are kept, for the purpose of ascertaining the existence of the diseases known as American foulbrood or European foulbrood or any other disease which is infectious or contagious in its nature, and injurious as to honey bees in their eggs, larval, pupal or adult stages, and of this, the State Entomologist shall be the sole judge, and should any of the said diseases exist in such apiaries it shall be the duty of the State Entomologist or deputy to treat or cause to be treated or to destroy or cause to be destroyed by fire the colony, including hives, frames, honey, wax, and brood. No damages shall be awarded to the owner for the loss of any infected apiary, bees, bee equipment, appliances, bee products destroyed under the provision of this act or of any order or regulation made in pursuance thereof. The State Entomologist or deputy may destroy or cause to be disinfected immediately, all used beekeeping equipment situated in diseased areas. And after each individual apiary has been inspected and found apparently free from American foulbrood or other dangerous contagious or infectious bee diseases, and provided all other sections of this Act have been complied with, a certificate of inspection shall be issued. Such certificate of inspection or health shall be valid for the current year or the remainder thereof. However a certificate of inspection may be revoked at any time whenever the State Entomologist in his judgment determines adequate cause for revocation.

**Sec. 4. Licenses.**—Every person owning or possessing bees shall on or before the first day of July of each year, file with the State Entomologist of the State Department of Agriculture, an application for registration, which application shall set forth the exact location of his apiary or apiaries, the number of colonies of bees in each apiary owned by him or in his possession or under his control, together with such other information as may be required by the State Entomologist, and such person, firm or corporation shall pay the State Entomologist by draft or money order made payable to the State Department of Agriculture at the time of registration the sum of not less than 50c nor more than \$10.00 for each owner of an apiary including all his branch apiaries. The scale of said fees to be as follows:

1— 10 colonies .....	\$ .50
11— 50 colonies .....	1.50
51—200 colonies .....	3.00
201—300 colonies .....	5.00
301—400 colonies .....	7.50
400— up colonies .....	10.00

and it shall be the duty of the State Entomologist to issue and deliver to such applicant a receipt declaring that the holder thereof is duly registered and has paid the fees required by law. All sums collected under this section shall be used for carrying out the provisions of this act.

**Sec. 5. Quarantines.**—All apiaries, bees, bee products, buildings, premises, bee equipment and appliances wherein or on which American foulbrood is known to exist are hereby declared to be under quarantine. The removal of any and all bees, queen bees, bee products, colonies, nuclei, combs and apiary appliances and bee fixtures is prohibited except under such cases as the State Entomologist or his inspectors may permit or approve. Such quarantines shall exist until such time as the State Entomologist, his assistants or inspectors, shall determine and declare such premises or material to be apparently free from American foulbrood. The State Entomologist or his inspectors may quarantine in the same manner such premises wherein or on disease is known to exist or not, within a radius of any distance the State Entomologist or inspector may deem necessary.

**Sec. 6. Unlawful acts.**—It shall be unlawful for any person to give false information in any matter pertaining to this Act, or to resist, impede, or hinder said State Entomologist or his deputies in the discharge of his or their duties.

**Sec. 7. Shall prevent spread of disease.**—After inspection of infected bees or fixtures or handling diseased bees, the State Entomologist or his deputies shall, before leaving the premises, or proceeding to any other apiary, take such measures as shall prevent the spread of the disease by infected material adhering to his person or clothing or to any tools or appliances used by him, which have come in contact with infected materials.

**Sec. 8. Rearing queen bees.**—It shall be the duty of any person in the State of Minnesota engaged in rearing of queen bees for sale, to use honey in the making of candy for the use in mailing-cages, which has been boiled for at least thirty minutes, unless candy which contains no honey at all is used. Any such person engaged in the rearing of queen bees shall

have his queen rearing and queen mating apiary or apiaries inspected at least once during each summer season by the State Entomologist or his deputies and on the discovery of the existence of any disease which is infectious or contagious in its nature and infurious to bees in their eggs, larval, pupal or adult stages, said person shall at once cease to ship queen bees from such diseased apiary until the State Entomologist shall declare the said apiary free from disease.

**Sec. 9. Construction of hives.**—It shall be the duty of all persons engaged in beekeeping to provide movable frames in all hives used by them to contain bees, and to cause the bees in such hives to construct brood combs in such frames so that any of said frames may be removed from the hive without injuring other combs in such hive. It shall be the duty of any person keeping bees within the State of Minnesota to securely and tightly close the entrance of any hive or hives in apiaries not free from disease in which the bees shall have died either during the winter or at any other time, and to make the hive or hives tight in such manner that robber bees shall not find it possible to enter or leave such hive or obtain honey therefrom. The sealing of such hives must be maintained so long as the hives remain in the yard or in any place where honey bees can gain access to them.

**Sec. 10. To destroy diseased combs, etc.**—It shall be the duty of anyone keeping bees in the State of Minnesota to burn and bury combs and frames taken from diseased colonies in places where they shall remain undisturbed, unless they be placed in tight receptacles so constructed that it shall be impossible for bees to gain access to combs, or for honey or any other liquid to leak out where bees can gain access to it. Anyone exposing comb, honey, frames, quilts, empty hives, covers or bottom-boards, or tools or other appliances contaminated by infected material from the same, from diseased colonies, shall upon conviction thereof, be punished as provided in this Act.

**Sec. 11. Importation of bees—Certificate of health.**—All bees in combless packages which may be brought into this state from other states or other countries must be accompanied by a certificate of health issued by the official inspector of the state or county from whence they came. The transportation of bees into this state without said certificate of health by any person or persons or by common carriers is expressly prohibited.

**Sec. 12. Importation of bees—Certificate of health.**—All bees on combs, used hives or other used apiary appliances

brought into this state from other states or countries must be accompanied by a valid certificate of health issued by the official inspector of the place of origin and such a certificate of health shall certify to the apparent freedom from foulbrood or any other contagious or infectious bee disease or contamination and must be based on the actual inspection of said bees and material within 60 days preceding the date of shipment and any person, before transporting bees into this state must provide the Minnesota State Entomologist with at least a 30-day notice preceding the date of shipment whereupon a permit will be issued for transportation of such shipment into this state and such bees must immediately upon being brought into this state comply with registration as provided for in Section 4 of this Act.

**Sec. 13. Permits for sale.**—No combs or used beekeepers' supplies or bees except in combless packages and with food not made with honey, shall be sold or offered for sale or removed from the premises without being inspected by the State Entomologist or his deputies and a permit issued by him.

**Sec. 14. May appoint assistants.**—The State Entomologist is hereby empowered to appoint such assistants and employees as may be necessary to perform the duties hereby imposed.

**Sec. 15. Owners to be informed of unsanitary conditions.**—Whenever it is determined by the State Entomologist or his deputies that insanitary conditions exist or are permitted to exist in the operation of any honey houses or building or portion of a building in which honey is stored, graded or processed, the operator or owner of said honey house or building shall be first notified and warned by the State Entomologist or his deputy to place such honey house or building in a sanitary condition within a reasonable length of time; and any operator or owner of such honey house or building, failing to obey such notice and warning, shall be guilty of a misdemeanor and shall be punished as provided in this Act.

**Sec. 16. May not spray fruit trees with poisonous material.**—It shall be unlawful to spray or dust fruit trees which are in full bloom with any poisonous material which is injurious to bees in their eggs, larval or adult stages.

**Sec. 17. Violations—Penalties.**—Any person violating any of the provisions of this Act shall be punished by a fine of not more than \$500.00, or by imprisonment in the county jail not exceeding one year, or both such fine and imprisonment in the discretion of the court.

In addition to the penalties herein provided, bees on combs, used hives or other used apiary appliances brought into this state in violation of the provisions of this Act shall be confiscated and destroyed.

**Sec. 18. Provisions severable.**—If any clause, sentence, paragraph, or part of this Act shall for any reason be adjudged or decreed invalid by any court of competent jurisdiction, such judgment or decree shall not affect, impair, or invalidate the remainder of said Act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which said judgment or decree shall have been rendered.

**Sec. 19. Laws repealed.**—That Mason's Minnesota Statutes of 1927, Sections 5461, 5462, 5463, 5464, 5465, 5466, 5467, 5468, 5469, 5470, 5471, 5472 and 5473 are hereby repealed.

Approved April 22, 1939.

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#### CHAPTER 405—S. F. No. 709

*An act relating to the eradication of the weed Indian hemp, and providing for the growth thereof for commercial purposes under license issued by the commissioner of agriculture, with penalties provided.*

Be it enacted by the Legislature of the State of Minnesota:

**Section 1. Eradication of Indian hemp.**—The growing of Indian hemp (*cannabis sativa* L.) or Indian hemp weeds from which marihuana is derived, is hereby declared to be and the same is a public nuisance and the existence thereof is a menace to the public welfare and the growth, maintenance and propagation thereof is forbidden, except as hereinafter provided for commercial uses and by licenses issued by the commissioner of agriculture. It shall be the duty of every person owning, occupying or having charge of any premises on which such Indian hemp or Indian hemp weeds are grown or are found growing, to forthwith destroy such Indian hemp or Indian hemp weeds, except as the same may be permitted for commercial uses and by licenses hereafter issued by the commissioner of agriculture.

**Sec. 2. Commissioner of agriculture to enforce act.**—The commissioner of agriculture is authorized and it is hereby made his duty to cause all such Indian hemp or Indian hemp weeds within the state of Minnesota, to be eradicated, except