

## CHAPTER 19

## APIARIES

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19.37 [Repealed, 1983 c 31 s 17]

19.38 [Repealed, 1983 c 31 s 17]

19.39 [Repealed, 1961 c 292 s 3]

19.40 [Repealed, 1983 c 31 s 17]

19.41 [Repealed, 1983 c 31 s 17]

#### 19.50 DEFINITIONS.

Subdivision 1. **Scope.** For the purposes of sections 19.50 to 19.65 the terms defined in this section have the meanings given them.

Subd. 2. **Apiary.** "Apiary" means a place where a collection of one or more hives or colonies of bees or the nuclei of bees are kept.

Subd. 3. **Abandoned apiary.** "Abandoned apiary" means any apiary not regularly attended in accordance with good beekeeping practices and which constitutes a disease or parasite hazard to the beekeeping industry.

Subd. 4. **Bee diseases.** "Bee diseases" means infectious, contagious, or harmful diseases including but not limited to: American or European foulbrood, sacbrood, chalkbrood, Nosema, bee paralysis, or abnormal condition of egg, larval, pupal, or adult stages of bees.

Subd. 5. **Bee equipment.** "Bee equipment" means hives, supers, frames, veils, gloves, and any apparatus, tool, machine, vehicle, or other device used in the handling, moving, or manipulating of bees, honey, wax, or hives, including containers of honey or wax which may be used in an apiary or in transporting bees and their products and apiary supplies.

Subd. 6. **Beekeeper.** "Beekeeper" means a person who keeps bees.

Subd. 7. **Beekeeping.** "Beekeeping" means the moving, raising, and producing of bees, beeswax, honey, related products, and pollination.

Subd. 8. **Bees.** "Bees" means any stage of the common honey bee, *Apis mellifera* (L).

Subd. 9. **Colony.** "Colony" means the aggregate of worker bees, drones, the queen, and developing young bees living together as a family unit in a hive or other dwelling.

Subd. 10. **Commissioner.** "Commissioner" means the commissioner of agriculture or the commissioner's authorized agents.

Subd. 11. **Department.** "Department" means the Department of Agriculture.

Subd. 12. **Exotic parasite.** "Exotic parasite" means any parasite harmful to bees including but not limited to: *Varroa jacobsoni*, *Tropilaelaps clareae*, or *Acarapis woodi*.

Subd. 12a. **Africanized honeybees.** "Africanized honeybees" means Africanized honeybees using United States Department of Agriculture standards.

Subd. 13. **Hive.** "Hive" means a frame hive, box hive, box, barrel, log gum, skep, or any other receptacle or container, natural or artificial, or any part of one, which is used as domicile for bees.

Subd. 14. **Inspection certificate.** "Inspection certificate" means an official record, recorded on a form prescribed by the department, which shows that the apiary has been inspected by the department and which states any diseases found.

Subd. 15. **Permit.** "Permit" means a written statement of authorization to allow bees or equipment to enter the state or to move within the state.

Subd. 16. [Repealed, 1996 c 310 s 1]

Subd. 17. **Queen apiary.** "Queen apiary" means any apiary or premises in which queen bees are reared or kept for sale or gift.

Subd. 18. **Authorized agent.** "Authorized agent" means an individual who is not a state employee and who performs inspections under sections 19.50 to 19.65 under contract with the commissioner.

**History:** 1983 c 31 s 1; 1986 c 444; 1993 c 233 s 1

#### 19.51 COMMISSIONER'S DUTIES.

Subdivision 1. **Enforcement; rules.** The commissioner shall enforce sections 19.50 to 19.65. The commissioner may make all necessary examinations and inspections, and adopt rules necessary to enforce sections 19.50 to 19.65 promptly and effectively. The commissioner may employ classified civil service employees necessary to administer sections 19.50 to 19.65, and may contract with individuals to serve as authorized agents.

Subd. 2. **Prevention of disease, exotic parasites, exotic strains.** The commissioner shall take measures necessary to prevent the introduction, spread, or dissemination of infectious diseases, exotic parasites, or exotic strains of honey bees and to bring actions and proceedings to enforce sections 19.50 to 19.65.

Subd. 3. [Repealed, 1993 c 233 s 13]

**History:** 1983 c 31 s 2; 1984 c 640 s 32; 1997 c 7 art 5 s 3

#### 19.52 INSPECTIONS; ACCESS TO PROPERTY; IMPEDING COMMISSIONER.

Subdivision 1. **Access for inspection and enforcement.** The commissioner may enter upon any public or private premises at all reasonable times, after providing notification to the owner or operator, to inspect any apiary or other structure which contains bees, honey, bee equipment, or comb; to ascertain the existence of or treat any contagious or infectious bee disease; or to destroy diseased bees or bee equipment which are a public nuisance. For purposes of this subdivision, notification means providing at least 24 hours' advance notice by telephone, mail, or facsimile of the commissioner's entry upon the premises. The commissioner is not required to provide notification if: (1) the owner or operator cannot be readily identified; (2) the entry upon the premises is in response to a complaint to the commissioner; (3) the entry is upon the request of the owner or operator; or (4) the entry is in response to a declared emergency by the commissioner. The commissioner may open any hive, colony, package, or receptacle which contains, or which the commissioner has reason to believe contains, any bees, comb, bee products, used bee equipment, or anything else which is capable of transmitting infectious bee diseases or exotic parasites. The commissioner may stop pedestrians and motor vehicles when they are carrying any bees, comb, used bee equipment, or anything else which is capable of transmitting infectious diseases or parasites of bees. The commissioner may inspect at any time or place, any bees, bee products, or used bee equipment shipped in or into the state.

Subd. 2. **Impeding commissioner unlawful.** It is unlawful to deny to the commissioner access to any premises which the commissioner is authorized to enter for purposes of inspection or to resist, thwart, or hinder the commissioner in carrying out

any authorized inspection, by misrepresentation, concealment of facts or conditions, or otherwise.

**History:** 1983 c 31 s 3; 1986 c 444; 1993 c 233 s 2; 1999 c 86 art 1 s 12

### 19.53 SANITARY INSPECTION OF APIARY OR STORAGE PLACE.

The commissioner may inspect the sanitary conditions of any apiary or honey house or building or portion of building or container in which honey is stored, graded, or processed. If the commissioner finds any unsanitary conditions, the commissioner shall notify the owner or operator in writing to put the honey house, building, or portion of building or container in a sanitary condition within a reasonable length of time. Any operator or owner of a honey house, building, or container who fails to obey the notice is guilty of a misdemeanor.

**History:** 1983 c 31 s 4; 1986 c 444

19.54 [Repealed, 1993 c 233 s 13]

### 19.55 INSPECTION; NOTIFICATION OF DISEASES.

If, upon inspection of a bee colony, the commissioner finds any bee disease, exotic parasite, or Africanized honeybees, the commissioner shall notify the owner or operator of the bees in writing, stating the nature of the problem. If the commissioner orders it, the disease, exotic parasite, or Africanized honeybees must be eliminated, treated, or controlled by the owner or operator within the time period and in the manner ordered by the commissioner. The written notice may be served by handing a copy to the owner or operator of the apiary or by either registered or certified mail addressed to the last known address of the owner or operator of the apiary.

**History:** 1983 c 31 s 6; 1984 c 517 s 1; 1986 c 444; 1993 c 233 s 3

### 19.56 PUBLIC NUISANCES; DESTRUCTION OF BEES.

Apiaries whose owners or operators have not eliminated, treated, or controlled bee diseases, exotic parasites, or Africanized honeybees within the time specified and in the manner ordered by the commissioner, as provided in section 19.55; and colonies of bees, queen nuclei, or shipments of used bee equipment which entered this state in violation of section 19.58 are a public nuisance. The commissioner, after written notice to the owner or operator of the bees and equipment, may destroy, by burning or otherwise, without any remuneration to the owner, infected or infested bees, hives, or used bee equipment which are a public nuisance under this section. The notice may be served by handing a copy to the owner or operator or by registered or certified mail addressed to the last known address of the owner or operator of the apiary.

**History:** 1983 c 31 s 7; 1984 c 517 s 2; 1986 c 444; 1993 c 233 s 4

### 19.561 AFRICANIZED HONEYBEES; POSSESSION.

A beekeeper may not use a swarm of honeybees positively identified as being Africanized in a beekeeping operation.

**History:** 1993 c 233 s 5

### 19.57 QUARANTINE.

Where it has been determined that disease, an exotic parasite, or an exotic strain of honey bees has been found in an apiary, the commissioner may quarantine the apiary to restrict, regulate, or prevent movement of bee colonies. The commissioner shall post any quarantined apiary with a notice of quarantine and shall send a written notice to the owner or operator of the apiary. No person may violate the terms of a quarantine issued by the commissioner.

**History:** 1983 c 31 s 8; 1984 c 517 s 3

**19.58 INTERSTATE MOVEMENT OF BEES AND USED BEE EQUIPMENT.**

Subdivision 1. **Entry permit.** No person may bring into this state any bees on comb, including nuclei, or used bee equipment without an entry permit issued by the commissioner. A person who wishes to bring any bees on comb or used bee equipment into the state shall apply for an entry permit at least 60 days before the date of entry. No entry permit may be issued without a valid compliance agreement signed by the commissioner and the beekeeper. The compliance agreement must be based on the model honeybee certification plan. The 60-day requirement may be waived by the commissioner.

Before entry, any person required to obtain an entry permit shall furnish to the commissioner a copy of a valid certificate of inspection signed by a responsible official of the state where the bees or equipment originated unless the person's bees have been inspected in Minnesota within 12 months before entry. The certificate must be based on an inspection. A person may not bring into the state any bees on comb including nuclei, combless bees, or used bee equipment from any county or parish where Africanized honeybees have been found unless it is demonstrated to the satisfaction of the commissioner that there will be no risk of introduction of Africanized honeybees into the state. Bees or equipment brought into the state in violation of this subdivision are a public nuisance and may be destroyed without notice by the commissioner.

This subdivision does not apply to a common carrier transporting bees or used bee equipment from a point of origin outside of the state to a destination outside of the state.

Subd. 2. **Certificate of inspection from state of origin.** No person may bring any combless bees, including queen bees, into this state without a statement showing the names and addresses of the consignors or shippers, the consignees or persons to whom shipped, and the locality of origin, and a certificate of inspection signed by a responsible official of the state from which it was brought. The statement must appear clearly and legibly in a conspicuous place on the package containing the material, or on a tag or other device attached to the package or the vehicle carrying the package. The certificate of inspection must show that the beekeeper is using certified European queen bees in all colonies.

Subd. 3. [Repealed, 1993 c 233 s 13]

Subd. 4. **Effect of inspection certificates.** A certificate of inspection from another state is prima facie evidence of the facts stated in the certificate. The commissioner may inspect any bees or used bee equipment brought into the state with a certificate of inspection from the state of origin and may subject the materials to treatment or return them to the consignor at the consignor's expense if the commissioner finds Africanized honeybees.

Subd. 5. **Denial of permit.** The commissioner may deny a permit for just cause after five days' notice and an opportunity for the person to be heard.

Subd. 6. [Repealed, 1984 c 517 s 8]

Subd. 7. [Repealed, 1993 c 233 s 13]

Subd. 8. [Repealed, 1993 c 233 s 13]

Subd. 9. **Nuisance; removal.** Bees and used bee equipment brought into the state in violation of this section may be declared a nuisance by the commissioner, and must be removed from the state within seven days after notification by the commissioner. If the bees and used bee equipment are not removed from the state, the commissioner may proceed as provided in section 19.56.

**History:** 1983 c 31 s 9; 1984 c 517 s 4,5; 1987 c 396 art 11 s 3; 1993 c 233 s 6-8

**19.59 ABANDONED APIARIES.**

An abandoned apiary is subject to quarantine. If an abandoned apiary remains abandoned for 20 days after the owner or operator has been notified by the commissioner to cease the abandonment and neglect of the apiary, the commissioner shall take possession of the apiary. The commissioner may dispose of the abandoned apiary

equipment by sale, destruction, or distribution to another beekeeper. A purchaser at the public sale shall receive a certificate of purchase signed by the commissioner reciting the description of the apiary purchased and the amount paid.

After deducting the expense of the public sale and applying the unpaid balance upon all encumbrances or liens existing against the abandoned apiary sold, the balance of the proceeds shall be paid to the owner of the apiary which was sold.

**History:** 1983 c 31 s 10; 1993 c 233 s 9

**19.60** [Repealed, 1993 c 233 s 13]

#### **19.61 MAILING QUEEN BEES.**

Subdivision 1. **Candy for mailing cages.** It is unlawful for any person who sells queen bees in this state in mailing cages to place any candy containing honey in any mailing cage.

Subd. 2. [Repealed, 1993 c 233 s 13]

**History:** 1983 c 31 s 12

**19.62** [Repealed, 1993 c 233 s 13]

#### **19.63 REVOCATION OF INSPECTION CERTIFICATE.**

An inspection certificate issued by the commissioner may be revoked for just cause.

**History:** 1983 c 31 s 14

#### **19.64 REGISTRATION; FEES.**

Subdivision 1. **Registration.** Every person who owns, leases, or possesses colonies of bees or who intends to bring bees into the state under an entry permit shall register the bees with the commissioner on or before April 15 of each year. The registration application shall include the name and address of the applicant, a description of the exact location of each of the applicant's apiaries by county, township, range and quarter section, and other information required by the commissioner. The fee for registration under this subdivision is \$10. The commissioner shall provide registered beekeepers with the Minnesota pest report.

Subd. 2. [Repealed, 1993 c 233 s 13]

Subd. 3. [Repealed, 1993 c 233 s 13]

Subd. 4. [Repealed, 1993 c 233 s 13]

Subd. 4a. **Other fees.** On request the commissioner may make inspections for sale of bees, bee equipment, or appliances or perform other necessary services. The commissioner shall charge a fee or charge for expenses so as to recover the cost of performing these inspections or services. If a person for whom these inspections or services are to be performed requests it, the commissioner shall provide to the person in advance an estimate of the fees or expenses that will be charged.

Subd. 5. [Repealed, 1996 c 310 s 1]

**History:** 1983 c 31 s 15; 1984 c 517 s 6,7; 1993 c 233 s 10,11

#### **19.65 VIOLATION; PENALTY.**

A person who violates any provision of sections 19.50 to 19.65 is guilty of a misdemeanor. A person whose agents or representatives violate any provision of sections 19.50 to 19.65 is also guilty of a misdemeanor. A person who violates sections 19.50 to 19.65 is subject to an administrative penalty under sections 17.982, subdivision 2, to 17.984.

**History:** 1983 c 31 s 16; 1993 c 233 s 12