

CHAPTER 19

APIARIES

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19.18 **DEFINITIONS.** Subdivision 1. **Terms.** For the purposes of this chapter the terms defined in this section shall have the meanings ascribed to them.

Subd. 2. **Apiary.** "Apiary" means a place where one or more colonies of bees are kept, together with all equipment used in maintaining and operating the same.

Subd. 3. **Appliances.** "Appliances" means any apparatus, tools, machines, or other devices used in the handling and manipulating of bees, honey, wax, and hives, and includes any containers of honey and wax which may be used in an apiary or in transporting bees and their products and apiary supplies.

Subd. 4. **Bees.** "Bees" means any stage of the common honey bee. *Apis mellifera* L.

Subd. 5. **Bee diseases.** "Bee diseases" means American foulbrood or European foulbrood, sacbrood, bee paralysis, or any other disease or abnormal condition of egg, larval, pupal, or adult stages of bees.

Subd. 6. **Bee equipment.** "Bee equipment" means hives, supers, frames, veils, gloves, or other appliances.

Subd. 7. **Colony.** "Colony" means the hive and its appliances and includes bees, comb, honey, and equipment.

Subd. 8. **Hive.** "Hive" includes frame hive, box hive, box, barrel, log gum, skep, or other natural or artificial receptacle or container, or any part thereof, which may be used as a domicile for bees.

Subd. 9. **Person.** The term "person" includes individuals, associations, partnerships, firms and corporations.

Subd. 10. **Queen apiary.** "Queen apiary" means any apiary or premises where queen bees are reared or kept for sale or gift.

Subd. 11. **Commissioner.** "Commissioner" means the commissioner of the state department of agriculture.

Subd. 12. **Abandoned apiary.** "Abandoned apiary" means an apiary wherein the owner or operator thereof fails to:

(a) Inspect each colony in the spring and destroy any colony containing *Bacillus larvae*, American foulbrood.

(b) Provide super room during the honey flow.

(c) Remove the honey crop at the end of the season.

(d) Inspect each colony in the fall when the crop is removed and destroy any colony containing American foulbrood.

(e) Provide reasonable and adequate attention to each colony during the year to prevent robbing which might jeopardize the welfare of neighboring colonies through the spread of disease.

[ 1951 c 324 s 1; 1953 c 113 s 1; 1955 c 43 s 1; 1957 c 516 s 1,2; 1961 c 113 s 1 ]

**19.19 LICENSES.** Subdivision 1. No person shall own, possess, or operate bees without registering his bees with the commissioner. Application for such registration must be filed within 30 days of obtaining possession of bees and equipment. The registration application shall describe the location of each of the applicant's apiaries and the number of colonies in each apiary or location. The commissioner shall issue a registration certificate to a person who makes written application on forms prepared by the commissioner and who pays a registration fee of \$5. Each registration certificate expires on the last day of June next following its issuance. Each registration certificate must be renewed within 30 days of expiration of previous registration. A registration certificate may be renewed upon written application and payment of the registration fee described in this subdivision.

Subd. 2. In addition to the annual registration fee, a person owning or possessing 11 or more bee colonies shall pay an annual inspection fee of 15 cents for each colony of bees owned, possessed, or operated. A person owning or possessing one to ten colonies is not required to pay an inspection fee. This fee shall be based upon the colony count taken as of June 15 of each year, and shall be payable on or before the last day of June of each year. A penalty of 50 percent of both the inspection fee and the registration fee imposed by subdivision 1 shall be imposed if a registration renewal certificate has not been applied for prior to August 1 of any year or within 30 days after a new apiary is established.

Subd. 3. All sums collected under this chapter, and acts amendatory thereof shall be deposited in the general fund.

Subd. 4. Upon initial entry into this state, beekeepers from other states desiring to locate apiaries in Minnesota shall submit to the commissioner of agriculture, legal descriptions of the apiary locations and pay in advance the required registration fee and an initial inspection fee of one dollar and fifty cents per colony of bees to be located in this state. The initial inspection fee prescribed in this subdivision shall not apply to hives or colonies of bees imported from bordering states, provided such bordering state does not require entrants to pay an initial inspection or entrance fee for hives or colonies of bees brought into that state from this state.

[ 1951 c 324 s 2; 1955 c 450 s 1; 1957 c 516 s 3; 1961 c 292 s 1; 1965 c 437 s 1,2; 1967 c 650 s 1; 1969 c 56 s 1; 1969 c 399 s 1; 1974 c 35 s 1,2 ]

**19.20 BEES, MOVEMENT OR SALE.** Subdivision 1. **Permit required.** Except as provided in subdivisions 2 and 3, no person shall sell, or offer or expose for sale, or move any bees or any product of bees in this state without first complying with the provisions of this chapter and obtaining from the commissioner a permit to move or sell as the case may be.

Subd. 2. **Not applicable to sale for resale.** The provisions of subdivision 1 shall not apply to any person who sells any products of bees to another who uses such products solely in the process of making or manufacturing other articles to be sold to the public.

Subd. 3. **Not applicable to sale of raw honey to public.** The provisions of subdivision 1 do not apply to the sale of raw honey to the public.

Subd. 4. **Inspection fee for certification of fall interstate shipments of bee colonies.** An interstate inspection fee of twenty-five cents for each colony inspected shall be paid by the owner, possessor or operator requesting inspection service.

Subd. 5. **Special inspection.** Any person owning or operating bees or bee equipment who wishes special inspection service covering inspection of his bees prior to or after the regular inspection is conducted in his locality, may apply to the commissioner for such service, agreeing in his application to pay a predetermined mutually agreed upon fee for such special service.

[ 1951 c 324 s 3; 1957 c 516 s 4; 1974 c 35 s 3 ]

**19.21 INSPECTIONS, INVESTIGATIONS.** The commissioner may inspect all apiaries at least once each year. He shall cause to be investigated outbreaks of bee diseases and shall take suitable measures for their eradication or control.

[ 1951 c 324 s 4; 1957 c 516 s 5 ]

**19.22 COMMISSIONER; POWERS, DUTIES.** For the purpose of ascertaining the existence of any bee disease, the commissioner, or any of his authorized employees, may enter upon any private or public premises and shall have access to any apiary. If any of the bee diseases are found to exist in any apiary or in any colony in any apiary, and if the commissioner is of the opinion that such diseases can be controlled by any method, he shall cause the same to be treated. Otherwise the colony or apiary in which such bee diseases are found shall be destroyed by fire. All bee equipment found in any diseased apiary may be destroyed under the direction of the commissioner.

[ 1951 c 324 s 5; 1957 c 516 s 6 ]

**19.23 CERTIFICATE OF INSPECTION; ISSUANCE, REVOCATION.** The commissioner may cause such apiaries to be inspected. When an apiary has been inspected and found to be free from bee diseases, the commissioner shall issue to the owner thereof a certificate of inspection provided all the provisions of this chapter have been complied with by him. Any certificate of inspection and health may be revoked by the commissioner whenever he determines due cause exists therefor.

[ 1951 c 324 s 6; 1957 c 516 s 7 ]

**19.24 QUARANTINES.** All apiaries, bees, bee products, buildings, premises, bee equipment, and appliances wherein or on which bee diseases are found to exist are under quarantine. Such quarantine shall continue until the commissioner declares the same to be free from any such bee diseases. The commissioner may declare any such areas surrounding or adjoining those premises wherein bee diseases are found to exist to be under quarantine as he deems necessary to assist in the control or eradication of bee diseases.

[ 1951 c 324 s 7; 1957 c 516 s 8 ]

**19.25 SPREAD OF DISEASE, PREVENTION.** After the commissioner, or any person at his request, has made an inspection of any infected apiary or has handled any diseased bees, before leaving such premises, he shall take such measures as are necessary to prevent the spread of any bee diseases found to exist therein.

[ 1951 c 324 s 8; 1957 c 516 s 9 ]

**19.26 ABANDONED APIARY, NOTICE.** When any apiary is deemed by the commissioner to be an abandoned apiary, he shall give written notice by certified mail to the owner or operator thereof, if he can be located, that he deems such apiary an abandoned apiary. If he cannot be located, such notice shall be served on the owner of the land on which the apiary is located. If such apiary continues to be so abandoned for 60 days thereafter, he will seize the apiary and take such further steps as to the sale or destruction thereof as its condition warrants.

[ 1951 c 324 s 9; 1957 c 516 s 10; 1978 c 674 s 60 ]

**19.27 DESTRUCTION OF DISEASED ABANDONED APIARIES.** If any abandoned apiary is found, upon inspection, to be diseased, the commissioner shall cause it

to be immediately destroyed.

[ 1951 c 324 s 10; 1957 c 516 s 11 ]

**19.28 ABANDONED APIARY; POSSESSION, SALE.** If any abandoned apiary continues as such for 60 days after the owner or operator thereof has been notified by the commissioner to cease the abandonment and neglect thereof, the commissioner shall take possession of such apiary and proceed to sell it at public auction. A notice specifying the time and place of such auction sale, together with a description of the abandoned apiary, shall be served upon the owner in the manner as provided for the service of process in a civil action at least 10 days prior to such public auction. Any person to whom such an apiary is sold at such public auction shall agree, as a condition of sale, to operate such apiary in a safe and proper manner and in accordance with accepted standards and the regulations of the commissioner. No such abandoned apiary shall be sold at any such public sale to the owner or operator who abandoned and neglected it. Every purchaser at such auction sale shall receive a certificate of purchase signed by the commissioner reciting the description of the apiary purchased and the amount paid therefor.

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

[ 1951 c 324 s 11; 1953 c 113 s 2; 1957 c 516 s 12 ]

**19.29 DISEASED COMBS AND FRAMES, DESTRUCTION.** Any person keeping bees shall destroy, in such manner as is prescribed by the commissioner by regulations, all combs and frames taken from any diseased colony.

[ 1951 c 324 s 12; 1957 c 516 s 13 ]

**19.30 HIVES, CONSTRUCTION.** Every person engaged in beekeeping shall provide movable frames in all hives used by them to contain bees, and shall cause the bees in such hives to construct brood combs in such frames in such manner so that any frame may be removed without injury to other combs in the hive. Any person keeping bees shall securely close the entrance to any hive, in any apiary in which any bee diseases are found to exist, in which bees have died, so that bees cannot obtain honey therefrom; and such entrance shall remain closed so long as such hives remain in any place where bees may gain access to them.

[ 1951 c 324 s 13 ]

**19.31 BEES, PERMIT FOR IMPORTATION.** Bees in combless packages, bees on combs, used hives, or used apiary appliances, brought into this state from any other state or country, must be accompanied by a certificate of health issued by the official bee inspector of such other state or country. Such certificate shall certify that such bees are free from any bee diseases, which certificate shall be based upon an inspection thereof within 60 days previous to the date of shipment. Before any person transports such bees into this state from any other state or country, he shall obtain from the commissioner, at least 30 days prior to the date of shipment thereof, a permit for such transportation. Immediately upon the arrival of any such bees into this state, the owner thereof shall comply with the provisions of this chapter relating to the registration of bees.

[ 1951 c 324 s 14; 1957 c 516 s 14 ]

**19.32 IMPORTATION OF BEES, CERTIFICATE OF HEALTH.** All bees in combless packages brought into this state shall be accompanied by a certificate of health issued by the official inspector of the state or country from whence they came. The transportation of bees into this state without this certificate is hereby prohibited.

[ 1951 c 324 s 15 ]

**19.33 INSPECTION OF BEES, COMBS AND SUPPLIES BEFORE SALE.** No combs or used beekeepers' supplies or bees, except in combless packages and with food not made with honey, shall be sold, offered for sale, or removed from the premises without being inspected by the commissioner, and having a permit therefor issued by him.

[ 1951 c 324 s 16; 1957 c 516 s 15 ]

**19.34 INSANITARY CONDITIONS; RULES, STANDARDS; PENALTY.** Subdivision 1. Upon notice and hearing in accordance with the requirements of section 15.0412, the commissioner of agriculture, shall have power to establish uniform rules, regulations and standards relating to the sanitation of honey houses, the keeping and maintaining of bees, bee equipment, apiaries and appliances.

Subd. 2. When the commissioner finds that any honey house or building or portion of a building in which honey is stored, graded, or processed is being operated while in an insanitary condition, he shall notify the operator or owner thereof. Within 30 days after such notice, the operator or owner thereof shall place such premises in a sanitary condition.

Subd. 3. Any person who shall manufacture, sell, or offer or expose for sale, or transport any bees or any products of bees without first complying with the provisions of this chapter, or with the rules, regulations and standards made and published by the commissioner hereunder shall be guilty of a misdemeanor.

[ 1951 c 324 s 17; 1955 c 43 s 2; 1957 c 516 s 16,17; 1961 c 113 s 1 ]

**19.35 REARING QUEEN BEES.** Subdivision 1. **Candy for mailing cages.** Any person who engages in the rearing of queen bees in this state for sale shall, in the making of candy for mailing-cages, use honey which has been boiled for at least 30 minutes or use candy which does not contain honey.

Subd. 2. **Inspection of apiaries.** All queen rearing and queen mating apiaries shall be inspected at least once during each summer season by the commissioner. If upon an inspection bee diseases are found to exist in any such apiary, no queen bees shall be shipped therefrom until such time as the commissioner declares such apiary free from bee diseases.

[ 1951 c 324 s 18; 1957 c 516 s 18 ]

**19.36 HINDRANCE OF COMMISSIONER UNLAWFUL.** It is unlawful for any person to resist, impede, or hinder the commissioner in the performance of his duties under the provisions of this chapter.

[ 1951 c 324 s 19; 1957 c 516 s 19 ]

**19.37 DAMAGES.** No damages shall be awarded to the owner or operator of any infected apiary, bees, bee equipment, appliances, or bee products destroyed in accordance with the provisions of this chapter.

[ 1951 c 324 s 20 ]

**19.38 FRUIT TREES, SPRAYING.** Fruit trees shall not be sprayed, while in full bloom, with any material which is injurious to bees.

[ 1951 c 324 s 21 ]

**19.39** [ Repealed, 1961 c 292 s 3 ]

**19.40 VIOLATIONS; PENALTIES.** Subdivision 1. Any person exposing comb, honey, frames, quilts, empty hives, covers, bottom boards, tools, or appliances contaminated by infected material from diseased colonies is guilty of a misdemeanor.

Subd. 2. Any person violating any provisions of this chapter is guilty of a misdemeanor.

Subd. 3. In addition to any other penalty provided for in this chapter, bees on combs, used hives, or used apiary appliances brought into this state in violation of any provision of this chapter may be seized by the commissioner and destroyed by him.

Subd. 4. Any persons keeping unregistered apiaries or bees on which inspection fees have not been paid may be prosecuted in the county in which the apiaries are located.

[ 1951 c 324 s 23; 1957 c 516 s 20; 1961 c 292 s 2 ]

**19.41 POSTING STATEMENT OF OWNERSHIP.** Any owner or possessor of an apiary shall, unless such apiary is located at owner's place of residence or beekeeping headquarters, post and keep posted in a prominent place at each apiary a statement of the ownership of the apiary, including thereon the name and address of the owner.

[ 1974 c 35 s 4 ]