

CHAPTER 19

APIARIES

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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. 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. **Person.** "Person" means an individual, firm, partnership, association, corporation, or organized group of persons whether incorporated or not.

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

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 emergency or permanent 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. **Apiary supervisor.** An apiary supervisor shall be appointed by the commissioner. The appointment shall be made on the basis of recognized and demonstrated interest in and knowledge of apiculture or entomology covering a minimum of five years' experience in apicultural interests and bee diseases.

History: 1983 c 31 s 2; 1984 c 640 s 32

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 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. 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 or facts or conditions, or otherwise.

History: 1983 c 31 s 3; 1986 c 444

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 POSTING OF IDENTIFYING INFORMATION.

An apiary which is not located at the owner's or operator's place of residence must have posted on it in a conspicuous place the name and address of the owner or the person responsible for the apiary.

History: 1983 c 31 s 5

19.55 INSPECTION; NOTIFICATION OF DISEASES.

If, upon inspection of a bee colony, the commissioner finds any bee disease or exotic parasite, the commissioner shall notify the owner or operator of the bees in writing, stating the nature of the disease or parasite. If the commissioner orders it, the disease or exotic parasite 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, by leaving a copy with an adult person residing upon the premises, 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

19.56 PUBLIC NUISANCES; DESTRUCTION OF BEES.

Apiaries whose owners or operators have not eliminated, treated, or controlled bee diseases or exotic parasites within the time specified and in the manner ordered by the commissioner, as provided in section 19.55; apiaries having bees in hives without movable frames where inspection for bee diseases is not possible; 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, any box hives or infested 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, by leaving a copy with an adult person residing upon the premises, 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

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. The 60-day requirement may be waived for a hobbyist beekeeper who intends to become a resident of Minnesota and who brings ten colonies or less into the state.

Ten days 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. 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 honey bee tracheal mites or Africanized bees have been found unless it is demonstrated to the satisfaction of the commissioner that there will be no risk of introduction either of tracheal mites or Africanized bees 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 official found that the materials were free from any exotic parasites or exotic strains of honey bees and apparently free of American foulbrood and European foulbrood. The commissioner shall determine by rule the meaning of the term "apparently free."

Subd. 3. **Application for entry permit.** A person applying for an entry permit shall supply:

(a) a statement of facts relating to the disease history of the apiary from which the colonies of bees will originate as required by the commissioner;

(b) a list of locations where the colonies of bees can be inspected after they are brought into the state by county, range, township, section, and quarter section; and

(c) a statement of any convictions of the applicant for violation of any apiary law of any state or of the United States.

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 an infectious bee disease, exotic parasite, or exotic strain of bee. If the commissioner repeatedly finds foulbrood in colonies of bees shipped from another state under official certificates of inspection, the commissioner may refuse to recognize the certificate of that state until the commissioner receives satisfactory information that the inspection service in that state has corrected the situation.

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. **Duty to report.** Any person who transports or receives bees or used bee equipment knowing that the material is without a certificate of inspection or entry permit as required by this section shall report that fact promptly to the commissioner. A transporter shall report the names of the consignor and consignee and the nature of the shipment. A person receiving bees or used bee equipment shall keep them until they are released by the commissioner.

Subd. 8. **Penalties.** Any person who brings any bees or used bee equipment into the state without a certificate of inspection or entry permit as required by this section is guilty of a misdemeanor. Each shipment of bees or used bee equipment brought into this state in violation of this section is a separate offense. Each day during which a shipment of bees or used bee equipment remains in this state in violation of this section is a separate offense.

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

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 and proceed to sell it at public auction. A notice specifying the time and place of the auction must be served upon the owner in the manner provided for the service of process. No abandoned apiary may be sold at a public sale to the owner or operator who abandoned and neglected it. 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

19.60 RECIPROCAL AGREEMENTS.

A person bringing a colony of bees from another state shall pay all fees required by sections 19.50 to 19.65 unless that state has been a party to a reciprocal agreement with Minnesota as provided in this section for at least 90 days prior to the date of application for an entry permit to bring the bees into Minnesota.

The commissioner may enter into written reciprocal agreements with the responsible officials of other states having laws governing apiculture. The agreements shall provide that persons transporting bee colonies from this state have exemptions, benefits, and privileges similar to those extended to persons from the other state transporting bee colonies into Minnesota. The commissioner may withdraw from a reciprocal agreement on 30 days' notice when it is in the best interests of Minnesota.

Reciprocal agreements under this section are effective when filed in the office of the commissioner. Withdrawals must be in writing and are effective at the end of the 30-day period.

Reciprocal agreements under this section may contain provisions denying exemptions, benefits, or privileges to persons who violate specified conditions.

History: 1983 c 31 s 11

19.61 REARING 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. **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 an apiary, no queen bees may be shipped from the apiary until the commissioner declares the apiary free from bee diseases.

History: 1983 c 31 s 12

19.62 BEE MOVEMENT AND SALES.

It is unlawful for any person to knowingly sell or offer for sale or to remove or ship from any apiary or other premises bees, hives, or bee equipment infested with American or European foulbrood. Exceptions may be granted by the commissioner by special inspection and authorization.

History: 1983 c 31 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 July 1 of each year. The registration application shall include the name and address of the applicant, a description of the exact location and number of each of the applicant's bee colonies by county, township, range and quarter section, and other information required by the commissioner. The fee for registration under this subdivision is \$7.50.

Subd. 2. Inspection fee. In addition to the annual registration fee, a person owning, leasing, or possessing 11 or more bee colonies shall pay an annual inspection fee of 17 cents for each colony of bees owned, leased, or possessed. A person owning, leasing, or possessing one to ten colonies is not required to pay an inspection fee. The inspection fee is based upon the colony count taken as of June 15 of each year, and is payable on or before June 30 each year. A penalty of 50 percent of both the inspection fee and the registration fee imposed by subdivision 1 is imposed if a registrant does not apply for a registration renewal certificate before August 1 of any year.

Subd. 3. Initial entry inspection fee. Upon initial entry into this state, beekeepers from other states desiring to locate apiaries in Minnesota shall pay in advance the required registration fee and an initial inspection fee of \$1.50 per colony of bees to be located in this state.

Subd. 4. Inspection fee for interstate shipment of bee colonies. An interstate inspection fee of 40 cents for each colony inspected shall be paid by the owner, lessor, or possessor requesting inspection service.

Subd. 4a. Other fees. On request the commissioner may make special inspections and 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. Deposit in general fund. The commissioner shall deposit all fees collected under this section in the general fund.

History: 1983 c 31 s 15; 1984 c 517 s 6,7

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.

History: 1983 c 31 s 16