

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19 37 [Repealed, 1983 c 31 s 17]

19 38 [Repealed, 1983 c 31 s 17]

19 39 [Repealed, 1961 c 292 s 3]

19 40 [Repealed, 1983 c 31 s 17]

19 41 [Repealed, 1983 c 31 s 17]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