

# CIRCULAR 5

## THE ARKANSAS APIARY LAW AND RULES

A handbook for Apiarists issued October 1, 1979 under Act 161 of 1977 by the **State Plant Board**, Box 1069, Little Rock, Arkansas 72203, **Zac Wellman**, Head, Apiary Section.

### ARKANSAS APIARY LAW (Act 161 of 1977 as Amended by Act 149 of 1979)

Section 1. **Enforcement, Administration, and Personnel.** The State Plant Board, hereinafter referred to as the Board, is hereby vested with the authority to carry out provisions of this Act through the Director, State Apiarist, Section Head, and Deputies. The State Apiary Board created by Act 59 of 1945, as amended, is hereby abolished and all records, supplies, equipment, and personnel existing under the authority of Act 59 of 1945, as amended, are hereby transferred to the Board for use in carrying out the provisions of this Act. Hereafter, the State Apiary program shall be continued in accordance with the provisions of this Act.

Section 2. **Definitions.** The terms used in this Act, unless the context otherwise requires, shall mean:

- A. "Abandoned apiary"; an apiary to which the owner or operator fails to provide such reasonable and adequate attention to each hive during the year as to jeopardize the welfare of neighboring colonies;
- B. "Apiary"; any place where one or more colonies of bees are kept;
- C. "Appliance"; any apparatus, tools, machines or other devices, used in the handling and manipulation of bees, honey, wax and hives. The term includes containers of honey and wax which may be used in an apiary or in transporting bees and their products and apiary supplies;
- D. "Bees"; any stage of the common honeybee (**Apis mellifera**);
- E. "Bee disease"; American and European foulbrood, sacbrood, bee paralysis, or any other disease or abnormal condition of the egg, larval, pupal or adult stages of bees;

- F. "Apiary equipment"; hives, supers, frames, veils, gloves, or any other equipment used in the handling and manipulation of bees, honey, wax, and hives;
- G. "Colony"; the bees in any hive including queens, workers, and drones;
- H. "Hive"; a frame hive, box hive, box, barrel, logs, gum skep or any other receptacle or container, natural or artificial, or any part thereof which may be used as a domicile for bees;
- I. "Nucleus"; any division or portion of a hive that contains comb;
- J. "Package"; an indefinite number of bees in a bee-tight container, with or without a queen, without comb;
- K. "Pollination"; the use of bees for the transfer of pollen in the production of agricultural crops;
- L. "Director"; the Director of the Arkansas State Plant Board;
- M. "State Apiarist"; the Director of the Division of Plant Industries of the State Plant Board;
- N. "Section Head"; the Head of the Apiary Section of the Division of Plant Industries.

Section 3. **Registration.** A. Every person owning, leasing or possessing bees shall, before July 1, of 1979, or thereafter within ten (10) days after coming into ownership or possession of bees, or before moving bees from outside the State of Arkansas, file with the Board an application for registration. The application shall set forth the exact location by legal description of the premises, together with the name of owner or possessor or such apiary, 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 Board. The beekeeper may register one location for each ten (10) colonies for the first one thousand (1,000) colonies and may register one location for each twenty (20) colonies thereafter. A new registration is required when any significant change occurs in the location or operation of the beekeeper. All applications for registration shall be approved or rejected by the Board so as to effectuate compliance with the Act or rules and regulations promulgated pursuant hereto.

B. No person can place bees on property other than his own within three miles of a previously registered area without the written permission of the registrant; PROVIDED, however, that upon written complaint made to the Board by any beekeeper or any land owner whose land is in the registered area, that the registrant or any other person claiming prior bee pasturage rights is not properly covering the area so registered, then the Apiary Board shall be authorized to permit the placing in such area other bees or bee yards as in its judgment shall be sufficient.

C. Nonresidents of this State who desire to locate their colonies of bees in Arkansas shall register their bees and the locations they desire as required in subsection A above, provided that such registration shall be required annually. If such nonresident beekeeper fails to place his bees in an area registered by him during the registration period, such beekeeper shall forfeit his rights to such area and shall not be allowed to apply for such area until one year after the forfeiture.

Section 4. **Inspection.** The Board shall establish minimum competency standards for persons to be employed as inspectors. These requirements are to include demonstrated ability to properly handle hives and bees in addition to proficient performance on a written test measuring knowledge pertinent to the job of inspector.

A. 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. Beekeepers shall change newly acquired bees from their natural habitat to hives as soon as possible, but in no case shall a period of more than twelve (12) months elapse between date of acquiring new bees and transferring the same to hives.

B. Immediately upon detection of disease, anyone keeping bees shall treat and disinfect, or burn and bury in places where they shall remain undisturbed, combs and frames taken from diseased colonies or, until salvaged, combs and frames shall 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.

C. Anyone exposing comb, honey, frames, empty hives, covers or bottomboard, or tools or other appliances contaminated by infected material from diseased colonies, shall upon conviction thereof, be punished as provided in this Act.

D. Whenever an apiary has been inspected and found apparently free from American foulbrood or other dangerous, contagious or infectious bee diseases, and all other provisions of this Act have been complied with, a certificate of inspection shall be issued. The certificate of inspection shall be valid for a period of one year following the date of its issuance. A valid certificate of inspection shall be deemed as a blanket permit to move the hives from place to place within the State.

E. Should upon inspection or laboratory analysis, any of the diseases described in Sub-Section L be determined to exist in an apiary it shall be the duty of the Board to cause to be treated or disinfected or to destroy or cause to be destroyed by fire the colony, including the hives, frames, honey, wax, and brood.

F. If an abandoned apiary is found, upon inspection, to be diseased, the Board shall cause it to be immediately destroyed by burning. An apiary may be considered abandoned only after reasonable attempts have been made to determine ownership. Such attempts are to at least include the questioning of the owner, lessee or renter of the land on which the apiary is discovered.

G. After inspection of infected bees or fixtures or handling diseased bees, the Apiary Inspector 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.

H. All apiaries, bees, bee equipment, bee products, buildings, premises and appliances wherein or on which American and/or European 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 Board may permit or approve. Such quarantines shall exist until the Board shall determine and declare the premises or material are apparently free from American and/or European foulbrood. The imposed quarantine shall cease to be in effect if the Board has not verified the existence of American or European foulbrood within thirty days after appeal by the beekeeper.

I. No person shall sell, offer for sale, give away or otherwise transfer ownership of any colony of bees, bees, or queen bees without first receiving from the Board a certificate of health issued not more than six (6) months prior to the disposition. A copy of the certificate shall be issued by the seller or given to the purchaser or person receiving the colony at the time of delivery.

J. Upon request, additional inspections shall be made, by the Apiary Inspector, of colonies of bees, bees, queen bees and their attendants or hives, supers, or other equipment used in bee culture.

K. It shall be unlawful for any person to give false information or incomplete information in any matter pertaining to this Act, or to resist, impede, or hinder the Apiary Inspector in the discharge of his duties.

L. For the enforcement of this Act, the Apiary Inspector shall have, where any apiary is located or any bees, combs or apiary appliances are kept, the authority to enter upon any private or public premises with right of access, ingress and egress for the purpose of ascertaining the existence of the disease known as American foulbrood or European foulbrood or any other disease which is infectious or contagious and injurious to bees in their egg, larval, pupal or adult stages. However, prior to exercising that authority, the Apiary Inspector must afford the beekeeper the opportunity to be present during the inspection by serving notice of the date and time of inspection at least five (5) days prior to the inspection. The five-day period may be abbreviated upon the mutual consent of the Apiary Inspector and the beekeeper.

M. Beekeepers aggrieved by the actions of an Apiary Inspector may appeal the Inspector's action to the Board at the Board's next meeting.

Section 5. **Transportation.** A. All bees in used hives or other apiary equipment which may be brought into the State from other states or other countries must 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 in used hives or other apiary equipment into this State without said certificate of health by any person or persons or by common carriers is expressly prohibited.

B. The certificate of health shall certify to the apparent freedom from foulbrood or any other contagious or infectious bee disease, and shall be based on actual inspection of bees and material within ninety (90) days of the date of shipment.

C. A person transporting bees within the State to a location not previously approved shall notify the Apiary Board of the Action at least twenty (20) days before the move, however, under emergency conditions, such as fires, crop dusting and natural disasters, the bees may be moved without prior notice provided that the Apiary Board is notified within five (5) days of the move and informed of the circumstances necessitating the emergency move. No notification shall be required for the movement of disease-free bees between previously registered locations.

Section 6. **Rules and Regulations.** The Board may promulgate such rules and regulations, not inconsistent herewith, as it shall deem necessary for the proper enforcement of this Act. Such rules and regulations shall be promulgated, issued, and enforced in accordance with the Administrative Procedures Law of the State, Act 434 of 1967, as amended. Any person violating the provisions of this Act shall be guilty of a class 'C' misdemeanor and shall be punished accordingly.

Section 7. **Severability.** The provisions of this Act are severable. If any section or other part thereof is declared unconstitutional or invalid, such declaration shall not affect the part that remains.

Section 8. **Repeal of Conflicting Laws.** All laws and parts of laws in conflict with this Act are hereby repealed, specifically Act 59 of 1945, as amended, and that part of Section 16 of Act 38 of 1971, as amended, that pertains to the State Apiary Board.

## **APIARY RULES OF THE STATE PLANT BOARD**

The following rules have been promulgated and adopted under authority of Act 161 of 1977 as amended by Act 149 of 1979 and in conformance with Act 434 of 1967 as amended, the Administrative Procedures Act.

The State Plant Board recognizes the importance of the honeybee to Arkansas agriculture through its pollination of crops and the value of the honey it produces. The Board will, therefore, strive to preserve the honeybee, promote beekeeping and strengthen apiary functions in Arkansas through the considerate and judicious application of Act 161 of 1977, as amended by Act 149 of 1979, and these rules.

### **Rule I. Registration**

**Registering Apiaries.** Each apiary in the state shall be registered. Apiaries may be registered at permanent or temporary locations. Temporary locations shall be occupied by active colonies of bees during the honey producing season, subject to pasturage rights specified in Section 3B of Act 161, or registration will be canceled. Registration shall be on forms provided by the Board and shall include the following information:

1. Name and complete mailing address of the owner,
2. Legal description of each location by Quarter section, Section, Township and Range,
3. A notation whether each location is permanent or temporary,
4. The name of the owner of the land where each apiary is located, and
5. The number of colonies at each location. Registration may be amended anytime as new colonies are added to an apiary by purchase, division or the capture of swarms, or when any significant change occurs in the location or operation of a beekeeper.

Any person who purchases colonies of bees from a beekeeper with registered apiary locations (bee yards) shall have the first option to register said locations in his own name, provided such action is agreeable to the owner of the land whereon the apiaries are located.

**Apiary Identification.** Each apiary location, whether permanent or temporary, shall be identified by prominently displaying the owner's Registration Number at the site. This number may be displayed on one or more hives or on a readily visible sign placed within 10 feet of the hives.

### **Rule II. Inspection.**

#### **Minimum Competency Standards For Inspector, Education and Experience.**

Two years college with at least one course in beekeeping, or high school diploma with two years experience as a beekeeper or equivalent.

#### **Training.**

A minimum of one week on-the-job training with the Head of the Apiary Section or the Chief Inspector or the Apiary Specialist where the beginning inspector shall demonstrate ability to properly handle hives and bees, to identify bee diseases and to execute required forms and paperwork.

**Examination.**

The prospective inspector shall make a passing grade of 70% on a written examination designed to measure his knowledge pertinent to the job before entering into the required training.

**Hives With Movable Frames Required.** A person may not keep bees in a hive which does not have movable frames. Movable frames permit thorough examination of every brood comb in a hive to determine the presence of disease. If a hive without movable frames is found the inspector will notify the owner or persons responsible for the hive of the condition in writing. The written notice shall require that the bees be moved into a hive with movable frames as soon as possible, but in no case more than 12 months from the date of the notice. If the owner or person responsible for the hive wishes to do so he may, after it is inspected, sell or give it to a second party who will house the bees properly. If he refuses or fails to provide proper housing himself or by a second party the hive or receptacle shall be condemned and destroyed. Hives condemned for destruction will be destroyed in the manner described for American foulbrood disease.

**Inspection Frequency.** The frequency of inspection of each apiary will be determined by the Board. Inspections may be made annually or at more frequent or less frequent intervals depending upon the disease history of the apiary and the surrounding area.

**Owner Participation Weather Conditions.** Owner participation during inspection is helpful to the owner as well as to the inspector and is encouraged. The apiary inspector will afford the beekeeper the opportunity to be present during the inspection by serving notice of the date and time at least five days prior to the inspection. The five-day period may be abbreviated upon the mutual consent of the apiary inspector and the beekeeper. Inspections will not be made when weather conditions are such that inspections may be seriously detrimental to the bees. Weather determinations will be made by mutual agreement between the owner or the person in charge and the inspector.

**Notice of Disease; Quarantine; Appeal.** If a bee disease is found to exist in any degree in an apiary the inspector will notify the owner or person responsible for the apiary in writing at the conclusion of the inspection. The notice will state which disease(s) is present, the number of colonies infected, how the diseased colonies are marked, the manner in which the disease(s) shall be eradicated and the length of time in which eradication shall be accomplished. The written notice shall also be considered a notice of quarantine if American foulbrood or European foulbrood is found in an apiary. The owner or person responsible for a quarantined apiary may appeal the findings of the inspector to the Head of the Apiary Section or the State Apiarist within 3 days. At the owner's option, confirmation or denial of the inspector's findings may be based upon reinspection of the apiary by the Head of the Apiary Section or the State Apiarist, or upon the findings of the USDA Bee Disease Investigative Laboratory. If the latter option is chosen the apiary inspector will, in the presence of the beekeeper, collect and identify samples to be sent to the laboratory. Based upon reinspection or laboratory findings, the determination of the Plant Board shall be final unless otherwise determined by a court of

proper jurisdiction. The quarantine shall cease to be in effect if the Board has not verified the existence of American or European foulbrood within thirty days after appeal by the beekeeper.

#### **Disease Eradication:**

**American Foulbrood.** If American foulbrood disease is found to exist in any degree in an apiary, after written notice to the owner or person responsible for the apiary and after a final determination is made, the inspector shall destroy or cause to be destroyed the diseased colonies and contaminated equipment in the following manner:

(a) By killing the bees in infected hives and burning the bees, combs, frames and honey in a pit and burying the ashes at least 1 foot below the surface of the ground.

(b) By scorching with fire or boiling in lye solution (one pound lye per 10 gallons of water) for not less than 30 minutes the hive bodies, bottom boards, covers, supers, or other equipment associated with the infected colonies.

The quarantine which is placed on an apiary when American foulbrood disease is found shall not be lifted until these eradication measures have been carried out to the satisfaction of the inspector and subsequent inspections reveal no American foulbrood disease in the apiary.

**European Foulbrood.** If European foulbrood disease is found to exist in any degree in an apiary, written notice and opportunity for appeal as described previously herein will be given to the owner or person responsible for the apiary. The written notice shall require that in each infected colony: (a) The queen shall be killed immediately, (b) An approved antibiotic shall be fed immediately and once per week for at least 3 weeks thereafter, and (c) After 10 days a new queen shall be introduced into the colony. If the owner or person responsible for the apiary refuses or fails to carry out the prescribed eradication procedures the infected colonies shall be destroyed by the inspector in the manner described for American foulbrood disease.

The quarantine which is placed on an apiary when European foulbrood disease is found shall not be lifted until these eradication measures have been carried out to the satisfaction of the inspector and subsequent inspections reveal no European foulbrood disease in the apiary.

**Other Bee Diseases.** If sacbrood, chalkbrood, bee paralysis or other bee disease are found to exist in any degree in an apiary the inspector will require such treatment as may be specified by the State Apiarist.

#### **Rule III. Transporting.**

**Transporting Bees, Apiary Equipment; Emergencies.** A person may not transport or cause to be transported into or within this state bees on combs, used hives or other used apiary equipment or appliances without a current certificate of inspection covering the bees and equipment to be moved. With such a certificate bees may be moved between registered locations at will without prior notice to the Plant Board. A person who does not possess a current certificate of inspection who wishes to move bees, or a person who wishes to move to a location which he has not registered, shall notify the Plant Board at least 20 days prior to the anticipated moving date. Within this 20-day period the Apiary Section shall inspect the apiary(ies) to be moved, conduct necessary investigations, determine prior pasturage rights and approve or reject the move.

Emergency moves made necessary by such things as fires, crop dusting and natural disasters may be made without prior notice provided that the Plant Board is notified within five days of the move and informed of the circumstances necessitating the emergency move.