

JAN 18 2008

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# A BILL FOR AN ACT

RELATING TO APIARIES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Chapter 142, Hawaii Revised Statutes, is  
2 amended by adding a new part to be appropriately designated and  
3 to read as follows:

4                                   **"PART       .   APIARIES**

5           **§142-A Citation and purpose.** (a) This part shall be  
6 known and may be cited as the "Apiary Act of 2008".

7           (b) Honey bees are kept in beehives by beekeepers  
8 throughout the State. These honey bees perform a pollination  
9 function that is essential to the propagation of many species of  
10 flowering plants including many agricultural crops, wildflowers,  
11 and forest plants. Therefore, the State should take appropriate  
12 actions to help assure the continued availability of an adequate  
13 population of honey bee pollinators.

14           Honey bees, like other animal species, are afflicted by a  
15 variety of contagious diseases and pests that can cause serious  
16 population reductions. Honey bees naturally and instinctively  
17 interact with bees from other colonies and are vulnerable to the



1 transmission of diseases and pests. Persons involved in the  
2 keeping of bees can engage in beekeeping practices that will  
3 have a real and direct impact on honey bees and beekeeping in  
4 the State.

5 The purpose of this part is to develop regulatory programs  
6 for beekeeping activities to help protect honey bees from  
7 diseases, pests, and other threats that can seriously reduce the  
8 availability of honey bee pollinators.

9 **§142-B Definitions.** As used in this part, unless the  
10 context otherwise requires:

11 "Abandoned apiaries" means an apiary that has not been  
12 subjected to at least the minimal beekeeping practices necessary  
13 to maintain the bees in a healthy, productive, and safe  
14 condition to protect honey bees and beekeepers in surrounding  
15 areas.

16 "Advisory committee" means the apicultural technical  
17 advisory committee established under this part.

18 "Apiary" means a collection of one or more colonies of bees  
19 in beehives at a location. A building or room in a building is  
20 considered to be the location of an apiary only if one or more  
21 beehives containing colonies of honey bees are housed within  
22 that building.



1 "Apiary inspector" means a person with relevant  
2 qualifications and beekeeping training who is employed by, or  
3 working under contract with the department of agriculture for  
4 the purpose of implementing regulatory programs as directed by  
5 the state apiarist.

6 "Appliance" means any apparatus, tool, machine, or other  
7 device used in handling and manipulating bees, honey, or wax  
8 that may be used in an apiary or in transporting bees and their  
9 products and apiary supplies.

10 "Bee disease" or "pest" means a condition in which a colony  
11 is infested or infected with a bacterial, fungal, viral, or  
12 parasitic condition or an organism that can affect the well-  
13 being of a colony.

14 "Beekeeper" means any individual, association, corporation,  
15 or other entity who deliberately provides nesting sites for  
16 colonies of honey bees and attempts to establish and maintain  
17 colonies of honey bees at a location.

18 "Bees" or "honey bees" mean any developmental stage of any  
19 sub-species of the species *Apis mellifera*.

20 "Certification" means a voluntary training program approved  
21 by the department of agriculture that when successfully  
22 completed authorizes a beekeeper to detect, identify, and



1 control regulated bee diseases and pests in colonies under the  
2 management of that beekeeper.

3 "Certified beekeeper" means any person who has successfully  
4 met the requirements of a voluntary certification program for  
5 beekeepers as approved by the State.

6 "Chairperson" means the chairperson of the board of  
7 agriculture.

8 "Colony" means all of the bees living together as one  
9 social unit and may include the bee equipment in which the bees  
10 are living.

11 "Department" means the department of agriculture.

12 "Feral bees" means honey bees not kept in a beehive  
13 provided by a beekeeper and whose nest sites are usually located  
14 in a cavity within a tree or a building.

15 "Hive" or "beehive" means a container or structure used by  
16 a beekeeper to provide a cavity in which a colony of bees is  
17 expected to establish a permanent nest.

18 "Registered apiary" means an apiary location that has been  
19 properly registered with the department as required by this  
20 part.

21 "Registered beekeeper" means a beekeeper whose apiaries are  
22 properly registered with the department.



1 "Regulated bee disease" or "regulated pest" means a bee  
2 disease or pest that presents a significant threat to a  
3 population of honey bees and for which regulatory action can be  
4 taken to mitigate that threat.

5 "State apiarist" means that person employed by the  
6 department who has the qualifications prescribed by this part  
7 and has been designated as state apiarist by the chairperson.

8 **§142-C State apiarist.** (a) The chairperson shall appoint  
9 a state apiarist without regard to chapters 76 and 89. The  
10 state apiarist shall be responsible for the apiary work of the  
11 department and with assistants, is charged with the duty of  
12 enforcing this part.

13 The state apiarist, at a minimum, shall have attained a  
14 college degree in one of the biological sciences and a minimum  
15 of five years apiary experience. The state apiarist shall be  
16 responsible for developing, implementing, and administering the  
17 apiary program under this part and shall have the duty of  
18 enforcing the rules adopted pursuant thereto.

19 (b) The chairperson may appoint apiary assistants,  
20 inspectors, and other employees without regard to chapter 76,  
21 subject to legislative approval, and prescribe their duties and  
22 delegate to apiary inspectors and other employees such powers



1 and authority as may be deemed proper within the limits of the  
2 power and authority conferred upon the chairperson under this  
3 part.

4 (c) The state apiarist and apiary inspectors may provide  
5 educational literature and conduct training programs for  
6 beekeeping on topics related to prevention, detection, and the  
7 control of bee diseases and pests and other topics that will  
8 help beekeepers maintain needed populations of honey bees. The  
9 literature and training programs may be developed and conducted  
10 in cooperation with the University of Hawaii.

11 (d) The state apiarist and all apiary inspectors may own  
12 colonies of bees and engage in beekeeping activities on their  
13 own time. Their beekeeping activities shall be subject to the  
14 same regulation that is applied to all other beekeepers. The  
15 department shall not prohibit those activities but may develop  
16 guidelines to avoid interference with work responsibilities and  
17 to prevent conflicts of interest.

18 **§142-D Cooperative agreements.** Insofar as not  
19 inconsistent with state law, the chairperson may enter into  
20 cooperative agreements or grants with any person, county,  
21 department, board, official, or authority of other states, or  
22 the United States for the inspection, control, and eradication



1 of infectious or contagious diseases and regulated pests of  
2 honey bees.

3       **§142-E Registration of apiaries.** (a) Every beekeeper  
4 owning one or more colonies of bees shall register each apiary  
5 location by January 1, 2009, and every three years thereafter.  
6 Upon establishment of a new apiary location, it shall be the  
7 duty of the owners or operators of the apiary to register the  
8 new locations within thirty days.

9       (b) If an unregistered apiary is found, the state apiarist  
10 or any apiary inspector shall make a reasonable effort to locate  
11 the owner of the bees and notify the beekeeper by means of a  
12 registered letter of the registration requirements and the  
13 consequences of noncompliance.

14       (c) The state apiarist shall issue to each beekeeper with  
15 one or more registered apiaries a unique registration number  
16 that shall be used for apiary identification purposes.

17       **§142-F Moveable frames.** Each beekeeper is required to  
18 provide moveable frames in all hives used by that beekeeper to  
19 contain bees so that the frame can be removed from the hive and  
20 inspected for any regulated disease and pest. Any beekeeper  
21 with a colony of bees living in any beehive or other container  
22 that does not have moveable frames may be ordered by the state



1 apiarist to transfer the bees into a hive with moveable frames  
2 within a specified period of time. If the beekeeper fails to  
3 make the transfer within the specified time period, the state  
4 apiarist may confiscate the bees and hive.

5 **§142-G Inspection program.** Insofar as not inconsistent  
6 with state law, the state apiarist, assisted by apiary  
7 inspectors shall establish and implement a program for the  
8 inspection of apiaries throughout the State for the purpose of  
9 detecting regulated bee diseases and pests and for implementing  
10 control measures to minimize the adverse impacts of those  
11 diseases and pests on the honey bee population in the State.

12 The apiary inspection program shall be conducted in  
13 accordance with standards and procedures developed by the state  
14 apiarist.

15 Insofar as not inconsistent with state law, the state  
16 apiarist shall require or supervise the treatment, destruction,  
17 or disposition of diseased bees, contaminated bee equipment, or  
18 bee supplies. Apiary inspectors authorized by the state  
19 apiarist may enter any public or private property for the  
20 purpose of conducting an inspection of an apiary located on that  
21 property; provided the inspection is consistent with state law.





1 The inspector shall make a reasonable effort to notify a  
2 beekeeper prior to a planned inspection.

3       **§142-H Sale or movement of bees.** No bees may be sold,  
4 offered for sale, moved, transported, shipped, or delivered  
5 within the State, unless the bees have been inspected by an  
6 appropriate official of the State and certified to be apparently  
7 free of infectious or contagious regulated bee diseases and  
8 pests.

9       **§142-I Duty to report disease or pest; authority to**  
10 **inspect.** (a) If a beekeeper knows that a colony of bees has a  
11 regulated bee disease or pest, the beekeeper shall immediately  
12 report to a state apiary inspector all facts known about the  
13 bee's disease or pests.

14       (b) If an apiary inspector has reason to believe that a  
15 feral colony of bees may be harboring any regulated bee disease  
16 or pest, the inspector may enter onto any property, public or  
17 private, to locate and examine that feral colony of bees;  
18 provided the entry is consistent with state law.

19       **§142-J Quarantine.** (a) The state apiarist and apiary  
20 inspectors may declare a quarantine on any apiary found to be  
21 infected or infested with any regulated bee disease or pest.  
22 Immediately after the apiary is declared infected or infested, a



1 quarantine notice shall be presented to the beekeeper that shall  
2 include specific instructions as to required actions by the  
3 beekeeper. The appliances directly associated with that apiary  
4 shall be under quarantine and shall be subject to regulatory  
5 actions imposed by the state apiarist.

6 The chairperson may declare a geographical area quarantine  
7 in any county, region, or the State where a regulated bee  
8 disease or pest is found in a sufficient number of apiaries that  
9 the infestation can be considered endemic. However, bees may  
10 not be moved from the quarantine area except by permission from  
11 the state apiarist or an apiary inspector.

12 (b) It is unlawful for any person in the State to  
13 participate in, or conduct a deliberate act that exposes non-  
14 diseased honey bees to a known source of any regulated bee  
15 disease or pest or to any substance commonly known to kill bees,  
16 except as permitted by the department.

17 Deliberate acts that are prohibited under this part  
18 include, but are not limited to:

19 (1) Placing in a location that is accessible to non-  
20 diseased honey bees any beeswax combs, beekeeping  
21 equipment, honey, or other substance known to be  
22 attractive to honey bees and capable of transmitting



1           bee diseases or pests and known to have been in  
2           contact with, or associated with sources of regulated  
3           bee diseases or pests;

4           (2) Placing in a location that is accessible to non-  
5           diseased honey bees any honey, sugar syrup, corn  
6           syrup, or other substance known to be attractive to  
7           bees and to which some pesticide or other substance  
8           harmful to honey bees has been added; or

9           (3) Producing, making, releasing, or otherwise causing any  
10          spray, smoke, fog, dust, or other substance to enter a  
11          beehive for the purpose of killing the bees therein  
12          except as requested by the owner of the bees or as  
13          required by a state regulatory order.

14          **§142-K Certification program.** (a) The department may  
15          establish a certification program whereby beekeepers who  
16          successfully complete the requirements of the program are  
17          certified to have demonstrated the knowledge and skills needed  
18          to effectively detect, identify, and control regulated bee  
19          diseases and pests. The state apiarist shall develop and  
20          administer any regulatory certification program that is  
21          established under this part.

1           (b) The beekeeper certification program shall be a  
2 voluntary program and applicants who successfully complete the  
3 program requirements shall become certified beekeepers. Each  
4 person who becomes certified shall be granted certain privileges  
5 with regard to regulatory requirements adopted pursuant to this  
6 part.

7           **§142-L Used beekeeping equipment.** No person shall sell or  
8 give to any other person any used beekeeping equipment until the  
9 equipment has been sanitized by a method approved by the state  
10 apiarist. This section shall not apply to equipment that is  
11 occupied by live bees.

12           **§142-M Inspection certificates.** The state apiarist and  
13 all apiary inspectors shall intercept any person transporting  
14 colonies or appliances to determine if the person has the  
15 required inspection certificates.

16           **§142-N Penalty.** Any person violating this part, any rule  
17 adopted, or order or notice given pursuant to this part, or who  
18 forges, counterfeits, destroys, or wrongfully or fraudulently  
19 uses any certificate, permit, notice, or other like document  
20 provided under this part, or who impedes, hinders, or otherwise  
21 prevents, or attempts to prevent, the chairperson or the  
22 chairperson's authorized agent from performing an official duty



1 pursuant to this part, may be fined not more than \$1,000 for  
2 each violation.

3       **§142-O Disposition of funds.** All fees, fines, and  
4 proceeds resulting from the sale of seized properties collected  
5 under this part shall be paid into the general fund and the same  
6 are appropriated exclusively to the department to be used in  
7 carrying out this part.

8       **§142-P Experimental apiaries.** The state apiarist shall  
9 establish or authorize the establishment of apiaries for  
10 experimental purposes associated with research on, or evaluation  
11 of conditions related to any bee disease or pest.

12       **§142-Q Disposition of confiscated bees and beehives.** All  
13 bees and beehives confiscated by the state apiarist shall be  
14 destroyed by a method approved by the department if the state  
15 apiarist determines that the confiscated property is infested  
16 with a regulated disease or pest to such an extent that it  
17 presents a significant and unacceptable threat to bees in  
18 surrounding areas. The state apiarist may use or may authorize  
19 the use of confiscated property for experimental purposes.  
20 Otherwise the property may be donated to any college or  
21 university within the State that requests the property for



1 research or educational purposes or disposed of at the  
2 discretion of the chairperson.

3       **§142-R Preventive measures.** After the inspection of  
4 infected or infested bees or fixtures or handling diseased bees,  
5 the state apiarist or assistants, before leaving the premises on  
6 which the disease is found, or proceeding to any other apiary,  
7 shall take such measures as to prevent the spread of the disease  
8 or pests by infected or infested material adhering to that  
9 person's body or clothing, or any tools or appliances used by  
10 the state apiarist or any assistants that have come in contact  
11 with infected or infested materials.

12       **§142-S Unlawful activities.** It is unlawful for any person  
13 to knowingly give false or misleading information in any matter  
14 pertaining to the enforcement of this part, or to resist,  
15 impede, or hinder the state apiarist or any authorized apiary  
16 inspector in the discharge of duties as described in this part.

17       **§142-T Honey storage and handling.** (a) Honey containers  
18 and beekeeping equipment that are wet with honey shall be  
19 stored, transported, and handled in such a way that non-diseased  
20 honey bees will not gain access to that honey.

21       (b) No candy or other food containing honey shall be used  
22 in queen mailing cages.





**Report Title:**

Bees; Apiary; Department of Agriculture

**Description:**

Provides for the regulation of bees and beekeeping in the State.

