

## **Bee Act**

**76-9-1. Short title.** This act may be cited as the "Bee Act."

**76-9-2. Definitions.** As used in the Bee Act:

- A. "abandoned colony" means a colony that is abandoned or neglected by a beekeeper according to criteria adopted by the board.
- B. "apiary" means a location where one or more colonies or nuclei of bees are managed by a beekeeper;
- C. "bee" means all races of the honeybee, *Apis mellifera* L., and other species of the genus *Apis*, that are capable of being managed for the production of honey, wax or pollen, or that are capable of being managed to pollinate plants;
- D. "beekeeper" means a person who owns, leases or manages bees;
- E. "board" means the board of regents of New Mexico state university;
- F. "colony" means a family unit of bees composed of a queen and workers;
- G. "commercial apiary" means a location where a beekeeper is required to maintain the minimum number of colonies designated by the board;
- H. "contagious disease" means any disease, parasite or anything adversely affecting adult bees or their brood that may be spread from one bee to another bee or from one colony to another colony;
- I. "department" means the New Mexico department of agriculture;
- J. "equipment" means equipment used in managing bees, including but not limited to, brood chambers, surplus honey chambers, bottom boards, tops, frames, drawn comb, queen excluders and feeders;
- K. "hive" means a container made or prepared that is used as a home by a colony of bees; and
- L. "inspector" means a qualified person designated by the department to enforce the Bee Act and regulations adopted by the board.

**76-9-3. Powers of board and department.**

- A. The board shall adopt regulations necessary for the administration and enforcement of the Bee Act and through the department shall administer and enforce the Bee Act and regulations adopted by the board.
- B. The department has full power to deal with any contagious disease of bees which, in the opinion of the department, may be prevented, controlled or eradicated and shall perform such acts as, in the judgment of the department, may be necessary to control, eradicate or prevent the introduction, spread or dissemination of contagious diseases of bees.
- C. The department has authority to prohibit the shipment or bringing into the state of colonies or equipment capable of transmitting contagious disease from any state, territory or foreign country.

**76-9-4. Contagious disease--duty to prevent.** Any beekeeper who has been notified in writing by the department that his bees or equipment are infected with a contagious disease and who willfully and knowingly permits the bees or equipment to remain in such condition shall be in violation of the Bee Act.

**76-9-5. Inspection; access; interference.**

A. The department shall notify each beekeeper prior to the initial annual inspection of his apiary and, if requested by the beekeeper, an inspector shall make the apiary inspection in the presence of the beekeeper or his representative and at a time that conforms to the efficient management of bees. Subsequent inspections may be made by an inspector, as needed, to locate and control contagious disease and regulate the location of any apiary. The inspector shall have access to all apiaries. Any person who shall hinder, resist or impede in any way an inspector in the discharge of his duties shall be in violation of the Bee Act.

B. In order to permit the inspector to readily examine a colony for contagious disease, beekeepers shall manage bees only in those types of hives approved by the board.

**76-9-6. Inspection certificates.** Each beekeeper that manages bees shall apply to the department for an annual inspection certificate. The inspection certificate shall be issued by the department upon completion of the apiary inspection and shall state the colonies and apiaries that are apparently free of contagious disease and the colonies and apiaries that are infected with contagious disease. No honey shall be offered for sale unless the beekeeper has a current inspection certificate.

**76-9-7. Diseased colonies.** If an inspector finds a contagious disease in a colony, he shall direct the beekeeper to destroy the diseased colony and equipment, or to treat the colony according to a schedule approved by the department; providing the inspector shall upon request by the beekeeper obtain a sample of brood that is representative of the apiary as determined by the inspector for submission to an approved state or federal laboratory for verification of the disease. All diseased colonies that are treated by a beekeeper shall be reinspected by an inspector within the period designated by the board. The board may require the beekeeper to pay an amount set by the board not to exceed fifty dollars (\$50.00) for each inspection, excluding the initial annual inspection, required to certify that the colonies are apparently free of contagious disease. Colonies that do not respond to treatment within a period specified by the board following the initial inspection shall be destroyed by the beekeeper or an inspector in a manner approved by the department and the contaminated equipment shall be disinfected or burned by the beekeeper or an inspector.

**76-9-8. Abandoned colonies.** Abandoned colonies and contaminated equipment shall be destroyed under the supervision of the inspector when the colony is found to be infected with a contagious disease. Abandoned live colonies or abandoned equipment that is apparently free of contagious disease may be sold in a manner designated by the board or destroyed as specified by the board.

**76-9-9. Location of apiaries.**

A. In order to control contagious disease, no apiary shall be moved or established closer than one and one-half miles straight airline distance from an existing registered commercial apiary, unless the apiary owner is also the owner of the apiary location.

B. Any beekeeper found in violation of Subsection A of this section shall remove the apiary within ten days. After the ten days, each day the beekeeper remains in violation shall constitute a separate violation of the Bee Act.

C. If a beekeeper uses his colonies for the pollination of an agricultural crop and desires to locate the colonies within the distance specified by the board of an existing commercial apiary, he shall apply for a special pollination permit from the department. The department shall grant a pollination permit only if the colonies are apparently free of contagious disease. The department shall issue the pollination permit only for the period of time the bees are effectively pollinating the designated crop.

**76-9-10. Registration of commercial apiaries.** Each commercial beekeeper shall register the location of each commercial apiary under his control with the department and shall give an accurate description of the location of each commercial apiary. The registration fee shall be set by the board at not more than five dollars (\$5.00) for each commercial apiary, provided that no beekeeper shall be required to pay registration fees totaling more than two hundred dollars (\$200) in any one year. The regulations of the board shall determine the time and method of registration.

**76-9-11. Importation of bees.**

A. No colonies or equipment shall be moved into the state, unless accompanied by a certificate of inspection signed by an authorized apiary inspector of the state from which the bees originated. The certificate of inspection shall state that the colonies are apparently free of contagious disease, and shall meet other requirements as designated by the board. The person in this state receiving colonies or equipment shall file with the department a statement of the proposed location in the state where the colonies will be managed and a notice that the bees have arrived. The statement and notice shall be filed by the beekeeper in accordance with the regulations of the board. The department shall, as soon as practicable after arrival, inspect the colonies for contagious disease. The beekeeper shall pay the actual cost of the initial inspection and all subsequent inspections required because of the presence of any contagious disease.

B. This section shall not apply to the movement into the state of packaged bees or queen bees if moved into the state in mailing cages free of honey.

C. In order to prevent the dissemination of any bees that would adversely affect the beekeeping industry in the state, the department may prohibit their entrance into the state and may seize, stop movement, destroy or otherwise dispose of the bees, as the department deems appropriate.

**76-9-12. Disposition of funds.** All money collected under the provisions of the Bee Act shall be expended to administer and enforce the Bee Act.

**76-9-13. Penalties--Bond.**

A. Any person who violates any provision of the Bee Act or any regulation adopted by the board pursuant thereto is guilty of a misdemeanor. Each day a person remains in violation shall constitute a separate offense.

B. The department shall not be required to give bond or security in any legal proceeding brought under the Bee Act which the department may institute or defend in any court of the state.