

330 CMR: DEPARTMENT OF AGRICULTURAL RESOURCES

330 CMR 8.00: APIARY INSPECTION REGULATIONS

Section

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8.01: Definitions

Africanized Honey Bee. Any Honey Bee identified by a Department approved lab to be classified as *Apis mellifera scutellata*.

American Foulbrood. The contagious bacterial disease of Brood which is caused by *Paenibacillus larvae*.

Apiary. Any place, or location where one, or more Colonies, Hives, or associated equipment is kept.

Beekeeper. Any person who owns, keeps, manages, or oversees Colonies, Hives, or Apiaries.

Brood. Any Honey Bee in the egg, larval or pupal life stage of development prior to emergence as adults from their cells.

Certificate. A document of inspection issued by the inspector of apiaries or other officer charged with similar duties in that state in which the Honey Bee, Hive, Colony, Package, Comb or equipment originates, indicating the presence, or absence of Honey Bee Disease, Parasite, or Pest in a Colony, Hive, or Apiary equipment.

Chalkbrood. The contagious fungal disease of Brood which is caused by *Ascophæra apis*.

Chief Apiary Inspector. The person designated by the Commissioner to perform the duties of the Department relative to the inspection and control of Honey Bees and to enforce, along with Inspectors, M.G.L. c. 128, Sections 32 through 38 and regulations promulgated thereafter.

Colony. The Hive, Honey Bees, Brood, Comb, Honey, nectar, pollen, bee bread, and propolis.

Comb. Any structure composed of beeswax cells which may contain Brood, Honey, nectar, pollen, bee bread, and propolis.

Commissioner. The Commissioner of the Massachusetts Department of Agricultural Resources.

Department. The Massachusetts Department of Agricultural Resources.

Disease. Any infectious, contagious, harmful disease, or disease agents, including but not limited to, American Foulbrood, European Foulbrood, Chalkbrood, Nosema, viruses, or any other abnormal condition of Brood, or adult life stages of Honey Bees.

European Foulbrood. The contagious bacterial disease of Brood which is caused by *Melissococcus pluton*.

Hive. Any box, or other receptacle, or container, natural, or artificial, or any part thereof, which shall be used, or employed as a domicile for Honey Bees.

Honey. The natural food product made by Honey Bees from nectar collected from a flower's nectaries, or a plant's extrafloral nectaries.

Honey Bee. Any life stage of the insect belonging to *Apis mellifera*.

Inspector. Any person designated by the Chief Apiary Inspector to inspect Honey Bee Hives, Colonies, Apiaries, or any other used equipment, or materials in order to determine conditions of Honey Bee Disease, Parasite, or Pest infestation, and to enforce M.G.L. c. 128, Sections 32 through 38 and regulations promulgated thereafter.

Nosema. The contagious fungal disease of Honey Bees which is caused by *Nosema apis*, or *Nosema ceranae*.

Order. An enforceable document issued by the Department with instructions on certain corrective actions, or to refrain from an activity.

Package. Any Combless and Broodless shipping container of Honey Bees with or without a queen.

Parasite. Any parasitic mites, or insects including, but not limited to, the Tracheal Mite (*Acarapis woodi*), Varroa Mites (*Varroa destructor*, *Varroa jacobsoni*), Tropilaelaps Mites (*Tropilaelaps clareae*, *Tropilaelaps mercedesae*), or any other external, or internal parasite of Honey Bees.

Person. An individual, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth, or its political subdivisions, administrative agencies, public, or quasi-public corporation of body, or any other legal entity, or its legal representative, agent, or assign, or a group of persons.

Pest. Any pest mites, or insects including, but not limited to, the Small Hive Beetle (*Aethina tumida*), wax moths (*Galleria mellonella*, *Achroia grisella*), or any other pest of Honey Bees.

Robbing. The removal of Honey, nectar, pollen, or bee bread from a Colony, or Hive by Honey Bees not belonging to that Colony, or Hive.

Super: Any box, or other receptacle, or container, natural, or artificial, or any part thereof, which shall be used, or employed for honey production.

Supplier. Any Person selling a Honey Bee Package, Colony, Hive, or used beekeeping equipment, or Comb in the Commonwealth.

8.02: Movement of Honey Bees and Certificates

- (1) Any Beekeeper or Supplier intending to transport any Colony, Hive, Package, Comb, or used beekeeping equipment occupied or used by Honey Bees into the Commonwealth shall notify the Chief Apiary Inspector, either in writing, or by telephone message to the number designated by the Department, no less than two (2) business days prior to bringing such materials into the Commonwealth and shall provide destination information of materials within the Commonwealth. The destination shall include, but shall not be limited to, the location of sale, or area where Honey Bees are held prior to final destination.
- (2) Any Beekeeper or Supplier transporting any Colony, Hive, Package, Comb, or used beekeeping equipment occupied or used by Honey Bees into the Commonwealth for purposes of commercial sale must keep records regarding the sale of such items. Records must include at a minimum:
 - (a) Date of sale;
 - (b) Items sold;
 - (c) Number of items sold;
 - (d) Name and address of Person that items were sold to; and
 - (e) Name and address of Person that sold items.
- (3) Records must be kept for at least three (3) years and be made available to the Department upon reasonable request. Records may be kept in either electronic or hard copy.
- (4) Any Colony, Hive, Package, Comb, or used beekeeping equipment occupied or used by Honey Bees transported into the Commonwealth must be accompanied by a Certificate. The Certificate must state that a health inspection has been performed within sixty (60) days prior to transport when the Honey Bees are actively rearing Brood or of Comb in used beekeeping equipment not currently occupied or used by Honey Bees. A copy of the Certificate must be provided to the Department. Unless otherwise determined by the Department, the Certificate must list at a minimum that the Colony, Hive, Package, Comb or used beekeeping equipment is free from the following health issue listed at the time of such inspection:
 - (a) American Foulbrood;

(5) Any Hive component with the exception of Supers and new equipment moved into or within the Commonwealth shall be covered with wire mesh, screen, or netting to prevent loss of Honey Bees during transit, between sunrise and sunset and when temperatures are greater than 45°F.

(6) All Hives and Supers moved into or kept within the Commonwealth by a Beekeeper shall be clearly marked with the name of the Beekeeper or Apiary, either inside, or outside, to be easily found by the Department.

8.03: Maintenance of Apiaries

(1) A Beekeeper shall maintain all Apiaries in such a manner as to not spread Disease, Parasites, or Pests through Robbing in any form, or at any season.

(2) Any Hive component and used equipment with the exception of Supers and new equipment, shall not be exposed out of doors, or in open buildings, making them subject to Robbing.

8.04: Disease Prevention and Control

(1) Any Beekeeper who becomes aware of the existence of Disease, or Africanized Honey Bees through generally accepted beekeeping practices among any Honey Bees shall notify the Chief Apiary Inspector, in writing, or by telephone message to the number designated by the Department, within forty-eight (48) hours.

(2) Department may enter, at all reasonable times, upon the premises of any Apiary to make inspections of Colony, Hive, Package, Comb, or equipment used by or containing Honey Bees found on the premises to determine the presence of Disease, Parasites, Pests, or Africanized Honey Bees pursuant to M.G.L. c. 128, Section 36.

(3) Upon discovery of any issues that pose a risk to Honey Bee health, the Chief Apiary Inspector or Inspector shall give written instructions on how to rectify the situation, which may include but not be limited to, a quarantine, treatment or decommission of said material or Apiary, or any other Colony, Hive, Package, Comb, or equipment until further notice to the Beekeeper as to the course of action to be taken to remedy the condition. Issues that pose a risk to Honey Bee health shall include, but may not be limited, to the following:

(a) Previously used Colonies, Hives, or equipment not currently occupied or used by Honey Bees;

(b) Unsanitary conditions;

(c) Contaminated Colonies, Hives, or equipment with Disease, Parasites, Pests;

(d) Any Comb cross-built, or fastened to any Hive that make proper inspection impossible; and

(e) Africanized Honey Bees.

(4) Upon discovery of Disease, Africanized Honey Bees, Parasites, Pests or any other issue that the Department determines poses a serious risk to Honey Bee health, the Chief Apiary Inspector or Inspector may cause any Colony, Hive, Package, Comb, or equipment to be destroyed. Such destruction shall be carried out by the Beekeeper under the direction and instruction of the Chief Apiary Inspector or Inspector and in accordance with an Order issued by the Department. Should the Beekeeper not perform the destruction then the Colony, Hive, Package, Comb, or equipment affected shall be subjected to destruction by the Chief Apiary Inspector or Inspector.

REGULATORY AUTHORITY

330 CMR 8.00: M.G.L. c. 128, § 32.

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