

330 CMR: DEPARTMENT OF ~~FOOD & AGRICULTURE~~ AGRICULTURAL RESOURCES

330 CMR 8.00: APIARY INSPECTION REGULATIONS

Section

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8.01: Definitions

~~Abandoned Hive: any unattended, unmarked, occupied or unoccupied honey bee hive exposed to occupancy by honey bee swarms.~~

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~~Africanized Honey Bee: any honeybee.~~ Any Honey Bee identified by ~~the United States~~ Department of Agriculture by approved ~~methods~~ lab to be classified as *Apis mellifera scutellata*.

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~~American Foulbrood: the.~~ The contagious bacterial disease of honeybee brood which is of Brood ~~which is~~ caused by ~~the endospores of Bacillus Paenibacillus~~ larvae-White.

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~~Animal Parasite: any parasitic mites, including but not limited to the Honey Bee Tracheal Mite, Acarapis woodi Rennie, Varroa mite, Varroa jacobsoni Oudemans, and Tropilaelaps elareae.~~

~~Apiary: any.~~ Any place, or location where one, or more ~~hives containing honey bees and Colonies, Hives, or~~ associated ~~bee~~ equipment is kept.

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~~Bee: the honey bee, Apis mellifera Linneaus, Africanized honey bee, Apis mellifera scutellata, or any other bee of the Genus Apis, at all life stages.~~

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

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

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~~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.~~

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Chalkbrood. The contagious fungal disease of ~~Brood comb; any~~ which is caused by *Ascophæra apis*.

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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 in which a queen honey may contain Brood, Honey, nectar, pollen, bee lays eggs bread, and where immature life stages of honey bees are reared - propolis.

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Certificate of Inspection: a document issued by the Massachusetts Department of Food & Agriculture indicating the presence or absence of bee disease(s) and/or parasites in a colony or apiary.

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Destroy: the elimination or disposal of honey bees, equipment, or any other hive product involved in beekeeping, by burning or any other methods recommended by the Department of Food & Agriculture.

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

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

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Hive: any frame hive, Any box-hive, box, barrel, log gum, skep or, 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 Bees.

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

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Honey Bee Disease: any infectious, contagious or harmful disease, including but not limited to: American foulbrood, European foulbrood, sacbrood, chalkbrood *Ascophæra apis*, *Nosema apis*, bee paralysis virus, or any abnormal condition of eggs, larval, pupal or adult life stages of honey bees.

Inspector: any, Any person designated by the Commissioner Chief Apiary Inspector to inspect honey bee colonies or hives Honey Bee Hives, Colonies, Apiaries, or any other used equipment, or materials in order to determine conditions of disease Honey Bee Disease, Parasite, or parasite Pest infestation, and to enforce M.G.L. c. 128, § Sections 32 et seq through 38 and the regulations promulgated thereunder thereafter.

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Owner: any person who owns or controls hives or beekeeping equipment.

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

Package: ~~any combless.~~ Any Combless and Broodless shipping container of ~~honeybees~~Honey Bees with or without a queen.

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~~Person: any individual, group of individuals, agent, company or corporation.~~

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.~~ The removal of ~~honey~~Honey, nectar, pollen, or bee bread from ~~dead~~a Colony, or weakened coloniesHive by ~~honey bees~~Honey Bees not belonging to that ~~colony~~Colony, or Hive.

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Virus: including but not limited to Acute and Chronic Paralysis Virus, Hairless Black Syndrome, Black Queen Cell Virus, Kashmir Bee Virus, Filamentous Virus, Bee Virus X, and Bee Virus Y.

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

8.02: Disease-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.

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(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;

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(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;

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(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 Under the authority granted by M.G.L. c. 128, § 32, as amended by St. 1951, c. 506, 330 CMR 8.00 is hereby established.

(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~~ Any Beekeeper who becomes aware of the existence of ~~infectious or contagious disease~~ Disease, or Africanized Honey Bees through generally accepted

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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) ~~his bees shall at once send~~ 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 of the existence of such disease to the Bureau of Plant Industries at 100 Cambridge Street, Boston, Massachusetts, 02202, 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.

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8.03: Maintenance of Apiaries

REGULATORY AUTHORITY

330 CMR 8.00: M.G.L. c. 128, § 32.

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