

330 CMR 8.00: APIARY INSPECTION REGULATIONS

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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.

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

American Foulbrood: the contagious disease of honey bee brood which is caused by the endospores of *Bacillus larvae* White.

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 clareae*.

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

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

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

Brood comb: any structure composed of beeswax cells in which a queen honey bee lays eggs and where immature life stages of honey bees are reared.

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.

Colony: the hive and its equipment and appurtenances, including honey bees, comb, honey, pollen and brood.

Commissioner: the Commissioner of the Massachusetts Department of Food & Agriculture.

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.

European foulbrood: the disease of honey bee brood caused by *Melissococcus pluton*.

Hive: any frame hive, box hive, box, barrel, log gum, skep 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.

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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.

Honeycomb: any structure composed of beeswax cells in which honey bees store honey.

Inspector: any person designated by the Commissioner to inspect honey bee colonies or hives in order to determine conditions of disease or parasitic infestation, and to enforce M.G.L. c. 128, § 32 *et seq.* and the regulations promulgated thereunder.

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

Package: any combless shipping container of honeybees with or without a queen.

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

Robbing: the removal of honey from dead or weakened colonies by honey bees not belonging to that colony.

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.

8.02: Disease

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) Any beekeeper who becomes aware of the existence of infectious or contagious disease among his bees shall at once send notice of the existence of such disease to the Bureau of Plant Industries at 100 Cambridge Street, Boston, Massachusetts, 02202.
- (2) If a diseased condition of his colonies is established, he shall observe the requirements of the law and shall follow the directions of the apiary inspector or his deputies as to methods of combating the disease with which his bees are affected.
- (3) If it becomes necessary to destroy diseased colonies such destruction shall be carried out by the beekeeper under direction of the inspector or his deputy, and in accordance with an agreement between the beekeeper and the inspector; but, if the parties do not reach an agreement the bees affected shall be subject to destruction by the inspector or his deputy in conformity with law.
- (4) Any agreement covering the treatment or destruction of diseased bees shall wherever possible, be in writing and a copy shall be kept on file by the inspector.

8.03: Maintenance of Apiaries

- (1) Beekeepers shall maintain their apiaries in such manner that the same shall not become a public nuisance through "robbing" in any form or at any season.
- (2) Honey or hives, combs and other bee material not actually occupied and not used by bees shall not be exposed out of doors or in open buildings, subject to the entry of robber bees. The exposure of such material shall be considered to constitute a public nuisance and a danger to bees and a possible source of the spread of infectious bee disease.
- (3) Where such conditions or other unsanitary conditions and methods are found, they shall be abated in accordance with instructions issued by the inspector or his deputy and an agreement shall be made between the beekeeper and the inspector for this purpose.

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- (4) A copy of such agreements shall be kept on file by the inspector and the beekeeper shall report his action under the agreement within the period which the agreement specifies.

8.04: Inspection, Marking and Introduction of Colonies

(1) Colonies of bees maintained in hives, boxes, kegs or other receptacles in which combs are cross-built or fastened so as to make impossible the proper inspection of the brood by the removal of such combs, shall be transferred to hives with removable combs within an agreed and specified period.

(a) The length of such period will depend upon the requirements of the season for the protection of the bees, and the actual transfer shall be made in accordance with the instructions issued by the inspector or his deputy.

(b) The terms of the transfer shall be covered by an agreement between the beekeeper and the inspector, which shall be in writing wherever possible. A copy of such agreement shall be kept on file by the inspector and the beekeeper shall report his action under it within the period which the agreement specifies.

(2) All hives shall be marked with the name of the owner, either inside or outside, to be easily found by the inspector. Branding or stencil marking or broad ink pen lettering is recommended.

(3) No colony of bees shall be introduced into Massachusetts except in accordance with M.G.L. c. 128, § 35.

8.05: Quarantines

The Commissioner, in order to prevent the spread of any bee diseases or bee parasites, may order that certain apiaries, sites and bee colonies, packages of bees, queen bees, or bee equipment found to be diseased or infested with parasites, to remain on the site on which they were located when such infection or infestation was discovered until they are destroyed, moved elsewhere for destruction, or treated in a manner as he may otherwise direct. The Commissioner may, in the same manner, quarantine nearby hives which may be or may become similarly infected or infested.

8.06: Interstate Permits

(1) No honeybee colonies, packages, used or second-hand equipment, honeycombs, frames, and other used beekeeping equipment shall be moved into Massachusetts from other states or countries unless or until a permit is issued by the Bureau of Plant Industries, Bureau Chief, which permit may be issued when the Chief Apiary Inspector shall have been furnished by the corresponding official of the state or country from which said honeybees or equipment are to be moved, with a certificate to the effect

(a) that all colonies, apiaries, and apiary sites, owned and operated by the applicant, his agent or representative, have been inspected annually, and at the time when the honeybees are actively rearing brood, by his state or country or the state or country of origin including one inspection within 60 days prior to shipment; and either

(b) 1. that no American foulbrood (*Bacillus larvae*), European foulbrood (*Melissococcus pluton*), Tracheal mites (*Acarapis woodi*) Varroa mite (*Varroa jacobsoni*) and Africanized honeybees (*Apis mellifera scutellata*) or other infectious diseases have been detected in any apiary, apiary site or other places where honeybees have been held by the applicant, his agent or representative, within a period of two years prior to the date of movement into Massachusetts, or

2. that said bees and/or equipment have been treated in such a manner as the Chief Apiary Inspector or his agent may direct.

(2) The applicant shall notify the Bureau of Plant Industries 48 hours prior to bringing said materials into the Commonwealth and inform the bureau of each destination within the Commonwealth.

(3) Bees moved between sunrise and sunset shall be covered with wire mesh, screen or net.

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(4) All hives moving into Massachusetts shall be clearly marked as described in 330 CMR 8.04(2) and said identification shall correspond to inspection certificates presented by the applicant.

8.07: Treatment

Upon the discovery of the existence of a bee disease or infestation of bee parasites within a colony of bees resident (whether temporarily or permanently, but not in transit) in Massachusetts, or upon a determination by the Chief Apiary Inspector or his agent that a substantial likelihood exists that such a colony of bees has been exposed to such diseases or parasites and as a consequence may be, or may become, diseased or infested with such disease or parasites; the owner of such bee colonies or his agent or representative or the caretaker of such colony shall cause all such colonies to be treated in such a manner as the Chief Apiary Inspector or his agent may direct.

REGULATORY AUTHORITY

330 CMR 8.00: M.G.L. c. 128, § 32.