

# ARKANSAS REGISTER

## Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State

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For Office

Use Only:

Effective Date \_\_\_\_\_ Code Number \_\_\_\_\_

Name of Agency Department of Agriculture

Department Plant Board

Contact Wade Hodge E-mail wade.hodge@agriculture.arkansas.gov Phone 501-219-6361

Statutory Authority for Promulgating Rules 2-16-207

Rule Title: Apiary Rules

Intended Effective Date  
(Check One)

Date

☐ Emergency (ACA 25-15-204) Legal Notice Published ..... \_\_\_\_\_

☐ 10 Days After Filing (ACA 25-15-204) Final Date for Public Comment ..... \_\_\_\_\_

☒ Other 09/07/1979 Reviewed by Legislative Council ..... \_\_\_\_\_  
(Must be more than 10 days after filing date.)

Adopted by State Agency ..... 08/17/1979

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Wade Hodge wade.hodge@agriculture.arkansas.gov 12/23/2019  
Contact Person E-mail Address Date

### CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted  
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

  
\_\_\_\_\_  
Signature

501-291-6361 wade.hodge@agriculture.arkansas.gov  
Phone Number E-mail Address

\_\_\_\_\_  
Managing Attorney

\_\_\_\_\_  
Title

12/23/2019  
\_\_\_\_\_  
Date

## **APIARY RULES OF THE STATE PLANT BOARD**

The following rules have been promulgated and adopted under authority of Act 161 of 1977 as amended by Act 149 of 1979 and in conformance with Act 434 of 1967 as amended, the Administrative Procedures Act.

The State Plant Board recognizes the importance of the honeybee to Arkansas agriculture through its pollination of crops and the value of the honey it produces. The Board will, therefore, strive to preserve the honeybee, promote beekeeping and strengthen apiary functions in Arkansas through the considerate and judicious application of Act 161 of 1977, as amended by Act 149 of 1979, and these rules.

### **Rule I. Registration**

**Registering Apiaries.** Each apiary in the state shall be registered. Apiaries may be registered at permanent or temporary locations. Temporary locations shall be occupied by active colonies of bees during the honey producing season, subject to pasturage rights specified in Section 3B of Act 161, or registration will be canceled. Registration shall be on forms provided by the Board and shall include the following information:

1. Name and complete mailing address of the owner,
2. Legal description of each location by Quarter section, Section, Township and Range,
3. A notation whether each location is permanent or temporary,
4. The name of the owner of the land where each apiary is located, and
5. The number of colonies at each location. Registration may be amended anytime as new colonies are added to an apiary by purchase, division or the capture of swarms, or when any significant change occurs in the location or operation of a beekeeper.

Any person who purchases colonies of bees from a beekeeper with registered apiary locations (bee yards) shall have the first option to register said locations in his own name, provided such action is agreeable to the owner of the land whereon the apiaries are located.

**Apiary Identification.** Each apiary location, whether permanent or temporary, shall be identified by prominently displaying the owner's Registration Number at the site. This number may be displayed on one or more hives or on a readily visible sign placed within 10 feet of the hives.

### **Rule II. Inspection.**

#### **Minimum Competency Standards For Inspector, Education and Experience.**

Two years college with at least one course in beekeeping, or high school diploma with two years experience as a beekeeper or equivalent.

#### **Training.**

A minimum of one week on-the-job training with the Head of the Apiary Section or the Chief Inspector or the Apiary Specialist where the beginning inspector shall demonstrate ability to properly handle hives and bees, to identify bee diseases and to execute required forms and paperwork.

**Examination.**

The prospective inspector shall make a passing grade of 70% on a written examination designed to measure his knowledge pertinent to the job before entering into the required training.

**Hives With Movable Frames Required.** A person may not keep bees in a hive which does not have movable frames. Movable frames permit thorough examination of every brood comb in a hive to determine the presence of disease. If a hive without movable frames is found the inspector will notify the owner or persons responsible for the hive of the condition in writing. The written notice shall require that the bees be moved into a hive with movable frames as soon as possible, but in no case more than 12 months from the date of the notice. If the owner or person responsible for the hive wishes to do so he may, after it is inspected, sell or give it to a second party who will house the bees properly. If he refuses or fails to provide proper housing himself or by a second party the hive or receptacle shall be condemned and destroyed. Hives condemned for destruction will be destroyed in the manner described for American foulbrood disease.

**Inspection Frequency.** The frequency of inspection of each apiary will be determined by the Board. Inspections may be made annually or at more frequent or less frequent intervals depending upon the disease history of the apiary and the surrounding area.

**Owner Participation Weather Conditions.** Owner participation during inspection is helpful to the owner as well as to the inspector and is encouraged. The apiary inspector will afford the beekeeper the opportunity to be present during the inspection by serving notice of the date and time at least five days prior to the inspection. The five-day period may be abbreviated upon the mutual consent of the apiary inspector and the beekeeper. Inspections will not be made when weather conditions are such that inspections may be seriously detrimental to the bees. Weather determinations will be made by mutual agreement between the owner or the person in charge and the inspector.

**Notice of Disease; Quarantine; Appeal.** If a bee disease is found to exist in any degree in an apiary the inspector will notify the owner or person responsible for the apiary in writing at the conclusion of the inspection. The notice will state which disease(s) is present, the number of colonies infected, how the diseased colonies are marked, the manner in which the disease(s) shall be eradicated and the length of time in which eradication shall be accomplished. The written notice shall also be considered a notice of quarantine if American foulbrood or European foulbrood is found in an apiary. The owner or person responsible for a quarantined apiary may appeal the findings of the inspector to the Head of the Apiary Section or the State Apiarist within 3 days. At the owner's option, confirmation or denial of the inspector's findings may be based upon reinspection of the apiary by the Head of the Apiary Section or the State Apiarist, or upon the findings of the USDA Bee Disease Investigative Laboratory. If the latter option is chosen the apiary inspector will, in the presence of the beekeeper, collect and identify samples to be sent to the laboratory. Based upon reinspection or laboratory findings, the determination of the Plant Board shall be final unless otherwise determined by a court of

proper jurisdiction. The quarantine shall cease to be in effect if the Board has not verified the existence of American or European foulbrood within thirty days after appeal by the beekeeper.

#### **Disease Eradication:**

**American Foulbrood.** If American foulbrood disease is found to exist in any degree in an apiary, after written notice to the owner or person responsible for the apiary and after a final determination is made, the inspector shall destroy or cause to be destroyed the diseased colonies and contaminated equipment in the following manner:

(a) By killing the bees in infected hives and burning the bees, combs, frames and honey in a pit and burying the ashes at least 1 foot below the surface of the ground.

(b) By scorching with fire or boiling in lye solution (one pound lye per 10 gallons of water) for not less than 30 minutes the hive bodies, bottom boards, covers, supers, or other equipment associated with the infected colonies.

The quarantine which is placed on an apiary when American foulbrood disease is found shall not be lifted until these eradication measures have been carried out to the satisfaction of the inspector and subsequent inspections reveal no American foulbrood disease in the apiary.

**European Foulbrood.** If European foulbrood disease is found to exist in any degree in an apiary, written notice and opportunity for appeal as described previously herein will be given to the owner or person responsible for the apiary. The written notice shall require that in each infected colony: (a) The queen shall be killed immediately, (b) An approved antibiotic shall be fed immediately and once per week for at least 3 weeks thereafter, and (c) After 10 days a new queen shall be introduced into the colony. If the owner or person responsible for the apiary refuses or fails to carry out the prescribed eradication procedures the infected colonies shall be destroyed by the inspector in the manner described for American foulbrood disease.

The quarantine which is placed on an apiary when European foulbrood disease is found shall not be lifted until these eradication measures have been carried out to the satisfaction of the inspector and subsequent inspections reveal no European foulbrood disease in the apiary.

**Other Bee Diseases.** If sacbrood, chalkbrood, bee paralysis or other bee disease are found to exist in any degree in an apiary the inspector will require such treatment as may be specified by the State Apiarist.

#### **Rule III. Transporting.**

**Transporting Bees, Apiary Equipment; Emergencies.** A person may not transport or cause to be transported into or within this state bees on combs, used hives or other used apiary equipment or appliances without a current certificate of inspection covering the bees and equipment to be moved. With such a certificate bees may be moved between registered locations at will without prior notice to the Plant Board. A person who does not possess a current certificate of inspection who wishes to move bees, or a person who wishes to move to a location which he has not registered, shall notify the Plant Board at least 20 days prior to the anticipated moving date. Within this 20-day period the Apiary Section shall inspect the apiary(ies) to be moved, conduct necessary investigations, determine prior pasturage rights and approve or reject the move.

Emergency moves made necessary by such things as fires, crop dusting and natural disasters may be made without prior notice provided that the Plant Board is notified within five days of the move and informed of the circumstances necessitating the emergency move.