

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1969



## ENROLLED

HOUSE BILL No. 793

(By Mr. Cookman and Mr. Queen)



PASSED March 4, 1969

In Effect Ninety days from Passage



FILED IN THE OFFICE  
JOHN D. ROCKEFELLER, IV  
SECRETARY OF STATE

THIS DATE 3-17-69

# 793

**ENROLLED**  
**House Bill No. 793**  
(By MR. COOKMAN and MR. QUEEN)

---

[Passed March 4, 1969; in effect ninety days from passage.]

---

AN ACT to amend and reenact article thirteen, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the protection of apiaries against contagious or infectious bee diseases by preventing the introduction into and dissemination within the state of diseased bees or contaminated beekeeping equipment; revising, consolidating and changing the law relating thereto; defining the powers and duties of the commissioner of agriculture relating thereto; and providing penalties thereto.

*Be it enacted by the Legislature of West Virginia:*

That article thirteen, chapter nineteen of the code of West

Virginia, one thousand nine hundred thirty-one, as amended,  
be amended and reenacted to read as follows:

**ARTICLE 13. INSPECTION AND PROTECTION OF APICULTURE.**

**§19-13-1. Title.**

1 This article shall be known by the short title of "The  
2 West Virginia Apiary Law of 1969."

**§19-13-2. Definitions.**

1 The following definitions shall apply in the interpre-  
2 tation and enforcement of this article. All words shall  
3 be construed to impart either the plural or the singular,  
4 as the case demands:

5 (a) "Department" means the department of agricul-  
6 ture of the state of West Virginia.

7 (b) "Commissioner" means the commissioner of agri-  
8 culture of the state of West Virginia or his duly author-  
9 ized agent.

10 (c) "Person" shall include all corporations, partner-  
11 ships, associations, societies, individuals or group of indi-  
12 viduals or any employee, servant or agent acting for or  
13 employed by any person as above defined.

14 (d) "Bees" shall be construed to mean any stage of

15 the common hive or honeybee, (*Apis mellifera*) or other  
16 species of the genus *Apis*.

17 (e) "Bee diseases" shall be construed to mean Amer-  
18 ican foulbrood, European foulbrood, sac brood, bee pa-  
19 ralysis, or any other disease or abnormal condition of  
20 eggs, larval, pupal, or adult stages of bees.

21 (f) "Colony" means the hive and includes bees, comb,  
22 honey and equipment.

23 (g) "Apiary" means any place where one or more  
24 colonies or nuclei of bees are kept.

25 (h) "Queen apiary" means any apiary or premises  
26 in which queen bees are reared or kept for sale or gift.

27 (i) "Hive" shall be construed to mean frame hive,  
28 box hive, box, barrel, log, gum, skep or any other re-  
29 ceptacle or container, natural or artificial, or any part  
30 thereof, which may be used or employed as a domicile  
31 for bees.

32 (j) "Appliances" means any apparatus, tools, machine  
33 or other device, used in the handling and manipulating  
34 of bees, honey, wax and hives. It also means any con-  
35 tainer of honey and wax that may be used in any apiary

36 or in transporting bees and their products and apiary  
37 supplies.

38 (k) "Bee equipment" means hives, supers, frames,  
39 veils, gloves or any other appliances.

40 (l) "Abandoned apiary" means any apiary wherein  
41 the owner or operator thereof fails to:

42 1. Inspect each colony in the spring and destroy  
43 any colony containing American foulbrood (*Bacillus*  
44 larvae).

45 2. Provide super room during honey flow.

46 3. Remove the honey crop at the end of the  
47 season and inspect each colony when the crop is removed  
48 and destroy any colony containing American foul-  
49 brood.

50 4. Provide reasonable and adequate attention to  
51 each colony during the year to prevent robbing which  
52 might jeopardize the welfare of neighboring colonies  
53 through the spread of disease.

54 5. Properly identify each colony which is not  
55 located on owners or operators property as provided in  
56 this article.

57 (m) "Packaged bees" means bees shipped in comb-  
 58 less packages in which no honey has been used for food  
 59 in transit or that bears an affidavit that any honey used  
 60 as food in the package was boiled at a temperature of  
 61 two hundred twelve degrees Fahrenheit for thirty  
 62 minutes.

63 (n) "Honey house" means a building in which honey  
 64 is extracted and handled.

### §19-13-3. Apiary education.

1 The commissioner of agriculture is authorized to con-  
 2 duct apiary education in a manner which may advance  
 3 and promote bee culture in West Virginia.

### §19-13-4. Commissioner to enforce article; rules and regulations.

(a) It shall be the duty of the commissioner to exer-  
 2 cise the powers and duties imposed upon him by this  
 3 article for the purpose of protecting apiculture and for  
 4 this purpose he is hereby authorized and empowered  
 5 to promulgate such rules and regulations as are neces-  
 6 sary to effectively eradicate, suppress or control bee  
 7 diseases as far as may be practical and to employ such  
 8 persons as may be appropriate.

(b) The commissioner is hereby authorized and em-  
 10 powered to cooperate with the federal government and

11 any agencies thereof, the state of West Virginia and  
12 any agencies or political subdivisions thereof and any  
13 other state or commonwealth or agencies thereof, in  
14 order to carry out the effective administration of this  
15 article.

**§19-13-5. Apiary inspection; orders of commissioner as to eradication or control of bee diseases.**

1 (a) The commissioner shall inspect all apiaries and  
2 honey houses in West Virginia. If upon such inspection  
3 it is found that any bee disease exists in such apiary,  
4 the inspector making the inspection shall immediately  
5 notify, in writing, the owner or person in charge of  
6 such apiary, stating the nature of the disease and  
7 whether the same may be successfully treated or not. In  
8 cases where the disease is subject to treatment, the in-  
9 spector shall specify and direct the necessary treatment,  
10 which shall be administered by the owner or person in  
11 charge within fourteen days thereafter. Otherwise the  
12 colony or apiary in which such bee diseases are found  
13 shall be destroyed by fire without remuneration to the  
14 owner. All bee equipment found in any diseased apiary

15 may be destroyed or sterilized under the direction of  
16 the commissioner.

17 (b) All queen apiaries shall, at least twice each sum-  
18 mer season, be inspected. If upon such inspection it shall  
19 appear that any bee disease exists in such queen apiary,  
20 the inspector making the inspection shall immediately  
21 notify, in writing, the owner or person in charge thereof,  
22 and thereafter it shall be unlawful for such person to  
23 ship, sell or give away any queen bees from such apiary  
24 until said disease shall have been eradicated.

25 (c) All apiaries, bees, bee products, premises, bee  
26 equipment and appliances wherein or on which bee  
27 diseases are found to exist may be quarantined by the  
28 commissioner. Such quarantine shall continue until the  
29 commissioner declares the same to be free from any such  
30 bee diseases. The commissioner may declare any area  
31 surrounding or adjoining those premises wherein the  
32 bee diseases are found to exist to be under quarantine  
33 as he deems necessary to assist in the control or eradi-  
34 cation of bee diseases.



**§19-13-6. Right of entry on premises.**

1 To effectuate the purpose of this article, the commis-  
2 sioner is hereby invested with authority, during reason-  
3 able working hours, to enter upon any public or private  
4 premises, except private residences, and shall have access  
5 to any apiary for the purpose of inspecting or sampling.

**§19-13-7. Keeping of diseased bees unlawful.**

1 It shall be unlawful for any person knowingly to keep  
2 in his possession, without proper treatment, any colony  
3 of bees affected with any bee disease or to expose any  
4 diseased colony or infected hive or appliance so that  
5 flying bees have access to them.

**§19-13-8. Transporting diseased bees unlawful.**

1 It shall be unlawful for any person to sell, barter,  
2 or give away, accept, receive or transport any bees that  
3 are known to be affected with any bee disease.

**§19-13-9. Identification of apiaries.**

1 All persons owning or operating an apiary which is  
2 not located on said owners or operators property must  
3 post the name and address of the owner or operator in  
4 a conspicuous place in the apiary.

**§19-13-10. Abandoned apiaries; notice.**

When any apiary is deemed by the commissioner to be an abandoned apiary, he shall give written notice by registered mail to the owner or operator thereof, if he can be located, that he deems such apiary an abandoned apiary. If he cannot be located, such notice shall be served on the owner of the land on which the apiary is located. If such apiary continues to be abandoned for sixty days thereafter the commissioner may seize the apiary and take such further steps as to the disposal or destruction thereof as its condition warrants.

**§19-13-11. Destruction of diseased abandoned apiary.**

If any abandoned apiary is found, upon inspection, to be diseased, the commissioner may cause it to be destroyed by fire.

**§19-13-12. Bees brought into state to carry inspection certificate; commissioner to be notified.**

(a) It shall be unlawful for any person to transport bees, used hives or used appliances into West Virginia, unless the same be accompanied by a certificate of inspection signed by an authorized inspection official of the state from which such bees are being transported.

6 Such certificate shall certify the actual inspection of the  
7 bees made within thirty days preceding the date of ship-  
8 ment, and that the bees, hives and appliances contained  
9 in the shipment are apparently free from bee diseases.

10 (b) Within ten days after the arrival within the state  
11 of West Virginia of any bees, used hives, combs, bee  
12 appliances or equipment, notice of such containing the  
13 following information shall be given the commissioner  
14 by the person receiving such articles:

15 1. Exact location of bees or equipment.

16 2. Name and address of the owner of the prop-  
17 erty on which the bees are located.

18 3. The exact number of colonies or amounts of  
19 bee equipment.

20 4. A copy of the inspection certificate issued by  
21 the inspector of the state of origin.

22 Packaged bees bearing a certificate of inspection will  
23 be exempt from the provisions of part (b) of this section.

**§19-13-13. Importation of bees from foreign countries unlawful.**

1 It shall be unlawful for any person to import any liv-  
2 ing insects belonging to the genus *Apis* from any foreign

3 country (except Canada) for any purpose without prior  
4 written permission from the commissioner of agriculture.

**§19-13-14. Registration of bees.**

1 All persons keeping bees in this state shall, within  
2 ninety days of the effective date of this article, notify  
3 the commissioner of agriculture in writing of the number  
4 and location of colonies they own or rent, or which they  
5 keep for someone else, whether the bees are located on  
6 their own property or someone else's property. There-  
7 after, such information shall be provided within ten  
8 days of the time the bees are acquired.

**§19-13-15. Candy for mailing cages.**

1 Any person who engages in the shipping of bees in  
2 combless packages in this state shall, in the making of  
3 candy for mailing cages, use honey that has been boiled  
4 at a temperature of two hundred twelve degrees Fahren-  
5 heit for thirty minutes or use candy that does not contain  
6 honey.

**§19-13-16. Unsanitary conditions; rules, standards.**

1 The commissioner of agriculture shall have the power  
2 to establish rules, regulations and standards relating to

the keeping and maintaining of bees, egg equipment,  
apiaries and appliances.

**§19-13-17. Hinderance of commissioner made unlawful;**

It is unlawful for any person to resist, impede or hinder  
the commissioner in the performance of his duties under  
the provisions of this article.

**§19-13-18. Fruit trees; spraying;**

It shall be unlawful for any person to spray fruit trees  
while in full bloom with any material which is deemed  
by the commissioner to be injurious to bees.

**§19-13-19. Penalties for violations of article; rules or regulations.**

- 1 Any person violating any of the provisions of this
- 2 article, or the rules or regulations adopted thereunder,
- 3 shall be deemed guilty of a misdemeanor, and, upon con-
- 4 viction thereof, shall be fined not less than ten dollars
- 5 nor more than one hundred dollars.

6 It shall be the duty of the prosecuting attorney of the  
7 county in which the violation occurred to represent the  
8 department of agriculture, to institute proceedings and  
9 to prosecute the person charged with such violation.

**§19-13-20. Severability.**

1     If any provision of this article or the application thereof  
2     to any person or circumstances is held invalid, such  
3     invalidity shall not affect other provisions or applications  
4     of the article which can be given effect without the  
5     invalid provision or application and to this end the pro-  
6     visions of the article are declared to be severable.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William Tongue  
Chairman Senate Committee

Clayton C. Davidson  
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

J. Lawrence Myers  
Clerk of the Senate

C. A. Blankenship  
Clerk of the House of Delegates

Ray C. Moore  
President of the Senate

Sam F. Brisby  
Speaker House of Delegates

The within approved this the 12<sup>th</sup>  
day of March, 1969.

Arch A. Shouse Jr.  
Governor



PRESENTED TO THE  
GOVERNOR

Date 3/8/69

Time 4:50 p.m.

RECEIVED

MAR 17 10 23 AM '69

OFFICE OF  
SECRETARY OF STATE  
STATE OF WEST VIRGINIA