WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1969

ENROLLED

HOUSE BILL No. 793

(By Mr. Cookman and Mr. Queen)

PASSED March 4, 1969

In Effect Thirty days from Passage

# 793

FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE
THIS DATE 3-17-69
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 West Virginia Apiary Law of 1969."


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

5 (a) "Department" means the department of agriculture of the state of West Virginia.

7 (b) "Commissioner" means the commissioner of agriculture of the state of West Virginia or his duly authorized agent.

10 (c) "Person" shall include all corporations, partnerships, associations, societies, individuals or group of individuals or any employee, servant or agent acting for or employed by any person as above defined.

14 (d) "Bees" shall be construed to mean any stage of
the common hive or honeybee, (Apis mellifera) or other
species of the genus Apis.

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

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

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

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

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

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

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

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

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

2. Provide super room during honey flow.

3. Remove the honey crop at the end of the season and inspect each colony when the crop is removed and destroy any colony containing American foulbrood.

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

5. Properly identify each colony which is not located on owners or operators property as provided in this article.
57. "Packaged bees" means bees shipped incomb- 
less packages in which no honey has been used for food 
58 in transit or that bears an affidavit that any honey used 
59 as food in the package was boiled at a temperature of 
60 two hundred twelve degrees Fahrenheit for thirty 
61 minutes.
62 (n) "Honey house" means a building in which honey is extracted and handled.
64 The commissioner of agriculture is authorized to con-
65 duct apiary education in a manner which may advance 
66 and promote bee culture in West Virginia.
67 §19-13-4. Commissioner to enforce article; rules and regulations.
68 (a) It shall be the duty of the commissioner to exer-
69 cise the powers and duties imposed upon him by this 
70 article for the purpose of protecting apiculture and for 
71 this purpose he is hereby authorized and empowered 
72 to promulgate such rules and regulations as are neces-
73 sary to effectively eradicate, suppress or control bee 
74 diseases as far as may be practical and to employ such 
75 persons as may be appropriate.
76 (b) The commissioner is hereby authorized and em-
77 powered to cooperate with the federal government and
any agencies thereof, the state of West Virginia and any agencies or political subdivisions thereof and any other state or commonwealth or agencies thereof, in order to carry out the effective administration of this article.

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

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

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

(c) All apiaries, bees, bee products, premises, bee
equipment and appliances wherein or on which bee
diseases are found to exist may be quarantined by the
commissioner. Such quarantine shall continue until the
commissioner declares the same to be free from any such
bee diseases. The commissioner may declare any area
surrounding or adjoining those premises wherein the
bee diseases are found to exist to be under quarantine
as he deems necessary to assist in the control or eradi-
cation of bee diseases.
§19-13-6. Right of entry on premises.

1. To effectuate the purpose of this article, the commission is hereby invested with authority, during reasonable working hours, to enter upon any public or private premises, except private residences, and shall have access to any apiary for the purpose of inspecting or sampling.


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

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

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


1. All persons owning or operating an apiary which is not located on said owners or operators property must post the name and address of the owner or operator in a conspicuous place in the apiary.
§19-13-10. Abandoned apiaries; notice.

1. 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.


1. 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.

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.

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

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


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

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

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

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.


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 article, or the rules or regulations adopted thereunder, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten dollars nor more than one hundred dollars.

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

1 If any provision of this article or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the article which can be given effect without the invalid provision or application and to this end the provisions of the article are declared to be severable.
The Joint Committee on Enrolled Bills hereby certifies that
the foregoing bill is correctly enrolled.

Willa Tong
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

J. Clarence Heaguer
Clerk of the Senate

H.A. Blankenship
Clerk of the House of Delegates

Joe Byrnes
President of the Senate

L.J. Blandish
Speaker House of Delegates

The within............approved...........this the 12th-

day of..............March............., 1969.

Arch A. Shane Jr.
Governor