

APPROVED AND SIGNED BY THE GOVERNOR

Date 4-24-81

Time \_\_\_\_\_

No: 420

**WEST VIRGINIA LEGISLATURE**  
**REGULAR SESSION, 1981**



**ENROLLED**

SENATE BILL NO. 420

(By Mr. Ash)



PASSED April 9, 1981

In Effect ninety days from Passage



**ENROLLED**  
**Senate Bill No. 420**  
**(By MR. ASH)**

[Passed April 9, 1981; in effect ninety days from passage.]

AN ACT to amend and reenact sections two and twelve, article thirteen, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to redefining "bee diseases," "apiary," and abandoned apiary"; changing period for inspection of bees being shipped into state from thirty to sixty days; and changing time period for notice to commissioner from ten days after the arrival of bees into the state to prior to the movement into the state.

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

That sections two and twelve, 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.**

**§19-13-2. Definitions.**

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

5 (a) "Department" means the department of agri-  
6 culture 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

12 individuals or any employee, servant or agent acting for  
13 or employed by any person as above defined.

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

17 (e) "Bee diseases" shall be construed to mean Ameri-  
18 can foulbrood (*Bacillus larvae*), European foulbrood  
19 (*Bacillus pluton*), or any other infection or parasitic  
20 infestation determined by the commissioner to be trans-  
21 missible to other bee colonies and that represents a  
22 threat to beekeeping in West Virginia.

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

25 (g) "Apiary" means any place where one or more  
26 colonies or nuclei of bees are kept or where bee equip-  
27 ment is stored.

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

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

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

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

43 (l) "Abandoned apiary" means any apiary in which  
44 twenty-five percent or more of the colonies are dead or  
45 diseased, or death or disarray of the colonies exposes  
46 them to robbing which may jeopardize the welfare of  
47 neighboring colonies and the hives or apiary are not  
48 identified as specified in section nine of this article.

49 (m) "Packaged bees" means bees shipped in combless  
50 packages in which no honey has been used for food in  
51 transit or that bears an affidavit that any honey used as

52 food in the package was boiled at a temperature of two  
53 hundred twelve degrees fahrenheit for thirty minutes.

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

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

1 (a) It shall be unlawful for any person to transport  
2 bees, used hives or used appliances into West Virginia,  
3 unless the same be accompanied by a certificate of in-  
4 spection signed by an authorized inspection official of  
5 the state from which such bees are being transported.  
6 Such certificate shall certify the actual inspection of  
7 the bees made within sixty days preceding the date of  
8 shipment, and that the bees, hives and appliances con-  
9 tained in the shipment are apparently free from bee  
10 diseases.

11 (b) Prior to the movement of any bees, used hives,  
12 combs, bee appliances or equipment, into the state of  
13 West Virginia, the commissioner shall be furnished by  
14 the owner, transporter or lessee the following:

- 15 1. Exact location of bees or equipment.
- 16 2. Name and address of the owner of the property on  
17 which the bees are located.
- 18 3. The exact number of colonies or amounts of bee  
19 equipment.
- 20 4. A copy of the inspection certificate issued by the  
21 inspector of the state of origin.

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

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

*R. P. Bayler*  
Chairman Senate Committee

*Tommy E. Whitlow*  
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

*Gold O. Watts*  
Clerk of the Senate

*Blankenship*  
Clerk of the House of Delegates

*Marion R. Moore*  
President of the Senate

*Walter M. Reed, Jr.*  
Speaker House of Delegates

The within is approved this the 24  
day of April, 1981.

*Gov. J. D. Rife*  
Governor

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SECY. OF STATE