

330 CMR: DEPARTMENT OF AGRICULTURAL RESOURCES

330 CMR 8.00: APIARY INSPECTION REGULATIONS

Section

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8.01 Definitions

Africanized Honey Bees. Any invasive Honey Bee identified by the United States Department of Agriculture lab to be classified as *Apis mellifera scutellata*.

American Foulbrood. The contagious bacterial disease of Honey Bee Brood which is caused by *Paenibacillus larvae*.

Apiary(ies). Any place or location where one or more Colonies containing Honey Bees and/or associated equipment is kept.

Beekeeper. Any person who owns, keeps, manages or oversees Honey Bee Colonies, Hive(s) and /or Apiaries.

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

Chalkbrood. The contagious fungal disease of Honey Bee Brood which is caused by *Ascophaera apis*.

Chief Apiary Inspector. The person designated by the Commissioner to perform the duties of the Department relative to the inspection and control of Honey Bee(s) and to enforce M.G.L. c. 128, Section 32 et seq. and its regulations.

Colony(ies). The Hive, Honey Bees, Brood, Comb, Honey, nectar, pollen bee bread and propolis.

Comb. Any structure composed of beeswax cells which contain Brood, Honey, nectar, bee bread and pollen.

Commissioner. The Commissioner of the Massachusetts Department of Agricultural Resources.

Department. The Massachusetts Department of Agricultural Resources.

European Foulbrood. The contagious bacterial disease of Honey Bee Brood which is caused by *Melissococcus pluton*.

Hive(s). Any box, 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.

Honey Bee(s). Any life stages of the insect belonging to the scientific genus and species, *Apis mellifera*.

Honey Bee Disease. Any infectious, contagious or harmful disease, including but not limited to, American Foulbrood, European Foulbrood, Chalkbrood, Nosema, virus, or any other abnormal condition of eggs, larval, pupal or adult life stages of Honey Bees.

Inspector(s). Any person designated by the Chief Apiary Inspector to inspect Honey Bee Hive(s), Colony(ies), Apiaries, and any other used equipment or materials in order to determine conditions of Honey Bee Disease or Parasite infestation, and to enforce M.G.L. c. 128, § 32 et seq. and the regulations promulgated thereunder.

Nosema. The contagious fungal disease of Honey Bees which is caused by *Nosema apis* and/or *Nosema ceranae*.

Order. An enforceable document issued by the Department with instructions on certain corrective action(s) or to refrain from an activity.

Package(s). Any combless and broodless shipping container of Honey Bees with or without a queen.

Parasite. Any parasitic mites and insects including but not limited to the Tracheal mite (*Acarapis woodi*), Varroa mites (*Varroa destructor*, *Varroa jacobsoni*), Tropilaelaps mite (*Tropilaelaps clareae*), Small hive beetle (*Aethina tumida*), wax moth, and any other external or internal parasite of Honey Bees.

Permit. A certificate of inspection issued by the appropriate regulatory authority from the state in which the Honey Bees, Hive(s), Colony or equipment originates, indicating the presence or absence of certain Honey Bee Disease(s), and/or Parasites in a Colony(ies), Hive(s) or Apiary(ies) equipment.

Robbing. The removal of Honey, nectar and/or pollen from dead or weakened Colony(ies) by Honey Bees not belonging to that Colony.

8.02 Interstate Movement and Permits

(1) Any Beekeeper intending to transport Package(s), Colonies, Hive(s), and/or used or second hand bee keeping equipment and Comb into the Commonwealth shall notify the Chief Apiary Inspector, either in writing or by telephone message to the number designated by the Department, no less than forty-eight (48) hours prior to bringing said materials into Commonwealth and shall provide destination information of materials within Massachusetts. The destination shall include, but shall not be limited to, the location of sale and/or the holding yard.

(2) Any Beekeeper transporting Package(s), Colonies, or used or second hand bee keeping equipment into the Commonwealth for sale must keep records regarding the sale of such items.

Records must include:

- (a) Date of sale;
- (b) Items sold;
- (c) Number of items sold;
- (d) Name and address of individual that items were sold to; and
- (e) Name and address of seller.

(3) Records must be kept for at least three (3) years and be made available to the Department upon reasonable request.

(4) Honey Bee Colonies, Hive(s), Packages, used or second-hand bee keeping equipment, and/or Comb transported into Commonwealth from other states or countries must have a Permit. The Permit must state that a health inspection has been performed within sixty (60) days prior to transport when the Honey Bees are actively rearing Brood, and are free of:

- (a) American Foulbrood;
- (b) European Foulbrood;
- (c) Chalkbrood;
- (d) Africanized Honey Bees; and
- (e) Any other condition the Department deems of concern.

(3) Honey Bee Colonies moved into the Commonwealth between sunrise and sunset shall be covered with wire mesh, screen, or net to prevent loss of Honey Bees during transit.

(4) All Hives moving into the Commonwealth shall be clearly marked with the name of the Beekeeper and/or Apiary either inside or outside, to be easily found by an Inspector, and said identification shall correspond to the Permit.

8.03: Registration

(1) All individuals that keep Honey Bee Colonies in the Commonwealth must register their Apiary(ies) with the Department within thirty (30) days from the date of promulgation of 330 CMR 8.00 or, if after said thirty (30) days, within fourteen (14) days of acquiring bees.

(2) Registration must include, at a minimum, the following:

- (a) Name and address of the Beekeeper;
- (b) Email and phone number of the Beekeeper; and
- (c) Apiary address(es) of the location(s) where Colonies will be kept. If multiple sites are used during the year, then all sites must be listed.

(3) Registration information must be updated if information required by 8.03(2) changes or if the Beekeeper no longer keeps bees.

(4) All Hives in the Apiary must be clearly marked with the name of the Beekeeper or Apiary, either inside or outside, to be easily found by an Inspector.

8.04: Maintenance of Apiaries

- (1) All Beekeepers shall maintain their Apiaries in such a manner as to not spread Diseases and Parasites through Robbing in any form or at any season.
- (2) Colonies, Hives, and other Honey Bee equipment not occupied or used by Honey Bees shall not be exposed out of doors or in open buildings, making them subject to Robbing. The exposure of such materials shall be considered a danger to Honey Bees and a possible source of the spread of Honey Bee Diseases and Parasites.
- (3) Where such conditions or other unsanitary conditions and methods are found, they shall be abated in accordance with written instructions issued by the Chief Apiary Inspector or their Inspector(s).

8.05: Disease Prevention and Control

- (1) Any beekeeper who becomes aware of the existence of Honey Bee Diseases or Africanized Honey Bees through generally accepted Beekeeping practices among any Honey Bees shall notify the Chief Apiary Inspector, in writing or by telephone message to the number designated by the Department, within forty-eight (48) hours.
- (2) The Department may enter, at all reasonable times, upon the premises of any Apiary(ies) to make inspections of Colonies, Hives, Packages, materials or equipment used by or containing Honey Bees found on the premises to determine the presence of Honey Bee Diseases, Parasites, and/or Africanized Honey Bees.
- (3) Upon discovery of any issues that pose a risk to Honey Bee health, an Inspector shall give written instructions on how to rectify the situation, which may include but not be limited to, a quarantine and/or decommission of said material and/or the Apiary, other Honey Bee Colonies, Hives, Packages or equipment until further notice to the Beekeeper as to the course of actions to be taken to remedy the condition. Issues that pose a risk to Honey Bee health shall include, but may not be limited to:
 - (a) Colonies, Hives, equipment and materials not occupied and/or not used by Honey Bees;
 - (b) Unsanitary conditions;
 - (c) Contaminated Colonies, Hives, equipment and/or materials with Honey Bee Disease;
 - (d) Any Comb cross-built or fastened to Hives
 - (e) Africanized Honey Bees; and
 - (f) Any other condition the Department deems of concern
- (4) Upon discovery of Honey Bee Disease or any other issue that poses a risk to Honey Bees listed in 8.05(3), if it becomes necessary to destroy diseased Honey Bee Colonies, Hive(s), Package(s), materials or equipment, such destruction shall be carried out by the Beekeeper under the direction and instruction of the Chief Apiary Inspector or their Inspector(s) and in accordance with an Order issued by the Department. Should the beekeeper not perform the destruction then the diseased Honey Bee Colonies, Hive(s), Package(s), materials or equipment affected shall be subjected to destruction by the Chief Apiary Inspector or their Inspector(s).

REGULATORY AUTHORITY

330 CMR 8.00: M.G.L. c. 128, § 32.

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