

CHAPTER 181
FORMERLY
HOUSE BILL NO. 195

AN ACT TO AMEND TITLE 3 OF THE DELAWARE CODE RELATING TO AGRICULTURE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 75 of Title 3 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

Chapter 75 BEEKEEPING

§ 7501 Definitions.

As used in this chapter:

- (1) "Apiary" means any place where one or more colonies of honey_bees are kept.
- (2) "Appliances" means any apparatus, tools, machine, or other device used in the handling of bees, honey, wax and hives, and includes smokers, veils, gloves, hive tools, extractors, as well as any container of bees, honey or wax which may be used in an apiary or in transporting bees and their products.
- (3) "Bees" means any stage of development of the common honeybee, ~~Apis Mellifera~~, or of any other bee species being transported into Delaware for any purpose.
- (4) "Bee diseases" means American or European foul brood or any other infectious or contagious disease pronounced detrimental to beekeeping by the Department of Agriculture or the State Apiarist.
- (5) "Bee equipment" means hives, supers, frames, sections, wax foundation, wax, comb and honey.
- (6) "Colony" means the hive and its bees, comb and equipment.
- (7) "Hive" means frame hive, box hive, barrel, log gum, skep or any other container, or any part thereof, which may be used as a domicile for bees.
- (8) "Queen apiary" means any apiary in which queen bees are reared or kept for gift or sale.
- (9) "Africanized bee" means ~~Apis mellifera Sscutellata~~ or ~~Apis mellifera Aadansonii~~ or other exotic species.
- (10) "Mite" means ~~Acarapis woodi, Varroa destructor jacobsoni~~.
- (11) "Inspector" means any qualified person who is appointed by the Department for the purpose of inspecting honey_bee colonies.
- (12) "Control" means to curb or hold in check and includes, but is not limited to, abatement, containment, eradication, extermination or suppression.
- (13) "Department" means the Delaware Department of Agriculture.
- (14) "Eradication" means to burn or discard of bees, combs, and frames, or other equipment.
- (15) "Exotic mite" means Tropilaelaps clarae, Varroa jacobsoni, Varroa rindereri, Varroa sinhai, Varroa wongsirii, or other non-endemic species.
- (16) "Mite Infestation" means the parasite or pathogen will threaten the colony health if action is not taken.

§ 7502 State Apiarist and inspectors; appointment, duties and powers.

(a) The Department of Agriculture shall appoint a competent State Apiarist, who shall have adequate experience in practical beekeeping, and who shall work under the supervision of the Department.

(b) The State Apiarist shall promote the science of beekeeping by educational and other means, and shall inspect or cause to be inspected apiaries, bees and beekeeping equipment and appliances within the State.

(c) [Repealed.]

(d) Upon the written request of ~~one~~ or more beekeepers in any county of the State, the State Apiarist or the inspector shall within a reasonable time examine the bees in that locality suspected of being infested or infected with any bee disease, mite, exotic mite or Africanized honey bee, and if the bees are found to be infested or infected, the State Apiarist or inspector shall cause suitable approved measures to be taken for the eradication ~~and~~ or control of the disease, mite, exotic mite or Africanized honey bee.

(e) The State Apiarist or the inspectors shall, ~~at least once each year,~~ examine ~~all~~ bees and ~~all~~ known apiaries in the State, and if any are found to be infested or infected by a disease, mite, exotic mite or Africanized honey bee, the State Apiarist shall cause suitable approved steps to be taken for eradication ~~and~~ or control of the disease, mite, exotic mite or Africanized honey bee.

§ 7503 Inspection; quarantine; destruction of bees; appeal.

For the enforcement of this chapter, the Department of Agriculture, the State Apiarist and the state bee inspectors may enter upon any public or private premises, and shall have access, ingress and egress to and from all apiaries or places where bees, bee equipment and appliances are kept, for the purpose of ascertaining whether any disease, exotic mite or Africanized honey bee exists therein. If any disease, exotic mite or Africanized honey bee exists in such apiaries, the State Apiarist or the bee inspector, subject to the approval of the Department of Agriculture, shall declare such apiaries to be each the center of a quarantine zone in the form of a circle ~~3~~three miles in radius, and shall prescribe suitable measures to be carried out for the eradication ~~and~~ or control of the disease, exotic mite or Africanized honey bee. Whenever the owners of such apiaries fail or refuse to take such steps as may be prescribed by the State Apiarist or the bee inspector to control or eradicate any disease, exotic mite or Africanized honey bee from such apiaries, the State Apiarist may cause the ~~diseased~~ affected bees, together with any infested or infected bee equipment or appliances, to be destroyed in such manner as may be deemed best, after first giving to the owner ~~5~~five days' notice thereof in writing and an opportunity to be heard, and shall take such further steps as the State Apiarist may deem necessary to prevent the spread of the disease, exotic mite or Africanized honey bee. Any owner may, within ~~5~~five days of receipt of such notice, appeal from the decision of the State Apiarist to the Superior Court for the county in which such apiary, bee equipment or appliances are located, by filing therein a petition setting forth the facts and making the State Apiarist a party defendant. Appeals shall be heard and determined by the court as expeditiously as possible.

§ 7504 Registration of bees with State Apiarist.

(a) All persons keeping bees in the State or moving bees into the State shall annually register any and all of their colonies and apiary locations with the Department on forms supplied by the Department on or before January

30th of each year. If bees are acquired after January 30th of the year, then they shall notify the State Apiarist in writing within ten days of the time the bees are acquired, of the number and location of colonies.

~~(b) All persons keeping-renting, moving and/or holding bees on their land for any person, bees in this State shall notify the State Apiarist in writing within ~~10~~ ten days of the time the bees are acquired, of the number and location of colonies they own, or rent, or which they keep for anyone else, whether the bees are located on their own or someone else's property. All persons keeping bees in the State shall annually register any and all of their colonies and apiary locations with the Department on forms supplied by the Department on or before January 30th of each year.~~

§ 7505 Structure of hives.

All persons keeping bees in this State shall provide movable frames in all hives used by them, and cause the bees in such hives to construct all combs in such frames so that such frames may be removed from the hive without injuring other combs in the hive, and so that all the surface of the combs may be examined visually. The State Apiarist will provide notice in writing if bees are not in moveable frames, and the person keeping the bees will have one year to get into moveable frames before a penalty is assessed.

§ 7506 Exposure of diseased, infested or infected bees or equipment; notice.

(a) No person in this State shall expose any diseased, mite infestation, exotic mite ~~infested~~ or Africanized honey bee, or any infected or infested hives, equipment or appliances so that flying bees may have access to them.

(b) Any person keeping bees in the State shall notify the State Apiarist immediately of the existence or the suspected existence of any bee disease, mite infestation, exotic mite or Africanized honey bee in such person's own or any other apiary in the State.

§ 7507 False information; interference with Apiarist or inspectors.

No person shall give false information in any matter pertaining to this chapter, or hinder or resist the State Apiarist or the inspector in the discharge of his or her duties.

§ 7508 Precautions against spread of disease.

After inspection of infected bees, equipment or appliances, the State Apiarist or inspector shall, ~~before leaving the premises,~~ take such measures as shall prevent the spread of the disease by infected material adhering to his or her person or clothing or to any equipment or appliances used by him or her which may have come in contact with infected material.

§ 7509 Movement of bees, equipment or appliances from infected apiary.

No person shall sell, barter or give away, accept, receive or transport any bees, equipment or appliances from an apiary known to be affected with a bee disease, mite infestation, exotic mite or Africanized honey bee, without the consent in writing of the State Apiarist, until ~~all~~ colonies in the apiary have been inspected by the State Apiarist or the bee inspector and the disease, mite infestation, exotic mite or Africanized honey bee found, in his or her judgment, to be controlled or eradicated.

§ 7510 Importation of bees or used bee equipment or appliances.

(a) No person shall ship or transport any colony of bees, or used beekeeping equipment into the State that is

not accompanied by an entry permit issued by the Department.

(b) Before a person may ship or transport into the State any colony of bees, or used beekeeping equipment, the person shall request an entry permit by submitting to the Department an inspection certificate from an authorized inspector of the state of origin that includes the following information:

(1) A statement that the colonies or used beekeeping equipment is apparently free of all diseases, mites infestation, exotic mites and Africanized honey bees, based on an inspection within the preceding 60 days.

(2) Name, address and state of residence of owner and shipper.

(3) Number of hives that contain bees.

(4) Location of apiary sites where the bees will be kept.

(c) Any uncertified bees must be removed from the State within ~~48~~24 hours.

§ 7511 Inspection of queen-rearing apiaries.

Every person rearing queen bees in the State for gift or sale shall have his or her queen-rearing apiaries inspected at least once each year by the State Apiarist or inspector and on the discovery of any bee disease, mite infestation, exotic mite or Africanized honey bee such person shall immediately cease to ship bees from such apiaries, until the State Apiarist declares the apiaries apparently free of diseases, mite infestation, exotic mites or Africanized honey bees and issues a certificate to that effect.

§ 7512 Violations and penalties.

Whoever violates this chapter or any order or quarantine regulation issued hereunder, or interferes in any way with the duly-appointed representatives of the Department of Agriculture in the discharge of the duties specified in this chapter shall be subject to the assessment of a civil penalty of no less than \$100 and no more than \$1,000 on each count. For purposes of §§ 7505, 7509, 7510 and 7513 of this title, each colony shall constitute a single offense or count. For § 7504(b) no penalty should be assessed. No civil penalty shall be imposed until an administrative hearing is held before the Secretary of Agriculture or the Secretary's designee. No civil penalty shall be assessed unless the person charged shall have been given notice and an opportunity for a hearing on such a charge in accordance with Chapter 101 of Title 29.

§ 7513 Importation of queens, combless packages or nucleus colonies.

(a) A person may not ship or transport into this State any queen bee, combless package of bees or nucleus colony of bees unless it is accompanied by a valid inspection certificate issued by an authorized inspector of the state of origin, stating that the queen bee, combless package bees or nucleus colony is from an apiary apparently free of diseases, mite infestation, exotic mites and Africanized bees.

(b) A person may not ship or transport into the State any queen bee, combless packages or nucleus colony from any state or country that does not have an apiary inspection service.

Approved July 31, 2019