

HOUSE BILL No. 4760

May 1, 1991, Introduced by Reps. Alley, DeMars and Randall and referred to the Committee on Agriculture, Forestry and Minerals.

A bill to amend the title and sections 1, 2, 3, 4, 5a, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 of Act No. 412 of the Public Acts of 1976, entitled

"An act to revise and consolidate the law relative to the suppression of serious diseases among bees; to prescribe powers and duties of the director of the department of agriculture; to prescribe penalties; to provide for registration and regulation of apiaries; and to repeal certain acts and parts of acts,"

sections 1, 3, and 12 as amended and section 5a as added by Act No. 312 of the Public Acts of 1984, sections 2, 7, 8, 14, 15, and 16 as amended by Act No. 443 of the Public Acts of 1982, and section 11 as amended by Act No. 13 of the Public Acts of 1985, being sections 286.801, 286.802, 286.803, 286.804, 286.805a, 286.806, 286.807, 286.808, 286.809, 286.810, 286.811, 286.812, 286.813, 286.814, 286.815, and 286.816 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and sections 1, 2, 3, 4, 5a, 6, 7, 8,
2 9, 10, 11, 12, 13, 14, 15, and 16 of Act No. 412 of the Public
3 Acts of 1976, sections 1, 3, and 12 as amended and section 5a as
4 added by Act No. 312 of the Public Acts of 1984, sections 2, 7,
5 8, 14, 15, and 16 as amended by Act No. 443 of the Public Acts of
6 1982, and section 11 as amended by Act No. 13 of the Public Acts
7 of 1985, being sections 286.801, 286.802, 286.803, 286.804,
8 286.805a, 286.806, 286.807, 286.808, 286.809, 286.810, 286.811,
9 286.812, 286.813, 286.814, 286.815, and 286.816 of the Michigan
10 Compiled Laws, are amended to read as follows:

11 TITLE

12 An act to revise and consolidate the law relative to the
13 suppression of serious diseases among bees; to prescribe powers
14 and duties of the ~~director~~ ANIMAL INDUSTRY DIVISION of the
15 department of agriculture; to prescribe penalties; to provide for
16 registration and regulation of apiaries; and to repeal certain
17 acts and parts of acts.

18 Sec. 1. As used in this act:

19 (a) "American foulbrood disease" means the contagious dis-
20 ease of bee larvae caused by *Bacillus larvae*, white.

21 (b) "Apiary" means a place where 1 or more colonies of bees,
22 or unoccupied hives are kept, and includes hives, bees, and bee
23 associated equipment.

24 (c) "Bee disease" means American or European foulbrood,
25 sacbrood, bee paralysis, parasites of bees, or other disease or

1 abnormal condition of the egg, larval, pupal, or adult stages of
2 bees.

3 (d) "Bees" means any life stage of the common honey bee,
4 *Apis mellifera* L.

5 (e) "Brood comb" means a comb used for the deposition of
6 eggs and the rearing of larvae.

7 (f) "Colony" means the hive and its equipment including
8 bees, comb, and honey.

9 (g) "Commercial pollination" means the use of colonies of
10 bees to pollinate agricultural crops for which use the beekeeper
11 receives consideration.

12 (h) ~~"Director" means the director of the department of~~
13 ~~agriculture.~~ "DIVISION" MEANS THE ANIMAL INDUSTRY DIVISION OF
14 THE DEPARTMENT OF AGRICULTURE, AND INCLUDES THE AUTHORIZED REPRESENTATIVE OF THE ANIMAL INDUSTRY DIVISION OF THE DEPARTMENT OF
15 AGRICULTURE.

17 (i) "Equipment" means hives, supers, frames, veils, gloves,
18 or other apparatus, tools, machine, or other device used in the
19 handling and manipulating of bees, honey, or wax, which may be
20 used in an apiary or in transporting bees and their products and
21 apiary supplies or equipment.

22 (j) "Exotic strain of bees" means African or Africanized
23 bees or any other developed strain of bees known to be harmful
24 but not known to be present ordinarily in this state.

25 (k) "Frame" means a removable structure upon which a brood
26 comb is constructed.

1 (l) "Hive" means a receptacle or container that has moveable
2 frames, or any part of a receptacle or container that has
3 moveable frames, and that is used or employed as a domicile for
4 bees.

5 (m) "Neglected or abandoned hives" means unattended, unreg-
6 istered occupied hives, or empty hives exposed to occupancy by
7 bees.

8 (n) "Nuclei" means a colony consisting of 1 or more combs of
9 bees or brood used or intended to be used for starting a hive.

10 (o) "Person" means an individual, society, association,
11 partnership, or corporation.

12 (p) "Queen rearing apiary" means an apiary or premises in
13 which queen bees are reared or kept for sale or gift.

14 Sec. 2. The ~~director~~ DIVISION shall establish a system
15 of apiary inspection. The ~~director~~ DIVISION shall ~~cause~~
16 ~~investigations of~~ INVESTIGATE any outbreak of a bee disease.
17 The ~~director~~ DIVISION shall ~~cause suitable measures to be~~
18 ~~taken~~ TAKE MEASURES IT DETERMINES NECESSARY for the eradication
19 or control of any bee disease.

20 Sec. 3. (1) A person owning or possessing bees in an apiary
21 shall annually register as a beekeeper with the ~~director~~
22 DIVISION on forms provided by the ~~director~~. ~~The registration~~
23 ~~application~~ DIVISION. AN APPLICANT shall describe ON THE
24 APPLICATION the location of the applicant's apiaries, the number
25 of colonies in each apiary, and other information REQUIRED BY the
26 ~~director requires~~ DIVISION.

1 (2) ~~Upon~~ BEFORE JANUARY 1, 1985, THE DIVISION SHALL ISSUE
2 AND DELIVER TO AN APPLICANT WHO IS A RESIDENT OF THIS STATE A
3 CERTIFICATE THAT EXPIRES ON MAY 31 OF EACH YEAR, UPON THE
4 DIVISION'S receipt of an application and a registration fee of
5 \$5.00 for each apiary owned, possessed, or controlled by ~~an~~
6 THAT applicant. ~~who is a resident of this state, the director~~
7 ~~shall issue and deliver to the registrant a certificate that~~
8 ~~shall expire on May 31 of each year.~~

9 (3) ~~Beginning~~ EXCEPT AS PROVIDED IN SUBSECTION (4),
10 BEGINNING January 1, 1985 ~~,~~ THE DIVISION SHALL ISSUE AND
11 DELIVER TO AN APPLICANT WHO IS A RESIDENT OF THIS STATE A CERTIF-
12 ICATE THAT EXPIRES ON NOVEMBER 30 OF EACH YEAR upon THE
13 DIVISION'S receipt of an application and a registration fee of
14 \$10.00 for each apiary owned, possessed, or controlled by ~~an~~
15 THAT applicant. ~~who is not a resident of this state, and except~~
16 ~~as otherwise provided in subsection (4), the director shall issue~~
17 ~~and deliver to the registrant a certificate that shall expire on~~
18 ~~November 30 of each year.~~

19 (4) Until January 1, 1987, the ~~director~~ DIVISION shall not
20 issue to an applicant who is not a resident of this state a cer-
21 tificate for an apiary that is located less than 2 miles from an
22 apiary registered by a resident of this state unless the apiary
23 that the person who is not a resident seeks to register will be
24 used for commercial pollination only and will be removed within
25 10 days after pollination of the intended crop is completed.

26 (5) ~~A~~ THE DIVISION SHALL ASSESS A penalty of 50% of the
27 registration fee due any year subsequent to ~~the~~ AN original

1 registration ~~shall be assessed~~ if an application for
2 registration is not made to the ~~director~~ DIVISION within 30
3 days after the expiration date OF THE PRECEDING REGISTRATION.

4 (6) All money collected pursuant to subsections (2), (3),
5 and (5) shall be used exclusively for the purpose of administer-
6 ing this act. In addition, the legislature, for each fiscal year
7 beginning after ~~the effective date of the 1984 amendatory act~~
8 ~~amending this section~~ DECEMBER 21, 1984, shall appropriate an
9 amount not less than the amount collected pursuant to subsections
10 (2), (3), and (5) during the 12-month period ending on May 31
11 immediately preceding the fiscal year. The amount appropriated
12 shall be used exclusively for the purposes described in this
13 subsection.

14 Sec. 4. (1) A person engaged in beekeeping shall provide
15 movable frames in a hive containing bees, and shall make provi-
16 sions for the bees in the hive to construct brood combs in the
17 frames so that the frames may be removed from the hive for
18 inspection without injuring other combs in the hive.

19 (2) The ~~director or the director's authorized~~
20 ~~representative~~ DIVISION shall order the owner or person in
21 charge of ~~the~~ bees ~~, which are being~~ kept in a box or other
22 immovable or stationary comb hives ~~, to transfer the~~ THOSE
23 bees to movable frame hives within a time specified in the
24 order.

25 Sec. 5a. (1) Except as otherwise provided in subsection
26 (2), a person shall not sell or transport within this state bees

1 on comb or used beekeeping equipment, or both, without a permit
2 from the ~~director~~ DIVISION.

3 (2) A person is not required to obtain a permit to sell or
4 transport bees on comb or used beekeeping equipment in either of
5 the following circumstances:

6 (a) If the person is transporting bees between the person's
7 apiary and the person's honey house.

8 (b) If the person is transporting bees to a site for commer-
9 cial pollination and if the hives are returned to the person's
10 apiary within 30 days after the end of the pollination season for
11 the agricultural crops involved.

12 (3) ~~A~~ THE DIVISION SHALL ISSUE A permit ~~issued~~ under
13 this section ~~shall be~~ in the name of the registered owner or
14 seller ~~. The permit shall accompany the~~ OF bees on comb or
15 USED beekeeping equipment, ~~to be transported~~ and THAT PERMIT
16 shall expire 30 days after the date of issuance. A PERSON TO
17 WHOM THAT PERMIT IS ISSUED SHALL ENSURE THAT THE PERMIT ACCOM-
18 PANIES TRANSPORTED BEES ON COMB OR USED BEEKEEPING EQUIPMENT.

19 (4) The ~~director~~ DIVISION may refuse to issue a permit
20 until ~~he or she finds~~ THE DIVISION DETERMINES by inspection
21 that the bees or used equipment ~~apparently~~ are APPARENTLY free
22 from any serious bee disease or until the registration fees
23 required by section 3 have been paid.

24 Sec. 6. The ~~director or the director's authorized~~
25 ~~representative~~ DIVISION may enter upon the premises of ~~any~~
26 private or public property, and shall have access, ingress, and
27 egress to and from any apiary or place where hives, bees, combs,

1 or apiary equipment are kept, or transported, except cellars and
2 rooms of private residences, to ascertain the existence of
3 ~~serious~~ bee disease and to enforce this act.

4 Sec. 7. (1) If a bee disease is found to exist in an
5 apiary, the ~~director or the director's authorized~~
6 ~~representative~~ DIVISION shall notify the owner of the diseased
7 apiary of the manner by which the disease shall be eradicated.

8 (2) A diseased colony in a quarantined apiary shall be quar-
9 antined until the colonies are destroyed or the bee disease is
10 eradicated. The owner of a quarantined apiary may appeal the
11 findings to the ~~director~~ DIVISION within 15 days after notifi-
12 cation OF THOSE FINDINGS by the ~~director~~ DIVISION.

13 (3) A determination of the ~~director~~ DIVISION is final
14 unless otherwise determined by a court ~~of proper~~ HAVING
15 jurisdiction.

16 (4) An owner, or his or her employees or agents, may not
17 remove bees, hives, honey, or equipment while the apiary or a
18 part or parts of the apiary are under quarantine.

19 (5) Combs, honey, bee equipment, or other material that is a
20 source of ~~infection of~~ American foulbrood DISEASE may not be
21 exposed TO BEES.

22 Sec. 8. (1) ~~If~~ EXCEPT AS PROVIDED IN SUBSECTION (3), IF
23 American foulbrood disease is found to exist in an apiary, the
24 ~~director or the director's authorized representative~~ DIVISION
25 shall destroy the diseased apiary or equipment ~~as follows~~ BY
26 DOING BOTH OF THE FOLLOWING:

1 (a) ~~By killing~~ KILLING the bees in infected hives, burning
2 IN A PIT the diseased colonies, ~~in a pit~~ including the bees,
3 combs, frames, and honey, and burying the ashes at least 1 foot
4 below the surface of the ground.

5 (b) ~~By burning~~ BURNING or disinfecting the hive bodies,
6 bottom boards, covers, supers, or other equipment associated with
7 the hive or colony.

8 (2) The ~~director or the director's~~ authorized
9 ~~representative~~ DIVISION may immediately destroy or ~~cause to be~~
10 ~~disinfected any~~ DISINFECT disease contaminated beekeeping equip-
11 ment associated with a diseased apiary.

12 (3) ~~When~~ IF the ~~director or the director's~~ authorized
13 ~~representative believes~~ DIVISION DETERMINES that the American
14 foulbrood disease in a colony or equipment may be eradicated by
15 ~~other~~ ALTERNATIVE treatment methods, ~~that~~ THOSE ALTERNATIVE
16 treatment METHODS may be applied instead of burning.

17 Sec. 9. (1) ~~A~~ THE DIVISION MAY, WITHOUT RECOMPENSE, SEIZE
18 AND DESTROY A neglected or abandoned hive ~~found~~ DETERMINED BY
19 THE DIVISION to be infected with American foulbrood disease, ~~is~~
20 ~~subject to seizure and destruction by the director or the~~
21 ~~director's authorized representative without recompense,~~ if a
22 written notice is served upon the owner ~~or his agents.~~ When
23 ~~the~~ OF THAT HIVE, OR THE OWNER'S AGENT. IF THAT owner or ~~his~~
24 ~~agents~~ AN AGENT OF THAT OWNER cannot be found, the ~~director or~~
25 ~~the director's authorized representative~~ DIVISION shall serve a
26 notice to every owner, possessor, occupier, or person in charge

1 of land in this state ~~whereon~~ UPON WHICH neglected or abandoned
2 hives exist, in the following manner:

3 (a) ~~Four~~ THE DIVISION SHALL PRINT 4 notices, each not less
4 than 1 foot square, ~~shall be printed~~ in clear readable type and
5 ~~posted~~ POST THOSE NOTICES in 4 conspicuous places in the area,
6 with at least 1 on the property.

7 (b) The ~~posting of the~~ DIVISION SHALL POST THOSE notices
8 ~~shall take place~~ at least 15 days prior to the date of destruc-
9 tion of the neglected or abandoned hive.

10 (c) ~~When~~ AT the TIME notices are posted, THE DIVISION
11 SHALL MAIL a copy ~~thereof shall be mailed~~ OF THE NOTICE to
12 every owner, possessor, occupant, or person in charge of or
13 financially interested in lands ~~whereon~~ UPON WHICH neglected or
14 abandoned hives exist.

15 (2) An owner may appeal the findings of the ~~director~~
16 DIVISION, in writing, within 15 days after the MAILING OF THE
17 notification.

18 Sec. 10. After inspection of infected bees or equipment or
19 handling diseased bees, and before leaving the premises or pro-
20 ceeding to any other apiary, the ~~director or the director's~~
21 ~~authorized representative~~ DIVISION shall take ~~such~~ THOSE mea-
22 sures ~~as shall~~ IT DETERMINES NECESSARY TO prevent the spread of
23 the disease by infected material adhering to ~~his~~ person, ~~or~~
24 clothing, ~~or to any~~ tools, or appliances ~~which~~ THAT came in
25 contact with infected materials, and ~~as shall~~ THOSE MEASURES
26 THAT THE DIVISION DETERMINES NECESSARY TO prevent undue damage to

1 the bees or beekeeping equipment during the inspection. ~~except~~
2 ~~the measures necessary to complete the inspection.~~

3 Sec. 11. (1) If the ~~director finds~~ DIVISION DETERMINES
4 that there exists in this state or in any other state, territory,
5 or district a serious bee disease, or an exotic strain of bees,
6 the ~~director~~ DIVISION may impose and enforce a quarantine
7 restricting the transportation into, within, or through the
8 state, of bees, bee products, or article of any character capable
9 of carrying bee diseases.

10 (2) The ~~director~~ DIVISION may promulgate rules to carry
11 out this act, including rules to provide for seizure, inspection,
12 disinfection, destruction, or other disposition of bees, beekeep-
13 ing equipment, or bee products capable of carrying or transmit-
14 ting ~~serious~~ bee diseases.

15 (3) The DIVISION SHALL PROMULGATE rules authorized by sub-
16 section (2) ~~shall be promulgated~~ pursuant to the administrative
17 procedures act of 1969, Act No. 306 of the Public Acts of 1969,
18 as amended, being sections 24.201 to 24.328 of the Michigan
19 Compiled Laws.

20 Sec. 12. (1) Until December 31, 1984, a person shall not
21 transport into this state bees on combs, used hives, or other
22 used beekeeping equipment. However, a common carrier may trans-
23 port bees and equipment through the state if the shipment origi-
24 nated outside the state and is destined for some point outside
25 the state. Bees in combless packages that may be brought into
26 this state shall be accompanied by a certificate of health issued
27 by the official apiary certifying agency of the state of origin.

1 (2) Beginning immediately after the expiration of the
2 prohibition described in subsection (1), a person shall not
3 transport into this state bees on combs, used hives, nuclei, or
4 other used beekeeping equipment without a permit issued by the
5 ~~director~~ DIVISION under this section.

6 (3) ~~An application~~ A PERSON SHALL APPLY for a permit
7 required by subsection (2) ~~shall include~~ BY COMPLETING AN
8 APPLICATION THAT INCLUDES all of the following:

9 (a) A certificate of health issued by the official apiary
10 certifying agency of the state of origin within 60 days before
11 the shipment and certifying that the agency has inspected all of
12 the hives to be transported and has found them to be apparently
13 free from bee diseases.

14 (b) ~~A statement~~ THE IDENTITY of the location of the apiary
15 from which the bees are to be transported and the disease history
16 of the hives or equipment to be transported into the state.

17 (c) The number of colonies and pieces of used beekeeping
18 equipment to be transported into this state.

19 (d) A statement supplying information of any convictions of
20 the applicant for violation of any state apiary law.

21 (e) Notification to the ~~director~~ DIVISION of the time and
22 place of arrival in this state.

23 (4) The ~~director~~ DIVISION may issue a permit to transport
24 into this state bees on comb, used hives, nuclei, or other used
25 beekeeping equipment if both of the following conditions are
26 met:

1 (a) The ~~director~~ DIVISION determines upon the basis of the
2 application described in subsection (3) that the shipment is not
3 likely to affect the health of bees in this state.

4 (b) The applicant registers the destination of the bees as
5 an apiary as provided in section 3.

6 (5) The ~~director~~ DIVISION shall ~~cause~~ INSPECT all combs,
7 nuclei, or used beekeeping equipment transported into this state
8 ~~to be inspected~~ within 10 days after arrival OF THOSE COMBS,
9 NUCLEI, OR USED BEEKEEPING EQUIPMENT to determine whether the
10 bees are from an exotic strain of bees or whether the bees,
11 hives, nuclei, or equipment are infected with any bee disease.
12 The permit applicant shall ~~agree to~~ pay THE full expenses of
13 the inspection.

14 (6) If bees on comb, used hives, nuclei, or used beekeeping
15 equipment transported into this state are determined to be
16 infected with bee diseases, ~~such~~ THE DIVISION SHALL DESTROY
17 THOSE bees, hives, nuclei, or equipment ~~shall be destroyed~~ as
18 provided in section 8 or 11.

19 (7) A person who transports bees on comb, used hives,
20 nuclei, or used beekeeping equipment into this state without a
21 permit or a certificate of inspection shall return the bees and
22 equipment to the state of origin within 10 days after the
23 ~~director~~ DIVISION notifies the apiary certifying agency of the
24 state of origin.

25 (8) A person shall not transport into this state bees in
26 combless packages without a certificate of health issued by the
27 official apiary certifying agency of the state of origin.

1 (9) An insect in the superfamily Apoidea, except bees as
2 defined in this act, may not be transported into or within the
3 state unless the species is known by competent authority to be
4 free from bee diseases.

5 Sec. 13. (1) ~~A person engaged in the rearing of queen bees~~
6 ~~shall have his~~ THE DIVISION SHALL INSPECT THE queen-rearing and
7 queen-mating apiaries ~~inspected by the director or the~~
8 ~~director's authorized representative~~ OF A PERSON ENGAGED IN THE
9 REARING OF QUEEN BEES at least once during each summer season.

10 (2) ~~When the existence of a disease is discovered and upon~~
11 ~~the order of the director or the director's authorized represen-~~
12 ~~tative, the person shall at once cease to ship~~ UPON THE
13 DIVISION'S DETERMINATION THAT A DISEASE EXISTS IN A QUEEN-REARING
14 OR QUEEN-MATING APIARY, THE DIVISION SHALL ORDER THE OWNER OR
15 OPERATOR OF THAT APIARY TO IMMEDIATELY CEASE SHIPPING queen bees
16 from the diseased apiary until the ~~director~~ DIVISION declares
17 the apiary free from disease.

18 (3) Candy used in mailing cages shall not be made of honey.

19 Sec. 14. (1) A person who wishes to ship bees or beekeeping
20 equipment into another state or country may apply to the
21 ~~director~~ DIVISION for an inspection for serious bee diseases
22 likely to prevent the acceptance of the bees or beekeeping equip-
23 ment in the state or country, and shall ~~agree~~ ACKNOWLEDGE in
24 the application THAT PERSON'S OBLIGATION to pay full expenses of
25 the inspection.

26 (2) Upon receipt of the application and agreement, or as
27 soon after receipt as may be conveniently practicable, the

1 ~~director~~ DIVISION shall comply with the request, if the bees to
2 be inspected are actively rearing and the brood combs are on
3 frames. Upon receipt of the payment covering expenses of the
4 inspection, the ~~director~~ DIVISION shall issue to the applicant,
5 for each apiary, a certificate of the facts disclosed by the
6 inspection.

7 Sec. 15. A person shall not impede or hinder the ~~director~~
8 ~~or the director's authorized representative~~ DIVISION in the dis-
9 charge of ~~his or her~~ THE DIVISION'S duties.

10 Sec. 16. (1) A person who violates this act is guilty of a
11 misdemeanor, ~~and shall be fined not more than \$1,000.00 per~~
12 ~~apiary, or imprisoned~~ PUNISHABLE BY IMPRISONMENT for not more
13 than 90 days, OR A FINE OF NOT MORE THAN \$1,000.00, or both.

14 (2) In addition to any OTHER penalty, THE DIVISION MAY CON-
15 FISCATE AND DESTROY bees on combs, used hives, or other used
16 apiary equipment brought into this state in violation of this
17 act. ~~may be confiscated and destroyed.~~