

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 238
HOUSE BILL 242

AN ACT TO CREATE THE NORTH CAROLINA BEE AND HONEY ACT OF 1977.

The General Assembly of North Carolina enacts:

Section 1. The General Assembly hereby declares that it is in the public interest to promote and protect the bee and honey industry in North Carolina and to authorize the Commissioner of Agriculture and the Board of Agriculture to perform services and conduct activities to promote, improve, and enhance the bee and honey industry in North Carolina particularly relative to small beekeepers; to regulate all bees of the superfamily Apoidea in any stage of development; the causal agents of their disease or disorders, and their pests; to protect the bee and honey industry in North Carolina from bee diseases and disorders and to provide regulatory services in the areas of pollination of plants, honeybee poisonings, thefts, bee management and marketing.

Sec. 2. Definitions. As used in this act:

- (1) The term "apiary" means bees, comb, hives, appliances, or colonies, wherever they are kept, located, or found.
- (2) The term "bee(s)" means insects of the superfamily Apoidea; in particular, the honeybees, *Apis mellifera* (L). It includes all life stages of such insects, their genetic material, and dead remains.
- (3) The term "beeyard" means a location or site where bees are located in hives.
- (4) The term "board" means the North Carolina Board of Agriculture.
- (5) The term "Brazilian or African bee" means bees of the subspecies *Apis mellifera* *Adansonii* and their progeny.
- (6) The term "colony" means one hive and its contents, including bees, comb, and appliances.
- (7) The term "comb" includes all materials which are normally deposited into hives by bees. It does not include extracted honey or royal jelly, trapped pollen, and processed beeswax.
- (8) The term "commercial beekeeper" means a beekeeper who owns or operates 200 or more colonies of bees, or a beekeeper who moves bees across state lines.
- (9) The term "commissioner" means the North Carolina Commissioner of Agriculture or his designated agents.
- (10) The term "department" means the North Carolina Department of Agriculture.
- (11) The term "disease" means any infectious disease, parasite, or pest that detrimentally affects bees.
- (12) The term "disorder" means any disease, poisoning, pest, parasite, or predator damage, toxic substance injury, or undesirable trait or genetic strain of the bee that detrimentally affects bees or the bee and honey industry.
- (13) The term "exposed" means having been in circumstances where the possibility of infection or damage by a disease or disorder occurred. Bees in

an apiary where disease or disorder is present or where there has been an exchange of equipment with a diseased apiary may be considered exposed.

(14) The term "health certificate" means a statement issued by the State Entomologist certifying that bees or regulated articles are apparently free of disease or disorder based on an inspection or freedom from exposure to disease or disorder.

(15) The term "hive" means any receptacle or container, or part of receptacle or container, which is made or prepared for the use of bees, or which is inhabited by bees.

(16) The term "honey" means for the purpose of defining honey as a regulated article in the control of bee diseases or disorders, the natural food product made by the honeybees from the nectar of flowers, the saccharine exudation of plants, honeydew, sugar, corn syrup, or any other material along with any adulterants.

(17) The term "honeybees" means honey-producing insects of the genus *Apis*.

(18) The term "honeyflow" means the seasonal yielding of nectar by honey plants.

(19) The term "honey plants" means blooming plants from which bees gather nectar or pollen.

(20) The term "infested or infected" means showing symptoms of or having been exposed to the causal agent of a bee disease or disorder to such a degree that there is a possibility of the infected organisms or material transmitting the disease or disorder to other bees.

(21) The term "moveable frame hive" means any hive where the frames can be removed without damaging the comb.

(22) The term "permit" means an authorization to allow movement or other action involving bees or regulated articles.

(23) The term "regulated article" means any bees, bee equipment, comb, beeswax, honey, pollen, causal agents of disease, toxic substances, products of the hive, containers, and any other item regulated under this Article or pursuant regulations.

(24) The term "symptomless carrier" means to possess or bear a disease or disorder in a suppressed state having the potential for spreading the disease or disorder.

Sec. 3. The commissioner shall promote the bee and honey industry in North Carolina. The commissioner may perform services, cooperate in research activities, conduct investigations, publish information and cooperate with the beekeeping industry to protect and improve beekeeping in North Carolina. He may work toward enhancing honey plants and improving honeybees. He may investigate thefts of honeybees, equipment or products; cooperate in preventative measures; and assist in prosecution of suspects.

Sec. 4. The board is authorized to accept gifts, grants, or donations from any source for the purpose of promoting and protecting the bee and honey industry. The board is authorized to issue grants or enter contracts or agreements for the furtherance of the purpose of this Article.

Sec. 5. The board may adopt regulations and set procedures for the purpose of carrying out the provisions of this Article. The board may adopt minimum standards for colony strength and disease tolerance levels for hives rented for pollination of crops, and the commissioner shall certify hives meeting those standards. The board may adopt regulations to regulate or prohibit entrance into North Carolina of bees or regulated articles to protect the bee and honey industry from bee diseases, disorders, overcrowding of honey pasture, or other encroachments deemed by the board not to be in the best interest of the beekeepers of North

Carolina. The board may adopt regulations relating to, but shall not be limited to, providing for inspection of bees; and surveying and developing regulations to control, eradicate, abate, prevent exposure to, or prevent the introduction of or movement into or within North Carolina of bee diseases, disorders, pests or enemies of bees; or products that are a threat to beekeeping in North Carolina. The diseases, disorders, and products regulated shall include, but not be confined to bee disease, poisons, bee pests, pollen, causal agents or disease, bee parasites and predators and toxic substances. The board may regulate undesirable species or strains of bees including but not limited to Brazilian or African strains of bees. Regulations may include articles, exposed to infection or infestation, bees, honey, honeycomb, beeswax, beeswax refuse, royal jelly, containers, and beekeeping equipment to include sale, exposure and shipment of said and like items. The board may adopt regulations governing beeyards or sites of commercial beekeepers. The board is authorized to adopt regulations and set fees for extra or special inspections, issuance of certificates, permits, registrations, and regulatory activities.

Sec. 6. The board may adopt regulations and procedures for the disposition of bees infected or infested with diseases or disorders, beekeeping equipment, and other regulated articles kept or moved in violation of this act and pursuant regulations. Such regulations may authorize the commissioner to quarantine, destroy, confiscate, or otherwise dispose of, eradicate, establish clean-up areas, and require owners to disinfect, fumigate, treat with drugs, or destroy bees or articles at their own expense or to take measures to eradicate bee diseases or disorders.

The board shall have authority to either allow, require, or forbid use of drugs in the control of bee diseases or disorders, and may define as infested or infected symptomless carriers of a disease or disorder, declare bees that have been treated with disease-masking drugs to be infested or infected, and consider bees or articles which have been exposed to a disease or disorder to be infected or infested.

The board may also adopt regulations governing beeswax salvage operations and honey house sanitation for disease prevention.

Sec. 7. The commissioner shall protect the bee and honey industry from diseases and disorders of the honeybee (*Apis mellifera*) and other insects in the superfamily (Apoidea) and shall provide services and enforce provisions of this act and pursuant regulations. The commissioner may adopt regulations for prohibiting or regulating the movement of bees and regulated articles into and from quarantine or clean-up areas and enforce procedures for control and clean up of diseases or disorders in such areas.

The commissioner is authorized to establish postentry quarantines and issue hold orders for inspection of bees or regulated articles imported into North Carolina.

Sec. 8. It is unlawful to knowingly give false information to the commissioner concerning diseased bees or bees exposed to disease, their treatment, or disposition.

The commissioner may require that bees be kept in moveable frame hives and be maintained in an inspectable condition or in other hives where an inspection for disease or disorder can be readily made.

The board may adopt regulations for issuance of health certificates, moving permits, and the registration of honeybees and may require marking or identification of honeybee colonies or apiaries.

Sec. 9. The commissioner may take emergency action with respect to board authority in the provisions of this Article if needed to protect the bee and honey industry in North Carolina. Such action shall remain in force until rescinded by the commissioner or acted on by the board.

Sec. 10. The commissioner shall have the authority to designate such employees of the department or persons collaborating with the department as may seem expedient to carry out the duties and exercise the powers provided by this Article. The commissioner is authorized to survey or inspect premises for the presence of bees or other regulated articles, inspect

colonies for bee diseases and disorders, and otherwise enforce the provisions of this Article and pursuant regulations. The commissioner or his designated agent shall have authority to inspect vehicles or other means of transportation and their cargo suspected of carrying bees or regulated articles, and enter upon any premises to inspect any bees or regulated articles to determine the presence or absence of diseases or disorders.

Such inspections and other activities may be conducted with the permission of the owner or person in charge. If permission is denied the commissioner or his designated agent, such inspections and other activities may be conducted in a reasonable manner, with a warrant, with respect to any premises or vehicles. Such warrant shall be issued pursuant to Article 4A of Chapter 15. A superior court or district court judge may issue confiscation orders on any bees or articles for which confiscation is authorized in this act or pursuant regulations.

Sec. 11. If anyone shall attempt to prevent inspection as provided in this act or shall otherwise interfere with the Commissioner of Agriculture, or any of his agents, while engaging in the performance of his duties under this act, or shall violate any provisions of this act or any regulation of the Board of Agriculture adopted pursuant to this act, he shall be guilty of a misdeameanor and shall be fined not less than fifty dollars (\$50.00) or imprisoned for not more than 30 days, for each offense. Each day's violation shall constitute a separate offense.

Sec. 12. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be enforced independently without any invalid provision or application, and to this end the provisions of this act are declared to be severable.

The current bee and honey procedures of the North Carolina Department of Agriculture shall remain in force until the board adopts procedures under the authority of this act.

Sec. 13. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 20th day of April, 1977.