

CHAPTER 271.

[H. B. 465.]

APIARIES

AN ACT relating to apiaries; amending sections 1, 2, 3 and 5, chapter 105, Laws of 1949 and sections 4 and 11, chapter 59, Laws of 1933 extraordinary session and sections 2 and 3, chapter 130, Laws of 1941 and RCW 15.60.020 through 15.60.040 and RCW 15.60.080, 15.60.100 and 15.60.110; repealing section 5, chapter 59, Laws of 1933 extraordinary session and RCW 15.60.070, and section 1, chapter 130, Laws of 1941 and RCW 15.60.090; and adding three new sections to chapter 15.60 RCW.

Be it enacted by the Legislature of the State of Washington:

New section. SECTION 1. There is added to chapter 15.60 RCW, a new section to read as follows:

Defined as used herein. As used in this chapter:

"Director." (1) "Director" means the director of agriculture of the state of Washington;

"Department." (2) "Department" means the department of agriculture of the state of Washington;

"Apiary." (3) "Apiary" includes bees, hives and appliances, wherever they are kept, located or found;

"Apiarist." (4) "Apiarist" means any person who owns bees or is a keeper of bees;

"Appliances." (5) "Appliances" means any implement or device used in the manipulating of bees or their brood or hives, which may be used in any apiary;

"Bees." (6) "Bees" means honey producing insects of the species *apis mellifica* and include the adults, eggs, larvae, pupal, or other immature stages thereof, together with such materials as are deposited into hives by their adults, except honey and beeswax in rendered form;

"Colony." (7) "Colony" or "colonies of bees" refers to any hive occupied by bees;

"Disease." (8) "Disease" means American or European foul brood, or any other disease or any condition affecting bees in their brood which may cause an epidemic;

(9) "Hive" means any receptacle or container made or prepared for the use of bees, or box or similar container taken possession of by bees;

"Hive."

(10) "Location" means any premises upon which an apiary is located;

"Location."

(11) "Person" includes any individual, firm, partnership, association or corporation, but does not include any common carrier when engaged in the business of transporting bees, hives, appliances, bee cages or other commodities subject to the provisions of this chapter, in the regular course of business;

"Person."

(12) "Combles packaged bees" means bees packed for shipment into this state in packages which contain no honey, honey comb, brood comb, or appliances previously used on bees.

"Combles packaged bees."

SEC. 2. There is added to chapter 15.60 RCW, a new section to read as follows:

New section.

The director shall have the power on his own motion or by petition of industry to promulgate and enforce such reasonable rules, regulations and orders as he may deem necessary or proper to prevent the introduction or spreading of diseases affecting bees or appliances in this state, and to promulgate and enforce such reasonable rules, regulations and orders as he may deem necessary or proper governing the inspection of all bees and appliances within or about to be imported into this state.

Promulgate and enforce rules to prevent the introduction or spreading of diseases affecting bees; inspection of bees and appliances.

SEC. 3. Section 1, chapter 105, Laws of 1949, (heretofore codified as RCW 15.60.020 and 15.60.030) is divided and amended as set forth in sections 4 and 5 of this act.

Division and amendment.

SEC. 4. (RCW 15.60.020) The director shall have authority to enter into reciprocal agreements with any and all states for the prevention or spread of diseases affecting bees or appliances. The director shall appoint one or more apiary inspectors as conditions may warrant, who shall, under his direction,

Reciprocal agreements with other states.

Director appoints apiary inspectors.

have charge of the inspection of apiaries, and bees, the investigation of outbreaks of bee diseases, investigation of bee poisoning by agricultural insecticides and other chemicals, the enforcement of the provisions of this chapter in relation to the eradication and control of bee diseases, or any other such duties as the director may prescribe. Such apiary inspector, or inspectors, shall be paid such reasonable compensation as may be fixed by the director while so employed and his actual and necessary traveling expenses incurred in the performance of his duties.

Compensation for apiary directors.

Enacted without amendment.

Registration of bee owners.

SEC. 5. (RCW 15.60.030) Each person owning or having bees in his possession shall register without charge with the extension agent of the county wherein the bees are located, the location of the bee yard, name, address, and phone number of the owner, and post at the bee yard a notice containing similar information, on or before April 1st each year.

Amendment.

SEC. 6. Section 2, chapter 105, Laws of 1949 and section 4, chapter 59, Laws of 1933 extraordinary session, (heretofore combined and codified as RCW 15.60.040) are amended to read as follows:

Inspections of apiaries.

(1) The director shall make or cause to be made whenever he deems it necessary, inspections of all apiaries.

Procedure when diseased apiary found.

(2) Whenever a disease exists in any apiary, the inspector making the inspection shall plainly mark the hives containing diseased bees. The inspector shall, in writing, notify the owner or person in charge or in possession of such apiary, stating in the notice the nature of the disease found in each colony, identifying such colony by reference to the mark placed upon the hive thereof, and ordering the eradication of such disease within a specified time. When the owner or person in charge or possession of any apiary is not known, the notice shall be served by posting in a conspicuous place in the apiary, or by mailing a copy thereof to the owner's registered address.

(3) The owner or person in charge or in possession of any diseased bees must eradicate such disease within the time specified in the notice. If the disease is American foul brood, the time specified in the notice shall not be less than twenty-four hours nor more than one hundred and twenty hours from the time of serving the notice. Eradication of American foul brood shall be by burning the diseased colonies, including the bees, combs, brood, frames, honey and wax, and by burying the ashes and disinfecting the hive by means approved by the director.

Eradication of disease by owner within specified time.

American foul brood.

(4) Any apiary which is found to contain five percent or more colonies of bees infected with American foul brood may be summarily quarantined by the department. Colonies which have died because of such infection shall be counted in computing the percentage of colonies infected. Notice of the quarantine shall be posted prominently on the apiary, and the owner notified of such quarantine. During the quarantine, no bees, honey, appliances, equipment, or other materials may be removed from the apiary, except when under the supervision of an inspector and for the purpose of eradicating the disease. The quarantine shall be removed when an inspection by the director made at least thirty days after the last previous inspection shows the apiary apparently free from American foul brood.

Department quarantine.

Quarantine removed.

SEC. 7. Section 11, chapter 59, Laws of 1933 extraordinary session and RCW 15.60.080 are each amended to read as follows:

Amendment.

Every apiary in which diseased bees are found, or in which bees are kept in hives wherein the combs or frames are immovable, or which are so constructed as to impede or hinder inspection, is declared a public nuisance, and such apiaries, bees and equipment shall be held by the person in whose possession they may be and shall not be moved from the place where they may be, except upon the written permission or

Apiaries declared public nuisance; procedure.

Notice of violation.

Seizure by director.

Civil action to abate nuisance.

Costs may be assessed against owner.

Amendment.

Bringing bees or appliances into state unlawful; official certificate secured.

Proviso.

upon the specific direction of the director. The inspector shall affix a warning tag or notice to such nuisance and give notice of such violation in the manner provided in RCW 15.60.040. If the person so notified refuses or fails within the time specified in such notice to commence and proceed by due diligence to comply therewith, such apiary, bees, appliances and equipment may be seized by the director. The prosecuting attorney of the county in which such nuisance is found, on the complaint of the director, shall maintain in the name of the state a civil action to abate and prevent such nuisance; and upon judgment and order of the court, such nuisance shall be condemned and destroyed in the manner directed by the court, or released upon such conditions as the court in its discretion may impose to insure that the nuisance will be abated. If the owner fails to comply with the order of the court within the time specified therein, the court may order disposal of the apiary, bees, appliances and equipment under such terms and conditions as the court may prescribe.

The cost incurred by the state in abating such nuisance may be assessed against the owner of the apiary and paid into the court for return to the apiary fund of the department as provided in RCW 69.28.160.

SEC. 8. Sections 2 and 3, chapter 130, Laws of 1941 and sections 3 and 5, chapter 105, Laws of 1949, (heretofore divided, combined, and codified as RCW 15.60.100 and 15.60.110) are amended to read as set forth in sections 9 and 10 of this act.

SEC. 9. (RCW 15.60.100) It shall be unlawful for any person, or any railroad or transportation company, or other common carrier, to bring into this state for any purpose any bees or appliances without first having secured an official certificate, certified by the state bee inspector of the state of origin that such bees and appliances are not infected with disease and without having obtained a permit so to do from the director: *Provided*, That a permit shall not be neces-

sary if bees are brought into this state as "Combless Packages of Bees". All bees and appliances imported into this state under permit shall be placed in quarantine for at least thirty days after arrival and written notice shall be given the director within three days after such date of arrival, giving the date of arrival, destination and/or location of bees or appliances and a copy of the inspection certificate issued by the state of origin. Each hive or colony shall be marked for identification by placing the name or recognized abbreviation of the state of origin, and the initials of the person importing the bees or appliances in letters at least one inch in height. If evidence of any disease is found such imported bees or appliances shall be subject to the same provisions as local bees or appliances.

Imported bees under permit placed under quarantine.

Notice to director.

Colony marked for identification.

SEC. 10. (RCW 15.60.110) No person shall import into this state any used bee supplies, used honey house equipment, or other used apiary equipment, or bees in hives.

Enacted without amendment.

SEC. 11. There is added to chapter 15.60 RCW, a new section to read as follows:

New section.

When an inspection is requested by any person for the purpose of obtaining a certificate of inspection for out of state movement of bees or appliances, the applicant for such certificate shall pay the cost of such inspection, including per diem and traveling expense of the inspector. Any person importing bees or appliances into this state shall pay the cost of such inspection, including per diem and traveling expense of the inspector.

Inspection request for out of state movement; costs of inspection.

SEC. 12. Section 5, chapter 59, Laws of 1933 extraordinary session and section 1, chapter 130, Laws of 1941 and RCW 15.60.070 and 15.60.090 are each repealed.

Repeal.

Passed the House February 21, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 18, 1955.