

HOUSE BILL 1621

State of Washington

53rd Legislature

1993 Regular Session

By Representatives Rayburn, Chandler and Jacobsen; by request of Department of Agriculture

Read first time 02/03/93. Referred to Committee on Agriculture & Rural Development.

1 AN ACT Relating to apiaries; amending RCW 15.60.005, 15.60.007,
2 15.60.010, 15.60.015, 15.60.020, 15.60.025, 15.60.030, 15.60.040,
3 15.60.042, 15.60.043, 15.60.050, 15.60.100, 15.60.110, 15.60.120,
4 15.60.140, 15.60.150, 15.60.170, and 15.60.180; adding new sections to
5 chapter 15.60 RCW; repealing RCW 15.60.200; and prescribing penalties.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 **Sec. 1.** RCW 15.60.005 and 1988 c 4 s 1 are each amended to read as
8 follows:

9 ~~((As used in))~~ Unless the context clearly requires otherwise, the
10 definitions in this section apply throughout this chapter:

11 (1) ~~("Director" means the director of agriculture of the state of~~
12 ~~Washington;~~

13 ~~(2))~~ "Department" means the department of agriculture of the state
14 of Washington~~((+))~~.

15 (2) "Director" means the director of the state department of
16 agriculture or the director's authorized representative.

17 (3) "Apiary" ((includes)) means a site where hives of bees((+)) or
18 hives((,+ and appliances, wherever they)) are kept((,+ located,+)) or
19 found((+)).

1 (4) "~~Abandoned ((apiary)) hive~~" means ~~((an apiary that))~~ any hive,
2 with or without bees, that evidences a lack of being properly managed
3 in that it has not been supered in the spring, except nucs, or
4 unsupered in the fall, or is otherwise ((managed for a period of twelve
5 months;)) unmanaged and left without authorization and unattended on
6 the property of another person or on public land.

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

9 (6) "~~((Appliances)) Beekeeping equipment~~" means any implements or
10 devices used in the ~~((manipulating))~~ manipulation of bees, their brood,
11 or hives~~((, which may be used))~~ in ~~((any))~~ an apiary ~~((or any~~
12 extracting or packing equipment;)).

13 (7) "Bees" means ~~((honey producing insects of the species apis~~
14 ~~mellifera and include the adults,))~~ adult insects, eggs, larvae, pupae,
15 or other immature stages ~~((thereof;))~~ of the species Apis mellifera.

16 (8) "Certificate" ~~((means an inspection document, showing the~~
17 ~~presence of or freedom from a disease, and origin of shipment~~
18 ~~documentation which shall be))~~ or "certificate of inspection" means an
19 official document ~~((of the regulatory agency responsible for~~
20 ~~issuance;))~~ certifying compliance with the requirements of this chapter
21 and accompanying the movement of inspected bees, bee hives, or
22 beekeeping equipment.

23 (9) "Colony" ~~((or "colonies of bees"))~~ refers to ~~((any))~~ a natural
24 group of bees having a queen((;)) or queens.

25 (10) "Compliance agreement" means a written agreement between the
26 department and a person engaged in apiculture, or handling, selling, or
27 moving of hives or beekeeping equipment in which the person agrees to
28 comply with stipulated requirements.

29 (11) "Feral colony" means a colony of bees in a natural cavity or
30 a manufactured structure not intended for the keeping of bees on
31 movable frames and comb.

32 (12) "Swarm" means a natural group of bees having a queen or
33 queens, which is the progeny of a parent colony, without a hive, and
34 not a feral colony.

35 (13) "Disease" ~~((includes but is not limited to))~~ means American
36 foulbrood, European foulbrood, chalkbrood, nosema, sacbrood, ~~((external~~
37 ~~and internal mites,))~~ or any other viral, fungal, bacterial or insect-
38 related disease ~~((or any condition))~~ affecting bees or their brood
39 ~~((which may cause an epidemic;)).~~

1 ~~((11))~~ (14) "Regulated bee pests" means a disease of bees for
2 which maximum allowable limits of infection, or mites, or other
3 parasites are set in rule.

4 (15) "Hive" means ~~((any))~~ a manufactured receptacle or container
5 ~~((made or))~~ prepared for the use of bees, ~~((or box or other container~~
6 ~~taken possession of by bees, including))~~ that includes movable frames,
7 combs, ~~((or))~~ and substances deposited into the hive by bees~~((r))~~.

8 ~~((12) "Location" means any premises upon which an apiary is~~
9 ~~located;~~

10 ~~(13))~~ (16) "Person" ~~((includes any))~~ means a natural person,
11 individual, firm, partnership, company, society, association, ((or))
12 corporation(, but does not include any common carrier when engaged in
13 the business of transporting bees, hives, appliances, bee cages, or
14 other commodities subject to the provisions of this chapter, in the
15 regular course of business;

16 ~~(14) "Inspector" means an apiary inspector authorized by the~~
17 ~~director to inspect apiaries as provided in this chapter))~~ or every
18 officer, agent, or employee of one of these entities.

19 (17) "Bee pests" means a disease, mite, or other parasite that
20 causes injury to bees.

21 (18) "Nets" means a device that is made of fabricated material and
22 that is designed and utilized to prevent the escape of bees from bee
23 hives during transit.

24 (19) "Apparently free" means no specified bee pest was found during
25 inspection of survey activities.

26 (20) "Substantially free" means levels of specified bee pests found
27 during inspection or survey activities were within established
28 tolerances.

29 (21) "Africanized honey bee" means any bee of the subspecies Apis
30 mellifera scutellata.

31 (22) "Super" means the portion of a hive in which honey is stored
32 by bees.

33 **Sec. 2.** RCW 15.60.007 and 1988 c 4 s 14 are each amended to read
34 as follows:

35 ~~((The apiary inspection fund shall be part of the agricultural~~
36 ~~local fund. No appropriation is required for disbursements from the~~
37 ~~apiary inspection fund.))~~

1 There is created within the department of agriculture an apiary
2 inspection program. The director shall: Provide regulation and
3 inspection services, assure availability of bee colonies for
4 pollination, facilitate the interstate movement of honey bees, promote
5 improved apicultural practices, combat bee pests that pose an economic
6 threat to the industry, and, in cooperation with the cooperative
7 extension program of Washington State University, provide education to
8 promote the vitality of the apiary industry.

9 **Sec. 3.** RCW 15.60.010 and 1975-'76 2nd ex.s. c 34 s 16 are each
10 amended to read as follows:

11 ~~((There is hereby created a division of apiculture in the~~
12 ~~department of agriculture, which shall consist of the director of~~
13 ~~agriculture and of such apiary inspectors as he may appoint. The~~
14 ~~director shall receive no additional salary for performance of his~~
15 ~~duties under this chapter but shall be paid travel expenses incurred in~~
16 ~~performing such duties in accordance with RCW 43.03.050 and 43.03.060~~
17 ~~as now existing or hereafter amended.))~~

18 An apiary advisory committee is established to advise the director
19 on the administration of this chapter. The apiary advisory committee
20 may consist of up to eleven members.

21 (1) The committee shall include six apiarists, appointed by the
22 director, and representing the major geographical divisions of the
23 beekeeping industry in the state as established in rule. In making an
24 appointment, the director shall seek nominations from the beekeepers'
25 organizations within the geographic area and from nonaffiliated
26 apiarists. Apiarists may nominate themselves.

27 (2) The committee shall include the director and a representative
28 from the Washington State University apiary program or cooperative
29 extension.

30 (3) The committee may include up to three representatives of
31 receivers of pollination services.

32 (4) The terms of the apiarist members of the committee shall be
33 staggered and the members shall serve a term of three years and until
34 their successors have been appointed and qualified.

35 In the event a committee member resigns, is disqualified, or
36 vacates a position on the committee for any reason, the vacancy shall
37 be filled by the director under the provisions of this section.

1 (5) The committee shall meet at least once yearly. It may also
2 meet at the call of the director or the request of any three members of
3 the committee. Members of the committee shall serve without
4 compensation but shall be reimbursed for travel expenses incurred in
5 attending meetings of the board and any other official duty authorized
6 by the board and approved by the director, pursuant to RCW 43.03.050
7 and 43.03.060, if apiarists are charged a registration fee, under RCW
8 15.60.050, to cover the expenses of the committee.

9 **Sec. 4.** RCW 15.60.015 and 1988 c 4 s 2 are each amended to read as
10 follows:

11 ~~((1) The director shall have the power on his own motion or by~~
12 ~~petition of industry to promulgate and enforce such reasonable rules,~~
13 ~~regulations, and orders as he may deem necessary or proper to prevent~~
14 ~~the introduction or spreading of diseases affecting bees or appliances~~
15 ~~in this state, and to promulgate and enforce such reasonable rules,~~
16 ~~regulations, and orders as he may deem necessary or proper governing~~
17 ~~the inspection of all bees and appliances within or about to be~~
18 ~~imported into this state. Such rules may include establishment of:~~

19 ~~(a) Standards of strength for colonies of bees used for pollinating~~
20 ~~services;~~

21 ~~(b) A beekeeper certification program for those whose colony~~
22 ~~management systems consistently have only low levels of American~~
23 ~~foulbrood;~~

24 ~~(c) Identification for bee hives; and~~

25 ~~(d) Maximum levels of American foulbrood which would prohibit~~
26 ~~interstate movement of inspected colonies and the colony conditions and~~
27 ~~inspection season under which such inspections will be conducted.~~

28 ~~(2) All rules, regulations, and orders under this section shall be~~
29 ~~adopted in accordance with chapter 34.05 RCW.))~~

30 (1) The director shall determine, with the advice of the apiary
31 advisory committee, if a bee pest represents a significant threat to
32 the apiary industry in the state and may by rule establish maximum
33 allowable levels for these bee pests, for movement of colonies into or
34 within Washington and prescribe procedures for inspection, treatment,
35 or other mitigation measures if such tolerances are exceeded.

36 (2) The director may inspect apiaries for the presence of bee
37 pests. To support the general health of the apiary industry, the
38 director may investigate outbreaks of any bee disease or infestations

1 of other pests, or bee losses suspected of being caused by pesticides
2 and other chemicals; and conduct surveys for the presence of or levels
3 of a bee pest.

4 (3) It is the responsibility of every apiarist to perform or cause
5 to be performed any acts necessary to control regulated bee pests in
6 the apiarist's bees or bee equipment where levels exceed maximum
7 allowable limits set in rule. If the director finds a hive in an
8 apiary to be infected or infested beyond maximum allowable limits by
9 bee pests, the director may cause the apiary to be quarantined.

10 (a) The director shall plainly mark the hives containing regulated
11 bee pests and shall, in writing, notify the apiarist stating the
12 disease or pest found in each hive, identifying the hive by reference
13 to the mark placed upon it, and ordering eradication of such disease or
14 pest as prescribed by the director within a specified time. When the
15 apiarist cannot be contacted immediately, the notice shall be served by
16 placing it conspicuously in the apiary, or by mailing a copy to the
17 apiarist's registered address. If the apiarist fails to take action to
18 control the bee pest in accordance with the notice, the director may
19 control the bee pest or cause the bee pest to be controlled.

20 (b) When the apiarist cannot be determined, the notice shall be
21 served by posting the notice conspicuously in the apiary. Any apiary
22 presenting an immediate threat of infestation or infection to other
23 apiaries may be impounded by the director and moved to a location where
24 it no longer poses an immediate threat of infestation or infection to
25 other apiaries.

26 (c) The quarantine shall not be lifted until such time as the
27 director determines that the regulated bee pest has been controlled.
28 During the time the apiary is quarantined, no bees, honey, hives,
29 beekeeping equipment, or other material may be removed from the apiary
30 without written authorization from the director.

31 (4) A person who inspects an infected or infested hive or knowingly
32 comes in contact with a bee pest, shall, before proceeding to another
33 apiary, disinfect their person, clothing, gloves, tools, and beekeeping
34 equipment that have come in contact with infected or infested bees or
35 material.

36 (5) An apiarist whose apiary has been found to be infected or
37 infested by a regulated bee pest shall be entitled, upon written
38 request, to a scientific analysis of the infected or infested hive
39 before any action to control the bee pest is taken. The results of the

1 analysis shall be conclusive as to whether the apiary is infested or
2 infected with a regulated bee pest. The costs of scientific analysis
3 shall be paid by the apiarist if the apiary is found to be infested or
4 infected. If the apiary is found not to be infested or infected, the
5 department shall pay the cost of the scientific analysis. The
6 laboratory performing the scientific analysis shall be approved by the
7 director.

8 (6) Except as provided in subsection (5) of this section, the
9 apiarist shall be responsible for all costs of the department resulting
10 from the quarantine or impoundment of an apiary or the control of a bee
11 pest.

12 (7) A person aggrieved by an order issued or act taken by the
13 director pursuant to this section is, upon application, entitled to a
14 review of that order or act pursuant to RCW 34.05.479. The application
15 shall serve to stay any order or action, other than a quarantine order,
16 pending the adjudicative proceeding.

17 **Sec. 5.** RCW 15.60.020 and 1988 c 4 s 3 are each amended to read as
18 follows:

19 ~~((1) The director shall have authority to enter into reciprocal~~
20 ~~agreements with any and all states for the prevention or spread of~~
21 ~~diseases affecting bees or appliances. The director shall appoint one~~
22 ~~or more apiary inspectors as conditions may warrant, who shall, under~~
23 ~~his direction:~~

24 ~~(a) Have charge of the inspection of apiaries and bees;~~

25 ~~(b) Investigate outbreaks of bee diseases;~~

26 ~~(c) Investigate bee losses suspected of being caused by pesticides~~
27 ~~and other chemicals;~~

28 ~~(d) Investigate bee losses or economic losses as requested by~~
29 ~~industry;~~

30 ~~(e) Perform colony strength inspections;~~

31 ~~(f) Perform inspections for out-of-state movement of bees or~~
32 ~~appliances;~~

33 ~~(g) Inspect queen bee rearing apiaries;~~

34 ~~(h) Conduct surveys in support of this chapter;~~

35 ~~(i) Conduct the enforcement of quarantine regulations as may be~~
36 ~~promulgated by the department;~~

37 ~~(j) Conduct the enforcement of the provisions of this chapter in~~
38 ~~relation to the eradication and control of bee diseases; and~~

1 ~~(k) Perform any other such duties as the director may prescribe.~~

2 ~~(2) Such apiary inspector, or inspectors, shall be paid such~~
3 ~~reasonable compensation as may be fixed by the director while so~~
4 ~~employed and travel expenses incurred in the performance of their~~
5 ~~duties in accordance with RCW 43.03.050 and 43.03.060.~~

6 ~~(3) Services or inspections requested by industry shall only be~~
7 ~~performed for apiarists in compliance with this chapter. The director~~
8 ~~shall charge the person requesting the inspector's services all costs~~
9 ~~including per diem and travel expenses, with the proceeds to be placed~~
10 ~~in the apiary inspection fund within the agricultural local fund.))~~

11 (1) Whenever the director finds an abandoned hive, or a hive
12 wherein the combs or frames are immovable or that are so constructed as
13 to impede or hinder inspection, and if the hive constitutes a threat of
14 infestation or infection by a bee pest to bees, the director may
15 impound the hive and remove it to a place of safety.

16 (2) The director shall make a reasonable effort to identify the
17 owner of the hive. If the owner of the hive can be determined, the
18 director shall notify the owner that a violation of this chapter
19 exists. The notice shall be in the same manner as that provided for
20 bee pests and shall specify the actions that the owner must take to
21 eliminate the threat of infestation or infection by bee pests to bees
22 before the owner can take possession of the hive. Failure of the owner
23 to take the necessary action within the time specified in the notice
24 shall constitute abandonment, and the director may take any action
25 necessary to eliminate the threat of infestation or infection to bees.

26 (3) If the owner of the hive cannot be reasonably ascertained then
27 the director shall provide for notice by publication in a paper of
28 general circulation at least once each week for two consecutive weeks.
29 Notice by publication need not be provided where the cost of
30 publication exceeds the value of the hive.

31 (4) Whenever the owner of the hive cannot be determined, or can be
32 determined but fails to take possession of the hive, the director may
33 sell or otherwise dispose of the hive.

34 (5) The owner of an abandoned hive is liable for all costs of the
35 department resulting from the impounding or sale of a hive and any
36 action taken to eliminate the threat of infestation or infection by a
37 bee pest to bees.

38 (6) A person aggrieved by an order issued or act taken by the
39 director pursuant to this section is, upon application, entitled to a

1 review of that order or act pursuant to RCW 34.05.479. The
2 application shall serve to stay any order or action pending the
3 adjudicative proceeding.

4 **Sec. 6.** RCW 15.60.025 and 1988 c 4 s 4 are each amended to read as
5 follows:

6 ~~((There is created in the department the apiary advisory board,~~
7 ~~hereafter in this section referred to as the "board", consisting of six~~
8 ~~members appointed by the director. The members of the board shall be~~
9 ~~beekeepers representing the major geographical divisions of the~~
10 ~~beekeeping industry in the state. Such geographical divisions shall be~~
11 ~~determined by the director in accordance with the provisions of chapter~~
12 ~~34.05 RCW. In making the selection of the membership of the board, the~~
13 ~~director shall take into consideration the recommendations of the~~
14 ~~beekeeping industry.~~

15 ~~The term of office of the members of the board shall be three~~
16 ~~years. No person shall serve two successive terms as a member of the~~
17 ~~board.~~

18 ~~The director may appoint a department representative as the~~
19 ~~secretary of the board.~~

20 ~~The board shall be advisory to the director on all matters relating~~
21 ~~to the beekeeping industry and may make recommendations on all matters~~
22 ~~affecting the activities of the department in relation to the~~
23 ~~beekeeping industry.~~

24 ~~The board shall meet at the call of the director or at the request~~
25 ~~of any three members of the board. It shall meet at least once each~~
26 ~~year.~~

27 ~~Each member of the board shall serve without compensation, but~~
28 ~~shall be reimbursed for travel expenses incurred in attending meetings~~
29 ~~of the board and any other official duty authorized by the board and~~
30 ~~approved by the director in accordance with RCW 43.03.050 and~~
31 ~~43.03.060: PROVIDED, HOWEVER, That the board shall be compensated only~~
32 ~~if apiarists are charged a sufficient fee to cover the expenses of the~~
33 ~~apiary board.))~~

34 In addition to the powers conferred on the director under other
35 provisions of this chapter, the director shall have the power to adopt
36 rules with the advice of the apiary advisory committee and pursuant to
37 the administrative procedure act, chapter 34.05 RCW:

1 (1) Specifying marking and identification requirements for all
2 hives of bees in the state of Washington including resident colonies,
3 migratory colonies registered in Washington, and colonies brought into
4 the state for pollination services;

5 (2) Establishing requirements for netting and other handling of
6 bees in transit;

7 (3) Prescribing bee breeding procedures and standards to prevent
8 Africanization and permitting importation pursuant to the conditions
9 set forth in RCW 15.60.140;

10 (4) Establishing standards for certification of bees, bee hives,
11 and beekeeping equipment including but not limited to:

12 (a) Standards of colony strength for hives of bees for pollination
13 services;

14 (b) Standards for queen bee production and marketing;

15 (5) A beekeeper certification program that may provide for
16 decreased levels of inspection for those beekeepers whose apiaries
17 consistently have levels of disease within established tolerances;

18 (6) Establishing fees for inspection or certification services;

19 (7) Conducting such activities as may be otherwise necessary for
20 carrying out the purposes of this chapter.

21 **Sec. 7.** RCW 15.60.030 and 1988 c 4 s 5 are each amended to read as
22 follows:

23 ~~((Each person owning or having bees in his or her possession shall~~
24 ~~register with the director the name, address, and phone number of the~~
25 ~~owner, and identify the apiary as provided for herein, on or before~~
26 ~~April 1st each year. A registration fee may be set by the department~~
27 ~~of agriculture in compliance with chapter 34.05 RCW for the purpose of~~
28 ~~covering the expenses of the apiary board, or otherwise at the request~~
29 ~~of the industry. The fees shall be placed in the apiary inspection~~
30 ~~fund of the department.~~

31 ~~The director shall issue to each apiarist owning or operating more~~
32 ~~than twenty five colonies in the state who is registered with the~~
33 ~~department an apiarist identification number. Apiary locations shall~~
34 ~~be identified by displaying the assigned identification number in at~~
35 ~~least four inch characters on the side and top of some colonies in each~~
36 ~~apiary location. The identification shall be in a color that contrasts~~
37 ~~with the color of the hive. This identification shall be conspicuous~~
38 ~~to anyone approaching the apiary location. Any apiarist owning or~~

1 ~~operating no more than twenty five colonies shall, when placing bees on~~
2 ~~other than his or her own property, place his or her name and address~~
3 ~~so as to be conspicuous to anyone approaching the apiary location.))~~

4 (1) It shall be unlawful for a person to bring any packaged bees,
5 queens, hives with or without bees, or other used beekeeping equipment
6 into this state for any purpose without first having secured a
7 certificate of inspection from the state of origin department of
8 agriculture, which shall be based on an official inspection, certifying
9 compliance with the requirements of this chapter and rules adopted
10 under this chapter. New equipment without bees shall not be regulated.

11 (2) A copy of the certificate shall be sent to the department by
12 mail or telefax prior to shipment of hives with or without bees, or
13 equipment into the state and a copy shall accompany the shipment.
14 Queens and packaged bees are exempt from this subsection. The
15 certificate shall verify that the hives in a shipment are in compliance
16 with the limits established in rule for regulated bee pests, the state
17 of origin, the number of hives or description of other regulated items
18 in the shipment, and the destination of the shipment, including the
19 name and complete address and phone number of the person in charge of
20 the apiary location at destination.

21 (3) Queen and package bee producers shall provide the department a
22 list of Washington destination shipments with names and addresses of
23 receivers by August 1st of each calendar year.

24 (4) Packaged bees, queens, hives with or without bees, and
25 beekeeping equipment found by the director to have been imported in
26 violation of this section may be held for inspection by the department.
27 Inspection costs shall be charged to the apiarist in charge of the
28 bees, hives, or equipment. Fees collected shall be placed in the
29 apiary inspection account established in RCW 15.60.040.

30 (5) A Washington registered apiarist who obtains a valid inspection
31 certificate and moves bees out of state for wintering shall be allowed
32 to return the bees to the state without an additional inspection
33 certificate provided that the bees are returned to the state prior to
34 May 15th each year.

35 **Sec. 8.** RCW 15.60.040 and 1988 c 4 s 6 are each amended to read as
36 follows:

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

1 (2) Whenever a disease exists in any apiary, the inspector making
2 the inspection may quarantine the apiary and shall plainly mark the
3 hives containing diseased bees. The inspector shall, in writing,
4 notify the owner or person in charge or in possession of such apiary,
5 stating in the notice the nature of the disease found in each colony,
6 identifying such colony by reference to the mark placed upon the hive
7 thereof, and ordering eradication of such disease in accordance with
8 subsections (3) and (4) of this section or as prescribed by the
9 director within a specified time. When the owner or person in charge
10 or in possession of any apiary cannot be contacted immediately, the
11 notice shall be served by placing conspicuously in the apiary, or by
12 mailing a copy thereof to the owner's registered address.

13 (3) The owner or person in charge or in possession of any diseased
14 bees or hives must eradicate such disease within the time specified in
15 the notice. If the disease is American foulbrood, the time specified
16 in the notice shall not be less than twenty-four hours nor more than
17 one hundred and twenty hours from the time of serving the notice.

18 (4) The owner or person in charge or in possession of any hive
19 infected with American foulbrood shall eradicate such disease by:

20 (a) Burning the diseased hive including bees, combs, frames, honey,
21 and wax, and burying the ashes by means approved by the director; or

22 (b) Delivering the hive, comb intact, to a wax salvage plant or
23 fumigation chamber which has been authorized and designated by the
24 director as suitable for such purposes which shall disinfect the hive
25 by means approved by the director.

26 (5) Any apiary which is found infected with disease and to be
27 dangerous to the health of any apiary in this state may be summarily
28 quarantined by the department. Notice of the quarantine shall be
29 placed conspicuously in the apiary, and the owner notified of such
30 quarantine. The quarantine shall not be removed until the department
31 reasonably determines that no further infection exists. During the
32 quarantine period, no bees, honey, appliances, or other materials may
33 be removed from the apiary without first procuring a permit from the
34 department.

35 (6) If the inspector finds that American foulbrood disease has
36 infected more than two hives of ninety-nine hives or fewer, or more
37 than two percent of hives of one hundred or more, the inspector may, if
38 he or she deems it necessary, make a complete inspection of all hives

1 in the apiary and the owner of the apiary shall pay the actual and
2 necessary costs of the complete inspection.

3 (7) The owner or operator of any colony of bees found to be
4 infected with American foulbrood shall upon his or her request be
5 entitled to a scientific analysis of such colony before it is declared
6 a public nuisance by the director. The results of such analysis shall
7 be conclusive as to whether the colony is diseased. The costs of such
8 scientific analysis shall be paid by the apiarist owning or operating
9 the colonies being analyzed if it is found to be diseased. In case the
10 colony is found not to be diseased, the department shall pay the cost
11 of the scientific analysis. The laboratory performing such scientific
12 analysis shall be approved by the director.

13 A person who has inspected an infected apiary or knowingly comes in
14 contact with any diseased bees, shall, before proceeding to another
15 apiary, thoroughly disinfect his or her person, clothing, tools, and
16 appliances that have come in contact with any infected bees or
17 material.))

18 There is established an apiary inspection account within the
19 agricultural local fund. All money collected under this chapter
20 including fees for requested services, required inspections, or
21 treatments, and registration fees shall be placed in the apiary
22 inspection account. No appropriation is required for disbursement from
23 the apiary inspection account.

24 **Sec. 9.** RCW 15.60.042 and 1988 c 4 s 7 are each amended to read as
25 follows:

26 ((1) The following are declared a public nuisance and in violation
27 of this chapter:

28 (a) Any apiary in which American foulbrood is found;

29 (b) Any hives wherein the combs or frames are immovable or which
30 are so constructed as to impede or hinder inspection;

31 (c) Any abandoned apiary; and

32 (d) Any colony of *apis mellifera scutellata* or hybrid of that
33 subspecies.

34 (2) The inspector shall give notice of such violation in the manner
35 provided in RCW 15.60.040. Whenever any such nuisance exists and the
36 owner refuses or fails to abate it within the time specified in the
37 notice, the department shall abate the nuisance. The owner shall pay

1 the actual and necessary costs of abatement, with the proceeds to be
2 placed in the apiary inspection fund of the department.

3 (3) Whenever the director finds that an apiary has been abandoned
4 and that the apiary constitutes a threat of disease to bees, the
5 director may seize and destroy the abandoned apiary. Before doing so,
6 however, the director shall make a reasonable effort to identify the
7 owner of the apiary and provide the owner with notice of the director's
8 intent to seize and destroy the apiary and with opportunity to take
9 possession of the apiary and eliminate the threat of disease. If
10 ownership cannot be readily ascertained and if the apiary is considered
11 to have value, then the director shall provide for notice by
12 publication. However, notice by publication need not be provided if
13 the value is less than the publication costs. Whenever an owner
14 reclaims an abandoned apiary, the owner shall be liable for all costs
15 of the department resulting from the abandonment.))

16 A registered apiarist or other interested party may request the
17 services of an apiary inspector to provide inspection and certification
18 services to facilitate the movement of honey bees, bee hives, or
19 beekeeping equipment or to provide other requested services. The
20 director shall prescribe a fee for those services that shall, as
21 closely as practical, cover the full cost of the services rendered,
22 including the salaries and expenses of the personnel involved.

23 **Sec. 10.** RCW 15.60.043 and 1988 c 4 s 8 are each amended to read
24 as follows:

25 ((An apiarist or his or her pollination customer may request the
26 director to make a colony strength inspection of any colony of bees.
27 The director, subject to the availability of qualified personnel, shall
28 make such inspection but shall provide the apiarist with advance
29 notice, when possible, of the inspection date. A copy of the
30 inspection certificate shall be sent to the person requesting the
31 inspection and the apiarist within forty-eight hours of the colony
32 strength inspection.

33 The colony strength requirement shall be decided on a yearly basis
34 by the director, in cooperation with the apiary advisory board created
35 by RCW 15.60.025.))

36 The inspection fees and other charges provided in this chapter
37 shall become due and payable upon billing by the department. A late
38 charge of one and one-half percent per month shall be assessed on the

1 unpaid balance against persons more than thirty days in arrears. In
2 addition to any other penalties, the director may refuse to perform an
3 inspection or certification service for a person in arrears unless the
4 person makes payment in full prior to such inspection or certification
5 service.

6 **Sec. 11.** RCW 15.60.050 and 1988 c 4 s 9 are each amended to read
7 as follows:

8 ~~((Inspectors shall have access to all apiaries and places where~~
9 ~~bees, hives, or appliances are kept, and it shall be unlawful to~~
10 ~~resist, impede, or hinder such inspectors in the discharge of their~~
11 ~~duties.))~~

12 Each person owning one or more hives with bees shall register that
13 ownership with the director on or before April 1st each year.

14 (1) Registration application shall include the name, address, and
15 phone number of the owner, the number of colonies of bees owned, and
16 such registration fee as may be prescribed in rule under subsection (2)
17 of this section. The director shall issue to each apiarist registered
18 with the department an apiarist identification number. The apiarist
19 identification number shall be displayed on hives of an apiary in a
20 manner prescribed by the director in rule.

21 (2) A registration fee may be set in rule by the director, with the
22 advice of the apiary advisory committee. The fee shall be used for
23 covering the expenses of the apiary advisory committee and may be used
24 for supporting the apiary program of the department or funding research
25 projects of benefit to the apiary industry that the director may select
26 upon the advice of the apiary advisory committee.

27 **Sec. 12.** RCW 15.60.100 and 1988 c 4 s 10 are each amended to read
28 as follows:

29 ~~((1) It shall be unlawful for any person or common carrier to~~
30 ~~bring into this state for any purpose any bees or used appliances,~~
31 ~~except empty used package bee cages, without first having secured an~~
32 ~~official certificate, which shall be based on an inspection performed~~
33 ~~no more than sixty days prior to movement (except by special permission~~
34 ~~from the department) by the state bee inspector of the state of origin~~
35 ~~and an import permit issued by the department. The import permit with~~
36 ~~specific requirements may be obtained by mailing the original copy of~~
37 ~~the state of origin certificate and a request for a permit to the~~

1 ~~apiary inspection division of the department. — Queen and package~~
2 ~~producers shall provide a list of Washington destination shipments with~~
3 ~~names and addresses at the end of the shipping season.~~

4 ~~(2) The certificate shall contain, but not be limited to, a~~
5 ~~statement that the shipment is not infected with American foulbrood or~~
6 ~~other diseases regulated by the department and the state of origin and~~
7 ~~shall specify all diseases noted at the time of inspection and the~~
8 ~~number of colonies in the shipment. — It shall also indicate the~~
9 ~~destination of the apiary, giving the name and complete address or~~
10 ~~phone number of the apiarist in charge of the apiary location at~~
11 ~~destination.~~

12 ~~(3) A copy of the import permit shall accompany the shipment into~~
13 ~~Washington. — Bees and appliances found to have been imported without~~
14 ~~compliance with this section may be summarily quarantined and inspected~~
15 ~~by the department. — Inspection costs, including per diem and travel~~
16 ~~expenses, shall be charged to the apiarist in charge of the colonies.~~
17 ~~Fees collected shall be placed in the apiary inspection fund of the~~
18 ~~department.~~

19 ~~(4) Nets or other devices approved by the director shall be~~
20 ~~required on all loads of hives containing bee colonies entering or~~
21 ~~leaving the state to prevent the escape of bees during transit.~~

22 ~~(5) Each apiary or location shall be marked for identification by~~
23 ~~placing the name and address of the person importing the bees, hives,~~
24 ~~or used appliances in letters at least one inch in height so as to be~~
25 ~~conspicuous to anyone approaching the apiary location.~~

26 ~~(6) If evidence of any disease is found, such imported bees or~~
27 ~~appliances shall be subject to the same provisions as local Washington~~
28 ~~bees or appliances.~~

29 ~~(7) A resident beekeeper of Washington state who obtains a valid~~
30 ~~inspection certificate and moves his or her bees out of state for~~
31 ~~wintering may not be required to obtain an inspection certificate from~~
32 ~~the state from which they are being returned, provided that the bees~~
33 ~~are returned to the state prior to May 15th each year.~~

34 ~~(8) A resident beekeeper of Washington state who moves his or her~~
35 ~~bees out of state for summer pasture shall be required to obtain an~~
36 ~~inspection certificate from that state prior to returning to~~
37 ~~Washington, even though the bees may winter in a third state prior to~~
38 ~~returning to Washington.))~~

1 In addition to the powers conferred on the director under other
2 provisions of this chapter, the director shall have the power to:

3 (1) Cooperate with and enter into agreements with governmental
4 agencies of this state, other states, and agencies of the federal
5 government in order to carry out the purposes and provisions of this
6 chapter.

7 (2) Conduct educational or other programs in cooperation with
8 Washington State University cooperative extension to enhance the
9 welfare of Washington apiculture.

10 (3) Enter into compliance and other agreements with persons engaged
11 in apiculture, or handling, selling, or moving of hives or beekeeping
12 equipment.

13 (4) Do such things as may be necessary and incidental to his or her
14 functions pursuant to this chapter.

15 **Sec. 13.** RCW 15.60.110 and 1988 c 4 s 11 are each amended to read
16 as follows:

17 ~~((No person shall knowingly import into this state any bees of the~~
18 ~~subspecies apis mellifera scutellata, or Africanized honey bees, except~~
19 ~~for research purposes under permit from the director and under~~
20 ~~conditions as set forth by the director.))~~

21 The director shall have access at reasonable times to all apiaries
22 and places where beekeeping equipment is kept to conduct inspections
23 for the presence of bee pests and to otherwise carry out the purposes
24 of this chapter. If the director is denied access, the director may
25 apply to any court of competent jurisdiction for a search warrant
26 authorizing access to the premises. The court may upon the showing of
27 good cause issue the search warrant for the purposes requested.

28 **Sec. 14.** RCW 15.60.120 and 1988 c 4 s 12 are each amended to read
29 as follows:

30 (1) Every person rearing queen bees for sale or use by another
31 apiarist shall request each queen rearing apiary be inspected ((when
32 conditions are favorable for inspection. If the inspection discloses
33 any contagious or infectious disease in any apiary, the apiarist shall
34 not ship any queen bees therefrom until he or she receives a
35 certificate in writing from the inspector)) for the presence of disease
36 during active brood rearing. No person may ship queen bees from a

1 queen rearing apiary without a certificate of inspection certifying
2 that such apiary is apparently free from disease.

3 ~~((No person))~~ (2) The apiarist rearing queen bees ((for sale)) may
4 ((use honey in making candy for use in mailing cages unless the honey
5 has been boiled for at least thirty minutes)) be required to do so
6 under procedures and standards as may be established in rule for
7 assuring freedom from bee pests and Africanized honey bees.

8 **Sec. 15.** RCW 15.60.140 and 1988 c 4 s 13 are each amended to read
9 as follows:

10 ~~((Any person who violates any provisions of this chapter shall have~~
11 ~~committed a class I civil infraction as provided in chapter 7.80 RCW.))~~

12 (1) Africanized honey bees may be imported into the state under the
13 following conditions:

14 (a) Hybrids of Apis mellifera scutellata may be permitted into
15 Washington if they have been bred or certified for acceptable behavior
16 and approved by the director.

17 (b) Africanized honey bees or their hybrids may be imported under
18 terms and conditions established in permit for research purposes.

19 (c) If the director, with concurrence from the apiary advisory
20 committee and after opportunity for one or more public hearings,
21 pursuant to adoption of rules:

22 (i) Finds that Africanized honey bees have become widely
23 established and that exclusion is no longer technically feasible; and

24 (ii) Determines that deregulation is in the best interest of
25 Washington agriculture; and

26 (iii) Has approved a plan to mitigate the impact of Africanized
27 honey bees.

28 (2) If the director finds Africanized honey bees or hybrids of
29 Africanized honey bees that have not been imported into the state as
30 provided in subsection (1) of this section, the director may impound
31 and destroy or cause to be destroyed such bees. The apiarist shall be
32 entitled upon written request to a scientific analysis under the terms
33 provided in RCW 15.60.015. A person aggrieved by an order issued or
34 act taken by the director pursuant to this subsection is, upon
35 application, entitled to a review of that order or act pursuant to RCW
36 34.05.479. The application shall serve to stay an order or action
37 pending the adjudicative proceeding unless the director determines that

1 the bees cannot be impounded without presenting an imminent threat of
2 Africanization to other bees within the state.

3 **Sec. 16.** RCW 15.60.150 and 1981 c 296 s 13 are each amended to
4 read as follows:

5 ~~((No person shall))~~ It shall be unlawful for a person to:

6 (1) Willfully or maliciously kill honey bees in an apiary, or, for
7 the purpose of injuring honey bees place any poisonous or sweetened
8 substance in a place where it is accessible to them within this
9 state((-

10 ~~Any person who violates any provision of this section shall be~~
11 ~~guilty of a misdemeanor))~~ except that bees in swarms or feral colonies
12 may be depopulated;

13 (2) Alter an official certificate or other official inspection
14 document for bees, hives, or beekeeping equipment covered by this
15 chapter or to represent a document as an official certificate where
16 such is not the case;

17 (3) Knowingly import into the state bees of the subspecies Apis
18 mellifera scutellata (Africanized honey bees) except as provided in RCW
19 15.60.120;

20 (4) Resist, impede, or hinder the director in the discharge of the
21 director's duties and responsibilities under this chapter;

22 (5) Fail to take prompt and sufficient action to control regulated
23 bee pests in excess of limits set in rule;

24 (6) Abandon a hive;

25 (7) Maintain a hive, except for educational purposes, wherein the
26 combs or frames are immovable or that is so constructed as to impede or
27 hinder inspection.

28 **Sec. 17.** RCW 15.60.170 and 1991 c 363 s 15 are each amended to
29 read as follows:

30 ~~((The county legislative authority of any county with a population~~
31 ~~of from forty thousand to less than seventy thousand located east of~~
32 ~~the Cascade crest and bordering on the southern side of the Snake river~~
33 ~~shall have the power to designate by an order made and published, as~~
34 ~~provided in RCW 15.60.190, certain territories as apiary coordinated~~
35 ~~areas in which they may designate the number of colonies per apiary,~~
36 ~~the distance between apiaries, the minimum required setback distance~~
37 ~~from property lines, and/or the time of year the regulations shall be~~

1 in effect. No territory so designated shall be less than two square
2 miles in area.))

3 (1) A person who violates or fails to comply with any of the
4 provisions of this chapter or any rule adopted under this chapter shall
5 be guilty of a misdemeanor, and for a second and each subsequent
6 violation a gross misdemeanor.

7 (2) Whenever the director finds that a person has committed a
8 violation of any of the provisions of this chapter or any rule adopted
9 under this chapter and that violation has not been punished as a
10 misdemeanor, the director may impose and collect a civil penalty not
11 exceeding one thousand dollars for each violation. Each violation
12 shall be a separate and distinct offense. A person who knowingly,
13 through an act of omission or commission, procures or aids or abets in
14 the violation shall be considered to have violated this section and may
15 be subject to the civil penalty.

16 **Sec. 18.** RCW 15.60.180 and 1989 c 354 s 65 are each amended to
17 read as follows:

18 When the county legislative authority determines that it would be
19 desirable to establish an apiary coordinated area or areas in their
20 county, they shall make an order fixing a time and place when a hearing
21 will be held, notice of which shall be published at least once each
22 week for two successive weeks in a newspaper having general circulation
23 within the county. It shall be the duty of the county legislative
24 authority at the time fixed for such hearing, to hear all persons
25 interested in the establishment of apiary coordinated areas as defined
26 in RCW (~~(15.60.170 through)~~) 15.60.180, 15.60.190, and 15.60.210.

27 NEW SECTION. **Sec. 19.** The director may bring an action to enjoin
28 the violation of any provision of this chapter or any rule adopted
29 under this chapter in the superior court in the county in which such
30 violation occurs notwithstanding the existence of other remedies at
31 law.

32 NEW SECTION. **Sec. 20.** The county legislative authority of any
33 county with a population of from forty thousand to less than seventy
34 thousand located east of the Cascade crest and bordering in the
35 southern side of the Snake river shall have the power to designate by
36 an order made and published, as provided in RCW 15.60.190, certain

1 territories as apiary coordinated areas in which they may designate the
2 number of colonies per apiary, the distance between apiaries, the
3 minimum required setback distance from property lines, and the time of
4 year the regulations shall be in effect. No territory so designated
5 shall be less than two square miles in area.

6 NEW SECTION. **Sec. 21.** RCW 15.60.200 and 1989 c 354 s 67 are each
7 repealed.

8 NEW SECTION. **Sec. 22.** Sections 19 and 20 of this act are each
9 added to chapter 15.60 RCW.

--- END ---