

TITLE 22
AGRICULTURE AND HORTICULTURE

CHAPTER 25
BEE INSPECTION

22-2501. PUBLIC POLICY. The Idaho based bee industry has a need for inspections and certification in order to transport bees into other states for pollination; there is a further need to minimize the presence of bee pests and diseases within the state. Therefore, it is declared to be public policy of the state of Idaho to provide a qualified inspection service within the department of agriculture, to issue rules setting fees for such services and to take such action to control pests and diseases of bees as the resources provided under this chapter support.

[(22-2501) 22-2517, added 1987, ch. 96, sec. 2, p. 188; am. and redesign. 2006, ch. 86, sec. 1, p. 251.]

22-2502. DEFINITIONS. The following terms shall be construed respectively when used in this chapter to mean:

(1) "Apiary" means any place where one (1) or more colonies of bees are kept, or one (1) or more hives containing honey combs or bee combs are kept.

(2) "Bee diseases" means a condition of a colony of bees wherein sufficient numbers of individual bees or the colony as a whole are afflicted by or infested with bacterial, fungal, viral, parasitic, or other organisms to the extent that the well-being of the colony is affected. Specific diseases shall be determined by rule.

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

(4) "Colony" means the hive and bees therein with or without extra supers.

(5) "Comb" means and 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.

(6) "Commercial beekeeper" means a person engaged in the management of honey bees for their products and for pollination services.

(7) "Director" means the director of the Idaho department of agriculture or his designated agent.

(8) "Equipment" means hives, supers, frames, veils, gloves or any apparatus, tools, machines or other devices used in the handling and manipulation of bees, wax and hives, and shall also include any containers for honey and wax which may be used in any apiary or in transporting bees and their products and apiary supplies.

(9) "Exotic strain of bees" means African or Africanized bees (*Apis mellifera scutellata*) or any other developed strain of bees known to be harmful, but not known to be present ordinarily in this state.

(10) "Hive" means frame, hive, box, barrel, log gum, skep, or any other receptacle or container, natural or artificial, or any part thereof, which may be used as a domicile for bees.

(11) "Hobbyist beekeeper" means a person engaged in the management of honey bees for pleasure and whose stock does not exceed fifty (50) colonies.

(12) "Persons" means individuals, associations, partnerships and corporations.

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

[(22-2502) 22-2518, added 1963, ch. 305, sec. 2, p. 795; am. 1987, ch. 96, sec. 3, p. 188; am. 1991, ch. 224, sec. 1, p. 534; am. 1993, ch. 11, sec. 1, p. 37; am. 1994, ch. 18, sec. 1, p. 33; am. and redesig. 2006, ch. 86, sec. 2, p. 252.]

22-2503. DIRECTOR TO CONDUCT APIARY INSPECTIONS -- RULES SETTING FEES FOR REQUESTED INSPECTIONS AUTHORIZED. The director shall conduct such apiary inspections as may be required by Idaho beekeepers to transport bees to other jurisdictions. To ensure that the inspections are adequate, the director shall consult with the directors of the Idaho honey association or successor organizations, and with other persons knowledgeable in the science and art of beekeeping. The director shall establish by rule a schedule of fees for inspection work to be paid by the person requesting the inspection.

[(22-2503) 22-2519, added 1987, ch. 96, sec. 5, p. 189; am. and redesig. 2006, ch. 86, sec. 3, p. 252.]

22-2504. DUTIES OF THE DIRECTOR IN CONTROLLING THE SPREAD OF DISEASE AND EXOTIC STRAIN OF BEES. When the director shall be notified of the existence in any apiary of a transmissible bee disease or exotic strain of bees, he shall conduct appropriate investigations to the extent that the resources provided by this chapter support. If the investigation establishes the presence of such transmissible disease or exotic strain of bees, the director may order abatement by methods which he shall prescribe. These methods may include destruction of the infested bees or exotic strain of bees and contaminated equipment. Infested colonies or other equipment may not be removed from the premises on which they are found without written permission of the director. The director may, by rule, establish tolerances of regulated bee diseases allowable in apiaries and establish a certification program for beekeepers in order to prevent and control the movement of exotic strains of bees into the state.

[(22-2504) 22-2520, added 1987, ch. 96, sec. 6, p. 189; am. 1993, ch. 11, sec. 2, p. 38; am. 1994, ch. 18, sec. 2, p. 34; am. and redesig. 2006, ch. 86, sec. 4, p. 253.]

22-2505. DUTY OF OWNER OF DISEASED BEES -- PENALTY. Any owner or keeper of bees, knowing or being notified by the director of the existence of a bee disease in his apiary, who fails either to comply with the instructions of the director, designed to cure said disease, or to destroy the infected bees, hives or appliances, within the time designated by the director, is guilty of a misdemeanor.

[(22-2505) 22-2523, added 1963, ch. 305, sec. 7, p. 795; am. 1987, ch. 96, sec. 8, p. 190; am. and redesig. 2006, ch. 86, sec. 6, p. 253.]

22-2506. RIGHT TO INSPECT -- PENALTY FOR RESISTING. The director shall have the right to enter the premises of any beekeeper where bees or equipment are kept, and inspect such bees or equipment, and any person resisting or refusing to allow such inspection shall be guilty of a misdemeanor.

[(22-2506) 22-2524, added 1963, ch. 305, sec. 8, p. 795; am. 1987, ch. 96, sec. 9, p. 190; am. and redesig. 2006, ch. 86, sec. 7, p. 253.]

22-2507. CHAPTER CONSTRUED TO PERMIT TRANSPORTATION OF BEES -- PERMIT. This chapter shall not be construed to prevent the transportation across the Idaho state line of bees in hives, or bee supplies and equipment, between bee yards owned by, or under the control of a beekeeper registered pursuant to section [22-2510](#), Idaho Code. Bee colonies in transit through Idaho shall be netted while within the borders of Idaho and no such bees shall be off loaded in Idaho without full compliance of the laws.

[(22-2507) 22-2529, added 1963, ch. 305, sec. 13, p. 795; am. 1987, ch. 96, sec. 13, p. 191; am. 1990, ch. 414, sec. 1, p. 1148; am. and redesisg. 2006, ch. 86, sec. 10, p. 254.]

22-2508. PUBLICATION OF REGISTERED BEEKEEPERS. The department shall make available to any pesticide applicator registered with the department, abatement or pest control district, or university of Idaho county agricultural extension office, a list of beekeepers registered with the department. The list shall include the names and telephone numbers of the beekeepers, the counties in which they keep bees, and any other information the department deems necessary to assist in the prevention of accidental poisoning of honeybees.

[22-2508, added 2006, ch. 86, sec. 12, p. 254; am. 2007, ch. 188, sec. 13, p. 553.]

22-2509. MONEYS RECEIVED PAID INTO "BEE INSPECTION SPECIAL FUND." All moneys received pursuant to the provisions of this chapter shall be paid to the state treasurer and kept by the state treasurer in a special and separate fund to be known as the "bee inspection special fund."

[(22-2509) 22-2532, added 1963, ch. 305, sec. 16, p. 795; am. and redesisg. 2006, ch. 86, sec. 13, p. 254.]

22-2510. REGISTRATION -- ASSESSMENT -- COLLECTION -- PROCEEDS. (1) There is hereby levied upon each beekeeper maintaining colonies within the state of Idaho, or desiring to move bees into the state, an annual registration fee of ten dollars (\$10.00) for up to fifty (50) colonies. Each additional colony in excess of the first fifty (50) colonies shall be assessed at the rate of ten cents (10¢) per colony. Hobbyist beekeepers are exempt from registration under this section.

(2) The registration fee assessed for colonies in excess of fifty (50) colonies may be increased to not more than twenty cents (20¢) per hive or colony per year, if approved by a majority of the beekeepers voting in a referendum held for the purpose of determining whether such levy of the registration fee shall or shall not be changed. If the levy of the registration fee is changed, the levy of the registration fee will continue annually at the changed rate until again changed by another referendum. Any resident of Idaho who is registered under this chapter as an Idaho beekeeper with the Idaho department of agriculture may vote at such referendum. Any referendum to be held for the purpose of changing the levy of such registration fee shall be held at the annual meeting of the Idaho honey industry association or any successor organization to this group.

(3) Said registration fee shall be a lien upon all apicultural products, equipment, bees and property of the person owning or controlling such

bees and shall be prior to all other liens or encumbrances except liens which are declared prior by operation of the statutes of this state.

(4) Hives brought into the state for indoor winter storage prior to moving to another state for pollination or honey production are exempt from paying fees as provided for in this section. Provided however, registration shall be required and a minimum of the following information shall be supplied: location of the storage, approximate dates the hive or hives will be brought into and leave the state, name, address and telephone number of the owner of the bees, and name, address and telephone number of an in-state contact who will have knowledge of the hive or hives being stored in the state.

[(22-2510) 22-2536, added 1963, ch. 305, sec. 20, p. 795; am. 1970, ch. 135, sec. 2, p. 328; am. 1976, ch. 119, sec. 1, p. 459; am. 1990, ch. 414, sec. 2, p. 1149; am. 1991, ch. 224, sec. 2, p. 535; am. and redesign. 2006, ch. 86, sec. 14, p. 254; am. 2014, ch. 46, sec. 1, p. 122.]

22-2511. RULES. It is hereby made the duty of the department of agriculture to make reasonable rules as necessary for or as an aid to the effectuation of any provision of this chapter, and to prepare and cause to be printed suitable forms for the proper administration of this chapter.

[(22-2511) 22-2538, added 1963, ch. 305, sec. 22, p. 795; am. and redesign. 2006, ch. 86, sec. 15, p. 255.]

22-2512. PENALTY FOR VIOLATIONS. (1) Any person who violates or fails to comply with any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) or be imprisoned in the county jail for not less than three (3) months nor more than twelve (12) months or be subject to both such fine and imprisonment.

(2) Any person who violates or fails to comply with any of the provisions of this chapter or any rules promulgated under this chapter may be assessed a civil penalty by the department or its duly authorized agent of not more than one hundred dollars (\$100) for each offense and shall be liable for reasonable attorney's fees. Assessment of a civil penalty may be made in conjunction with any other department administrative action. No civil penalty may be assessed unless the person charged was given notice and opportunity for a hearing pursuant to the Idaho administrative procedure act. If the department is unable to collect such penalty or if any person fails to pay all or a set portion of the civil penalty as determined by the department, it may recover such amount by action in the appropriate district court. Any person against whom the department has assessed a civil penalty under the provisions of this section may, within thirty (30) days of the final action by the agency making the assessment, appeal the assessment to the district court of the county in which the violation is alleged by the department to have occurred. Moneys collected for violation of a rule shall be remitted to the agricultural inspection account.

(3) Any bees, colonies, equipment or hives, imported into this state by a nonresident person, in violation of any provision of this chapter shall be subject to seizure by the department. Any bees, colonies, equipment or hives found on any property without the permission of the landowner or not identified with the owner's name, address, phone and registration numbers or found to be in violation of this chapter or rules adopted by the department, shall also be subject to seizure by the department. Any bees, colonies, equipment

or hives not claimed and brought into compliance with the provisions of this chapter within ninety (90) days from the date of seizure may be sold at public auction by a sealed bid.

(4) Nothing in this chapter shall be construed as requiring the director to report minor violations for prosecution when he believes that the public interest will be best served by suitable warnings or other administrative action.

[(22-2512) 22-2539, added 1963, ch. 305, sec. 23, p. 795; am. 1991, ch. 224, sec. 3, p. 536; am. 1999, ch. 324, sec. 1, p. 832; am. and redesign. 2006, ch. 86, sec. 16, p. 255.]

22-2513. REVIEW OF ACTION OF DIRECTOR. Any individual who has exhausted all administrative remedies available within the department and who is aggrieved by a final decision in a contested case is entitled to judicial review in accordance with [chapter 52, title 67](#), Idaho Code. The review may be obtained by filing in the district court within thirty (30) days following the action of the director a written petition praying that such action be set aside. A copy of such petition shall forthwith be delivered to the director and within thirty (30) days thereafter, the director shall certify and file in the district court of the area affected a transcript of any record pertaining thereto, including a transcript of evidence received at any hearing of referendum. The district court shall give notice by United States mail, to the director and to the petitioner or petitioners of the time and place at which the court will hear such petition, at which time any interested party may be heard. Upon completion of the hearing, the court shall affirm, set aside or modify the action of the director, except that the finding of the director as to the facts, if supported by substantial evidence, shall be conclusive.

[(22-2513) 22-2540, added 1991, ch. 224, sec. 4, p. 536; am. 2001, ch. 183, sec. 2, p. 615; am. and redesign. 2006, ch. 86, sec. 17, p. 256.]