

13978, (eff 5-23-24)

Readopt with amendment Agr 1800, effective 5-13-14 (Document #10586), to read as follows:

CHAPTER Agr 1800 NEW HAMPSHIRE ADMINISTRATIVE REQUIREMENTS FOR THE KEEPING OF HONEY BEES

PART Agr 1801 PURPOSE AND SCOPE

Agr 1801.01 Purpose. The division of plant industry is charged with apiary inspection and regulation under the immediate supervision of the state entomologist and commissioner of the New Hampshire department of agriculture, markets, and food. These rules are intended to clarify the requirements, procedures, and methods that inspectors and beekeepers shall follow in dealing with infectious or contagious diseases, parasites, or pests of immature and adult honey bees, or beekeeping equipment.

Agr 1801.02 Scope. These rules shall apply to individuals who maintain honey bees, or import honey bees into, or transport honey bees through the state pursuant to RSA 429:2, RSA 429:3, and RSA 429:7.

PART Agr 1802 BEEKEEPING DEFINITIONS

Agr 1802.01 Definitions. In Agr 1800, the following terms shall have the following meanings:

(a) "Abate" means to take steps to terminate the development or spread of contamination by bee diseases, parasites, or pests;

(b) "*Acarapis woodi* (Rennie)" means an endoparasitic mite of adult honey bees that lives in the anterior thoracic trachea. This mite is commonly referred to as the honey bee tracheal mite" or "acarine mite";

(c) "Acaricide" means any chemical or biological agent used to control mites;

(d) "Africanized honey bee" means honey bees of the subspecies *Apis mellifera scutellata*;

(e) "American foulbrood (AFB)" means the contagious disease of bee larvae caused by *Paenibacillus larvae*;

(f) "Apiary" means a place where one or more colonies of honey bees is kept and includes hives, honey bees, and beekeeping equipment;

(g) "Bee disease" means American foulbrood, European foulbrood, nose-mosis, sacbrood, bee paralysis, or other diseases or abnormal conditions of egg, larval, pupal, or adult stages of bees;

(h) "Bee package" means a quantity of bees, with or without a queen, sold as a package;

(i) "Beekeeper" means owner or operator in charge of maintaining the apiary;

(j) "Certificate of inspection" means a document issued upon inspection of bees, beekeeping equipment, or both by the department of agriculture, markets, and food, indicating the health conditions of the colony, equipment, or both;

(k) "Colony" means the hive and associated equipment, including bees, comb, and honey;

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- (l) "Commissioner" means the commissioner of the New Hampshire department of agriculture, markets, and food;
- (m) "Contaminated" means infected, or liable to carry infection, with a disease or parasite of the honey bee;
- (n) "Director" means the state entomologist, director of the division of plant industry, New Hampshire department of agriculture, markets, and food;
- (o) "Equipment" means hives, hive equipment, veils, gloves, or other apparatus, tools, machines, or other devices used in the handling and manipulation of bees;
- (p) "Hive" means a container that is used as a domicile for bees;
- (q) "Honey bee" means the species of bee identified as *Apis mellifera*;
- (r) "Inspector" means any person who is authorized by the commissioner to enforce this chapter;
- (s) "Nosema" means *Nosema* spp., internal parasitic microsporidia, or fungi of honey bees;
- (t) "Parasite" means the honey bee tracheal or varroa mite or other such pests which live in or on the honey bee and at the expense thereof;
- (u) "Pest" means "pest" as defined in RSA 430:29, XXV, namely "any plant, insect, rodent, fungi, animal, weed, other forms of plant or animal life, or virus, bacteria, or other microorganism (except viruses, bacteria, or other micro-organisms on or in living man or other living animals) which exists in a place where it is not wanted, or in a quantity not wanted";
- (v) "Pesticide" means "pesticide" as defined in RSA 430:29, XXVI, namely
 - “(a) Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest; and
 - (b) Any chemical or biological agent, or substance or mixture of substances of such agents, intended to control a pest or for use as a plant regulator, defoliant, or desiccant”;
- (w) "Regulated pests" means those diseases and parasites that are required to be abated due to their negative impact on the beekeeping industry;
- (x) "Robbing" means the foraging of honey by bees, hornets, or wasps from another hive instead of gathering nectar from flowers or other plant sources;
- (y) "*Tropilaelaps* spp." means external parasitic mites in the genus *Tropilaelaps* that parasitize honey bees; and
- (z) "*Varroa* mite" means external parasitic mites in the genus *Varroa* that parasitize honey bees.

PART Agr 1803 APIARY IDENTIFICATION AND MAINTENANCE

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Agr 1803.01 Apiary Identification. Beekeepers shall print, stencil, or brand their name, mailing address, and phone number directly on the outside of the hive body, the underside of the top covers, or a sign prominently displayed in the apiary to facilitate communication by inspectors and emergency personnel.

Agr 1803.02 Apiary Maintenance.

(a) Pursuant to RSA 429:4, no person shall keep or maintain bees in any hive other than a movable frame hive that permits a thorough examination of every comb for the presence of pests. The use of all other types of hives or receptacles for bees, whether manufactured or natural, shall be prohibited.

(b) Beekeepers shall maintain their apiaries and all bee equipment in such a manner that the apiaries or equipment shall not be susceptible to robbing in any form or at any time.

(c) Beekeepers shall maintain their apiaries such that they are suitable for inspection, such as free from physical hazards or unsafe conditions for the inspector.

(d) If the inspector finds conditions (a), (b), and (c) above are not met, or other unsanitary conditions are found, including but not limited to the presence of infectious diseases or equipment or combs infested with insects or other animals, such conditions shall be abated by the beekeeper as directed by the inspector.

PART Agr 1804 APIARY INSPECTIONS

Agr 1804.01 Apiary Inspection. Every year, the inspector shall inspect apiaries, bees, and equipment for evidence of any pests of honey bees if the beekeeper makes a request for inspection or if there is suspicion of the presence of a regulated pest.

Agr 1804.02 Inspection Fees.

(a) The fee schedule for apiaries, bees, and equipment shall be as follows:

(1) For an apiary site visit the fee shall be \$20;

(2) For inspections involving more than 50 colonies, or equivalent in equipment, at a single site there shall be an additional fee of \$25; and

(3) A fee of \$10 shall be charged for each sample taken by the inspector at the request of the beekeeper.

(b) Payment for inspection services provided under Agr 1804.01 shall be made upon completion of the inspection. Checks shall be payable to "Treasurer, State of New Hampshire."

Agr 1804.03 Issuance of Certificate of Inspection.

(a) After an official inspection, the apiary inspector or the director of the division of plant industry shall issue a certificate of inspection.

(b) The certificate of inspection shall state:

(1) The beekeeper's name and home address;

(2) The location of each apiary and number of colonies inspected;

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- (3) That the apiary, bees, and equipment have been inspected;
- (4) The date of the inspection;
- (5) The principle findings of the inspection; and
- (6) The name of the inspector.

PART Agr 1805 PEST CONTROL

Agr 1805.01 Pests Honey Bees. Regulated pests shall include:

- (a) Africanized honey bee (*Apis mellifera scutellata*);
- (b) American foulbrood (*Paenibacillus larvae*); and
- (c) Tropilaelaps mite (*Tropilaelaps* spp.).

Agr 1805.02 Procedures for Abatement of Regulated Pests.

(a) When, during the course of inspection, a regulated pest is found in an apiary, the inspector conducting the inspection shall:

- (1) Declare the honey bees and the equipment contaminated by the regulated pest to be a danger for spreading the pest, and order the isolation of affected colonies until the diagnosis is confirmed by a laboratory; and
- (2) Provide the beekeeper of the affected apiary with an inspection report stating the suspected diagnosis and the manner in which the diseased or infested apiary, bees, or equipment have been marked.

(b) Upon laboratory confirmation of the diagnosis, the inspector shall:

- (1) Serve notice to the beekeeper ordering abatement of the regulated pest within 10 days of the service of the notice; and
- (2) The notice shall be served:
 - a. Personally or by mail to the last known address of the beekeeper; or
 - b. By posting it in a conspicuous place in the apiary when the beekeeper is not known.

(c) The beekeeper shall, at the request of the inspector, provide the location of every apiary the beekeeper owns or operates in New Hampshire.

(d) The inspector, after informing the director of the division of plant industry, shall, at the beekeeper's expense, abate the pest immediately after expiration of the time specified in the notice, if:

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(1) The beekeeper of an apiary in which the regulated pests are found to exist cannot be located after contacting adjoining landowners, city or town clerk, or police or fire department; or

(2) Notice has been served pursuant to these rules, and the beekeeper refuses or neglects to abate the regulated pests within the time specified in the notice.

(e) For abatement of AFB, the inspector, or the beekeeper under the supervision of the inspector, shall:

(1) Burn the diseased honey bees and contaminated equipment with city or town approval as follows:

a. The diseased colonies of honey bees shall be exterminated with an insecticide that meets the rules and requirements of the pesticide control board and the New Hampshire department of agriculture, markets, and food, division of pesticide control, pursuant to RSA 430:28-RSA 430:50. The components of the contaminated hive together with any bees and diseased comb found in the apiary, shall be burned in a burn barrel, a pit not less than 18 inches deep, or in some other manner approved by the local fire department, and the ashes shall be covered with at least 6 inches of soil; or

b. The diseased colonies of honey bees shall be exterminated pursuant to Agr 1805.02(e)(1)a., and the contaminated hive components, including dead bees, shall be placed in sealable containers and incinerated at an approved incineration facility; or

(2) Abate the diseased honey bees and contaminated equipment following recommendations by the inspector, who shall reinspect the colony or colonies after 10 days. If AFB is still present in the colony or colonies, the honey bees and the contaminated equipment shall be destroyed pursuant to Agr 1805.02(e)(1).

(f) For abatement of *Tropilaelaps* spp. mites, the inspector, or the beekeeper under the supervision of the inspector, shall abate the infested honey bees and equipment following recommendations by the inspector.

(g) For abatement of Africanized honey bees, *Apis mellifera scutellata*, the apiary shall be condemned, and the inspector, or the beekeeper under the supervision of the inspector, shall:

(1) Exterminate, pursuant to Agr 1805.02(e)(1)a., colonies of Africanized honey bees exhibiting levels of defensive behavior deemed by the inspector to be a danger to the general public; or

(2) Abate the Africanized honey bees following recommendations by the inspector who shall reinspect the colony or colonies after 10 days.

PART Agr 1806 INTERSTATE MOVEMENT OF BEES

Agr 1806.01 Transporting Bees Into or Through New Hampshire.

(a) Used beekeeping equipment, honey bee queens, bee packages, and colonies shall be allowed

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into New Hampshire only when accompanied by a certificate signed by the state entomologist, state apiary inspector, or similar official of the state or country of origin.

(b) The certificate shall:

(1) Certify the apparent freedom from infectious diseases, parasites, and pests; and

(2) Be based on an actual inspection within a period of 30 days preceding the date of entry into New Hampshire.

(c) Colonies of honey bees transported into or through the state of New Hampshire shall be covered with wire mesh, screen, or netting commonly used by migratory beekeepers, or otherwise restricted to confine the bees to the hives. These colonies shall be subject to inspection by the apiary inspector as deemed necessary by the inspector or the director of the division of plant industry.

(d) Any honey bees or equipment that have been brought into New Hampshire without a certificate shall be subject to inspection by the apiary inspector.

PART Agr 1807 REGISTRATION OF HIVES

Agr 1807.01 Form A-1 Application for Apiary Registration. Any applicant owning or possessing honey bees in New Hampshire may register hives with the department of agriculture, markets, and food by completing and submitting Form A-1 "Application for Apiary Registration", amended 5-22-24.

PART Agr 1808 VIOLATIONS

Agr 1808.01 Violations.

(a) Any person who violates the provisions of these rules shall be subject to the penalty provisions in RSA 429:5 and RSA 429:27.

(b) It shall be a violation for any beekeeper to fail to identify their apiary or hives pursuant to Agr 1803.01.

(c) It shall be a violation for any beekeeper to not meet the conditions of Agr 1803.02 (a), (b), and (c).

(d) It shall be a violation for any beekeeper to fail to abate a regulated pest under direction of the apiary inspector pursuant to Agr 1805.02.

(e) It shall be a violation for any beekeeper to import used beekeeping equipment, honey bee queens, bee packages, and colonies without a certificate pursuant to Agr 1806.01(a) and (b).

(f) Violations of section Agr 1808.01(b)-(e) shall result in the assessment of administrative fines.

(g) The administrative fine schedule shall be as follows:

(1) First offense, \$100;

(2) Second offense, \$200;

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- (3) Third offense, \$300; and
- (4) Fourth and subsequent offenses, \$1,000.

APPENDIX

Rule	Statute Implemented
Agr 1801	RSA 429:8
Agr 1802	RSA 429:8, I
Agr 1803.01	RSA 429:2 and RSA 429:8, I
Agr 1803.02	RSA 429:4 and RSA 429:8, III
Agr 1804.01	RSA 429:2, 429:3 and RSA 429:8, I
Agr 1804.02	RSA 429:8, II
Agr 1804.03	RSA 429:2 and RSA 429:8, I
Agr 1805.01	RSA 429:8, III and RSA 429:8, V
Agr 1805.02	RSA 429:2; RSA 429:3; RSA 429:8, III; RSA 429:8, V; RSA 430:28; RSA 430:50
Agr 1806.01	RSA 429:7 and RSA 429:8, IV
Agr 1807	RSA 429:8, III
Agr 1808	RSA 429:27