

CIRCULAR No. 10
(REVISED FEBRUARY, 1938)

**KANSAS ENTOMOLOGICAL
COMMISSION**



**APIARY INSPECTION LAW
RULES AND REGULATIONS
APIARY INSPECTION AND
CARE OF BEES**

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KANSAS ENTOMOLOGICAL COMMISSION

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Kansas Entomological Commission

CIRCULAR No. 10

LAW OF KANSAS

RELATING TO APIARIES, BEES, HONEY, BEEKEEPING EQUIPMENT AND THE INSPECTION OF THE SAME

Chapter 1, Session Laws of 1931 (Chapter 2, Article 4, G. S. 1935)

AN ACT relating to apiaries, defining same; providing for the appointment by the State Entomological Commission of a state apiarist; providing for the inspection of apiaries, bees, honey, and beekeeping equipment; regulating the sale and transportation of bees, honey, hives, combs and beekeeping equipment; providing for the treatment or destruction of diseased or infected bees, honey, hives, combs, and beekeeping equipment; providing for the

issuance of certificates as to the absence of disease in queen raising apiaries; providing for other matters pertaining to apiaries, honey, beekeeping equipment, and the inspection thereof, and repealing sections 2-401, 2-402, 2-403, 2-404, 2-405, 2-406, 2-407, 2-408, 2-409, and 2-410 of the Revised Statutes of Kansas for 1923, and all other acts and parts of acts in conflict herewith.

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

SECTION 1. This shall be known as the apiary inspection act.

SEC. 2. The following terms when used in this act shall be construed as follows: "Apiary" shall be construed to mean, first, the bees, hives, combs, and beekeeping equipment kept or used for the purpose of producing honey or queen bees, and second, the place or location where one or more colonies or nuclei of bees are located. "Colony" shall be construed to mean the bees inhabiting a single hive or other dwelling place. "Hive" shall be construed to mean any receptacle or container made or prepared for the use of bees as a dwelling place. "Beekeeping equipment" shall be construed to mean all hives, supers, frames, or other devices used in the rearing or manipulation of bees, their brood, honey or containers thereof, which may be or may have been used in any apiary. "Combs" shall be construed to mean the cells or receptacles as used by bees to hold bees, brood, honey, and pollen. "Brood" shall be construed to mean the immature stages of bees from the egg through the pupal stage. "Disease" shall be construed to mean American foulbrood and any other infectious, contagious, or communicable disease affecting bees or their brood which may cause an epidemic. "Bee inspector" shall be construed to mean any person appointed and authorized to enforce the provisions of this act herein provided.

SEC. 3. **State apiarist and bee inspectors.** In addition to the duties heretofore assigned to it, the State Entomological Commission is hereby authorized and directed to appoint a state apiarist, who shall have had experience and training in practical beekeeping. His duties shall be to inspect, or cause to be inspected, all apiaries, bees, hives, and beekeeping equipment; to appoint, by

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and with the advice and consent of the State Entomological Commission, one or more competent assistants, who shall be designated as bee inspectors, and to supervise and direct their work. In the appointment of such bee inspectors preference shall be given (other things being equal) to such individuals as have the recommendation of the local beekeepers or an association of beekeepers.

Sec. 4. *Inspection, treatment and destruction.* Said bee inspectors under

SEC. 4. Inspection, treatment and destruction. Said bee inspectors under the supervision of said state apiarist shall inspect all apiaries, each colony of bees in each apiary, the hives, and beekeeping equipment, to ascertain whether or not the infectious, contagious or communicable disease known as American foulbrood, or any other infectious, contagious or communicable disease or diseases exist in such apiaries, or among such bees. If, by reason of such inspection, such bee inspector is satisfied of the existence of any such disease or diseases, such bee inspector is hereby authorized to, and shall proceed at once to eradicate same, or shall cause the eradication of same at once by the methods prescribed by the state apiarist; and such bee inspector is hereby empowered, if, in his opinion, it be necessary for the safety of the industry, to destroy such bees, and to burn all diseased or infected containers or receptacles of bees other than movable frame hives, the frames and combs containing honey, brood, or remnants of brood, and to sterilize, by burning, the surfaces of movable frame hives, and parts of hives, as promptly as it is practicable: *Provided*, That if the owner, manager, or lessee of such diseased or infected bees, honey, or beekeeping equipment shall at the time object to such treatment, sterilization or destruction, and pay to such bee inspector the sum of \$5 (five dollars), to apply upon the additional expense, he shall be entitled to a reinspection as hereinafter provided. Thereupon, said bee inspector shall cease operations, and shall communicate such objection in writing, or otherwise, and remit the \$5 (five dollars) as promptly as is practicable to the secretary of the State Entomological Commission, and inform him of the fact. Said secretary shall thereupon cause to be made, at once, a reinspection of such apiary, bees, honey, and beekeeping equipment by the state apiarist, or another qualified bee inspector, and if such reinspection verifies the findings of the first inspection, said diseased or infected apiary, bees, honey, or beekeeping equipment shall thereupon be treated, sterilized or destroyed as provided for herein: *Provided*, That if it shall become necessary under the provisions of this act to burn or otherwise destroy bees (queens or workers), honey, combs, hives, or any other property, the same shall be appraised by the owner, manager, or lessee thereof, the state apiarist, or bee inspector, and the chairman of the board of county commissioners, at not to exceed \$5 (five dollars) per one-story hive and \$1 (one dollar) for each additional hive body or super, and nonmovable frame or box hives at one half such valuation, in the same manner insofar as it is applicable, as that provided for by section 47-615 of the General Statutes of Kansas for 1935, and one half of such appraised value shall be paid to such owner, manager, or lessee, by the board of county commissioners in accordance with the manner insofar as it is applicable, as prescribed by sections 47-616 and 47-617 of the General Statutes of Kansas for 1935.

SEC. 5. Transportation of bees and beekeeping equipment. All queen bees, bees, or used beekeeping equipment transported into or within the state of Kansas shall be accompanied by a certificate or permit, the form of which

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shall be prescribed by the State Entomological Commission, certifying that all such queen bees, bees or used beekeeping equipment have been inspected by an authorized official within the one year next prior to such transportation, and then found by such official to be apparently free from any infectious, contagious, or communicable disease or diseases. Such certificate shall state the number of queen bees, colonies, nuclei, and the kind and number of pieces of all such equipment so transported, the point of origin, point of delivery, name and address of consignor and name and address of consignee. At the time of, or before such transportation, one copy of such certificate shall be mailed to the secretary of the State Entomological Commission, and another copy to the state apiarist: *Provided*, That nothing in this act shall be construed as restricting the state apiarist from issuing a permit to move an apiary from place to place within the state. Any person, firm or corporation within this state who shall cause either directly or indirectly the transportation into or within this state, of queen bees, bees, or used beekeeping equipment not accompanied by the certificate herein provided for, shall be deemed guilty of a violation of the provisions of this act.

SEC. 6. Unlawful acts by owner. It shall be a violation of this act, punishable as hereinafter provided, for the owner, manager, or lessee of any apiary, bee, honey, or beekeeping equipment, wherein disease or infection is known to exist, or has been found or reported by a bee inspector or state apiarist to exist, to sell, barter, or give away, or move, without the written consent of the state apiarist, any such diseased or infected bees (be they queens or workers), honey or beekeeping equipment, or to knowingly expose other bees to the danger of such disease or diseases, or to fail or neglect to promptly report to the secretary of the State Entomological Commission the existence of any such disease or diseases. Upon receiving such report, said secretary of the State Entomological Commission shall promptly cause to be made an inspection by the state apiarist, or a bee inspector, and if disease or infection is found, said state apiarist or bee inspector shall proceed to eradicate or cause the eradication of the same as provided by this act.

SEC. 7. Violation by owner. It shall be deemed a violation of this act for the owner, manager, or lessee of any bees to permanently keep them in boxes, barrels, or other containers which are not equipped with movable frames, and all bees in such boxes, barrels, or other containers, when this act becomes effective and in force, shall be transferred to movable frame hives within one year thereafter: *Provided, also*, That bees which may, after the passage of this act, be placed, temporarily, in boxes, barrels, or other nonmovable frame containers shall within the next year be transferred to hives equipped with movable frames.

SEC. 8. Ingress and egress to apiaries. The state apiarist and bee inspectors shall upon oral notice to the owner, manager, or lessee of such apiary, bees, honey, or beekeeping equipment, have free access to all apiaries, buildings, or places where bees, honey, or beekeeping equipment are stored or kept, and shall have authority to open and examine all hives, supers, or other bee-

keeping equipment wherein such bees or honey are stored or kept, for the purpose of inspection as provided for herein. Said owner, manager, or lessee shall be permitted to be present during such inspection, treatment, or destruction. It shall be a violation of this act, punishable as hereinafter provided,

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for any person or persons to impede, obstruct, hinder, or otherwise prevent, or attempt to prevent in any way said state apiarist or bee inspectors in the lawful discharge of their duties under the provisions of this act.

SEC. 9. Disinfection by inspectors. After inspecting or handling infected or diseased bees, hives, supers, or other beekeeping equipment, said state apiarist or bee inspectors shall, before leaving the premises or proceeding to any other apiary, thoroughly disinfect any portion of his or their own person and clothing and all tools or appliances used by him or them which have come in contact with infected material, and any assistant or assistants with him or them shall likewise, thoroughly disinfect his or their persons, clothing, and any tools which may have been used.

SEC. 10. Rearing and shipment of queen bees. It shall be the duty of any person, firm, or corporation, in the state of Kansas, engaged in the rearing of queen bees for sale, to notify the secretary of the State Entomological Commission thereof. The secretary of the State Entomological Commission shall thereupon cause to be inspected such queen bee rearing apiary or apiaries, and, if found apparently free from all infectious or contagious disease or diseases, shall issue a certificate to that effect. Such queen-rearing apiaries shall thereafter be inspected twice annually. The first such annual inspection shall be made previous to May 1, and the second inspection not later than June 30. Upon the discovery in such queen-rearing apiaries of the existence of any disease or diseases, which are infectious or contagious in their nature, or injurious to bees in their egg, larval, pupal, or adult stages, the shipment or sale of queen bees from such diseased or infected apiary or apiaries shall be stopped at once and the certificate hereinbefore provided for surrendered to said state apiarist or bee inspector, and the said state apiarist or bee inspector shall proceed to eradicate or cause the eradication of such disease or diseases or infection as provided by this act. When reinspection shall have shown such queen rearing apiary to be apparently free from disease or diseases and infection, such certificate shall be reissued.

SEC. 11. Reports. The state apiarist shall make annual reports to the State Entomological Commission, giving the number of apiaries inspected, the number of diseased or infected apiaries found, number of colonies treated,

number of colonies destroyed, the reimbursement therefor, the protest money received, the fines imposed, and the expenses incurred in the performance of these duties. He shall cause to be kept a careful record of the localities where disease exists, and such other records as he deems necessary or proper. All such reports and records shall be open to public inspection.

SEC. 12. Penalty for offenses. Any person or persons violating or failing to comply with any provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten dollars nor more than one hundred dollars, or by imprisonment for not exceeding thirty days, or by both such fine and imprisonment.

SEC. 13. Compensation. The compensation of bee inspectors provided for herein shall be determined by the State Entomological Commission.

SEC. 14. Authority to make regulations. The said state apiarist is hereby empowered, by and with the advice and approval of the State Entomological Commission, to make such rules and regulations as he may deem necessary to

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carry into effect the full intent and meaning of this act, and to enforce the provisions of this act, and of the rules and regulations made in compliance with the provisions of this section.

SEC. 15. Approval of bills. All bills for service or other expense incurred under the provisions of this act shall, before payment, be itemized, duly verified, and approved by the chairman and secretary of the State Entomological Commission.

SEC. 16. Should it be decided upon final judicial hearing that any section or clause of this act is invalid such decision shall only apply to the section or clause so found to be invalid, and shall not invalidate the entire act.

SEC. 17. Sections 2-401, 2-402, 2-403, 2-404, 2-405, 2-406, 2-407, 2-408, 2-409, 2-410 of the Revised Statutes of Kansas for 1923, and all other acts or parts of acts in conflict herewith, are hereby repealed.

SEC. 18. This act shall take effect and be in force from and after its publication in the official state paper.

Policy of the Commission Relating to Apiary Inspection

It is the policy of the Kansas Entomological Commission to do all in its power to foster and develop the bee industry in Kansas:

A. By inspecting apiaries in those sections of the state where bees are the most abundant, or where the presence of American foulbrood is a menace to the industry.

B. By a liberal interpretation of that provision of the law permitting the issuing of permits to move bees from place to place within the state.

C. By urging every beekeeper in the state to exercise the greatest possible precaution to keep his bees from American foulbrood.

D. By requiring inspectors in their contact with beekeepers to endeavor to make their work as constructive and educational as possible.

E. By notifying owners or managers of apiaries in advance of the probable date of inspection insofar as it may be practicable.

F. Insofar as practicable, all apiary inspection shall be completed prior to June 30 of each year.

Rules and Regulations

Made Under and by Authority of the Apiary Inspection Act

SUPPLEMENTARY DEFINITIONS

1. *Colony* shall also be construed to mean the brood, combs and all honey of a hive or other dwelling place in addition to the bees, as cited in section 2.

2. *Nucleus* shall be construed to mean the bees, brood, combs and all honey in or inhabiting a smaller-sized hive or portion of a standard hive or other dwelling place.

3. *Frame* shall be construed to mean the enclosing structure around the edges of a comb which facilitates the movement and support of the comb. A standard frame is one which measures $9\frac{1}{8}$ " by $17\frac{5}{8}$ " by $1\frac{3}{8}$ ".

4. *Standard hive* and equipment for such hives. The frame of such a hive has a measurement of $9\frac{1}{8}$ " by $17\frac{5}{8}$ " by $1\frac{3}{8}$ ". Standard hives are of two sizes; one contains eight standard frames and the other ten standard frames. A hive consists of bottom board, hive body, frames to fill hive body, inner cover and outer cover.

5. *Dadant hive* is one in which the frames measure $11\frac{1}{4}$ " by $17\frac{5}{8}$ " by $1\frac{1}{2}$ ". There are eleven frames in such a hive.

6. *Nucleus hive* shall be construed to mean any receptacle or container made or prepared for the use of bees as a dwelling place which may contain

less than the normal number of frames for a standard hive, or special hives which may contain one to seven frames or combs, or standard hives which may have partitions placed or built into them in such a manner as to separate nuclei or bees from each other.

7. *Super* shall be construed to mean that portion of a hive which is used by the bees for the collection and storage of surplus honey.

8. *Quarantine* shall be construed to mean the enforced isolation of any apiary or apiaries or beekeeping equipment infected with a contagious disease or bees.

Rules and Regulations

1. When there is any question in the mind of the inspector as to the presence of American foulbrood, a specimen showing the supposed infection shall be sent to the state apiarist for diagnosis and final decision.

2. When infection is found, the brood, hives or other beekeeping equipment containing such infection shall be destroyed as the case demands.

3. Destruction shall consist of completely burning infected hives, frames and colonies.

4. Insofar as practicable, all apiary inspection shall be completed prior to June 30 of each year.

5. A bee inspector in making the appraisal of property shall in all cases act as the representative of the Kansas Entomological Commission.

6. All colonies and beekeeping equipment in or about an apiary or apiaries in which there arises a protest are duly declared under quarantine from the time of beginning of oral protest by owner or representative of owner until the bee inspector finishes his work of inspection and clean-up measures.

7. Certification of apiaries to facilitate the sale of honey in those states which require such certification shall be void July 1 of the following year.

8. Certification of a queen-rearing apiary or apiaries shall be void April 1 of each year.

9. An owner cannot inspect his or her apiary or apiaries for a certificate.

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10. The following shall be the form of certificate of apiary inspection:

KANSAS ENTOMOLOGICAL COMMISSION
OFFICE OF STATE APIARIST

No.....A MANHATTAN, KAN.,19.....

CERTIFICATE OF APIARY INSPECTION

This is to certify that in accordance with sections 4 and 5, G. S. 1935, the apiary or apiaries ofof..... has (or have) been inspected by a duly authorized bee inspector, and found apparently free from brood infectious and contagious or communicable diseases of honeybees.

Table with 4 columns: Number, Description, Number, Description. Rows include Queen bees, Colonies in hives, Nuclei in hives, Hive bodies, Supers with combs, Comb-honey supers, Used extractors, Used honey tanks, Uncapping cans, Honey heating tanks, Other equipment, Honey.

Owner
Point of origin.....
Point of delivery.....
Name and address of consignor.....
Name and address of consignee.....
Method of transportation.....

Date of final inspection.....19.....
Void July 1, 19.....

State Apiarist.

11. The following shall be the form of the abbreviated inspection certificate:

KANSAS ENTOMOLOGICAL COMMISSION
ABBREVIATED INSPECTION CERTIFICATE

No.....A. Date.....19.....
Void after July 1, 19.....

State Apiarist.

12. The following shall be the form of certificate of queen-rearing apiary inspection:

KANSAS ENTOMOLOGICAL COMMISSION
OFFICE OF STATE APIARIST

No.....Q MANHATTAN, KAN.,19.....

CERTIFICATE OF QUEEN-REARING APIARY INSPECTION

This is to certify that in accordance with section 10, G. S. 1935, the apiary or apiaries of.....of..... has or have been duly inspected and the colonies and nuclei found to be apparently free of contagious or infectious disease of honeybees.

Void April 1, 19.....

State Apiarist.

13. Combless packages of bees and queens may be accepted for shipment when accompanied by the following certificate:

This is to certify that no honey is contained in the food accompanying this shipment.

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14. The apiary inspection season in Kansas, because of climatic conditions and conditions within the colony, usually begins about April 15, and ends about June 30, due to the beginning of the major honey flow. Therefore, apiary inspection for a certificate must be finished before June 30, of each year. If apiary inspection is desired after this date, it shall be by a duly authorized bee inspector, and the cost of apiary inspection shall be borne by the beekeeper or person requesting the apiary inspection.

Instructions of the Commission Relating to Apiary Inspection

1. Inspectors must be courteous, personally clean, and above all else considerate of the rights and property of others.

2. Bee inspectors are to report on their card when apiaries are visited and no work was done there. Said inspectors shall give reasons why no work was done.

3. A bee inspector in an appraisal situation shall forthwith communicate with the chairman of the board of county commissioners to request his presence for an appraisal meeting.

4. When portions of a hive and the bees are destroyed by a bee inspector, he shall make appraisals not to exceed the value placed upon beekeeping equipment, bees and queens, as stated in section 4; also, see sections 47-615 and 47-617, General Statutes of Kansas for 1935.

5. The value of *bees* shall be appraised by the pound at not more than 50 cents per pound.

6. An Italian, Carniolan or Caucasian *queen bee* shall be appraised at not more than 50 cents. Hybrid queens and others at not more than 25 cents.

7. A *frame* and *comb* shall be appraised at not more than five cents.

8. A *standard hive* body or full-depth super shall be appraised at not more than 50 cents. A half-depth super shall be appraised at not more than 25 cents.

9. A *bottom board* shall be appraised at not more than 35 cents.

10. An "excelsior" type *cover* shall be appraised at not more than 20 cents.

11. A *metal telescoping cover* shall be appraised at not more than 50 cents.

12. An *inner cover* shall be appraised at not more than 10 cents.

13. Bees of nuclei in standard frame hives shall be appraised at not more than one fourth to one half the value of the bees for a normal-strength colony in April of five pounds of bees.

14. Nuclei hives shall be appraised at not more than one eighth to one third the value of that for standard frame hives.

15. Special equipment as parts of a hive outside of that above mentioned shall have no appraisal value.

16. All transportation companies in Kansas are hereby requested to inform their agents of the above law and regulations which deal with the transportation of bees, or used beekeeping equipment.

Instructions of the Commission Relating to Applicants for Bee Inspector

1. Fill out application blank and return to the state apiarist.
2. Furnish the state apiarist with three letters of recommendation from beekeepers who have twenty-five colonies or more, covering the following: