

PART IV. STATE ENTOMOLOGIST

Chapter No.

71.

Chapter Name

BEES.....

Section

71.1



CHAPTER 71. BEES

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Authority: The provisions of this Chapter 71 issued under Acts 1913, 33rd Leg., p. 96, effective July 1, 1913 (Texas Civ. St. art. 550), unless otherwise noted.

GENERAL PROVISIONS

§71.1. Definitions.

The following words and terms, when used in this title, shall have the following meanings, unless the context clearly indicates otherwise:

Act—Texas Bee Law, Texas Agricultural Code, Chapter 131, (1981), as amended.

Apiary—A place where six or more colonies of bees or nuclei of bees are kept.

Bee—Any stage of the common honeybee, *Apis mellifera* species.

Colony—The hive and its equipment and appurtenances, including bees, comb, honey, pollen, and brood.

Director—The director of the Texas Agricultural Experiment Station.

Disease—American foulbrood, European foulbrood, or any other contagious or infectious disease of bees, or parasite or pest that affects bees or brood.

Equipment—Hives, supers, frames, veils, gloves, tools, machines, or other devices for the handling and manipulation of bees, honey, pollen, wax, or hives, including storage or transporting containers for pollen, honey, or wax, or other apiary supplies used in the operation of an apiary or honey house.

Governing board—The Board of Regents of the Texas A&M University System.

Honey—The nectar of plants that has been transferred by, and is the natural product of, bees and that is in the comb or has been taken from the comb and is packaged in a liquid, crystallized, or granular form.

Nucleus—A small mass of bees and combs used in forming a new colony.

Person—Any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character.

Pollen—Dust-like grains formed in the anthers of flowering plants in which the male elements or sperm are produced.

Queen apiary—An apiary in which queen bees are reared or kept for sale, barter, or exchange.

State entomologist—The state entomologist appointed by the director or the designee of the state entomologist.

Source: The provisions of this §71.1 adopted to be effective November 9, 1983, 8 TexReg 4482.

DISEASE CONTROL

§71.11. Apiary Quarantine.

- (a) All apiaries wherein disease is known to exist may be quarantined by the state entomologist.
- (b) A quarantine of an apiary by the state entomologist shall be established by:
 - (1) notifying the person having custody or control of the apiary of the presence of disease; or
 - (2) placing quarantine signs on the location quarantined.
- (c) No bees, nuclei, combs, or equipment may be removed from a quarantined apiary except upon written authorization of the state entomologist.
- (d) A quarantine established by the state entomologist shall remain in force and effect until the state entomologist shall declare the quarantined apiary or location to be free from disease. The state entomologist shall review a quarantined apiary or location at least once every 30 days for the continued presence of disease.

Source: The provisions of this §71.11 adopted to be effective December 31, 1979, 4 TexReg 4607; amended to be effective November 9, 1983, 8 TexReg 4482.

PERMITS AND REGISTRATION

§71.21. Inspection of Queen Apiary.

A person desiring a certificate of inspection for a queen apiary must file a written request for such inspection with the state entomologist prior to January 1 of the calendar year in which the inspection is desired. An inspection fee, as specified by the Act, §131.044, will be charged at the time of the request. Requests for inspection received after January 1 of the calendar year in which the inspection is desired may be accepted upon payment by the requestant of any incremental costs incurred by the state entomologist.

Source: The provisions of this §71.21 adopted to be effective December 31, 1979, 4 TexReg 4607; amended to be effective November 9, 1983, 8 TexReg 4482.

§71.22. Payment of Fees.

- (a) All checks or money orders remitted for the payment of any fees specified in Subchapter C of the Act, shall be made payable to the "Apiary Inspection Service."
- (b) In the event of delinquent payment for such fees, the state entomologist may:
 - (1) sue to collect the delinquent fee;
 - (2) revoke or rescind the permit or registration; and/or
 - (3) require a \$10 penalty for delinquent payment from the registrant or permittee.

Source: The provisions of this §71.22 adopted to be effective December 31, 1979, 4 TexReg 4607; amended to be effective November 9, 1983, 8 TexReg 4482.

§71.23. Exemption from Fees.

An individual owning no more than 12 colonies of bees will be exempt from the \$25 intrastate permit fee provided for in the Act, §131.043.

Source: The provisions of this §71.23 adopted to be effective December 28, 1983, 8 TexReg 5275.

QUARANTINES**§71.31. [RESERVED]****§71.51. Complaints and Notification.**

- (a) Beekeepers or other persons with a knowledge of or a formal complaint concerning the disease status of an apiary or relating to apiary equipment may notify: the Chief Apiary Inspector, Entomology Department, Texas A&M University, College Station, Texas 77843, (409) 845-9714.
- (b) Complaints or notification should be submitted in writing and include the following information, to the extent it is known:
 - (1) name of beekeeper, person, or firm;
 - (2) address and phone number;
 - (3) location or site where the problem or receipt of diseased bees was noted;
 - (4) other information or evidence, as may be helpful to the Apiary Inspection Service in identifying and resolving a complaint.
- (c) Receipt of complaints will be acknowledged and the complainant periodically notified of progress and the final resolution. Firm(s) or person(s) designated or involved in the complaint may be notified, if it is in the best public interest in resolving the complaint.

Source: The provisions of this §71.51 adopted to be effective June 23, 1986, 11 TexReg 2643.

§71.53. Public Testimony

- (a) Persons interested in commenting or reviewing action or activities of the Apiary Inspection Service are requested to notify the Apiary Inspection Service. Interested parties will be notified when meetings are scheduled or may request to meet with the chief apiary inspector.
- (b) The Apiary Inspection Service will notify the president of the Texas Beekeepers Association at least three working days prior to a public meeting. Other organizations interested in honey bees may contact the Apiary Inspection Service in writing, requesting advance meeting notification.

Source: The provisions of this §71.53 adopted to be effective June 23, 1986, 11 TexReg 2643.

GENERAL PROVISIONS

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 - (1) notifying the person having custody or control of the apiary of the presence of disease; or
 - (2) placing quarantine signs on the location quarantined.
- (c) No bees, nuclei, combs, or equipment may be removed from a quarantined apiary except upon written authorization of the state entomologist.
- (d) A quarantine established by the state entomologist shall remain in force and effect until the state entomologist shall declare the quarantined apiary or location to be free from disease. The state entomologist shall review a quarantined apiary or location at least once every 30 days for the continued presence of disease.

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PERMITS AND REGISTRATION

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- (a) All checks or money orders remitted for the payment of any fees specified in Subchapter C of the Act, shall be made payable to the "Apiary Inspection Service."
- (b) In the event of delinquent payment for such fees, the state entomologist may:
- (1) sue to collect the delinquent fee;
 - (2) revoke or rescind the permit or registration; and/or
 - (3) require a \$10 penalty for delinquent payment from the registrant or permittee.

Source: The provisions of this §71.22 adopted to be effective December 31, 1979, 4 TexReg 4607; amended to be effective November 9, 1983, 8 TexReg 4482.

§71.23. Exemption from Fees.

An individual owning no more than 12 colonies of bees will be exempt from the \$25 intrastate permit fee provided for in the Act, §131.043.

Source: The provisions of this §71.23 adopted to be effective December 28, 1983, 8 TexReg 5275.

QUARANTINES**§71.31. Acarine Mite Quarantine.**

- (a) *Definitions.* The following words and terms, when used in this section shall have the following meanings, unless the context clearly indicates otherwise:
- (1) *Infest (infestation)*—The presence of the quarantined pest or the existence of circumstances that make it reasonable to believe that the quarantined pest is present.
 - (2) *Move (movement)*—The act of shipping, depositing for transmission in the mail, otherwise offering for shipment, receiving for transportation, carrying or otherwise transporting, or moving or allowing to be moved by mail or otherwise.
 - (3) *Quarantined pest*—The arthropod known as the acarine mite, *Acarapis woodi*, in any stage of its development.
 - (4) *Regulated area*—The regulated areas are as follows:
 - (A) *Cameron County*—the entire county;
 - (B) *Chambers County*—that portion of Chambers County bounded by a line beginning at the intersection of the Chambers/Harris County line and IH 10, thence eastward along IH 10 to its intersection with Cotton Bayou, thence south along the meanders of Cotton Bayou to its intersection with Hackberry Gully, thence due south along an imaginary line to its intersection with the shoreline of Trinity Bay, thence along the shoreline of Trinity Bay to its intersection with the Chambers/Harris county line, thence northward along the Chambers/Harris County line to the point of beginning;
 - (C) *Harris County*—that portion of Harris County bounded by a line beginning at the intersection of the Harris/Chambers County line with IH 10, thence westward along IH 10 to its intersection with North Main Street in Baytown, thence southward along North Main Street to its intersection with Lynchburg-Cedar Bayou Road, thence westward along Lynchburg-Cedar Bayou Road to its intersection with the Missouri Pacific Railroad, thence southward along the Missouri Pacific Railroad to the Houston Ship Channel; thence with the meanders of the center line of the Houston Ship Channel to its intersection with Beltway 8 Bridge (Jones Toll Bridge), thence southward on Beltway 8 to its intersection with Red Bluff Road, thence southward on Red Bluff Road to its intersection with Fairmont Parkway, thence eastward along Fairmont Parkway to the shoreline of Galveston Bay, thence along the shoreline of Galveston Bay to the Harris/Chambers County line, thence northward along the Harris/Chambers County line to the place of beginning;
 - (D) *Hidalgo County*—the entire county;
 - (E) *Staff County*—the entire county; and
 - (F) *Willacy County*—the entire county.
 - (5) *Regulated articles*—The regulated articles are as follows:
 - (A) live or dead bees;
 - (B) used equipment, including hives, supers, frames, or combs.
 - (C) beeswax, unless it has been liquefied;
 - (D) pollen for bee feed;
 - (E) comb; and
 - (F) any other product, article, or means of conveyance, of any character whatsoever, which is determined by the State Entomologist to present a risk of spreading the quarantined pest.