

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, honey bees, or brood or beekeeping equipment.**

Agr 1801.02 Scope. These rules shall apply to individuals who ~~voluntarily seek apiary inspection, or to situations in which the department has the authority to mandate an inspection,~~ **maintain honey bees, or import honey bees into, or transport honey bees through the state** pursuant to RSA 429:2, and 429:3, **and 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 ~~honeybees~~ **honey bees** that lives in the anterior thoracic trachea. This mite is commonly referred to as the "~~honeybee~~ **honey bee** tracheal mite" or "acarine mite";
- (c) "Acaricide" means any chemical or biological agent used to control mites;
- (d) "Africanized ~~honeybee~~ **honey bee**" means ~~honeybees~~ **honey bees** of the subspecies *Apis mellifera scutellata*;
- (e) "American ~~F~~Foulbrood (AFB)" means the contagious disease of bee larvae caused by ~~*Bacillus*~~ ***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 ~~F~~Foulbrood, **European Foulbrood, nosemosis,** 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 ~~to start or boost colonies;~~
- (i) "Beekeeper" means owner or operator in charge of maintaining the apiary;
- (j) ~~"Brood" means bees in any stage of development preceding emergence as adults;~~

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

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

~~(l)~~ **(l)** "Commissioner" means the commissioner of the New Hampshire department of agriculture, markets and food;

~~(m)~~ **(m)** "Contaminated" means infected, or liable to carry infection, with a disease or parasite of the ~~honeybee~~ **honey bee**;

~~(n)~~ **(n)** "Director" means the state entomologist, director of the division of plant industry, New Hampshire department of agriculture, markets and food;

~~(o)~~ **(o)** "Equipment" means hives, **hive equipment**, ~~supers, frames,~~ veils, gloves or other apparatus, tools, machines or other devices used in the handling and manipulation of bees;

~~(p)~~ **(p)** "Hive" means a container that is used as a domicile for bees;

~~(q)~~ **(q)** "~~Honeybee~~" "**Honey bee**" means the species of bee identified as *Apis mellifera*;

~~(r)~~ **(r)** "Inspector" means any person who is authorized by the commissioner to enforce this chapter;

~~(s)~~ **(s)** "Nosema" means *Nosema apis* and *Nosema spp. ceranae*, internal parasitic microsporidia or fungi of ~~honeybees~~ **honey bees**;

~~(t)~~ **(t)** "Parasite" means the ~~honeybee~~ **honey bee** tracheal or varroa mite or other such pests which live in or on the ~~honeybee~~ **honey bee** and at the expense thereof;

~~(u)~~ **(u)** "Pest" means any destructive living organism which might be harmful to bees, including but not limited to diseases, parasites, and Africanized strains of ~~honeybees~~ **honey bees**;

~~(v)~~ **(v)** "Pesticide" means any chemical or biological agent used to control a pest;

~~(w)~~ **(w)** "Regulated pests" means those diseases and parasites that are required to be abated due to their negative impact on the beekeeping industry;

~~(x)~~ **(x)** "Robbing" means the ~~gathering~~ **foraging** of honey by bees, hornets, or wasps from another hive instead of gathering nectar from flowers or other plant sources;

~~(y)~~ **(y)** "*Tropilaelaps clareae spp.*" means an external parasitic mite presently found in Asia **that feeds on living or dead immature honey bees** ~~on of certain species of honeybees that feed on living or dead larvae, pupae and adult honeybees~~; and

~~(z)~~ **(z)** "*Varroa* mite" means external parasitic mites in the genus *Varroa* that ~~feed on living~~ **parasitize** ~~honeybee~~ **honey bees** larvae, pupae and adults.

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 ~~brood~~ comb for the presence of ~~diseases or parasites~~ **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) If the inspector finds conditions (a) and (b) above are not met, or other unsanitary conditions or **unsafe** maintenance methods are found, including but not limited to the presence of infectious diseases, equipment or combs infected with insects or other animals, ~~or improper use of treatments not in accordance with the label, then~~ such conditions ~~or methods~~ shall be abated by the beekeeper as directed by the inspector.

PART Agr 1804 APIARY INSPECTIONS

Agr 1804.01 Apiary Inspection. ~~(a) At the beekeeper's request or on suspicion of the presence of a regulated pest, the inspector shall inspect colonies~~ **apiaries, bees, and equipment** ~~for brood diseases and parasites by lifting frames of brood from the colony and examining the brood on both sides of the frame for evidence of any disease or parasites~~ **pests of honey bees.**

~~(b) Inspectors shall disinfect hive tools and gloves or hands when moving from one apiary to another.~~

Agr 1804.02 Inspection Fees.

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

(1) For **an apiary site visit** ~~1-10 colonies~~ the fee shall be ~~\$5~~ **\$20**;

(2) For **inspections involving more than 50 colonies, or equivalent in equipment, at a single site** there shall be an additional fee of ~~11-50 colonies the fee shall be \$20~~ **\$25**; and

~~(3) For 51-100 colonies or equivalent in equipment the fee shall be \$35;~~

~~(4) For 101-250 colonies or equivalent in equipment the fee shall be \$50; and~~

~~(5) (3)~~ A fee of ~~\$5~~ **\$10** shall be charged for each sample ~~brought into the laboratory or~~ taken by the inspector at the request of the beekeeper.

(b) ~~Checks~~ **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." ~~The inspection fee must be paid to the inspectors, upon completion of the inspection.~~

Agr 1804.03 Issuance of Certificate of Inspection.

- (a) After an official inspection ~~has been made of the colony or colonies and equipment~~, 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 beekeepers name and home address;**
 - (2) **The location of each apiary and number of colonies inspected;**
 - ~~(4)~~ (3) That the **apiary**, bees and equipment have been inspected;
 - ~~(2)~~ (4) The date of the inspection;
 - ~~(3)~~ (5) The principle findings of the inspection; ~~and~~
 - ~~(4)~~ (6) The name of the inspector; **and**
 - (7) **The expiration date of the certificate.**

PART Agr 1805 ~~DISEASE AND PARASITE~~ **PEST CONTROL**

Agr 1805.01 Pests ~~Diseases and Parasites~~ of Honeybees **Honey Bees**. Regulated ~~pests diseases and parasites~~ shall include:

- (a) Africanized ~~honeybee~~ **honey bee** (*Apis mellifera scutellata*);
- (b) American ~~f~~Foulbrood (~~Bacillus~~ **Paenibacillus** larvae); and
- (c) Tropilaelaps mite (*Tropilaelaps* ~~clarae~~ **spp.**).

Agr 1805.02 Procedures for Abatement of Regulated Pests ~~and Diseases, and Parasites.~~

- (a) When, during the course of ~~colony~~ inspections, a regulated ~~pest disease or parasite~~ **pest** is found in an apiary, the inspector conducting the inspection shall:
 - (1) Declare the ~~honeybees~~ **honey bees** and the equipment contaminated by the regulated ~~pest diseases or parasites~~ **pest** to be a danger for spreading ~~these the~~ **the** pests, and order the isolation of affected colonies until the diagnosis is confirmed by an ~~approved~~ 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** ~~colonies or combs~~ have been marked.
- (b) Upon ~~official~~ **laboratory** confirmation of the diagnosis, the inspector shall:

~~(1) Provide a copy of the confirmation to the beekeeper;~~

~~(2)~~ (1) Serve notice to the beekeeper ordering abatement of the regulated pest within 10 days; and

~~(3)~~ (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 disease, mites, or Africanized honeybees** immediately after expiration of the time specified in the notice, if:

(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 and/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 ~~honeybees~~ **honey bees** and contaminated equipment with city or town approval as follows:

a. The diseased colonies of ~~honeybees~~ **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 430:28-430:50. The components of the contaminated hive, ~~such as brood chamber, supers, frames, inner cover, outer cover, bottom board, and wooden rimmed queen excluder,~~ 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 ~~honeybees~~ **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 ~~honeybees~~ **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 ~~honeybees~~ **honey bees** and the contaminated equipment shall be destroyed pursuant to Agr 1805.02(e)(1).

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

(g) For abatement of Africanized ~~honeybees~~ **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 ~~honeybees~~ **honey bees** exhibiting levels of ~~aggression~~ **defensive behavior** deemed by the inspector to be a danger to the general public;

(2) Abate **the Africanized honey bees following recommendations by the inspector who shall reinspect the colony or colonies after 10 days.** ~~colonies of Africanized honeybees not exhibiting aggression defensive behavior as in (1) above following recommendations by the inspector; or~~

~~(3) Abate colonies of Africanized honeybees not exhibiting aggression as in (1) above by the following:~~

~~a. The Africanized queens shall be destroyed;~~

~~b. The colonies shall be requeened with non-Africanized honeybee queens;~~

~~c. The first generation of adult offspring shall be resampled; and~~

~~d. If the resampled offspring are determined to be Africanized honeybees, the colony shall be exterminated pursuant to Agr 1805.02(e)(1)a.~~

PART Agr 1806 INTERSTATE MOVEMENT OF BEES

Agr 1806.01 Transporting Bees Into or through New Hampshire.

(a) Used beekeeping equipment, ~~or honeybee~~ **honey bee** queens, bee packages, and colonies shall be allowed 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 ~~honeybees~~ **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 ~~honeybees~~ **honey bees** or equipment that have been brought into New Hampshire without a certificate, ~~shall be in violation of these rules, and~~ 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, as amended 10-19-23.

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 429:27.
- (b) It shall be a violation for any beekeeper who fails to identify the apiary or hives as per 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 who fails to abate a regulated pest under direction of the apiary inspector as per Agr 1805.02.
- (e) It shall be a violation for any beekeeper who imports used beekeeping equipment, honey bee queens, bee packages, and colonies without a certificate as per Agr 1806.01(a) and (b).
- (f) Failure to comply with 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;
 - (3) Third offense, \$300; and
 - (4) Fourth and subsequent offenses, \$1,000.

APPENDIX

Rule	Statute Implemented
Agr 1801	RSA 429:8

Rule	Statute Implemented
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