

RHODE ISLAND GENERAL LAWS

TITLE 4, Animal Husbandry

SECTION 12, Apiculture

History of Section: (P.L. 1989, ch. 495, § 2.)

§ 4-12-1 Title.

Sections 4-12-1 – 4-12-17 shall be known as the "Rhode Island Apiculture Law".

§ 4-12-2 Definitions.

As used in §§ 4-12-2 – 4-12-17 unless the context clearly requires otherwise, the following terms mean:

- (1) "Abandoned colony or apiary" means any colony or apiary which is not currently registered and has not been registered within the preceding two (2) years and/or which the inspector is unable to locate the owner and is unable to inspect due to conditions within the colony which render the colony or apiary uninspectable.
- (2) "Apiary" means any place or location where one or more colonies or nuclei of bees are kept.
- (3) "Authorized official" means the state official authorized to inspect apiaries in the state of origin of bees being transported into or through the state.
- (4) "Beekeeper" means any individual, person, firm, association or corporation owning, possessing, or controlling one or more colonies of bees for the production of honey, beeswax, or byproducts, or for the pollination of crops for either personal or commercial use.
- (5) "Beekeeping equipment" means all hives, hive bodies, supers, frames, combs, bottom boards, covers, excluders, screens, escape boards, feeders, hive tools, slatted racks, or other devices or boxes or other containers which may have been used in the capturing or holding of swarms, and including honey which may be or may have been used in or on any hive, colony, nuclei or used in the rearing or manipulation of bees or their brood.
- (6) "Bees" means any stage of the common honey bee, *apis mellifera*, or other bees kept for the production of honey, wax or pollination.
- (7) "Colony" means the bees inhabiting a single hive, nuclei box or dwelling place.
- (8) "Director" means the director of the Rhode Island department of environmental management.
- (9) "Disease" means American foulbrood and any other infectious, contagious or communicable disease affecting bees or their brood.
- (10) "Eradicate" means the destruction and/or disinfection of infected and/or infested bees, equipment and/or pests by burning or by treatment approved by the state inspector.
- (11) "Feral colony" means an unowned or unmanaged colony of bees existing naturally.

(12) "Hive" means any man-made domicile with removable frames for keeping bees.

(13) "Inspector" means a person appointed by the director to check for diseased conditions or pest infestations in one or more apiaries as authorized by law.

(14) "Pests" means the honey bee tracheal mite, *Acarapis woodi*; and the Varroa mite, *Varroa jacobsoni*, and any other arthropod pests detrimental to honey bees; and genetic strains of the Africanized sub species, *Apis mellifera adansonii* and/or *Apis mellifera scutellata*.

(15) "Swarms" means a natural division of a colony in the process of becoming a feral colony.

§ 4-12-3 Inspector of apiaries – Deputies and assistants.

The director of environmental management shall appoint an inspector of apiaries, who shall assist in the enforcement of this chapter, under the supervision of the director. For those purposes, this inspector may, with the approval of the director, employ any deputies and assistants as may be necessary to enable the inspector to properly discharge duties as outlined.

§ 4-12-4 Inspectors – Qualification.

Any person appointed by the director as an apiary inspector shall be a practical beekeeper who before being appointed shall furnish the director with satisfactory evidence that the appointee possesses a practical knowledge of beekeeping and is familiar with the diagnosis and treatment of honey bee diseases and honey bee pests and/or is a graduate of an agricultural college with qualifying training in apiculture. The state inspector, or appointed deputies and assistants, may not own more than fifty (50) colonies of honey bees.

§ 4-12-5 Inspection/survey of apiaries–Notice–Entry–Abatement of infection–Infestation of undesirable bees.

(a) The director of environmental management, to determine the presence or absence of infectious, contagious or communicable diseases or honey bee pests, shall annually either:

(1) Inspect twenty percent (20%) of the bee colonies located within thirty-three percent (33%) of the state's apiaries to determine the presence or absence of diseases and pests listed in § 4-12-2(14); or

(2) Conduct a statistical biological survey as published by the federal agriculture research service or the animal and plant health inspection service or the Beltsville beneficial insects laboratory.

Inspections or surveys will be geographically disbursed so as to be representative of the colonies within the state.

(b) A registered beekeeper may make a written request to the director for a special examination of the beekeeper's colonies. On receipt of this written request the director or authorized inspector shall inspect the bees owned and managed by that beekeeper for bee diseases or pests. A reasonable fee shall be charged which is not contingent upon issuance of a health certificate.

(c) Once written notice of inspection has been given to an owner as provided in this section, that owner shall not move any hive or hives or bees or bee equipment from the time notice is received until either seven (7) days thereafter or until the time that the results of the inspection are received.

(d) The director shall provide for controlling or eliminating infested or diseased honey bees and pests, including eliminating swarms and feral colonies as a means to prevent further dispersal and to protect the public and the economy of this state. The control procedures shall:

(1) Include abatement, as prescribed by rules adopted under this article.

(2) Include a public education program to emphasize the importance of a healthy beekeeping industry.

(3) Be designed and implemented to minimize the negative impact on beekeepers while being effective in controlling Africanized bees and other pests.

§ 4-12-6 Specialized examination – Inspection fees – Accessibility.

(a) Any bees kept in anything other than a hive with removable frames (which must be reasonably removable) such as box hives or other receptacles, natural or artificial, shall be deemed impossible to inspect unless the owner of these bees removes the brood or makes the brood accessible to the director or inspectors. To permit inspection of the brood, the director may order the colonies to be transferred to removable frame hives within thirty (30) days. In the event the order is not carried out, these colonies may be destroyed by the director or appointed inspectors.

(b) On finding infection or infestation or exposure to infection or infestation the director or inspector shall require that the infected, infested, or exposed bees, hives, or equipment be treated, or, after unsuccessful treatment, destroyed.

(c) The director or appointed inspector shall require removal from the state or the destruction of honey bees or beekeeping equipment which has been brought into this state in violation of this law.

(d) After inspecting infected hives, beekeeping equipment or handling diseased bees, the inspector or the deputy inspector shall, before leaving the premises or proceeding to any other apiary, thoroughly disinfect any portion of the inspector's person, clothing and/or any tools used which may have come in contact with infected material, and shall see that any assistant or assistants with him or her have likewise thoroughly disinfected their persons and clothing and any tools used by them.

§ 4-12-7 Certification of health – Expiration – Quarantine – Eradication.

(a) If, by reason of an owner requested inspection, the director is satisfied that no apparent disease or pest exists in any colony in an apiary, the director shall issue to the owner a certificate of health setting out the date of the inspection, the number of colonies and the results of the inspection. This certificate shall expire ninety (90) days after the inspection.

(b) If, by reason of any inspection, the director is satisfied of the existence of any disease or pest, the director shall notify the beekeeper owning the apiary, in writing, of the results of the inspection, setting out the number and location of infected colonies and informing the owner of the proper methods of treating or destroying the infected colonies. Any apiary infected with any contagious or infectious bee disease or pest may be declared under quarantine and the owner shall be prohibited from moving this apiary, bees, honey, wax, or used beekeeping equipment. The owner shall eliminate the diseased or pest infested condition within the apiary or equipment or both, to the satisfaction of the director. The quarantine will then be lifted.

(c) If, by the time of the next inspection, which will be no more than thirty (30) days after the initial inspection, the disease or pest infested condition has not been eliminated, the director shall supervise either the treatment or eradication of the disease or pest infested bees and equipment, or shall otherwise eliminate the diseased or pest infested condition and lift the quarantine on any remaining bees, colonies or equipment.

§ 4-12-8 Movement permit required—When—Form—Issuance—Fee—Verbal authorization.

(a) It is unlawful to move, carry, transport, or ship bees, bees on comb, combs or used beekeeping equipment into the state unless accompanied by a valid permit issued by the director of environmental management. Applications for a permit to transport bees or used beekeeping equipment into the state shall be submitted on a form approved by the director. This application form shall be accompanied by a certificate of health issued by the authorized official of the state from which the bees are to be moved, certifying that the bees and used beekeeping equipment have been inspected by an authorized official during a period of active brood rearing, within fifteen (15) days prior to the proposed date of movement, and that these bees and used beekeeping equipment were found apparently free from any diseases or pests. Each application shall disclose the number of colonies of bees to be transported and a description of the location or locations where the bees are to be kept. Upon receipt of an application for a permit to move bees or used beekeeping equipment into the state, accompanied by a proper certificate of health and application fee of fifty dollars (\$50.00) per application, the director shall issue the desired permit. This shall not apply to honey bees from quarantined areas outside the state. These quarantines shall include all federal, state or Rhode Island exterior quarantines. Importation of honey bees from quarantined areas shall be in accordance with regulations made pursuant to this law.

(b) Regardless of the provisions in subsection (a) of this section, the director has the authority to issue a permit without inspection to the person or persons owning these bees and equipment providing these bees and beekeeping equipment were certified and moved from the state within fifteen (15) days prior to the desired date of reentry and if the director is satisfied these bees and equipment have not been exposed to diseased bees, pests, or equipment. This section shall not apply to bees or beekeeping equipment returning from quarantined areas.

(c) A verbal authorization may be allowed by the director if the written permit outlined above has been submitted and received in a timely manner but has not been returned by the time the bees are to be moved.

(d) Combless packages of bees or queens, or both, may be admitted into Rhode Island without a Rhode Island permit, when accompanied by a valid certificate of inspection from the state of origin stating that they are free of diseases and pests. This shall not apply to honey bees from quarantined areas outside the state. These quarantines shall include all federal, state or Rhode Island exterior quarantines. Importation of honey bees from quarantined areas shall be in accordance with regulations made pursuant to this law.

§ 4-12-9 Quarantine areas outside state–Seizure–Inspection–Eradication.

Whenever the director finds that there exists in any other state, territory, or district or part of any state, territory, or district, any harmful pests or diseases of honey bees, the director shall promulgate, and enforce by appropriate regulations, a quarantine prohibiting the importation of or the transportation into or through Rhode Island or any portion of Rhode Island, from any other state, territory or district, any honey bees, used beekeeping equipment, or any other article or product capable of carrying these pests or diseases. The director shall make rules for the seizure, inspection, disinfection, eradication, destruction, or other disposition of any honey bees, used beekeeping equipment or any other regulated article or product capable of carrying these pests or diseases in violation of this quarantine.

§ 4-12-10 Quarantines inside state–Seizure–Inspection–Notice–Eradication–Lien for expenses.

(a) Whenever the director finds there exists in this state, or any part of this state, a harmful disease or pest of honey bees, which, for the protection of the apiculture and/or agriculture industry within the state, should be prevented from spreading and be controlled or eradicated, the director shall adopt and carry out any restrictive and control measures as may be deemed necessary and advisable and shall cooperate with other state agencies and with the United States department of agriculture.

(b) The director shall promulgate regulations establishing quarantines and quarantine restrictions covering areas in the state affected by these honey bee diseases or pests, and other areas within the state which are likely to be affected by these diseases and pests.

(c) Under these quarantines the director or authorized personnel shall prohibit and prevent the movement, shipment, or transportation without inspection of any honey bees, used beekeeping equipment, or any other regulated material or article of any character capable of carrying this disease or pest in any stage of its development, originating in or which has been stored in quarantined areas or in any area outside the state infested with this disease or pest, except under any conditions as the director may prescribe as to inspection, treatment and certification. In carrying out the provisions of this section the director or authorized personnel may intercept, stop and detain for official inspection any person, car, vessel, boat, truck, automobile, aircraft, wagon, or other vehicles or carriers whether air, land or water, and may open and inspect any container or shipment thought to be carrying this disease or pest in any stage of its development. Any honey bees, used beekeeping equipment, or any other regulated articles moved, shipped, or transported in violation of this quarantine shall be seized and treated, destroyed or otherwise disposed of in accordance with the instructions of the director.

(d) Under these quarantines the director shall require the treatment or destruction of infected or infested honey bee colonies as may be necessary to effectively destroy or prevent the development of this disease and pests of honey bees. It shall be the duty of the owner or person in charge of any apiary or any other regulated article within this quarantined area upon due notice, to take any action as is required within the time limit specified and in a manner designated by the director.

(e) In case the owner or person in charge of any apiary, used beekeeping equipment or other regulated articles within the quarantined area neglects or refuses to carry out the instructions of the director contained in the notice within time limits specified, the director or authorized personnel shall take the action required, and the director shall have and enforce a lien for the expense against the place in or upon which the expense was incurred in the same manner as liens are had and enforced upon buildings and lots, wharves and piers for labor and materials furnished by virtue of contract with the owner.

§ 4-12-11 Revocation of movement permit.

Any permit for the movement of bees or used beekeeping equipment into the state, or any health certificate, issued by the director or authorized personnel, may be revoked for cause by the director or authorized personnel. Notice of this revocation shall be in writing and shall be mailed, by certified mail, to the last known address of the holder of the permit or certificate.

§ 4-12-12 Registration of apiaries.

(a) All apiaries in the state must be registered, annually, with the director of environmental management not later than March first. All persons owning honey bees within the state shall annually notify the director of the keeping of bees, their location and number of colonies.

(b) Any person(s) within the state who sells, gives, barter, or otherwise transfers ownership of bees and/or honey bee colonies, and/or nuclei colonies shall notify the director, in writing, within thirty (30) days of the name and address of the new owner.

(c) Between 14 and 30 days prior to March first annually the director shall cause notice of the registration requirement to be published at least twice in the state newspaper and in other newspapers and journals of general circulation adequate to provide reasonable notice throughout the state.

(d) The director shall mail to all registered beekeepers the necessary registration material annually, at least thirty (30) days prior to March first.

§ 4-12-13 Identification of apiaries – Abandoned apiaries – Written notice – Steps to protect neighboring apiaries.

(a) Each colony within an apiary shall be identified with the owner's name and address. This identification may be affixed to external parts of the colony or placed between the inner and outer covers of each colony.

(b) When a colony or apiary is deemed to be abandoned written notice shall be given, by certified mail, to the owner or operator, if he or she can be located, that the colony or apiary is an

abandoned colony or apiary. The abandoned colony or apiary shall be conspicuously marked as abandoned. If the owner cannot be located, this notice shall be served on the owner of the land on which the colony or apiary is located. If this colony or apiary continues to be abandoned for sixty (60) days, the director shall take whatever steps are necessary to protect the welfare of neighboring apiaries, including the removal or destruction of apiaries deemed as abandoned.

§ 4-12-15 Powers and duties of director – Rulemaking.

The director shall, from time to time, make regulations carrying out the provisions and requirements of §§ 4-12-1 – 4-12-17, including regulations under which inspectors and other employees shall:

- (1) Inspect apiaries and equipment associated with beekeeping;
- (2) Investigate, control, eradicate, and prevent the dissemination of honey bee diseases and pests; and
- (3) Supervise or cause the treatment, control or destruction of honey bees infected with diseases or pests.

§ 4-12-14 Reports and records of inspector.

The inspector of apiaries shall make annual written reports to the director of the department of environmental management, giving the number of colonies inspected, the number of diseased colonies found, the number of colonies treated, and the number of colonies destroyed. A record shall also be kept of the locations where disease and/or pest infestations exists. This record however shall not be made public, but may be reviewed with the consent of the director of environmental management.

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§ 4-12-16 Beekeeping advisory board.

(a) A beekeeping advisory board shall be established.

(b) The board shall consist of six (6) members appointed for terms as indicated:

- (1) The president of the Rhode Island beekeeping association (1 year).

- (2) Two (2) members from the Rhode Island beekeeping association appointed by that organization's president (3 years).
- (3) One member of the Rhode Island fruit growers association appointed by that organization's president (3 years).
- (4) One member from the Rhode Island agriculture council appointed by that organization's president (1 year).
- (5) One at large member who is knowledgeable in beekeeping appointed by the director of the department of environmental management (1 year).
- (c) The president of the Rhode Island agricultural council shall serve as ex-officio member.
- (d) The initial terms of those members appointed for three (3) years shall be staggered so as to ensure that no more than one third (1/3) of these members will be appointed during a given year. Members shall serve without compensation.
- (e) The advisory board shall serve in an advisory capacity to the director of environmental management in all aspects of beekeeping as it relates to the control and elimination of honey bee diseases and pests, inspection of apiaries and establishment of internal and external quarantines as outlined in this chapter.
- (f) The board will advise the director on policies, procedures, and regulations designed to strengthen the beekeeping industry within the state so as to make the state self sufficient in the area of pollination required to support the state's agricultural industry.
- (g) The advisory board shall meet with the director of the department of environmental management quarterly and at any other times as requested by the director.

§ 4-12-17 Penalties.

Any person who violates any provision or requirement of §§ 4-12-1 – 4-12-16 or who forges, counterfeits, defaces, destroys, or wrongfully uses or possesses any certificate provided for in §§ 4-12-5 – 4-12-14 shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one thousand dollars (\$1,000).

**REGULATIONS of the RI DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
TITLE: Out-of-State Honey Bee Quarantine To Prevent Entry of Varroa Mite (Varroa jacobsoni) Into Rhode Island.**

1.0 AUTHORITY: Rhode Island General Laws: Chapter 42-35, Chapter 42-17, and Chapter 4-12.

2.00 PURPOSE: To regulate the transport and shipment of live honey bees into and through the State of Rhode Island for the purpose of preventing the introduction of this destructive pest into the state.

3.00 DEFINITIONS:

3.01 Varroa Mite- A parasitic mite of honeybees, *Varroa jacobsoni*, which has been introduced into the U.S. after being brought into this country from its' native Asia. While it is nearly invisible to the eye it is one of the larger mites. This mite feeds on the hemolymph (or blood) directly through the body wall of the adult, developing larvae and pupae in the hive causing high mortality. The mite spreads rapidly via movement of colonies during commercial pollination, import of queens and package bees, and bees, and by drifting and robbing worker bees and drones.

3.02 Hives- Any man-made domicile with removable frames for housing honey bees.

3.03 Nucleus- A group of honey bees containing a queen bee and any number of worker bees.

3.04 Brood Comb- Wax comb produced by the worker bees in a hive for the purpose of giving a place where the queen can lay her eggs and the larvae and pupae may develop.

3.05 Caged queen honey bees- A queen honey bee that has been placed in a receptacle suitable for shipment by common carrier.

3.06 Nurse bees- The worker honey bees normally included with the caged queen honey bee when a nucleus is being shipped.

3.07 Packaged honey bees- A group of worker honey bees packaged for shipment to beekeepers in other areas. usually sold by the pound in from one pound to five pound packages.

4.00 PURSUANT TO THIS QUARANTINE

4.01 No honey bees in hives, nuecli or brood comb, including domestic bees that have been transported across state lines for pollination services or honey production, may be imported into Rhode Island from outside the State unless proper steps have been followed to insure against the introduction of Varroa Mites.

4.02 Caged queen honey bees with nurse bees and packaged honey bees may be imported into Rhode Island from outside the State provided the following conditions are met:

- a. Before the honey bees are imported into the state the supplier must notify the Rhode Island Division of Agriculture of the number of cages and the packages that will be shipped and their destination.
- b. Prior to shipment, the cage(s) containing queen honey bees and nurse bees must each be treated with an effective control material in accordance with labeled directions for Varroa Mite control, including dosage and exposure time.
- c. The cages and packages must be protected from reinfestation and shipped within 48 hours following treatment.
- d. The cages and packages must each be accompanied by a certificate, issued by a duly appointed regulatory official from the State, District, Province or Territory of origin, verifying that the treatment has been applied.
- e. Upon each shipment, the supplier must send a copy of the certificate to the Rhode Island Division of Agriculture.

4.03 Any apiary equipment which does not contain live honey bees, including live brood, and which has been vacant of live honey bees for fifteen (15) days or longer will be allowed to enter the State, provided the Rhode Island Division of Agriculture is notified in accordance with R.I.G.L. 4-12-0.

4.04 Similarly, honey bees in hives may be transported through Rhode Island only under the following conditions:

- a. Hives must be securely enclosed at all times.
- b. Vehicles transporting bees must remain within one mile of the highway of interstate travel.
- c. The vehicle operator or other responsible person must report immediately to the Rhode Island Division of Agriculture any release of bees, whether accidental or intentional.
- d. Prior to transport, each hive must be treated with an effective control material in accordance with the labeled directions for control of Varroa mite in honey beehives.
- d. Following treatment with a properly labeled and effective control material, the hives must be protected from reinfestation and promptly transported.
- e. Hives must be accompanied by a certificate, issued by the State, District, Province or Territory of origin verifying that the treatment has been applied.
- f. All honey bees and beehive transported through Rhode Island must be completely free of Varroa mites.
- g. Hive transporters must notify the Division of Agriculture in writing within one work day prior to shipment through Rhode Island.

4.05 Any honey bees, used beekeeping equipment or any other regulated articles moved, shipped, or transplanted in violation of this quarantine shall be or otherwise disposed of in accordance with the instructions of the Director as provided in R.I.G.L 4-12-10.

Notes about applicability to bees and other pollinators of...

REGULATIONS ON POSSESSION OF DOMESTIC AND WILD, EXOTIC AND NATIVE ANIMALS

and

RULES AND REGULATIONS GOVERNING IMPORTATION AND POSSESSION OF WILD ANIMALS

citing the following authorities: R.I. Gen. Laws Chapter 4-18, and §§ 20-1-18, 20-1-22, 20-37-3, and 42-17.1-2(19) as amended, and in accordance with the procedures set forth in the R.I. Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35.

and

RULES AND REGULATIONS GOVERNING COLLECTOR'S PERMITS

citing Sections 20-1-18, 20-1-21, and 20-1-22, and Chapters 42-17.1, and 42-17.6 in accordance with the requirements of the Administrative Procedures Act, Chapter 42-35 of the Rhode Island General Laws of 1956, as amended.

- Insects are listed as subject to the regulations
- No insects appear on the list of domestic animals that are exempt from these regulations
- No insects appear on the list of exotic animals exempt as pets
- All native animal species are expressly prohibited from importation or ownership without the issuance of a valid permit by the Department but insects are explicitly exempt:

Rule 8, Paragraph 7 says:

General Exemption for Possession of Insects. Nothing in these regulations shall prohibit any person from possession of exotic animals or native animals of the class Insecta unless the animals of that class appear on the list of prohibited insects as is published by the USDA at the following URL <http://www.invasivespeciesinfo.gov/animals/main.shtml> under the heading of "Invasive Species." Possession of any animal on this list requires an exotic animal possession permit. (The only hymenoptera listed on the USDA link is Africanized Honeybee [*Apis mellifera scutellata*])

Appendix A, section 1, paragraph A uses a slightly different wording, "All species of insects are exempt from the requirement for an exotic animal possession permit unless it is considered a nuisance species, invasive species, or is otherwise prohibited from importation by federal or state laws that restrict said importation." It then gives the same URL for list of invasives.

THEREFORE: it appears that possession of bees, of exotic species or native species from out-of-state sources, is not regulated under these regulations unless the species is recognized by some authority as a nuisance, invasive, or otherwise prohibited.

HOWEVER: Most possession of native bee species collected from the wild in Rhode Island requires a collector's permit. The regulations require a permit for anyone "collecting, taking, handling, or possessing" a native species of animal (including insects) acquired from the wild in

Rhode Island for the purposes of "scientific study or management, carrying out scientific experiments, or cultivation projects."

NOTE 2: re: Powers of the director of DEM

Under section 42-17.1-2, paragraph 2, the director of environmental management is accorded the power/duty for the "the inspection of apiaries and the suppression of contagious diseases among bees;..."