

Chapter 602

Bees

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602.010 Definitions. As used in ORS 602.010 to 602.100, the term:

(1) "Apiary" includes bees and appliances, wherever they are kept, located or found.

(2) "Apiarist" means any person, firm or corporation who owns bees or is a keeper of bees.

(3) "Appliances" means any implement or device used in the manipulating of bees or their brood or hives, which may be used in any apiary.

(4) "Bees" means honey-producing insects of the species *Apis mellifica* and includes the adults, eggs, larvae, pupae or other immature stages thereof, together with such materials as are deposited into hives by their adults, except honey and beeswax in rendered form.

(5) "Colony" or "colonies of bees" refers to any hive occupied by bees.

(6) "Department" means the State Department of Agriculture.

(7) "Disease" means American or European Foulbrood or any other disease or any condition affecting bees or their brood which may cause an epidemic.

(8) "Hive" means any receptacle or container made or prepared for use of bees, or box or similar container taken possession of by bees.

(9) "Inspector" means any person authorized to enforce the provisions of ORS 602.010 to 602.100.

(10) "Location" means the premises upon which an apiary is located.

(11) "Person" includes any individual, partnership, association or corporation, but does not include any common carrier when engaged in the business of transporting bees, hives, appliances, bee cages or other commodities which are the subject of ORS 602.010 to 602.100, in the regular course of business.

602.020 Chief Apiary Inspector. The department is authorized to appoint a Chief Apiary Inspector and such deputy apiary inspectors as may be necessary to carry out ORS 602.010 to 602.100. The administration of such sections by the Chief Apiary Inspector shall be under the direction and control of the Director of Agriculture.

602.030 Inspection of apiaries; notice to eradicate and eradication of disease. (1) The Chief Apiary Inspector shall make, or cause to be made, whenever he deems it necessary, inspections of all apiaries.

(2) Whenever a disease exists in any apiary, the inspector making the inspection shall mark the hives containing diseased bees and report his findings to the department. The department shall, in writing, notify the owner or person in charge of such apiary, stating in the notice the nature of the disease found in each colony, identifying such colony by reference to the mark placed upon the hive thereof, and ordering the eradication of such disease within a specified time. When the person in charge of any apiary is not known, the notice shall be served by posting in a conspicuous place in the apiary or mailing a copy to the owner's registered address.

(3) The owner or person in charge of any diseased apiary must eradicate such disease within the time specified in the notice. If the disease is American Foulbrood, the time specified in the notice shall not be less than 24 hours nor more than 120 hours from the time of serving notice. Eradication of American Foulbrood shall be by burning the diseased colonies, including the bees, brood, combs, frames, honey and wax, and by burying the ashes and disinfecting the hives by means approved by the department.

602.040 Diseased apiary declared public nuisance; permit for moving diseased bees.

(1) Every apiary in which diseased bees are found is declared to be a public nuisance. Whenever any such nuisance exists within his jurisdiction, and the owner refuses or neglects, after notice, to abate it within the time specified in the notice issued under ORS 602.030, the inspector shall abate it by burning the condemned hives and their contents, including bodies, bottom boards, covers and supers, within 48 hours after expiration of the time specified in the notice. During the period of time specified in such notice and during any extended time permitted under the provisions relative to an appeal for diagnosis as provided by ORS 602.050, no person shall remove any of the hives or their contents marked to indicate infestation with American Foulbrood, except that the hive or its contents may be removed by the owner or bailee for the purpose of destroying it under the supervision of an inspector.

(2) If, upon inspection of an apiary, European Foulbrood is found to exist therein to a serious extent, no certificate shall be issued for moving such bees under ORS 602.070. In lieu thereof, a permit may be

given to move such bees under an inspector's supervision.

602.050 Laboratory test for existence of American Foulbrood. The inspector may take a sample of material from any hive suspected of containing American Foulbrood. Such sample shall be submitted to the department or to a laboratory designated by the department to test for the presence of American Foulbrood. The findings of the department or the designated laboratory shall be deemed prima facie correct.

602.060 Prohibited conduct. No person shall:

(1) Possess any bees which have not been registered as provided by ORS 602.090;

(2) Interfere with any inspector engaged in the performance of his duties pursuant to ORS 602.010 to 602.100;

(3) Keep bees in hives with immovable combs; or

(4) Damage or destroy bees or their equipment by poison, by moving them a short distance or by any other means. Any person violating this provision is liable for the damages, which may be recovered in an action at law.

602.070 Moving of bees and bee equipment. (1) All bees or used appliances, excepting used packaged bee cages returned empty to this state, imported into this state, shall be accompanied by a certificate from an authorized inspector or official of the state in which the shipment originated certifying that such bees or appliances are free from disease.

(2) No honey or food containing honey shall be placed in any combless package of bees offered for sale, distribution or shipment in this state.

(3) Any person who moves bees or used appliances from one location to another in this state, shall first obtain from an inspector a moving permit and shall pay a fee of 25 cents per hive for such permit. Moving permits shall be on a form provided by the department and shall state the point of origin and the point of destination of the bees or appliances, and such other information as the department may require. Before issuing a moving permit the inspector shall certify that the bees and appliances to be moved are apparently free from disease or contamination. However, a special moving permit may be issued, for cause shown, permitting the movement or shipment of bees

and appliances without inspection at the point of origin when an inspection may be made at the point of destination. Such special moving permit shall be issued subject to such conditions as the department may impose. The inspector issuing a moving permit, either regular or special, shall mail a copy thereof to the department and a copy shall be given to the owner or person in charge of the bees or appliances. The owner or person in charge of any bees or appliances may move them between registered locations, as provided by ORS 602.090, with a moving permit from the department only, without a certificate of inspection.

(4) A special permit for the movement of bees for pollenizing purposes may be issued by the department permitting movement of bees to specified districts and return to point of origin. Such permit shall be valid for a period of time to be determined by the department and stated in such permit. The owner of bees for pollenizing purposes shall furnish a list of pollenizing locations to the department within 10 days after placing such bees in such locations, which list shall contain proper directions for locating the bee hives.

(5) When special inspections are requested for the purpose of obtaining a certificate of inspection for out of state movement of bees or appliances, the applicant for the certificate shall pay the cost of such inspection which shall include per diem and traveling expenses of the inspector.

602.080 Enforcement of provisions regulating bees. The State Police and county and local peace officers shall enforce ORS 602.010 to 602.100. All such officers may seize and hold all bees being moved within the state and not accompanied by a certificate or permit as required by ORS 602.070. Any officer making such seizure immediately shall notify the department. The department shall, without delay, inspect such bees and, if they are found to be diseased, may cause them to be destroyed in such manner as to prevent the spread of the disease.

602.090 Registration of apiaries. (1) Every person within the state who owns or is in charge of any apiary located within this state, shall cause such apiary to be registered with the department as in this section provided.

(2) Application for registration shall be made on a form furnished by the department. The registration shall cover each col-

any of bees owned by the applicant, except normal increase made from colonies that were registered by April 1, and shall give the locations of such colonies and the name and address of the owner. The registration provided by this section shall be made before April 1 of each year and whenever colonies are acquired thereafter. Each registrant shall furnish an address to which any notice required by ORS 602.010 to 602.100 to be given may be sent, and shall agree that any notice sent by the department to such address shall be deemed to be notice in fact. The applicant shall pay a fee of \$2 for registration with an additional 25 cents for each colony registered by him.

602.100 Establishing standards of colony strength; certification of hives. (1) The department shall, after public hearing, establish standards of colony strength for apiaries used in the commercial pollination of agricultural and horticultural crops.

(2) For purposes of this section "colony strength" has reference to the potential of a hive of bees to pollinize horticultural or agricultural crops. Standards of colony strength shall be based upon, among other things:

- (a) The number of bees per hive.
- (b) The number of cells containing brood per hive.
- (c) The health of the bees and the brood.
- (d) Such other factors as may relate to the ability of the colony to pollinize horticultural and agricultural crops.

(3) The department may at such places as the volume of business is found to warrant the furnishing of such work, provide qualified inspectors who shall carry on colony strength certification work. The department may identify and certify hives of bees used in commercial pollination on the basis of colony strength. The department shall establish a schedule of fees to cover the cost of inspection and certification of hives for colony strength.

602.110 Registration of apiary equipment. (1) Upon receipt of an application of any person therefor, accompanied by a fee of \$1, the State Department of Agriculture shall register, in a registration book kept in its office for that purpose, the apiary equipment identifying brand of such applicant, if a certificate for such brand has not been previously issued. Any person owning apiary equipment who, prior to July 5, 1947, was not in possession of any established apiary

equipment identifying brand, may make application to the department for a serial-number brand therefor.

(2) Upon receipt of any application for the issuance of a serial-number brand, accompanied by a fee of \$1, the department shall issue to the applicant, an exclusive apiary equipment serial number and shall register it as provided by this section.

(3) Every application for the registration of an apiary equipment brand or for an apiary equipment serial number shall contain the name and address of the applicant and the name of the county in Oregon in which such applicant regularly keeps the greatest number of bee colonies. Such information shall be registered, together with the brand or apiary equipment serial number of such applicant.

602.120 Issuance of brand or serial number certificate. Upon the registration of the brand or the issuance of an apiary equipment serial number as provided by ORS 602.110, the State Department of Agriculture shall issue to the applicant a certificate setting forth a concise description of the brand or the serial number. The possession of this certificate entitles the person in whose name it is issued to the exclusive and sole use of the brand or apiary equipment serial number described or set forth in it.

602.130 Identification of hive bodies, supers and frames. Every person who is in possession of an apiary equipment brand or apiary equipment serial number, as provided by ORS 602.110, shall identify all hive bodies and supers by burning a replica of the apiary equipment brand or apiary equipment serial number on both ends of all hive bodies and supers. Such replica shall be not less than one-half inch in height. Such persons may identify frames with the replica of the brand or serial number permanently on the top bars thereof. A replica of the brand or serial number may be permanently placed on any other equipment in any manner or position desired.

602.140 Transfer of ownership of apiary equipment. (1) In case of a transfer of ownership of any apiary equipment by the possessor of a registered and certified brand or serial number, a copy of the bill of sale specifying the equipment transferred, as to identification and amount, shall be forwarded by registered mail to the State Department of Agriculture. The department

shall record such bill of sale in a book kept in its office for that purpose.

(2) In no case, after any such transfer of apiary equipment, shall the replica of the original brand or serial number be defaced or obliterated. The brand or serial number, if any, of the new owner, shall be placed below the original brand or, if that is not possible, then as near to the original brand as can conveniently be done.

602.150 Prohibited conduct relating to brands and serial numbers. No person shall:

(1) Alter, deface, remove or obliterate the replica of a registered brand or serial number which appears on any apiary equipment, with the intent to steal it or prevent the identification thereof.

(2) Have in his possession any apiary equipment upon which appears a replica of any registered brand or serial number, unless such person is the possessor of a certificate of registration for such brand or serial number issued by the State Department of Agriculture, if a bill of sale for such apiary equipment has not been previously forwarded to the department as provided by ORS 602.140.

(3) Have in his possession any apiary equipment which has previously borne the replica of a registered brand or serial number, but which brand or serial number has been altered, defaced, obliterated or removed.

602.160 Posting registration number or statement of ownership. Any owner or possessor of an apiary in which there are

hives that are not marked with a registered brand or apiary equipment serial number, shall, unless such apiary is located at the owner's place of residence or beekeeping headquarters, post and keep posted in a prominent place at each apiary, in figures at least one inch high, the registration number issued by the State Department of Agriculture which currently applies to the colonies of bees in such apiary. In lieu of posting such registration number, such owner or person in possession may post a statement of the ownership of the apiary giving on it the name and address of the owner.

602.170 Jurisdiction of courts. The district courts and circuit courts have concurrent jurisdiction with justice courts in the enforcement of ORS 602.010 to 602.100.

602.180 Disposition of fees collected and moneys appropriated. All fees and moneys collected or received by the department under ORS 602.010 to 602.100 shall be paid into the department account in the State Treasury.

602.990 Penalties. (1) Violation of any of the provisions of ORS 602.010 to 602.100 is punishable, upon conviction, by a fine not exceeding \$500 or imprisonment in the county jail not exceeding six months, or both.

(2) Violation of any of the provisions of ORS 602.110 to 602.160 is punishable, upon conviction, by a fine not exceeding \$100 or imprisonment in the county jail for not less than 10 days nor exceeding six months, or both.