

3-15-93 Senate Agriculture
3-18-93 Senate Do Pass

MAR 5 1993

HOUSE FILE 401
BY COMMITTEE ON AGRICULTURE

Place On Calendar

(SUCCESSOR TO HF 147)

Passed House, ^(P.560) Date 3-10-92 Passed Senate, ^(P.876) Date 3/29/93
Vote: Ayes 95 Nays 0 Vote: Ayes 49 Nays 0
Approved April 5, 1993

A BILL FOR

1 An Act relating to bees and beekeeping, repealing a section, and
2 making penalties applicable.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

HF 401

1 Section 1. Section 160.1A, subsection 2, Code 1993, is
2 amended by striking the subsection.

3 Sec. 2. Section 160.1A, Code 1993, is amended by adding
4 the following new subsection:

5 NEW SUBSECTION. 5. "Package" means a shipping cage
6 exclusively containing adult bees, without beeswax combs.

7 Sec. 3. Section 160.2, Code 1993, is amended to read as
8 follows:

9 160.2 DUTIES.

10 The state apiarist shall give do all of the following:

11 a. Give lectures and demonstrations in the state on the
12 production of honey, the care of the apiary, the marketing of
13 honey, and upon other kindred subjects relative to the care of
14 bees and the profitable production of honey; ~~shall examine.~~

15 b. Examine bees, combs, and appliances equipment in any
16 locality which the apiarist may suspect of being African in
17 origin or infected infested with a parasite or foulbrood or
18 any other contagious or infectious disease common to bees; ~~and~~
19 ~~shall regulate.~~

20 c. Regulate bees, combs, and used appliances equipment
21 moving across state borders.

22 Sec. 4. Section 160.5, unnumbered paragraph 3, Code 1993,
23 is amended to read as follows:

24 A person who desires to move a colony, package, or a used
25 appliance equipment with combs into this state shall apply to
26 the state apiarist for a written entry permit at least sixty
27 days prior to the proposed entry date. A statement must
28 accompany each application for an entry permit describing each
29 offense related to beekeeping for which the person has been
30 subject to a penalty by a state, federal, or foreign
31 government. The written entry permit must accompany all such
32 shipments when they enter the state. Entry into this state
33 without a permit is unlawful and is punishable pursuant to
34 section 160.14. However, entry requirements of this section
35 shall not apply to a package shipped by the United States

1 postal service.

2 Sec. 5. Section 160.5, subsection 1, Code 1993, is amended
3 to read as follows:

4 1. A valid Iowa certificate of inspection must be on file
5 with the department or a valid certificate of inspection or
6 certificate of health dated within the last sixty days must
7 have been submitted by the state apiarist or inspector of the
8 state of origin indicating. A certificate must indicate the
9 absence of any contagious diseases, parasites, or Africanized
10 bees in the colony or package to be shipped.

11 Sec. 6. Section 160.6, Code 1993, is amended to read as
12 follows:

13 160.6 NOTICE TO TREAT, DISINFECT, REMOVE, OR DESTROY.

14 ~~A-notice~~ The state apiarist shall be-issued-by-the-state
15 apiarist provide a notice in writing to any an owner of bees
16 or bee supplies equipment infested with contagious diseases,
17 parasites, or Africanized bees to complete-disinfection-or
18 destruction-within-ten-days-with-immediate-action-in-emergency
19 cases treat, disinfect, destroy, or remove a colony or
20 equipment in a manner and by a time specified by the state
21 apiarist in the order.

22 Sec. 7. Section 160.7, Code 1993, is amended to read as
23 follows:

24 160.7 APIARIST TO DISINFECT OR DESTROY -- COSTS.

25 If the owner fails to comply with ~~said-notice~~ the notice
26 provided in section 160.6, the state apiarist or-the
27 apiarist's-assistants-shall-carry-out-such-disinfection-or
28 shall declare the diseased, parasite-infested or Africanized
29 colonies a nuisance, and administer the destruction,-and or
30 disinfection of the bee colonies or equipment required to
31 eliminate the source of the disease, parasites, or Africanized
32 bees. The state apiarist shall keep an account of the-cost
33 thereof costs related to the destruction.

34 Sec. 8. Section 160.9, Code 1993, is amended to read as
35 follows:

1 160.9 RULES.

2 The state apiarist shall issue adopt rules prohibiting the
3 transportation without a permit of any bees, combs, or used
4 beekeeping appliances, into any area in which clean-up work is
5 being conducted or which has been declared free of any
6 diseases or parasitic infestations relating to the inspection,
7 regulation of movement, sale, and cleanup of bee colonies and
8 used beekeeping equipment, that is infested with a contagious
9 disease, harmful parasites, or an undesirable subspecies of
10 honey bees.

11 Sec. 9. Section 160.14, subsections 1 through 3, Code
12 1993, are amended to read as follows:

13 1. A person who knowingly sells, barter, gives away, or
14 moves, or allows to be moved, a diseased or parasite-infested
15 colony, appliance package, equipment, or combs without the
16 consent of the state apiarist, or exposes infected honey or
17 infected appliances equipment to the bees, or who willfully
18 fails or neglects to give proper treatment to a diseased or
19 parasite-infested colony, or who interferes with the state
20 apiarist or the apiarist's assistants in the performance of
21 official duties or who refuses to permit the examination of
22 bees or their destruction as provided in this chapter or
23 violates another provision of this chapter, except as provided
24 in subsection 2, is guilty of a simple misdemeanor.

25 2. A person who knowingly moves or causes to be moved into
26 this state a colony, package, used appliance equipment, or
27 combs in violation of section 160.5, is guilty of a serious
28 misdemeanor.

29 3. Each day a colony, a package, used appliance equipment,
30 or combs moved into this state in violation of section 160.5
31 remains remain in this state constitutes a separate offense.
32 A colony, package, used appliance equipment, or combs brought
33 into this state in violation of section 160.5 may be declared
34 a nuisance. The department shall provide written notice to
35 the person owning the land where the colony, package, used

1 appliance equipment, or combs are located, and, if known, to
2 the person owning the colony, package, used appliance
3 equipment, or combs. The notice shall state that the owner of
4 the colony, package, used appliance equipment, or combs must
5 remove the colony, package, used appliance equipment, or combs
6 from this state within five days of the notification. After
7 the five days have lapsed the department may seize the colony,
8 package, used appliance equipment, or combs. The department
9 may secure a warrant if the owner of the land objects to the
10 seizure. The department shall maintain the seized property
11 until a court, upon petition by the department, determines the
12 disposition of the property. The court shall render a
13 decision concerning the disposition of the property by the
14 court within ten days of the filing of the petition. Upon
15 conviction of a violation of section 160.5, a person shall
16 forfeit all interest in property moved in violation of that
17 section and the department may immediately destroy the
18 property.

19 Sec. 10. Section 160.10, Code 1993, is repealed.

20

EXPLANATION

21 This bill amends chapter 160 regulating beekeeping
22 practices, by the department of agriculture and land
23 stewardship. It removes references to "appliance" and
24 substitutes the term "equipment". The bill regulates the
25 movement of "packages" which is defined to mean a shipping
26 cage exclusively containing adult bees, without beeswax. It
27 provides for the filing of an Iowa certificate of inspection
28 before application for an entry permit. The bill provides for
29 notifying an owner to treat, disinfect, remove, or destroy a
30 colony or equipment in a manner and time specified by the
31 state apiarist. It provides for the declaration of diseased,
32 parasite-infested, Africanized colonies as a nuisance. It
33 provides for the adoption of rules relating to the inspection,
34 regulation of movement, sale, and cleanup of bee colonies, and
35 used beekeeping equipment. The bill repeals section 160.10

1 relating to orders prohibiting movement. A person who
2 violates a provision of chapter 160 is guilty of a simple
3 misdemeanor.

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35

HOUSE FILE 401

AN ACT

RELATING TO BEES AND BEEKEEPING, REPEALING A SECTION, AND
MAKING PENALTIES APPLICABLE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 160.1A, subsection 2, Code 1993, is amended by striking the subsection.

Sec. 2. Section 160.1A, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 5. "Package" means a shipping cage exclusively containing adult bees, without beeswax combs.

Sec. 3. Section 160.2, Code 1993, is amended to read as follows:

160.2 DUTIES.

The state apiarist shall ~~give~~ do all of the following:

a. Give lectures and demonstrations in the state on the production of honey, the care of the apiary, the marketing of honey, and upon other kindred subjects relative to the care of bees and the profitable production of honey; ~~shall examine.~~

b. Examine bees, combs, and appliances equipment in any locality which the apiarist may suspect of being African in origin or ~~infected~~ infested with a parasite or foulbrood or

any other contagious or infectious disease common to bees; ~~and shall regulate.~~

c. Regulate bees, combs, and used appliances equipment moving across state borders.

Sec. 4. Section 160.5, unnumbered paragraph 3, Code 1993, is amended to read as follows:

A person who desires to move a colony, package, or a used appliance equipment with combs into this state shall apply to the state apiarist for a written entry permit at least sixty days prior to the proposed entry date. A statement must accompany each application for an entry permit describing each offense related to beekeeping for which the person has been subject to a penalty by a state, federal, or foreign government. The written entry permit must accompany all such shipments when they enter the state. Entry into this state without a permit is unlawful and is punishable pursuant to section 160.14. However, entry requirements of this section shall not apply to a package shipped by the United States postal service.

Sec. 5. Section 160.5, subsection 1, Code 1993, is amended to read as follows:

1. A valid Iowa certificate of inspection must be on file with the department or a valid certificate of inspection or certificate of health dated within the last sixty days must have been submitted by the state apiarist or inspector of the state of origin indicating. A certificate must indicate the absence of any contagious diseases, parasites, or Africanized bees in the colony or package to be shipped.

Sec. 6. Section 160.6, Code 1993, is amended to read as follows:

160.6 NOTICE TO TREAT, DISINFECT, REMOVE, OR DESTROY.

~~A notice~~ The state apiarist shall be issued by the state apiarist provide a notice in writing to any an owner of bees or bee supplies equipment infested with contagious diseases, parasites, or Africanized bees to ~~complete disinfection or~~

~~destruction-within-ten-days-with-immediate-action-in-emergency cases treat, disinfect, destroy, or remove a colony or equipment in a manner and by a time specified by the state apiarist in the order.~~

Sec. 7. Section 160.7, Code 1993, is amended to read as follows:

160.7 APIARIST TO DISINFECT OR DESTROY -- COSTS.

If the owner fails to comply with ~~said-notice~~ the notice provided in section 160.6, the state apiarist ~~or the apiarist's assistants shall carry out such disinfection or~~ shall declare the diseased, parasite-infested or Africanized colonies a nuisance, and administer the destruction and or disinfection of the bee colonies or equipment required to eliminate the source of the disease, parasites, or Africanized bees. The state apiarist shall keep an account of the cost thereof costs related to the destruction.

Sec. 8. Section 160.9, Code 1993, is amended to read as follows:

160.9 RULES.

The state apiarist shall ~~issue~~ adopt rules ~~prohibiting the transportation without a permit of any bees, combs, or used beekeeping appliances into any area in which clean-up work is being conducted or which has been declared free of any diseases or parasitic infestations relating to the inspection, regulation of movement, sale, and cleanup of bee colonies and used beekeeping equipment, that is infested with a contagious disease, harmful parasites, or an undesirable subspecies of honey bees.~~

Sec. 9. Section 160.14, subsections 1 through 3, Code 1993, are amended to read as follows:

1. A person who knowingly sells, barter, gives away, or moves, or allows to be moved, a diseased or parasite-infested colony, appliance package, equipment, or combs without the consent of the state apiarist, or exposes infected honey or infected appliances equipment to the bees, or who willfully

fails or neglects to give proper treatment to a diseased or parasite-infested colony, or who interferes with the state apiarist or the apiarist's assistants in the performance of official duties or who refuses to permit the examination of bees or their destruction as provided in this chapter or violates another provision of this chapter, except as provided in subsection 2, is guilty of a simple misdemeanor.

2. A person who knowingly moves or causes to be moved into this state a colony, package, used appliance equipment, or combs in violation of section 160.5, is guilty of a serious misdemeanor.

3. Each day a colony, a package, used appliance equipment, or combs moved into this state in violation of section 160.5 ~~remains~~ remain in this state constitutes a separate offense. A colony, package, used appliance equipment, or combs brought into this state in violation of section 160.5 may be declared a nuisance. The department shall provide written notice to the person owning the land where the colony, package, used appliance equipment, or combs are located, and, if known, to the person owning the colony, package, used appliance equipment, or combs. The notice shall state that the owner of the colony, package, used appliance equipment, or combs must remove the colony, package, used appliance equipment, or combs from this state within five days of the notification. After the five days have lapsed the department may seize the colony, package, used appliance equipment, or combs. The department may secure a warrant if the owner of the land objects to the seizure. The department shall maintain the seized property until a court, upon petition by the department, determines the disposition of the property. The court shall render a decision concerning the disposition of the property by the court within ten days of the filing of the petition. Upon conviction of a violation of section 160.5, a person shall forfeit all interest in property moved in violation of that section and the department may immediately destroy the property.

Sec. 10. Section 160.10, Code 1993, is repealed.

HAROLD VAN MAANEN
Speaker of the House

LEONARD L. BOSWELL
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 401, Seventy-fifth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved April 5, 1993

TERRY E. BRANSTAD
Governor