

TITLE 61  
LEGISLATIVE RULES  
DEPARTMENT OF AGRICULTURE

SERIES 2  
WEST VIRGINIA APIARY LAW OF 1969

**§61-2-1. General.**

1.1. Scope. -- These legislative regulations establish general operating rules and procedures for the inspection of apiaries and control of bee diseases.

1.2. Authority. -- W. Va. Code §19-13-4

1.3. Filing Date. -- September 9, 1969

1.4. Effective Date. -- October 13, 1969

**§61-2-2. Declaration Of Policy.**

2.1. Section four, article thirteen, chapter nineteen of the official Code of West Virginia, sets out certain duties, authority and responsibilities of the Commissioner of Agriculture. Included is the responsibility of promulgating rules and regulations relating to the inspections of apiaries and control of infectious or contagious diseases of bees.

2.2. By virtue of the authority vested in me as Commissioner of Agriculture by section four, article thirteen, chapter nineteen of the official Code of West Virginia, as amended, I, Gus R. Douglass, Commissioner of Agriculture, do hereby promulgate the following rules and regulations governing the inspection of apiaries and control of bee diseases in West Virginia.

**§61-2-3. Definitions.**

3.1. For the purpose of these regulations, the definitions shall be the same as those appearing in the West Virginia Apiary Law of 1969 (19-13-2) with the following additions:

3.1.1. "Full bloom" shall be construed to mean the period from the time the flowers open until the petals fall.

3.1.2. "Spray Materials Injurious to Bees" shall mean any material having insecticidal properties and capable of killing bees when applied to fruit trees while in full bloom.

**§61-2-4. Registration Of Bees.**

4.1. The commissioner shall furnish an application form to be used by beekeepers to register honey bee colonies.

4.2. Upon receipt of an Application for Registration of honey bees, the Commissioner shall cause to be issued a Certificate of Apiary Registration which shall be valid until the last day of December of the year of issue.

4.3. Persons who have registered their apiaries shall not be required to report additional colonies, obtained through capturing swarms from their own apiary or from packaged bees imported under certification from any state, until the next registration period.

4.4. Bees in hives or used bee equipment imported into a West Virginia apiary under certificate from any state, including West Virginia, must be reported to the Commissioner within ten (10) days of arrival within the state.

4.5. When registering colonies any person possessing or operating one (1) or more apiaries shall show the exact location of, and number of colonies in each apiary.

**§61-2-5. Apiary Inspection.**

5.1. The Commissioner of Agriculture shall, insofar as is practical, cause all colonies of bees within the state to be inspected each year.

5.2. Inspection of a colony of bees shall consist of lifting one (1) or more brood-containing frames from the colony and examining the brood on both sides of the frame for evidence of disease.

5.3. It shall be unlawful for any person to keep or maintain bees in any hive other than a hive which permits a thorough examination of every brood comb to determine the presence of disease.

5.4. Whenever and wherever it shall be found that inspection of bees is impossible due to the keeping of bees in box hives, gums, logs, barrels or other domiciles not equipped with moveable frames permitting ready examination of combs, the beekeeper shall be so informed in writing and given until the time of the next registration in which to correct the condition. Whenever or wherever these conditions are not corrected within the allotted time the Commissioner shall cause these colonies to be quarantined and/or destroyed by burning.

If American foulbrood or other serious bee disease shall be found in the environs of an apiary equipped with hives that cannot be inspected, the colonies housed in such hives shall be considered to have American foulbrood or other serious bee diseases and shall be destroyed by burning.

5.5. After inspecting or handling any infected apiary, bees, hives or any apiary appliance and before proceeding to any other apiary, the inspector shall thoroughly disinfect every portion of his person and clothing and every tool and appliance used by him that may have been in contact with infected materials and shall cause every assistant with him to do likewise.

5.5.1. All colonies of bees infected with American foulbrood shall be quarantined and as soon as possible be destroyed by burning in the presence of, or by an inspector, in a pit suitable for the purpose and preferably in late evening, except that if the infection is so light that, in the judgment of the inspector, treatment may be successful, the infected colonies shall be quarantined and treatment shall be prescribed by the inspector.

5.5.2. All hive parts or equipment from such diseased colonies that may be sterilized and reused shall be so sterilized by fire or by such other means as the inspector may direct.

5.5.3. All colonies found to be infected with any bee disease other than American foulbrood shall be quarantined and treated in a manner consistent with the best known methods at the time such disease is found. Such methods to be specified by the inspector.



STATE OF WEST VIRGINIA  
DEPARTMENT OF AGRICULTURE  
CHARLESTON 25305

GUS R. DOUGLASS  
COMMISSIONER

WILLIAM H. GILLESPIE  
ADMINISTRATIVE ASSISTANT

September 8, 1969

Honorable John D. Rockefeller, IV  
Secretary of State  
State Capitol Building  
Charleston, West Virginia 25305


Dear Mr. Rockefeller:

Enclosed are two copies of regulations issued by this Department regarding the West Virginia Apiary Law of 1969 (Chapter 19, Article 13) passed by the 1969 Legislature. These regulations are designated as Series II of Chapter 19-2 of the West Virginia Administrative Regulations.

I hereby certify that the attached regulations are true and accurate copies of the official regulations prepared by this Department on July 21, 1969 and adopted after a public hearing on September 5, 1969.

Very truly yours,

WEST VIRGINIA DEPARTMENT OF AGRICULTURE

  
Gus R. Douglass  
Commissioner of Agriculture

GRD:lm

Enclosures

FILED IN THE OFFICE  
JOHN D. ROCKEFELLER, IV  
SECRETARY OF STATE  
THIS DATE 9/9/69

FILED IN THE OFFICE  
JOHN D. ROCKEFELLER, IV  
SECRETARY OF STATE  
THIS DATE 9/9/69

WEST VIRGINIA ADMINISTRATIVE REGULATIONS  
STATE DEPARTMENT OF AGRICULTURE  
Chapter 19-2  
Series II

SUBJECT: WEST VIRGINIA APIARY LAW OF 1969

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Section 1 - GENERAL

- 1.01. Scope. These regulations establish general operating rules and procedures for the inspection of apiaries and control of bee diseases.
- 1.02. Authority. These regulations are issued under authority of Chapter 19, Article 13, Section 4, Code of West Virginia.
- 1.03. Effective Date - These regulations are promulgated September 5, 1969 and become effective October 13, 1969.
- 1.04. Filing Date - These regulations were filed in the office of the Secretary of State on September 9, 1969.
- 1.05. Certification - These regulations are certified authentic by the Secretary of State by certification number \_\_\_\_\_.

Section 2 - DECLARATION OF POLICY

Article 13, Section 4, Chapter 19 of the official Code of West Virginia sets out certain duties, authority, and responsibilities of the commissioner of agriculture. Included is the responsibility of promulgating rules and regulations relating to the inspections of apiaries and control of infectious or contagious diseases of bees.

By virtue of the authority vested in me as commissioner of agriculture by Article 13, Section 4, Chapter 19 of the official code of West Virginia, as amended, I, Gus R. Douglass, Commissioner of Agriculture, do hereby promulgate the following rules and regulations governing the inspection of apiaries and control of bee diseases in West Virginia.

**Section 3 - DEFINITIONS**

3.01. For the purpose of these regulations, the definitions shall be the same as those appearing in the West Virginia Apiary Law of 1969

-13-2) with the following additions:

a. "Full Bloom" shall be construed to mean the period from the time the flowers open until the petals fall.

b. "Spray materials injurious to bees" shall mean any material having insecticidal properties and capable of killing bees when applied to fruit trees while in full bloom.

**Section 4 - REGISTRATION OF BEES**

4.01. The commissioner shall furnish an application form to be used by beekeepers to register honey bee colonies.

4.02. Upon receipt of an Application for Registration of honey bees the commissioner shall cause to be issued a Certificate of Apiary Registration which shall be valid until the last day of December of the year of issue.

4.03. Persons who have registered their apiaries shall not be required to report additional colonies, obtained through capturing swarms from their own apiary or from packaged bees imported under certification from any state, until the next registration period.

4.04. Bees in hives or used bee equipment imported into a West Virginia apiary under certificate from any state, including West Virginia, must be reported to the commissioner within ten days of arrival within the state.

4.05. When registering colonies any person possessing or operating one or more apiaries shall show the exact location of, and number of colonies in each apiary.

**Section 5. APIARY INSPECTION**

5.01. The commissioner of agriculture shall, insofar as is practical, cause all colonies of bees within the state to be inspected each year.

5.02. Inspection of a colony of bees shall consist of lifting one or more brood-containing frames from the colony and examining the brood on both sides of the frame for evidence of disease.

5.03. It shall be unlawful for any person to keep or maintain bees in any hive other than a hive which permits a thorough examination of every brood comb to determine the presence of disease.

5.04. Whenever and wherever it shall be found that inspection of bees is impossible due to the keeping of bees in box hives, gums, logs, barrels, or other domiciles not equipped with moveable frames permitting ready examination of combs, the beekeeper shall be so informed in writing and given until the time of the next registration in which to correct the condition. Whenever or wherever these conditions are not corrected within the allotted time the commissioner shall cause these colonies to be quarantined and/or destroyed by burning.

If American foulbrood or other serious bee disease shall be found in the environs of an apiary equipped with hives that cannot be inspected, the colonies housed in such hives shall be considered to have American foulbrood or other serious bee disease and shall be destroyed by burning.

5.05. After inspecting or handling any infected apiary, bees, hives, or any apiary appliance and before proceeding to any other apiary, the inspector shall thoroughly disinfect every portion of his person and clothing and every tool and appliance used by him that may have been in contact with infected material and shall cause every assistant with him to do likewise.

(a) All colonies of bees infected with American foulbrood shall be quarantined and as soon as possible be destroyed by burning in the presence of, or by an inspector, in a pit suitable for the purpose - and preferably in late evening, except that if the infection is so

light that, in the judgement of the inspector, treatment may be successful the infected colonies shall be quarantined and treatment shall be prescribed by the inspector.

All hive parts or equipment from such diseased colonies that may be sterilized and reused shall be so sterilized by fire or by such other means as the inspector may direct.

(b) All colonies found to be infected with any bee disease other than American foulbrood shall be quarantined and treated in a manner consistent with the best known methods at the time such disease is found. Such methods to be specified by the inspector.

WEST VIRGINIA LEGISLATIVE REGULATIONS  
STATE DEPARTMENT OF AGRICULTURE  
Chapter 19-13

GENERAL INDEX  
for  
SERIES II

TITLE: West Virginia Apiary Law of 1969

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- Section 1. General
- Section 2. Declaration of Policy
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- Section 4. Registration of Bees
- Section 5. Apiary Inspection

FILED IN THE OFFICE OF  
THE SECRETARY OF STATE  
THIS DATE Sept. 9, 1969  
ADMINISTRATIVE LAW DIVISION

Title 61

~~WEST VIRGINIA LEGISLATIVE REGULATIONS~~ *RULES*  
STATE DEPARTMENT OF AGRICULTURE  
~~Chapter 19-13~~  
SERIES ~~II~~ 2

TITLE: West Virginia Apiary Law of 1969

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Section 1. General

- 1.1 Scope - These Legislative regulations establish general operating rules and procedures for the inspection of apiaries and control of bee diseases.
- 1.2 Authority - W. Va. Code 19-13-4.
- 1.3 Filing Date - September 9, 1969.
- 1.4 Effective Date - October 13, 1969

Section 2. Declaration of Policy

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