
SENATE BILL 6255

State of Washington

55th Legislature

1998 Regular Session

By Senator Morton

Read first time . Referred to Committee on .

1 AN ACT Relating to apiaries; amending RCW 15.60.005, 15.60.010, and
2 15.60.015; and repealing RCW 15.60.007, 15.60.020, 15.60.025,
3 15.60.030, 15.60.040, 15.60.042, 15.60.043, 15.60.050, 15.60.100,
4 15.60.110, 15.60.120, 15.60.140, 15.60.150, 15.60.170, 15.60.180,
5 15.60.190, 15.60.210, 15.60.220, 15.60.230, and 15.60.900.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 **Sec. 1.** RCW 15.60.005 and 1994 c 178 s 1 are each amended to read
8 as follows:

9 Unless the context clearly requires otherwise, the definitions in
10 this section apply throughout this chapter:

11 (1) "Department" means the department of agriculture of the state
12 of Washington.

13 (2) "Director" means the director of the state department of
14 agriculture or the director's authorized representative.

15 (3) "Apiary" means a site where hives of bees or hives are kept or
16 found.

17 (4) "Abandoned hive" means any hive, with or without bees, that
18 evidences a lack of being properly managed in that it has not been
19 supered in the spring, except nucs, or unsupered in the fall, or is

1 otherwise unmanaged and left without authorization and unattended on
2 the property of another person or on public land.

3 (5) "Apiarist" means any person who owns bees or is a keeper of
4 bees in Washington.

5 (6) "Beekeeping equipment" means any implements or devices used in
6 the manipulation of bees, their brood, or hives in an apiary.

7 (7) "Bees" means adult insects, eggs, larvae, pupae, or other
8 immature stages of the species *Apis mellifera*.

9 ~~((8) ("Certificate" or "certificate of inspection" means an
10 official document certifying compliance with the requirements of this
11 chapter and accompanying the movement of inspected bees, bee hives, or
12 beekeeping equipment.~~

13 ~~(9))~~ (9) "Colony" refers to a natural group of bees having a queen or
14 queens.

15 ~~((10) "Compliance agreement" means a written agreement between the
16 department and a person engaged in apiculture, or handling, selling, or
17 moving of hives or beekeeping equipment in which the person agrees to
18 comply with stipulated requirements.~~

19 ~~(11))~~ (9) "Feral colony" means a colony of bees in a natural
20 cavity or a manufactured structure not intended for the keeping of bees
21 on movable frames and comb.

22 ~~((12))~~ (10) "Swarm" means a natural group of bees having a queen
23 or queens, which is the progeny of a parent colony, without a hive, and
24 not a feral colony.

25 ~~((13))~~ (11) "Disease" means American foulbrood, European
26 foulbrood, chalkbrood, nosema, sacbrood, or any other viral, fungal,
27 bacterial or insect-related disease affecting bees or their brood.

28 ~~((14))~~ (12) "Regulated bee pests" means a disease of bees for
29 which maximum allowable limits of infection, or mites, or other
30 parasites are set in rule.

31 ~~((15))~~ (13) "Hive" means a manufactured receptacle or container
32 prepared for the use of bees, that includes movable frames, combs, and
33 substances deposited into the hive by bees.

34 ~~((16))~~ (14) "Person" means a natural person, individual, firm,
35 partnership, company, society, association, corporation or every
36 officer, agent, or employee of one of these entities.

37 ~~((17))~~ (15) "Bee pests" means a disease, mite, or other parasite
38 that causes injury to bees.

1 ~~((18))~~ (16) "Nets" means a device that is made of fabricated
2 material and that is designed and utilized to prevent the escape of
3 bees from bee hives during transit.

4 ~~((19))~~ (17) "Apparently free" means no specified bee pest was
5 found during inspection of survey activities.

6 ~~((20))~~ (18) "Substantially free" means levels of specified bee
7 pests found during inspection or survey activities were within
8 established tolerances.

9 ~~((21))~~ (19) "Africanized honey bee" means any bee of the
10 subspecies *Apis mellifera scutellata*.

11 ~~((22))~~ (20) "Super" means the portion of a hive in which honey is
12 stored by bees.

13 ~~((23))~~ (21) "Broker" means a person, engaged in pollinating
14 agricultural crops, using hives that are owned by another person.

15 ~~((24))~~ (22) "Grower" means a person engaged in producing
16 agricultural crops, and a user of honey bees for pollination of the
17 crops.

18 **Sec. 2.** RCW 15.60.010 and 1994 c 178 s 3 are each amended to read
19 as follows:

20 An apiary advisory committee ~~((is))~~ may be established by the
21 director to advise the director on ((the administration of this
22 chapter)) apiary issues, and especially apiary issues that require
23 immediate attention or action. The apiary advisory committee ~~((may))~~
24 consists of ((up to eleven)) those members appointed by the director.

25 ~~((1) The committee shall include six apiarists, appointed by the~~
26 ~~director, and representing the major geographical divisions of the~~
27 ~~beekeeping industry in the state as established in rule. In making an~~
28 ~~appointment, the director shall seek nominations from the beekeepers'~~
29 ~~organizations within the geographic area and from nonaffiliated~~
30 ~~apiarists. Apiarists may nominate themselves.~~

31 ~~(2) The committee shall include the director and a representative~~
32 ~~from the Washington State University apiary program or cooperative~~
33 ~~extension.~~

34 ~~(3) The committee may include up to three representatives of~~
35 ~~receivers of pollination services.~~

36 ~~(4) The terms of the apiarist members of the committee shall be~~
37 ~~staggered and))~~ The members of the committee shall serve ((a term of

1 ~~three years and until their successors have been appointed and~~
2 ~~qualified)) at the pleasure of the director.~~

3 ~~((In the event a committee member resigns, is disqualified, or~~
4 ~~vacates a position on the committee for any reason, the vacancy shall~~
5 ~~be filled by the director under the provisions of this section.~~

6 ~~(5)) The committee shall meet at ((least once yearly. It may also~~
7 ~~meet at)) the call of the director ((or the request of any three~~
8 ~~members of the committee)). Members of the committee shall serve~~
9 ~~without compensation but shall be reimbursed for travel expenses~~
10 ~~incurred in attending meetings of the committee and any other official~~
11 ~~duty authorized ((by the committee)) and approved by the director,~~
12 ~~pursuant to RCW 43.03.050 and 43.03.060, ((if apiarists are charged a~~
13 ~~registration fee, under RCW 15.60.050,)) to cover the expenses of the~~
14 ~~committee.~~

15 **Sec. 3.** RCW 15.60.015 and 1993 c 89 s 4 are each amended to read
16 as follows:

17 ~~((1)) The director shall determine, with the advice of the apiary~~
18 ~~advisory committee, if a bee pest, disease, or other issue represents~~
19 ~~a significant threat to the apiary industry in the state ((and)). The~~
20 ~~director may by rule establish maximum allowable levels for ((these))~~
21 ~~bee pests, for movement of colonies into or within Washington and~~
22 ~~prescribe procedures for inspection, treatment, or other mitigation~~
23 ~~measures if such tolerances are exceeded. The director shall~~
24 ~~determine, with the advice of the apiary advisory committee, if a~~
25 ~~disease or other apiary issue represents a significant threat to the~~
26 ~~apiary industry in the state, and take actions or adopt rules to~~
27 ~~eliminate the disease or mitigate the situation.~~

28 ~~((2) The director may inspect apiaries for the presence of bee~~
29 ~~pests. To support the general health of the apiary industry, the~~
30 ~~director may investigate outbreaks of any bee disease or infestations~~
31 ~~of other pests, or bee losses suspected of being caused by pesticides~~
32 ~~and other chemicals; and conduct surveys for the presence of or levels~~
33 ~~of a bee pest.~~

34 ~~(3) It is the responsibility of every apiarist to perform or cause~~
35 ~~to be performed any acts necessary to control regulated bee pests in~~
36 ~~the apiarist's bees or bee equipment where levels exceed maximum~~
37 ~~allowable limits set in rule. If the director finds a hive in an~~

1 apiary to be infected or infested beyond maximum allowable limits by
2 bee pests, the director may cause the apiary to be quarantined.

3 (a) The director shall plainly mark the hives containing regulated
4 bee pests and shall, in writing, notify the apiarist stating the
5 disease or pest found in each hive, identifying the hive by reference
6 to the mark placed upon it, and ordering eradication of such disease or
7 pest as prescribed by the director within a specified time. When the
8 apiarist cannot be contacted immediately, the notice shall be served by
9 placing it conspicuously in the apiary, or by mailing a copy to the
10 apiarist's registered address. If the apiarist fails to take action to
11 control the bee pest in accordance with the notice, the director may
12 control the bee pest or cause the bee pest to be controlled.

13 (b) When the apiarist cannot be determined, the notice shall be
14 served by posting the notice conspicuously in the apiary. Any apiary
15 presenting an immediate threat of infestation or infection to other
16 apiaries may be impounded by the director and moved to a location where
17 it no longer poses an immediate threat of infestation or infection to
18 other apiaries.

19 (c) The quarantine shall not be lifted until such time as the
20 director determines that the regulated bee pest has been controlled.
21 During the time the apiary is quarantined, no bees, honey, hives,
22 beekeeping equipment, or other material may be removed from the apiary
23 without written authorization from the director.

24 (4) A person who inspects an infected or infested hive or knowingly
25 comes in contact with a bee pest, shall, before proceeding to another
26 apiary, disinfect their person, clothing, gloves, tools, and beekeeping
27 equipment that have come in contact with infected or infested bees or
28 material.

29 (5) An apiarist whose apiary has been found to be infected or
30 infested by a regulated bee pest shall be entitled, upon written
31 request, to a scientific analysis of the infected or infested hive
32 before any action to control the bee pest is taken. The results of the
33 analysis shall be conclusive as to whether the apiary is infested or
34 infected with a regulated bee pest. The costs of scientific analysis
35 shall be paid by the apiarist if the apiary is found to be infested or
36 infected. If the apiary is found not to be infested or infected, the
37 department shall pay the cost of the scientific analysis. The
38 laboratory performing the scientific analysis shall be approved by the
39 director.

1 ~~(6) Except as provided in subsection (5) of this section, the~~
2 ~~apiarist shall be responsible for all costs of the department resulting~~
3 ~~from the quarantine or impoundment of an apiary or the control of a bee~~
4 ~~pest.~~

5 ~~(7) A person aggrieved by an order issued or act taken by the~~
6 ~~director pursuant to this section is, upon application, entitled to a~~
7 ~~review of that order or act pursuant to RCW 34.05.479. The application~~
8 ~~shall serve to stay any order or action, other than a quarantine order,~~
9 ~~pending the adjudicative proceeding.)~~

10 NEW SECTION. **Sec. 4.** The following acts or parts of acts are each
11 repealed:

12 (1) RCW 15.60.007 and 1994 c 178 s 2, 1993 c 89 s 2, & 1988 c 4 s
13 14;

14 (2) RCW 15.60.020 and 1993 c 89 s 5, 1988 c 4 s 3, 1975-'76 2nd
15 ex.s. c 34 s 17, & 1961 c 11 s 15.60.020;

16 (3) RCW 15.60.025 and 1993 c 89 s 6, 1988 c 4 s 4, & 1977 ex.s. c
17 362 s 8;

18 (4) RCW 15.60.030 and 1993 c 89 s 7, 1988 c 4 s 5, 1981 c 296 s 7,
19 1977 ex.s. c 362 s 3, 1965 c 44 s 1, & 1961 c 11 s 15.60.030;

20 (5) RCW 15.60.040 and 1994 c 178 s 4, 1993 c 89 s 8, 1988 c 4 s 6,
21 1981 c 296 s 8, 1977 ex.s. c 362 s 4, & 1961 c 11 s 15.60.040;

22 (6) RCW 15.60.042 and 1993 c 89 s 9 & 1988 c 4 s 7;

23 (7) RCW 15.60.043 and 1994 c 178 s 5, 1993 c 89 s 10, 1988 c 4 s 8,
24 1981 c 296 s 9, & 1977 ex.s. c 362 s 9;

25 (8) RCW 15.60.050 and 1994 c 178 s 6, 1993 c 89 s 11, 1988 c 4 s 9,
26 1977 ex.s. c 362 s 5, & 1961 c 11 s 15.60.050;

27 (9) RCW 15.60.100 and 1993 c 89 s 12, 1988 c 4 s 10, 1981 c 296 s
28 10, 1977 ex.s. c 362 s 7, & 1961 c 11 s 15.60.100;

29 (10) RCW 15.60.110 and 1993 c 89 s 13, 1988 c 4 s 11, 1977 ex.s. c
30 362 s 6, & 1961 c 11 s 15.60.110;

31 (11) RCW 15.60.120 and 1993 c 89 s 14, 1988 c 4 s 12, 1981 c 296 s
32 11, & 1961 c 11 s 15.60.120;

33 (12) RCW 15.60.140 and 1993 c 89 s 15, 1988 c 4 s 13, 1981 c 296 s
34 12, & 1961 c 11 s 15.60.140;

35 (13) RCW 15.60.150 and 1993 c 89 s 16, 1981 c 296 s 13, & 1961 c 11
36 s 15.60.150;

37 (14) RCW 15.60.170 and 1993 c 89 s 17, 1991 c 363 s 15, & 1989 c
38 354 s 64;

- 1 (15) RCW 15.60.180 and 1993 c 89 s 18 & 1989 c 354 s 65;
- 2 (16) RCW 15.60.190 and 1989 c 354 s 66;
- 3 (17) RCW 15.60.210 and 1989 c 354 s 68;
- 4 (18) RCW 15.60.220 and 1993 c 89 s 20;
- 5 (19) RCW 15.60.230 and 1993 c 89 s 19; and
- 6 (20) RCW 15.60.900 and 1977 ex.s. c 362 s 11.

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