

# **INDIANA APIARY REGULATIONS**

Following are the sections that pertain to Apiary Regulations. A complete list of Indiana State Codes can be found at Indiana's state web page <http://www.IN.gov/legislative/ic/code/>

## **Article 24. Entomology and Plant Pathology**

- Ch.1 Organization of Division
- Ch.2 Duties of Division Director
- Ch.3 Rules
- Ch.4 Control of Pests and Pathogens
- Ch.5 Nurseries
- Ch.6 Regulation of Nursery Stock Sales
- Ch.7 Nursery Dealers
- Ch.8 Apiary
- Ch.9 Treatment Affidavits and Special Authorizations
- Ch.10 Fees
- Ch.11 Offenses and Penalties
- Ch.12 Purple Loosestrife and Multiflora Roses

## **Chapter 2. Duties of Division Director**

### **14-24-2-4 Duties regarding bee and honey industry**

Sec. 4. The division director shall aid and assist in the development and protection of the bee and honey industry in Indiana. *As added by P.L.1-1995, SEC.17.*

### **14-24-2-5 Emergency action**

Sec. 5 The division director shall initiate appropriate emergency action to implement this article. Appropriate emergency action under this section includes the following:

- (1) Orders to treat a pest or pathogen.
- (2) Orders to prevent the movement or to require the destruction of a plant or element of beekeeping that contains a pest or pathogen that may pose an environmental, a health, or an economic hazard to Indiana.

*As added by P.L.1-1995, SEC.17.*

## **Chapter 3. Rules**

### **14-24-3-6 Declaration of pests or pathogens**

Sec. 6. The commission may declare species or subspecies to be pests or pathogens. This identification must include any species or subspecies of bee that may endanger the bee and honey industry. *As added by P.L.1-1995, SEC.17.*

### **14-24-3-8 Protection of bee and honey industry**

Sec. 8. The commission shall establish measures for the protection of the bee and honey industry in Indiana. *As added by P.L.1-1995, SEC.17.*

## **Chapter 8. Apiaries**

### **14-24-8-1 Examinations**

Sec. 1. The division may examine an apiary in Indiana to determine if a pest or pathogen is present. *As added by p.L.1-1995, SEC.17.*

### **14-24-8-2 Notice to destroy pests or pathogens**

Sec. 2. (a) If a pest or pathogen is discovered as a result of an inspection under this chapter, the division shall provide a written notice of the discovery to the person that owns or controls the apiary.

- (b) The notice must include the following:
- (1) A description of the action needed to destroy or control the pest or pathogen.
  - (2) The date by which the action must be taken.

- (c) The notice may provide that bees may not be sold or transported from the apiary until the pest or pathogen is successfully treated. The notice may require that bees shall be transferred to movable frame hives within a specified time and that, if the transfer is not performed as specified, the division director may order the destruction of all hives and bees dwelling in the hives.
- (d) A written notice issued under this section is effective when served. A person who is aggrieved by the notice may request administrative review under IC 4-21.5-3-6. In addition, an aggrieved person may seek temporary relief from the notice under IC 4-21.5-4. Unless otherwise agreed by the parties, a hearing on temporary relief must be conducted within five (5) days of receipt of the hearing request in the county where the apiary is located.

*As added by P.L.1-1995.SEC.17.*

### **14-24-8-3 Notice of violation**

Sec. 3. (a) The division may issue a notice of violation to a person against whom a written notice is directed under section 2 of this chapter if the person does not:

- (1) Comply with the directives contained in the notice; or
- (2) Request a hearing under section 2 (d) of this chapter.

This subsection does not preclude the issuance of a notice of violation if the department receives a final determination in the department's favor from the review of a written notice issued under section 2 of this chapter.

- (b) A notice of violation under subsection (a) may be accompanied by a civil penalty of not more than five hundred dollars (\$500) for each day a violation continued.

- (c) A notice of violation and penalty issued under this section is subjected to IC 4-21.5-3-6.

*As added by P.L.1-1995, SEC.17.*

### **14-24-8-4 Imported beekeeping elements**

Sec. 4. (a) A beekeeper may not ship or bring elements of beekeeping into Indiana from another state or country unless the elements of beekeeping are accompanied by a permit issued by the division under this section.

- (b) An application for a permit to ship elements of beekeeping into Indiana from another state or country must be on a commission form and accompanied by a certificate from the place of origin. The certificate must state that the following conditions have been met:

- (1) The apiary from which elements of beekeeping, except queens and combless bees, are to be shipped was inspected not more than thirty (30) days before shipment.
- (2) The apiary from which the queens or combless bees are to be shipped into Indiana was inspected not more than sixty (60) days before shipment.
- (3) The inspection took place during active brood rearing and was found free of pests and pathogens.

- (c) The permit application must state the approximate date of proposed entry into Indiana and the final destination of the shipment.

- (d) The division may enter a written order for the removal of elements of beekeeping shipped into Indian in violation of this section. A person in charge or in possession of property described in the order shall comply with the order as soon as practicable and not later than five (5) days after service.

- (e) The division shall destroy elements of beekeeping shipped into Indian that contain a pest or pathogen.

*As added by P.L.1-19995, SEC.17.*

### **14-24-8-5 Noncompliance with order to destroy pest or pathogens**

Sec. 5. (a) If a person in charge or in possession of elements of beekeeping does not carry out an order issued under:

- (1) this chapter; or
- (2) IC 14-7-8 (before its repeal);

The department may proceed to treat or destroy the elements of beekeeping that contain a pest or pathogen.

- (b) The division director shall certify the expense incurred by the department to the county auditor of the county where the property is located. The county auditor shall place the certified amount upon the tax duplicate. The amount shall be collected at the same time and in the same manner that state and county taxes are collected and paid over to the department.

*As added by P.L.1-1995, SEC.17.*

## **Chapter 9. Treatment Affidavits and Special Authorizations**

### **14-24-9-1 Affidavit files by person served with notice or order**

Sec. 1. (a) If, as a result of an inspection under this article, a written notice or order is issued for the treatment, removal, or destruction of a plant or element of beekeeping, the division may require that an affidavit be filed by the person to whom the notice or order was issued.

(b) The affidavit described in subsection (a) shall be completed on a commission form and must specify the following:

- (1) That the terms of the notice or order have been satisfied to the best of the affiant's ability.
- (2) That the work was effective for the purpose prescribed.

*As added by P.L.1-1995, SEC.17.*

### **14-24-9-2 Permit to move plants or beekeeping elements containing pests or pathogens**

Sec. 2. A person may not cause the movement of a plant or an element of beekeeping that contains a pest or pathogen without a permit issued by the division director. A permit issued under this section must provide adequate measures to assure that communication will not occur to areas that are not afflicted with a pest or pathogen.

*As added by p.L.1-1995, SEC.17.*

### **14-24-9-3 Designation of persons to perform inspections**

Sec. 3. The director may appoint an agent, an employee, or a representative of the United States Department of Agriculture to perform, on behalf of the department, an inspection authorized by this article.

*As added by P.L.1-1995, SEC.17.*

## **Chapter 11. Offenses and Penalties**

### **14-24-11-1 Prohibition**

Sec. 1. A person who does any of the following violates this article.

- (1) Sells, barter, or gives away a plant that contains a pest or pathogen that is likely to cause harm.
- (2) Exposes an element of beekeeping to the danger of other bees or elements of beekeeping infected with disease.
- (3) Conceals the presence of a pest or pathogen.
- (4) Refuses to allow the department to inspect a site that the department is authorized to inspect under this article.
- (5) Hinders or impedes the department in performing the department's duties under this article.
- (6) Violates any of the following:
  - (A) This article.
  - (B) A rule adopted under this article.
  - (C) A notice or an order issued under this article or under IC 14-7 (before its repeal)

*As added by P.L.1-1995, SEC.17.*

### **14-24-11-2 Revocation of permit, certification, or other authorization**

Sec. 2. The commission may revoke a permit, certification, or other authorization issued under this article if the commission finds at least one (1) of the following:

- (1) The permit, certification, or other authorization was issued as a result of fraud or misrepresentation by the recipient.
- (2) The person who holds the permit, certification, or other authorization has violated any of the following:
  - (A) This article.
  - (B) A rule adopted under this article.

*As added by P.L.1-1995, SEC.17.*

### **14-24-11-3 Civil action to restrain violations**

Sec. 3. The commission may bring a civil action in the name of the state through the attorney general, in a circuit or superior court having jurisdiction in a county in which the property involved is located or in which a person resides, to restrain the person from commencing or continuing to violate any of the following:

- (1) This article.
- (2) A rule adopted under this article
- (3) An order entered under this article or under IC 14-7 (before its repeal).

*As added by P.L.1-1995, SEC.17.*

#### **14-24-11-4 Violations**

Sec. 4. (a) Except as provided in subsections (b) and (c), a person that knowingly violates this article commits a Class C infraction.

(b) A person, other than the state or a political subdivision of the state, that recklessly disturbs or molests an apiary, a honeybee hive, a honeybee colony, or other honeybee habitat, natural or manmade, without the permission of the owner commits a Class B misdemeanor.

(c) A person who recklessly or knowingly introduces a pest or pathogen into Indiana without a permit issued under:

(1) IC 14-7-9-2 (before its repeal); or

(2) IC 14-24-9-2;

Commits a Class A infraction.

(c) Each day a violation occurs under this section is a separate offense.

*As added by P.L.1-1995, SEC.17.*

#### **14-24-11-5 Assessment of expenses**

Sec. 5. If an order is issued:

(1) Under this article or under IC 14-7 (before its repeal); or

(2) As a result of an administrative proceeding under this article or IC 14-7 9before its repeal);

The court or the director may assess against a party to the proceeding the costs and expenses, including attorney's fees, incurred by the person with respect to the proceedings, including a judicial review of a final agency action.

The award of attorney's fees shall be based on a schedule of attorney's fees established by rules of the commission.

*As added by P.L.1-1995, SEC.17.*