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901:5-55-01 Definitions.

As used in Chapter 901:5-55 of the Administrative Code

- (A) "Africanized honey bees" means any bees identified by the United States department of agriculture by approved identification methods to be classified as APIS mellifera scutellata.
- ~~(A)(B) "Beekeeper" means the person who is the owner or person responsible for the takes care of and/or registers the apiary where the honey bee colonies are kept.~~
- ~~(B)(C) "Control" means using any USDA/EPA approved method to eliminate or significantly reduce the disease symptoms or pest.~~
- ~~(C) "Pollination" means the use of honey bees for the transfer of pollen in the production of agricultural crops.~~
- (D) "Department" means the Ohio department of agriculture.
- ~~(D)(E) "Deputy apiarist" means a county apiary inspector appointed by the board of county commissioners with the consent and concurrence of the director of agriculture.~~
- ~~(E)(F) "Deputy state apiarist" means a state apiary inspector employed by the department of agriculture who supervises and trains deputy apiarists.~~
- ~~(F)(G) "No consent form" means a document that may be signed by a beekeeper which indicates that the department may not enter their property for the purposes of inspection without the beekeeper's approval the registrant refusing apiary inspection. No consent forms may be found at the department's website www.agri.ohio.gov.~~
- (H) "Nuc" means a smaller "nucleus" colony of bees in a box with three to eight frames containing a laying queen bee and her progeny in all life stages. The nuc shall have honey and a viable population sufficient enough to develop into a full sized colony.
- ~~(G) "Serious bee disease" means any bee disease the director of agriculture determines to be a threat to the beekeeping industry within the state.~~
- ~~(H) "Africanized honey bees" means any bees identified by the United States department of agriculture by approved identification methods to be classified as APIS mellifera scutellata.~~
- (I) "Pest" means an animal or insect that may cause harm to the honey bee colony.
- (J)(J) "Pollination" means the use of honey bees for the transfer of pollen in the production of agricultural crops.
- (J)(K) "Queen rearing apiaries" means any apiary in which queen bees are reared for sale or gift.
- (J)(L) "Serious bee disease" means any bee disease the director of agriculture determines to be a threat to the beekeeping industry within the state.
- ~~(K)(M) "USDA/EPA" means United States department of agriculture and the environmental protection agency.~~

901:5-55-02 Registrations.

- ~~(A) The department of agriculture, apiary section, shall make reasonable efforts to register all apiaries where~~

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~~honey bee colonies are kept in this state.~~ Pursuant to section 909.02 of the Revised Code, all persons required to register their apiary may find an application on the department's website www.agri.ohio.gov. Renewal registration applications are also available at the department's website.

- ~~(B) All deputy apiarists shall carry apiary registration applications, inspection reports, registration and disease printouts and anything else the director may require in carrying out the responsibilities of the apiary inspection work. Any unregistered apiaries shall be reported and a blank application given to the beekeeper if present during inspection.~~
- ~~(C) Renewal registration applications and no consent forms shall be mailed by the department of agriculture to all previously registered beekeepers, annually on or before the fifteenth of February.~~
- ~~(D)~~ (B) Honey bee colonies moved within this state for pollination purposes shall be returned to an Ohio registered apiary no later than ten days after the conclusion of the pollination service for the crop involved. Colonies which are not returned as required shall be considered a permanent apiary, which shall be registered in accordance with section 909.02 of the Revised Code. ~~Any honey bee colonies moved into this state from outside for the purposes of pollination shall be required to register.~~
- ~~(F)~~ (C) Any person moving honey bee colonies ~~moved~~ into this state ~~from outside~~ for the purposes of pollination shall ~~be~~ notify the department at least seven days prior to the shipment of bees into the state. The notice shall be accompanied by a current certificate of inspection by an authorized inspector from the state or country wherein shipment or movement originated. The certificate shall identify all pathogens and parasites diagnosed and any controls that were implemented. The owner shall provide an address, coordinates, map or description of the location where the hives will be placed as well as the period of time in which the bees will be at that location. If the hives are at a location for longer than two consecutive months, that location shall be registered as an apiary in accordance with section 909.02 of the Revised Code. ~~required to register.~~ These colonies may be inspected by the state or deputy apiarist.

901:5-55-03 Serious bee diseases.

Pursuant to section 909.03 of the Revised Code, ~~The~~ the following have been classified as serious bee diseases:

- (A) American foulbrood, ~~Bacillus larvae~~ = Paenibacillus larvae.
- (B) Varroa mite, Varroa ~~jaecobsoni~~ destructor.
- (C) Tracheal mite, Acarapis woodi.
- (D) Small hive beetle, Aethina tumida.
- (E) Nosema ceranae.
- (F) Tropilaelaps spp.
- (G) European foulbrood, Melissococcus plutonius.

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901:5-55-04 Inspection and procedures.

- (A) The state apiarist, deputy state apiarists, and deputy apiarists shall have the authority to inspect all apiaries and feral or unclaimed honey bee colonies.
- (B) In order to avoid cold damage to apiaries and colonies, inspections shall take place during those months when temperatures are above fifty degrees Fahrenheit, unless requested by the beekeeper.
- (C) All inspections shall be conducted using the inspection procedures, policies, and best management practices as detailed by the department in carrying out the inspection and enforcement of Chapter 909. of the Revised Code.
- (D) Inspection results shall be delivered to the beekeeper as soon as possible following the completion of the inspection.

901:5-55-05 No consent and search warrant.

- (A) Beekeepers may submit a signed and completed no consent form to the Department prior to March 15 of each calendar year.
- (B) Upon receipt of the completed form, the department will communicate to the county and associated deputy apiarist that the beekeeper has completed the form.
- (C) The department may work with the beekeeper to address the reason for no consent and find an appropriate time to inspect the apiary.
- (D) Pursuant to section 909.05 of the Revised Code, if the department is denied access to any premises where access is sought for the purposes of this section, the department may apply to any court of competent jurisdiction for a search warrant authorizing access to the premises for those purposes. The court, upon receiving the application, may issue the search warrant for the purposes requested.
- (E) The department may deny the issuance of and/or revoke any associated permits or certifications for an apiary that has filed a no consent form.

901:5-55-06 **Confirmation of disease.**

- (A) Any colony diagnosed by the state apiarist, deputy state apiarist, or deputy apiarist to have a serious bee disease shall be confirmed by the ~~Ohio~~ department ~~of agriculture~~ or an accredited diagnostic laboratory prior to an order for destruction pursuant to section 909.03 of the Revised Code is made~~if the colony is to be destroyed by the deputy apiarist in this state. If any destruction occurs it shall be conducted for Africanized honey bees and those diseases where destruction is considered to be a viable control method within the bee industry. Any samples shall be either a smear, comb, adult bee or the pest depending on the specific disease or problem diagnosed.~~ A copy of the sample test results shall be provided to the beekeeper. If the beekeeper requests, a sample shall also be provided at the time of inspection for his or her own independent analysis.
- (B) A copy of the sample test results shall be provided to the beekeeper. If the beekeeper requests, a sample**

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shall also be provided at the time of inspection for his or her own independent analysis.

901:5-55-07 Disease controls.

(A) If any serious bee disease is diagnosed or africanized bees are discovered in an apiary, the state apiarist, deputy apiarist, or deputy state apiarist shall provide notice to the bee keeper indicating:

(1) The results of the inspection and any evidence of the serious bee disease or africanized bees;

(2) The corrective actions, if any are available, that are needed to be taken by the apiary; and

(3) The time in which the apiary has to comply with the corrective actions.

(B) Failure to comply with the notice describe in paragraph (A) of this rule may result in an order of destruction pursuant to section 909.03 of the Revised Code and rule 901:5-55-06 of the Administrative Code.

901:5-55-08 **Special inspection fees.**

(A) Any inspections conducted by the state apiarist, deputy apiarist, or deputy state apiarist on honey bee colonies and used beekeeping equipment, entering this state, where the state or country of origin has no inspection facilities, shall be assessed a fee of fifty cents for each colony plus a flat rate of twenty dollars per day. ~~The inspection fee shall be due, upon the completion of the inspection and made payable to the Ohio department of agriculture.~~

(B) The inspection fee shall be due, upon the completion of the inspection and made payable to the Ohio department, of agriculture unless otherwise indicated.