

NEW MEXICO
BEE LAW
and
REGULATIONS



Issued by
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State Bee Inspector

State College, New Mexico
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FOREWORD

This publication is sent to you so that you as beekeepers will fully realize your obligation to the state in controlling diseases found in bees. The department having the enforcement of this law under its jurisdiction appeals to you for your full cooperation.

J. R. POE,
Chief State Bee Inspector.

Chapter No. 211

Fifteenth Legislature

State of New Mexico

House Bill No. 34

Introduced by

Albert Gonzales and Calla K. Eylar

AN ACT

Providing for the annual inspection of apiaries and beehives and honey produced, sold, or offered for sale in the State of New Mexico; providing for the licensing of apiaries and beehives in the State of New Mexico and for the licensing of apiaries in other states desiring to sell honey or bees in the State of New Mexico; providing for the issuance of certificates of inspection of apiaries and beehives within the State of New Mexico to make application for inspection and certificates or license to sell honey or bees within the State; fixing the fees for inspection and licenses or certificates; providing for the registration of apiaries and beehives having complied with the requirements of this Act and providing for the issuance of certificate bearing stamps to be affixed to honey sold or offered for sale in New Mexico. Defining apiaries, beehives, diseases and other items affected by the provisions of this Act; prohibiting the introduction of diseased colonies or uncertified honey; defining contagious diseases and authorizing and directing the Regents of the New Mexico College of Agriculture and Mechanic Arts, their agents or deputies, to make annual inspection of apiaries and beehives in this State; and further charging the Regents of the New Mexico College of Agriculture and Mechanic Arts, their agents or deputies with the full and complete enforcement of this Act and the adoption and promulgation of rules and regulations for the enforcement of the Act; and providing that the fees collected under the provisions of this Act are to be used for the enforcement of this Act and the Rules and Regulations adopted by the Regents for the enforcement of the Acts; and repealing Chapter 11 of the Session Laws of 1912, otherwise known as chapter 12, sections 478 to 498, inclusive, New Mexico Statutes, Annotated, Codification 1915, otherwise known as Chapter 14, sections 14-101 to 14-121 inclusive, New Mexico Statutes, Annotated, Codification 1929, and all other and parts of acts in conflict herewith and declaring an emergency; and providing penalties for the violation thereof.

BE IT ENACTED BY THE LEGISLATURE OF
THE STATE OF NEW MEXICO:

That Chapter 11 of the Acts of the Regular Session of the First Legislature as passed May 29, 1912, and codified June, 1915 (Ch. XII, Sec. 478-498, the same being Ch. 14, Sec. 14-101 to 14-121 inclusive, New Mexico Statutes annotated, codification, 1929) be, and the same is hereby amended so as to hereafter read as follows:

Section 1. Definitions.

The following terms used in this act shall be construed as follows:

Apiary shall be construed to mean any place where one or more colonies of nuclei of bees are kept.

Hives shall be construed to mean any receptacle or container made or prepared for the use of bees.

Appliance shall be construed to mean any implement or other device used in the manipulation of bees, or their brood, or containers thereof, which may be used in any apiary.

Contagious disease shall be construed to mean American foul brood or anything affecting bees or their brood, which may cause an epidemic.

Inspector shall be construed to mean any person authorized to enforce the provisions of this act, as herein provided.

Section 2. Contagious Diseases; Duty to Prevent.

That hereafter all bee-keepers, owners and possessors of bees, apiaries, beehives and apparatus pertaining to bees, bee-keepers, apiaries, and beehives shall keep the same properly protected and disinfected and free from all foul brood or other contagious diseases and shall notify the State Bee Inspector giving the number of colonies and the location thereof and naming the owner thereof on or before the first day of May of each year after this act shall become effective.

Section 3. Permitting Contagious Disease; Penalty.

That any person or persons who have in their possession or under their control any bees, beehives, bee-houses, combs or apparatus pertaining to bees or apiaries and who shall allow the same to become infected or diseased with any foul brood or contagious diseases, and who shall willfully and

knowingly permit them to remain in such condition shall be deemed guilty of a misdemeanor and upon trial and conviction before any justice of the peace may be fined in any sum not less than 50 dollars or more than 100 dollars or by imprisonment in the county jail not more than 30 days or by both such fine and imprisonment.

Section 4. State Inspector; Appointment.

That for the purpose of carrying out the provisions of this act, the Board of Regents of the New Mexico State College of Agriculture and Mechanic Arts shall appoint a State Bee Inspector and as such it shall be his duty to enforce the provisions of this act and to issue such rules, regulations, etc., as are hereafter required. He shall employ such assistants and deputy inspectors as may be necessary, submit to the approval and confirmation of the Board of Regents of the New Mexico College of Agriculture and Mechanic Arts. He shall make an annual report to the Board of Regents of the New Mexico College of Agriculture and Mechanic Arts, such report giving a detailed account of all funds received and disbursed, and for what purpose, as well as a full report upon all prosecutions, etc., made under the provisions of this Act.

Section 5. Powers.

The said State Bee Inspector shall have full and plenary power to deal with all contagious or infectious diseases of honey bees which, in his opinion, may be prevented, controlled or eradicated; and shall have full power and authority to promulgate and enforce such rules, ordinances, orders and regulations, and to do and perform such acts as, in his judgment, may be necessary to control, eradicate, or prevent the introduction, spread or dissemination of any and all contagious diseases of honey bees as far as may be possible, and all the rules, ordinances, orders and regulations of said State Bee Inspector shall have the force and effect of the law in so far as they conform to the general laws of this State and the United States. The State Bee Inspector, in the exercise of the power and authority herein delegated, shall have authority to prohibit the shipment or bringing into this State of any honey bees, honey, honeycomb, or articles or things capable of transmitting contagious or infectious diseases of bees from any State, territory or foreign country, except under such rules and regulations as may be adopted and promulgated by this act. The State Bee Inspector or his deputies shall not be required to give bond or security in any legal proceedings which he or they may institute or defend in any court of justice of this State.

Section 6. Id. Access; Interference.

Said inspector of bees and apiaries shall have access, ingress and egress to and from all apiaries, or places where bees are kept, in state, and any person who shall hinder, resist, impede in any way the inspector in the discharge of his duties shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not to exceed one hundred dollars, or not more than thirty days in the county jail.

Section 7. Inspection and Certification of New Mexico Apiaries and Hives.

The Board of Regents of the New Mexico College of Agriculture and Mechanic Arts, through the State Bee Inspector and deputies shall cause an inspection of all bees in the State of New Mexico, to be made by the State Inspector or his deputies, and if such apiaries, hives, and appliances are found to be free from foul brood or other such contagious diseases, the Regents of the New Mexico College of Agriculture and Mechanic Arts may issue a certificate according to the facts found upon such inspection which shall be valid for a period of one year. If it shall be found upon inspection that any apiaries or hives are not free from such contagious diseases then the certificate shall not be issued, and the State Inspector, his agents or deputies, shall direct sterilizing and cleaning up of foul brood and other contagious bee diseases provided that good judgment be exercised in such methods as to allow for the preservation of as much equipment such as hives, frames and wax as possible and that burning or total destruction be resorted to only in case of small isolated infections or where burning is the owners preference or in case the owner completely refuses to allow sterilization. The State Bee Inspector or his deputies may if necessary visit diseased apiaries or hives a second time upon the expiration of sufficient time necessary to determine the efficiency of the sterilization and cleaning for foul brood and other contagious diseases and when and only when said apiaries or hives are found free from foul brood and contagious diseases a certificate will be issued.

Section 8. State Beekeepers Must Have Certificate.

Hereafter all bee-keepers, owners and possessors of bees, apiaries and beehives in the State of New Mexico shall be required to apply for an annual inspection and certification by the State Bee Inspector as shall satisfy said inspector or his deputies

that they possess the knowledge necessary to operate bees, apiaries or beehives in such a manner as to prevent the spread of foul brood and other contagious diseases. The issuance of such certificate shall be accompanied by the payment of a fee 50 cents for 1 to 5 hives, \$1.50 for 6 to 10 hives and \$5.00 for 10 or more hives, said certificate being renewable each year on payment of same fee.

Section 9. Importing; Shipment; Certificate of Inspection.

It shall be unlawful to move bees from outside or adjoining states into any county within the State of New Mexico, unless accompanied by a certificate of inspection signed by the State Bee Inspector or his deputy, of the state in which they originated. Such certificates shall certify to the apparent freedom of the bees from contagious disease, and must be based upon an actual inspection of the bees themselves within a period of ninety days preceding date of shipment. The consignee of such bees is hereby required to file with the State Inspector within this state wherein the bees are to be located, a certified copy of said certificate. (This shall not apply to shipment of queen bees, by mail when in regular queen mailing cages). For violation of this section said owner, keeper or caretaker shall, on conviction thereof, be fined not less than fifty dollars nor more than one hundred dollars.

Section 10. Common Carriers Must Have Permit.

Common carriers shall not accept bees for shipment without a permit from a state inspector or deputy in charge of agriculture. If said bees are shipped from a state or county where there is no inspector, then the said common carrier shall have the same inspected at the terminus by an inspector before delivery. For violation of this section said common carrier shall on conviction thereof, be fined in any sum not to exceed one hundred dollars.

Section 11. Labelling of Package Honey for Sale.

There shall be attached to each and every container or package of honey offered for sale within the state of New Mexico a label permit upon which shall be printed a facsimile of the Seal of the New Mexico College of Agriculture and Mechanic Arts and the denomination of the respective stamp. Said stamps may be procured from the office of the State Bee Inspector in proper denomination to be affixed to 8 oz., 12 oz., 16 oz., 22 oz., 32 oz., 46 oz., 2½ lb. tin, 5 lb., 10 lb., and 60 lb. containers and shall be assessed at the rate of one-fourth cent per each pound indicated.

Section 12. Wholesale Marketing of Out-of-state Honey; Certification and Permit.

Every person, firm, or corporation not located in the State of New Mexico, engaged in the business of producing, or handling for sale, and desiring to sell such within the State of New Mexico, or firm or corporation within the State of New Mexico handling for sale or desiring to sell honey not produced in the State of New Mexico, are hereby required before offering for sale, soliciting orders, shipping, or storing honey into or within the State of New Mexico, to make application to the Regents of the New Mexico College of Agriculture and Mechanic Arts, their agents or deputies for a permit and a certificate certifying that the honey so produced, shipped into, or offered for sale within the State of New Mexico, is free from contagious diseases. Such application for such certificate shall be accompanied by an inspection and registration fee of \$15.00. The Regents of the New Mexico College of Agriculture and Mechanic Arts, their agents or deputies shall cause such certification of honey as above provided to be made provided that the Regents of the New Mexico College of Agriculture and Mechanic Arts, their agents or deputies may issue such certificate upon the basis of inspection made by the proper authorities of the state in which the honey is produced. Upon the issuance of such certificate, and the purchase of stamps in compliance with the label-stamp provision of this act, the persons, firms, or corporations to whom the certificate is issued shall have permission to ship, transport, store, or sell honey within the State of New Mexico through any agents, dealers, or other representatives provided that certificates issued under the provisions of this act may be revoked by the Regents of the New Mexico College of Agriculture and Mechanic Arts, their agents or deputies if any honey shipped into the state under authority of the certificate shall be found to lack the proper label-stamps or have been found to be affected with any disease as defined in this act.

Section 13. Ruled Unconstitutional.

Section 14. Revenue, Compensation and Expenses.

All monies collected under the provisions of this act shall be deposited in the treasury of the New Mexico College of Agriculture and Mechanic Arts and be expended for the purpose of administering the provisions of this act upon the order of the said Regents in the same manner as other funds of the college. The salaries and expenses of the State Inspector and deputies shall be likewise paid from this fund.

Section 15. Penalty.

Any person, firm, or corporation violating provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$50.00 nor more than \$100.00 and shall have in addition thereto their certificate for that year cancelled. Proceeds from fines collected from such misdemeanors shall be applied in payment of witness fees and costs. There shall be taxed as costs in each case the sum of \$25.00 which sum when collected shall be paid over to the person or persons instituting the prosecution as witness fees.

Section 16. Prosecutions for Illegal Sale of Honey.

Any person competent to testify as a witness may upon information and belief of the illegal sale of honey in violation of the provisions of this act within the state make complaint before any justice of the peace in any county in the state and upon such written evidence made in writing and duly sworn to as required by law the justice before whom such complaint is made shall issue a warrant for the arrest of the offender and shall fully inquire, examine into and try said cause as now provided for the trial of misdemeanor before a justice of peace.

Section 17. Repeal Laws.

Chapter 11 of the Acts of the regular session of the First Legislature and as shown in Chapter 12, Sections 478-498, codification of 1915, and as shown in Chapter 14, Sections 14-101 to 14-121 inclusive, New Mexico Statutes Annotated Codification 1929, and all other laws in conflict herewith are hereby repealed.

Section 18. Constitutionality.

If any part of this act shall be held invalid under the constitution, it shall not be held to abrogate the entire act or other parts thereof.

Section 19. Emergency Clause.

That it is necessary for the preservation of the peace, health and safety of the inhabitants of the State of New Mexico that the provisions of this Act shall become effective at the earliest possible time and therefore an emergency is declared to exist and this Act shall take effect and be in full force and effect after its passage and approval.

REGULATIONS

The following regulations are issued by the State Bee Inspector in accordance with the New Mexico Bee Law, Chapter 211, Section 4.

Regulation I. It is hereby ordered that on and after July 25, 1941, honey bees in the State of New Mexico shall be kept only in movable frame hives permitting of ready examination.

The keeping of bees in box hives, gums, logs, barrels, or other domiciles not equipped with movable frames permitting ready examination of all combs, is unlawful. Bees kept in any form of hive except one containing movable frames permitting ready examination are subject to treatment or destruction by the State Bee Inspector, his assistants, or inspectors at the owner's expense as provided by Section 5, Chapter 211.

Regulation II. It is hereby ordered that on and after July 1, 1941, no honey bees, used honey combs, used bee hives, used or second-hand apiary fixtures or appliances shall be moved or shipped from one county to another unless they are accompanied by a health certificate or special permit given by the State Bee Inspector, his assistants, or inspectors.

Regulation III. It is hereby ordered that on and after July 1, 1941, all apiaries or bee yards wherein American Foulbrood is known to exist, are hereby declared to be under quarantine. The removal of any and all bees, colonies, nuclei, combs, and apiary appliances, or fixtures is prohibited, except under such cases as the State Bee Inspector, his assistants, or inspectors may permit or approve. Such quarantine shall exist until such time as the State Bee Inspector, his assistants, or inspectors, shall determine and declare such apiary to be apparently free from American Foulbrood.