

## Tennessee Code Annotated

### Tennessee Apiary Act of 1995<sup>1</sup>

#### 44-15-101. Title -- Purpose.

(a) This chapter shall be known and may be cited as the "Tennessee Apiary Act of 1995."

(b) Honeybees are kept in beehives by beekeepers throughout the state, and many colonies of feral honeybees have established nests in hollow trees and in walls of buildings. These honeybees perform a pollination function that is essential to the propagation of many species of flowering plants in Tennessee. These flowering plants include many agricultural crops, wildflowers, and forest plants that are of great importance to all Tennesseans, and the honeybees are the major pollinator for most of these plants. Therefore, the state should take appropriate actions to help assure the continued availability of an adequate population of honeybee pollinators. Honeybees, like other animal species, are afflicted by a variety of contagious diseases and pests that can cause serious population reductions. The natural behavior of honeybees cause them to be interactive with bees from other colonies and therefore vulnerable to transmission of some diseases and pests. Therefore, persons involved in the keeping of bees in a given area can engage in beekeeping practices that will have a real and direct impact on the honeybees and beekeeping in surrounding areas. This chapter enables and provides for the development of regulatory programs for beekeeping activities in the state as may be needed to help protect honeybees from diseases, pests, and other threats that could seriously reduce the availability of the honeybee pollinators.

HISTORY: Acts 1995, ch. 402, § 2; T.C.A. § 44-15-201.

#### 44-15-102. Chapter definitions.

As used in this chapter, unless the context otherwise requires:

(1) "Abandoned apiaries" means an apiary that has not been subjected to at least the minimal beekeeping practices necessary to maintain the bees in a healthy, productive, and safe condition so that the honeybees and beekeepers in surrounding areas will not be adversely affected;

(2) "Advisory committee" or "ATAC" means the apicultural technical advisory committee that is established pursuant to this chapter;

(3) "Apiary" means a collection of one (1) or more colonies of bees in beehives at a location. A building or room in a building is considered to be the location of an apiary only if one (1) or more beehives containing colonies of honeybees are housed within that building;

(4) "Apiary inspectors" means those persons with relevant qualifications and beekeeping training who are employed by or working under contract with the department of agriculture for the purpose of implementing regulatory programs as directed by the state apiarist;

(5) "Appliances" means any apparatus, tools, machines or other devices used in handling and manipulating bees, honey, and wax that may be used in an apiary, or in transporting bees and their products and apiary supplies;

(6) "Bee disease or pest" means a condition in which a colony is infested/infected with a bacterial, fungal, viral, or parasitic condition or an organism that can or will affect the well-being of a colony;

(7) "Beekeeper" means any individual, association, corporation, or other entity who deliberately provides nesting sites for colonies of honeybees and attempts to establish and maintain colonies of honeybees at any location;

(8) "Bees" or "honeybees" means any developmental stage of any sub- species of the species *Apis*

mellifem;

(9) "Certification" means a voluntary training program approved by the department that when successfully completed authorizes the beekeeper to detect, identify, and control regulated bee diseases and pests in colonies under the management of that beekeeper;

(10) "Certified beekeeper" means any person who has successfully met the requirements of a voluntary certification program for beekeepers as approved by the state apiarist;

(11) "Colony" means all of the bees living together as one (1) social unit and may include the bee equipment in which the bees are living;

(12) "Commissioner" means the commissioner of agriculture or the commissioner's designated agent;

(13) "Department" means the Tennessee department of agriculture;

(14) "Feral bees" means those honeybees not kept in a beehive provided by a beekeeper and whose nest sites are usually located in a cavity within a tree or a building;

(15) "Hive" or "beehive" means that container or structure used by a beekeeper to provide a cavity in which a colony of bees is expected to establish a permanent nest;

(16) "Registered apiary" means an apiary location that has been properly registered with the department as required by this chapter;

(17) "Registered beekeeper" means a beekeeper whose apiaries are properly registered with the department;

(18) "Regulated bee disease" or "regulated pest" means a bee disease or pest that presents a significant threat to the population of honeybees and for which regulatory actions can be taken to mitigate that threat; and

(19) "State apiarist" means that person employed by the department who has the qualifications prescribed by this chapter and has been designated as state apiarist by the commissioner.

HISTORY: Acts 1995, ch. 402, § 3; T.C.A. § 44-15-202.

#### **44-15-103. State apiarist.**

(a)(1) The commissioner shall appoint a state apiarist, subject to any applicable rules or qualifications established by the department of human resources. The state apiarist is responsible for the apiary work of the department of agriculture and, with the necessary assistants, is charged with the duty of enforcing this chapter. The person designated as state apiarist shall have, as a minimum, a college degree in one (1) of the biological sciences and a minimum of five (5) years apiary experience.

(2) The state apiarist is responsible for developing, implementing, and administering the apiary program needed to satisfy the objectives and provisions of this chapter, and shall have the duty of enforcing those rules and regulations promulgated pursuant to this chapter.

(b) The commissioner may appoint, in accordance with any applicable personnel rules and regulations, such assistants, apiary inspectors, and other employees as may be required, and to prescribe their duties; to delegate to apiary inspectors and other employees such powers and authority as may be deemed proper within the limits of the power and authority conferred upon the commissioner by this chapter.

(c) The state apiarist and the apiary inspectors may provide educational literature and may conduct

training programs for beekeeping on topics related to prevention, detection, and control of bee diseases and pests and other topics that will help beekeepers maintain needed populations of honeybees. The literature and training programs may be developed and conducted in cooperation with the extension apiculturist at the University of Tennessee.

(d) The state apiarist and all apiary inspectors may own colonies of bees and engage in beekeeping activities on their own time, and their beekeeping activities will be subject to the same rules and regulations as applied to all other beekeepers. The department shall not prohibit such activities but may develop guidelines to avoid interference with work responsibilities and to prevent conflicts of interest.

HISTORY: Acts 1995, ch. 402, § 4; T.C.A. § 44-15-203.

#### **44-15-104. Cooperative agreements.**

The commissioner is authorized to enter into cooperative agreements and/or grants with any person, municipality, county and other departments of this state, and boards, officials and authorities of other states and the United States for inspection with reference to infectious and contagious diseases and regulated pests of honeybees, and for their control and eradication.

HISTORY: Acts 1995, ch. 402, § 5; T.C.A. § 44-15-204.

#### **44-15-105. Registration of apiaries.**

(a) Every beekeeper owning one (1) or more colonies of bees shall register each apiary location by January 1, 1996, and every three (3) years thereafter. Upon establishment of a new apiary location, it is the duty of the owners or operators of the apiary to register the new locations within thirty (30) days. Any person, firm, or corporation moving bees into the state shall register all apiary locations within thirty (30) days from the date of the establishment of each apiary.

(b) If an unregistered apiary is found, the state apiarist or any apiary inspector shall make a reasonable effort to locate the owner of the bees and notify the beekeeper by means of a registered letter of the registration requirements and the consequences of noncompliance.

(c) The state apiarist shall issue to each beekeeper with one (1) or more registered apiaries a unique registration number that will be used for apiary identification purposes.

HISTORY: Acts 1995, ch. 402, § 6; T.C.A. § 44-15-205.

#### **44-15-106. Moveable frames.**

Each beekeeper is required to provide moveable frames in all hives used by that beekeeper to contain bees, so that any such frame can be removed from the hive and inspected for any regulated diseases and pests. Any beekeeper having a colony of bees living in any beehive or other container that does not have moveable frames may be ordered by the state apiarist to transfer the bees into a hive with moveable frames within a specified period of time. If the beekeeper does not make the transfer within the specified time period, the state apiarist shall have the authority to confiscate the bees and hive or hives.

HISTORY: Acts 1995, ch. 402, § 7; T.C.A. § 44-15-206.

#### **44-15-107. Inspection program.**

The state apiarist, assisted by the apiary inspectors identified in this chapter, has the authority and responsibility to establish and implement a program for inspection of apiaries throughout the state for the purpose of detecting regulated bee diseases and pests and for implementing control measures as needed to minimize the adverse impacts of those diseases and pests on the honeybee population in the state. The apiary inspection program will be conducted in accordance with standard procedures that are

developed by the state apiarist. The state apiarist may require or supervise the treatment, destruction, or disposition of diseased bees or contaminated bee equipment or bee supplies in accordance with rules and regulations promulgated under the authority of this chapter. Any apiary inspector duly authorized by the state apiarist has the authority to go upon any public or private property for the purpose of conducting an inspection of an apiary located on that property. The inspector shall make a reasonable effort to notify the beekeeper of a planned inspection prior to the actual inspection.

HISTORY: Acts 1995, ch. 402, § 8; 1999, ch. 192, § 1; T.C.A. § 44-15-207.

#### **44-15-108. Sale or movement of bees.**

(a) No bees may be sold, offered for sale, moved, or transported, shipped or delivered within the state, unless they have been inspected by an appropriate official of the state and certified to be apparently free of infectious or contagious regulated bee diseases and pests in accordance with rules and regulations promulgated under this chapter.

(b) All persons desiring to move bees, hives, slungums, used beekeeping equipment or appliances into the state must apply to the department for a permit. The application shall be accompanied by a certificate of health certifying that all bees, hives, slungums, used beekeeping equipment or appliances have been inspected by an authorized official within thirty (30) days prior to transportation into Tennessee, and that the bees, hives, slungums, used beekeeping equipment or appliances were found apparently free from any regulated diseases or pest.

HISTORY: Acts 1995, ch. 402, § 9; T.C.A. § 44-15-208.

#### **44-15-109. Duty to report disease or pest -- Authority to inspect.**

(a) If a beekeeper knows that a colony of bees has a regulated bee disease or pest, the beekeeper shall immediately report to a state apiary inspector all facts known about the bee's disease or bee's pests.

(b) If any apiary inspector has substantial reason to believe that a feral colony of bees may be harboring any regulated bee disease or pest, the inspector has the authority to enter onto any property, public or private, to locate and examine that feral colony of bees. The examination of a feral colony and any subsequent regulatory activity must be conducted in accordance with rules established by the department.

HISTORY: Acts 1995, ch. 402, § 10; T.C.A. § 44-15-209.

#### **44-15-110. Quarantine.**

(a) The state apiarist and the duly authorized apiary inspectors have the power and authority to declare a quarantine on any apiary found to be infected/infested with any regulated bee diseases or pests. Immediately after the apiary is declared to be infected/infested, a quarantine notice will be presented to the beekeeper and will include specific instructions as to required actions by the beekeeper. The appliances directly associated with that apiary shall be under quarantine and shall be subject to regulatory actions imposed by the department. The commissioner may declare a geographical area quarantine against any county, group of counties, region, or state where a regulated bee disease or pest is found in a sufficient number of apiaries that the infestation can be considered endemic. However, bees may not be moved from the quarantine area except by permission from the state apiarist or an apiary inspector.

(b) It is unlawful for any person in the state to participate in or conduct a deliberate act that exposes free-flying honeybees to a known source of any regulated bee disease or pest or to any substance commonly known to kill bees. This section does not apply to farmers, gardeners, or others who are using legally registered pesticides in strict compliance with the label instructions. The deliberate acts that are prohibited include, but are not limited to, the following:

(1) Placing in a location that is accessible to free-flying honeybees any beeswax combs, beekeeping equipment, honey, or other substance known to be attractive to honeybees and capable of transmitting bee diseases or pests and known to have been in contact with or associated with sources of regulated bee diseases or pests;

(2) Placing in a location that is accessible to free-flying honeybees any honey, sugar syrup, corn syrup, or other substance known to be attractive to bees and to which some pesticide or other substance harmful to honeybees has been added; or

(3) Producing, making, releasing, or otherwise causing any spray, smoke, fog, dust, or other substances to enter a beehive for the purpose of killing the bees therein except as requested by the owner of the bees or as required by a state regulatory order.

HISTORY: Acts 1995, ch. 402, § 11; T.C.A. § 44-15-210.

#### **44-15-111. Certification program.**

(a) The department may authorize establishment of a certification program whereby beekeepers who successfully complete the requirements of the program will be certified to have demonstrated the knowledge and skills needed to effectively detect, identify, and control regulated bee diseases and pests. The state apiarist will develop and administer any regulatory certification program that is established.

(b) The beekeeper certification program shall be a voluntary program, and any applicant must successfully complete the program requirements to become a certified beekeeper. Each person who becomes certified will be granted certain privileges with regard to regulatory requirements promulgated pursuant to this chapter.

HISTORY: Acts 1995, ch. 402, § 12; T.C.A. § 44-15-211.

#### **44-15-112. Used beekeeping equipment.**

No person shall sell or give to any other person any used beekeeping equipment until the equipment has been sanitized by a method approved by the state apiarist. This requirement will not apply to equipment that is occupied by live bees.

HISTORY: Acts 1995, ch. 402, § 13; T.C.A. § 44-15-212.

#### **44-15-113. Entry permit -- Inspection certificates.**

(a) Any person wanting to move live bees in beehives or empty brood combs (combs that have been used for rearing bee brood) into the state must apply to the department for an entry permit. The application shall be accompanied by a certificate of health from the originating state's regulatory agency certifying that all bees and beehives and used brood combs have been inspected by an authorized official thirty (30) days prior to transportation into Tennessee. The certificate of health must show what diseases and pests were found as a result of the inspection. The state apiarist shall review the application and the health certificate and will determine whether or not an entry permit shall be granted and what conditions or requirements must be met prior to entry.

(b) Any person, firm or corporation transporting colonies or used beekeeping equipment into, within, or through the state must secure the hives and equipment in such a manner as to prevent the escape of bees.

(c) The state apiarist and all apiary inspectors shall be empowered to intercept any person or persons transporting colonies or appliances to determine if the person or persons have the required inspection certificates.

(d) Colonies, beehives, slungums, used bee equipment or appliances brought into this state in violation of this chapter or any applicable rules and regulations of the department shall be removed by the owner from this state and returned to their state of origin within five (5) days after notification by the department. Failure to comply may result in confiscation as provided in § 44-15-117 without any remuneration to the owner.

HISTORY: Acts 1995, ch. 402, § 14; T.C.A. § 44-15-213.

**44-15-114. Penalty.**

Any person violating any of the provisions of this chapter or the rules and regulations made under this chapter, or of any order or notice given pursuant thereto, or who shall forge, counterfeit, destroy, or wrongfully or fraudulently use, any certificate, permit, notice or other like document provided or who impedes, hinders or otherwise prevents, or attempts to prevent, the commissioner or the commissioner's duly authorized agent from performing the official's duty in connection with this chapter, may, in a lawful proceeding pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, be assessed a civil penalty of not more than five hundred dollars (\$500) for each violation.

HISTORY: Acts 1995, ch. 402, § 15; T.C.A. § 44-15-214.

**44-15-115. Disposition of funds.**

All fees, fines, and proceeds resulting from the sale of seized properties collected under this chapter shall be paid into the general fund and the same are appropriated exclusively to the department to be used in carrying out this chapter.

HISTORY: Acts 1995, ch. 402, § 16; T.C.A. § 44-15-215.

**44-15-116. Experimental apiaries.**

The state apiarist is empowered to establish or to authorize establishment of apiaries for experimental purposes associated with research on or evaluation of conditions related to any bee disease or pest.

HISTORY: Acts 1995, ch. 402, § 17; T.C.A. § 44-15-216.

**44-15-117. Disposition of confiscated bees and beehives.**

All bees and beehives confiscated by the state apiarist as allowed by this chapter shall be destroyed by burning if the state apiarist determines that the confiscated property is infested with a regulated disease or pest to such an extent that it presents a significant and unacceptable threat to bees in the surrounding area. The state apiarist is allowed to use or to authorize use of confiscated property for experimental purposes. Otherwise the property may be donated to any college or university within the state that requests the property for research or educational purposes or disposed of at the discretion of the commissioner.

HISTORY: Acts 1995, ch. 402, § 18; T.C.A. § 44-15-217.

**44-15-118. Preventive measures.**

After inspection of infected/infested bees or fixtures, or handling diseased bees, the state apiarist or assistants, before leaving the premises on which disease is found, or proceeding to any other apiary, shall take such measures as to prevent the spread of the disease or pests by infected/infested material adhering to that person's or persons' body or clothing, or any tools or appliances used by the state apiarist or any assistants that have come in contact with infected/infested materials.

HISTORY: Acts 1995, ch. 402, § 19; T.C.A. § 44-15-218.

**44-15-119. Unlawful activities.**

It is unlawful for any person to knowingly give false or misleading information in any matter pertaining to the enforcement of this chapter, or to resist, impede, or hinder the state apiarist or any duly authorized apiary inspector in the discharge of duties as described in this chapter.

HISTORY: Acts 1995, ch. 402, § 20; T.C.A. § 44-15-219.

**44-15-120. Honey storage and handling.**

(a) Honey can be contaminated with certain organisms that can cause disease in honeybees. Therefore, honey containers and beekeeping equipment that are wet with honey shall be stored, transported, and handled in such a way that free-flying honeybees will not be able to gain access to that honey.

(b) No candy or other food containing honey shall be used in queen mailing cages.

HISTORY: Acts 1995, ch. 402, § 21; T.C.A. § 44-15-220.

**44-15-121. Previous rules and regulations revoked -- Authority to promulgate new rules.**

(a) All rules and regulations previously promulgated on the subject matter of this chapter are revoked.

(b) The department shall promulgate rules and regulations pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, to effectuate the purposes of this chapter.

HISTORY: Acts 1995, ch. 402, § 22; T.C.A. § 44-15-221.

**44-15-122. Charges.**

In order to recover departmental costs, the commissioner is authorized to charge for the use of equipment and materials in providing technical assistance to beekeepers.

HISTORY: Acts 1995, ch. 402, § 24; T.C.A. § 44-15-222.

**44-15-123. Indemnity for destruction.**

The commissioner may establish procedures for the payment of indemnities for honey bee colonies destroyed under the authority of this chapter. Indemnity under this section is not intended to be a full reimbursement but a partial compensation based on, but not limited to, the value of the colonies and the availability of funds for this purpose. Indemnification may be disallowed if the owner is in violation of this chapter.

HISTORY: Acts 1999, ch. 274, § 1; T.C.A. § 44-15-223.

**44-15-124. Restrictions on keeping honeybees in hives.**

No county, municipality, consolidated government, or other political subdivision of this state shall adopt or continue in effect any ordinance or resolution prohibiting the establishment or maintenance of honeybees in hives, provided that such establishment or maintenance is in compliance with this chapter. This section shall not be construed to restrict or otherwise limit the zoning authority of county or municipal governments; provided, however, that a honeybee hive being maintained at a location in compliance with applicable zoning requirements on June 10, 2011, shall not be adversely affected and may be maintained at the same location notwithstanding any subsequent zoning changes.

HISTORY: Acts 2011, ch. 463, § 1.

**44-15-125. Liability for personal injury or property damage.**

(a) Any person who has registered an apiary pursuant to § 44-15-105, is otherwise in compliance with this part and operates such apiary in a reasonable manner shall not be liable for any personal injury or property damage that is caused by the keeping and maintaining of:

(1) Bee equipment, queen breeding equipment, apiaries, affiliated appliances that are located on such apiary;  
or

(2) Bees that nest in a beehive that is located on such apiary.

(b) The limitation of liability established by this section shall not apply to intentional tortuous conduct or acts or omissions constituting gross negligence.

HISTORY: Acts 2011, ch. 474, § 1.

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<sup>i</sup> Current as of the end of the 107<sup>th</sup> General Assembly