

Texas Laws, Rules and Regulations

BY Cameron Crane

Within the Harris County Beekeepers Association there was a bit of discussion last year about various Texas laws, regulations, rules and licensing. With a nice break this holiday season, I have compiled some references and information. There are a number of things that also pertain to commercial beekeepers as well as quite a bit of law on labeling honey and marketing “honey like” products that are not honey. I will save that for another article. I have worked diligently to get clarifications and present accurate information. Many of the details, interpretation and implementation of the law was left to the Texas Apiary Inspection Service.

Most of the bee law is covered in the TEXAS AGRICULTURE CODE: TITLE 6. PRODUCTION, PROCESSING, AND SALE OF ANIMAL PRODUCTS -SUBTITLE A. BEES AND NONLIVE-STOCK ANIMAL INDUSTRY -CHAPTER 131. BEES AND HONEY

This 20 page document can be found at:

http://tais.tamu.edu/regs/pdf/ag_006_00_000131_00.pdf

Donald Burger is an attorney at law and a member of Houston Beekeepers Association. Donald spoke to the Harris County Beekeepers Association last year about bee friendly plants and planting for your bees. He has an excellent overview of bee law in Texas on his website: <http://www.burger.com/beelaw.htm> I have pulled from and added to his work for the scope of this article. Thank you, Donald.

Here, I will recap the major points that pertain to most beginner beekeepers. The major focus of this article is to fill in the hobbyist beekeeper (or hobbyist moving up to a small operation) on what they should know. Below I use *italics* where I've directly copied the text of the code (law.)

First, a couple of the State's definitions: A beekeeper includes one who owns one colony of bees for personal use. Thus, the regulations in Chapter 131 are not just aimed at large commercial beekeepers. The code also defines “Disease” as American foulbrood, European foulbrood, any other contagious or infectious disease of honey bees, or parasites or pests that affect bees or brood. Much of the law is focused on preventing and controlling diseases and the structure to do so. This is all handled through **TAIS** (Texas **A**piary **I**nspection **S**ervice) . One of the chief duties of the Inspector is disease control. “Inspector” means the chief apiary inspector of Texas.

Paul W. Jackson is the State Entomologist & Chief Apiary Inspector at the Texas Apiary Inspection Service Entomology Dept. Texas A&M University.

131.021. POWERS AND DUTIES OF CHIEF APIARY INSPECTOR. In brief, the Inspector can “*adopt rules and act as necessary to control, eradicate or prevent the introduction, spread, or dissemination of contagious or infectious diseases of bees*”.

131.022. QUARANTINES. Note: there are no quarantines at this time, we'll move on.

131.023. SALE OF QUEEN BEE AND ATTENDANTS, PACKAGE BEES, AND NUCLEI. In summary, a person may not sell queen bees and attendant bees, package bees, nuclei or queen cells in Texas unless the bees are accompanied by a copy of a certificate from the Inspector certifying that the apiary has been inspected not more than twelve months before the date of shipment and found “apparently free from disease” or a copy of an affidavit made by the beekeeper stating that, to his knowledge, the bees are not diseased and the honey used in making the candy in the

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queen cage has been diluted and boiled for at least thirty minutes in a closed vessel.

Section 131.025 DUTY TO REPORT DISEASED BEES. *If a beekeeper knows that a colony of bees is diseased, the beekeeper shall immediately report to the chief apiary inspector all facts known about the diseased bees.*

Sections 131.041 PERMIT FOR IMPORT, 131.042 PERMIT TO EXPORT. Both beyond the scope here, except to note: 131.041 Importing (e) *This section does not apply to a shipment of live bees in wire cages without combs or honey.* If you are looking to purchase colonies (bees and used equipment) from **out of state**, you should look this code up and read it.

131.043. PERMITS FOR INTRASTATE SHIPMENT. Bottom line: If you are moving more than 12 hives across county lines you need to apply for a permit (\$35) at least 10 days before. The permit will be good for the remainder of the fiscal year (Sept.1-Aug.31). The application asks for: Who, what, where and approximately when.

(131.043) (e) *An individual who owns not more than 12 colonies of bees is exempt from the permit fee charged ...*

Having some additional questions, I called TAIS and was fortunate that one of the inspectors was in and available to talk with me. I talked to Bill Baxter, Assistant Foulbrood Inspector. Bill said that if you have 12 or more hives that are located in the same county you are not required to have an Intrastate Permit as none of them would be crossing county lines. I asked what if someone had an apiary with more than 12 hives in one county and also had a few hives in another county, say, at their home? Bill replied, "Technically, an intrastate permit would be good in this situation. One would assume that at some point in time, a beekeeper, in various designs of hive management, would move bees and/or comb between counties in process of strengthening or equalizing colonies in one county or another. Comb can spread disease without any bees on it, (the) reason for wording of 'bees and equipment'."

131.044. CERTIFICATE OF INSPECTION. *must file a written request for the inspection with the chief apiary inspector.* The code goes on to set minimum fees based on the logistics of location and if it is queen apiary etc. IF you have more interest in having an inspection, I'd suggest following the link at the beginning of this article and go to page 12, read section 131.044, then contact the TAIS to find out the specific fees for your location and situation.

131.045 APIARY REGISTRATION. This provides for registration of apiaries. Remember that an apiary is defined as a place where six or more colonies of bees or nuclei of bees are kept. The registration must include the beekeepers name, address and telephone number, the county or counties in which the apiary will be located and the approximate dates that the apiary will be located in each county. The registration form on the TAIS website states that registration is free.

According to TAIS Lead Office Associate, Linda Sebesta: "Registration is optional (one time only unless you change or add locations) and there is no fee. Your seasoned beekeepers are probably confusing Intrastate Permits with Registration. Intrastate Permits are \$35.00 yearly and are needed if you are moving bees or have bees and/or equipment in more than one county in Texas."

131.061. *IDENTIFICATION REQUIRED. A person may not operate an apiary in this state unless the apiary equipment is:*

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- (1) clearly and indelibly marked with the name and address of the person; or*
- (2) branded in accordance with Section 131.064 of this code with a brand registered to the person by the chief apiary inspector.*

This is very clear wording, if you have 6 or more hives in one place, it is an apiary and that apiary equipment is required to be mark as per above: Name and address or the Brand (a Texas state assigned number.)

Sec. 131.062. BRAND; REGISTRATION.

- (a) The chief apiary inspector shall maintain a system of registration of apiary equipment brands to identify equipment used by a beekeeper in an apiary.*
- (b) Each brand shall consist of three numbers separated by hyphens, with the first number signifying that the brand is a state-registered brand, the second number identifying the registrant's county of residence, and the third number identifying the registrant.*

Note that "brand" is referring to a State (TAIS) issued number and not a logo or trademark.

Sec. 131.063. REGISTRATION OF BRAND; FEE. (a) The chief apiary inspector shall register a brand for each person who applies for a brand and pays a recording fee.

Branding is \$10.00 and is a one time fee. The application form has to be requested from the TAIS office. It is a duplicate form and requires the beekeeper to fill out part of it and return it to the TAIS office at Texas A&M at which time they issue your bee brand number and send the top copy back to the beekeeper.

Sec. 131.064. AFFIXING BRAND TO EQUIPMENT. A registrant shall affix the registered brand to his or her apiary equipment by burning or pressing the brand, in figures at least three-quarters of an inch high, into the wood or other material in a manner that shows the identification of equipment. The registrant shall affix the brand on one or both ends of the hive. On other equipment, including a frame, intercover, top, bottom, or plank, the registrant may affix the brand in any place.

Sec. 131.065 is about transferring of a brand, which can only be done if the seller is selling all the bees and equipment and the Inspector approves the transfer, other wise:

- (c) A person may sell an individual piece of branded equipment, but the brand is not transferred to the buyer. If the buyer of the equipment has a brand, the buyer shall affix the buyer's brand below the brand of the prior owner.*

There are many regulations and requirements about quarantined areas or counties in the TEXAS AGRICULTURE CODE. In early January 2013, TAIS Lead Office Associate, Linda Sebesta reports, "There are no counties or areas under quarantine in Texas at this time." So, I did not cover the extensive regulations on quarantines.

Two other hot topics of discussion have been hive removals and the new Beekeeping Agricultural Exemption.

Hive removal: I have had a few beekeepers tell me you have to have a license or permit to remove bees. Sometimes they included the words on private property or a structure. Paul W. Jackson addresses this in the July 2007 TAIS Newsletter "BEE AWARE".

Straight from Paul in that newsletter:

The Apiary Inspection Service was notified this month that House Bill 2458 has passed and will be effective starting September 1, 2007. Beekeepers will not be required to register with the Structural Pest Control Board anymore; however, they must register with the Texas Apiary Inspection Service (enclosed is a copy of section 1.05 for you to review).

SECTION 1.05. Section 1951.056 (a), Occupations code, is amended to read as follows:

(a) Except as provided by Sections 1951.212 and 1951.457(c), this chapter does not apply to a person acting as a beekeeper, as defined by Section 131.001, Agricultural Code, who:

(1) is registered with the [board and with the] chief apiary inspector as provided by Subchapter C, Chapter 131, Agriculture Code;

(2) does not use pesticides or electrical devices other than conventional bee smokers or equipment as defined by Section 131.001, Agriculture Code; and

(3) collects, removes or destroys honey bees. (Original wording about structures was removed in legislative session 80R, House Bill 2458)

So, Beekeepers can remove bees from structures, but look at item (2) of the bill. You cannot use pesticides or electrical devices such as D-Vacs or similar equipment. Use only normal beekeeping equipment listed in section 131.001 of the Agriculture Code. I know many beekeepers are happy that these items have changed, but check your liability insurance and be responsible for your actions. - Paul Jackson

Not understanding a clear "if and when" you needed a permit, I asked Inspector Bill Baxter about several scenarios of removing bees and the answer for each was generally the same, "IF YOU CHARGE MONEY FOR A REMOVAL YOU HAVE TO HAVE A PERMIT." Bill also emphasized that you had to be a beekeeper. They were having some problems with people doing removal without being registered with the Pest Control Board (they would claim to be a beekeeper because they have a bee suit and were trying to get around the licensed pest control application/fees, I guess.) Bill also made a point about NO PESTICIDES.

My personal note: Be sure you are aware of the liabilities involved in working with bees and doing any type of bee removal. Proper liability insurance is a safe and sensible idea. If you are doing a removal, be sure there is a clear understanding about what you are going to do and not going to do before starting.

Beekeeping Ag Exemption: Texas laws changed in 2011 to include Beekeeping as qualifying for a tax exemption with the County Appraisal District. I think this has gotten a lot of land owners interested in an Ag Exemption and, perhaps, bringing new people to beekeeping. The subject really goes beyond the scope of this article but is a personal interest of mine, and there seems to be a lack of understanding by many beekeepers. I have decided to save this for a follow-up article. One note, Texas State Law specifies this exemption applies to land that is between 5-20 acres.

I hope that I, with the help of the Texas State Apiary Inspection Service, have helped clear up some of the confusion.

It's time for me to get some more equipment built so I can have enough hives to get an Ag Exemption on my 13.3 acres.

Joyful Beekeeping,

Cameron Crane



Many Thanks to Paul Jackson, Bill Baxter, Linda Sebesta from TAIS and Donald Burger of the Houston Beekeepers Assoc.



REGISTRATION APPLICATION



APIARY INSPECTION SERVICE
DEPARTMENT OF ENTOMOLOGY
TEXAS A&M UNIVERSITY
COLLEGE STATION, TEXAS 77843-2475

Please fill in the blanks below and return this to us at the above address or fax it to us at (979)845-0983.

NOTE: This is for Registration only. This is NOT a permit to move bees or equipment.

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NAME _____ DATE _____

ADDRESS _____ DATE OF INSPECTION _____

_____ PHONE# _____

E-mail Address _____

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COUNTY AND GENERAL LOCATION THAT BEES ARE IN

NOTES: _____

There is no fee for registering your bees. Any questions can be directed to this office, (979) 845-9713.



INTRASTATE APPLICATION



APIARY INSPECTION SERVICE
DEPARTMENT OF ENTOMOLOGY
TEXAS A&M UNIVERSITY
COLLEGE STATION, TEXAS 77843-2475

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NAME _____ DATE _____

ADDRESS _____ DATE OF INSPECTION _____

_____ PHONE# _____

E-mail Address _____

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To obtain your permit, please send \$35.00. If you have not been inspected, a notarized affidavit is required. Please fill out the section below and have it notarized.

I, _____, do hereby swear that to the best of my knowledge my bees are free of any contagious and infectious diseases of honeybees.

Signature _____

NOTARY PUBLIC _____ My commission expires _____

SEAL

=====

TOTAL NUMBER OF COLONIES TO BE MOVED _____

TOTAL NUMBER OF EQUIPMENT TO BE MOVED _____

LIST COUNTIES

COUNTY	GENERAL LOCATION	# OF COLONIES	MISC.

If you need more space, please use the back of this application. Any questions can be directed to this office, (979) 845-9713.