
NEW JERSEY STATUTES ANNOTATED

TITLE 4

AGRICULTURE AND DOMESTIC ANIMALS

CHAPTER 6

DISEASES OF BEES

4:6-1. Definitions

As used in this chapter:

- a. "Department" means the department of agriculture.
- b. "Disease" unless otherwise herein limited or enlarged means the diseases known as American foulbrood or European foulbrood or other discoverable, contagious or infectious bee disease.

4:6-2. Study of outbreaks

The department shall study and investigate or cause to be studied and investigated, outbreaks of any bee disease and other conditions unfavorable to the development of bees within the state.

4:6-3. Infested colonies or apparatus as nuisance

A colony of honey bees, or apparatus used in bee-keeping, known to be infested with American foulbrood or European foulbrood or other serious, discoverable, contagious or infectious bee disease is hereby declared a public nuisance and subject to abatement as provided in this chapter.

4:6-4. Investigation of apiaries

The department shall investigate or cause to be investigated all apiaries or other places where bees are kept or raised in this state and all complaints of the existence of diseases of any kind in apiaries or other places where bees are kept or raised in this state.

4:6-5. Inspection of apiaries raising queen bees for sale

A person in this State engaged in the rearing of queen bees for sale shall have his apiary inspected at least twice during each summer and a person who shall fail to comply with this requirement shall be liable to a penalty of \$200.00. The department shall inspect all such apiaries at least twice each season, when requested by the owner.

Amended by L.1977, c. 159, s. 1, eff. July 14, 1977.

4:6-6. Certification of apiaries raising queen bees for sale

Whenever the department shall find any apiary where queen bees are raised for sale to be free from disease, as defined in section 4:6-1 of this title, he shall furnish the owner with a certificate to that effect. The certificate shall state the date of its expiration. It may be revoked at any time the department shall find evidence of the appearance of disease as defined in said section 4:6-1 in the queen rearing yard.

4:6-7. Notice to owner of diseased apiary

Whenever in the course of the inspections or investigations made or carried on by the department as provided in this chapter, it shall become aware of the existence of disease as defined in section 4:6-1 of this title in any apiary or colony of bees, it shall notify the owner or manager of the infested or diseased apiary or colony of the character of the infestation and of the treatment to be administered for the eradication of such disease.

4:6-8. Contents of notice and order for treatment

The notice and order for treatment, referred to in section 4:6-7 of this title, shall be in writing and shall specify the time within which the prescribed treatment shall be administered, which shall not be less than eight days after the service of the notice. The directions for treatment shall be written or printed and may consist of a bulletin or other publication of the department or of the state agricultural experiment station.

4:6-9. Quarantine provision included in notice and order

In order to prevent the spread of the disease as defined in section 4:6-1 of this title between the time of its discovery and its eradication the notice and order shall include a provision placing the bee yard and equipment, of which the infected colony or equipment is a part, under quarantine forbidding the removal, sale, barter or giving away of the whole or any part thereof until the quarantine is lifted in whole or in part by written notice from the department.

4:6-10. Type of hives required; seizure of other types as nuisances

On and after July first, one thousand nine hundred and thirty-nine, it shall be unlawful for any person, firm or corporation to keep or to maintain honey bees in any hives other than modern, movable, frame hives which permit the thorough examination of every comb in order to detect the presence of bee diseases. All other types of boxes or receptacles for bees which are in use after July first, one thousand nine hundred and thirty-nine, are hereby declared to be a public nuisance, and a menace to the community, and the Department of Agriculture may seize and destroy the same without remuneration to the owner.

Amended by L.1939, c. 104, p. 385, s. 1.

4:6-11. Compliance with orders; powers in case of noncompliance

The person upon whom the notice and order, referred to in sections 4:6-7 to 4:6-10 of this title, is served shall comply with it in all respects within the time limited in such notice and order. Upon failure to comply with the notice or order to treat or transfer bees, the department may give such assistance or take such summary action as, in its judgment, is necessary to prevent the spread of disease, as defined in section 4:6-1 of this title even though such action involves, in extreme cases, the immediate destruction of bees and equipment without compensation.

4:6-12. Keeping of infested bees; penalty

No person shall have or keep in his possession or in an apiary, a colony of bees infested by the diseases known as American foulbrood or European foulbrood or by any other disease which is contagious or infectious in its nature and injurious to honey bees in their egg, larvae, pupal or adult stages, and a person who shall have or keep in his possession any colony of bees so infested, after notice of the existence of the disease given as provided in sections 4:6-7 to 4:6-9 of this Title, shall be liable to a penalty of \$200.00.

Amended by L.1977, c. 159, s. 2, eff. July 14, 1977.

4:6-13. Sale or removal of infested bees or materials; penalty

No owner or other person having diseased bees or their larvae, or infested hives, combs or other appliances or utensils for keeping bees, shall expose, sell, barter or give away or permit the removal thereof until after treatment has been administered as prescribed by the department, and such bees, larvae, hives, combs or other appliances or utensils shall not be exposed, sold, bartered or given away after treatment until they are declared safe and written permission is given by the department.

A person who shall violate this section shall be liable to a penalty of \$200.00.

Amended by L.1977, c. 159, s. 3, eff. July 14, 1977.

4:6-14. Shipments of queen bees without certificate attached; penalty

No package or parcel containing queen bees shall be shipped or delivered from an apiary where queen bees are raised for sale without having attached to it a certificate from the department, giving the date of the last inspection, and containing the statement that the apiary in which the bees were reared was, at the time of the inspection, free from disease as defined in section 4:6-1 of this Title.

A person who shall violate the provisions of this section shall be liable to a penalty of \$200.00.

Amended by L.1977, c. 159, s. 4, eff. July 14, 1977.

4:6-15. Requirements respecting importation of bees or used supplies; penalty

No colony or nucleus of bees or used apiary supplies coming from a state or country having apiary inspection service shall be accepted by any person or common carrier for transportation to a point within this State unless accompanied by a valid certificate of inspection stating that the colony or supplies are free from infectious or contagious bee diseases.

A colony or nucleus of bees or used apiary supplies coming into this State from a state or country having no apiary inspection service shall be immediately reported by the consignee and by the person or carrier delivering them in this State, giving the name and address of the consignee, to the department, which shall cause the shipment to be inspected at such time as shall be expedient.

This section shall not apply to the delivery of queen bees when not accompanied by brood or comb, or to bees shipped in wire cages when not accompanied by brood or comb.

A person who shall violate this section shall be liable to a penalty of \$100.00 for each offense.

Amended by L.1977, c. 159, s. 5, eff. July 14, 1977.

4:6-16. Information as to number and location of colonies; penalty

A person having one or more colonies of bees in his possession or management shall within 8 days after a written request from the department furnish a statement of the number of colonies and the exact location thereof.

A person who shall fail to comply with the request or who shall make a false statement as to the number and location of colonies shall be subject to a penalty of \$200.00.

Amended by L.1977, c. 159, s. 6, eff. July 14, 1977.

4:6-17. Penalty enforcement; hearing

Any penalty imposed by this act shall be collected or enforced in a summary manner, without a jury, in any court of competent jurisdiction according to the procedure provided by "the penalty enforcement law" (N.J.S.2A:58-1 et seq.). The Superior Court and municipal court shall have jurisdiction to enforce the provisions of this act.

Any violation of this chapter or any of the orders or rules or regulations of the department made pursuant to this act may be restrained by the Superior Court in an action brought for such purpose by the department.

The State Police, county and municipal law enforcement officers are authorized and directed to assist in the enforcement of the provisions of this chapter upon request by the department.

Any person aggrieved by an order of this department pursuant to this act shall have 15 days from the date of delivery of said order to petition the department for administrative hearing. The department shall, within 30 days of such petition, schedule said hearing in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

Amended 1953, c.5, s.6; 1977, c.159, s.7; 1991, c.91, s.159.

4:6-18. Right of entry to inspect; interference with officers

For the purpose of making the investigations and inspections specified in this chapter and to enforce the provisions of the same, the officers and agents of the department shall have free entry upon or into any apiaries or premises where bees are kept or hives or combs or other bee-keeping equipment and appliances are stored.

Any interference with or obstruction made to such officers or agents while engaged in the

performance of the duties imposed by this chapter shall subject the offender to punishment as a disorderly person under the general laws of the state, upon a charge made against him by the officer interfered with.

4:6-19. Abandoned apiaries; written notice; steps to protect neighboring apiaries

When an apiary is deemed to be an abandoned apiary, written notice shall be given by certified mail to the owner or operator thereof, if he can be located, that the apiary is an abandoned apiary. If he cannot be located, such notice shall be served on the owner of the land on which the apiary is located. If such apiary continues to be so abandoned for 60 days thereafter, the agent may take whatever steps are necessary to protect the welfare of neighboring apiaries, including the removal or destruction of apiaries deemed abandoned.

L.1977, c. 159, s. 8, eff. July 14, 1977.

4:6-20. Rules and regulations

The State Board of Agriculture shall have the power to promulgate and enforce rules and regulations to implement the provisions of this act.

L.1977, c. 159, s. 9, eff. July 14, 1977.

4:6-21. Rules, regulations relative to preservation of honey bee colonies.

The Secretary of Agriculture in conjunction with the Commissioner of Environmental Protection, and in cooperation with the New Jersey Beekeepers Association, the New Jersey Pest Management Association, and the New Jersey Cooperative Extension of Rutgers, The State University, shall, within 18 months after the effective date of this act, develop and adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations to require certified commercial pesticide applicators and licensed commercial pesticide operators in the State to contact identified county, regional or State agricultural agencies to either obtain assistance in relocating specific honey bee colonies, or to seek approval to destroy the colonies, prior to extermination. The provisions of this section shall not apply to honey bee colonies found residing within buildings or other indoor structures. These rules and regulations shall establish the provisions necessary to effectuate the purpose of this section, and shall include any appropriate emergency health and safety exceptions, minimum response times for agricultural agencies or designated responders, as well as enforcement and penalty provisions for violations.

L.2007, c.271, s.1, eff. Jan 13, 2008.

4:6-22. Violations; penalties, use.

Any person who intentionally destroys a man-made honey bee hive without the approval required pursuant to R.S.4:6-1 et seq. or section 1 of P.L.2007, c.271 (C.4:6-21) shall be liable to a civil penalty of up to \$1,000 for each offense, to be collected in a civil action by a summary proceeding under the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.) or in any case before a court of competent jurisdiction wherein injunctive relief has been requested. The Superior Court and municipal court shall have jurisdiction to enforce the "Penalty Enforcement Law of 1999" in connection with this act. If the violation is of a continuing nature, each day during which it continues shall constitute an additional, separate and distinct offense. Penalties recovered for violations of this section shall be remitted to the Department of Agriculture and expended on programs to revive honey bee populations in the State.

L.2007, c.271, s.2, eff. Jan. 13, 2008.

4:6-23. Penalty for destruction of man-made native bee hive; definitions.

a. Any person who intentionally destroys a man-made native bee hive shall be liable to a civil penalty of up to \$500 for each offense.

b. Any penalty imposed pursuant to subsection a. of this section shall be collected in a civil action by a summary proceeding under the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.) or in any case before a court of competent jurisdiction wherein injunctive relief has been requested. The Superior Court and municipal court shall have jurisdiction to enforce the "Penalty Enforcement Law of 1999" in connection with this act. If the violation is of a continuing nature, each day during which it continues shall constitute an additional, separate and distinct offense. Penalties recovered for violations of this section shall be remitted to the Department of Agriculture and expended on programs to manage or revive honey bee or native bee populations in the State.

c. As used in this section:

"Man-made native bee hive" means a tube or other apparatus in which bees may nest, and which is installed to attract native bees other than honeybees.

"Native bee" means a bee of a species that is native to the State and does not produce honey, but provides for the pollination of crops or plants, or other agricultural, environmental, or horticultural benefits.

L.2015, c.77, s.1, eff. July 31, 2015

4:6-24. Regulation of breeding, keeping of honey bees.

a. The Department of Agriculture shall regulate the breeding and keeping of honey bees and any activities related thereto, including, but not limited to, the use of honey bees for pollination, the reproduction and sale of honey bees, and the production of honey and other apiary products from such bees, and may delegate its monitoring and enforcement authority to a municipality pursuant to subsection b. of section 1 of P.L.2015, c.76 (C.40:48-1.5).

b. Pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the Department of Agriculture shall adopt any rules and regulations necessary for the implementation of P.L.2015, c.76 (C.40:48-1.5 et al.), including but not limited to:

(1) apiary standards for the breeding and keeping of honey bees, the use of honey bees for pollination, the reproduction and sale of honey bees, and the production of honey and other apiary products from such bees; and

(2) standards of administrative procedure for a municipality to monitor and enforce the rules and regulations adopted pursuant to this subsection. The standards shall include provisions for the preparation and submittal to the department by the municipality of periodic reports on the results of monitoring and enforcement activities undertaken by the municipality.

c. When developing the standards adopted pursuant to subsection b. of this section, the Department of Agriculture shall consult with the New Jersey League of Municipalities, the New Jersey Beekeepers Association, and the Mid-Atlantic Apiculture Research and Extension Consortium, or successor organizations with similar purposes. The standards shall reflect consideration of:

(1) the population densities in rural, suburban, and urban areas of the State;

(2) the densities and intensities of development and differing land uses in communities throughout the State; and

(3) any other characteristics of various regions of the State that the department determines to be significant to the regulation of apiary activities in the State.

L.2015, c.76, s.2, eff. July 31, 2015.