

Editing comments: Changes to this rule are indicated in ~~bold strikethrough~~ for removal and **BOLD, SMALL CAP, DOUBLE UNDERLINE** for additions. If you are able to view this document in color the changes are also indicated in red. Changes as a result of the rulemaking hearing are indicated in blue.

DEPARTMENT OF AGRICULTURE

Plant Industry Division

RULES AND REGULATIONS PERTAINING TO THE ADMINISTRATION AND ENFORCEMENT OF THE BEE AND BEE PRODUCTS ACT

8 CCR 1203-4

~~I. Contagious Diseases~~

~~A. The following diseases and mites, having been determined by the Bee Advisory Committee as being hazardous to the beekeeping industry in this state, are contagious diseases for purposes of C.R.S. 35-25-101 et seq.~~

~~1. American Foul Brood~~

~~2. European Foul Brood~~

~~3. Varroa jacobsoni~~

~~4. Acarapis woodi~~

~~B. All beekeepers shall provide movable frames for all hives which contain bees, and shall make provisions so the bees in such hives shall construct combs in the frames in such a way that these combs may be removed from the hives for inspection without injuring other combs in the hive.~~

~~C. Whenever the Commissioner of Agriculture has reason to believe that any contagious disease is present in any apiary, he may inspect such apiaries pursuant to 35-25-106(1), C.R.S. (1984 and 1989 Supp.) (Amended 1990). Upon finding what appears to be diseased material in any apiary, if the owner is present and agrees with the finding of disease, abatement procedures shall be commenced immediately as directed by the Department. If the owner of said apiary is not present or if said owner disagrees with the inspector's finding, the Commissioner or his representatives shall take a sample of the alleged diseased material from each hive alleged to be diseased and shall notify the owner thereof in writing. Such notice shall be served by personal service or by first class mail, addressed to the owner's last known address or to the last address furnished by the owner of the apiary to the Commissioner. Said written notice shall order the commencement of abatement procedures within forty-eight (48) hours and the abatement of such disease shall be completed within thirty (30) days from the time the notice is served. In addition, if said owner is not present a notice shall be posted at the entrance of the apiary. The notice shall state the nature of the disease found and shall order the commencement of abatement procedures within forty-eight (48) hours and the abatement of such disease shall be completed within thirty (30) days from the time the notice is posted.~~

~~D. If any contagious disease is found in any hive, the entire apiary shall be placed under quarantine and no colonies can be sold, destroyed or moved or transferred into or out of the apiary without the written permission of the Colorado Department of Agriculture. All~~

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~~such diseased hives found shall be medically treated, chemically sterilized or sterilized by burning. The method used shall be one acceptable by the Commissioner. Accepted measures for medically treating or sterilizing diseased hives may include but shall not be limited to:~~

- ~~1. Application of a powder consisting of approximately 3.5 percent by weight terramycin and approximately 96.5 percent by weight of one or more non-toxic substances applied to tops of brood frames at rate of approximately one tablespoon every four days for a period not less than three consecutive weeks; or by application of such other medical treatment as may hereafter be determined by the Commissioner to be equally effective.~~
- ~~2. Fumigation of equipment exposed to or otherwise contaminated by the causative agents of a contagious disease, in an atmosphere consisting of Ethylene Oxide gas at a sufficient concentration, pressure, temperature, humidity and for an amount of time under these conditions to destroy the ability of the causative agents to infect any bee with a contagious disease.~~
- ~~3. Sterilization of any and all bees infected with or exposed to any equipment exposed to a contagious bee disease, by burning said bee equipment and burying under at least 12 inches of earth.~~

~~E. If the owner or person in charge or possession of an apiary in which disease is found to exist cannot be located after diligent search by the Commissioner or if notice has been served or posted pursuant to rule (1)(c) and the owner or person in charge or possession of the apiary refuses or neglects to commence abatement of the disease within the 48 hour time limitation as outlined in rule (1)(c), the commissioner or his authorized representative shall abate the disease within 72 hours following the seven (7) day appeal period as outlined in rule (1)(f). The cost of such abatement shall be paid by the owner of the apiary.~~

~~F. Within seven (7) days after receiving service or posting of an abatement notice, the owner of the apiary subject to said abatement notice may appeal from the Commissioner or inspector's field determination regarding disease by sending by first class mail or personally serving upon the Commissioner a written appeal of the Commissioner's order. Upon receipt of such an appeal the sample or samples of the allegedly diseased material or materials chosen by the inspector, accompanied by a written statement signed by the inspector attesting to the fact that such sample was obtained from the apiary referred to in the abatement notice, shall be taken or mailed to the nearest bee disease and investigation laboratory pursuant to C.R.S. 35-25-106(2). The written determination which sets forth the findings of such laboratory shall be prima facie evidence of the existence or nonexistence of disease in the apiary.~~

~~Pending the determination of the laboratory, the time which is specified in the abatement notice shall be extended by the number of days between the forwarding of the sample to such laboratory and the receipt of the written determination from the laboratory by the Commissioner and the service of such written determination upon the owner who made the appeal. If a disagreement continues to exist thereafter between the Commissioner and the owner as to the existence of disease, a hearing shall then be held to resolve the issue; and no abatement by the Commissioner shall take place until there has been a final determination regarding the presence of disease in the apiary in accordance with the provision of the State Administrative Procedure Act, C.R.S. 1973, 24-4-101 et seq.~~

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~~G. Nothing herein shall require the Commissioner to burn, sterilize, or medically treat any apiary if same is being efficiently performed to the satisfaction of the Commissioner by the owner thereof.~~

II. Right of Inspection

~~A. All beekeepers shall personally assist the Commissioner, or his authorized representative, in locating their beeyards or provide accurate and detailed information as to the location of all apiaries under their control or possession.~~

~~B. The Commissioner, or his authorized representative, shall have the authority to inspect any apiary, whether or not the owner is present, during reasonable business hours. Except in emergency situations, the Commissioner or his authorized representative shall make a good faith attempt to contact the owner of such apiary prior to inspection.~~