

APIARY LAW

Act 412 of 1976

An act to provide for the suppression of serious diseases among bees; to prescribe certain powers and duties of the director of the department of agriculture; and to repeal certain acts and parts of acts.

History: 1976, Act 412, Imd. Eff. Jan. 9, 1977 ;-- Am. 1993, Act 108, Imd. Eff. July 16, 1993

The People of the State of Michigan enact:

286.801 Definitions.

Sec. 1.

As used in this act:

- (a) "Bee disease" means American or European foulbrood, sacbrood, bee paralysis, parasites of bees, or other disease or abnormal condition of the egg, larval, pupal, or adult stages of bees.
- (b) "Bees" means any life stage of the common honey bee, *Apis mellifera* L.
- (c) "Director" means the director of the department of agriculture.
- (d) "Exotic strain of bees" means African or Africanized bees or any other developed strain of bees known to be harmful but not known to be present ordinarily in this state.

History: 1976, Act 412, Imd. Eff. Jan. 9, 1977 ;-- Am. 1982, Act 443, Imd. Eff. Dec. 30, 1982 ;-- Am. 1984, Act 312, Imd. Eff. Dec. 21, 1984 ;-- Am. 1993, Act 108, Imd. Eff. July 16, 1993

286.802-286.804 Repealed. 1993, Act 108, Imd. Eff. July 16, 1993.

Compiler's Notes: The repealed sections pertained to apiary inspection, registration of beekeeper, and moveable frames in hives.

286.805 Repealed. 1982, Act 443, Imd. Eff. Dec. 30, 1982.

Compiler's Notes: The repealed section pertained to permit to sell or transport bees or used equipment and to return of bees moved for pollination.

286.805a-286.808 Repealed. 1993, Act 108, Imd. Eff. July 16, 1993.

Compiler's Notes: The repealed section pertained to permit for sale or transportation of bees or equipment, right of entry, notice of bee disease, and destruction of disease apiary or equipment.

286.808a Control or eradication of bee disease; order to destroy colonies; indemnification.

Sec. 8a.

(1) If the division has provided the owner of 1 or more colonies not less than 30 days to remedy a bee disease within the colony or colonies and determines that the control or eradication of bee disease warrants the destruction of 1 or more colonies, the division shall order, in writing, the destruction of those colonies except that in the case of the destruction of colonies infected with American foulbrood disease, the division shall order their destruction in the manner provided for in section 8.

(2) The division shall indemnify the owner of a colony in the amount of 75% of the fair market value of a colony as of the date of destruction, less any compensation received from any source including, but not limited to, compensation for salvage value. Fair market value shall be determined by evidence of sales of similar colonies within the 12 months immediately preceding the date of destruction of the colonies. The owner of the colony shall furnish an affidavit attesting to compensation received, if any, from any other source.

(3) Indemnification pursuant to this section shall be subject to annual appropriations by the legislature and shall not be paid from department of agriculture funds designated for any other purpose. An agreement between the department of agriculture and an owner of the colonies shall contain a provision specifying that, notwithstanding the terms of the agreement, indemnification is subject to appropriations by the legislature.

(4) Acceptance of indemnification under this section operates as a release of the claim of the owner against the state but does not enlarge or diminish the owner's civil remedy against a person responsible for the owner's loss.

(5) The department of agriculture shall not indemnify the owner of a colony acquired by the owner with knowledge that the colony is diseased or that it may have been exposed to a bee disease.

History: Add. 1993, Act 108, Imd. Eff. July 16, 1993

286.809, 286.810 Repealed. 1993, Act 108, Imd. Eff. July 16, 1993.

Compiler's Notes: The repealed sections pertained to seizure and destruction of neglected or abandoned hive, and prevention of spread of disease.

286.811 Bees; quarantine; rules.

Sec. 11.

(1) If the director determines that there exists in this state or in any other state, territory, or district a serious bee disease, or an exotic strain of bees, the director may impose and enforce a quarantine restricting the transportation into, within, or through the state, of bees, bee products, or article of any character capable of carrying bee diseases.

(2) The director may promulgate rules to carry out this act, including rules to provide for seizure, inspection, disinfection, destruction, or other disposition of bees, beekeeping equipment, or bee products capable of carrying or transmitting bee diseases, pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

History: 1976, Act 412, Imd. Eff. Jan. 9, 1977 ;-- Am. 1982, Act 443, Imd. Eff. Dec. 30, 1982 ;-- Am. 1984, Act 312, Imd. Eff. Dec. 21, 1984 ;-- Am. 1985, Act 13, Imd. Eff. May 3, 1985 ;-- Am. 1993, Act 108, Imd. Eff. July 16, 1993 ;-- Am. 2006, Act 222, Imd. Eff. June 26, 2006

286.812, 286.813 Repealed. 1993, Act 108, Imd. Eff. July 16, 1993.

Compiler's Notes: The repealed sections pertained to transportation of bees and equipment.

286.814 Shipping bees or beekeeping equipment into another state or country; application for inspection; acknowledgment to pay expenses; compliance with request.

Sec. 14.

(1) A person who wishes to ship bees or beekeeping equipment into another state or country may apply to the director for an inspection for serious bee diseases likely to prevent the acceptance of the bees or beekeeping equipment in the state or country, and shall acknowledge in the application that person's obligation to pay full expenses of the inspection.

(2) Upon receipt of the application or as soon after receipt as may be conveniently practicable, the director shall comply with the request.

History: 1976, Act 412, Imd. Eff. Jan. 9, 1977 ;-- Am. 1982, Act 443, Imd. Eff. Dec. 30, 1982 ;-- Am. 1993, Act 108, Imd. Eff. July 16, 1993

286.815, 286.816 Repealed. 1993, Act 108, Imd. Eff. July 16, 1993.

Compiler's Notes: The repealed sections pertained to prohibited conduct, violations, and penalties.

286.821 Repeal of MCL 286.1 to 286.22.

Sec. 21.

Act No. 26 of the Public Acts of 1935, being sections 286.1 to 286.22 of the Compiled Laws of 1970, is repealed.

History: 1976, Act 412, Imd. Eff. Jan. 9, 1977