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**NEW JERSEY ADMINISTRATIVE CODE**

**TITLE 2  
AGRICULTURE**

**CHAPTER 24  
DISEASES OF BEES**

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**Authority**

N.J.S.A. 4:6-1 et seq.

**SOURCE AND EFFECTIVE DATE**

R.2011 d.062, effective January 25, 2011.  
See: 42 N.J.R. 1647(a), 43 N.J.R. 389(b).

**CHAPTER EXPIRATION DATE**

Chapter 24, Diseases of Bees, expires on January 25, 2018

**SUBCHAPTER 1. DEFINITIONS**

**2:24-1.1 Definitions**

As used in this chapter, the following words and terms shall have the following meaning:

"Apiary" means one or more colonies of honey bees.

"Apiary site" means the place where an apiary is located.

"Bee" means members of the genus *Apis*.

"Beekeeper" means any person who shall have or keep in his or her possession or in an apiary, a colony of bees.

"Certified and licensed responsible pesticide applicator" means any responsible pesticide applicator who is certified and licensed pursuant to the provisions of either N.J.A.C. 7:30-6, Commercial Pesticide Applicators, or N.J.A.C. 7:30-8, Private Pesticide Applicators.

"Colony" means a hive or swarm of bees.

"Commercial apiary" means a business classified by the United States Standard Industrial Classification (commonly referred to in the SIC Code) as 0279B--Bee farms.

"Commercial pesticide applicator" means any person (whether or not he or she is a private pesticide applicator with respect to some uses) who uses or supervises the use of any pesticide for any purpose or on any property other than as provided by the definition of "private pesticide applicator." Any employee of a government agency who engages in the use and application of pesticides as is necessary within the scope of his or her employment is considered a commercial pesticide applicator.

"Commercial pesticide operator" means any person who applies pesticides by equipment other than aerial under the direct supervision of a responsible commercial pesticide applicator.

"Consignee" means the receiver of any bees or equipment shipped into New Jersey.

"Department" means the New Jersey Department of Agriculture.

"Divide," "split" or "nucleus" means bees and brood on drawn frames, with or without a queen. The number of frames, and the ratio of brood to honey or pollen, may vary but never exceeds 10 frames.

"Equipment" means hive parts, bee-related tools and extracting or wax rendering appliances.

"Hive" means the manmade structure which contains a colony of honey bees.

"Noncommercial apiary" means any apiary not classified as commercial.

"Nucleus" see "divide."

"Package" means a group of bees, with or without a queen, shipped without comb in a wire cage.

"Pesticide applicator" means any person who is required to be certified and registered pursuant to the provisions of either N.J.A.C. 7:30-6, Commercial Pesticide Applicators, or N.J.A.C. 7:30-8, Private Pesticide Applicators.

"Private pesticide applicator" means any person who uses or supervises the use of any pesticide for the purposes of producing any agricultural commodity on property owned or rented by him

or her or his or her employer or, if applied without compensation other than trading of personal services between producers of agricultural commodities, on the property of another person.

"Queen" means the female reproductive caste of the honey bee. These normally are shipped in small individual cages and are often accompanied by up to a half dozen sterile workers as attendants.

"Responsible pesticide applicator" means any individual who is accountable for the use of a pesticide by himself or herself or any person under his or her direct supervision.

"Scale" means the remains of an immature bee that has died from the American foulbrood disease.

"Secretary" means the Secretary of Agriculture or an authorized designee.

"Seller" means any person or business entity which offers for sale queens, packages or divides into or within New Jersey or to New Jersey residents.

"Shipper" means any person or business entity which ships or drop ships, queens, packages or divides into New Jersey or to New Jersey residents.

## **SUBCHAPTER 2. SHIPMENT OF BEES INTO NEW JERSEY**

### **2:24-2.1 Regulated Articles**

Bees of the genus *Apis*, in any life stage, fresh or frozen bee sperm, used equipment, unprocessed comb, and any other product, article or means of conveyance of any character whatsoever, which when determined by the Department of Agriculture presents the risk of the spread of any contagious and infectious disease, arthropod pest or condition as determined by the Department of Agriculture, shall be permitted importation only if in compliance with N.J.A.C. 2:24-2.2 through 2.5.

### **2:24-2.2 Entities with apiary inspection services**

(a) No colony, nucleus of bees, used apiary equipment coming from a state or country having an apiary inspection service shall be permitted into New Jersey unless accompanied by a valid certificate of inspection from the exporting state or country stating that the bees or equipment are apparently free from the conditions listed in N.J.A.C. 2:24-2.1 and that the bees are not

Africanized bees derived from the African subspecies (*Apis mellifera scutellata*) and free from the characteristics identifiable therewith in accordance with N.J.A.C. 2:24-3.1.

(b) No certificate of inspection shall be honored unless a brood nest inspection was made no more than 60 days prior to shipment from the site the bees were immediately prior to shipment into New Jersey. Inspections shall be conducted in the manner prescribed at N.J.A.C. 2:24-4.

1. The inspection date and percentage of inspection for American foulbrood, the percentage sampled for Varroa mites, if available and the sampling method with the results, must be shown on the inspection certificate.

(c) Each colony must be annually inspected by a duly appointed inspector of the state of origin.

(d) No certificate of inspection shall be honored by the New Jersey Department of Agriculture on any colonies infected with American foulbrood. If an examination of the bees is undertaken pursuant to N.J.A.C. 2:24-2.1, the certificate of inspection will not be honored unless the findings of the examination are supplied.

(e) No certificate shall be honored unless the sampling procedure is done in accordance to a sampling standard of the industry, or U.S. Department of Agriculture, and recognized by the New Jersey Department of Agriculture.

(f) The certificate of inspection must be received prior to entrance into New Jersey by the:

Director, Division of Plant Industry  
New Jersey Department of Agriculture  
PO Box 330  
Trenton, New Jersey 08625-0330  
Phone (609) 406-6939  
Fax (609) 406-6960

### **2:24-2.3 Queen or package bees**

(a) All apiaries shipping queen or package bees into New Jersey shall have recorded with the New Jersey Department of Agriculture, a valid certificate in accordance with N.J.A.C. 2:24-2.2.

(b) All sellers or shippers shall provide the Department, by February 1, of the following year, with a list, including consignee's name and address, of all queen or package shipments to New Jersey or to New Jersey residents during the preceding year (that is, January 1 through December 31).

(c) All queens or package bees shipped to New Jersey shall be accompanied by a Federally approved miticide treatment for the control of Varroa mite.

#### **2:24-2.4 Transporter**

No colony, nucleus of bees or used apiary equipment 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 bees or equipment are free of the conditions listed in N.J.A.C. 2:24-2.1 and 2:24-2.2. A copy of the certificates will be carried by the transporter and shown to the grower, apiary inspector or law enforcement personnel upon request.

#### **2:24-2.5 Entities without apiary inspection services**

A colony, nucleus of bees or used apiary equipment coming into New Jersey 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 of Agriculture, which shall cause the shipment to be inspected at such time as shall be prudent and proper. Documentation of such inspection shall be issued to the owner and consignee after examination by the Department of Agriculture as to the freedom from the conditions listed in N.J.A.C. 2:24-2.1 and 2.2.

### **SUBCHAPTER 3. REGISTRATION OF APIARIES**

#### **2:24-3.1. Registration requirements; confidentiality and documentation**

(a) All bee yards in New Jersey where bees are over-wintered must be registered annually with the New Jersey Department of Agriculture.

(b) The only information contained in the individual registration that shall be considered public shall be the beekeeper's name and mailing address; all other required information shall be considered confidential.

(c) The Department of Agriculture shall supply the registrant, with any and all appropriate orders, laws and rules.

(d) Upon request, the Department shall issue to each registered beekeeper, documentation, which identifies them as a legally registered New Jersey beekeeper.

#### **2:24-3.2 (Reserved)**

### **SUBCHAPTER 4. INSPECTION AND CERTIFICATION OF APIARIES**

#### **2:24-4.1 Inspection protocol**

(a) Beekeepers will be notified in advance, where possible and feasible, of any potential inspection of their bees.

(b) All inspections will be conducted in accordance with the following procedures:

1. The minimum number of hives, as listed below, shall be physically opened and the brood nest inspected for American foulbrood:

1-10 colonies in an apiary-100 percent of the colonies

11-20 colonies in an apiary-50 percent of the colonies

21-50 colonies in an apiary-33 percent of the colonies

51 + colonies in an apiary-20 percent of the colonies

2. Any apiary site where American foulbrood is found shall be inspected 100 percent.

3. Varroa mite sampling may be conducted as a population level monitoring tool by the State Apiarist.

(c) All hives sold in New Jersey must be found by the Department to be apparently free of American foulbrood. The inspection by the Department shall be conducted within 10 working days of the request for inspection by the seller.

(d) The treatment procedure for American foulbrood infected hives within New Jersey is as follows:

1. The Department shall categorize the infected colonies as "treatable" for control of American foulbrood (AFB) or "non-treatable." This classification shall be at the discretion of the inspector, according to (d)2 and 3 below, although the beekeeper is invited to be present and assist during the inspection.

2. Procedures for "treatable" colonies shall be as follows:

i. "Treatable" colonies are those colonies with no AFB scale present.

ii. The beekeeper shall begin treatment of the remainder of the infected colony within 15 days of inspection by the Department with Terramycin or other material/method approved by the Department.

iii. The Department shall reinspect "treatable" colonies as soon after 60 days as weather conditions permit. Colonies would be under a one-year probationary period. If treatment is not successful during this one-year period, the colony would be considered non-treatable.

3. Procedures for "non-treatable" colonies shall be as follows:

- i. "Non-treatable" colonies are those colonies that have observable AFB scale.
- ii. The beekeeper shall remove and destroy by burning all wooden frames within 15 days of the initial inspection. Upon request, the Department shall assist the beekeeper in obtaining the necessary burning permits.
- iii. All other hive parts shall be disposed in a landfill, destroyed by burning, treated by scorching, or rendered disease-free by any other method approved by the Department.
- iv. The Department may reinspect the infected equipment as soon as possible but no sooner than 30 days after initial inspection.

(e) All colonies requiring treatment for contagious/infectious diseases or other pests are subject to quarantine by the Department. If time constraints prohibit treatment before movement, the Department, upon request from the beekeeper, may approve movement to a holding yard until treatment is commenced.

(f) The beekeeper may be subject to penalty actions as per N.J.S.A. 4:6-12 through 14 for failure to follow treatment procedures detailed above.

#### **2:24-4.2 Certification protocol**

All New Jersey queen breeders, as well as sellers of splits, nucleus or divides must obtain a certificate disclosing number of Varroa mites found per sample and provide a copy of such certificate to the buyer.

### **SUBCHAPTER 5. TRANSPORT OF BEES**

#### **2:24-5.1 Transport requirements**

(a) All hives shall be adequately secured to prevent excess movement of the hives during transport, regardless of the time of the day.

(b) No bees shall be transported into or through New Jersey between sunrise and sunset unless:

1. All hive openings are either blocked or covered with screening material of at least eight squares per inch mesh, or the colonies are covered with a weather-proof netting of at least eight squares per inch mesh to prevent the escape of any bees from the vehicle; or
2. The bees are enclosed in a refrigerated containment vehicle that maintains the bees at a constant temperature below 45 degrees Fahrenheit.

(c) Vehicles transporting bees shall not stop, except for refueling or emergencies due to accident or equipment failure, unless certified for entrance into New Jersey, under N.J.A.C. 2:24-2.2 or 2.5.

(d) The vehicle operator or other responsible person shall immediately report to the New Jersey

Department of Agriculture, any release of bees, whether accidental or intentional which results during transport.

## **SUBCHAPTER 6. PRESERVATION OF HONEY BEE COLONIES**

### **2:24-6.1 Relocating honey bee colonies**

(a) To preserve honey bee colonies in the State, any person including certified and licensed responsible pesticide applicators and commercial pesticide applicators and operators operating in the State shall contact the State Apiarist by phone at least 24 hours in advance of extermination of honey bees to obtain assistance in trying to relocate nuisance honey bee colonies or hanging swarms of honey bees, in lieu of destroying said honey bees. Honey bees shall not be destroyed without prior approval from the State Apiarist.

(b) In the event the State Apiarist is not reachable, any person including certified and licensed responsible pesticide applicators and commercial pesticide applicators and operators shall attempt to contact no fewer than three beekeepers identified by the New Jersey Beekeepers Association as swarm collectors servicing the affected county, in order to obtain assistance in relocating nuisance honey bee colonies or hanging swarms before nuisance honey bee colonies or hanging swarms of honey bees may be destroyed.

(c) The New Jersey Beekeepers Association maintains a website listing beekeepers offering to collect honey bee swarms and colonies inside structures at:  
<http://cjba.njbeekeepers.org/swarms.htm>.

### **2:24-6.2 Recordkeeping**

A clear and legible written or computerized log of beekeepers contacted pursuant to N.J.A.C. 2:24-6.1 shall be maintained by any person for one year and made available for inspection upon request of the State Apiarist, or his or her representatives.

### **2:24-6.3 Exceptions**

(a) Conditions of this subchapter do not apply to:

1. Commercial pesticide applications for the elimination of feral colonies of bees within either residential, commercial or institutional structures when the likelihood of exposure by persons allergic to bee venom presents a clear hazard; although any person, including certified and licensed responsible pesticide applicators, is encouraged to seek the services of a beekeeper/swarm collector specializing in collecting colonies or swarms from inside structures in non-hazardous situations;
2. The State Apiarist, or his or her representatives in the elimination of diseased colonies found



during inspection activities;

3. Honey bee colonies destroyed by a beekeeper/owner in the elimination of diseased colonies found during inspection or normal apiary management activities; or

4. Commercial pesticide applications performed at the direction of the United States Department of Agriculture Animal and Plant Health Inspection Service or the United States Customs and Border Protection for the elimination of suspect Africanized honey bees or other foreign species of the genus *Apis*.

#### **2:24-6.4 Penalties**

(a) Any person who intentionally destroys a man-made honey bee hive or hanging swarm without the approval required under this subchapter shall be liable to a civil penalty of up to \$ 1,000 for each offense, to be collected by a summary proceeding under the Penalty Enforcement Law of 1999, P.L. 1999, c. 274 (N.J.S.A. 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 action.

(b) 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.