

Section 131 Ag Code

Original

Proposed Changes from HB 1293

SUBCHAPTER A. GENERAL PROVISIONS	<unchanged>
Sec. 131.001. DEFINITIONS. In this chapter:	<unchanged>
(1) "Abandoned apiary, equipment, or bees" means an apiary, equipment, or a colony of bees that is not regularly maintained or attended in accordance with this chapter or rules or quarantines adopted under this chapter.	<unchanged>
(2) "Apiary" means a place where six or more colonies of bees or nuclei of bees are kept.	(2) "Apiary" means a place where colonies of bees or nuclei of bees are kept.
(3) "Beekeeper" means a person who owns, leases, or manages one or more colonies of bees for pollination or the production of honey, beeswax, or other by-products, either for personal or commercial use.	(3) "Beekeeper" means a person who owns, leases, possesses, controls, or manages one or more colonies of bees for any personal or commercial purpose.
(4) "Bee" means any stage of the common honeybee, <i>Apis mellifera</i> species.	(4) "Bee" means any stage of a member of the genus <i>Apis</i> .
(5) "Colony" means the hive and its equipment and appurtenances including bees, comb, honey, pollen, and brood.	(5) "Colony" means all of the bees living together as one social unit and may include the hive and its appurtenances including bees, brood, comb, honey, and pollen.
(6) "Director" means the director of the Texas Agricultural Experiment Station.	(6) "Director" means the director of Texas A&M AgriLife Research.
(7) "Disease" means American foulbrood, European foulbrood, any other contagious or infectious disease of honeybees, or parasites or pests that affect bees or brood.	(7) "Disease" means American foulbrood, any other disease of honey bees, or parasites that affect bees or brood and that are considered deleterious by the chief apiary inspector.
(8) "Equipment" means hives, supers, frames, veils, gloves, tools, machines, or other devices for the handling and manipulation of bees, honey, pollen, wax, or hives, including storage or transporting containers for pollen, honey, or wax, or other apiary supplies used in the operation of an apiary or honey house.	(8) "Equipment" means hives, supers, frames, veils, gloves, tools, machines, vacuums, or other devices for the handling and manipulation of bees, honey, pollen, wax, or hives, including storage or transporting containers for pollen, honey, or wax or other apiary supplies used in the operation of an apiary or honey house.
	(8-a) "Hive" means a container or structure used by a beekeeper to provide a cavity in which a colony of bees is expected to establish a permanent nest.
(9) "Inspector" means the chief apiary inspector.	<unchanged>
(10) "Label" as a noun, means written or printed material accompanying a product and furnishing identification or a description. The term includes material attached to a product or its immediate container and material inserted in an immediate container or other packaging of a product.	<unchanged>
(11) "Label" as a verb, means to attach or insert a label.	<unchanged>
(12) "Nucleus" means a small mass of bees and combs of brood used in forming a new colony.	<unchanged>
	(12-a) "Package" means live bees in cages without combs or honey used in forming a new colony.
	(12-b) "Pest" means an insect, mite, or organism that causes damage or abnormality to bees and that is considered deleterious by the chief apiary inspector.
(13) "Pollen" means dust-like grains formed in the anthers of flowering plants in	<unchanged>

which the male elements or sperm are produced.	
(14) "Pure honey" means the nectar of plants that has been transformed by, and is the natural product of, bees and that is in the comb or has been taken from the comb and is packaged in a liquid, crystallized, or granular form.	<unchanged>
(15) "Queen apiary" means an apiary in which queen bees are reared or kept for sale, barter, or exchange. Amended by Acts 1983, 68th Leg., p. 1884, ch. 350, Sec. 1, eff. Sept. 1, 1983; Acts 1985, 69th Leg., ch. 418, Sec. 1, eff. Sept. 1, 1985.	
	(16) "Reportable disease" and "reportable pest" mean a disease or pest that presents a significant threat to the population of honey bees and that has been designated by the chief apiary inspector as a disease or pest that must be reported under Section 131.025.
	(17) "Unwanted species of bees" means a species of bees, including a non-Apis species of bees, that is considered deleterious by the chief apiary inspector and that must be reported under Section 131.025.
Sec. 131.002. CHIEF APIARY INSPECTOR.	<unchanged>
(a) The director shall appoint a person qualified by scientific training or personal experience as chief apiary inspector to make inspections and administer this chapter under the direction and control of the director.	<unchanged>
(b) Repealed by Acts 1991, 72nd Leg., 1st C.S., ch. 17, Sec. 7.01(4), eff. Nov. 12, 1991.	<unchanged>
(c) The state entomologist shall make an annual report to the director giving a detailed account of inspection activities, receipt and use of funds, and compliance actions brought under this chapter.	<deleted>
Amended by Acts 1983, 68th Leg., p. 1884, ch. 350, Sec. 1, eff. Sept. 1, 1983; Acts 1985, 69th Leg., ch. 418, Sec. 1, eff. Sept. 1, 1985; Acts 1985, 69th Leg., ch. 479, Sec. 186, eff. Sept. 1, 1985; Acts 1991, 72nd Leg., 1st C.S., ch. 17, Sec. 7.01(4), eff. Nov. 12, 1991.	
Sec. 131.003. CONFLICTS OF INTEREST.	<unchanged>
(a) A person may not serve as chief apiary inspector or be an assistant of the inspector if the person is an officer, employee, or paid consultant of a trade association in the beekeeping industry.	<unchanged>
(b) A person may not serve as chief apiary inspector or be an assistant of the inspector of the grade 17 or over, including exempt employees, according to the position classification schedule under the General Appropriations Act, if the person cohabits with or is the spouse of an officer, managerial employee, or paid consultant of a trade association in the beekeeping industry.	<deleted>
Added by Acts 1985, 69th Leg., ch. 418, Sec. 1, eff. Sept. 1, 1985.	
Sec. 131.004. ASSISTANTS.	<unchanged>
(a) The chief apiary inspector may employ assistants and inspectors as necessary, subject to the approval of the director and governing board of the experiment station.	(a) The chief apiary inspector may employ assistants and inspectors as necessary, subject to the approval of the director.

(b) The inspector shall provide to his assistants as often as is necessary information regarding their qualifications under this chapter and their responsibilities under applicable laws relating to standards of conduct for state officers or employees.	<unchanged>
(c) The inspector shall develop a system of annual performance evaluations based on measurable job tasks. All merit pay for the inspector's assistants must be based on the system established under this subsection.	<unchanged>
Added by Acts 1985, 69th Leg., ch. 418, Sec. 1, eff. Sept. 1, 1985.	
Sec. 131.005. ANNUAL REPORTS.	<unchanged>
(a) The chief apiary inspector shall make an annual report to the director giving a detailed account of inspection activities, receipt and use of funds, and compliance actions brought under this chapter.	(a) The chief apiary inspector shall make an annual report to the director giving a detailed account of all activities, receipt and use of funds, and compliance actions brought under this chapter.
Added by Acts 1985, 69th Leg., ch. 418, Sec. 1, eff. Sept. 1, 1985. Acts 2011, 82nd Leg., R.S., Ch. 1083 (S.B. 1179), Sec. 25(4), eff. June 17, 2011.	<unchanged>
Sec. 131.006. AUDIT.	<unchanged>
The financial transactions of the chief apiary inspector are subject to audit by the state auditor in accordance with Chapter 321, Government Code.	<unchanged>
Added by Acts 1985, 69th Leg., ch. 418, Sec. 1, eff. Sept. 1, 1985. Amended by Acts 1989, 71st Leg., ch. 584, Sec. 68, eff. Sept. 1989.	
Sec. 131.007. PUBLISHING INFORMATION.	Sec. 131.007. PUBLIC INFORMATION.
(a) The chief apiary inspector shall publish information on methods and directions for treating, eradicating, or suppressing infectious diseases of honeybees, the rules adopted for those purposes, and other information that the inspector considers of value or necessity to the beekeeping interests of this state.	(a) The chief apiary inspector shall publish information and present educational programs on methods and directions for treating, eradicating, or suppressing diseases and pests of honey bees and unwanted species of bees, the rules adopted for those purposes, and other information that the inspector considers of value or necessity to the beekeeping interests of this state.
(b) The inspector shall prepare information of public interest describing the functions of the agency and describing the procedure by which complaints are filed with and resolved by the inspector. The inspector shall make the information available to the general public and appropriate state agencies.	<unchanged>
(c) The inspector shall adopt rules establishing methods by which consumers and service recipients can be notified of the name, mailing address, and telephone number of the inspector's office for the purpose of directing complaints to the inspector. The inspector may provide for the notification by including the information:	<deleted>
(1) on each registration or application form submitted by a person regulated under this chapter;	<deleted>
(2) on a sign which is prominently displayed in the place of business of each person regulated under this chapter; or	<deleted>
(3) in a bill for services or goods provided by a person regulated under this chapter.	<deleted>

Added by Acts 1985, 69th Leg., ch. 418, Sec. 1, eff. Sept. 1, 1985.	
Sec. 131.008. COMPLAINTS.	<unchanged>
(a) The chief apiary inspector shall keep an information file about each complaint filed with the inspector relating to a beekeeper regulated under this chapter.	<unchanged>
(b) If a written complaint is filed with the inspector relating to a beekeeper regulated under this chapter, the inspector shall notify the parties to the complaint, at least quarterly and until final disposition of the complaint, of the status of the complaint, unless notice would jeopardize an undercover investigation.	<unchanged>
Added by Acts 1985, 69th Leg., ch. 418, Sec. 1, eff. Sept. 1, 1985.	
Sec. 131.009. PUBLIC TESTIMONY.	<unchanged>
The chief apiary inspector shall develop and implement policies that will provide the public with a reasonable opportunity to appear before the inspector and to speak on any issue under the jurisdiction of the inspector.	<unchanged>
Added by Acts 1985, 69th Leg., ch. 418, Sec. 1, eff. Sept. 1, 1985.	
Sec. 131.010. FEES.	Sec. 131.010. FEES.
The chief apiary inspector shall make a reasonable effort to set the fees charged under this chapter at amounts that will produce enough revenue to approximate 50 percent of the inspector's total budget. In achieving this goal, the inspector shall balance the revenue needs against the effect of the fees on the industry.	The chief apiary inspector shall make a reasonable effort to set the fees charged under this chapter at amounts that are reasonable in relation to the costs of administering this chapter. In setting fees, the inspector shall balance the revenue needs against the effect of the fees on the industry.
Added by Acts 1985, 69th Leg., ch. 418, Sec. 1, eff. Sept. 1, 1985.	
SUBCHAPTER B. DISEASE CONTROL	SUBCHAPTER B. DISEASE AND PEST CONTROL
Sec. 131.021. POWERS AND DUTIES OF CHIEF APIARY INSPECTOR.	<unchanged>
(a) For the purpose of enforcing this chapter, the chief apiary inspector may:	<unchanged>
(1) adopt rules and act as necessary to control, eradicate, or prevent the introduction, spread, or dissemination of contagious or infectious diseases of bees;	(1) adopt rules and act as necessary to control, eradicate, or prevent the introduction, spread, or dissemination of diseases, pests, or unwanted species of bees;
(2) prohibit the shipment or entry into this state of bees, honey, combs, pollen, or other items capable of transmitting diseases of bees from another state, territory, or foreign country except in accordance with rules adopted by the inspector; and	(2) prohibit the shipment or entry into this state of bees, honey, combs, pollen, or other items capable of transmitting diseases, pests, and unwanted species of bees from another state, territory, or foreign country except in accordance with rules adopted by the inspector;
(3) seize and order the destruction, treatment, or sale of a colony of bees, equipment, pollen, or honey that is determined to be diseased, infectious, abandoned, or in violation of this chapter or a rule or quarantine adopted under this chapter.	(3) seize and order the destruction or treatment of a colony of bees, equipment, pollen, or honey that:
	(A) is determined to be diseased or infectious;
	(B) contains unwanted species of bees or pests; or
	(C) is in violation of this chapter or a rule or quarantine adopted under this

	chapter; and
	(4) seize and order the destruction, treatment, or sale of a colony of bees, equipment, pollen, or honey that is determined by the inspector to be abandoned.*
(b) For purposes of this section, apiaries, equipment, or bees are considered infectious if:	(b) For purposes of this section, apiaries, equipment, or bees are considered infectious if:
(1) the bees are not hived with movable frames or stored so as to prevent the possible spread of disease; or	(1) the bees are not hived with movable frames or not stored so as to prevent the possible spread of disease or pests; or
(2) the bees, equipment, or apiary generally comprise a hazard or threat to disease control in the beekeeping industry.	(2) the bees, equipment, or apiary generally comprise a hazard or threat to disease control in the beekeeping industry.
Amended by Acts 1983, 68th Leg., p. 1884, ch. 350, Sec. 1, eff. Sept. 1, 1983; Acts 1985, 69th Leg., ch. 418, Sec. 2, eff. Sept. 1, 1985.	
Sec. 131.022. QUARANTINES.	**
(a) If the chief apiary inspector determines that the public welfare requires the establishment of a quarantine, the inspector may:	(a) If the chief apiary inspector determines that public welfare or protection of the beekeeping industry requires the establishment of a quarantine, the inspector may:
(1) declare a protective quarantine of a district, county, precinct, or other defined area in which a disease of bees or a deleterious exotic species of bees is not known to exist or in which the disease or exotic species is being eradicated in accordance with this subchapter; or	(1) declare a protective quarantine of a district, county, precinct, or other defined area in which a disease of bees, a pest of bees, or an unwanted species of bees is not known to exist or in which the disease, pest, or unwanted species of bees is being eradicated in accordance with this subchapter; or
(2) declare a restrictive quarantine of a district, county, precinct, or other defined area in which a disease of bees or a deleterious exotic species of bees is located.	(2) declare a restrictive quarantine of a district, county, precinct, or other defined area in which a disease of bees, a pest of bees, or an unwanted species of bees is located.
(b) A person may not move or ship bees, equipment, pollen, or honey into or out of an area quarantined under this section, except in accordance with rules adopted by the inspector.	<unchanged>
	(c) On request from a beekeeper, the inspector may grant an exemption to a quarantine imposed under this section. The inspector may adopt rules for submitting requests and granting exemptions under this subsection.
	(d) A beekeeper directly affected by a quarantine imposed under this section may petition the director for a review of the inspector's quarantine order or the inspector's denial of the beekeeper's request for exemption under Subsection (c). The request must be in writing and filed with the director not later than the 30th day after the date the quarantine is initiated or the beekeeper receives notice that the exemption request is denied, as applicable.
Amended by Acts 1983, 68th Leg., p. 1884, ch. 350, Sec. 1, eff. Sept. 1, 1983; Acts 1985, 69th Leg., ch. 418, Sec. 2, eff. Sept. 1, 1985.	<unchanged>
Sec. 131.023. SALE OF QUEEN BEE AND ATTENDANTS, PACKAGE BEES, AND NUCLEI.	**
A person may not sell or offer for sale a queen bee and attendant bees, package bees, nuclei, or queen cells in this state unless the bees are accompanied by:	(a) Except as provided by Subsection (b), a person may not sell or offer for sale a queen bee and attendant bees, package bees, colonies, nuclei, or queen cells in this state unless the bees are accompanied by a certificate of inspection that certifies that the bees are apparently free from disease and pests based on an actual inspection conducted not more than 12 months before the date of the sale.

	(b) This section does not apply to a person who annually sells less than:
	(1) a total of 25 queen bees, packages of bees, colonies, and nuclei; and
	(2) 100 queen cells
(1) a copy of a certificate from the chief apiary inspector certifying that the apiary from which the queen bee was shipped has been inspected not more than 12 months before the date of shipment and found apparently free from disease; or	<deleted>
(2) a copy of an affidavit made by the beekeeper stating that:	<deleted>
(A) to his knowledge, the bees are not diseased; and	<deleted>
(B) the honey used in making the candy contained in the queen cage has been diluted and boiled for at least 30 minutes in a closed vessel.	<deleted>
Amended by Acts 1983, 68th Leg., p. 1884, ch. 350, Sec. 1, eff. Sept. 1, 1983; Acts 1985, 69th Leg., ch. 418, Sec. 2, eff. Sept. 1, 1985.	
Sec. 131.024. SEIZURE OF BEES, EQUIPMENT, POLLEN, OR HONEY.	
(a) Bees, equipment, pollen, or honey seized by the chief apiary inspector under Section 131.021 of this code shall be treated, destroyed, or sold at public auction.	<unchanged>
(b) At least five days before an item seized under Section 131.021 of this code may be treated, destroyed, or sold, the inspector shall send by certified mail, return receipt requested, written notice of the proposed disposition of the item to the last known address of the beekeeper or the owner of the item. The notice must describe the item, the proposed disposition of the item, and the reason for the disposition. If the name or address of the beekeeper or owner of the item is unknown, the inspector shall:	(b) Before an item seized under Section 131.021 may be treated, destroyed, or sold, the inspector shall provide written notice of the proposed disposition of the item to the beekeeper or the owner of the item in the manner provided by Subsection (b-1) or (b-2). The notice must describe the item, the proposed disposition of the item, and the reason for the disposition.
(1) publish notice of the proposed disposition for at least five consecutive days in a newspaper of general circulation in the county where the property was seized; or	(b-1) The inspector shall, not later than the fifth day before the proposed disposition date:
(2) post notice of the proposed disposition for at least five consecutive days in three public places, including the door of the county courthouse, in the county where the property was seized.	(1) send written notice to the beekeeper's or owner's last known address by first class mail and by certified mail, return receipt requested; and
	(2) provide written notice to the beekeeper or owner by:
	(A) hand delivery;
	(B) process server delivery; or
	(C) next-day delivery through the United States Postal Service or a similar service.
	(b-2) If the name or address of the beekeeper or owner of the item is unknown, the inspector shall, not later than the fifth day before the proposed disposition date:
	(1) publish notice of the proposed disposition in at least one issue of a newspaper of general circulation in the county where the property was seized; or
	(2) post notice of the proposed disposition on the door of the county courthouse or at another location designated for public notices in the county where the property was seized.

(c) If the inspector sells bees, equipment, pollen, or honey at a public auction under this section, the inspector shall return the proceeds of the sale to the former owner after deducting the costs of the sale.	(c) If the inspector sells bees, equipment, pollen, or honey at a public auction under this section, the inspector shall return the proceeds of the sale to the former owner, if known, after deducting the costs of the sale.
(d) The owner of bees, equipment, pollen, or honey treated or destroyed under this section is liable for the costs of treatment or destruction, and the inspector may sue to collect those costs. The inspector shall remit money collected under this subsection to the comptroller for deposit to the credit of the general revenue fund.	<unchanged>
Amended by Acts 1983, 68th Leg., p. 1884, ch. 350, Sec. 1, eff. Sept. 1, 1983; Acts 1985, 69th Leg., ch. 418, Sec. 2, eff. Sept. 1, 1985; Acts 1997, 75th Leg., ch. 1423, Sec. 2.12, eff. Sept. 1, 1997.	
Sec. 131.025. DUTY TO REPORT DISEASED BEES.	Sec. 131.025. REPORTABLE DISEASES AND PESTS; UNWANTED SPECIES OF 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.	(a) The chief apiary inspector shall maintain and publish:
	(1) a list of reportable diseases and reportable pests; and
	(2) a list of unwanted species of bees.
	(b) If a beekeeper knows that a colony of bees has a reportable disease or contains a reportable pest or an unwanted species of bee, the beekeeper shall immediately report to the chief apiary inspector all facts known about the situation.
Amended by Acts 1983, 68th Leg., p. 1884, ch. 350, Sec. 1, eff. Sept. 1, 1983; Acts 1985, 69th Leg., ch. 418, Sec. 1, eff. Sept. 1, 1985.	
SUBCHAPTER C. PERMITS AND REGISTRATION	<unchanged>
Sec. 131.041. PERMIT FOR IMPORTATION.	Sec. 131.041. PERMIT FOR INTERSTATE MOVEMENT **
(a) A person may not ship or cause to be shipped bees or equipment into this state unless the person has a permit issued by the chief apiary inspector authorizing the shipment.	(a) A person may not ship or cause to be shipped bees or equipment into or out of this state unless the person has a permit issued by the chief apiary inspector authorizing the shipment.
(b) A person may apply for a permit under this section by filing an application with the inspector before the 10th day preceding the date of the shipment. An application for a permit must include:	(b) A person may apply for a permit under this section by filing an application with the inspector. A person may apply for a permit at any time, but a person must apply for a permit before the 10th day preceding the date of the shipment if the person does not hold a permit on that date. An application for a permit must include all information required by the chief apiary inspector.
(1) a complete description of the shipment;	(b-1) A permit issued under this section applies to all shipments made by the beekeeper and expires on August 31 following the date the permit is issued.
(2) the destination of the shipment;	(b-2) For a shipment originating outside this state:
	(1) a certificate of inspection signed by the official apiary inspector or entomologist of the state, territory, or country from which the bees are to be shipped is required before the shipment may enter the state; or
	(2) the chief apiary inspector of Texas must have inspected the

	shipment not more than 12 months before the date of the shipment.
(3) the approximate date of the shipment;	<deleted>
(4) the names and addresses of the consignor and consignee; and	<deleted>
(5) a certificate of inspection signed by the official apiary inspector or entomologist of the state, territory, or country from which the bees are to be shipped.	<deleted>
(c) A certificate of inspection for a permit required by Subsection (b)(5) of this section must certify that the bees or equipment are apparently free from disease based on an actual inspection conducted not more than 12 months before the date of the shipment. If the bees or equipment are to be shipped into this state from a state, territory, or country that does not have an official apiary inspector or entomologist, the person shipping the bees or equipment may provide other suitable evidence that the bees and equipment are free from disease.	(c) A certificate of inspection for a permit required by Subsection (b-2) must certify that the bees or equipment are apparently free from disease and pests based on an actual inspection conducted not more than 12 months before the date of the shipment. If the bees or equipment are to be shipped into this state from a state, territory, or country that does not have an official apiary inspector or entomologist:
	(1) the person shipping the bees or equipment may provide other suitable evidence that the bees and equipment are free from disease and pests; or
	(2) the bees may be shipped into this state under quarantine and the person receiving the shipment shall have the bees inspected not later than the 30th day after the date the bees enter this state.
(d) If a person files an application in accordance with Subsection (b) of this section and the inspector is satisfied that the shipment does not pose a threat to disease control in the beekeeping industry, the inspector shall issue a permit authorizing the shipment.	(d) If a person files an application in accordance with Subsection (b) and the inspector is satisfied that the shipment does not pose a threat to disease or pest control in the beekeeping industry, the inspector shall issue a permit authorizing the shipment.
(e) This section does not apply to a shipment of live bees in wire cages without combs or honey.	(e) This section does not apply to a shipment of package bees.
	(f) The inspector shall charge a fee for each permit issued under this section. The inspector shall set the fee at an amount that is reasonable in relation to the costs of administering this section.
	(g) An individual who is exempt from registration under Section 131.045 is exempt from the permit fee charged under Subsection (f).
Added by Acts 1983, 68th Leg., p. 1884, ch. 350, Sec. 1, eff. Sept. 1, 1983; Acts 1985, 69th Leg., ch. 418, Sec. 3, eff. Sept. 1, 1985.	
Sec. 131.042. PERMIT FOR EXPORTATION.	<deleted>
(a) A person who ships bees or equipment from this state to another state, territory, or country may apply to the chief apiary inspector for a permit authorizing the shipment. The application must include:	<deleted>
(1) a complete description of the shipment;	<deleted>
(2) the destination of the shipment;	<deleted>
(3) the approximate date of the shipment;	<deleted>
(4) the names and addresses of the consignor and consignee; and	<deleted>
(5) evidence that the shipment is apparently free from a disease of bees.	<deleted>
(b) The inspector shall accept as evidence that a shipment is apparently free from disease either:	<deleted>
(1) a certificate of inspection issued under Section 131.044 of this code; or	<deleted>
(2) an affidavit by the beekeeper or owner of the bees or equipment stating	<deleted>

that to his knowledge, the bees or equipment are free from disease.	
(c) If a person files an application in accordance with Subsection (a) of this section, and the inspector is satisfied that the shipment does not pose a threat to disease control in the beekeeping industry, the inspector shall issue a permit for the shipment.	<deleted>
(d) The inspector shall charge a fee for each permit issued under this section. The inspector shall set the fee at an amount that is reasonable in relation to the costs of administering this section, but at not less than \$50. Additional copies of each permit issued under this section shall be available from the inspector for a reasonable fee set by the inspector at not less than \$10.	<deleted>
Added by Acts 1983, 68th Leg., p. 1884, ch. 350, Sec. 1, eff. Sept. 1, 1983; Acts 1985, 69th Leg., ch. 418, Sec. 3, eff. Sept. 1, 1985.	
Sec. 131.043. PERMITS FOR INTRASTATE SHIPMENT.	<deleted> **
(a) A person may not ship or cause to be shipped bees or equipment between counties in this state unless the person has a permit issued by the chief apiary inspector authorizing the shipment.	<deleted>
(b) A person may apply for a permit under this section by filing an application for a permit with the inspector before the 10th day preceding the date of shipment. An application for a permit must include:	<deleted>
(1) the name, address, and telephone number of the beekeeper;	<deleted>
(2) a complete description of the bees or equipment to be moved;	<deleted>
(3) the number of intercounty movements anticipated;	<deleted>
(4) the destination of each shipment; and	<deleted>
(5) the approximate date or dates of movement.	<deleted>
(c) If a person files an application in accordance with Subsection (b) of this section and the inspector is satisfied that the shipment does not pose a threat to disease control in the beekeeping industry, the inspector shall issue a permit authorizing the shipment.	<deleted>
(d) The inspector shall charge a fee for each permit issued under this section. The inspector shall set the fee at an amount that is reasonable in relation to the costs of administering this section, but at not less than \$25.	<deleted>
(e) An individual who owns not more than 12 colonies of bees is exempt from the permit fee charged under Subsection (d) of this section.	<deleted>
(f) A permit issued under this section entitles the permittee to move the bees or equipment between the designated counties during the state fiscal year in which the permit was issued.	<deleted>
Added by Acts 1983, 68th Leg., p. 1884, ch. 350, Sec. 1, eff. Sept. 1, 1983; Acts 1985, 69th Leg., ch. 418, Sec. 3, eff. Sept. 1, 1985.	
Sec. 131.044. CERTIFICATE OF INSPECTION.	<unchanged>
(a) A person who wants a certificate of inspection for bees, equipment, pollen, or honey must file a written request for the inspection with the chief apiary inspector.	(a) A person who wants a certificate of inspection for bees, equipment, pollen, or honey must request the inspection from the chief apiary inspector.
(b) On receipt of a request, the inspector shall authorize the inspection of the bees,	(b) On receipt of a request, the inspector shall authorize the inspection of the bees,

equipment, pollen, or honey for the presence of disease.	equipment, pollen, or honey for the presence of disease, pests, and unwanted species of bees.
(c) If a disease is not found in the bees, equipment, pollen, or honey, the inspector shall certify in writing that the bees, equipment, pollen, or honey is apparently free from disease.	(c) If no disease, pest, or unwanted species of bee is found in the bees, equipment, pollen, or honey, the inspector shall certify in writing that the bees, equipment, pollen, or honey is apparently free from disease, pests, and unwanted species of bees.
(d) The inspector shall charge fees for inspections requested under this section. The inspector shall set the fees in amounts that are reasonable in relation to the costs of administering this section, but at not less than the following amounts:	(d) The inspector shall charge fees for inspections requested under this section. The inspector shall set the fees in amounts that are reasonable in relation to the costs of administering this section.
(1) for each inspection of an apiary or group of apiaries, except a queen apiary, located within an area of 100 square miles..... \$ 50	<deleted>
(2) for an inspection of a queen apiary or group of queen apiaries located within an area of 100 square miles..... \$200	<deleted>
(3) for each additional inspection of a queen apiary or group of queen apiaries located within an area of 100 square miles \$ 50.	<deleted>
(e) The beekeeper of diseased bees or equipment shall pay an additional fee, in a reasonable amount set by the inspector at not less that \$25, for each subsequent inspection that the inspector determines is necessary to contain, treat, or eradicate the disease.	(e) The beekeeper of diseased bees or of equipment that contains a pest or an unwanted species of bee shall pay an additional fee, in a reasonable amount set by the inspector, for each subsequent inspection that the inspector determines is necessary to contain, treat, or eradicate the disease, pest, or unwanted species of bee.
Added by Acts 1983, 68th Leg., p. 1884, ch. 350, Sec. 1, eff. Sept. 1, 1983; Acts 1985, 69th Leg., ch. 418, Sec. 3, eff. Sept. 1, 1985.	
Sec. 131.045. APIARY REGISTRATION.	Sec. 131.045. BEEKEEPER REGISTRATION. ***
(a) The chief apiary inspector may provide for the periodic registration of all apiaries in this state.	(a) Except as provided by Subsection (d), each beekeeper in this state shall annually register with the chief apiary inspector. A registration under this section expires August 31.
(b) A registration must include:	
(1) the beekeeper's name, address, and telephone number;	(1) information required by the chief apiary inspector; and
(2) the county or counties in which the apiary will be located; and	(2) the county or counties in which the beekeeper operates.
(3) the approximate dates that the apiary will be located in each county.	<deleted>
(c) The inspector may require a beekeeper to submit with the registration information a map showing the exact location of each of the beekeeper's apiaries. A map submitted under this section is a trade secret under Chapter 552, Government Code, and may not be disclosed.	(c) The inspector may require a beekeeper to submit with the registration information a map showing the exact location of each of the beekeeper's apiaries. A map submitted under this section is a trade secret under Chapter 552, Government Code, and may not be disclosed.
	(d) A beekeeper with an annual average of fewer than 25 colonies or nuclei is exempt from mandatory registration under this section but may voluntarily register.
	(e) The chief apiary inspector shall charge a fee for each registration issued under this section. The inspector shall set the fee at an amount that is reasonable in relation to the costs of administering this section.
Added by Acts 1983, 68th Leg., p. 1884, ch. 350, Sec. 1, eff. Sept. 1, 1983; Acts 1985, 69th Leg., ch. 418, Sec. 3, eff. Sept. 1, 1985; Acts 1995, 74th Leg., ch. 76, Sec. 5.95(88),	

eff. Sept. 1, 1995.	
Sec. 131.046. DISPOSITION AND USE OF FEES.	
(a) Fees collected under this subchapter shall be deposited in the State Treasury to the credit of a special fund to be known as the bee disease control fund to be used only to defray the costs of administering and enforcing this chapter.	(e) The chief apiary inspector shall charge a fee for each registration issued under this section. The inspector shall set the fee at an amount that is reasonable in relation to the costs of administering this section.
(b) The chief apiary inspector may sue to collect a delinquent fee under this subchapter.	<unchanged>
Added by Acts 1983, 68th Leg., p. 1884, ch. 350, Sec. 1, eff. Sept. 1, 1983; Acts 1985, 69th Leg., ch. 418, Sec. 3, eff. Sept. 1, 1985.	
SUBCHAPTER D. BRANDING AND IDENTIFICATION OF APIARY EQUIPMENT	SUBCHAPTER D. BRANDING AND IDENTIFICATION OF HIVES
Sec. 131.061. IDENTIFICATION REQUIRED.	**
A person may not operate an apiary in this state unless the apiary equipment is:	(a) Except as provided by Subsection (b), a:
(1) clearly and indelibly marked with the name and address of the person; or	(1) clearly and permanently marked with the name of the person as provided by Section 131.064;
(2) branded in accordance with Section 131.064 of this code with a brand registered to the person by the chief apiary inspector.	(2) branded in accordance with Section 131.064 with a brand registered to the person by the chief apiary inspector; or
	(3) identified by a weatherproof sign posted within the apiary containing the name and contact information or the brand number of the person managing the apiary, printed in lettering at least one inch high.
	(b) An apiary at the principal residence of a beekeeper is exempt from the requirements of Subsection (a).
Added by Acts 1983, 68th Leg., p. 1884, ch. 350, Sec. 1, eff. Sept. 1, 1983; Acts 1985, 69th Leg., ch. 418, Sec. 4, eff. Sept. 1, 1985.	
Sec. 131.062. BRAND; REGISTRATION.	<unchanged>
(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.	(a) The chief apiary inspector shall maintain a system of registration of beekeeper brands to identify equipment used by the beekeeper. The inspector shall assign a brand number to each beekeeper when the beekeeper registers under Section 131.045.
(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.	<unchanged>
Added by Acts 1983, 68th Leg., p. 1884, ch. 350, Sec. 1, eff. Sept. 1, 1983; Acts 1985, 69th Leg., ch. 418, Sec. 4, eff. Sept. 1, 1985.	<unchanged>
Sec. 131.063. REGISTRATION OF BRAND; FEE.	<deleted>
(a) The chief apiary inspector shall register a brand for each person who applies for	<deleted>

a brand and pays a recording fee. The inspector shall set the fee at an amount that is reasonable in relation to the costs of administering this section, but at not less than 50 cents.	
(b) The inspector shall remit money collected under this section to the comptroller for deposit to the credit of the bee disease control fund.	<deleted>
Added by Acts 1983, 68th Leg., p. 1884, ch. 350, Sec. 1, eff. Sept. 1, 1983; Acts 1985, 69th Leg., ch. 418, Sec. 4, eff. Sept. 1, 1985; Acts 1997, 75th Leg., ch. 1423, Sec. 2.13, eff. Sept. 1, 1997.	
Sec. 131.064. AFFIXING BRAND TO EQUIPMENT.	Sec. 131.064. MANNER OF AFFIXING NAME OR BRAND TO HIVES . **
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.	A name or brand must be affixed to a hive by burning, pressing, painting, or otherwise permanently marking the name or brand, in figures at least one-half of an inch high, into the wood or other material in a manner that shows the identification of the hive. The name or brand must be affixed on one or both ends of the hive.
Added by Acts 1983, 68th Leg., p. 1884, ch. 350, Sec. 1, eff. Sept. 1, 1983.	
Sec. 131.065. TRANSFER OF BRAND.	<unchanged>
(a) A brand may be transferred only if:	<unchanged>
(1) the chief apiary inspector approves the transfer; and	<unchanged>
(2) the transferor is selling all of the transferor's bees and equipment to the person to whom the brand is to be transferred.	<unchanged>
(b) If a brand is to be transferred, the seller shall give a bill of sale for the bees and equipment that shows the seller's brand.	<unchanged>
(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.	(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 above or below the brand of the prior owner.
Added by Acts 1983, 68th Leg., p. 1884, ch. 350, Sec. 1, eff. Sept. 1, 1983; Acts 1985, 69th Leg., ch. 418, Sec. 4, eff. Sept. 1, 1985.	
SUBCHAPTER E. LABELING AND SALE OF HONEY	<unchanged>
Sec. 131.081. USE OF "HONEY" ON LABEL.	<unchanged>
A person may not label, sell, or keep, offer, or expose for sale a product identified on its label as "honey," "liquid or extracted honey," "strained honey," or "pure honey" unless the product consists exclusively of pure honey.	<unchanged>
Added by Acts 1983, 68th Leg., p. 1884, ch. 350, Sec. 1, eff. Sept. 1, 1983.	
Sec. 131.082. USE OF BEE, HIVE, OR COMB DESIGN.	<unchanged>
A person may not label, sell, or keep, expose, or offer for sale a product that resembles honey and that has on its label a picture or drawing of a bee, hive, or	<unchanged>

comb unless the product consists exclusively of pure honey.	
Added by Acts 1983, 68th Leg., p. 1884, ch. 350, Sec. 1, eff. Sept. 1, 1983.	
Sec. 131.083. SALE OF IMITATION HONEY.	<unchanged>
A person may not label, sell, or keep, expose, or offer for sale a product that resembles honey and is identified on its label as "imitation honey."	<unchanged>
Added by Acts 1983, 68th Leg., p. 1884, ch. 350, Sec. 1, eff. Sept. 1, 1983.	
Sec. 131.084. SALE OF HONEY MIXTURES.	<unchanged>
(a) A person may not label, sell, or keep, expose, or offer for sale a product that consists of honey mixed with another ingredient unless:	<unchanged>
(1) the product bears a label with a list of ingredients; and	<unchanged>
(2) "honey" appears in the list of ingredients in the same size type of print as the other ingredients.	<unchanged>
(b) A person may not label, sell, or keep, expose, or offer for sale a product that contains honey mixed with another ingredient and contains in the product name "honey" in a larger size of type or print or in a more prominent position than the other words in the product name.	<unchanged>
Added by Acts 1983, 68th Leg., p. 1884, ch. 350, Sec. 1, eff. Sept. 1, 1983.	
SUBCHAPTER F. ENFORCEMENT	<unchanged>
Sec. 131.101. ENFORCEMENT AUTHORITY.	<unchanged>
The chief apiary inspector is the official responsible for enforcing Subchapters B, C, and D of this chapter. The Texas Department of Health is the agency responsible for enforcing Subchapter E of this chapter.	The chief apiary inspector is the official responsible for enforcing Subchapters B, C, and D. The Department of State Health Services is the agency responsible for enforcing Subchapter E.
Amended by Acts 1983, 68th Leg., p. 1884, ch. 350, Sec. 1, eff. Sept. 1, 1983; Acts 1985, 69th Leg., ch. 418, Sec. 5, eff. Sept. 1, 1985.	
Sec. 131.102. ENTRY POWER.	<unchanged>
(a) The chief apiary inspector may enter at a reasonable hour any public or private premises, including a building, depot, express office, storeroom, vehicle, or warehouse, in which bees, equipment, pollen, or honey may be located to determine whether a violation of Subchapter B, C, or D of this chapter has occurred or is occurring.	<unchanged>
(b) The Texas Department of Health may enter at a reasonable hour any public or private premises, including a building, depot, express office, storeroom, vehicle, or warehouse, in which bees, equipment, pollen, or honey may be located to determine whether a violation of Subchapter E of this chapter has occurred or is occurring.	(b) The Department of State Health Services may enter at a reasonable hour any public or private premises, including a building, depot, express office, storeroom, vehicle, or warehouse, in which bees, equipment, pollen, or honey may be located to determine whether a violation of Subchapter E has occurred or is occurring.
Amended by Acts 1983, 68th Leg., p. 1884, ch. 350, Sec. 1, eff. Sept. 1, 1983; Acts 1985, 69th Leg., ch. 418, Sec. 5, eff. Sept. 1, 1985.	

Sec. 131.103. STOP-SALE ORDER.	<unchanged>
If the official or agency responsible for enforcing a provision of this chapter or a rule or quarantine adopted under this chapter has reason to believe a colony of bees, equipment, pollen, or honey is in violation of the provision, the official or agency may issue a written order to stop the sale of the bees, equipment, pollen, or honey. When the official or agency issues a stop-sale order, the official or agency shall deliver a copy of the order to the person who possesses the bees, equipment, pollen, or honey. On receipt of the copy of the order, a person may not sell or transport the bees, equipment, pollen, or honey until the official or agency that issued the order determines that the items are in compliance with this chapter.	<unchanged>
Amended by Acts 1983, 68th Leg., p. 1884, ch. 350, Sec. 1, eff. Sept. 1, 1983.	
Sec. 131.104. CIVIL ACTIONS.	<unchanged>
(a) The official or agency responsible for enforcing a provision of this chapter or a rule or quarantine adopted under this chapter may sue to enjoin a violation or threatened violation of the provision and may maintain other civil actions necessary to enforce this chapter.	<unchanged>
(b) On the request of the official or agency suing under this section, the attorney general or a county or district attorney shall represent the official or agency in the civil action.	<unchanged>
(c) A sheriff or constable shall protect the officers or employees of the official or agency in the discharge of the duties given to the official or agency by this chapter.	<unchanged>
(d) The official or agency is not required to give bond or other security in a legal proceeding instituted or defended under this chapter in a court of this state.	<unchanged>
Amended by Acts 1983, 68th Leg., p. 1884, ch. 350, Sec. 1, eff. Sept. 1, 1983.	
Sec. 131.105. VENUE FOR CIVIL AND CRIMINAL ACTIONS.	<unchanged>
Venue for a civil or criminal prosecution under this chapter is in the county where the affected group of bees, equipment, pollen, or honey is located at the time the violation is discovered by or made known to the official or agency.	<unchanged>
Amended by Acts 1983, 68th Leg., p. 1884, ch. 350, Sec. 1, eff. Sept. 1, 1983.	
SUBCHAPTER G. PENALTIES	<unchanged>
Sec. 131.121. DISEASE CONTROL.	Sec. 131.121. DISEASE AND PEST CONTROL.
(a) A person commits an offense if the person:	(a) A person commits an offense if the person:
(1) violates a provision of Section 131.022 or 131.023 of this code;	(1) violates a provision of Section 131.022 or 131.023;
(2) fails to report diseased bees in accordance with Section 131.025 of this code;	(2) fails to report reportable diseases, reportable pests, or unwanted species of bees in accordance with Section 131.025; **
(3) ships or causes bees or equipment to be shipped into this state or between counties in this state without the permit required by Section 131.041 or 131.043 of this chapter;	(3) ships or causes bees or equipment to be shipped into this state without the permit required by Section 131.041; **

(4) violates a rule, order, or quarantine of the chief apiary inspector adopted under this chapter;	(4) violates a rule, order, or quarantine of the chief apiary inspector adopted under this chapter;
(5) prevents or attempts to prevent an inspection of bees, equipment, pollen, or honey under the direction of the inspector under this chapter;	(5) prevents or attempts to prevent an inspection of bees, equipment, pollen, or honey under the direction of the inspector under this chapter;
(6) prevents or attempts to prevent the discovery or treatment of diseased bees;	(6) prevents or attempts to prevent the discovery or treatment of reportable diseases, reportable pests, or unwanted species of bees; **
(7) interferes with or attempts to interfere with the inspector in the discharge of the duties under this chapter;	(7) interferes with or attempts to interfere with the inspector in the discharge of the duties under this chapter;
(8) as the owner or keeper of a diseased colony of bees, barter, gives away, sells, ships, or moves diseased bees, equipment, pollen, or honey or exposes other bees to the disease;	(8) as the owner or keeper of a colony of bees that has a reportable disease, a reportable pest, or an unwanted species of bee, barter, gives away, sells, ships, or moves the bees, equipment, pollen, or honey or exposes other bees to the reportable disease, reportable pest, or unwanted species of bee; **
(9) exposes honey, pollen, hives, frames, combs, bees, or appliances known to be diseased in a manner that provides access to bees; or	(9) exposes honey, pollen, hives, frames, combs, bees, or appliances from a colony of bees known to have a reportable disease, a reportable pest, or an unwanted species of bee in a manner that provides access to other bees; **
(10) sells, offers for sale, barter, gives away, ships, or distributes honey or pollen taken from a colony of diseased bees.	(10) sells, offers for sale, barter, gives away, ships, or distributes honey or pollen taken from a colony of bees that has a reportable disease or a colony of bees that contains a reportable pest; or **
	(11) fails to register with the chief apiary inspector as required by Section 131.045. ***
(b) An offense under this section is a Class C misdemeanor.	<unchanged>
(c) All fines collected under this section shall be deposited in the state treasury.	<unchanged>
Added by Acts 1983, 68th Leg., p. 1884, ch. 350, Sec. 1, eff. Sept. 1, 1983; Acts 1985, 69th Leg., ch. 418, Sec. 6, eff. Sept. 1, 1985.	
Sec. 131.122. APIARY EQUIPMENT BRANDS.	Sec. 131.122. IDENTIFICATION **
(a) A person commits an offense if the person:	(a) A person commits an offense if the person:
(1) violates Section 131.061 of this code; or	(1) violates Section 131.061; or
(2) alters or attempts to alter a registered apiary equipment brand without authorization from the chief apiary inspector.	(2) alters or attempts to alter a registered brand without authorization from the chief apiary inspector.
(b) An offense under this section is a Class C misdemeanor.	<unchanged>
(c) Each of the following is prima facie evidence of an offense under this section:	<unchanged>
(1) unauthorized possession of equipment on which the brand has been altered;	<unchanged>
(2) possession of branded equipment without a bill of sale or written proof of ownership; or	<unchanged>
(3) use of a registered brand that is not registered to the person using the brand.	<unchanged>
Added by Acts 1983, 68th Leg., p. 1884, ch. 350, Sec. 1, eff. Sept. 1, 1983; Acts 1985, 69th Leg., ch. 418, Sec. 7, eff. Sept. 1, 1985.	
Sec. 131.123. LABELING OR SALE OF HONEY.	<unchanged>
(a) A person commits an offense if the person violates a provision of Subchapter E	<unchanged>

of this chapter.	
(b) An offense under this section is a Class B misdemeanor.	<unchanged>
Amended by Acts 1983, 68th Leg., p. 1884, ch. 350, Sec. 1, eff. Sept. 1, 1983.	

* This numbering may be a formatting error.

** These sections take affect after September 1, 2017 and former law applies until that date.

*** These sections take affect after September 1, 2018

All other sections take affect after September 1, 2017