

TITLE 21 AGRICULTURE AND RANCHING
CHAPTER 27 APIARIES (BEEKEEPING)
PART 2 COMMERCIAL APIARIES

21.27.2.1 ISSUING AGENCY: New Mexico State University, New Mexico Department of Agriculture
[7/1/97; 21.27.2.1 NMAC - Rn & A, 21 NMAC 27.2.1, 05/29/09]
[MSC 3189, Box 30005, Las Cruces, New Mexico 88003-8005, Telephone No. (575) 646-3007]

21.27.2.2 SCOPE: Part 2 shall apply to all commercial beekeepers and commercial apiaries.
[7/1/97; 21.27.2.2 NMAC - Rn, 21 NMAC 27.2.2, 05/29/09]

21.27.2.3 STATUTORY AUTHORITY: Granted to the board of regents of New Mexico state university
under the New Mexico Bee Law, Chapter 76, Article 9, Sections 1 through 13, New Mexico Statutes Annotated
1978 Compilation.
[7/1/97; 21.27.2.3 NMAC - Rn, 21 NMAC 27.2.3, 05/29/09]

21.27.2.4 DURATION: Permanent.
[7/1/97; 21.27.2.4 NMAC - Rn, 21 NMAC 27.2.4, 05/29/09]

21.27.2.5 EFFECTIVE DATE: July 1, 1997
[7/1/97; 21.27.2.5 NMAC - Rn, 21 NMAC 27.2.5, 05/29/09]

21.27.2.6 OBJECTIVE: The objective of Part 2 of Chapter 27 is to establish the registration of
commercial apiaries, govern the importation of commercial honey bees, provide for pollination permits and provide
for the disposal of abandoned apiaries and apiary equipment.
[7/1/97; 21.27.2.6 NMAC - Rn, 21 NMAC 27.2.6, 05/29/09]

21.27.2.7 DEFINITIONS:
A. "Commercial apiary" means any location:
 (1) north of interstate highway 40 where fifteen (15) or more bee colonies are located; and
 (2) south of interstate highway 40 where twenty-five (25) or more bee colonies are located.
B. "Commercial beekeeper" means any person who has in any one location the number of colonies
necessary to comprise a commercial apiary as defined in this section of the rule.
[7/1/97; 21.27.2.7 NMAC - Rn, 21 NMAC 27.2.7, 05/29/09]

21.27.2.8 APIARY EQUIPMENT: To facilitate the inspection for contagious bee disease each established
colony shall be kept in a hive with movable frames to permit the inspection of the brood.
[7/1/97; 21.27.2.8 NMAC - Rn, 21 NMAC 27.2.8, 05/29/09]

21.27.2.9 REGISTRATION OF COMMERCIAL APIARIES:
A. Each commercial apiary shall be registered:
 (1) annually on or before November 1 for each established apiary, or
 (2) prior to the establishment of a commercial apiary not registered at the time of the last annual
registration.
B. The annual registration fee of each commercial apiary shall be three dollars (\$3.00), provided that
no commercial beekeeper shall pay more than two-hundred dollars (\$200) in apiary registration fees. Any apiary not
re-registered within thirty (30) days of the expiration of its previous registration shall be available for registration by
another commercial beekeeper.
C. The department shall transfer a registration of a commercial apiary to another beekeeper when
notified in writing by the registered owner.
D. The registration for any commercial apiary shall be forfeited if the commercial beekeeper does not
place at least the required number colonies for a commercial apiary at the location for a minimum of fifteen (15)
days during any one of two consecutive registration periods.
[7/1/97; 21.27.2.9 NMAC - Rn, 21 NMAC 27.2.9, 05/29/09]

21.27.2.10 IMPORTATION OF BEES:

- A. Commercial beekeepers shall obtain a registration for any planned apiary prior to importing or locating bees in the state.
 - B. A certificate of inspection shall be filed with the department ten (10) days prior to the movement of bees or used equipment into the state by any commercial beekeeper.
 - C. The certificate of inspection for a colony of bees shall be based on an inspection by an authorized apiary inspector of the state of origin within thirty (30) days prior to date of movement into the state.
 - D. Bees or used equipment imported from states which do not regulate bees shall be inspected by the department, at the expense of the commercial beekeeper, prior to a commercial apiary registration being granted.
 - E. The department shall be notified within ten (10) days after arrival of the bees in the state.
 - F. Any violation of this section of the rule may result in the forfeiture of the registered apiary location or denial of an apiary registration by the department.
- [7/1/97; 21.27.2.10 NMAC - Rn, 21 NMAC 27.2.10, 05/29/09]

21.27.2.11 POLLINATION PERMITS:

- A. Commercial beekeepers shall obtain a pollination permit for any colonies moved for pollination purposes within one and a half (1 1/2) miles of another beekeepers registered apiary.
 - B. The permit shall be on a form supplied by the department and shall be filed with the department not more than twenty-four (24) hours after placing the colonies for pollination.
 - C. Colonies placed by a commercial beekeeper without a pollination permit shall be a violation of this rule and subject the beekeeper to the penalties in 76-9-13 of the Bee Act.
- [7/1/97; 21.27.2.11 NMAC - Rn, 21 NMAC 27.2.11, 05/29/09]

21.27.2.12 ABANDONED COLONIES:

- A. A colony or equipment shall be declared abandoned when the beekeeper owner or his representative cannot be located and notified in person or by registered letter and publication for at least two successive weeks in a newspaper of wide distribution in the county where the colony or equipment is located.
 - B. If a colony or equipment continues to be abandoned after thirty (30) days notice by registered letter and forty-one (41) days from the first publication in a newspaper, the department shall destroy or sell at public auction the abandoned colony or equipment.
 - C. The department may reject any and all bids when, in their opinion, the sale of the abandoned colonies or equipment constitutes a threat to the beekeeping industry. Each person purchasing a colony or equipment at the auction shall receive from the department a bill of sale that includes a description of the colony or equipment purchased and the amount paid. After deducting the expense of inspecting the colony or equipment and conducting the sale, the balance of the proceeds shall be used in administering the Bee Act.
- [7/1/97; 21.27.2.12 NMAC - Rn, 21 NMAC 27.2.12, 05/29/09]

HISTORY OF 21.27.2 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under:

- NMDA Rule 72-1, Apiary Regulations, filed 3/6/72.
- NMDA Rule 74-4, Apiary Regulations, filed 3/13/74.
- NMDA Rule 76-1, Apiary Regulations, filed 2/4/76.
- NMDA Rule 76-1, Amendment 1, 4/20/95.
- NMDA Rule 95-3, Apiary Regulations, filed 10/18/95.

History Of Repealed Material: [RESERVED]