

ANIMALS
(510 ILCS 20/) Bees and Apiaries Act.

(510 ILCS 20/1) (from Ch. 8, par. 123)

Sec. 1. This Act shall be known and may be cited as the "Bees and Apiaries Act".

(Source: P.A. 82-722.)

(510 ILCS 20/1a) (from Ch. 8, par. 123a)

Sec. 1a. Definitions. As used in this Act, unless the context otherwise requires:

"Abate" means the destruction or disinfection of bees, colonies, or items of bee equipment by burning or by treatment specified by the Department.

"Apiary" means a place where one or more hives or colonies of bees are kept.

"Bee diseases" means any infectious or contagious diseases of bees as specified by the Department, including but not limited to American foulbrood.

"Bee equipment" means hives, supers, frames, or any other devices used in beekeeping.

"Bee parasites" means any parasite of bees as specified by the Department.

"Beekeeper" means a person who keeps bees.

"Beekeeping" means the raising or producing of bees, beeswax, honey, and by-products and the transporting of bees, colonies or items of bee equipment.

"Bees" means the common honey bee, *Apis mellifera* (L) in any stage of its life cycle.

"Colony" means the entire honey bee family or social unit living together.

"Compliance agreement" means a written agreement between a registrant or other person handling or moving bees, colonies or items of bee equipment and the Department, in which the former agrees to specified conditions or requirements so as to remain in compliance with the terms of this Act.

"Department" means the Illinois Department of Agriculture.

"Director" means the Director of the Illinois Department of Agriculture or his or her authorized agent.

"Exotic strain of bees" means any developed strain of bees not known to be present ordinarily in the State as specified by the Department.

"Hive" means a frame hive, box hive, box, barrel, log gum, skep or any other receptacle or container, natural or artificial, or any part thereof, which is used or employed as a domicile for bees.

"Inspection certificate" means an official record stating that the bees, colonies, or items of bee equipment have been inspected by an inspector of apiaries or other officer charged with similar duties from this State or other states for bee diseases, bee parasites or other nuisances and found to be in compliance with this Act or Illinois entry requirements.

"Nuisance" means bees, colonies, or items of bee equipment where bee diseases, bee parasites or exotic strains of bees exist; or hives that cannot be readily inspected; or colonies that are not registered.

"Packages" means bees with or without food supply in special containers for their transportation.

"Permit" means a statement of authorization to allow bees, colonies, or items of bee equipment to enter the State or to move within the State whether or not an inspection certificate is available.

"Person" means any individual, firm, partnership, association, corporation, or other organized group of persons whether incorporated or not.

"Registrant" means the person applying for registration of the apiary or apiaries and the colonies of bees.

"Registration" means the recording of the registrant's name, address, apiary location and any other pertinent information on a printed form prescribed by the Department.

(Source: P.A. 88-138.)

(510 ILCS 20/2) (from Ch. 8, par. 124)

Sec. 2. (a) Every person keeping one or more colonies of bees shall register with the Department annually.

(b) Every person keeping one or more colonies of bees may be required to post his or her registration number in a prominent place within each apiary under his or her control.

(Source: P.A. 88-138.)

(510 ILCS 20/2-1)

Sec. 2-1. Nuisances. All bees, colonies, or items of bee equipment, where bee diseases, bee parasites or exotic strains of bees exist; or hives that cannot be readily inspected; or colonies that are not registered, are declared to be nuisances to be regulated as prescribed by the Department.

If the Department finds by inspection that any person is maintaining a nuisance as described in this Section, it shall proceed to regulate the nuisance by methods or procedures deemed necessary for control in accordance with rules and regulations of the Department.

If the owner or beekeeper cannot be found or will not consent to the terms for regulation of the nuisance, the Department shall notify in writing the owner or beekeeper, disclose the fact that nuisance exists and prescribe the method by which the nuisance may be abated. The notice declaring that a nuisance exists and ordering its abatement shall include:

- (1) a statement of conditions constituting the nuisance;
- (2) establishment of the time period within which the nuisance is to be abated;
- (3) directions, written or printed, pointing out the methods that shall be employed to abate the nuisance;
- (4) a statement of the consequences should the owner or beekeeper fail to comply.

The notice may be served personally or by certified mail with a return receipt requested. The directions for abatement of a nuisance may consist of a printed circular, bulletin or report of the Department, the United States Department of Agriculture or others, or an extract from such document.

If the person so notified refuses or fails to abate the

nuisance in the manner and in the time prescribed in the notice, the Department may cause the nuisance to be abated. The Department shall certify, to the owner or beekeeper, the cost of the abatement. The owner or beekeeper shall pay to the Department any costs of that action, within 60 days after certification that the nuisance has been abated. If the costs of abatement are not remitted, the Department may recover the costs before any court in the State having competent jurisdiction.

(Source: P.A. 88-138.)

(510 ILCS 20/2-2)

Sec. 2-2. Indemnity. If State funds are available for paying indemnity, the Department shall pay to the registrant of the bees an indemnity of \$25 for each colony destroyed by the Department.

(Source: P.A. 88-138.)

(510 ILCS 20/2-3)

Sec. 2-3. (Repealed).

(Source: P.A. 88-138. Repealed by P.A. 89-154, eff. 1-1-96.)

(510 ILCS 20/2-4)

Sec. 2-4. Right of entry. The Department shall have the power to inspect or cause to be inspected from time to time any bees, colonies, items of bee equipment or apiary. For the purpose of inspection, the Director is authorized during reasonable business hours to enter into or upon any property used for the purpose of beekeeping.

(Source: P.A. 88-138.)

(510 ILCS 20/2a) (from Ch. 8, par. 124a)

Sec. 2a. Intrastate transportation.

(a) No person shall transport a colony of bees or items of used bee equipment between counties within this State without a permit or compliance agreement which shall be issued based upon an inspection certificate from the Department.

(b) A colony of bees or items of used bee equipment transported in violation of this Section may be held and inspected by the Department, ordered returned to the place of origin, or abated.

(Source: P.A. 88-138.)

(510 ILCS 20/2b) (from Ch. 8, par. 124b)

Sec. 2b. Import.

(a) No person shall transport a colony of bees or items of used bee equipment into this State from another State or country having an inspector of apiaries or other officer charged with similar duties, without a permit or compliance agreement which shall be issued based upon an inspection certificate. Such colony or items of used bee equipment may be subject to inspection by the Director upon entry into the

State.

(b) No person shall transport a colony of bees or items of used bee equipment into this State from another State or country not having an inspector of apiaries or other officer charged with similar duties, unless the shipper or consignee has obtained from the Department a permit or compliance agreement for the shipment into the State. Such colonies or items of used bee equipment may be inspected by the Director after arrival in the State. A colony of bees or items of used bee equipment found to be infected with bee diseases or infested with bee parasites, or exotic strains of bees shall be ordered returned to the place of origin or abated.

(c) A colony or item of used bee equipment transported in violation of this Section may be held and inspected by the Department, ordered returned to the place of origin, or abated.

(Source: P.A. 88-138.)

(510 ILCS 20/2b-1)

Sec. 2b-1. Transportation of packaged bees.

(a) No person shall transport packaged bees for sale between counties within this State without an inspection certificate.

(b) No person shall transport packaged bees for sale into this State from another State or country without an inspection certificate.

(Source: P.A. 88-138.)

(510 ILCS 20/2b-2)

Sec. 2b-2. Inspection of bee colonies for sale or trade. The Department may require colonies of bees or items of used bee equipment being given, sold, leased, traded, or offered for sale in Illinois to be inspected.

(Source: P.A. 88-138.)

(510 ILCS 20/2c) (from Ch. 8, par. 124c)

Sec. 2c. Upon a finding that there exist in this State, or in any other state, territory, district, province or country bee diseases, bee parasites, or exotic strains of bees, the Director may impose and enforce a quarantine restricting the transportation of bees, colonies, or items of used bee equipment capable of carrying bee diseases, bee parasites or exotic strains of bees into, within or throughout the State. In carrying out the provisions of this Section or any quarantine, the Director may, at the expense of the owner, when an infestation, infection or nuisance is located, seize or abate bees, colonies, or items of used bee equipment. When the Director finds that there exist in any other state, territory, district, province or country bee diseases, bee parasites or exotic strains of bees, with respect to which the United States Secretary of Agriculture has not established a quarantine, and that the bee diseases, bee parasites or exotic strains of bees coming therefrom into this State are likely to convey such diseases, infestations or nuisances, the Director shall report such fact to the Governor. The Governor may

thereupon, by proclamation, prohibit the transportation into this State of such bees, colonies, or items of used bee equipment except under such regulations as may be prescribed by the Department.

(Source: P.A. 91-357, eff. 7-29-99.)

(510 ILCS 20/3) (from Ch. 8, par. 125)

Sec. 3. The Department shall, each July, make a report to the Governor and also to the Illinois State Beekeepers' Association, stating the number of apiaries visited, the number of those diseased and treated, and the number of colonies of bees abated.

(Source: P.A. 88-138.)

(510 ILCS 20/3a) (from Ch. 8, par. 125a)

Sec. 3a. The Director may cooperate with any other agency of this State or its subdivisions or with any agency of any other state or of the federal government for the purposes of carrying out the provisions of this Act and of securing uniformity of regulations.

(Source: P.A. 82-722.)

(510 ILCS 20/4) (from Ch. 8, par. 126)

Sec. 4. (Repealed).

(Source: Repealed by P.A. 88-138.)

(510 ILCS 20/4a)

Sec. 4a. (Repealed).

(Source: P.A. 88-138. Repealed by P.A. 89-154, eff. 1-1-96.)

(510 ILCS 20/5) (from Ch. 8, par. 126.1)

Sec. 5. The Director is authorized to promulgate rules and regulations for the enforcement and administration of this Act.

(Source: P.A. 82-722.)

(510 ILCS 20/6)

Sec. 6. Illinois Administrative Procedure Act. The Illinois Administrative Procedure Act and the Department of Agriculture administrative hearing rules shall apply to this Act.

(Source: P.A. 89-154, eff. 1-1-96.)

(510 ILCS 20/7)

Sec. 7. Administrative hearings and penalties. When an administrative hearing is held, the hearing officer, upon determination of a violation of this Act or rules or regulations promulgated under it, may levy the following administrative monetary penalties:

(1) \$50 for failure to register annually with the

Department.

- (2) \$50 for failure to post registration number in the apiary.
- (3) \$50 for transporting bees intrastate without a permit.
- (4) \$100 for maintaining hives that cannot be readily inspected.
- (5) \$100 for transporting bees interstate without a permit.
- (6) \$500 for failure to abate colonies infected with bee diseases or exotic strains of bees.
- (7) \$500 for violation of a quarantine.
- (8) \$100 for any other violation of this Act.

In the case of a second or subsequent violation within 3 years of the first offense, the penalty shall be doubled.

(Source: P.A. 89-154, eff. 1-1-96.)

(510 ILCS 20/8)

Sec. 8. Investigation of applicants and registrants; notification of hearing; subpoenas.

(a) The Department may, upon its own motion, and shall, upon the verified complaint in writing of any person setting forth facts, investigate the actions of any applicant, registrant or any person who may be in violation of this Act. At least 10 days prior to the date set for hearing the Department shall notify in writing the person, hereinafter called the respondent, that on the date designated a hearing will be held to determine whether the respondent is in violation of the Act, and shall afford the respondent an opportunity to be heard in person or by counsel. Written notice shall be served personally on the respondent, or by certified mail, return receipt requested, sent to the respondent's business address as shown in his or her latest notification to the Department.

(b) The Department, over the signature of the Director, may subpoena any persons in this State and take testimony orally, by deposition, or by exhibit, in the same manner and with the same fees and mileage as prescribed in judicial proceedings in civil cases.

(Source: P.A. 89-154, eff. 1-1-96.)

(510 ILCS 20/9)

Sec. 9. Administrative review. All final administrative decisions of the Department are subject to judicial review under Article III of the Code of Civil Procedure. The term "administrative decision" has the meaning ascribed to that term in Section 3-101 of the Code of Civil Procedure. Proceedings for judicial review shall be commenced in the circuit court of any county permitted by Section 3-104 of the Code of Civil Procedure.

(Source: P.A. 89-154, eff. 1-1-96.)