

West Virginia Immunity Law & Honey Bee Best Management Practices

§ WV CODE—CHAPTER-19— AGRICULTURE 19-13-4 (c)

(3) Operates the apiary in a reasonable manner and in conformance with the West Virginia Department of Agriculture's written best management practices provided by rule, is not liable for any personal injury or property damage that occurs in connection with the keeping and maintaining of bees, bee equipment, queen breeding equipment apiaries and appliances. The limitation of liability established by this section does not apply to intentional tortious conduct or acts or omissions constituting gross negligence.

TITLE 61— LEGISLATIVE RULE WV DEPARTMENT OF AGRICULTURE SERIES 2—WEST VIRGINIA APIARY LAW

4.2. West Virginia Honey Bee Best Management Practices (HBBMP):

4.2.a. West Virginia Beekeepers shall post a honey bee caution sign in or near apiary

4.2.b. West Virginia Beekeepers shall limit the number of hives in relation to property lot size in accordance with the following

4.2.b.1. less than 1/2 acre— 4 colonies (1/2 acre=21,780 sq. ft., roughly 100ft. X 218ft)

4.2.b.2. more than 1/2 acre, less than 1 acre—6 colonies (1 Acre= 43,560 sq. ft., roughly 150ft. X 290ft.)

4.2.b.3. 1 acre or more— 8 colonies (1 acre = 43,560 sq. ft., roughly 150ft. X 290ft.)

4.2.c. Regardless of lot size: If all hives are situated at least 200 feet in any direction from all property lines of the lot on which the apiary is situated, or as long as all adjoining property that falls within a 200-foot radius of any hive is undeveloped property, there are no limit on the number of hives

4.2.d. WEST VIRIGINIA BEEKEEPERS:

4.2.d.1. Shall have hive entrances face away from neighboring property & in such a direction that bees fly across the beekeeper's property a sufficient distance to gain a height of 6 feet. If bordering property is within a distance of 50 feet, the beekeeper shall use barriers (hedges, shrubs, or fencing 6 feet high) to redirect the bees' flight pathway & establish be flight pathways above head height;

- 4.2.d.2.** Shall maintain a water source near the colonies at a distance less than the nearest unnatural water supply;
- 4.2.d.3.** Shall not keep an apiary within 50 feet of an established animal that is tethered, kenneled or otherwise prevented from escaping a stinging incident;
- 4.2.d.4.** Should avoid opening colonies for inspection or manipulation when neighbors are present or in the immediate vicinity;
- 4.2.d.5.** Should avoid purchasing queens & honey bees from areas that are documented as having been designated as an established Africanized Honey Bee (AHB) zone;
- 4.2.d.6.** Shall manage all colonies to minimize swarming;
- 4.2.d.7** Shall replace queens in colonies exhibiting defensive behavior that may be injurious to the general public or domesticated animals as determined by Department's apiary staff
- 4.2.e.** A collection site for holding colonies prior to shipment, or a staging area, shall have undeveloped property surrounded by a natural barrier & shall be marked with a honey bee caution sign
- 4.2.f.** Anyone transporting colonies shall secure the load & screen entrances or place a net over the colonies to prevent bees from escaping.
- 4.2.g.** West Virginia Beekeepers shall properly discard all pesticides & other control agents after use according to label directions.
- 4.2.h.** Honey bees used for public demonstrations, entertainment or educational purposed shall be enclosed so as to avoid the release of honey bees to the public.
- 4.2.i.** In the event that Africanized Honey Bee (AHB) infestation is determined to be established in West Virginia by the Department, additional rules promulgated by the commissioner of Agriculture will be followed