



PRINCE EDWARD ISLAND  
ÎLE-DU-PRINCE-ÉDOUARD

# **ANIMAL HEALTH AND PROTECTION ACT BEE HEALTH REGULATIONS**

## PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this regulation, current to April 26, 2014. It is intended for information and reference purposes only.

This document is *not* the official version of these regulations. The regulations and the amendments printed in the *Royal Gazette* should be consulted on the Prince Edward Island Government web site to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the *Table of Regulations* on the Prince Edward Island Government web site ([www.princeedwardisland.ca](http://www.princeedwardisland.ca)).

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**ANIMAL HEALTH AND PROTECTION ACT****Chapter A-11.1****BEE HEALTH REGULATIONS**

Pursuant to section 4 of the *Animal Health and Protection Act* R.S.P.E.I. 1988, Cap. A-11.1 Council made the following regulations:

**1. Definitions**

## (1) In these regulations

- (a) “**bee**” means, unless the context indicates otherwise,
  - (i) a honey bee, and
  - (ii) a restricted bee;
- (b) “**bee equipment**” means a manufactured enclosure or part thereof in which a colony of bees lives or would normally be expected to live, but does not include new bee equipment that has never been in contact with bees;
- (c) “**beekeeper**” means a person who owns, manages or otherwise keeps bees or genetic material for any purpose;
- (d) “**Class A disease**” means a bee disease that is exotic to the province to which disease prevention measures apply, as listed in section 1 of Schedule A;
- (e) “**Class B disease**” means a bee disease that is present in the province to which disease control measures apply, as listed in section 2 of Schedule A;
- (f) “**Department**” means the Department of Agriculture and Forestry;
- (f.1) “**genetic material**” means an egg, sperm or capped queen cell produced by a bee;
- (f.2) “**honey bee**” means the European honey bee (*Apis mellifera* L.), but does not include its genetic material;
- (f.3) “**motor vehicle**” means a vehicle propelled or driven by power other than muscular power but does not include an aircraft, marine vehicle or a railway vehicle;
- (g) “**provincial apiarist**” means a person appointed by the Minister to perform the functions of a provincial apiarist under the Act;
- (h) “**restricted bees**” means insects of the following types or classes, including their genetic material:
  - (i) Africanized honey bee (*Apis mellifera scutellata*),
  - (ii) Asian honey bee (*Apis cerana*),
  - (iii) Asian hornet (*Vespa velutina*),
  - (iv) Cape honey bee (*Apis mellifera capensis*).

**Bees are animals**

- (2) Bees are designated as an animal for the purposes of clause 1(a) of the Act.

**Named diseases**

- (3) Class A and Class B diseases are designated as named diseases for the purposes of the Act. (EC271/01; 240/04; 223/08; 243/13)

**2. Purpose**

The purpose of these regulations is to

- (a) reduce the risk of the introduction into the province of Class A diseases or restricted bees; and
- (b) control the spread of Class B diseases in the province. (EC271/01; 243/13)

**3. Provincial apiarist**

- (1) The Minister shall appoint as an officer under subsection 2(3) of the Act, a provincial apiarist to administer and enforce these regulations.

**Inspectors**

- (2) Revoked by EC243/13.

***Ex officio* inspector**

- (3) The provincial apiarist is *ex officio* an inspector.

**Provincial veterinarian**

- (4) Where the provincial apiarist is not available within a reasonable time to perform the duties required, the provincial veterinarian shall have the authority to act as and exercise the powers of the provincial apiarist. (EC271/01; 243/13)

**4. Powers of inspector**

- (1) In addition to the powers an inspector has under Part II of the Act with respect to ascertaining the existence of a named disease, an inspector may, for the purposes of ascertaining the existence of restricted bees in the province,
- (a) enter, without a warrant, and search any premises, other than a dwelling place, where restricted bees are present or where the inspector believes on reasonable grounds that restricted bees are present;
- (b) stop and search any vehicle that contains restricted bees or that the inspector believes on reasonable grounds contains restricted bees;
- (c) inspect and take samples from
- (i) restricted bees or bees that the inspector believes on reasonable grounds are restricted bees, or
- (ii) any thing the bees referred to in subclause (i) may have come into contact with at the premises or in a vehicle where the bees are present.

**Stopping a vehicle**

- (2) For the purposes of clause 1(b), an inspector may require the operator of a vehicle to stop the vehicle and the operator shall



- (a) stop the vehicle and, subject to clause (b), remain stopped until permitted to proceed by the inspector; and
- (b) at the direction of the inspector, move the vehicle to the nearest point where an inspection may be conducted.

**Peace officer**

- (3) An inspector may request the assistance of, and may be assisted by, a peace officer in the performance of the inspector's duties and the exercise of the inspector's powers under these regulations. (EC271/01; 243/13)

**5. Disease-free zone**

- (1) Prince Edward Island is designated as a disease-free zone respecting Class A diseases.

**Restricted bees**

- (2) No person shall transport restricted bees into the province.

**No contact with other bees**

- (3) A person who is transporting honey bees into the province shall ensure that those honey bees do not come into contact with other bees during transport.

**No contact with other bees**

- (4) Revoked by 243/13. (EC271/01; 300/02; 243/13)

**6. Bee health certificate required**

- (1) No person shall transport honey bees into the province unless the person holds a bee health certificate respecting those honey bees, issued pursuant to subsection (2).

**Application for bee health certificate**

- (2) The provincial apiarist shall, on application, issue to an applicant a bee health certificate respecting honey bees the applicant wishes to transport into the province, if the applicant provides to the provincial apiarist,
  - (a) where the honey bees are being imported into the province from outside of Canada, a copy of an import certificate respecting the honey bees, issued by the Canadian Food Inspection Agency pursuant to the *Health of Animals Act (Canada)*; or
  - (b) where the honey bees are being imported into the province from within Canada,
    - (i) a certificate, signed and dated by an authorized inspector from the province of origin, not more than 60 days prior to the proposed date of entry, certifying that at least 10% of the honey bees being imported were inspected for infestation by small hive beetles and small hive beetles were not detected during the inspection, and
    - (ii) a declaration, in the form required by the provincial apiarist, signed and dated by the exporting beekeeper, not more than 60 days prior to the proposed date of entry, confirming that the honey bees being imported were treated, within 300 days preceding the proposed date of entry, with a treatment approved by the provincial apiarist, to reduce or eliminate infestation by honey bee tracheal mites.

**Non-compliance**

- (3) Where the provincial apiarist knows or has reasonable grounds to believe that honey bees have been transported into the province without a bee health certificate, the provincial apiarist may, by order in writing,
- (a) require the beekeeper responsible for those honey bees, at the expense of the beekeeper and in the manner and within the time frame specified in the order, to
    - (i) produce for inspection all books, records or other documents relating to the honey bees,
    - (ii) retain the honey bees at, or move the honey bees to a particular location,
    - (iii) treat the honey bees, or have the honey bees inspected, for a Class A disease,
    - (iv) obtain a bee health certificate with respect to the honey bees,
    - (v) remove the honey bees from the province, or
    - (vi) destroy and dispose of the honey bees and any genetic material or bee equipment that may have come in contact with the honey bees; and
  - (b) prohibit the beekeeper from selling or otherwise disposing of the honey bees within the timeframe or under the conditions specified in the order.

**Bee equipment**

- (4) No person may transport bee equipment into the province unless
- (a) an inspector is satisfied that no honey bees are present on or in the bee equipment; or
  - (b) where bees are present, the person has a bee health certificate issued pursuant to subsection (2) respecting the honey bees. (*EC271/01; 243/13*)

**6.1 Genetic material of honey bee - restriction**

- (1) No person shall transport genetic material of a honey bee into the province unless
- (a) the person holds a genetic material health certificate respecting the genetic material, issued pursuant to subsection (2); and
  - (b) the genetic material is transported into the province in the manner specified on the genetic material health certificate.

**Genetic material health certificate**

- (2) The provincial apiarist shall, on application, issue a genetic material health certificate respecting genetic material of a honey bee that the applicant wishes to transport into the province, if the applicant provides to the provincial apiarist
- (a) where the genetic material of a honey bee is being imported into the province from outside of Canada, a copy of an import certificate respecting the genetic material, issued by the Canadian Food Inspection Agency pursuant to the *Health of Animals Act* (Canada); or
  - (b) where the genetic material of a honey bee is being imported into the province from within Canada,
    - (i) a certificate, signed and dated by an authorized inspector from the province of origin, not more than 60 days prior to the proposed date of entry, certifying that at least 10% of the genetic material being imported was inspected for infestation by small hive beetles and small hive beetles were not detected during the inspection, and
    - (ii) a declaration, in the form required by the provincial apiarist, signed and dated by the exporting beekeeper, not more than 60 days prior to the



proposed date of entry, confirming that the genetic material being imported was treated, within 300 days preceding the proposed date of entry, with a treatment approved by the provincial apiarist, to reduce or eliminate infestation by honey bee tracheal mites.

**Method of transportation**

- (3) On issuing a genetic material health certificate under subsection (2), the provincial apiarist shall specify on the certificate the manner in which the genetic material is to be transported into the province.

**Non-compliance**

- (4) Where the provincial apiarist knows or has reasonable grounds to believe that genetic material of a honey bee has been transported into the province without a genetic material health certificate, the provincial apiarist may, by order in writing,
- (a) require the beekeeper responsible for that genetic material, at the expense of the beekeeper and in the manner and within the time frame specified in the order, to
    - (i) produce for inspection all books, records or other documents relating to the genetic material,
    - (ii) retain the genetic material at, or move the genetic material to, a particular location,
    - (iii) treat the genetic material, or have the genetic material inspected, for a Class A disease,
    - (iv) obtain a genetic material health certificate with respect to the genetic material,
    - (v) remove the genetic material from the province, or
    - (vi) destroy and dispose of the genetic material and any bees or bee equipment that may have come in contact with the genetic material; and
  - (b) prohibit the beekeeper from selling or otherwise disposing of the genetic material within the timeframe or under the conditions specified in the order. (EC240/04; 243/13)

**7. Weigh stations**

- (1) The Minister may appoint as officers under subsection 2(3) of the Act, employees of the Department of Transportation and Infrastructure Renewal at the weigh stations located at Borden-Carleton and Wood Islands.

**Stop for inspection**

- (2) Every person transporting bees or bee equipment into the province by motor vehicle shall stop at a weigh station at Borden-Carleton or Wood Islands.

**Bees not present**

- (3) Where a person transporting bee equipment not containing bees stops at a weigh station,
- (a) the officer at the weigh station shall be satisfied that the person has demonstrated compliance with subsection 6(4); or
  - (b) where not satisfied under clause (a), the officer at the weigh station shall
    - (i) require the person to arrange for the bee equipment to leave the province immediately; or
    - (ii) detain the bee equipment until otherwise directed by an inspector.

**Bee health certificate required**

- (4) Every person transporting bees or bee equipment containing bees into the province by motor vehicle shall provide to an officer at a weigh station the bee health certificate required by section 6.

**Bees or equipment to leave**

- (5) Where a person transporting bees or bee equipment containing bees into the province by motor vehicle fails to comply with subsection (4), the officer at the weigh station shall
- (a) require the person to arrange for the bees and the bee equipment to leave the province immediately; or
  - (b) detain the bees and bee equipment until otherwise directed by an inspector. (EC271/01; 243/13)

**8. Inspector to report restricted bees**

- (1) Where an inspector, other than the provincial apiarist, finds restricted bees in the province or has reasonable grounds to believe that restricted bees are present in the province, the inspector shall immediately report this to the provincial apiarist.

**Order respecting restricted bees**

- (2) Where the provincial apiarist finds restricted bees in the province or has reasonable grounds to believe that restricted bees are present in the province, the provincial apiarist may, by order in writing,
- (a) require the beekeeper responsible for those bees, at the expense of the beekeeper and in the manner and within the time frame specified in the order, to
    - (i) produce for inspection all books, records or other documents relating to the bees,
    - (ii) retain the bees at, or move the bees to, a particular location,
    - (iii) determine the presence or absence of restricted bees, or
    - (iv) destroy and dispose of any restricted bees and any other bees, genetic material, or bee equipment that may have come in contact with the restricted bees; and
  - (b) prohibit the beekeeper from selling or otherwise disposing of the bees within the timeframe or under the conditions specified in the order. (EC271/01; 243/13)

**9. Service**

- (1) Every written order made under these regulations shall be served by personal service or by registered mail addressed to the person to whom the order is directed at his or her last known address.

**Idem**

- (2) Any written order served under subsection (1) by registered mail is deemed to have been served on the day that is five days after the day the notice was sent by registered mail, unless the contrary is proven.

**Compliance**

- (3) Every person who is served with an order made under these regulations shall comply with the order in accordance with its terms.





**Ensure compliance**

- (4) Where a person does not comply with an order made under these regulations, the provincial apiarist or an inspector directed by the provincial apiarist may carry out the order, at the expense of the person to whom the order is directed. *(EC271/01; 243/13)*

**9.1 Used bee equipment**

Where a person ceases to use bee equipment that was used to keep bees, the person shall

- (a) destroy the bee equipment in such a manner as to prevent the spread of named diseases in honey bees; or
- (b) store the bee equipment in such a manner that is not accessible to bees. *(EC240/04; 243/13)*

**10. Signs**

The Minister may approve signs to be placed in the province respecting restrictions on the entry of bees, genetic material or bee equipment into the province. *(EC271/01; 243/13)*



## **SCHEDULE 1**

### **BEE DISEASES**

1. Infestation by any of the following parasites is a Class A Disease:
  - (a) revoked by EC238/14;
  - (b) small hive beetle.
2. Infestation by any of the following parasites is a Class B Disease:
  - (a) Varroa mite;
  - (b) American foul brood;
  - (c) honey bee tracheal mite;

*(EC271/01; 243/13; 238/14)*