

AZ. GOV. DOCS. 5
AHC 1.5
S71

ARIZONA COLLECTION
STATE DOCUMENT

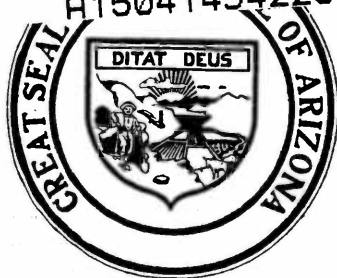
EXTRACTS OF LAWS

Pertaining to the
ARIZONA COMMISSION
OF AGRICULTURE
AND HORTICULTURE

ARIZONA STATE UNIVERSITY



A15041494225



TITLE 3 (In Part)
Arizona Revised Statutes

Published by
Arizona Commission of
Agriculture and Horticulture
P. O. Box 6246
Phoenix, Arizona

INDEX

	Sec.	Page
Abatement of Bee Infection.....	3-802	12
Abatement of Nuisance.....	3-204	6
Apiary Inspection	3-802	12
Apiary Inspector, State.....	3-801	11
Authority of Commission	3-103	3
Bee Shipments into Arizona.....	3-804	12
Certificate of Release.....	3-209	9
Commission Members, Qualifications, Term of Office.....	3-101	3
Compensation for Crops Destroyed.....	3-206	7
Concealment of Plants.....	3-213	10
Dangerous Plant Pests and Diseases.....	Art. 1	5
Date Standardization.....	Art. 3	10
Definitions	3-201	5
Destruction of Crops.....	3-206	7
Destruction of Infected Bees.....	3-803	12
Destruction of Infected and Infested Shipments	3-210	9
Election of Commission Officers.....	3-102	3
Enforcement Powers of Deputy or Agent.....	3-216	10
Failure to Stop at Inspection Stations.....	3-214	10
Foul Brood Inspection Annual.....	3-803	12
Hearing on Plant Menace.....	3-208	8
Hearing and Publication of Notice.....	3-207	8
Imminently Dangerous Nuisance.....	3-204	6
Infested Plants a Public Nuisance.....	3-202	5
Injunctions, Date Violations.....	3-475	11
Inspection, Certificate of.....	3-211	9
Inspection of Dates.....	3-472	11
Labeling of Dates.....	3-473	11
Labeling of Imported Nursery Stock.....	3-211	9
Meetings of Commission.....	3-102	3
Notice to Common Carriers.....	3-209	9
Nuisance Not Imminently Dangerous.....	3-205	6
Penalty for Violation Date Standards.....	3-476	11
Penalty for Violation Plant Quarantine.....	3-215	10
Pests Menacing State.....	3-207	8
Plant Pests and Diseases.....	3-113	4
Powers of Commission.....	3-103	3
Quarantine of Infected and Diseased Plants	3-203	5
Quarantine Regulations.....	3-209	9
Regulatory Provisions.....	Chap. 2	5
Reports of Date Sales.....	3-474	11
<i>Sale of Infested Plants Prohibited</i>	3-212	9
Standard of Quality, Dates.....	3-471	10
State Entomologist, Appointment, Oath, Bond, Powers and Duties.....	3-111	4
Used Bee Equipment Prohibited.....	3-805	12
Violations Date Standards.....	3-476	11
Violations Bee Law.....	3-806	12
Violations Regulatory Provisions.....	3-215	10
Wormy Apples and Pears, Disposition of.....	3-212	9

ARIZONA REVISED STATUTES

TITLE 3 — AGRICULTURE AND DAIRYING

CHAPTER 1—AGRICULTURAL ADMINISTRATION

ARTICLE 1. COMMISSION OF AGRICULTURE AND HORTICULTURE

Sec. 3-101. Commission; members; qualifications; terms; oath and bond; compensation

A. There shall be an Arizona commission of agriculture and horticulture consisting of three members appointed by the governor with the advice and consent of the senate for terms of six years. The term of one member shall expire June 30 each even-numbered year. Each member shall be a qualified elector, the owner of either a commercial orchard or otherwise improved agricultural land within the state and his principal occupation and business shall be fruit growing or farming. One member shall be identified with the cotton-growing industry. If a member ceases to possess any of such qualifications his office shall be automatically vacated. A commissioner may be removed by the governor for cause. Appointment to fill a vacancy caused other than by expiration of term shall be for the unexpired portion thereof.

B. The chairman of the commission shall receive a salary of five hundred dollars per annum. For attendance at meetings, the other members shall receive fifteen dollars per day, but they shall not be paid for more than sixty days attendance per annum. All members shall receive necessary expenses as provided in article 2 of chapter 4 of title 38.

Sec. 3-102. Meetings; election of officers; bond of secretary; annual report

A. The commission shall hold a meeting within fifteen days after July 1 each even-numbered year at which they shall elect from their members a chairman who shall hold office for the ensuing two years. They shall also elect a secretary who shall give bond to the state in the sum of five hundred dollars, which shall be approved by the governor. The commission may hold further meetings as necessary as ordered by the commission. Special meetings may be held upon call of the chairman or any two members.

B. At the close of each fiscal year the commission shall make an annual report to the governor.

Sec. 3-103. Power and authority

The commission may:

1. Deal with crop pests and diseases, and with all plants infested or infected with crop pests or diseases, or which are the host or carrier or the means of propagating or disseminating a crop pest or disease.

2. Make and enforce all rules, regulations and orders necessary to carry out the purposes of article 1 of chapter 2 of this title to prevent introduction of a crop pest or disease into the state, and to prevent propagation or dissemination of a crop pest or disease from one locality to another within this state, and to control, eradicate or to suppress a crop pest or disease.

3. Adopt and enforce all rules or regulations recommended by the state entomologist, which are within the authority granted by article 1 of chapter 2 of this title, and which:

- (a) Fix the terms and conditions upon which plants or any other article or thing of any nature whatever like-

ly to be infested or infected with or be the carrier of, or the means of propagating or disseminating a crop pest or disease may be shipped or brought into this state, or moved from one locality or place to another locality or place therein.

(b) Prohibit plants or things likely to be infected with, be the carrier of or the means of spreading, propagating or disseminating a crop pest or disease from being shipped or brought into this state, or moved from one locality to another therein.

4. Cooperate with the secretary of agriculture of the United States and his representatives in interstate matters pertaining to the objects of article 1 of chapter 2 of this title.

5. Proceed in accordance with law to abate any public nuisance prohibited by the provisions of article 1 of chapter 2 of this title.

ARTICLE 2. STATE ENTOMOLOGIST.

Sec. 3-111. State entomologist; oath; bond

A. The commission shall appoint an entomologist qualified by scientific training and practical experience at such salary as the commission may fix, not to exceed six thousand six hundred dollars per annum, who shall have the official title of state entomologist of Arizona.

B. The entomologist shall take the official oath of office and furnish bond in the principal amount of twenty-five hundred dollars to the state, to be approved by the governor, conditioned upon the faithful performance of his duties.

Sec. 3-112. Powers and duties

The entomologist shall:

1. With the advice and consent of the commission, appoint and fix the compensation of all clerks, inspectors and employees necessary to carry out the provisions of article 1 of chapter 2 of this title and the rules, regulations and orders made pursuant thereto. Such employees shall be under his direction and control.

2. Keep the commission informed concerning dangers to the agricultural and horticultural interests of the state from crop pests and diseases. He shall act as technical and expert adviser to the commission on all matters pertaining to his office and shall see that the rules, regulations and orders of the commission and the provisions of article 1 of chapter 2 of this title are faithfully enforced and executed. During the intervals between the meetings of the commission, the entomologist may take all necessary and proper means, by court action or otherwise, to enforce the provisions of article 1 of chapter 2 of this title, and the rules, regulations and orders of the commission.

3. Prepare and have printed, at least once each year, bulletins containing such information as he deems proper and the rules, regulations and orders of the commission revised to date of publication, and mail copies thereof to the farm bureau and to each common carrier transporting plants and other agricultural products into or within the state.

4. Sign all vouchers for the expenditure of money under the provisions of this article and article 1 of chapter 2 of this title, which shall be paid as other claims against the state out of the appropriation for the commission.

Sec. 3-113. Plant pests and diseases; inspection

The entomologist is empowered and directed:

1. To enter in or upon any premises or other place, train, vehicle or other means of transportation within, or entering the state, suspected of containing, harboring or having present therein or thereon one or more of the crop pests or diseases defined in Sec. 3-201.

2. To make inspections to determine if a crop pest or disease as defined in Sec. 3-201 is present.

3. To open, without unnecessary injury to property, any box, container or package at any time during business or operating hours, and, after notifying the owner or person in charge, if he is found in the county, to open any car, enclosure or building which he suspects contains, harbors or has present therein or thereon a pest or disease defined in Sec. 3-201, and to make an examination and inspection of the contents as may be necessary to determine if a pest or disease is present.

CHAPTER 2—REGULATORY PROVISIONS

ARTICLE 1. DANGEROUS PLANT PESTS AND DISEASES

Sec. 3-201. Definitions

In this article, and in articles 1 and 2, chapter 1, of this title, unless the context otherwise requires:

1. "Commission" means the Arizona commission of agriculture and horticulture.

2. "Crop diseases" includes all fungus, bacteria, virus or other organism of any kind and any unknown cause which is or may be found to be injurious, or likely to be or to become injurious to any domesticated or cultivated plant, or to the product of any such plant.

3. "Crop pests" includes all insects, mites, spiders and other animal organisms found injurious, or likely to become injurious, to any domesticated, cultivated, native or wild plant, or to the product of any such plant.

4. "Entomologist" means the state entomologist.

5. "Nursery stock" includes all trees, shrubs, vines, cacti, agaves, succulents, herbaceous plants whether annuals, biennials or perennials, bulbs, corms, rhizomes, roots, decorative plant material, flowers, fruit pits or seeds, cuttings, buds, grafts, scions and other plants intended for sale, gift or propagation, either cultivated or collected in the wild, except seeds as defined by article 2 of this chapter.

6. "Plant" includes every kind of vegetation, wild or domesticated, and any part thereof, as well as seed, fruit or other natural product of such vegetation.

7. "Shipment" includes anything brought into the state or transported within the state which may be the host or may contain or carry or may be susceptible of containing, carrying or having present on, in, or about it any plant pest or plant disease.

Sec. 3-202. Infested or infected plants as public nuisances

All plants and articles found infested or infected with a pest or disease or which are the host or carrier or means of disseminating or propagating a pest or disease is declared a public nuisance, and may be abated, suppressed, controlled or regulated as provided in this article and by the rules, regulations and orders of the commission.

Sec. 3-203. Quarantine of infected and diseased plants; notice

A. When a plant or other thing is found infested or infected by, or to contain or harbor a pest or disease, the entomologist shall place thereon a written warning or notice, stating:

1. That the plant or thing is held under quarantine by the commission.

2. That all persons are forbidden to remove or otherwise disturb the plant or thing pending further action by the entomologist.

B. The entomologist shall, as soon as practical, notify in writing the owner or person in charge of the plant or thing, if he can be found within the county, of his finding the pest or disease, stating the name thereof,

and giving a sufficient description of the plant or thing by name, location or otherwise in order that it may be readily identified.

Sec. 3-204. Summary abatement of imminently dangerous nuisance; procedure; expense; lien; public sale

A. If, in the opinion of the entomologist, the danger to the agricultural and horticultural industry of the state is imminent if the nuisance caused by a plant or thing is not speedily abated or suppressed, and if he finds it is practical to summarily abate the nuisance, either by the destruction of the plant or thing or by the treatment thereof so as to destroy or eradicate the pest or disease without actually destroying the plant or thing, the entomologist shall in writing direct the owner or person in charge of the nuisance, if he is found in the county, forthwith and at his expense to abate and suppress the nuisance in the manner provided in the written direction. If the owner or person in charge fails or neglects to comply with the direction for a period of five days after the date on which the direction was delivered to, or served upon him, then the entomologist shall summarily abate the nuisance in the manner specified in the written direction.

B. If the owner or person in charge or control of the nuisance is a nonresident of the state or cannot, after reasonable diligence by the entomologist, be found within the county where the nuisance exists, the entomologist shall publish the notice and the direction one time in a newspaper published in the county, and shall post a copy thereof at, on or in the immediate vicinity of the nuisance, and after seven days from the first publication and posting, the entomologist shall abate the nuisance in the manner specified in the direction.

C. When the nuisance is abated by the entomologist the expense thereof shall be borne by the state, but, when the abatement does not involve the destruction of the plant or thing and it has some value after the pest or disease has been eradicated, then the state shall have a first claim and lien thereon for the payment of expenses incurred in the abatement of the nuisance.

D. The entomologist shall notify the owner or person in charge or control of the nuisance of the amount of the expenses, and that unless the amount thereof is paid within ten days after date of service of the notice upon the owner or person in charge, the plant or thing will be sold at public sale, and the proceeds, or so much thereof as may be necessary, applied to the payment of the expenses. The notice shall be personally served or posted as required in this section for notices to abate.

E. If the owner or person in charge of the plant or thing fails to pay the expenses within the time specified in the notice, the entomologist shall give public notice of the time and place of sale with a description of the plant or thing to be sold, and the amount of expenses against it, which shall include costs of publication, posting and service of notice. The notice of sale shall be published and posted as provided in this section for the publication and posting of direction to suppress the nuisance.

F. The owner or person in charge of a plant or thing constituting the nuisance may waive in writing the service of all directions and notices in connection with the abatement or sale thereof.

Sec. 3-205. Abatement of nuisance not imminently dangerous; procedure; lien; foreclosure

A. If the entomologist believes the danger to the agricultural and horticultural industry is not imminent, or if impractical for any reason to summarily abate the nuisance, as described in Sections 3-203, 3-204, 3-206

and 3-207, the direction shall not require summary destruction or eradication, but shall set forth the measures required to be taken by the owner or person in charge to control, suppress or eradicate the danger, and shall require the person, at his expense, to take and comply with the measures specified in the direction and subsequent directions.

B. The directions shall be made, given and served as prescribed for summary abatement, and if they are not complied with, the entomologist may proceed as provided by the directions, and the expense shall be charged against the state.

C. If the plant or thing constituting the nuisance consists only of personalty, and is not attached to land or contained in a building, enclosure, vehicle or place belonging to the person, the state shall have the same lien and enforceable in the same manner as provided for summary abatement of the nuisance.

D. If the plant or thing is attached to land, or contained in a building, enclosure or vehicle which is the property of the person, then the lien shall also attach to the land, building, enclosure or vehicle, and the entomologist shall prepare and file in the office of the county recorder where the property is situated a notice of the lien, setting forth the amount thereof, the name of the owner or person in charge, and stating that the amount of the lien shall be paid within thirty days from filing the notice, or otherwise the property will be subjected to payment thereof.

E. The lien shall be prior to all other liens against the property except liens for state and county taxes. If the amount of the lien is not paid within the thirty days, the county attorney shall, on written request of the entomologist, foreclose the lien against the property impressed therewith as other liens are foreclosed.

Sec. 3-206. Destruction of noninfected crops upon abatement of nuisance; procedure; hearing; evidence; compensation

A. If the plants constituting the nuisance consist of growing crops, trees, orchards, vines or shrubbery, and the infestation or infection is by a plant pest or disease of such a nature, or if the location of the plants with respect to other plants not infested or infected is a part of the same crop, or is growing immediately adjacent to the infested or infected plants, and the entomologist believes it is impractical to abate the nuisance, and to suppress, eradicate or control the pest or disease without destroying the whole of the crop, trees, orchard, vines or shrubbery of which the infested or infected plants are a part, or without serious injury to uninfected or uninfested plants, then the entomologist may adopt proper measures to control, eradicate and suppress the pest or disease, although it causes a destruction of the crops, trees, orchards, vines and shrubbery, or an injury to uninfected or uninfested plants which are a part of the crops, trees, orchards, vines or shrubbery.

B. Before proceeding with abatement of the nuisance or suppressing, eradicating or controlling the pest or disease, the entomologist shall serve written notice upon the owner or person in charge of the premises on which the nuisance is located, specifying the infestation or infection and directing the person to appear before the commission at a time and place within the county where the nuisance exists, and show cause why the crop, trees, orchard, vines or shrubbery should not be destroyed in whole or in part.

C. The notice shall be personally served on the person, if he is found within the county where the nuisance exists, at least five days prior to the hearing. If the person is a nonresident or cannot be found in the

county, then the notice shall be published in a newspaper published in the county for at least seven days prior to the hearing, and in addition, a copy thereof shall be posted in a conspicuous place on or at the premises involved for a like period.

D. The commission shall meet pursuant to the notice and conduct a public hearing. Any interested party may appear and be heard, either in person or by attorney. The commission shall preserve a record of all evidence introduced, and at the conclusion of the hearing shall enter on its minutes an order conforming to its findings.

E. Any crop or portion thereof which the commission destroys, has destroyed or orders destroyed, shall be paid for from the general fund. The payments shall equal sixty per cent of its value at the time of destruction. If the damages are disputed the commission may settle the dispute by arbitration.

Sec. 3-207. Pest or disease menacing state; notice of hearing; publication

A. When a pest or disease is discovered within this state, or any section of an adjoining state or country, which the entomologist believes menaces or threatens serious injury to the horticultural or agricultural industry of this state unless the pest or disease is eradicated, suppressed or controlled so as not to cause the threatened injury, and if the entomologist believes it impractical to prevent the threatened injury except by destruction in whole or part of uninfested or uninfected plants within this state which would, if not destroyed or injured, permit the pest or disease to be introduced into this state or cause its spread and dissemination either within or without this state, he shall give public notice of the menace stating the character thereof, its present location and the crops to which it is injurious. The notice shall direct all persons interested:

1. To appear at the office of the commission at a time therein specified to consider measures for the suppression, eradication or control of the threatened injury.

2. To show cause why the commission should not order the destruction or injury of all or such portion of the plants, which, if not destroyed or injured, will become the means of introducing the pest or disease into the state or of spreading it to other places, or to show cause why a quarantine zone should not be established.

B. The notice shall be published at least seven days prior to the hearing in at least one newspaper for at least one insertion in each county wherein the entomologist deems it necessary to destroy or injure the plants, and in a newspaper published at Phoenix.

Sec. 3-208. Hearing on plant menace; evidence; quarantine zones; violation

A. At the time and place fixed for the hearing, the commission shall hold a public hearing at which any interested party may be heard, either in person or by attorney. The commission shall preserve a written record of all evidence introduced at the hearing.

B. If the commission finds that a menace exists, it may make and enforce rules, orders and regulations and establish quarantine zones or districts to eradicate, suppress or control the menace.

C. When the commission finds the danger which caused the establishment of a prohibited zone is no longer present, it shall revoke the order establishing the zone, and may by order entered on its minutes change or modify its order establishing a zone or regulations applicable thereto without notice or hearing, but no additional territory shall by subsequent order be added to or included within the boundaries of the zone except by notice and hearing as required for establishing the zone.

D. After the date on which the commission enters its order establishing a zone, it shall be unlawful to plant, grow or cultivate, or have in, or to transport from or into the district any plant of the kind specified in the order except in accordance with the order or subsequent orders.

Sec. 3-209. Quarantine regulations; notice to common carriers; duty to hold for inspection; certificate of release; inspection

A. When the commission believes the importation from designated countries, states or localities of specified varieties of plants, fruits, vegetables, seeds, agricultural or horticultural products is dangerous to the agricultural or horticultural industry of this state because of the likelihood of infestation with crop pests or diseases, the commission may declare a quarantine against all varieties from those places. Common carriers shall be immediately notified of the declaration of quarantine and are prohibited from transporting quarantined products from the designated places into the state.

B. Any person who brings or causes to be brought into the state, plants, fruits, vegetables, agricultural or horticultural products, shall, immediately after the arrival thereof, notify the inspector at the place where they may be received, and hold them without unnecessarily moving or placing them where they may be harmful for the immediate inspection of the inspector, and shall not deliver them to the person entitled thereto until furnished with a certificate of release by the inspector.

C. The members of the commission, the entomologist or the inspector may enter into any place where the products are received for the purpose of making the investigation or examination.

Sec. 3-210. Destruction of infected shipments

A. It is unlawful for a person knowingly to bring into the state any plant, plant product or other article that is infested by, or that harbors dangerously injurious insects or plant diseases.

B. When a shipment of such plant or other article imported or brought into the state is found to be infested by, or to harbor insect or other pests dangerous to the interests of the state, the commission shall notify, in writing, the shipper, consignee or owner, and shall require the shipper, consignee or owner, at his option, immediately to reship from the state, or destroy such plant or other article in whole or in part as the commission deems necessary, at owner's expense. If the shipper, consignee or owner neglects or refuses to reship from the state or destroy the infested shipment the commission shall destroy the infested shipment.

Sec. 3-211. Imported nursery stock; labeling; certificate of inspection

Nursery stock shipped into this state from another state or country shall be prominently labeled with the name and address of both the shipper and consignee, and shall be accompanied by a certificate of inspection dated within one year, or a copy of the certificate, made by a duly authorized official of the state or country in which the stock was grown. Shipments of plants, fruits, vegetables or seeds, not grown in the locality from which shipment was made, shall, in addition, specify where the plants or products were grown. Shipments into the state shall conform to rules or regulations promulgated by the commission.

Sec. 3-212. Infested plants; sale or transportation prohibited; disposition of infested or wormy apples and pears

A. It is unlawful to offer for sale, sell, give away or transport, except from the state as provided in the pre-

ceding section, plants, fruits, vegetables or seeds known to be infested by dangerously injurious insects or plant diseases or known to harbor any pest whatsoever.

B. When apples or pears are infested by the coddling moth, plain evidence of injury by this insect to the fruit shall constitute a condition of infestation.

C. When the commission believes the protection of the industry requires such action, fruit commonly known as "wormy," together with other apples or pears in the same container or lot together with the containers, shall be declared a public nuisance by the entomologist, and offering for sale, selling, giving away or transporting the fruit after it is declared a public nuisance is unlawful.

Sec. 3-213. Concealment of plants or agricultural products

It is unlawful for a person to conceal from a quarantine officer any plant or plant product or to fail to present such plant or plant product or any quarantined article for inspection at the request of such officer.

Sec. 3-214. Failure to stop at inspection station

It is unlawful for a person in possession or in control of a vehicle to fail to stop the vehicle at a properly signed inspection station, or upon demand of a plant quarantine officer, for the purpose of determining whether any quarantine established pursuant to the provisions of law is being violated.

Sec. 3-215. Violations; penalty

A. It is unlawful to wilfully refuse or knowingly neglect to comply with any rule, regulation or order promulgated by the commission for the protection of the agricultural or horticultural industry, or promulgated for the control of a quarantine zone established by the entomologist or the commission.

B. A person obstructing or conspiring to obstruct the commission, or the entomologist or his representatives in the performance of their duties, or who violates any provision of this article is guilty of a misdemeanor punishable by a fine of not less than fifty nor more than five hundred dollars. Each separate violation shall constitute a separate offense.

Sec. 3-216. Enforcement powers of deputy, inspector or agent

A. When any power or authority is given by any provision of this article to any person, it may be exercised by any deputy, inspector or agent duly authorized by such person.

B. Any person in whom the enforcement of any provision of this article or articles 1 and 2 of chapter 1 of this title is vested has the power of a peace officer as to such enforcement.

CHAPTER 3—MARKETING OF AGRICULTURAL PRODUCTS

ARTICLE 3. DATE STANDARDIZATION

Sec. 3-471. Standards of quality

Dates offered for sale within the state, including dates for use in products other than alcohol, brandy and products not intended for human consumption, shall be clean and free from:

1. Live insects, whether larva, pupa or adult.
2. Decay.
3. Mold, not including visible colonies of yeast.
4. Fermentation or souring.
5. Dead insects, insect parts or excreta.
6. Dirt or other foreign matter.
7. Black scald.
8. Side spots more than three-sixteenths of an inch in length or width.

Sec. 3-472. Inspection

A. Dates sought to be transported into the state for sale therein which are grown in another state or foreign country shall be inspected at the point of entrance by the state entomologist or his representative. In lieu of the inspection the state entomologist may accept or require a certificate of inspection executed by a federal official or by an official of the state of origin of the shipment which shall show:

1. That the dates are free from the defects enumerated in Section 3-471.
2. The state or foreign country where the dates were produced.
3. The name and address of the packer or shipper.
4. The name and address of the consignee.
5. The net weight of the dates contained in the shipment.
6. The date and point of entry into the state.

B. A common, contract or private carrier transporting a shipment of dates from another state or foreign country for sale in the state shall, prior to delivery, notify the state entomologist of that fact and hold the shipment a sufficient time to permit inspection.

C. The state entomologist may issue regulations pertaining to the inspection and handling of dates offered for sale in this state, and prescribe regulations for the enforcement of this article.

Sec. 3-473. Labeling

Containers and subcontainers of dates or date products which are sold or offered or exposed for sale shall be marked as prescribed by the state entomologist in a conspicuous place in easily legible print, as follows:

1. The name of the state or foreign country where grown.
2. The name and address of the packer.

Sec. 3-474. Reports

Wholesale and retail distributors of dates or date products may be required by the state entomologist to report under oath in the manner and at such times as he may require:

1. The quantity of dates sold.
2. The quantity of dates sold which were grown in another state or foreign country.
3. Whether the dates were sold in packages or in bulk.

Sec. 3-475. Injunction

The state entomologist may apply to the superior court of the county in which a violation of this article occurs for injunctive relief against a person violating the provisions of this article or of any regulation issued under authority thereof.

Sec. 3-476. Violations; penalty

A person violating a provision of this article or a regulation issued by the state entomologist under the authority of this article is guilty of a misdemeanor.

CHAPTER 6—BEES AND APIARIES

ARTICLE 1. GENERAL PROVISIONS

Sec. 3-801. Apiary inspector; appointment; powers

A. The commission of agriculture and horticulture shall appoint an apiary inspector who shall be qualified by scientific training and practical experience in bee-keeping.

B. The commission may investigate American and European foul broods, and all other contagious or infectious diseases of honey bees which, in its opinion, may be prevented, controlled or eradicated, and may make, promulgate and enforce such rules and regulations and do such things as in its judgment are necessary to control, eradicate or prevent the introduction, spread or dissemination of contagious diseases of honey bees.

Sec. 3-802. Inspection of apiaries; abatement of infection

A. The commission and inspectors may enter in or upon any premises, building or place for the purpose of inspecting honey bees or beekeeping fixtures or appliances therein to determine whether the bees or fixtures are infected with contagious or infectious disease or which they may have reason to believe have been or are being transported in violation of any provision of this article.

B. The commission may require the removal from the state of honey bees or beekeeping fixtures which have been brought into the state in violation of this article, or, if finding honey bees or fixtures infected with contagious or infectious disease, or that the bees or fixtures have been exposed to infection by such diseases, the commission may require the destruction, treatment or disinfection of the infected or exposed bees, hives, fixtures or appliances.

Sec. 3-803. Annual inspection; foul brood; quarantine; destruction

A. The inspector shall make a full inspection annually of all apiaries in the state, and shall make supplementary inspections of apiaries necessary to discover and suppress bee diseases of a contagious nature. Inspection shall be made during the breeding season and during a honey flow.

B. Immediately upon discovery of a foul brood the inspector shall inspect or cause to be inspected all apiaries within a radius of three miles of the infected apiary, and immediately quarantine all apiaries within a radius of three miles of the infected apiary. Bees shall not be moved into or out of the quarantined district without written permission from the inspector. The district shall remain quarantined until removed by the inspector. If upon subsequent inspection the disease is still found to exist in the apiary or colony, the inspector shall cause the diseased colonies to be destroyed by burning them to prevent spread of the disease.

Sec. 3-804. Certificate of inspection for bees shipped into state

A. All honey bees shipped or moved into the state shall be accompanied by a certificate of inspection signed by a duly authorized official of the state or country from which they are shipped or moved. The certificate shall certify that the bees, and their combs and hives, are free from contagious and infectious diseases and the certificate shall be based upon an actual inspection of the bees within a period of sixty days preceding date of shipment.

B. When honey bees are to be shipped into this state from other states or countries where no official inspector or entomologist is available, the commission may issue a permit for the shipment upon evidence showing the bees free from disease.

C. The provisions of this section shall not apply to shipments of live bees in wire cages which are without combs or honey.

Sec. 3-805. Shipment of secondhand equipment into state prohibited

The shipment or movement into this state of used or secondhand hives, honey combs, frames or other beekeeping fixtures is prohibited except under rules and regulations prescribed by the commission.

Sec. 3-806. Violation; penalty

A person violating any provision of this article, or the rules or regulations of the commission adopted in accordance with this article is guilty of a misdemeanor.