



Compliance with Beekeeping Laws in Hawai'i

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Beekeeping has been a commercial enterprise in Hawai'i since European honey bees were first introduced in the late 1800s, but hobbyist and sideline operations are growing in popularity across the state as they are elsewhere in the US. Whether keeping bees is your full-time profession, a supplemental source of income, or a hobby, it is important to understand and adhere to the ordinances governing honey bees in your county to avoid potential fines or criminal liability. In addition to local laws, all beekeepers should be aware of state laws limiting the transport of beekeeping materials from the mainland to Hawai'i and between the islands, as well as laws governing the sale of honey.

This publication serves as a comprehensive guide to current state and local laws concerning beekeeping. Current and future beekeepers should refer to the original language of published laws when determining whether their operation is in compliance. In many cases, county ordinances are vague or use unclear language, which can be confusing for individuals wishing to keep bees in their backyards. When in doubt, contact your county Planning Departments with questions (Table 1). **Keep in mind: if county codes do not expressly say that a land use is allowed within a particular zone, then that use is not allowed in that zone.** Citizens are encouraged to contact their County Council Representatives if they believe local ordinances should be updated.

A complete description of Hawai'i's Revised Statutes is available online at <https://www.capitol.hawaii.gov/> (use

the "Hawaii Revised Statutes" search option on the left of the page). Those portions relating to honey bees and beekeeping specifically are described below.

Imports

It is illegal to import dead and alive bees into Hawai'i, and restrictions have been in place since 1908 to limit the potential importation of harmful diseases and bee pests. Despite this, *Varroa destructor* mites were inadvertently introduced to O'ahu in 2007 and subsequently to the Big Island in 2008, with devastating consequences for the state's beekeeping industry. Thus far, the mites are only present on O'ahu and Hawai'i islands. In order to preserve the health of honey bees, the importation or movement of live or dead bees or used beekeeping equipment that is not certified to be pest free by the State Department of Agriculture is prohibited (**\$150A-6**). Violators may be subject to felony charges and fines of up to \$200,000! It is also illegal to ship bees inter-island if they have not first been inspected and certified by the Hawai'i Department of Agriculture. Honey bee semen may be imported from the mainland for the purposes of queen breeding and maintaining the genetic diversity of our state's honey bees.

Exports

If you are a queen breeder exporting bees off island to a location requiring a certificate, you must be inspected and certified by the State Apiary Program to ship



Figure 1. Image of honey bee semen extraction



Figure 2. Image of honey bee with varroa

(<http://hdoa.hawaii.gov/pi/ppc/apiary-program-hawaii-beekeepers-registry/>), which may charge a fee pursuant to §150A-31. Your operation must have a minimum of 40 colonies to schedule a queen inspection, and each bee yard must have a minimum of 20 colonies. Shipping certificates expire every 90 days, requiring re-inspection. Further information regarding queen inspections may be found here: <http://hdoa.hawaii.gov/pi/bee-faqs/>. The State Apiary Program also requests that queen breeders (and all other beekeepers) register with the Hawaii Beekeeper Registry, though this is not required. Per state law (§142-100), this information is kept confidential by the Apiary Program. The Registry is used for the purposes of compiling statistics on the beekeeping industry and for disseminating important information concerning emerging disease outbreaks in the state (Figure 2).

These inspections include assessments for major brood diseases European foulbrood (EFB) and American foulbrood (AFB). The presence of AFB would restrict shipment completely. *Varroa destructor* mite levels are also quantified. Each export destination has different acceptable levels of mites (e.g., California requires mite levels under 3%, Canada requires levels under 1%). Queen packing facilities are also inspected to ensure they are free from small hive beetles. For further information, contact Hawai'i Department of Agriculture at (808) 973-9538.

Honey Sales

In 2013, beekeepers in the state came together to update the statutes regarding the sale of honey to allow inspection exemptions for home-based producers (§328-79). Home-based agricultural producers of honey are exempt from processing honey in certified honey houses or food-processing establishments, provided they meet the following conditions:

- They sell less than 500 gallons of honey per year;
- They sell honey directly to consumers or retailers who sell directly to consumers;
- They label each container of honey sold with the following:
 - The name and address of the producer,
 - The net weight and volume of the honey by standard measure,
 - The date the honey was produced,
 - The statement “Honey should not be consumed by infants under one year of age” in clear and conspicuous print, and
 - The statement “This product is home-produced and processed and has not been inspected by the Department of Health” in clear and conspicuous print;
- They attend a Department of Health-approved food-safety workshop and pass the food-safety certification exam; and



Figure 3. Image of honey

- They keep honey production volume and product distribution records for a period of at least two years, making the records available to the department as requested.

If these criteria are not met, then producers are required to obtain a commercial permit from the State Department of Health. If the Department receives a consumer complaint about a home-based agricultural producer of honey, the producer will be subjected to food sampling and a subsequent inspection of the premises to determine whether products are misbranded or adulterated (§328-80).

Veterinary Regulations

Three antibiotics labeled for use in honeybees are now restricted for use only under veterinary supervision: oxytetracycline, tylosin, and lincomycin. These antibiotics are used to treat American Foulbrood (AFB), with oxytetracycline also labeled as a preventative for European Foulbrood (EFB). If the medication is administered in feed, a Veterinary Feed Directive (VFD) is required. If the medication is administered in water, a prescription is required. Prescription drugs and VFD drugs both restrict use to “by or on the order of a licensed veterinarian” in the context of a valid Veterinary Client Patient Relationship (VCPR). There is no Hawai'i-specific definition of the VCPR (§471-10 (b) (12), so the federal VCPR standards (21 CFR 530.3(i)) apply for VFD drugs:

- A veterinarian has assumed the responsibility for making medical judgments regarding the health of

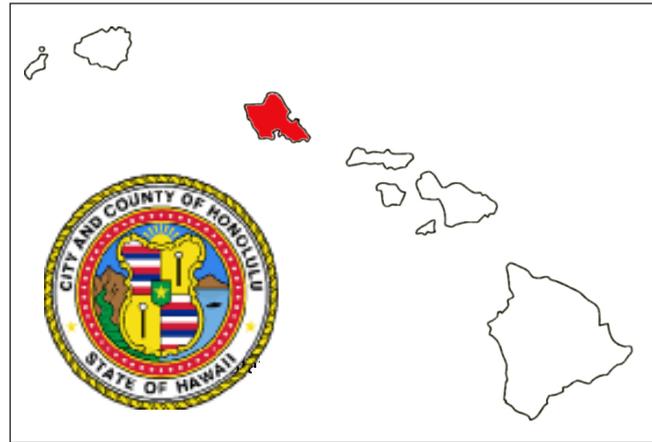


Figure 4. Image of islands and county seal for Honolulu County

(an) animal(s) and the need for medical treatment, and the client (the owner of the animal or animals or other caretaker) has agreed to follow the instructions of the veterinarian;

- There is sufficient knowledge of the animal(s) by the veterinarian to initiate at least a general or preliminary diagnosis of the medical condition of the animal(s); and
- The practicing veterinarian is readily available for follow-up in case of adverse reactions or failure of the regimen of therapy. Such a relationship can exist only when the veterinarian has recently seen and is personally acquainted with the keeping and care of the animal(s) by virtue of examination of the animal(s), and/or by medically appropriate and timely visits to the premises where the animal(s) are kept.

Zoning Laws

City and County of Honolulu (O'ahu)

Beekeeping is approved in all zoning areas of Honolulu City and County for *noncommercial purposes*, with certain restrictions to ensure the safety of the public, as defined in the Revised Ordinances of Honolulu (ROH, available online at <https://www.honolulu.gov/ocs/roh/193-site-ocs-cat/839-table-of-contents.html>).

Section 7-2.5 of the ROH (“Animal Nuisances”) specifies that no more than eight honey bee hives may be kept per lot and that colonies shall be maintained in movable frame hives, which include the standard

Langstroth hives as well as Kenya top-bar hives. Hives should be properly shaded from adjacent night lighting on adjoining properties. They should be placed at least 25 feet from any property line, public street, sidewalk, or alley. Exceptions are granted if hives are situated behind a solid fence running parallel to the property line that is at least 6 feet high and extends 15 feet beyond the hive in both directions, or if the hives are located at least eight feet above adjacent ground level, such as on a roof top. When the colony approach is thus constrained, it limits honey bee flight patterns that may disturb neighbors and reduces the incidence of stings. Noncompliant property owners are subject to penalties and criminal action, as defined in 7-2.10.

These restrictions do not apply to agriculturally zoned areas where commercial beekeeping is a permitted use [ROH 7-2.4]. In Agricultural and Country zoning districts, commercial apiaries are considered minor livestock production (21-3.50-4 and 21-3.60-4, respectively), and no further guidance or restrictions are supplied by the City and County. Commercial producers are therefore encouraged to adopt industry standards with regard to apiary stocking rates.

Hawai'i County (Hawai'i)

In Hawai'i County, apiaries may only be located at sites zoned Agricultural (A), Intensive Agricultural (IA), and Residential and Agricultural (RA). In A and IA districts, apiaries must be located 1,000 feet away from a major public street and any other zoning district (Hawai'i

County Code 25-5-72 and 25-5-82, respectively, accessible at <http://www.hawaiiicounty.gov/lb-countycode/>). In RA districts, 25-5-52 permits use for livestock production, which is defined in Chapter 25 of the code as “a distinct agricultural operation or establishment which keeps, feeds, or raises livestock for commercial purposes and as a principal land use. These include piggeries, dairies, . . . apiaries and aviaries.” These must be placed 75 feet from property lines.

Animal or agricultural use of public lands, which includes maintaining bees, is only permitted with a valid lease, contract, or special permit issued by the County [15-4]. Trespass, or use of public lands without a permit, could result in a penalty [4-14, 4-15].

Beekeeping in residential districts is not currently permitted in Hawai'i County. However, the County of Hawai'i is currently updating their beekeeping ordinance to more closely reflect that of Honolulu, which would allow for beekeeping in residentially zoned areas of the county once passed. Contact the County Planning Department with further questions (Table 1).

Kaua'i County (Kaua'i, Ni'ihau)

The Kaua'i County code (available online at <http://qcode.us/codes/kauaicounty/>) defines land uses under Title IV (County Planning and Land Development), Chapter 8 (Comprehensive Zoning Ordinance). Within this code, beekeeping falls under the definition for *Agriculture*, which “means the breeding, planting, nourishing, caring for, gathering and processing of any animal or plant

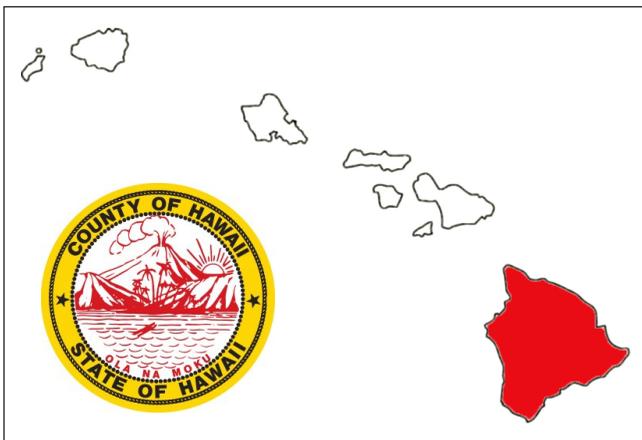


Figure 5- Image of islands and county seal for Hawai'i County

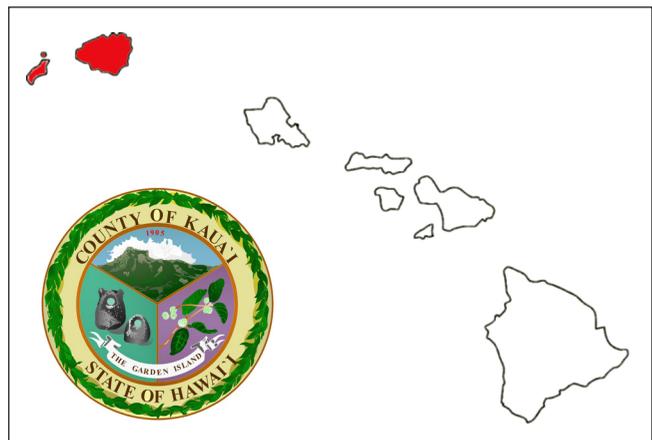


Figure 6- Image of islands and county seal for Kaua'i County

organism for the purpose of nourishing people or any other plant or animal organism..." [Sec. 8-1.5]. This definition of agriculture reasonably includes beekeeping, though this is not expressly stated.

In residentially zoned areas (R-1 to R-6 and R-10 to R-20), "diversified and specialized agriculture and nurseries" are a permitted use, provided a **Use Permit** is granted [8-2.4(f)(5)]. Similarly, "any other use or structure which the Planning Director finds to be similar in nature to those listed in this Section and appropriate to the District" [8-2.4(f)(17)] may be allowed with a Use Permit, which could include beekeeping. Similarly, bees could be kept in Resort zones with a Use Permit [8-2.4(h)(1)]. The code does not detail restrictions with regard to the number of colonies that may be maintained nor their distances from property lines, nor does it put restrictions on the selling of products. Beekeepers are therefore encouraged to exercise their best judgement.

Beekeeping is an allowed use in areas zoned for Agriculture, with no specific restrictions within the County code for apiaries. However, it would be a reasonable assumption that apiaries in Kauai'i County should be located at least 500 feet from Residential districts, within which a Use Permit would be required [8-2.4(r)(10)]. For information on obtaining Use Permits, see Sec. 8-3.2 of the Kauai County code, or contact the County Planning Department (Table 1).

Persons in noncompliance with the County code will be charged with a misdemeanor and fined up to \$2,000 [8-3.5].

Maui County (Maui, Moloka'i, Lana'i)

In Maui County, the ordinances governing permitted uses in different municipal zones (accessible at https://library.municode.com/hi/county_of_maui/codes/code_of_ordinances) are often contradictory with regard to beekeeping. This section outlines a reasonable interpretation of the County of Maui Code of Ordinances for keeping honey bee colonies on private property. Generally, if a particular use is not expressly defined as permitted, then that activity is not allowed [19.04.020], and violators could be subject to criminal prosecution (see 19.530.020). For beekeeping, jurisdiction over allowed use falls to the Zoning Administration and Enforcement Division, who should be contacted with questions (Table 1).

In Maui County, beekeeping is qualified as an agricultural practice, with the breeding and raising of honey bees falling under the definition for Animal and Livestock Raising [19.04.040]. Within a particular district, Agriculture *must* be listed as a **Permitted Property Use** in order for honey bees to be kept at the property. Colonies may therefore be kept at properties in districts zoned as Rural [19.29.030] and Agricultural [19.30A.050] without further permissions or permits required. Owners of Agricultural properties may also lease their lands to individuals needing a place to house their colonies [19.30A.080].

Properties in the districts of Wailuku, Makawao, Lahaina, Hana, Lana'i, and Moloka'i that have not yet adopted a comprehensive zoning ordinance are regulated as Interim Zones [19.02A]. Properties in Interim Zones

Table 1. Contact information for appropriate County Planning Departments

County	Telephone	Website
Hawai'i	East: (808) 961-8288 West: (808) 323-4770	http://www.hawaiicounty.gov/planning/
Honolulu	(808) 768-8000	http://honoluludpp.org/
Kauai'i	(808) 241-4050	https://www.kauai.gov/Planning
Maui	(808) 270-7253	https://www.mauicounty.gov/1123/Division---Zoning-Admin-Enforcement

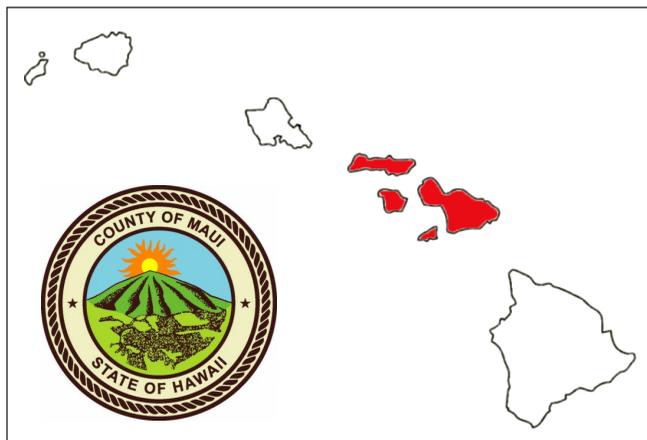


Figure 5- Image of islands and county seal for Maui County

may house beehives, regardless of lot size, but a **Special Use Permit** is required (see 19.510.070 for permit application guidelines).

Beekeeping is not allowed in Residential zones of Maui County, with the exception of properties located in the Maui Research & Technology Park District [19.38.060]. However, **Conditional Permits** (see 19.40 for permit application guidelines) may be an option for individuals interested in backyard beekeeping, though there is no guarantee that a permit will be granted. The Maui County Department of Planning recommends contacting them directly to assess your individual situation prior to applying for a Conditional Permit.

For areas where beekeeping is allowed, Maui County does not offer additional guidance with regard to colony proximity to property lines or stocking rates per acre. See descriptions from other Hawaiian counties for general guidance.

For more information on honey bees in Hawai'i, please visit <https://cms.ctahr.hawaii.edu/pollinators> and follow the Mogren lab on Twitter @UHbees.

For more information on veterinary rules and medications, please visit <https://www.hivetextension.com/>.



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