

## TO BE RESCINDED

901:5-55-05

**No consent and search warrant.**

- (A) When the "no consent form" is received by the beekeeper, he/she has the right to deny inspection for the calendar year, by returning the completed no consent form before March fifteenth of each year or within thirty days after receipt of the form. If the form is not returned by the due date the deputy apiarist may enter the premises to inspect the colonies within the apiary without consent and without the necessity of obtaining a search warrant.
- (B) A search warrant shall be obtained by the state apiarist or deputy state apiarist. After obtaining the search warrant, the department of agriculture shall make reasonable efforts to notify the beekeeper of the date, time and place of the intended inspection. Notification shall be given Monday through Friday and not less than twenty-four hours prior to the inspection. It shall be noted on the warrant what efforts were made to notify the beekeeper. In order to obtain a search warrant, the department of agriculture shall demonstrate that an apiary exists and the apiary has not been inspected for the year.

Effective:

Five Year Review (FYR) Dates: 08/07/2017

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 909.03  
Rule Amplifies: 909.05  
Prior Effective Dates: 5/1/1995