

CHAPTER 27  
(Senate Bill 226)

AN ACT to repeal and re-enact, with amendments, Sections 130(h), 130(u) and 133(a) of Article 48 of the Annotated Code of Maryland (1971 Supplement), title "Inspections," subtitle "Maryland Pesticide Law of 1958," correcting certain errors in the Maryland Pesticide Law of 1958.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Sections 130(h), 130(u) and 133(a) of Article 48 of the Annotated Code of Maryland (1971 Supplement), title "Inspections," subtitle "Maryland Pesticide Law of 1958," be and they are hereby repealed and re-enacted, with amendments, to read as follows:

130.

(h) The term "fungi" means all nonchlorophyll-bearing thallophytes (that is, all nonchlorophyll-bearing plants of a lower order than mosses and liverworts) as, for example, rusts, smuts, mildews, molds, yeasts and bacteria, [except those other vertebrate animals;] *except those on or in living man or animals.*

130.

(u) The term "misbranded" shall apply—

(1) To any pesticide if its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular;

(2) To any pesticide—

(I) If it is an imitation of or is offered for sale under the name of another pesticide;

(II) If its labeling bears any reference to registration under this subtitle;

(III) If the labeling accompanying it does not contain instructions for use which are necessary and, if complied with, adequate for the protection of the public and the environment.

(IV) If the label does not contain a warning or caution statement which may be necessary and, if complied with, adequate to prevent injury to living man and other vertebrate animals;

(V) If the label does not bear an ingredient statement on that part of the immediate container and on the outside container or wrapper, if there be one, through which the ingredient statement on the immediate container cannot be clearly read, on the retail package which is presented or displayed under customary conditions of purchase;

(VI) If any word, statement, or other information required by or under the authority of this subtitle to appear on the labeling is not prominently placed thereon [which] *with* such conspicuousness (as compared with other words, statements, designs, or graphic matter in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use, or