

ARSENATE, BASIC LEAD ARSENATE, CALCIUM ARSENATE, MAGNESIUM ARSENATE, ZINC ARSENATE, ZINC ARSENITE, SODIUM FLUORIDE, SODIUM FLUOSILICATE, AND BARIUM FLUOSILICATE SHALL BE DISTINCTLY COLORED OR DISCOLORED, AS PROVIDED BY THE RULES AND REGULATIONS ISSUED UNDER THIS SUBTITLE. ANY OTHER WHITE POWDER SHALL BE DISTINCTLY COLORED OR DISCOLORED PURSUANT TO DEPARTMENTAL RULES AND REGULATIONS, IF THE SECRETARY REQUIRES THIS ACTION AFTER INVESTIGATION AND PUBLIC HEARING ON THE FEASIBILITY OF COLORATION OR DISCOLORATION AND ON THE NECESSITY FOR THIS ACTION FOR THE PROTECTION OF THE PUBLIC HEALTH. HOWEVER, THE SECRETARY MAY EXEMPT ANY PESTICIDE, TO THE EXTENT THAT IT IS INTENDED FOR A PARTICULAR USE, FROM THE COLORING OR DISCOLORING REQUIREMENTS OF THIS SECTION, IF ~~[[IT]]~~ HE DETERMINES THAT COLORING OR DISCOLORING FOR THE USE IS NOT NECESSARY FOR THE PROTECTION OF THE PUBLIC HEALTH.

REVISOR'S NOTE: This section is new language derived from Art. 48, §131(a) (2), (3), and (4) of the Code. These provisions require each seller or distributor in intrastate commerce to comply with certain packaging, labeling, or coloring requirements. Consequently, these provisions are affirmative in nature and do not merely set forth prohibited acts. If a person fails to comply with these requirements, under the uniform penalty provisions of this Article he has committed a violation of the Article and is subject to its penalties.

SEC. 5-107. NON-COMPLYING PESTICIDES.

(A) REFUSAL OF REGISTRATION.

IF THE SECRETARY DETERMINES THAT ANY PESTICIDE DOES NOT WARRANT ANY PROPOSED CLAIM FOR IT OR THAT THE PESTICIDE, ITS LABELING, OR OTHER MATERIAL REQUIRED TO BE SUBMITTED DO NOT COMPLY WITH THE PROVISIONS OF THIS SUBTITLE, HE SHALL NOTIFY THE APPLICANT OF THE MANNER IN WHICH THE PESTICIDE, LABELING, OR OTHER REQUIRED MATERIAL FAILS TO COMPLY WITH THE SUBTITLE, TO AFFORD THE APPLICANT AN OPPORTUNITY TO MAKE ANY NECESSARY CORRECTION. IF THE APPLICANT DOES NOT MAKE THE CORRECTION UPON RECEIVING NOTICE, THE SECRETARY MAY REFUSE TO REGISTER THE PESTICIDE.

(B) SUSPENSION OR CANCELLATION OF REGISTRATION.