

STATE.

REVISOR'S NOTE: This section is new language derived from Art. 48, §75 of the Code. The purpose for which the Secretary may exercise his powers is set forth in the first sentence for organizational purposes. Language is added to this and subsequent sections of this subtitle to indicate that this subtitle regulates "dangerously injurious insects, other animal pests, and plant diseases". In paragraph (6), language is added to indicate that the order issued under this provision is not a rule or regulation but is a directive. Art. 48, §75 of the Code is proposed for deletion, infra.

SEC. 5-305. AIRCRAFT DISSEMINATION OF INSECTICIDES, FUNGICIDES, AND BACTERICIDES.

(A) DETERMINATION OF NECESSITY FOR AIRCRAFT DISSEMINATION.

THE SECRETARY SHALL DETERMINE WHETHER ANY (1) INFESTATION, (2) INFECTION, OR (3) ANIMAL OR HUMAN DISEASE WITH A KNOWN OR SUSPECTED ARTHROPOD VECTOR EXISTS WHICH MAY BE CONTROLLED OR ITS SPREAD RETARDED BY AIRCRAFT DISSEMINATION OF INSECTICIDES, FUNGICIDES, OR BACTERICIDES.

(B) AUTHORITY TO USE AIRCRAFT DISSEMINATION.

IF THE SECRETARY DETERMINES THAT AN INFESTATION, INFECTION, OR DISEASE EXISTS, HE MAY CONTROL OR RETARD ITS SPREAD BY AIRCRAFT DISSEMINATION OF INSECTICIDES, FUNGICIDES, OR BACTERICIDES, NOTWITHSTANDING ANY OTHER PROVISION OF LAW.

(C) EXPENDITURE OF APPROPRIATION.

TO CARRY OUT THE PROVISIONS OF THIS SECTION, THE SECRETARY MAY EXPEND FUNDS APPROPRIATED IN THE STATE BUDGET OR OTHERWISE FOR USE IN CONTROLLING INCIPIENT, EMERGENCY, OR LONG-STANDING ~~[[INSECTS]]~~ INSECT, FUNGUS, OR DISEASE OUTBREAKS WHICH THE SECRETARY DETERMINES REQUIRE DRASTIC TREATMENT TO IMMEDIATELY ELIMINATE THEM AS A MENACE TO THE ECONOMIC WELFARE AND HEALTH OF THE PEOPLE OF THE STATE.

(D) RECEIPT AND EXPENDITURE OF FUNDS FROM PERSONS