

[[(2) SEED IN STORAGE IN, OR CONSIGNED TO, A SEED CLEANING OR PROCESSING ESTABLISHMENT FOR CLEANING OR PROCESSING BUT ANY LABELING OR OTHER REPRESENTATION WHICH IS MADE WITH RESPECT TO THE UNCLEAN SEED IS SUBJECT TO THIS SUBTITLE;]]

[[(3)]] (2) SEED SOLD BY ONE FARMER TO ANOTHER, IF THE SEED HAS NOT BEEN ADVERTISED FOR SALE OR HAS NOT BEEN DELIVERED THROUGH A CARRIER; AND

[[(4)]] (3) ANY CARRIER IN RESPECT TO ANY SEED TRANSPORTED OR DELIVERED FOR TRANSPORTATION IN THE ORDINARY COURSE OF ITS BUSINESS AS A CARRIER, IF THE CARRIER IS NOT ENGAGED IN PRODUCING, PROCESSING, OR MARKETING ANY AGRICULTURAL, VEGETABLE, HERB, FLOWER, TREE, OR SHRUB SEED SUBJECT TO PROVISIONS OF THIS SUBTITLE.

(B) SALES OF INCORRECTLY LABELED SEEDS UNIDENTIFIABLE BY EXAMINATION.

NO PERSON IS SUBJECT TO THE PENALTIES OF THIS SUBTITLE FOR HAVING SOLD, OFFERED OR EXPOSED FOR SALE, OR TRANSPORTED IN THE STATE ANY AGRICULTURAL, VEGETABLE, HERB, FLOWER, TREE, OR SHRUB SEED, WHICH IS INCORRECTLY LABELED OR PRESENTED AS TO KIND, VARIETY, OR ORIGIN AND WHICH CANNOT BE IDENTIFIED BY EXAMINATION, UNLESS HE HAS FAILED TO OBTAIN AN INVOICE OR GROWER'S DECLARATION GIVING KIND, OR KIND AND VARIETY, AND ORIGIN, IF REQUIRED, AND TO TAKE ANY OTHER PRECAUTION NECESSARY TO INSURE THE IDENTITY TO BE THAT STATED.

REVISOR'S NOTE: This section presently appears as Art. 48, §156 of the Code. New language is added in subsection (a) (1) to indicate that seeds not intended for planting purposes must be appropriately labeled. The references to specific present sections are proposed for deletion and a reference to the subtitle is substituted because those sections are the only substantive ones. The present provision indicating that the provisions of this subtitle are not applicable to "seed in storage in or consigned to a seed cleaning or processing establishment" is proposed for repeal by amendment because it is considered unnecessary. The only other changes made are in style.

SEC. 9-212. SEIZURE FOR NONCOMPLIANCE; EXCEPTION.