§ 33-1501. Pesticides which may be seized.

1. Any pesticide that is distributed, sold, offered for sale or used within this state or delivered for transportation or transported in intrastate commerce or between points within this state through any point outside this state may be seized for confiscation or be made the subject of a stop-use order:

a. If it is adulterated or misbranded, or if it has not been registered as required under this article;

b. If it fails to bear on its label the information required by this article;

c. If it is a white powder pesticide and is not colored as required under this article;

d. If a permit required by this article has not been issued in respect to such pesticide; or

e. If there is probable cause to believe a pesticide is being used in violation of any provision of this article, title three of article fifteen of this chapter or rules or regulations promulgated pursuant to any such provision.

2. Whenever the commissioner or his duly authorized representative shall find distributed, sold, exposed or offered for sale within this state any pesticide which is adulterated or misbranded as defined in this article, or which fails to bear on its label the information required by this article, or which is not colored or registered as required under this article, or for which a permit has not been issued for its sale, offer for sale, purchase, possession or use as required by this article, he may seize or destroy such pesticide.

3. Whenever the commissioner finds, or has probable cause to believe, that a pesticide is being used in violation of any provision of this article, title three of article fifteen of this chapter, or rules and

regulations promulgated pursuant thereto, the commissioner may issue a stop-use order requiring the user of the pesticide immediately to cease using such pesticide and immediately to remove such pesticide to the specified location. Within thirty days of the issuance of a stop-use order, the commissioner shall either rescind the stop-use order or commence a proceeding to seize and destroy such pesticides.