

### **217.550 Prohibitions relating to distribution of pesticides.**

It shall be unlawful for any person to distribute within this state the following:

- (1) Any pesticide which is not registered pursuant to the provisions of KRS 217.542 to 217.630, and to the provisions of FIFRA;
- (2) Any pesticide if any of the claims made for it or any of the directions for its use differ from the representations made in connection with its registration, or if the composition of a pesticide differs from its composition as represented in connection with its registration; provided, that in the discretion of the department, a change in the labeling or formulation of a pesticide may be made, within a registration period, without requiring reregistration of the product if the name is not changed and if the registration is amended to reflect such change and if such change will not violate any provisions of FIFRA;
- (3) Any pesticide, unless it is in the registrant's or the manufacturer's unbroken immediate container, and there is affixed to such container, and to the outside container or wrapper of the retail package, if there is one through which the required information on the immediate container cannot be clearly read, a label bearing:
  - (a) The brand name and address of the manufacturer, registrant or person for whom manufactured;
  - (b) The name, brand or trademark under which the article is sold;
  - (c) The net weight or measure of the content; and
  - (d) Any pesticide in containers which are unsafe due to damage.
- (4) Any pesticide which contains any substance or substances in quantities highly toxic to man, determined as provided in KRS 217.542 to 217.630, unless the label bears, in addition to any other matter required by KRS 217.542 to 217.630:
  - (a) The skull and crossbones;
  - (b) The word "poison" in red prominently displayed on a background of distinctly contrasting color; and
  - (c) A statement of a practical treatment, first aid or otherwise, in case of poisoning by the pesticide;
- (5) The pesticides commonly known as lead arsenate, basic lead arsenate, calcium arsenate, magnesium arsenate, zinc arsenate, zinc arsenite, sodium fluoride, sodium fluosilicate, and barium fluosilicate unless they are distinctly colored or discolored as provided by regulations, or any other white powder pesticide which the department, after investigation of and after public hearing on the necessity for such action for the protection of human life and the environment and the feasibility of such coloration or discoloration, shall by regulation, require to be distinctly colored or discolored unless it has been so colored or discolored;
- (6) Any pesticide which is adulterated or misbranded, or any device which is misbranded.

**Effective:** July 15, 1980

**History:** Amended 1980 Ky. Acts ch. 295, sec. 50, effective July 15, 1980. -- Amended 1974 Ky. Acts ch. 200, sec. 4. -- Created 1956 Ky. Acts ch. 218, sec. 2, effective July 1, 1956.