

4-16-8 Enforcement -- Stop sale, use, or removal authorized -- Court action -- Procedures -- Costs.

- (1)
 - (a) The department may issue a "stop sale, use, or removal order" to the distributor, owner, or person in possession of any designated agricultural, vegetable, flower, or tree and shrub seed or seeds for sprouting or lot of seed which it finds or has reason to believe violates this chapter.
 - (b) The order shall be in writing and no seed subject to it shall be moved, offered, or exposed for sale, except upon subsequent written release by the department.
 - (c) Before a release is issued, the department may require the distributor or owner of the "stopped" seed or lot to pay the expense incurred by the department in connection with the withdrawal of the product from the market.
- (2) The department is authorized in a court of competent jurisdiction to seek an order of seizure or condemnation of any seed which violates this chapter or, upon proper grounds, to obtain a temporary restraining order or permanent injunction to prevent violation of this chapter. No bond may be required of the department in an injunctive proceeding brought under this section.
- (3)
 - (a) If condemnation is ordered, the seed shall be disposed of as the court directs.
 - (b) The court may not order condemnation without giving the claimant of the seed an opportunity to apply to the court for permission to relabel, reprocess, or otherwise bring the seed into conformance, or for permission to remove it from the state.
 - (c) If the court orders condemnation, court costs, fees, storage, and other costs shall be awarded against the claimant of the seed.

Amended by Chapter 81, 1997 General Session