

# SB2757



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2757

Introduced 1/16/2024, by Sen. Laura Fine

### SYNOPSIS AS INTRODUCED:

415 ILCS 60/3

from Ch. 5, par. 803

Amends the Illinois Pesticide Act. Removes language providing that the regulation of pesticides by any political subdivision of the State is specifically prohibited except for counties and municipalities with a population over 2,000,000. Provides instead that neither a home rule unit nor any other political subdivision of the State may regulate pesticides in a manner that is less restrictive than the regulation of pesticides by the State under the Act.

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A BILL FOR

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Pesticide Act is amended by  
5 changing Section 3 as follows:

6 (415 ILCS 60/3) (from Ch. 5, par. 803)

7 Sec. 3. Delegation of Authority. The Illinois Department  
8 of Agriculture shall administer "The Illinois Pesticide Act".

9 1. It shall be the duty of the Department of Agriculture to  
10 enforce this Act and such provisions of other Acts intended to  
11 control the registration, purchase, use, storage and disposal  
12 of pesticides, unless otherwise specified in this Section.  
13 Also, the Department of Agriculture shall control the purchase  
14 and use of pesticides pertaining to the production,  
15 protection, care, storage, or transportation of agricultural  
16 commodities and to control the use of pesticides applied by  
17 agricultural equipment. Also, the Department shall establish  
18 and implement an Agrichemical Facility Response Action Program  
19 as provided in Section 19.3.

20 2. It shall be the duty of the Department of Public Health  
21 to enforce such provisions of this Act and other Acts intended  
22 to control structural pest pesticides, as defined in  
23 subparagraph 37 of Section 4, of this Act. It shall be the duty

1 of the Department of Public Health to enforce such provisions  
2 of this Act related to vector control, control of pestiferous  
3 and disease carrying insects, rodents and other animals, and  
4 control of birds and other mammals that may pose a threat to  
5 the health of the public.

6 3. It shall be the duty of the Environmental Protection  
7 Agency to enforce such provisions of this Act and other Acts  
8 intended to protect and preserve the quality of air, water,  
9 and guard against unreasonable contamination of land  
10 resources.

11 4. Neither a home rule unit nor any other political  
12 subdivision of this State may regulate pesticides in a manner  
13 that is less restrictive than the regulation of pesticides by  
14 the State under this Act. This Section is a limitation under  
15 subsection (i) of Section 6 of Article VII of the Illinois  
16 Constitution on the concurrent exercise by home rule units of  
17 powers and functions exercised by the State. ~~The regulation of~~  
18 ~~pesticides by any political subdivision of this State,~~  
19 ~~including home rule units, is specifically prohibited except~~  
20 ~~for counties and municipalities with a population over~~  
21 ~~2,000,000. The regulation of pesticides under this Act is an~~  
22 ~~exclusive power and function of the State, except as provided~~  
23 ~~in this paragraph, and is a denial and limitation, under~~  
24 ~~Article VII, Section 6, subsection (h) of the Illinois~~  
25 ~~Constitution, of the power of a home rule unit to regulate~~  
26 ~~pesticides.~~

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1 (Source: P.A. 89-94, eff. 7-6-95.)