



Rep. Laura Faver Dias

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10400HB1596ham001

LRB104 08094 BDA 24844 a

1 AMENDMENT TO HOUSE BILL 1596

2 AMENDMENT NO. _____. Amend House Bill 1596 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Notice of Pesticide Application Act.

6 Section 5. Definitions. As used in this Act:

7 "Certified applicator" has the meaning given in the
8 Illinois Pesticide Act.

9 "Child care institution" has the meaning given in the
10 Child Care Act of 1969.

11 "Day care center" has the meaning given in the Child Care
12 Act of 1969.

13 "Large-scale applicator or operator" means a person who
14 applies pesticides with large-scale application equipment,
15 such as aerial sprayers, boom sprayers or tractor-mounted
16 spray equipment, or other large-scale application equipment as

1 further determined by rule of the Department of Agriculture.

2 "Part day child care facility" has the meaning given in
3 the Child Care Act of 1969.

4 "Pesticide" has the meaning given in the Illinois
5 Pesticide Act.

6 "Playground" means a piece of land owned or controlled by
7 a unit of local government that is designated by the unit of
8 local government for use solely or primarily for children's
9 recreation.

10 "Public park" includes a park, forest preserve, bikeway,
11 trail, or conservation area under the jurisdiction of the
12 State or a unit of local government.

13 "School" means any public or private preschool,
14 elementary, or secondary school.

15 "School official" means the principal or superintendent of
16 a school.

17 Section 10. Notice of application.

18 (a) At least 24 hours, but not more than 72 hours, before
19 applying a pesticide within one-half mile of a school,
20 playground, public park, child care institution, day care
21 center, or part day child care facility, a licensed
22 large-scale applicator or operator shall provide written
23 notice to a school official for the school, the regional
24 superintendent at the regional office of education where the
25 school is located, the administrator for the playground or

1 public park, or the administrator or owner of the child care
2 institution, day care center, or part day child care facility,
3 as applicable. School officials, park administrators, and
4 administrators or owners of child care institutions, day care
5 centers, or part day child care facilities do not need to
6 provide notification to anyone at their own institutions for
7 pesticide applications on their own properties. At a minimum,
8 the following information shall be provided in the written
9 notice required under this Section:

10 (1) the intended location and range of dates and times
11 during which the pesticide may be applied;

12 (2) the brand name, common name, and scientific name
13 of each product that may be applied;

14 (3) the type of pesticide contained in any product
15 that may be applied;

16 (4) the reason for use of each product that may be
17 applied;

18 (5) the range of concentrations of end-use product
19 that will be applied;

20 (6) the name and telephone number of the certified
21 applicator; and

22 (7) contact information for the Department of
23 Agriculture for complaints of pesticide misuse, including
24 a telephone number and website information for the
25 Department of Agriculture.

26 Written notification required under this Section is

1 sufficient if it is sent in an email or is hand delivered in
2 writing, but a telephone call is not sufficient notice.
3 Delivering a notice to a location when no person is there to
4 receive it is not sufficient notice. If notice is made by hand
5 delivery, it must be received by a person who is a
6 representative of the school, the administrator for the
7 playground or public park, or the administrator or owner of
8 the child care institution, day care center, or part day child
9 care facility. Notifications to the Department of Natural
10 Resources shall be made to the site superintendent of the
11 affected State park as listed on the Department of Natural
12 Resources website for the property.

13 (b) The application of a solid mosquito larvicide in
14 accordance with 8 Ill. Adm. Code 250.210 is exempt from the
15 notification requirements of this Section.

16 (c) An applicator, including a mosquito abatement
17 district, is not required to provide notice under this Section
18 if the application of the pesticide is in response to (1) the
19 presence of mosquitoes or other vectors capable of spreading
20 disease, (2) the occurrence of mosquito-borne disease in
21 animal or human populations, or (3) a natural disaster
22 recovery effort.

23 Section 15. Rights-of-Way Notification. Notwithstanding
24 any provision of this Act to the contrary, any right-of-way
25 notifications required by the Pesticide Application on

1 Rights-of-Way Notification Act are the responsibility of the
2 State or unit of local government.

3 Section 20. Penalties.

4 (a) When an administrative hearing is held by the
5 Department of Agriculture, the hearing officer, upon
6 determination of any violation of this Act or applicable rule,
7 shall levy the following administrative monetary penalties:

8 (1) a penalty of \$250 for a first violation;

9 (2) a penalty of \$500 for a second violation; and

10 (3) a penalty of \$1,000 for a third or subsequent
11 violation.

12 (b) The penalty levied under this Act shall be collected
13 by the Department of Agriculture, and all penalties collected
14 shall be deposited into the Pesticide Control Fund. Any
15 penalty not paid within 60 days of notice from the Department
16 of Agriculture shall be submitted to the Attorney General for
17 collection. The Attorney General may bring an action in the
18 circuit court to enforce the collection of any monetary
19 penalty imposed under this Act.

20 (c) The Department of Agriculture shall adopt rules to
21 implement this Act. These rules shall include rules providing
22 for administrative proceedings in which any penalty may be
23 imposed. All final administrative decisions of the Department
24 of Agriculture under this Act or rules adopted under this Act
25 are subject to judicial review under the Administrative Review

1 Law and the rules adopted under it.".