



Rep. Laura Faver Dias

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10400HB1596ham002

LRB104 08094 WRO 30927 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 "Day care center" has the meaning ascribed to it in the
8 Child Care Act of 1969.

9 "Large-scale pesticide application" means an application
10 of pesticide to 5 or more contiguous acres of land.

11 "Part day child care facility" has the meaning ascribed to
12 it in the Child Care Act of 1969.

13 "Pesticide" has the meaning ascribed to it in the Illinois
14 Pesticide Act.

15 "Playground" means a piece of land owned or controlled by
16 a unit of local government that is designated by the unit of

1 local government for use solely or primarily for children's
2 recreation.

3 "Public park" includes a park, forest preserve, or
4 conservation area under the jurisdiction of the State or a
5 unit of local government.

6 "School" means any public or private preschool or public
7 or private elementary or secondary school.

8 "School official" means the principal or superintendent of
9 a school.

10 "State agency" has the meaning given to the term "agency"
11 in Section 1-20 of the Illinois Administrative Procedure Act.

12 Section 10. Notice of application. At least 24 hours, but
13 not more than 72 hours, before performing a large-scale
14 pesticide application within one-half mile of the boundaries
15 of a school property, playground, public park, child care
16 institution, day care center, or part day child care facility,
17 the licensed applicator or operator shall provide written
18 notice to the school official or regional superintendent for
19 the school, the administrator for the playground or public
20 park, or the administrator or owner of the child care
21 institution, day care center, or part day child care facility,
22 as applicable. School officials, park administrators, and
23 administrators or owners of child care institutions, day care
24 centers, or part day child care facilities are not required to
25 provide notice under this Act at their own institutions for

1 pesticide applications on their own properties.

2 If an application time must be changed, the licensed
3 applicator or operator shall notify the administrator,
4 regional superintendent, or owner at least 24 hours before the
5 application. At a minimum, the written notice required under
6 this Section shall include:

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

9 (2) the common name of each product that is to be
10 applied;

11 (3) the type of pesticide contained in any product
12 that may be applied, including, for example, an herbicide,
13 fungicide, or insecticide;

14 (4) the name and telephone number of the licensed
15 applicator or operator performing the application; and

16 (5) the contact information for the Department of
17 Agriculture for complaints of pesticide misuse, including
18 a telephone number and website information for the
19 Department.

20 Written notification required under this Section is
21 sufficient if it is sent in an email message or hand delivered
22 in writing, but a telephone call does not constitute
23 sufficient notice. Notice made by hand delivery shall only
24 constitute sufficient notice if it is received by a person who
25 is a representative of the school official or regional
26 superintendent for the school, the administrator for the

1 playground or public park, or the administrator or owner of
2 the child care institution, day care center, or part day child
3 care facility. Notifications to the Department of Natural
4 Resources shall be made to the site superintendent of the
5 affected State park listed on the Department's website.

6 Notification by State agencies is sufficient if it is
7 posted to the State agency's website, provided that all other
8 required information listed in this Section is included in the
9 posting.

10 (b) The application of a solid mosquito larvicide, in
11 accordance with 8 Ill. Adm. Code 250.210 is exempt from the
12 notification requirements of this Section.

13 (c) The licensed applicator or operator, including a
14 mosquito abatement district, need not provide the notice
15 required in this Section if the application of the pesticide
16 is in response to (i) disease-causing agents in vector
17 mosquitoes, (ii) the occurrence of mosquito-borne disease in
18 animal or human populations, or (iii) a natural disaster
19 recovery effort.

20 Section 15. Rights-of-way. Notwithstanding any other
21 provision of this Act, notifications concerning the
22 application of pesticides to rights-of-way are governed by the
23 Pesticide Application on Rights-of-Way Notification Act.

24 Section 20. Penalties.

1 (a) When an administrative hearing is held by the
2 Department of Agriculture, the hearing officer, upon
3 determination of any violation of this Act or applicable rule,
4 shall either refer the violation to the State's Attorney in
5 the county in which the alleged violation occurred for
6 prosecution or levy the following administrative monetary
7 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. The 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 shall be subject to judicial review pursuant to the
26 Administrative Review Law and the rules adopted under the

1 Administrative Review Law."