



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB2427

Introduced 2/4/2025, by Rep. Nicolle Grasse

SYNOPSIS AS INTRODUCED:

New Act

Creates the Native to Illinois Labeling Program Act. Establishes the Native to Illinois Labeling Program in the Department of Agriculture. Provides that the Department of Agriculture, in consultation with the Department of Natural Resources, shall adopt rules implementing the Native to Illinois Labeling Program. Provides requirements for certification under the Program. Provides that the Department of Agriculture may, by rule, in consultation with the Department of Natural Resources, require certification by a third party approved by the Department of Agriculture. Provides requirements for eligibility for a "Certified Native to Illinois" label. Provides requirements for compliance. Provides requirements for labeling. Provides for investigatory powers within the Department of Agriculture. Provides for a civil penalty of not more than \$10,000 for knowing violation of the compliance requirements, enforceable by a civil lawsuit filed by the Attorney General or a State's Attorney. Provides that any person who knowingly makes a false statement under this Act to an investigator or a certifying agent shall be guilty of a class 4 felony. Provides that any person who knowingly violates the compliance requirements or who knowingly makes a false statement under this Act to an investigator or a certifying agent, after notice and an opportunity to be heard, shall lose all certifications under this Act and shall be ineligible to obtain certifications under this Act for a period of not less than 5 years, beginning on the date of the occurrence, except if waived or modified by the Director of Agriculture. Makes findings. Defines terms.

LRB104 04202 BDA 14227 b

1 AN ACT concerning agriculture.

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

4 Section 1. Short title. This Act may be cited as the Native
5 to Illinois Labeling Program Act.

6 Section 5. Findings. The General Assembly finds that
7 Illinois consumers should be able to more easily discern which
8 plants and seeds are native to Illinois while they are
9 shopping for gardening, landscaping, or other purposes.

10 Section 10. Definitions. As used in this Act, unless the
11 context requires otherwise:

12 "Department" means the Department of Agriculture.

13 "Director" means the Director of Agriculture.

14 "Native to Illinois Labeling Program" or "Program" means
15 the certification program for producers of seeds and plants
16 that are native to Illinois established by this Act.

17 Section 15. Native to Illinois Labeling Program
18 establishment. The Native to Illinois Labeling Program is
19 established in the Department of Agriculture. The Department
20 of Agriculture, in consultation with the Department of Natural
21 Resources, shall adopt rules implementing the Native to

1 Illinois Labeling Program in accordance with the purposes and
2 requirements of this Act.

3 Section 20. Certification. A producer of seeds or plants
4 may submit to the Department an application for certification
5 under the Native to Illinois Labeling Program using forms
6 published by the Department for that purpose. The Department
7 shall approve an application to be certified, filed with the
8 Department by a producer of seeds or plants, if the producer
9 meets the requirements under Section 25, except as otherwise
10 provided in this Act. The Department may, by rule, in
11 consultation with the Department of Natural Resources, require
12 certification by a third party approved by the Department of
13 Agriculture for that purpose, in addition to the requirements
14 of this Section and the eligibility rules under Section 25.

15 Section 25. Eligibility. To be sold with a "Certified
16 Native to Illinois" label, a plant or seed shall be:

- 17 (1) living or capable of life;
18 (2) native to Illinois, as determined by the
19 Department; and
20 (3) in conformity with all other requirements under
21 rules adopted by the Department.

22 Section 30. Compliance requirements.

23 (a) A person may sell or label a plant or seed as

1 "Certified Native to Illinois" only if the plant or seed meets
2 the requirements under this Act.

3 (b) No person may affix a label to, or provide other market
4 information concerning, a plant or seed if the label or
5 information implies, directly or indirectly, that the plant is
6 certified native to Illinois, except in accordance with this
7 Act.

8 Section 35. Labeling. A label affixed or other market
9 information provided, in accordance with subsection (b) of
10 Section 30:

11 (1) shall indicate that the plant is "Certified Native
12 to Illinois" and meets the standards under this Act and
13 rules adopted under this Act for being native to Illinois;

14 (2) may incorporate the name and logo of the Illinois
15 Department of Agriculture;

16 (3) shall include the scientific name of the plant and
17 the common name of the plant, if any;

18 (4) shall include the county or ecoregion that the
19 plant species is native to and locally adapted to;

20 (5) shall include the name of the producer of the
21 plant;

22 (6) shall include a statement relating to the
23 importance of supporting native plants; and

24 (7) may include:

25 (A) instructions for planting the plant or seed to

1 ensure its growth and health;

2 (B) advice on growing and maintaining the plant in
3 all seasons; and

4 (C) a weblink or digital code, such as a quick
5 response (QR) code, to access a webpage with
6 additional educational information about the plant.

7 Section 40. Investigations and enforcement.

8 (a) The Department may take such investigative actions as
9 considered to be necessary:

10 (1) to verify the accuracy of any application for
11 certification; and

12 (2) to determine whether a person has committed a
13 violation of any provision of this Act or any rule adopted
14 under this Act.

15 (b) The Department may refer any suspected violations of
16 this Act to the Attorney General or the State's Attorney of the
17 county where the suspected violation occurred.

18 Section 45. Violations.

19 (a) Any person who knowingly violates Section 30 of this
20 Act shall be subject to a civil penalty of not more than
21 \$10,000. This civil penalty may be enforced by the Attorney
22 General or the State's Attorney of the county where the
23 violation occurred by bringing an action in a court of
24 competent jurisdiction seeking the civil penalty under this

1 Act, an injunction to prevent violation of this Act, and any
2 other pertinent remedies in equity or law.

3 (b) Any person who knowingly makes a false statement under
4 this Act to an investigator or a certifying agent shall be
5 guilty of a class 4 felony.

6 (c) Any person who knowingly violates Section 30 of this
7 Act or who knowingly makes a false statement under this Act to
8 an investigator or a certifying agent, after notice and an
9 opportunity to be heard, shall lose all certifications under
10 this Act and shall be ineligible to obtain certifications
11 under this Act for a period of not less than 5 years, beginning
12 on the date of the occurrence. The Director may waive or modify
13 this period of ineligibility if the Director determines that
14 the waiver or modification is in the best interests of the
15 Program established under this Act.