



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2245

Introduced 2/26/2021, by Sen. Julie A. Morrison

SYNOPSIS AS INTRODUCED:

415 ILCS 60/13.4 new
415 ILCS 60/14

from Ch. 5, par. 814

Amends the Illinois Pesticide Act. Provides that, no later than January 1, 2022, the Department of Agriculture shall develop a drift monitoring study to evaluate pesticide drift at 3 schools within the State and shall submit a report of its findings and recommendations to the General Assembly no later than January 1, 2023. Repeals the provisions regarding the drift monitoring study on January 1, 2024. Provides that it is unlawful to apply a restricted use pesticide on or within 500 feet of a school property during normal hours, except for whole structure fumigation, unless the pesticide application information listed on the pesticide label is more restrictive, in which case the more restrictive provision shall apply. Directs the Department to adopt rules necessary to implement the restriction. Defines "normal school hours". Effective January 1, 2022.

LRB102 11647 CPF 22624 b

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 adding
5 Section 13.4 and by changing Section 14 as follows:

6 (415 ILCS 60/13.4 new)

7 Sec. 13.4. Pesticide drift monitoring study.

8 (a) No later than January 1, 2022, the Department of
9 Agriculture shall develop a drift monitoring study to evaluate
10 pesticide drift at 3 schools within the State. The Department
11 of Agriculture shall submit a report of its findings and
12 recommendations to the General Assembly no later than January
13 1, 2023.

14 (b) This Section is repealed on January 1, 2024.

15 (415 ILCS 60/14) (from Ch. 5, par. 814)

16 Sec. 14. Unlawful Acts.

17 1. The following are violations of this Act, if any
18 person:

19 A. Made false or fraudulent claims through any media
20 misrepresenting the effect of pesticides or methods.

21 B. Applied known ineffective or improper pesticides.

22 C. Applied pesticides in a faulty, careless, or

1 negligent manner.

2 D. Used or made recommendation for use of a pesticide
3 inconsistent with the labeling of the pesticide.

4 E. Neglected, or after notice in writing, refused, to
5 comply with provisions of this Act, the regulations
6 adopted hereunder, or of any lawful order of the Director,
7 including the limitations specified in a duly issued
8 permit, certification, or registration.

9 F. Failed to keep and maintain records required by
10 this Act or failed to make reports when and as required or
11 made false or fraudulent records or reports.

12 G. Used or supervised the use of a pesticide without
13 qualifying as a certified applicator or licensed operator.

14 H. Used fraud or misrepresentation in making
15 application for, or renewal of, any license, permit,
16 certification, or registration or in demonstration of
17 competence.

18 I. Aided or abetted a person to evade provisions of
19 this Act, conspired with any person to evade provisions of
20 this Act or allowed a license, permit, certification or
21 registration to be used by another person.

22 J. Impersonated any federal, state, county, or city
23 official.

24 K. Purchased pesticides by using another person's
25 license or using or purchasing pesticides outside of a
26 specific category for which that person is licensed or any

1 other misrepresentation.

2 L. Fails to comply with the rules and regulations
3 adopted under the authority of this Act.

4 2. Except as provided in Section 14 (2G), it is unlawful
5 for any person to distribute in the State the following:

6 A. A pesticide not registered pursuant to provisions
7 of this Act.

8 B. Any pesticide, if any claim made for it, use
9 recommendation, other labeling or formulation, differs
10 from the representations made in connection with
11 registration. However, a change in labeling or formulation
12 may be made within a registration if the change does not
13 violate provisions of FIFRA or this Act.

14 C. Any pesticide unless in the registrants unbroken
15 container.

16 D. Any pesticide container to which all label
17 information required under provisions of this Act has not
18 been securely affixed.

19 E. Any pesticide which is adulterated or misbranded or
20 any device which is misbranded.

21 F. Any pesticide in a container which, due to damage,
22 is hazardous to handle and store.

23 G. It shall not be unlawful to distribute pesticides
24 "in bulk" provided such distribution does not violate the
25 provisions of this Act, the Rules and Regulations under
26 this Act, or FIFRA.

1 3. It shall be unlawful:

2 A. To sell any pesticide labeled for restricted use to
3 any applicator not certified, unless such applicator has a
4 valid permit authorizing purchase under a special
5 exemption from certification requirements.

6 B. To handle, store, display, use or distribute
7 pesticides in such manner as to endanger man and his
8 environment, to endanger food, feed or other products that
9 may be stored, displayed or distributed with such
10 pesticides.

11 C. To use, dispose of, discard, or store pesticides or
12 their containers in such a manner as to endanger public
13 health and the environment or to pollute water supplies.

14 D. To use for personal advantage, reveal to persons,
15 other than the Director designee or properly designated
16 official of other jurisdictions, or to a physician or
17 other qualified person in cases of emergency for
18 preparation of an antidote any information judged as
19 relating to trade secrets. To use or reveal a financial
20 information obtained by authority or marked as privileged
21 or confidential by a registrant.

22 E. To sell any pesticide labeled ~~labelled~~ for
23 restricted use over an Internet website to an Illinois
24 resident who is not a certified pesticide applicator as
25 provided under Section 11 of this Act.

26 F. To apply a restricted use pesticide on or within

1 500 feet of a school property during normal hours, except
2 for whole structure fumigation. However, if the pesticide
3 application information listed on the pesticide label is
4 more restrictive than this paragraph (F), then the more
5 restrictive provision shall apply. The Department of
6 Agriculture shall adopt rules necessary to implement the
7 provisions of this paragraph (F). As used in this
8 paragraph (F), "normal school hours" means Monday through
9 Friday from 7 a.m. until 4 p.m., excluding days when
10 classes are not in session.

11 4. Exemptions from the violation provisions of this Act
12 are as follows:

13 A. Carriers lawfully engaged in transporting
14 pesticides within this State, provided that such carrier
15 shall upon request permit the Director to copy all records
16 showing transactions in the movement of the pesticide or
17 device.

18 B. Public officials of this State or the federal
19 government while engaged in the performance of official
20 duties in administration of pesticide laws or regulations.

21 C. Persons who ship a substance or mixture of
22 substances being tested for the purpose of determining its
23 value for pesticide use, to determine its toxicity or
24 other properties and from which such user does not derive
25 any benefit in pest control from its use.

26 5. No pesticide or device shall be deemed in violation of

1 this Act when intended solely for export to a foreign country.
2 If it is not exported all the provisions of this Act shall
3 apply.

4 (Source: P.A. 94-758, eff. 1-1-07.)

5 Section 99. Effective date. This Act takes effect January
6 1, 2022.