

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 14 as follows:

6 (415 ILCS 60/14) (from Ch. 5, par. 814)

7 Sec. 14. Unlawful Acts.

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

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

11 B. Applied known ineffective or improper pesticides.

12 C. Applied pesticides in a faulty, careless, or
13 negligent manner.

14 D. Used or made recommendation for use of a pesticide
15 inconsistent with the labeling of the pesticide.

16 E. Neglected, or after notice in writing, refused, to
17 comply with provisions of this Act, the regulations adopted
18 hereunder, or of any lawful order of the Director,
19 including the limitations specified in a duly issued
20 permit, certification, or registration.

21 F. Failed to keep and maintain records required by this
22 Act or failed to make reports when and as required or made
23 false or fraudulent records or reports.

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

26 H. Used fraud or misrepresentation in making
27 application for, or renewal of, any license, permit,
28 certification, or registration or in demonstration of
29 competence.

30 I. Aided or abetted a person to evade provisions of
31 this Act, conspired with any person to evade provisions of
32 this Act or allowed a license, permit, certification or

1 registration to be used by another person.

2 J. Impersonated any federal, state, county, or city
3 official.

4 K. Purchased pesticides by using another person's
5 license or using or purchasing pesticides outside of a
6 specific category for which that person is licensed or any
7 other misrepresentation.

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

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

12 A. A pesticide not registered pursuant to provisions of
13 this Act.

14 B. Any pesticide, if any claim made for it, use
15 recommendation, other labeling or formulation, differs
16 from the representations made in connection with
17 registration. However, a change in labeling or formulation
18 may be made within a registration if the change does not
19 violate provisions of FIFRA or this Act.

20 C. Any pesticide unless in the registrants unbroken
21 container.

22 D. Any pesticide container to which all label
23 information required under provisions of this Act has not
24 been securely affixed.

25 E. Any pesticide which is adulterated or misbranded or
26 any device which is misbranded.

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

29 G. It shall not be unlawful to distribute pesticides
30 "in bulk" provided such distribution does not violate the
31 provisions of this Act, the Rules and Regulations under
32 this Act, or FIFRA.

33 3. It shall be unlawful:

34 A. To sell any pesticide labeled for restricted use to
35 any applicator not certified, unless such applicator has a
36 valid permit authorizing purchase under a special

1 exemption from certification requirements.

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

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

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

18 E. To sell any pesticide labelled for restricted use
19 over an Internet website to an Illinois resident who is not
20 a certified pesticide applicator as provided under Section
21 11 of this Act.

22 4. Exemptions from the violation provisions of this Act are
23 as follows:

24 A. Carriers lawfully engaged in transporting
25 pesticides within this State, provided that such carrier
26 shall upon request permit the Director to copy all records
27 showing transactions in the movement of the pesticide or
28 device.

29 B. Public officials of this State or the federal
30 government while engaged in the performance of official
31 duties in administration of pesticide laws or regulations.

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

1 5. No pesticide or device shall be deemed in violation of
2 this Act when intended solely for export to a foreign country.
3 If it is not exported all the provisions of this Act shall
4 apply.

5 (Source: P.A. 87-128.)