



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB2932

Introduced 2/4/2020, 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 of Public Health to adopt rules necessary to implement the restriction. Defines "normal school hours". Effective January 1, 2021.

LRB101 18770 CPF 68225 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14 (b) This Section is repealed on January 1, 2024.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 person:

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

20 B. Applied known ineffective or improper pesticides.

21 C. Applied pesticides in a faulty, careless, or  
22 negligent manner.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26          3. It shall be unlawful:

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

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

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

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

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

25          F. To apply a restricted use pesticide on or within 500  
26 feet of a school property during normal hours, except for

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

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

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

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

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

25 5. No pesticide or device shall be deemed in violation of  
26 this Act when intended solely for export to a foreign country.

1 If it is not exported all the provisions of this Act shall  
2 apply.

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

4 Section 99. Effective date. This Act takes effect January  
5 1, 2021.