

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 4 and by adding Sections 13.4 and 13.5 as  
6 follows:

7 (415 ILCS 60/4) (from Ch. 5, par. 804)

8 Sec. 4. Definitions. As used in this Act:

9 1. "Director" means Director of the Illinois Department of  
10 Agriculture or his authorized representative.

11 2. "Active Ingredient" means any ingredient which will  
12 prevent, destroy, repel, control or mitigate a pest or which  
13 will act as a plant regulator, defoliant or desiccant.

14 3. "Adulterated" shall apply to any pesticide if the  
15 strength or purity is not within the standard of quality  
16 expressed on the labeling under which it is sold, distributed  
17 or used, including any substance which has been substituted  
18 wholly or in part for the pesticide as specified on the  
19 labeling under which it is sold, distributed or used, or if any  
20 valuable constituent of the pesticide has been wholly or in  
21 part abstracted.

22 4. "Agricultural Commodity" means produce of the land  
23 including but not limited to plants and plant parts, livestock

1 and poultry and livestock or poultry products, seeds, sod,  
2 shrubs and other products of agricultural origin including the  
3 premises necessary to and used directly in agricultural  
4 production. Agricultural commodity also includes aquatic  
5 products, including any aquatic plants and animals or their  
6 by-products that are produced, grown, managed, harvested and  
7 marketed on an annual, semi-annual, biennial or short-term  
8 basis, in permitted aquaculture facilities.

9 5. "Animal" means all vertebrate and invertebrate species  
10 including, but not limited to, man and other mammals, bird,  
11 fish, and shellfish.

12 5.5 "Barrier mosquitocide" means a pesticide that is  
13 formulated to kill adult mosquitoes and that is applied so as  
14 to leave a residual mosquitocidal coating on natural or  
15 manmade surfaces.

16 5.6 "Barrier mosquitocide treatment" means application of  
17 a barrier mosquitocide to a natural or manmade surface.

18 6. "Beneficial Insects" means those insects which during  
19 their life cycle are effective pollinators of plants,  
20 predators of pests or are otherwise beneficial.

21 7. "Certified applicator".

22 A. "Certified applicator" means any individual who is  
23 certified under this Act to purchase, use, or supervise  
24 the use of pesticides which are classified for restricted  
25 use.

26 B. "Private applicator" means a certified applicator

1 who purchases, uses, or supervises the use of any  
2 pesticide classified for restricted use, for the purpose  
3 of producing any agricultural commodity on property owned,  
4 rented, or otherwise controlled by him or his employer, or  
5 applied to other property if done without compensation  
6 other than trading of personal services between no more  
7 than 2 producers of agricultural commodities.

8 C. "Licensed Commercial Applicator" means a certified  
9 applicator, whether or not he is a private applicator with  
10 respect to some uses, who owns or manages a business that  
11 is engaged in applying pesticides, whether classified for  
12 general or restricted use, for hire. The term also applies  
13 to a certified applicator who uses or supervises the use  
14 of pesticides, whether classified for general or  
15 restricted use, for any purpose or on property of others  
16 excluding those specified by subparagraphs 7 (B), (D), (E)  
17 of Section 4 of this Act.

18 D. "Commercial Not For Hire Applicator" means a  
19 certified applicator who uses or supervises the use of  
20 pesticides classified for general or restricted use for  
21 any purpose on property of an employer when such activity  
22 is a requirement of the terms of employment and such  
23 application of pesticides under this certification is  
24 limited to property under the control of the employer only  
25 and includes, but is not limited to, the use or  
26 supervision of the use of pesticides in a greenhouse

1 setting. "Commercial Not For Hire Applicator" also  
2 includes a certified applicator who uses or supervises the  
3 use of pesticides classified for general or restricted use  
4 as an employee of a state agency, municipality, or other  
5 duly constituted governmental agency or unit.

6 8. "Defoliant" means any substance or combination of  
7 substances which cause leaves or foliage to drop from a plant  
8 with or without causing abscission.

9 9. "Desiccant" means any substance or combination of  
10 substances intended for artificially accelerating the drying  
11 of plant tissue.

12 10. "Device" means any instrument or contrivance, other  
13 than a firearm or equipment for application of pesticides when  
14 sold separately from pesticides, which is intended for  
15 trapping, repelling, destroying, or mitigating any pest, other  
16 than bacteria, virus, or other microorganisms on or living in  
17 man or other living animals.

18 11. "Distribute" means offer or hold for sale, sell,  
19 barter, ship, deliver for shipment, receive and then deliver,  
20 or offer to deliver pesticides, within the State.

21 12. "Environment" includes water, air, land, and all  
22 plants and animals including man, living therein and the  
23 interrelationships which exist among these.

24 13. "Equipment" means any type of instruments and  
25 contrivances using motorized, mechanical or pressure power  
26 which is used to apply any pesticide, excluding pressurized

1 hand-size household apparatus containing dilute ready to apply  
2 pesticide or used to apply household pesticides.

3 14. "FIFRA" means the Federal Insecticide, Fungicide, and  
4 Rodenticide Act, as amended.

5 15. "Fungi" means any non-chlorophyll bearing  
6 thallophytes, any non-chlorophyll bearing plant of a lower  
7 order than mosses or liverworts, as for example rust, smut,  
8 mildew, mold, yeast and bacteria, except those on or in living  
9 animals including man and those on or in processed foods,  
10 beverages or pharmaceuticals.

11 16. "Household Substance" means any pesticide customarily  
12 produced and distributed for use by individuals in or about  
13 the household.

14 17. "Imminent Hazard" means a situation which exists when  
15 continued use of a pesticide would likely result in  
16 unreasonable adverse effect on the environment or will involve  
17 unreasonable hazard to the survival of a species declared  
18 endangered by the U.S. Secretary of the Interior or to species  
19 declared to be protected by the Illinois Department of Natural  
20 Resources.

21 18. "Inert Ingredient" means an ingredient which is not an  
22 active ingredient.

23 19. "Ingredient Statement" means a statement of the name  
24 and percentage of each active ingredient together with the  
25 total percentage of inert ingredients in a pesticide and for  
26 pesticides containing arsenic in any form, the ingredient

1 statement shall include percentage of total and water soluble  
2 arsenic, each calculated as elemental arsenic. In the case of  
3 spray adjuvants the ingredient statement need contain only the  
4 names of the functioning agents and the total percent of those  
5 constituents ineffective as spray adjuvants.

6 20. "Insect" means any of the numerous small invertebrate  
7 animals generally having the body more or less obviously  
8 segmented for the most part belonging to the class Insects,  
9 comprised of six-legged, usually winged forms, as for example  
10 beetles, caterpillars, and flies. This definition encompasses  
11 other allied classes of arthropods whose members are wingless  
12 and usually have more than 6 legs as for example spiders,  
13 mites, ticks, centipedes, and millipedes.

14 21. "Label" means the written, printed or graphic matter  
15 on or attached to the pesticide or device or any of its  
16 containers or wrappings.

17 22. "Labeling" means the label and all other written,  
18 printed or graphic matter: (a) on the pesticide or device or  
19 any of its containers or wrappings, (b) accompanying the  
20 pesticide or device or referring to it in any other media used  
21 to disseminate information to the public, (c) to which  
22 reference is made to the pesticide or device except when  
23 references are made to current official publications of the U.  
24 S. Environmental Protection Agency, Departments of  
25 Agriculture, Health, Education and Welfare or other Federal  
26 Government institutions, the state experiment station or

1 colleges of agriculture or other similar state institution  
2 authorized to conduct research in the field of pesticides.

3 23. "Land" means all land and water area including  
4 airspace, and all plants, animals, structures, buildings,  
5 contrivances, and machinery appurtenant thereto or situated  
6 thereon, fixed or mobile, including any used for  
7 transportation.

8 24. "Licensed Operator" means a person employed to apply  
9 pesticides to the lands of others under the direction of a  
10 "licensed commercial applicator" or a "licensed commercial  
11 not-for-hire applicator".

12 25. "Nematode" means invertebrate animals of the phylum  
13 nemathelminthes and class nematoda, also referred to as nemas  
14 or eelworms, which are unsegmented roundworms with elongated  
15 fusiform or sac-like bodies covered with cuticle and  
16 inhabiting soil, water, plants or plant parts.

17 26. "Permit" means a written statement issued by the  
18 Director or his authorized agent, authorizing certain acts of  
19 pesticide purchase or of pesticide use or application on an  
20 interim basis prior to normal certification, registration, or  
21 licensing.

22 27. "Person" means any individual, partnership,  
23 association, fiduciary, corporation, or any organized group of  
24 persons whether incorporated or not.

25 28. "Pest" means (a) any insect, rodent, nematode, fungus,  
26 weed, or (b) any other form of terrestrial or aquatic plant or

1 animal life or virus, bacteria, or other microorganism,  
2 excluding virus, bacteria, or other microorganism on or in  
3 living animals including man, which the Director declares to  
4 be a pest.

5 29. "Pesticide" means any substance or mixture of  
6 substances intended for preventing, destroying, repelling, or  
7 mitigating any pest or any substance or mixture of substances  
8 intended for use as a plant regulator, defoliant or desiccant.

9 30. "Pesticide Dealer" means any person who distributes  
10 registered pesticides to the user.

11 31. "Plant Regulator" means any substance or mixture of  
12 substances intended through physiological action to affect the  
13 rate of growth or maturation or otherwise alter the behavior  
14 of ornamental or crop plants or the produce thereof. This does  
15 not include substances which are not intended as plant  
16 nutrient trace elements, nutritional chemicals, plant or seed  
17 inoculants or soil conditioners or amendments.

18 32. "Protect Health and Environment" means to guard  
19 against any unreasonable adverse effects on the environment.

20 33. "Registrant" means person who has registered any  
21 pesticide pursuant to the provision of FIFRA and this Act.

22 34. "Restricted Use Pesticide" means any pesticide with  
23 one or more of its uses classified as restricted by order of  
24 the Administrator of USEPA.

25 35. "SLN Registration" means registration of a pesticide  
26 for use under conditions of special local need as defined by



1 FIFRA.

2 36. "State Restricted Pesticide Use" means any pesticide  
3 use which the Director determines, subsequent to public  
4 hearing, that an additional restriction for that use is needed  
5 to prevent unreasonable adverse effects.

6 37. "Structural Pest" means any pests which attack and  
7 destroy buildings and other structures or which attack  
8 clothing, stored food, commodities stored at food  
9 manufacturing and processing facilities or manufactured and  
10 processed goods.

11 38. "Unreasonable Adverse Effects on the Environment"  
12 means the unreasonable risk to the environment, including man,  
13 from the use of any pesticide, when taking into account  
14 accrued benefits of as well as the economic, social, and  
15 environmental costs of its use.

16 39. "USEPA" means United States Environmental Protection  
17 Agency.

18 40. "Use inconsistent with the label" means to use a  
19 pesticide in a manner not consistent with the label  
20 instruction, the definition adopted in FIFRA as interpreted by  
21 USEPA shall apply in Illinois.

22 41. "Weed" means any plant growing in a place where it is  
23 not wanted.

24 42. "Wildlife" means all living things, not human,  
25 domestic, or pests.

26 43. "Bulk pesticide" means any registered pesticide which

1 is transported or held in an individual container in undivided  
2 quantities of greater than 55 U.S. gallons liquid measure or  
3 100 pounds net dry weight.

4 44. "Bulk repackaging" means the transfer of a registered  
5 pesticide from one bulk container (containing undivided  
6 quantities of greater than 100 U.S. gallons liquid measure or  
7 100 pounds net dry weight) to another bulk container  
8 (containing undivided quantities of greater than 100 U.S.  
9 gallons liquid measure or 100 pounds net dry weight) in an  
10 unaltered state in preparation for sale or distribution to  
11 another person.

12 45. "Business" means any individual, partnership,  
13 corporation or association engaged in a business operation for  
14 the purpose of selling or distributing pesticides or providing  
15 the service of application of pesticides in this State.

16 46. "Facility" means any building or structure and all  
17 real property contiguous thereto, including all equipment  
18 fixed thereon used for the operation of the business.

19 47. "Chemigation" means the application of a pesticide  
20 through the systems or equipment employed for the primary  
21 purpose of irrigation of land and crops.

22 48. "Use" means any activity covered by the pesticide  
23 label including but not limited to application of pesticide,  
24 mixing and loading, storage of pesticides or pesticide  
25 containers, disposal of pesticides and pesticide containers  
26 and reentry into treated sites or areas.

1 (Source: P.A. 102-555, eff. 1-1-22.)

2 (415 ILCS 60/13.4 new)

3 Sec. 13.4. Barrier mosquitocides.

4 (a) Except as provided under subsection (e) and rules  
5 adopted by the Department of Agriculture under subsection (b),  
6 no commercial applicator shall apply a barrier mosquitocide  
7 between October 15 and April 15.

8 (b) The Department of Agriculture may adopt rules allowing  
9 for the application of barrier mosquitocides by commercial  
10 applicators between October 15 and April 15, provided that the  
11 Department of Agriculture determines, as a part of the  
12 rulemaking proceeding, that there is evidence of a significant  
13 unmet need for the commercial application of barrier  
14 mosquitocides between October 15 and April 15 due to the  
15 abundance of target mosquito populations in the State during  
16 that period.

17 (c) A commercial applicator of a barrier mosquitocide  
18 must, at a minimum:

19 (1) not apply a barrier mosquitocide when wind speeds  
20 are greater than or equal to 10 miles per hour;

21 (2) be licensed under this Act and have completed the  
22 additional licensure and testing requirements established  
23 by the Department of Agriculture under subsection (d);

24 (3) erect, immediately following application of the  
25 barrier mosquitocide, signage for residential properties

1 treated with barrier mosquitocides that is comparable to  
2 the notification requirements under subsection (a) of  
3 Section 3 of the Lawn Care Products Application and Notice  
4 Act; and

5 (4) provide, upon request and in a manner that is  
6 comparable to the notification requirements under  
7 subsection (d) of Section 3 of the Lawn Care Products  
8 Application and Notice Act, a copy of the product labels  
9 required for the barrier mosquitocide under the Federal  
10 Insecticide Fungicide, and Rodenticide Act (FIFRA).

11 (d) The Department of Agriculture shall adopt rules to  
12 expand its existing commercial applicator licensure and  
13 testing program to include training in the residential  
14 application of barrier mosquitocides. The training developed  
15 by the Department of Agriculture shall include a course on  
16 mosquito control and pollinator protection in the residential  
17 environment and shall also include training in the following  
18 topics:

19 (1) requirements for domestic inspections by  
20 commercial applicators prior to application of barrier  
21 mosquitocides;

22 (2) identification of mosquitoes in areas to be  
23 treated with the barrier mosquitocide;

24 (3) distinguishing between species of mosquitoes;

25 (4) mosquito behavior, biology, and life cycle;

26 (5) pesticide-free source mosquito-reduction methods;

1           (6) pesticide drift and the protection of bystanders  
2           during pesticide application;

3           (7) pesticide label requirements;

4           (8) proper technique for application of barrier  
5           mosquitocides;

6           (9) protection of pollinators from barrier  
7           mosquitocides;

8           (10) mosquito-borne diseases;

9           (11) proper use of equipment for application of  
10          mosquitocides;

11          (12) use of personal protective equipment during  
12          application of barrier mosquitocides;

13          (13) areas where barrier mosquitocides cannot be  
14          applied; and

15          (14) any other topic the Department of Agriculture  
16          determines to be relevant.

17          (e) Any barrier mosquitocide treatment made for public  
18          health purposes by or on behalf of a mosquito abatement  
19          district, public health department, township, municipality, or  
20          other unit of local government is exempt from this Section and  
21          any rules adopted under this Section.

22          (f) The Department of Agriculture may partner with the  
23          University of Illinois to develop and administer a voluntary  
24          continuing education curriculum that includes as a curricular  
25          element a unit on pollinator protection and ecological  
26          protection.

1 (415 ILCS 60/13.5 new)

2 Sec. 13.5. Mosquito misters prohibited. No person shall  
3 install or use any residential automatic pesticide misting  
4 system in this State. For purposes of this Section,  
5 "residential automatic pesticide misting system" means any  
6 device that is designed to be installed on, near, or around the  
7 exterior of any residential dwelling or the grounds of a  
8 residential dwelling and to automatically spray any pesticide  
9 solution at timed intervals.

10 Section 99. Effective date. This Act takes effect January  
11 1, 2023.