



Rep. Robyn Gabel

Filed: 4/20/2021

10200HB3118ham001

LRB102 15736 SPS 25473 a

1 AMENDMENT TO HOUSE BILL 3118

2 AMENDMENT NO. _____. Amend House Bill 3118 by replacing
3 everything after the enacting clause with the following:

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

1 or used, including any substance which has been substituted
2 wholly or in part for the pesticide as specified on the
3 labeling under which it is sold, distributed or used, or if any
4 valuable constituent of the pesticide has been wholly or in
5 part abstracted.

6 4. "Agricultural Commodity" means produce of the land
7 including but not limited to plants and plant parts, livestock
8 and poultry and livestock or poultry products, seeds, sod,
9 shrubs and other products of agricultural origin including the
10 premises necessary to and used directly in agricultural
11 production. Agricultural commodity also includes aquatic
12 products as defined in the Aquaculture Development Act.

13 5. "Animal" means all vertebrate and invertebrate species
14 including, but not limited to, man and other mammals, bird,
15 fish, and shellfish.

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

19 7. "Certified applicator".

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

24 B. "Private applicator" means a certified applicator
25 who purchases, uses, or supervises the use of any
26 pesticide classified for restricted use, for the purpose

1 of producing any agricultural commodity on property owned,
2 rented, or otherwise controlled by him or his employer, or
3 applied to other property if done without compensation
4 other than trading of personal services between no more
5 than 2 producers of agricultural commodities.

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

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

1 use of pesticides classified for general or restricted use
2 as an employee of a state agency, municipality, or other
3 duly constituted governmental agency or unit.

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

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

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

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

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

22 13. "Equipment" means any type of instruments and
23 contrivances using motorized, mechanical or pressure power
24 which is used to apply any pesticide, excluding pressurized
25 hand-size household apparatus containing dilute ready to apply
26 pesticide or used to apply household pesticides.

1 14. "FIFRA" means the Federal Insecticide, Fungicide, and
2 Rodenticide Act, as amended.

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

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

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

19 18. "Inert Ingredient" means an ingredient which is not an
20 active ingredient.

21 19. "Ingredient Statement" means a statement of the name
22 and percentage of each active ingredient together with the
23 total percentage of inert ingredients in a pesticide and for
24 pesticides containing arsenic in any form, the ingredient
25 statement shall include percentage of total and water soluble
26 arsenic, each calculated as elemental arsenic. In the case of

1 spray adjuvants the ingredient statement need contain only the
2 names of the functioning agents and the total percent of those
3 constituents ineffective as spray adjuvants.

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

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

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

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

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

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

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

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

23 28. "Pest" means (a) any insect, rodent, nematode, fungus,
24 weed, or (b) any other form of terrestrial or aquatic plant or
25 animal life or virus, bacteria, or other microorganism,
26 excluding virus, bacteria, or other microorganism on or in

1 living animals including man, which the Director declares to
2 be a pest.

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

7 30. "Pesticide Dealer" means any person who distributes
8 registered pesticides to the user.

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

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

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

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

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

26 36. "State Restricted Pesticide Use" means any pesticide

1 use which the Director determines, subsequent to public
2 hearing, that an additional restriction for that use is needed
3 to prevent unreasonable adverse effects.

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

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

14 39. "USEPA" means United States Environmental Protection
15 Agency.

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

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

22 42. "Wildlife" means all living things, not human,
23 domestic, or pests.

24 43. "Bulk pesticide" means any registered pesticide which
25 is transported or held in an individual container in undivided
26 quantities of greater than 55 U.S. gallons liquid measure or

1 100 pounds net dry weight.

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

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

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

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

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

25 49. "Barrier treatment" means the application of an
26 insecticide by spray, aerosol, mist, liquid, dust, or powder

1 that is intended to leave a residual coating on plant foliage,
2 vegetation, or other natural or manmade surfaces for the
3 purposes of killing adult mosquitoes and for the control of
4 any life stage of tick.

5 (Source: P.A. 99-540, eff. 1-1-17; 100-201, eff. 8-18-17.)

6 (415 ILCS 60/13.4 new)

7 Sec. 13.4. Barrier pesticide; mosquito control; pollinator
8 protection.

9 (a) Notwithstanding any other provision of law, a barrier
10 pesticide may be applied only using the evidence-based model
11 under subsection (b) and may not be applied using a
12 subscription-based model of treatment.

13 (b) A barrier pesticide may be applied only by a
14 commercial applicator for commercial or residential purposes
15 if the following evidence-based model of application is used:

16 (1) Documentation of species and species abundance the
17 barrier pesticide is targeted toward as part of record
18 requirements in this Section.

19 (2) A domestic inspection of the property for mosquito
20 sources is conducted before application of the barrier
21 pesticide.

22 (3) The commercial applicator of the barrier pesticide
23 has undergone the course and licensure requirements under
24 subsection (c).

25 (4) Chemical spraying of a barrier pesticide may not

1 be applied outdoors where wind speed is 10 miles per hour
2 or greater.

3 (5) At least 24 hours before the treatment is
4 scheduled to occur, the commercial applicator must notify
5 neighbors of the property to which the impending barrier
6 pesticide treatment is to be applied.

7 (6) For at least 24 hours after the treatment has been
8 applied, the property to which the barrier pesticide is
9 applied must display yard signage indicating that the yard
10 has been treated with barrier pesticides.

11 (7) A commercial applicator must have available, at
12 all times while a treatment is being conducted, copies of
13 the Federal Insecticide, Fungicide, and Rodenticide Act
14 (FIFRA) product label describing the specific health and
15 environmental risks from pesticides for distribution if
16 requested.

17 (8) The owner of the property to which the barrier
18 pesticide is applied must be given a copy of the FIFRA
19 product label describing the specific health and
20 environmental risks from pesticides by the applicator.

21 (c) The Department of Agriculture shall adopt rules
22 creating a process for the licensure of commercial applicators
23 for residential treatment using barrier pesticides. The
24 licensure process shall include:

25 (1) a course and material specific to mosquito control
26 and pollinator protection in a residential environment;

1 (2) requirements for domestic inspections;
2 (3) the collection of surveillance evidence of
3 mosquitoes;
4 (4) identification of mosquitoes;
5 (5) mosquito life stages;
6 (6) pesticide-free source reduction methods;
7 (7) bystander protection;
8 (8) product label requirements; and
9 (9) any other topics the Department of Agriculture
10 determines relevant.

11 (d) The Department of Agriculture shall establish
12 evidentiary thresholds for commercial barrier treatment in
13 partnership with the Department of Public Health and the
14 University of Illinois. The evidentiary threshold shall
15 include:

16 (1) Documentation of species abundance the barrier
17 pesticide is targeted toward.

18 (2) A domestic inspection of the property for mosquito
19 presence at established threshold is conducted before
20 application of the barrier pesticide.

21 (3) A requirement that the commercial applicator of
22 the barrier pesticide has undergone the course and
23 licensure requirements under subsection (c).

24 (4) Further requirements for domestic inspections to
25 provide evidence of mosquitoes and reduce unnecessary
26 spraying as determined by the Department of Agriculture.

1 (e) All public health mosquito control treatments
2 conducted by mosquito abatement districts, public health
3 departments, townships, municipalities, or other units of
4 government or by contract or agreement by commercial entities
5 on behalf of mosquito abatement districts, public health
6 departments, townships, municipalities, or other units of
7 government are exempt from this requirement.

8 (f) The Department of Agriculture shall provide additional
9 training for licensed commercial applicators, including
10 pollinator education. The Department of Agriculture shall
11 review and update their testing and training procedures
12 periodically.

13 (g) The Department of Agriculture may partner with the
14 University of Illinois to develop and administer a voluntary
15 continuing education curriculum to include in-depth pollinator
16 and ecological protection.

17 (415 ILCS 60/13.5 new)

18 Sec. 13.5. Mosquito misters prohibited. No person shall
19 install or use any residential automatic pesticide misting
20 system in this State. For purposes of this Section,
21 "residential automatic pesticide misting system" means any
22 device that is designed to be installed on, near, or around the
23 exterior of any residential dwelling or the grounds of such a
24 residential dwelling and to automatically spray any pesticide
25 solution at timed intervals.

1 Section 10. The Lawn Care Products Application and Notice
2 Act is amended by changing Sections 2 and 3 as follows:

3 (415 ILCS 65/2) (from Ch. 5, par. 852)

4 Sec. 2. Definitions.

5 For purposes of this Act:

6 "Application" means the spreading of lawn care products on
7 a lawn.

8 "Applicator for hire" means any person who makes an
9 application of lawn care products to a lawn or lawns for
10 compensation, including applications made by an employee to
11 lawns owned, occupied or managed by his employer and includes
12 those licensed by the Department as licensed commercial
13 applicators, commercial not-for-hire applicators, licensed
14 public applicators, certified applicators and licensed
15 operators and those otherwise subject to the licensure
16 provisions of the Illinois Pesticide Act, as now or hereafter
17 amended.

18 "Barrier treatment" has the meaning given to that term in
19 Section 4 of the Illinois Pesticide Act.

20 "Buffer" means an area adjacent to a body of water that is
21 left untreated with any fertilizer.

22 "Day care center" means any facility that qualifies as a
23 "day care center" under the Child Care Act of 1969.

24 "Department" means the Illinois Department of Agriculture.

1 "Department of Public Health" means the Illinois
2 Department of Public Health.

3 "Facility" means a building or structure and appurtenances
4 thereto used by an applicator for hire for storage and
5 handling of pesticides or the storage or maintenance of
6 pesticide application equipment or vehicles.

7 "Fertilizer" means any substance containing nitrogen,
8 phosphorus or potassium or other recognized plant nutrient or
9 compound, which is used for its plant nutrient content.

10 "Golf course" means an area designated for the play or
11 practice of the game of golf, including surrounding grounds,
12 trees, ornamental beds and the like.

13 "Golf course superintendent" means any person entrusted
14 with and employed for the care and maintenance of a golf
15 course.

16 "Impervious surface" means any structure, surface, or
17 improvement that reduces or prevents absorption of stormwater
18 into land, and includes pavement, porous paving, paver blocks,
19 gravel, crushed stone, decks, patios, elevated structures, and
20 other similar structures, surfaces, or improvements.

21 "Lawn" means land area covered with turf kept closely mown
22 or land area covered with turf and trees or shrubs. The term
23 does not include (1) land area used for research for
24 agricultural production or for the commercial production of
25 turf, (2) land area situated within a public or private
26 right-of-way, or (3) land area which is devoted to the

1 production of any agricultural commodity, including, but not
2 limited to plants and plant parts, livestock and poultry and
3 livestock or poultry products, seeds, sod, shrubs and other
4 products of agricultural origin raised for sale or for human
5 or livestock consumption.

6 "Lawn care products" means fertilizers or pesticides
7 applied or intended for application to lawns.

8 "Lawn repair products" means seeds, including seeding
9 soils, that contain or are coated with or encased in
10 fertilizer material.

11 "Person" means any individual, partnership, association,
12 corporation or State governmental agency, school district,
13 unit of local government and any agency thereof.

14 "Pesticide" means any substance or mixture of substances
15 defined as a pesticide under the Illinois Pesticide Act, as
16 now or hereafter amended.

17 "Plant protectants" means any substance or material used
18 to protect plants from infestation of insects, fungi, weeds
19 and rodents, or any other substance that would benefit the
20 overall health of plants.

21 "Soil test" means a chemical and mechanical analysis of
22 soil nutrient values and pH level as it relates to the soil and
23 development of a lawn.

24 "Spreader" means any commercially available fertilizing
25 device used to evenly distribute fertilizer material.

26 "Turf" means the upper stratum of soils bound by grass and

1 plant roots into a thick mat.

2 "0% phosphate fertilizer" means a fertilizer that contains
3 no more than 0.67% available phosphoric acid (P₂O₅).

4 (Source: P.A. 96-424, eff. 8-13-09; 96-1005, eff. 7-6-10.)

5 (415 ILCS 65/3) (from Ch. 5, par. 853)

6 Sec. 3. Notification requirements for application of lawn
7 care products.

8 (a) Lawn Markers.

9 (1) Immediately following application of lawn care
10 products or barrier treatment to a lawn, other than a golf
11 course, an applicator for hire shall place a lawn marker
12 at the usual point or points of entry.

13 (2) The lawn marker shall consist of a 4 inch by 5 inch
14 sign, vertical or horizontal, attached to the upper
15 portion of a dowel or other supporting device with the
16 bottom of the marker extending no less than 12 inches
17 above the turf.

18 (3) The lawn marker shall be white and lettering on
19 the lawn marker shall be in a contrasting color. The
20 marker shall state on one side, in letters of not less than
21 3/8 inch, the following: "LAWN CARE APPLICATION - STAY OFF
22 GRASS UNTIL DRY - FOR MORE INFORMATION CONTACT: (here
23 shall be inserted the name and business telephone number
24 of the applicator for hire)."

25 (4) The lawn marker shall be removed and discarded by

1 the property owner or resident, or such other person
2 authorized by the property owner or resident, on the day
3 following the application. The lawn marker shall not be
4 removed by any person other than the property owner or
5 resident or person designated by such property owner or
6 resident.

7 (5) For applications to residential properties of 2
8 families or less, the applicator for hire shall be
9 required to place lawn markers at the usual point or
10 points of entry.

11 (6) For applications to residential properties of 2
12 families or more, or for application to other commercial
13 properties, the applicator for hire shall place lawn
14 markers at the usual point or points of entry to the
15 property to provide notice that lawn care products or
16 barrier treatment have been applied to the lawn.

17 (b) Notification requirement for application of plant
18 protectants on golf courses.

19 (1) Blanket posting procedure. Each golf course shall
20 post in a conspicuous place or places an all-weather
21 poster or placard stating to users of or visitors to the
22 golf course that from time to time plant protectants are
23 in use and additionally stating that if any questions or
24 concerns arise in relation thereto, the golf course
25 superintendent or his designee should be contacted to
26 supply the information contained in subsection (c) of this

1 Section.

2 (2) The poster or placard shall be prominently
3 displayed in the pro shop, locker rooms and first tee at
4 each golf course.

5 (3) The poster or placard shall be a minimum size of 8
6 1/2 by 11 inches and the lettering shall not be less than
7 1/2 inch.

8 (4) The poster or placard shall read: "PLANT
9 PROTECTANTS ARE PERIODICALLY APPLIED TO THIS GOLF COURSE.
10 IF DESIRED, YOU MAY CONTACT YOUR GOLF COURSE
11 SUPERINTENDENT FOR FURTHER INFORMATION."

12 (c) Information to Customers of Applicators for Hire. At
13 the time of application of lawn care products or barrier
14 treatment to a lawn, an applicator for hire shall provide the
15 following information to the customer:

16 (1) The brand name, common name, and scientific name
17 of each lawn care product or barrier treatment applied;

18 (2) The type of fertilizer or pesticide contained in
19 the lawn care product or barrier treatment applied;

20 (3) The reason for use of each lawn care product or
21 barrier treatment applied;

22 (4) The range of concentration of end use product
23 applied to the lawn and amount of material applied;

24 (5) Any special instruction appearing on the label of
25 the lawn care product or barrier treatment applicable to
26 the customer's use of the lawn following application;

1 (6) The business name and telephone number of the
2 applicator for hire as well as the name of the person
3 actually applying lawn care products or barrier treatment
4 to the lawn; and

5 (7) Upon the request of a customer or any person whose
6 property abuts or is adjacent to the property of a
7 customer of an applicator for hire, a copy of the material
8 safety data sheet and approved pesticide registration
9 label for each applied lawn care product or barrier
10 treatment.

11 (d) Prior notification of application to lawn. In the case
12 of all lawns other than golf courses:

13 (1) Any neighbor whose property abuts or is adjacent
14 to the property of a customer of an applicator for hire may
15 receive prior notification of an application by contacting
16 the applicator for hire and providing his name, address
17 and telephone number.

18 (2) At least the day before a scheduled application,
19 an applicator for hire shall provide notification to a
20 person who has requested notification pursuant to
21 paragraph (1) of this subsection (d), such notification to
22 be made in writing, in person or by telephone, disclosing
23 the date and approximate time of day of application.

24 (3) In the event that an applicator for hire is unable
25 to provide prior notification to a neighbor whose property
26 abuts or is adjacent to the property because of the

1 absence or inaccessibility of the individual, at the time
2 of application to a customer's lawn, the applicator for
3 hire shall leave a written notice at the residence of the
4 person requesting notification, which shall provide the
5 information specified in paragraph (2) of this subsection
6 (d).

7 (e) Prior notification of application to golf courses.

8 (1) Any landlord or resident with property that abuts
9 or is adjacent to a golf course may receive prior
10 notification of an application of lawn care products, l
11 barrier treatment, or plant protectants, ~~or both~~, by
12 contacting the golf course superintendent and providing
13 his name, address and telephone number.

14 (2) At least the day before a scheduled application of
15 lawn care products, barrier treatment, or plant
16 protectants, ~~or both~~, the golf course superintendent shall
17 provide notification to any person who has requested
18 notification pursuant to paragraph (1) of this subsection
19 (e), such notification to be made in writing, in person or
20 by telephone, disclosing the date and approximate time of
21 day of application.

22 (3) In the event that the golf course superintendent
23 is unable to provide prior notification to a landlord or
24 resident because of the absence or inaccessibility, at the
25 time of application, of the landlord or resident, the golf
26 course superintendent shall leave a written notice with

1 the landlord or at the residence which shall provide the
2 information specified in paragraph (2) of this subsection
3 (e).

4 (f) Notification for applications of pesticides to day
5 care center grounds other than day care center structures and
6 school grounds other than school structures.

7 (1) The owner or operator of a day care center must
8 either (i) maintain a registry of parents and guardians of
9 children in his or her care who have registered to receive
10 written notification before the application of pesticide
11 to day care center grounds and notify persons on that
12 registry before applying pesticides or having pesticide
13 applied to day care center grounds or (ii) provide written
14 or telephonic notice to all parents and guardians of
15 children in his or her care before applying pesticide or
16 having pesticide applied to day care center grounds.

17 (2) School districts must either (i) maintain a
18 registry of parents and guardians of students who have
19 registered to receive written or telephonic notification
20 before the application of pesticide to school grounds and
21 notify persons on that list before applying pesticide or
22 having pesticide applied to school grounds or (ii) provide
23 written or telephonic notification to all parents and
24 guardians of students before applying pesticide or having
25 pesticide applied to school grounds.

26 (3) Written notification required under item (1) or

1 (2) of subsection (f) of this Section may be included in
2 newsletters, calendars, or other correspondence currently
3 published by the school district, but posting on a
4 bulletin board is not sufficient. The written or
5 telephonic notification must be given at least 4 business
6 days before application of the pesticide and should
7 identify the intended date of the application of the
8 pesticide and the name and telephone contact number for
9 the school personnel responsible for the pesticide
10 application program or, in the case of a day care center,
11 the owner or operator of the day care center. Prior notice
12 shall not be required if there is imminent threat to
13 health or property. If such a situation arises, the
14 appropriate school personnel or, in the case of a day care
15 center, the owner or operator of the day care center must
16 sign a statement describing the circumstances that gave
17 rise to the health threat and ensure that written or
18 telephonic notice is provided as soon as practicable.

19 (Source: P.A. 96-424, eff. 8-13-09.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law."