

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
9 person:

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

12 B. Applied known ineffective or improper pesticides.

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

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

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

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

1 made false or fraudulent records or reports.

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

4 H. Used fraud or misrepresentation in making
5 application for, or renewal of, any license, permit,
6 certification, or registration or in demonstration of
7 competence.

8 I. Aided or abetted a person to evade provisions of
9 this Act, conspired with any person to evade provisions of
10 this Act or allowed a license, permit, certification or
11 registration to be used by another person.

12 J. Impersonated any federal, state, county, or city
13 official.

14 K. Purchased pesticides by using another person's
15 license or using or purchasing pesticides outside of a
16 specific category for which that person is licensed or any
17 other misrepresentation.

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

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

22 A. A pesticide not registered pursuant to provisions
23 of this Act.

24 B. Any pesticide, if any claim made for it, use
25 recommendation, other labeling or formulation, differs
26 from the representations made in connection with

1 registration. However, a change in labeling or formulation
2 may be made within a registration if the change does not
3 violate provisions of FIFRA or this Act.

4 C. Any pesticide unless in the registrants unbroken
5 container.

6 D. Any pesticide container to which all label
7 information required under provisions of this Act has not
8 been securely affixed.

9 E. Any pesticide which is adulterated or misbranded or
10 any device which is misbranded.

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

13 G. It shall not be unlawful to distribute pesticides
14 "in bulk" provided such distribution does not violate the
15 provisions of this Act, the Rules and Regulations under
16 this Act, or FIFRA.

17 3. It shall be unlawful:

18 A. To sell any pesticide labeled for restricted use to
19 any applicator not certified, unless such applicator has a
20 valid permit authorizing purchase under a special
21 exemption from certification requirements.

22 B. To handle, store, display, use or distribute
23 pesticides in such manner as to endanger man and his
24 environment, to endanger food, feed or other products that
25 may be stored, displayed or distributed with such
26 pesticides.

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

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

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

16 F. To apply a restricted use pesticide on or within
17 500 feet of school property during normal hours, except
18 for whole structure fumigation. However, if the pesticide
19 application information listed on the pesticide label is
20 more restrictive than this paragraph (F), then the more
21 restrictive provision shall apply. The Department of
22 Agriculture shall adopt rules necessary to implement the
23 provisions of this paragraph (F). As used in this
24 paragraph (F), "normal school hours" means Monday through
25 Friday from 7 a.m. until 4 p.m., excluding days when
26 classes are not in session.

1 4. Exemptions from the violation provisions of this Act
2 are as follows:

3 A. Carriers lawfully engaged in transporting
4 pesticides within this State, provided that such carrier
5 shall upon request permit the Director to copy all records
6 showing transactions in the movement of the pesticide or
7 device.

8 B. Public officials of this State or the federal
9 government while engaged in the performance of official
10 duties in administration of pesticide laws or regulations.

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

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

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

21 Section 99. Effective date. This Act takes effect January
22 1, 2022.