



Sen. Julie A. Morrison

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10200SB2245sam001

LRB102 11647 CPF 24845 a

1 AMENDMENT TO SENATE BILL 2245

2 AMENDMENT NO. _____. Amend Senate Bill 2245 by replacing
3 everything after the enacting clause with the following:

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.

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

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

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

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

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

19 J. Impersonated any federal, state, county, or city
20 official.

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

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

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

3 A. A pesticide not registered pursuant to provisions
4 of this Act.

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

11 C. Any pesticide unless in the registrants unbroken
12 container.

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

16 E. Any pesticide which is adulterated or misbranded or
17 any device which is misbranded.

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

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

24 3. It shall be unlawful:

25 A. To sell any pesticide labeled for restricted use to
26 any applicator not certified, unless such applicator has a

1 valid permit authorizing purchase under a special
2 exemption from certification requirements.

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

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

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

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

23 F. To apply a restricted use pesticide on or within
24 500 feet of school property during normal hours, except
25 for whole structure fumigation. However, if the pesticide
26 application information listed on the pesticide label is

1 more restrictive than this paragraph (F), then the more
2 restrictive provision shall apply. The Department of
3 Agriculture shall adopt rules necessary to implement the
4 provisions of this paragraph (F). As used in this
5 paragraph (F), "normal school hours" means Monday through
6 Friday from 7 a.m. until 4 p.m., excluding days when
7 classes are not in session.

8 4. Exemptions from the violation provisions of this Act
9 are as follows:

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

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

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

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

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

2 Section 99. Effective date. This Act takes effect January
3 1, 2022."