



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB4814

Introduced 2/6/2024, by Rep. Daniel Didech

#### SYNOPSIS AS INTRODUCED:

415 ILCS 60/13.6 new

Amends the Illinois Pesticide Act. Provides that, beginning January 1, 2027, no person shall sell offer for sale or use, or distribute within the State any corn, soybean, or wheat seed that is treated or coated with a pesticide that has certain active ingredients, unless the Department of Agriculture suspends that requirement after determining that either (i) there is a commercially insufficient amount of seed that does not violate that requirement or (ii) the purchase of seed that complies with requirement would result in an undue financial hardship for agricultural producers. Sets out limitations on the application of pesticides containing the same active ingredients on outdoor ornamental plants and turf except in specified circumstances. Directs the Department to conduct a study to identify alternatives to the prohibited pesticides. Effective immediately.

LRB103 38370 JAG 68505 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 1. References to Act. This Act may be referred to  
5 as the Birds and Bees Protection Act.

6 Section 5. The Illinois Pesticide Act is amended by adding  
7 Section 13.6 as follows:

8 (415 ILCS 60/13.6 new)

9 Sec. 13.6. Protecting critical bird and bee species.

10 (a) Beginning January 1, 2027, no person shall sell, offer  
11 for sale or use, or distribute within the State any corn,  
12 soybean, or wheat seed that is coated or treated with a  
13 pesticide that has as an active ingredient clothianidin,  
14 imidacloprid, thiamethoxam, dinotefuran, or acetamiprid,  
15 unless the Department, by written order, temporarily suspends  
16 the requirements of this subsection after determining, that  
17 either (i) there is a commercially insufficient amount of  
18 available seed that has not been treated with a pesticide that  
19 contains clothianidin, imidacloprid, thiamethoxam,  
20 dinotefuran, or acetamiprid or (ii) the purchase of seed that  
21 complies with the requirements of this subsection would result  
22 in undue financial hardship for agricultural producers. The

1 Department shall publish its first written determination on or  
2 before the October 1 that immediately follows the effective  
3 date of this amendatory Act of the 103rd General Assembly and  
4 shall by October 1 of each year thereafter reevaluate the  
5 determination and publish a written directive describing  
6 whether there will be a temporary suspension of the  
7 prohibition under this subsection in the following year. Any  
8 temporary suspension order shall specify the type of seed  
9 included and shall apply for one calendar year.

10 (b) (1) Notwithstanding any other law, no person shall  
11 apply or treat outdoor ornamental plants and turf, except for  
12 the production of agricultural commodities, with a pesticide:

13 (A) beginning July 1, 2025, if the pesticide has  
14 imidacloprid, thiamethoxam, or acetamiprid as an active  
15 ingredient; and

16 (B) beginning on the effective date of this amendatory  
17 Act of the 103rd General Assembly, if the pesticide has  
18 clothianidin or dinotefuran as an active ingredient.

19 (2) The provisions of this subsection do not apply if the  
20 Director, by written order, determines that:

21 (A) a valid environmental emergency exists;

22 (B) the pesticide would be effective in addressing the  
23 environmental emergency; and

24 (C) no other less harmful pesticide or pest management  
25 practice would be effective in addressing the  
26 environmental emergency.

1       (3) An order under this subsection (b) shall include the  
2 basis for the Director's determination and shall specify the  
3 approved time period, geographic scope, and purpose of the  
4 permitted use of the pesticide. An order issued under this  
5 subsection shall be valid for a period not to exceed one year.

6       (4) The provisions of this subsection (b) do not apply to  
7 pesticide applications by, or under the supervision of, a  
8 certified applicator for treatment against invasive species in  
9 woody plants.

10       (5) As used in this subsection, "environmental emergency"  
11 means an occurrence of any pest which presents a significant  
12 risk of harm or injury to the environment or significant harm,  
13 injury, or loss to agricultural crops, including, but not  
14 limited to, any exotic or foreign pest that may require  
15 preventative quarantine measures to avert or prevent that  
16 risk, as determined by the Department of Agriculture.

17       (c) The Department shall conduct a study to identify  
18 practicable and feasible alternatives to the use of pesticides  
19 containing the active ingredients clothianidin, imidacloprid,  
20 thiamethoxam, dinotefuran, and acetamiprid. The results of the  
21 study shall be submitted to the Governor and General Assembly  
22 on or before January 1, 2027 and shall be posted on the  
23 Department's public website.

24       Section 99. Effective date. This Act takes effect upon  
25 becoming law.