



Rep. Karen May

Filed: 4/11/2005

09400HB2196ham001

LRB094 03211 RSP 44448 a

1 AMENDMENT TO HOUSE BILL 2196

2 AMENDMENT NO. _____. Amend House Bill 2196 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by adding Section
5 10-20.5c as follows:

6 (105 ILCS 5/10-20.5c new)

7 Sec. 10-20.5c. Pesticide application at schools.

8 (a) School districts shall abide by the requirements of
9 Sections 10.2 and 10.3 of the Structural Pest Control Act and
10 Sections 3 and 3.5 of the Lawn Care Products Application and
11 Notice Act.

12 (b) Notification required pursuant to Section 10.3 of the
13 Structural Pest Control Act and Sections 3 and 3.5 of the Lawn
14 Care Products Application and Notice Act may not be given more
15 than 30 days before the application of the pesticide.

16 (c) Each school district, subject to the requirements of
17 Section 10.3 of the Structural Pest Control Act and Section 3
18 of the Lawn Care Products Application and Notice Act, must
19 ensure that pesticides will not be applied when children are
20 present at the schools within the district. Toys and other
21 items mouthed or handled by the children must be removed from
22 the area before pesticides are applied. Children must not
23 return to the treated area within 2 hours after a pesticide
24 application or as specified on the pesticide label, whichever

1 time is greater.

2 Section 10. The Child Care Act of 1969 is amended by
3 changing Section 5.6 as follows:

4 (225 ILCS 10/5.6)

5 Sec. 5.6. Pesticide application at day care centers.

6 (a) Licensed day care centers shall abide by the
7 requirements of Sections 10.2 and 10.3 of the Structural Pest
8 Control Act and Sections 3 and 3.5 of the Lawn Care Products
9 Application and Notice Act.

10 (b) Notification required pursuant to Section 10.3 of the
11 Structural Pest Control Act and Sections 3 and 3.5 of the Lawn
12 Care Products Application and Notice Act may not be given more
13 than 30 days before the application of the pesticide.

14 (c) Each licensed day care center, subject to the
15 requirements of Section 10.3 of the Structural Pest Control Act
16 and Sections 3 and 3.5 of the Lawn Care Products Application
17 and Notice Act, must ensure that pesticides will not be applied
18 when children are present at the center. Toys and other items
19 mouthed or handled by the children must be removed from the
20 area before pesticides are applied. Children must not return to
21 the treated area within 2 hours after a pesticide application
22 or as specified on the pesticide label, whichever time is
23 greater.

24 (Source: P.A. 93-381, eff. 7-1-04.)

25 Section 15. The Lawn Care Products Application and Notice
26 Act is amended by changing Sections 2 and 3 and by adding
27 Section 3.5 as follows:

28 (415 ILCS 65/2) (from Ch. 5, par. 852)

29 Sec. 2. Definitions.

30 For purposes of this Act:

1 "Application" means the spreading of lawn care products on
2 a lawn.

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

13 "Day care center" means any structure used as a licensed
14 day care center in this State.

15 "Department" means the Illinois Department of Agriculture.

16 "Facility" means a building or structure and appurtenances
17 thereto used by an applicator for hire for storage and handling
18 of pesticides or the storage or maintenance of pesticide
19 application equipment or vehicles.

20 "Fertilizer" means any substance containing nitrogen,
21 phosphorus or potassium or other recognized plant nutrient or
22 compound, which is used for its plant nutrient content.

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

26 "Golf course superintendent" means any person entrusted
27 with and employed for the care and maintenance of a golf
28 course.

29 "Integrated pest management" is defined as a pest
30 management system that:

31 (a) identifies pests and their natural enemies;

32 (b) establishes an ongoing monitoring and
33 recordkeeping system for regular sampling and assessment
34 of pest and natural enemy populations;

1 (c) determines the pest population levels that can be
2 tolerated based on economic and health concerns and setting
3 action thresholds where pest populations or environmental
4 conditions warrant remedial action;

5 (d) prevents pest problems through improved
6 sanitation, management of waste, addition of physical
7 barriers, and the modification of habitats that attract or
8 harbor pests;

9 (e) relies to the greatest extent possible on nontoxic,
10 biological, cultural, or mechanical pest management
11 methods, or on the use of natural control agents;

12 (f) allows, when necessary, the use of chemical
13 pesticides with a preference for products that are the
14 least harmful to human health and the environment; provided
15 that, pesticides shall not be used for aesthetic reasons
16 alone; and

17 (g) requires recordkeeping and reporting of pest
18 populations, surveillance techniques, and remedial actions
19 taken.

20 "Lawn" means land area covered with turf kept closely mown
21 or land area covered with turf and trees or shrubs. The term
22 does not include (1) land area used for research for
23 agricultural production or for the commercial production of
24 turf, (2) land area situated within a public or private
25 right-of-way, or (3) land area which is devoted to the
26 production of any agricultural commodity, including, but not
27 limited to plants and plant parts, livestock and poultry and
28 livestock or poultry products, seeds, sod, shrubs and other
29 products of agricultural origin raised for sale or for human or
30 livestock consumption.

31 "Lawn care products" means fertilizers or pesticides
32 applied or intended for application to lawns.

33 "Person" means any individual, partnership, association,
34 corporation or State governmental agency, school district,

1 unit of local government and any agency thereof.

2 "Pesticide" means any substance or mixture of substances
3 defined as a pesticide under the Illinois Pesticide Act, as now
4 or hereafter amended.

5 "Plant protectants" means any substance or material used to
6 protect plants from infestation of insects, fungi, weeds and
7 rodents, or any other substance that would benefit the overall
8 health of plants.

9 "School" means any structure used as a public school in
10 this State.

11 "Turf" means the upper stratum of soils bound by grass and
12 plant roots into a thick mat.

13 (Source: P.A. 86-358.)

14 (415 ILCS 65/3) (from Ch. 5, par. 853)

15 Sec. 3. Notification requirements for application of lawn
16 care products.

17 (a) Lawn Markers.

18 (1) Immediately following application of lawn care
19 products to a lawn, other than a golf course, an applicator
20 for hire shall place a lawn marker at the usual point or
21 points of entry.

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

26 (3) The lawn marker shall be white and lettering on the
27 lawn marker shall be in a contrasting color. The marker
28 shall state on one side, in letters of not less than 3/8
29 inch, the following: "LAWN CARE APPLICATION - STAY OFF
30 GRASS UNTIL DRY - FOR MORE INFORMATION CONTACT: (here shall
31 be inserted the name and business telephone number of the
32 applicator for hire)."

33 (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 required
9 to place lawn markers at the usual point or points of
10 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 have
16 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 poster
21 or placard stating to users of or visitors to the golf
22 course that from time to time plant protectants are in use
23 and additionally stating that if any questions or concerns
24 arise in relation thereto, the golf course superintendent
25 or his designee should be contacted to supply the
26 information contained in subsection (c) of this Section.

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

30 (3) The poster or placard shall be a minimum size of 8
31 1/2 by 11 inches and the lettering shall not be less than
32 1/2 inch.

33 (4) The poster or placard shall read: "PLANT
34 PROTECTANTS ARE PERIODICALLY APPLIED TO THIS GOLF COURSE.

1 IF DESIRED, YOU MAY CONTACT YOUR GOLF COURSE SUPERINTENDENT
2 FOR FURTHER INFORMATION."

3 (c) Information to Customers of Applicators for Hire. At
4 the time of application of lawn care products to a lawn, an
5 applicator for hire shall provide the following information to
6 the customer:

7 (1) The brand name or common name of each lawn care
8 product applied;

9 (2) The type of fertilizer or pesticide contained in
10 the lawn care product applied;

11 (3) The reason for use of each lawn care product
12 applied;

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

15 (5) Any special instruction appearing on the label of
16 the lawn care product applicable to the customer's use of
17 the lawn following application; and

18 (6) The business name and telephone number of the
19 applicator for hire as well as the name of the person
20 actually applying lawn care products to the lawn.

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

23 (1) Any neighbor whose property abuts or is adjacent to
24 the property of a customer of an applicator for hire may
25 receive prior notification of an application by contacting
26 the applicator for hire and providing his name, address and
27 telephone number.

28 (2) At least the day before a scheduled application, an
29 applicator for hire shall provide notification to a person
30 who has requested notification pursuant to paragraph (1) of
31 this subsection (d), such notification to be made in
32 writing, in person or by telephone, disclosing the date and
33 approximate time of day of application.

34 (3) In the event that an applicator for hire is unable

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

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

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

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

23 (3) In the event that the golf course superintendent is
24 unable to provide prior notification to a landlord or
25 resident because of the absence or inaccessibility, at the
26 time of application, of the landlord or resident, the golf
27 course superintendent shall leave a written notice with the
28 landlord or at the residence which shall provide the
29 information specified in paragraph (2) of this subsection
30 (e).

31 (f) Notification for applications of pesticides to school
32 and day care center grounds other than school or day care
33 center structures. School districts and day care centers must
34 maintain a registry of parents and guardians of students or day

1 care enrollees who have registered to receive written
2 notification prior to the application of pesticides to school
3 or day care center grounds or provide written notification to
4 all parents and guardians of students or day care enrollees
5 before such pesticide application. Written notification may be
6 included in newsletters, bulletins, calendars, or other
7 correspondence currently published by the school district or
8 day care center. The written notification must be given at
9 least 2 business days before application of the pesticide and
10 should identify the intended date of the application of the
11 pesticide and the name and telephone contact number for the
12 school or day care center personnel responsible for the
13 pesticide application program. Prior written notice shall not
14 be required if there is imminent threat to health or property.
15 If such a situation arises, the appropriate school or day care
16 center personnel must sign a statement describing the
17 circumstances that gave rise to the health threat and ensure
18 that written notice is provided as soon as practicable.
19 (Source: P.A. 91-99, eff. 7-9-99; 92-16, eff. 6-28-01.)

20 (415 ILCS 65/3.5 new)

21 Sec. 3.5. Integrated Pest Management Guidelines.

22 (a) The Department shall prepare guidelines for an
23 integrated pest management program for the application of lawn
24 care products on school and day care center grounds. Such
25 guidelines shall be made available to schools, day care
26 centers, and the public upon request.

27 (b) When economically feasible, each school district and
28 day care center is required to adopt an integrated pest
29 management program that incorporates the guidelines developed
30 by the Department. If adopting an integrated pest management
31 program would not be economically feasible because it would
32 result in an increase in the school district or day care
33 center's pest control cost, the school district or day care

1 center must provide written notification to the Department. The
2 notification must include the projected pest control costs for
3 the term of the pest control program and the projected costs
4 for implementing an integrated pest management program for that
5 same time period. The Department shall make this notification
6 available to the general public upon request. In implementing
7 an integrated pest management program, a school district or day
8 care center employee should be designated to assume
9 responsibility for the oversight and recordkeeping
10 requirements of the pest management practices required under
11 this Section.

12 (c) The Department, with the assistance of the Cooperative
13 Extension Service and other relevant agencies, may prepare
14 training programs for school district and day care center lawn
15 care specialists."