



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB4462

Introduced 1/11/2006, by Rep. Barbara Flynn Currie

SYNOPSIS AS INTRODUCED:

415 ILCS 60/12.5 new
415 ILCS 60/14

from Ch. 5, par. 814

Amends the Illinois Pesticide Act. Prohibits the sale of a Restricted Use Pesticide over an Internet website to an Illinois resident who is not a Licensed Operator under the Illinois Pesticide Act registered with the Department. Provides that a person who sells a Restricted Use Pesticide on an Internet website to an Illinois resident who is not a Licensed Operator is subject to the penalty provisions of the Act.

LRB094 16989 RSP 52270 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

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 and by adding Section 12.5 as follows:

6 (415 ILCS 60/12.5 new)

7 Sec. 12.5. Internet sales. It is illegal for any person to
8 sell a Restricted Use Pesticide over an Internet website to an
9 Illinois resident who is not a Licensed Operator, as provided
10 under Section 12 of this Act, registered with the Department. A
11 person who sells a Restricted Use Pesticide on an Internet
12 website to an Illinois resident who is not a Licensed Operator
13 is subject to the penalty provisions of this Act.

14 (415 ILCS 60/14) (from Ch. 5, par. 814)

15 Sec. 14. Unlawful Acts.

16 1. The following are violations of this Act, if any person:

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

19 B. Applied known ineffective or improper pesticides.

20 C. Applied pesticides in a faulty, careless, or
21 negligent manner.

22 D. Used or made recommendation for use of a pesticide
23 inconsistent with the labeling of the pesticide.

24 E. Neglected, or after notice in writing, refused, to
25 comply with provisions of this Act, the regulations adopted
26 hereunder, or of any lawful order of the Director,
27 including the limitations specified in a duly issued
28 permit, certification, or registration.

29 F. Failed to keep and maintain records required by this
30 Act or failed to make reports when and as required or made
31 false or fraudulent records or reports.

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

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

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

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

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

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

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

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

23 B. Any pesticide, if any claim made for it, use
24 recommendation, other labeling or formulation, differs
25 from the representations made in connection with
26 registration. However, a change in labeling or formulation
27 may be made within a registration if the change does not
28 violate provisions of FIFRA or this Act.

29 C. Any pesticide unless in the registrants unbroken
30 container.

31 D. Any pesticide container to which all label
32 information required under provisions of this Act has not
33 been securely affixed.

34 E. Any pesticide which is adulterated or misbranded or
35 any device which is misbranded.

36 F. Any pesticide in a container which, due to damage,

1 is hazardous to handle and store.

2 G. It shall not be unlawful to distribute pesticides
3 "in bulk" provided such distribution does not violate the
4 provisions of this Act, the Rules and Regulations under
5 this Act, or FIFRA.

6 3. It shall be unlawful:

7 A. To sell any pesticide labeled for restricted use to
8 any applicator not certified, unless such applicator has a
9 valid permit authorizing purchase under a special
10 exemption from certification requirements.

11 B. To handle, store, display, use or distribute
12 pesticides in such manner as to endanger man and his
13 environment, to endanger food, feed or other products that
14 may be stored, displayed or distributed with such
15 pesticides.

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

19 D. To use for personal advantage, reveal to persons,
20 other than the Director designee or properly designated
21 official of other jurisdictions, or to a physician or other
22 qualified person in cases of emergency for preparation of
23 an antidote any information judged as relating to trade
24 secrets. To use or reveal a financial information obtained
25 by authority or marked as privileged or confidential by a
26 registrant.

27 E. To sell a Restricted Use Pesticide over an Internet
28 website to an Illinois resident who is not a valid Licensed
29 Operator and registered with the Illinois Department of
30 Agriculture as required by Illinois law.

31 4. Exemptions from the violation provisions of this Act are
32 as follows:

33 A. Carriers lawfully engaged in transporting
34 pesticides within this State, provided that such carrier
35 shall upon request permit the Director to copy all records
36 showing transactions in the movement of the pesticide or

1 device.

2 B. Public officials of this State or the federal
3 government while engaged in the performance of official
4 duties in administration of pesticide laws or regulations.

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

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

14 (Source: P.A. 87-128.)