



Sen. Heather Steans

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1 AMENDMENT TO SENATE BILL 1769

2 AMENDMENT NO. _____. Amend Senate Bill 1769, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The School Code is amended by adding Sections
6 10-20.46 and 34-18.37 as follows:

7 (105 ILCS 5/10-20.46 new)

8 Sec. 10-20.46. Compliance with Chemical Safety Acts. Each
9 school district must adopt a procedure to comply with the
10 requirements of the Lawn Care Products Application and Notice
11 Act and the Structural Pest Control Act. The school district
12 must designate a staff person who is responsible for compliance
13 with the requirements of these Acts.

14 (105 ILCS 5/34-18.37 new)

15 Sec. 34-18.37. Compliance with Chemical Safety Acts. The

1 Board of Education must adopt a procedure to comply with the
2 requirements of the Lawn Care Products Application and Notice
3 Act and the Structural Pest Control Act. The superintendent
4 must designate a staff person who is responsible for compliance
5 with the requirements of these Acts.

6 Section 12. The Child Care Act of 1969 is amended by
7 changing Section 5.6 as follows:

8 (225 ILCS 10/5.6)

9 Sec. 5.6. Pesticide and lawn care product application at
10 day care centers.

11 (a) Licensed day care centers shall abide by the
12 requirements of Sections 10.2 and 10.3 of the Structural Pest
13 Control Act.

14 (b) Notification required pursuant to Section 10.3 of the
15 Structural Pest Control Act may not be given more than 30 days
16 before the application of the pesticide.

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

1 greater.

2 (d) The owners and operators of licensed day care centers
3 must ensure that lawn care products will not be applied to day
4 care center grounds when children are present at the center or
5 on its grounds. For the purpose of this Section, "lawn care
6 product" has the same meaning as that term is defined in the
7 Lawn Care Products Application and Notice Act.

8 (Source: P.A. 93-381, eff. 7-1-04.); and

9 Section 15. The Lawn Care Products Application and Notice
10 Act is amended by changing Sections 2, 3, and 6 as follows:

11 (415 ILCS 65/2) (from Ch. 5, par. 852)

12 Sec. 2. Definitions.

13 For purposes of this Act:

14 "Application" means the spreading of lawn care products on
15 a lawn.

16 "Applicator for hire" means any person who makes an
17 application of lawn care products to a lawn or lawns for
18 compensation, including applications made by an employee to
19 lawns owned, occupied or managed by his employer and includes
20 those licensed by the Department as licensed commercial
21 applicators, commercial not-for-hire applicators, licensed
22 public applicators, certified applicators and licensed
23 operators and those otherwise subject to the licensure
24 provisions of the Illinois Pesticide Act, as now or hereafter

1 amended.

2 "Day care center" means any facility that qualifies as a
3 "day care center" under the Child Care Act of 1969.

4 "Department" means the Illinois Department of Agriculture.

5 "Department of Public Health" means the Illinois
6 Department of Public Health.

7 "Facility" means a building or structure and appurtenances
8 thereto used by an applicator for hire for storage and handling
9 of pesticides or the storage or maintenance of pesticide
10 application equipment or vehicles.

11 "Fertilizer" means any substance containing nitrogen,
12 phosphorus or potassium or other recognized plant nutrient or
13 compound, which is used for its plant nutrient content.

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

17 "Golf course superintendent" means any person entrusted
18 with and employed for the care and maintenance of a golf
19 course.

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

1 limited to plants and plant parts, livestock and poultry and
2 livestock or poultry products, seeds, sod, shrubs and other
3 products of agricultural origin raised for sale or for human or
4 livestock consumption.

5 "Lawn care products" means fertilizers or pesticides
6 applied or intended for application to lawns.

7 "Person" means any individual, partnership, association,
8 corporation or State governmental agency, school district,
9 unit of local government and any agency thereof.

10 "Pesticide" means any substance or mixture of substances
11 defined as a pesticide under the Illinois Pesticide Act, as now
12 or hereafter amended.

13 "Plant protectants" means any substance or material used to
14 protect plants from infestation of insects, fungi, weeds and
15 rodents, or any other substance that would benefit the overall
16 health of plants.

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

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

20 (415 ILCS 65/3) (from Ch. 5, par. 853)

21 Sec. 3. Notification requirements for application of lawn
22 care products.

23 (a) Lawn Markers.

24 (1) Immediately following application of lawn care
25 products to a lawn, other than a golf course, an applicator

1 for hire shall place a lawn marker at the usual point or
2 points of entry.

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

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

14 (4) The lawn marker shall be removed and discarded by
15 the property owner or resident, or such other person
16 authorized by the property owner or resident, on the day
17 following the application. The lawn marker shall not be
18 removed by any person other than the property owner or
19 resident or person designated by such property owner or
20 resident.

21 (5) For applications to residential properties of 2
22 families or less, the applicator for hire shall be required
23 to place lawn markers at the usual point or points of
24 entry.

25 (6) For applications to residential properties of 2
26 families or more, or for application to other commercial

1 properties, the applicator for hire shall place lawn
2 markers at the usual point or points of entry to the
3 property to provide notice that lawn care products have
4 been applied to the lawn.

5 (b) Notification requirement for application of plant
6 protectants on golf courses.

7 (1) Blanket posting procedure. Each golf course shall
8 post in a conspicuous place or places an all-weather poster
9 or placard stating to users of or visitors to the golf
10 course that from time to time plant protectants are in use
11 and additionally stating that if any questions or concerns
12 arise in relation thereto, the golf course superintendent
13 or his designee should be contacted to supply the
14 information contained in subsection (c) of this Section.

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

18 (3) The poster or placard shall be a minimum size of 8
19 1/2 by 11 inches and the lettering shall not be less than
20 1/2 inch.

21 (4) The poster or placard shall read: "PLANT
22 PROTECTANTS ARE PERIODICALLY APPLIED TO THIS GOLF COURSE.
23 IF DESIRED, YOU MAY CONTACT YOUR GOLF COURSE SUPERINTENDENT
24 FOR FURTHER INFORMATION."

25 (c) Information to Customers of Applicators for Hire. At
26 the time of application of lawn care products to a lawn, an

1 applicator for hire shall provide the following information to
2 the customer:

3 (1) The brand name, ~~or~~ common name, and scientific name
4 of each lawn care product applied;

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

7 (3) The reason for use of each lawn care product
8 applied;

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

11 (5) Any special instruction appearing on the label of
12 the lawn care product applicable to the customer's use of
13 the lawn following application; ~~and~~

14 (6) The business name and telephone number of the
15 applicator for hire as well as the name of the person
16 actually applying lawn care products to the lawn; and

17 (7) Upon the request of a customer or any person whose
18 property abuts or is adjacent to the property of a customer
19 of an applicator for hire, a copy of the material safety
20 data sheet and approved pesticide registration label for
21 each applied lawn care product.

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

24 (1) Any neighbor whose property abuts or is adjacent to
25 the property of a customer of an applicator for hire may
26 receive prior notification of an application by contacting

1 the applicator for hire and providing his name, address and
2 telephone number.

3 (2) At least the day before a scheduled application, an
4 applicator for hire shall provide notification to a person
5 who has requested notification pursuant to paragraph (1) of
6 this subsection (d), such notification to be made in
7 writing, in person or by telephone, disclosing the date and
8 approximate time of day of application.

9 (3) In the event that an applicator for hire is unable
10 to provide prior notification to a neighbor whose property
11 abuts or is adjacent to the property because of the absence
12 or inaccessibility of the individual, at the time of
13 application to a customer's lawn, the applicator for hire
14 shall leave a written notice at the residence of the person
15 requesting notification, which shall provide the
16 information specified in paragraph (2) of this subsection
17 (d).

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

19 (1) Any landlord or resident with property that abuts
20 or is adjacent to a golf course may receive prior
21 notification of an application of lawn care products or
22 plant protectants, or both, by contacting the golf course
23 superintendent and providing his name, address and
24 telephone number.

25 (2) At least the day before a scheduled application of
26 lawn care products or plant protectants, or both, the golf

1 course superintendent shall provide notification to any
2 person who has requested notification pursuant to
3 paragraph (1) of this subsection (e), such notification to
4 be made in writing, in person or by telephone, disclosing
5 the date and approximate time of day of application.

6 (3) In the event that the golf course superintendent is
7 unable to provide prior notification to a landlord or
8 resident because of the absence or inaccessibility, at the
9 time of application, of the landlord or resident, the golf
10 course superintendent shall leave a written notice with the
11 landlord or at the residence which shall provide the
12 information specified in paragraph (2) of this subsection
13 (e).

14 (f) Notification for applications of pesticides to day care
15 center grounds other than day care center structures and school
16 grounds other than school structures.

17 (1) The owner or operator of a day care center must
18 either (i) maintain a registry of parents and guardians of
19 children in his or her care who have registered to receive
20 written notification before the application of pesticide
21 to day care center grounds and notify persons on that
22 registry before applying pesticides or having pesticide
23 applied to day care center grounds or (ii) provide written
24 or telephonic notice to all parents and guardians of
25 children in his or her care before applying pesticide or
26 having pesticide applied to day care center grounds.

1 (2) School districts must either (i) maintain a
2 registry of parents and guardians of students who have
3 registered to receive written or telephonic notification
4 before ~~prior to~~ the application of pesticide ~~pesticides~~ to
5 school grounds and notify persons on that list before
6 applying pesticide or having pesticide applied to school
7 grounds or (ii) provide written or telephonic notification
8 to all parents and guardians of students before applying
9 pesticide or having pesticide applied to school grounds
10 ~~such pesticide application.~~

11 (3) Written notification required under item (1) or (2)
12 of subsection (f) of this Section may be included in
13 newsletters, ~~bulletins,~~ calendars, or other correspondence
14 currently published by the school district, but posting on
15 a bulletin board is not sufficient. The written or
16 telephonic notification must be given at least 4 2 business
17 days before application of the pesticide and should
18 identify the intended date of the application of the
19 pesticide and the name and telephone contact number for the
20 school personnel responsible for the pesticide application
21 program or, in the case of a day care center, the owner or
22 operator of the day care center. Prior ~~written~~ notice shall
23 not be required if there is imminent threat to health or
24 property. If such a situation arises, the appropriate
25 school personnel or, in the case of a day care center, the
26 owner or operator of the day care center must sign a

1 statement describing the circumstances that gave rise to
2 the health threat and ensure that written or telephonic
3 notice is provided as soon as practicable.

4 (Source: P.A. 91-99, eff. 7-9-99; 92-16, eff. 6-28-01.)

5 (415 ILCS 65/6) (from Ch. 5, par. 856)

6 Sec. 6. This Act shall be administered and enforced by the
7 Department. The Department may promulgate rules and
8 regulations as necessary for the enforcement of this Act. The
9 Department of Public Health must inform school boards and the
10 owners and operators of day care centers about the provisions
11 of this Act that are applicable to school districts and day
12 care centers, and it must inform school boards about the
13 requirements contained in subdivisions 10-20.46 and 34-18.37
14 of the School Code. The Department of Public Health must
15 recommend that day care centers and schools use a
16 pesticide-free turf care program to maintain their turf. The
17 Department of Public Health must also report violations of this
18 Act of which it becomes aware to the Department for
19 enforcement.

20 (Source: P.A. 86-358; 87-1033.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law."