

AN ACT concerning safety.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 1. Short title. This Act may be cited as the the Pesticide Application on Rights-of-Way Notification Act.

Section 5. Definitions. In this Act:

"Department" means the Department of Agriculture.

"Pesticide" has the meaning given in the Illinois Pesticide Act.

"Unit of local government" means a unit of local government, as defined in Article VII, Section 1 of the Illinois Constitution, except a park district, forest preserve district, or conservation district.

Section 10. Prior notification requirements for application of pesticides on rights-of-way.

(a) At least 24 hours before the State or a unit of local government, including a mosquito abatement district or a commercial entity hired by the State or a unit of local government, applies a pesticide, including a pesticide intended to control mosquitoes, to a public right-of-way that is located within the corporate boundaries of a municipality, the State, mosquito abatement district, or other unit of local

government in which the application is to be made shall provide written notice to the public of the application of the pesticide. At a minimum, the following information shall be provided in the written notice required under this subsection

(a):

(1) the intended location, date range, and range of times during the day that the material may be applied;

(2) the brand name, common name, and scientific name of each product that may be applied;

(3) the type of pesticide contained in any product that may be applied;

(4) the reason for use of each product that may be applied;

(5) the range of concentrations of end-use product that will be applied;

(6) any special instructions appearing on the label of the product applicable to an individual's use of the public right-of-way following an application;

(7) the State agency, mosquito abatement district, or other unit of local government name and telephone number of the certified applicator; and

(8) contact information for the Department for complaints of pesticide misuse, including a telephone number and website information for the Department.

Written notification required under this subsection (a) is sufficient if posted in newsletters, websites, calendars, or

other correspondence currently published by the State, mosquito abatement district, or other unit of local government in which the application is to be made, but posting on a bulletin board is not sufficient.

(b) The application of a solid mosquito larvicide in accordance with 8 Ill. Adm. Code 250.210 is exempt from the notification requirements of this Section.

(c) The State or a unit of local government, including a mosquito abatement district, need not provide the notice required by this Section if the application of the pesticide is in response to (i) disease causing agents in vector mosquitoes, (ii) the occurrence of mosquito-borne disease in animal or human populations, or (iii) a natural disaster recovery effort.

Section 15. Administrative rules. This Act shall be administered and enforced by the Department. The Department may adopt rules as necessary for the enforcement of this Act.

Section 20. Penalties.

(a) When an administrative hearing is held by the Department, the hearing officer, upon determination of any violation of this Act or rule or regulation, shall either refer the violation to the State's Attorney in the county where the alleged violation occurred for prosecution or levy the following administrative monetary penalties:

- (1) a penalty of \$250 for a first violation;
- (2) a penalty of \$500 for a second violation; and
- (3) a penalty of \$1,000 for a third or subsequent violation.

(b) The penalty levied under subsection (a) shall be collected by the Department, and all penalties collected by the Department under this Act shall be deposited into the Pesticide Control Fund. Any penalty not paid within 60 days of notice from the Department shall be submitted to the Attorney General for collection.

(c) Upon prosecution by a State's Attorney, a violation of this Act or rules adopted under this Act shall be a petty offense subject to a fine of \$250 for a first offense, a fine of \$500 for a second offense, and a fine of \$1,000 for a third or subsequent offense.