

AN ACT concerning safety.

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

Section 5. The Illinois Pesticide Act is amended by changing Section 14 as follows:

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

Sec. 14. Unlawful Acts.

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

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

B. Applied known ineffective or improper pesticides.

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

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

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

F. Failed to keep and maintain records required by this Act or failed to make reports when and as required or

made false or fraudulent records or reports.

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

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

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

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

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

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

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

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

B. Any pesticide, if any claim made for it, use recommendation, other labeling or formulation, differs from the representations made in connection with

registration. However, a change in labeling or formulation may be made within a registration if the change does not violate provisions of FIFRA or this Act.

C. Any pesticide unless in the registrants unbroken container.

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

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

F. Any pesticide in a container which, due to damage, is hazardous to handle and store.

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

3. It shall be unlawful:

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

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

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

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

E. To sell any pesticide labeled ~~labelled~~ for restricted use over an Internet website to an Illinois resident who is not a certified pesticide applicator as provided under Section 11 of this Act.

F. To apply a restricted use pesticide on or within 500 feet of school property during normal hours, except for whole structure fumigation. However, if the pesticide application information listed on the pesticide label is more restrictive than this paragraph (F), then the more restrictive provision shall apply. The Department of Agriculture shall adopt rules necessary to implement the provisions of this paragraph (F). As used in this paragraph (F), "normal school hours" means Monday through Friday from 7 a.m. until 4 p.m., excluding days when classes are not in session.

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

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

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

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

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

(Source: P.A. 94-758, eff. 1-1-07.)

Section 99. Effective date. This Act takes effect January 1, 2022.