



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB4994

by Rep. Fred Crespo

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Saving Illinois' Pollinators Act. Provides that beginning 9 months after the effective date of the Act, it shall be unlawful to apply neonicotinoid insecticides on public lands owned or maintained by this State. Provides that beginning 9 months after the effective date of the Act, it shall be unlawful to apply neonicotinoid insecticides in other outdoor residential settings, including landscaping, ornamental, or other outdoor applications in this State. Establishes exemptions to the prohibitions. Provides that the Department of Agriculture shall, within 6 months after the effective date of the Act, adopt rules to implement the Act. Provides that the Department shall, within one year after the effective date of the Act, issue a draft report evaluating whether clear, peer-reviewed, published scientific evidence exists that outdoor applications of these insecticides are safe for monarch butterflies, other pollinators, other beneficial insects, the broader environment, and human health. Provides that a person who impedes, obstructs, hinders, or otherwise prevents or attempts to prevent the Director of Agriculture in the performance of his or her official duties under the Act is guilty of a Class A misdemeanor. Provides that a person using physical force against the Director in the performance of his or her official duties under the Act is guilty of a Class 4 felony. Effective immediately.

LRB100 16744 SLF 31884 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning agriculture.

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

4 Section 1. Short title. This Act may be cited as the Saving  
5 Illinois' Pollinators Act.

6 Section 5. Definitions. In this Act:

7 "Department" means the Department of Agriculture.

8 "Director" means the Director of Agriculture.

9 "Neonicotinoid insecticides" means a class of systemic  
10 pesticides with a common mode of action that affects the  
11 central nervous system of insects that includes the following  
12 active ingredients: acetamiprid, clothianidin, dinotefuran,  
13 imidacloprid, thiacloprid and thiamethoxam, and other new  
14 neonicotinoid insecticides as may be identified after the  
15 effective date of this Act by rules adopted by the Department.

16 Section 10. Statement of purpose. The purposes of this Act  
17 are: (1) to protect this State's monarch butterflies, other  
18 pollinators, insects, birds, and animals from exposure to  
19 neonicotinoid insecticides; and (2) to defend and protect this  
20 State's agricultural economy and natural ecosystems. This Act  
21 shall be liberally construed to fulfill these purposes.

1           Section 15. Restrictions on use of neonicotinoid  
2 insecticides.

3           (a) Beginning 9 months after the effective date of this  
4 Act, it shall be unlawful to apply neonicotinoid insecticides  
5 on public lands owned or maintained by this State.

6           (b) Beginning 9 months after the effective date of this  
7 Act, it shall be unlawful to apply neonicotinoid insecticides  
8 in other outdoor residential settings, including landscaping,  
9 ornamental, or other outdoor applications in this State.

10           Section 20. Exemptions. Section 15 of this Act shall not  
11 apply to: (1) the use of neonicotinoids following the effective  
12 date of this Act that were purchased before that date under a  
13 reasonable phase-out period to be adopted by the Director by  
14 regulation, not to exceed one year; or (2) to a facility or  
15 other entity that is State-licensed or federally-licensed to  
16 conduct research on neonicotinoid insecticides.

17           Section 25. Rulemaking. The Department shall, within 6  
18 months after the effective date of this Act, adopt rules to  
19 implement Section 15 and 20 of this Act.

20           Section 30. Study and reevaluation. The Department shall,  
21 within one year after the effective date of this Act, issue a  
22 draft report evaluating whether clear, peer-reviewed,  
23 published scientific evidence exists that outdoor applications

1 of these insecticides are safe for monarch butterflies, other  
2 pollinators, other beneficial insects, the broader  
3 environment, and human health. The public, including all  
4 interested entities, shall be allowed to comment on the draft  
5 report. After considering the comments and other relevant  
6 information, the Department shall deliver its final evaluation  
7 report on that topic to the Governor and to the Chairs of the  
8 Senate Committee of Agriculture and the House Committee of  
9 Agriculture and Conservation.

10 Section 35. Enforcement.

11 (a) Enforcement.

12 (1) The sampling and examination of pesticides,  
13 devices, books and records, and the labeling of pesticides  
14 or devices shall be made under the supervision of the  
15 Director to determine compliance of this Act. The Director,  
16 upon presentation of identification, is authorized to  
17 enter a premises at reasonable times during normal working  
18 hours in order to have access to pesticides, devices, books  
19 and records, and labeling for pesticides or devices.

20 (A) The Director shall provide a copy of the  
21 results of any analysis made of those samples to the  
22 owner, operator or agent in charge of the site.

23 (B) If upon the analysis or examination there  
24 appears to be a violation of this Act or any rules  
25 adopted, the Director shall cause notice to be given to

1 the owner, operator, or agent in charge and specify  
2 administrative proceedings or criminal actions that  
3 are contemplated against the person.

4 (C) In seeking the institution of criminal charges  
5 against a violator, the Director shall refer copies of  
6 findings or the results of analysis or both, to the  
7 prosecuting attorney for the county in which the  
8 violation occurred.

9 (2) To carry out this Act, the Director, upon  
10 presentation of identification, is authorized to enter  
11 upon public or private premises at reasonable times during  
12 normal working hours to:

13 (A) Investigate or inspect to determine the facts  
14 in complaints of pesticide injury, misuse,  
15 mishandling, or reported excessive pesticide exposure.

16 (B) Determine the facts in a pesticide incident  
17 reported to the Director, including collecting samples  
18 for analysis.

19 (C) Observe pesticide use and sample the  
20 pesticides being applied, as well as the site to which  
21 the pesticide is being applied.

22 (D) To inspect and collect samples in places where  
23 pesticides are produced, manufactured, sold, or  
24 distributed.

25 (3) The Director upon being denied access to any land  
26 may apply to the court of jurisdiction for a search warrant

1           authorizing access for the purpose of enforcing this Act.  
2           The court may upon receiving the request issue a warrant.

3           (4) The Director, with or without the aid and advice of  
4           the court of jurisdiction, is charged with enforcing this  
5           Act and any rules adopted. In the event the enforcement  
6           agent of local jurisdiction refuses to act on behalf of the  
7           Director, the Attorney General may act.

8           (5) The Director may bring action to enjoin the  
9           violation or threatened violation of this Act or any rules  
10          adopted in the court of jurisdiction for the county in  
11          which the violation occurs or is about to occur.

12          (6) Nothing in this Act shall be construed as requiring  
13          the Director to report minor violations for prosecution or  
14          the institution of condemnation proceedings when he or she  
15          believes the public interest would be better served by a  
16          suitable written notice of warning.

17          (7) A person who impedes, obstructs, hinders, or  
18          otherwise prevents or attempts to prevent the Director in  
19          the performance of his or her official duties under this  
20          Act is guilty of a Class A misdemeanor. A person using  
21          physical force against the Director in the performance of  
22          his or her official duties under this Act is guilty of a  
23          Class 4 felony.

24          (b) The Attorney General may bring an action to enjoin a  
25          violation of this Act in a circuit court of this State.

26          (c) An injured citizen of this State may, after giving

1 notice of the alleged violation to the Attorney General and the  
2 alleged violator and waiting 60 days, bring an action to enjoin  
3 a violation of this Act by a person in a court of competent  
4 jurisdiction. The court may, in the action, award to a citizen  
5 who is a prevailing plaintiff, reasonable attorney's fees and  
6 costs incurred in investigating and prosecuting the action,  
7 however, the court shall not award monetary damages in the  
8 action.

9 Section 40. Authority of local government. Nothing in this  
10 Act shall be construed to prohibit or preempt the authority of  
11 a unit of local government in this State to regulate  
12 applications of neonicotinoid pesticides in a manner that is  
13 equivalent to, or more stringent than this Act.

14 Section 45. Severability. If any provision of this Act or  
15 its application to a person, entity, or circumstance is held  
16 invalid, the invalidity does not affect other provisions or  
17 applications of this Act which can be given effect without the  
18 invalid provision or application, and to this end the  
19 provisions of this Act are severable.

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