



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

SB2864

Introduced 2/14/2018, by Sen. Pamela J. Althoff

#### SYNOPSIS AS INTRODUCED:

5 ILCS 80/4.29	
5 ILCS 80/4.33	
225 ILCS 235/5	from Ch. 111 1/2, par. 2205
225 ILCS 235/6	from Ch. 111 1/2, par. 2206
225 ILCS 235/7	from Ch. 111 1/2, par. 2207
225 ILCS 235/12	from Ch. 111 1/2, par. 2212
225 ILCS 235/13	from Ch. 111 1/2, par. 2213

Amends the Regulatory Sunset Act. Extends the repeal date of the Structural Pest Control Act from December 31, 2019 to December 31, 2023. Amends the Structural Pest Control Act. Requires individuals applying general use or restricted pesticides for commercial structural pest control or restricted pesticides for non-commercial structural pest control to engage in or complete training requirements prescribed by the Department of Financial and Professional Regulation. Requires an individual engaging in commercial structural pest control and utilizing general use pesticides to be 18 years old. Requires an individual engaging in commercial or non-commercial structural pest control and supervising the use of certain restricted pesticides to be 18 years old. Provides that the Department may suspend, revoke, or refuse to issue or renew a certificate, registration, or license of an individual that fails to pay a civil penalty or fine assessed by the Department. Makes other changes. Effective immediately.

LRB100 15829 SMS 30938 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 5. The Regulatory Sunset Act is amended by changing  
5 Sections 4.29 and 4.33 as follows:

6 (5 ILCS 80/4.29)

7 Sec. 4.29. Acts repealed on January 1, 2019 and December  
8 31, 2019.

9 (a) The following Act is repealed on January 1, 2019:

10 The Environmental Health Practitioner Licensing Act.

11 (b) The following Act is ~~Acts are~~ repealed on December 31,  
12 2019:

13 The Medical Practice Act of 1987.

14 ~~The Structural Pest Control Act.~~

15 (Source: P.A. 100-429, eff. 8-25-17.)

16 (5 ILCS 80/4.33)

17 Sec. 4.33. Acts repealed on January 1, 2023.

18 (a) The following Acts are repealed on January 1, 2023:

19 The Dietitian Nutritionist Practice Act.

20 The Elevator Safety and Regulation Act.

21 The Fire Equipment Distributor and Employee Regulation  
22 Act of 2011.

1           The Funeral Directors and Embalmers Licensing Code.  
2           The Naprapathic Practice Act.  
3           The Professional Counselor and Clinical Professional  
4           Counselor Licensing and Practice Act.  
5           The Wholesale Drug Distribution Licensing Act.

6           (b) The following Act is repealed on December 31, 2023:

7           The Structural Pest Control Act.

8           (Source: P.A. 97-706, eff. 6-25-12; 97-778, eff. 7-13-12;  
9           97-804, eff. 1-1-13; 97-979, eff. 8-17-12; 97-1048, eff.  
10           8-22-12; 97-1130, eff. 8-28-12; 97-1141, eff. 12-28-12.)

11           Section 10. The Structural Pest Control Act is amended by  
12           changing Sections 5, 6, 7, 12, and 13 as follows:

13           (225 ILCS 235/5) (from Ch. 111 1/2, par. 2205)

14           (Section scheduled to be repealed on December 31, 2019)

15           Sec. 5. Certification requirements. No individual shall  
16           apply any general use or restricted pesticide while engaged in  
17           commercial structural pest control in this State unless the  
18           individual is engaged in or has completed the training  
19           requirements prescribed by the Department and is ~~unless~~  
20           certified, or supervised by someone who is certified, by the  
21           Department in accordance with this Section.

22           No individual shall apply any restricted pesticide while  
23           engaged in non-commercial structural pest control in this State  
24           unless the individual is engaged in or has completed the

1 training requirements prescribed by the Department and is  
2 ~~unless certified,~~ or supervised by someone who is certified, ~~by~~  
3 ~~the Department~~ in accordance with this Section. In addition,  
4 any individual at any non-commercial structural pest control  
5 location using general use pesticides shall comply with the  
6 labeling requirements of the pesticides used at that location.

7 Each commercial structural pest control location shall be  
8 required to employ at least one certified technician at each  
9 location. In addition, each non-commercial structural pest  
10 control location utilizing restricted pesticides shall be  
11 required to employ at least one certified technician at each  
12 location. Individuals who are not certified technicians may  
13 work under the supervision of a certified technician employed  
14 at the commercial or non-commercial location who shall be  
15 responsible for their pest control activities. Any technician  
16 providing supervision for the use of restricted pesticides must  
17 be certified in the sub-category for which he is providing  
18 supervision.

19 A. Any individual engaging in commercial structural pest  
20 control and utilizing general use pesticides must ~~shall meet~~  
21 ~~the following requirements:~~

22 1. be at least 18 years of age;

23 2. hold ~~1. He has~~ a high school diploma or a high  
24 school equivalency certificate; and

25 3. have ~~2. He has~~ filed an original application, paid  
26 the fee required for examination, and have ~~successfully~~

1 passed the General Standards examination.

2 B. Any individual engaging in commercial or non-commercial  
3 structural pest control and supervising the use of ~~utilizing~~  
4 restricted pesticides in any one of the sub-categories in  
5 Section 7 of this Act must ~~shall meet the following~~  
6 ~~requirements:~~

7 1. be at least 18 years of age;

8 2. hold ~~1. He has~~ a high school diploma or a high  
9 school equivalency certificate; and

10 3. have ~~2. He has:~~

11 a. six months of practical experience ~~in one or~~  
12 ~~more sub-categories~~ in structural pest control; or

13 b. successfully completed a minimum of 16 semester  
14 hours, or their equivalent, in entomology or related  
15 fields from a recognized college or university; or

16 c. successfully completed a pest control course,  
17 approved by the Department, from a recognized  
18 educational institution or other entity.

19 Each applicant shall have filed an original application and  
20 paid the fee required for examination. Every applicant who  
21 successfully passes the General Standards examination and at  
22 least one sub-category examination shall be certified in each  
23 sub-category which he has successfully passed.

24 A certified technician who wishes to be certified in  
25 sub-categories for which he has not been previously certified  
26 may apply for any sub-category examination provided he meets

1 the requirements set forth in this Section, files an original  
2 application, and pays the fee for examination.

3 An applicant who fails to pass the General Standards  
4 examination or any sub-category examination may reapply for  
5 that examination, provided that he files an application and  
6 pays the fee required for an original examination.  
7 Re-examination applications shall be on forms prescribed by the  
8 Department.

9 (Source: P.A. 98-718, eff. 1-1-15.)

10 (225 ILCS 235/6) (from Ch. 111 1/2, par. 2206)

11 (Section scheduled to be repealed on December 31, 2019)

12 Sec. 6. Renewal of technician certification.

13 (a) A certified technician's certificate shall be valid for  
14 a period of 3 years expiring on December 31 of the third year,  
15 except that an original certificate issued between October 1  
16 and December 31 shall expire on December 31 of the third full  
17 calendar year following issuance. A certificate may be renewed  
18 by application upon a form prescribed by the Department,  
19 provided that the certified technician furnishes the  
20 following:

21 (1) a renewal application filed with the Department  
22 ~~postmarked~~ no later than December 1 preceding the date of  
23 expiration;

24 (2) evidence ~~attached to the renewal, or~~ on file with  
25 the Department, of acquiring, during the 3 year period, a

1 minimum of 9 classroom hours, in increments of 3 hours or  
2 more, of training at Department approved pest control  
3 training seminars; and

4 (3) the required fee as prescribed in Section 9 of this  
5 Act.

6 Applications received by the Department postmarked after  
7 December 1 shall be accompanied by the required late filing  
8 charge as prescribed in Section 9 of this Act.

9 (b) Certified technician's certificates are not  
10 transferable from one person to another person, and no licensee  
11 or registrant shall use the certificate of a certified  
12 technician to secure or hold a license or registration unless  
13 the holder of such certificate is actively engaged in the  
14 direction of pest control operations of the licensee or  
15 registrant.

16 (c) A certified technician who has not renewed his or her  
17 certificate for a period of not more than one year after its  
18 expiration may secure a renewal upon payment of the renewal fee  
19 and late filing charge and the furnishing of evidence of  
20 training in accordance with item (2) of subsection (a) of this  
21 Section. If a technician has not renewed his or her certificate  
22 for a period of more than one year after its expiration, the  
23 technician shall file an original application for examination,  
24 pay all required fees, which may include renewal, examination,  
25 and late filing charges, and successfully pass the examination  
26 before his or her certificate is renewed. Any individual who

1 fails to renew a certification by the date of expiration shall  
2 not perform any supervisory pest control activities until the  
3 requirements of this Section have been met and a certificate  
4 has been issued by the Department.

5 (Source: P.A. 93-922, eff. 1-1-05; reenacted by P.A. 95-786,  
6 eff. 8-7-08; 96-1362, eff. 7-28-10.)

7 (225 ILCS 235/7) (from Ch. 111 1/2, par. 2207)

8 (Section scheduled to be repealed on December 31, 2019)

9 Sec. 7. Written examination required. The Department shall  
10 adopt rules for any examinations required for the proper  
11 administration of this Act, including any category or  
12 sub-category examination involving the use of general or  
13 restricted use pesticides and any examination which may be  
14 required under Category 7, Industrial, Institutional,  
15 Structural, and Health Related Pest Control, or Category 8,  
16 Public Health Pest Control (excluding Mosquito Pest Control),  
17 in the rules adopted by the Department of Agriculture in  
18 Section 250.120 of Title 8 of the Illinois Administrative Code.  
19 Applications for examination shall be in the form prescribed by  
20 the Department, accompanied by the required fee as prescribed  
21 in Section 9 of this Act, and received by the Department at  
22 least 15 days prior to an examination. The Department or its  
23 designate shall conduct written examinations at least 4 times  
24 each year and may require a practical demonstration by each  
25 applicant. Written examinations ~~The written examination~~ shall



1 be prepared from suggested study materials.

2 (Source: P.A. 85-227; reenacted by P.A. 95-786, eff. 8-7-08;  
3 96-1362, eff. 7-28-10.)`

4 (225 ILCS 235/12) (from Ch. 111 1/2, par. 2212)

5 (Section scheduled to be repealed on December 31, 2019)

6 Sec. 12. ~~The~~ Subject to the requirement for public hearings  
7 ~~as hereinafter provided, the~~ Department shall promulgate,  
8 publish, and adopt, and may from time to time after public  
9 hearing amend such rules and regulations as may be necessary  
10 for the proper enforcement of this Act, to protect the health  
11 and safety of the public and may, when necessary, utilize the  
12 services of any other state agencies to assist in carrying out  
13 the purposes of this Act. The Department shall hold a public  
14 hearing on all proposed rules and regulations.

15 (Source: P.A. 82-725; reenacted by P.A. 95-786, eff. 8-7-08.)

16 (225 ILCS 235/13) (from Ch. 111 1/2, par. 2213)

17 (Section scheduled to be repealed on December 31, 2019)

18 Sec. 13. Violations of the Act. It is a violation of this  
19 Act and the Department may suspend, revoke, or refuse to issue  
20 or renew any certificate, registration, or license, in  
21 accordance with Section 14 of this Act, upon proof of any of  
22 the following:

23 (a) Violation of this Act or any rule or regulation  
24 promulgated hereunder.

1           (b) Conviction of a certified technician, registrant,  
2           or licensee of a violation of any provision of this Act or  
3           of pest control laws in any other state, or any other laws  
4           or rules and regulations adopted thereto relating to  
5           pesticides.

6           (c) Knowingly making false or fraudulent claims,  
7           misrepresenting the effects of materials or methods or  
8           failing to use methods or materials suitable for structural  
9           pest control.

10          (d) Performing structural pest control in a careless or  
11          negligent manner so as to be detrimental to health.

12          (e) ~~Failing~~ ~~Failure~~ to supply within a reasonable time,  
13          upon request from the Department or its authorized  
14          representative, true information regarding methods and  
15          materials used, work performed, or other information  
16          essential to the administration of this Act.

17          (f) Fraudulent advertising or solicitations relating  
18          to structural pest control.

19          (g) Aiding or abetting a person to evade any provision  
20          of this Act, conspiring with any person to evade provisions  
21          of this Act or allowing a license, permit, certification,  
22          or registration to be used by another person.

23          (h) Impersonating any federal, state, county, or city  
24          official.

25          (i) Performing structural pest control, utilizing, or  
26          authorizing the use or sale of, pesticides which are in

1 violation of the FIFRA, or the Illinois Pesticide Act.

2 (j) Failing to comply with a written Department notice  
3 or lawful order of the Director.

4 (k) Failing to pay any civil penalty or fine assessed  
5 by the Department.

6 (Source: P.A. 85-177; reenacted by P.A. 95-786, eff. 8-7-08;  
7 96-1362, eff. 7-28-10.)

8 Section 99. Effective date. This Act takes effect upon  
9 becoming law.