

1 AN ACT concerning safety.

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

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

6 (105 ILCS 5/10-20.46 new)

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

13 (105 ILCS 5/34-18.37 new)

14 Sec. 34-18.37. Compliance with Chemical Safety Acts. The
15 Board of Education must adopt a procedure to comply with the
16 requirements of the Lawn Care Products Application and Notice
17 Act and the Structural Pest Control Act. The superintendent
18 must designate a staff person who is responsible for compliance
19 with the requirements of these Acts.

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

1 (225 ILCS 10/5.6)

2 Sec. 5.6. Pesticide and lawn care product application at
3 day care centers.

4 (a) Licensed day care centers shall abide by the
5 requirements of Sections 10.2 and 10.3 of the Structural Pest
6 Control Act.

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

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

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

25 (Source: P.A. 93-381, eff. 7-1-04.)

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

3 (415 ILCS 65/2) (from Ch. 5, par. 852)

4 Sec. 2. Definitions.

5 For purposes of this Act:

6 "Application" means the spreading of lawn care products on
7 a lawn.

8 "Applicator for hire" means any person who makes an
9 application of lawn care products to a lawn or lawns for
10 compensation, including applications made by an employee to
11 lawns owned, occupied or managed by his employer and includes
12 those licensed by the Department as licensed commercial
13 applicators, commercial not-for-hire applicators, licensed
14 public applicators, certified applicators and licensed
15 operators and those otherwise subject to the licensure
16 provisions of the Illinois Pesticide Act, as now or hereafter
17 amended.

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

20 "Department" means the Illinois Department of Agriculture.

21 "Department of Public Health" means the Illinois
22 Department of Public Health.

23 "Facility" means a building or structure and appurtenances
24 thereto used by an applicator for hire for storage and handling

1 of pesticides or the storage or maintenance of pesticide
2 application equipment or vehicles.

3 "Fertilizer" means any substance containing nitrogen,
4 phosphorus or potassium or other recognized plant nutrient or
5 compound, which is used for its plant nutrient content.

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

9 "Golf course superintendent" means any person entrusted
10 with and employed for the care and maintenance of a golf
11 course.

12 "Lawn" means land area covered with turf kept closely mown
13 or land area covered with turf and trees or shrubs. The term
14 does not include (1) land area used for research for
15 agricultural production or for the commercial production of
16 turf, (2) land area situated within a public or private
17 right-of-way, or (3) land area which is devoted to the
18 production of any agricultural commodity, including, but not
19 limited to plants and plant parts, livestock and poultry and
20 livestock or poultry products, seeds, sod, shrubs and other
21 products of agricultural origin raised for sale or for human or
22 livestock consumption.

23 "Lawn care products" means fertilizers or pesticides
24 applied or intended for application to lawns.

25 "Person" means any individual, partnership, association,
26 corporation or State governmental agency, school district,

1 unit of local government and any agency thereof.

2 "Pesticide" means any substance or mixture of substances
3 defined as a pesticide under the Illinois Pesticide Act, as now
4 or hereafter amended.

5 "Plant protectants" means any substance or material used to
6 protect plants from infestation of insects, fungi, weeds and
7 rodents, or any other substance that would benefit the overall
8 health of plants.

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

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

12 (415 ILCS 65/3) (from Ch. 5, par. 853)

13 Sec. 3. Notification requirements for application of lawn
14 care products.

15 (a) Lawn Markers.

16 (1) Immediately following application of lawn care
17 products to a lawn, other than a golf course, an applicator
18 for hire shall place a lawn marker at the usual point or
19 points of entry.

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

24 (3) The lawn marker shall be white and lettering on the
25 lawn marker shall be in a contrasting color. The marker

1 shall state on one side, in letters of not less than 3/8
2 inch, the following: "LAWN CARE APPLICATION - STAY OFF
3 GRASS UNTIL DRY - FOR MORE INFORMATION CONTACT: (here shall
4 be inserted the name and business telephone number of the
5 applicator for hire)."

6 (4) The lawn marker shall be removed and discarded by
7 the property owner or resident, or such other person
8 authorized by the property owner or resident, on the day
9 following the application. The lawn marker shall not be
10 removed by any person other than the property owner or
11 resident or person designated by such property owner or
12 resident.

13 (5) For applications to residential properties of 2
14 families or less, the applicator for hire shall be required
15 to place lawn markers at the usual point or points of
16 entry.

17 (6) For applications to residential properties of 2
18 families or more, or for application to other commercial
19 properties, the applicator for hire shall place lawn
20 markers at the usual point or points of entry to the
21 property to provide notice that lawn care products have
22 been applied to the lawn.

23 (b) Notification requirement for application of plant
24 protectants on golf courses.

25 (1) Blanket posting procedure. Each golf course shall
26 post in a conspicuous place or places an all-weather poster

1 or placard stating to users of or visitors to the golf
2 course that from time to time plant protectants are in use
3 and additionally stating that if any questions or concerns
4 arise in relation thereto, the golf course superintendent
5 or his designee should be contacted to supply the
6 information contained in subsection (c) of this Section.

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

10 (3) The poster or placard shall be a minimum size of 8
11 1/2 by 11 inches and the lettering shall not be less than
12 1/2 inch.

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

17 (c) Information to Customers of Applicators for Hire. At
18 the time of application of lawn care products to a lawn, an
19 applicator for hire shall provide the following information to
20 the customer:

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

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

25 (3) The reason for use of each lawn care product
26 applied;

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

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

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

9 (7) Upon the request of a customer or any person whose
10 property abuts or is adjacent to the property of a customer
11 of an applicator for hire, a copy of the material safety
12 data sheet and approved pesticide registration label for
13 each applied lawn care product.

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

16 (1) Any neighbor whose property abuts or is adjacent to
17 the property of a customer of an applicator for hire may
18 receive prior notification of an application by contacting
19 the applicator for hire and providing his name, address and
20 telephone number.

21 (2) At least the day before a scheduled application, an
22 applicator for hire shall provide notification to a person
23 who has requested notification pursuant to paragraph (1) of
24 this subsection (d), such notification to be made in
25 writing, in person or by telephone, disclosing the date and
26 approximate time of day of application.

1 (3) In the event that an applicator for hire is unable
2 to provide prior notification to a neighbor whose property
3 abuts or is adjacent to the property because of the absence
4 or inaccessibility of the individual, at the time of
5 application to a customer's lawn, the applicator for hire
6 shall leave a written notice at the residence of the person
7 requesting notification, which shall provide the
8 information specified in paragraph (2) of this subsection
9 (d).

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

11 (1) Any landlord or resident with property that abuts
12 or is adjacent to a golf course may receive prior
13 notification of an application of lawn care products or
14 plant protectants, or both, by contacting the golf course
15 superintendent and providing his name, address and
16 telephone number.

17 (2) At least the day before a scheduled application of
18 lawn care products or plant protectants, or both, the golf
19 course superintendent shall provide notification to any
20 person who has requested notification pursuant to
21 paragraph (1) of this subsection (e), such notification to
22 be made in writing, in person or by telephone, disclosing
23 the date and approximate time of day of application.

24 (3) In the event that the golf course superintendent is
25 unable to provide prior notification to a landlord or
26 resident because of the absence or inaccessibility, at the

1 time of application, of the landlord or resident, the golf
2 course superintendent shall leave a written notice with the
3 landlord or at the residence which shall provide the
4 information specified in paragraph (2) of this subsection
5 (e).

6 (f) Notification for applications of pesticides to day care
7 center grounds other than day care center structures and school
8 grounds other than school structures.

9 (1) The owner or operator of a day care center must
10 either (i) maintain a registry of parents and guardians of
11 children in his or her care who have registered to receive
12 written notification before the application of pesticide
13 to day care center grounds and notify persons on that
14 registry before applying pesticides or having pesticide
15 applied to day care center grounds or (ii) provide written
16 or telephonic notice to all parents and guardians of
17 children in his or her care before applying pesticide or
18 having pesticide applied to day care center grounds.

19 (2) School districts must either (i) maintain a
20 registry of parents and guardians of students who have
21 registered to receive written or telephonic notification
22 before ~~prior to~~ the application of pesticide ~~pesticides~~ to
23 school grounds and notify persons on that list before
24 applying pesticide or having pesticide applied to school
25 grounds or (ii) provide written or telephonic notification
26 to all parents and guardians of students before applying

1 pesticide or having pesticide applied to school grounds
2 ~~such pesticide application.~~

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

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

23 (415 ILCS 65/6) (from Ch. 5, par. 856)

24 Sec. 6. This Act shall be administered and enforced by the
25 Department. The Department may promulgate rules and

1 regulations as necessary for the enforcement of this Act. The
2 Department of Public Health must inform school boards and the
3 owners and operators of day care centers about the provisions
4 of this Act that are applicable to school districts and day
5 care centers, and it must inform school boards about the
6 requirements contained in subdivisions 10-20.46 and 34-18.37
7 of the School Code. The Department of Public Health must
8 recommend that day care centers and schools use a
9 pesticide-free turf care program to maintain their turf. The
10 Department of Public Health must also report violations of this
11 Act of which it becomes aware to the Department for
12 enforcement.

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

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.