99TH GENERAL ASSEMBLY
State of Illinois
2015 and 2016
HB5900

by Rep. Will Guzzardi

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 any neonicotinoid insecticides on any public lands owned or maintained by Illinois. Provides that beginning 9 months after the effective date of the Act, it shall be unlawful to apply neonicotinoid insecticides in any other outdoor residential settings, including landscaping, ornamental, or other outdoor applications in Illinois. Establishes exemptions to the prohibitions. Provides that the Department of Agriculture shall, within 6 months after the effective date of the Act, adopt rules further defining and implementing specified provisions of the Act. Provides that the Department shall, within one year after the effective date of this Act, issue a draft report evaluating whether clear, peer-reviewed, published scientific evidence exists that outdoor applications of these insecticides are safe for honey bees, other pollinators, other beneficial insects, the broader environment, and human health. Effective immediately.

CORRECTIONAL BUDGET AND IMPACT NOTE ACT MAY APPLY

FISCAL NOTE ACT MAY APPLY
AN ACT concerning agriculture.

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 Saving Illinois' Pollinators Act.

Section 5. Findings.
(a) Pollination services, including by honey bees and numerous other pollinators, are a vital part of agricultural production in Illinois.

(b) One-third of food produced in North America depends on pollination by honey bees, including nearly 95 varieties of fruits and other foods of high nutritional value to all of Illinois' citizens. In Illinois, bees provide pollination for red clover, alfalfa, apple trees, cranberries, and more. These crops must be pollinated by bees to produce fruit or seed.

(c) Over the past several years, documented incidents of colony collapse disorder and excessive honey bee mortality have been at a record high, with some beekeepers losing large portions of their operations and suffering reduced production of their valuable honey. Illinois saw a dramatic 62.4% loss of honey bee colonies in 2014-2015.

(d) Scientists have linked the use of systemic neonicotinoid insecticides to the rapid decline of honey bees
and other pollinators and to the deterioration of pollinator health. This class of insecticides damages the central nervous system of insects, causing tremors, paralysis, and death at very low doses. They are systemic insecticides, meaning they are absorbed into treated plants and distributed throughout their vascular systems. As a result, treating a plant or coating a seed with neonicotinoids can render parts of the plant, including the roots, leaves, stems, flowers, nectar, pollen, and guttation fluid, toxic to insects. They are persistent in soil and easily transported via air, dust, and water.

(e) Neonicotinoid insecticides cause sublethal effects including impaired foraging and feeding behavior, disorientation, weakened immunity, delayed larval development, and increased susceptibility to viruses, diseases, and parasites and numerous studies have also demonstrated acute, lethal effects from the application of these toxins. They have also been found to kill or weaken beneficial invertebrates, birds, and other wildlife, through direct and indirect effects.

(f) Bumblebees, beneficial insects of all kinds, and whole food chains of aquatic invertebrates, insects, birds, bats and other pollinators in Illinois are at risk from environmental contamination by highly-persistent neonicotinoids. In Illinois, 5 species of bat (Rafinesque's Big-eared Bat, Gray Bat, Indiana Bat, Eastern Small-footed Bat, and Northern Long-eared Bat) are already listed as threatened or endangered.
and may be harmed by neonicotinoid use in the state. Additionally, 7 species of butterfly, one species of dragonfly, and more than 30 species of bird are also threatened or endangered and could be at risk from neonicotinoids. (g) Scientists have also found that the use of neonicotinoids in seed treatment is harmful to birds. Recent science has demonstrated that consumption of a single corn kernel coated with a neonicotinoid is toxic enough to kill a medium-sized songbird. Illinois is home of a diverse array of birds including the American goldfinch, Eastern bluebird, and red-winged blackbirds, all of which could be at risk from the use of neonicotinoids. 

(h) In 2013, the European Union voted to suspend use of 3 major neonicotinoids (imidacloprid, clothianidin, and thiamethoxam) on certain agricultural crops pending a review of their safety. Other U.S. States, such as New York, have restricted some neonicotinoid uses to address their risks.

Section 10. Definitions. As used in this Act:

"Neonicotinoid insecticides" means a class of systemic pesticides with a common mode of action that affects the central nervous system of insects that includes the following active ingredients: acetamiprid, clothianidin, dinotefuran, imidacloprid, thiacloprid and thiamethoxam, and such other new neonicotinoid insecticides as may be identified after the effective date of this Act by rules adopted by the Department
Section 15. Statement of purpose. The purposes of this Act are: (1) to protect Illinois’ honey bees, native bees, other pollinators, insects, birds, and animals from exposure to neonicotinoid insecticides; and (2) to defend and protect Illinois’ agricultural economy and natural ecosystems. This Act shall be liberally construed to fulfill these purposes.

Section 20. Restrictions on use of neonicotinoid insecticides.

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

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

Section 25. Exemptions. The provisions of Section 20 of this Act shall not apply to: (1) the use of neonicotinoids following the effective date of this Act that were purchased before that date pursuant to a reasonable phase-out period to be adopted by the Director of Agriculture by regulation, not to
 Section 30. Rulemaking. The Department of Agriculture shall, within 6 months after the effective date of this Act, adopt rules further defining and implementing the provisions of Sections 20 and 25 of this Act.

 Section 35. Study and reevaluation. The Department of Agriculture shall, within one year after the effective date of this Act, issue a draft report evaluating whether clear, peer-reviewed, published scientific evidence exists that outdoor applications of these insecticides are safe for honey bees, other pollinators, other beneficial insects, the broader environment, and human health. The public, including all interested entities, then shall be allowed to comment on the draft report. After considering the comments and any other relevant information, the Department shall deliver its final evaluation report on that topic to the Governor and to the Chairs of the Senate Committee of Agriculture and the House Committee of Agriculture and Conservation.

 Section 40. Enforcement.

 (a) Enforcement.

 (1) The sampling and examination of pesticides,
devices, books and records, and the labeling of pesticides
or devices shall be made under the supervision of the
Director for the purposes of determining compliance with
provisions of this Act. The Director, upon presentation of
identification, is authorized to enter a premises at
reasonable times during normal working hours in order to
have access to pesticides, devices, books and records, and
labeling for pesticides or devices.

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

(B) If upon the analysis or examination there
appears to be a violation of provisions of this Act or
regulations adopted thereunder, the Director shall
cause notice to be given to the owner, operator or
agent in charge and specify any administrative
proceedings or criminal actions that are contemplated
against such person.

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

(2) For the purpose of carrying out the provisions of
this Act the Director, upon presentation of
identification, is authorized to enter upon public or
private premises at reasonable times during normal working hours in order to:

(A) Investigate or inspect to determine the facts in complaints of pesticide injury, mis-use, mis-handling, or reported excessive pesticide exposure.

(B) Determine the facts in any pesticide incident reported to him, including collecting samples for analysis.

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

(D) To inspect and collect samples in any place where pesticides are produced, manufactured, sold or distributed.

(3) The Director upon being denied access to any land may apply to the court of jurisdiction for a search warrant authorizing such access for purpose of carrying out provision of this Act. The court may upon receiving the request issue such warrant.

(4) The Director, with or without the aid and advice of the court of jurisdiction, is charged with enforcing the requirements of this Act and rules adopted hereunder. In the event the enforcement agent of local jurisdiction refuses to act on behalf of the Director, the Attorney General may so act.
(5) The Director may bring action to enjoin the
violation or threatened violation of any provision of this
Act or regulation adopted thereunder in the court of
jurisdiction for the county in which such occurs or is
about to occur.

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

(7) Any person who impedes, obstructs, hinders or
otherwise prevents or attempts to prevent the Director in
the performance of official duties is guilty of a Class A
misdemeanor. Any person using physical force against the
Director in the performance of official duties is guilty of
a Class 4 felony.

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

(c) Any injured citizen of Illinois may, after giving
notice of the alleged violation to the Attorney General and the
alleged violator and waiting 60 days, bring an action to enjoin
a violation of this Act by any person in any court of competent
jurisdiction. The court may, in the action, award to a citizen
who is a prevailing plaintiff reasonable attorney's fees and
costs incurred in investigating and prosecuting the action,
however, the court may not award monetary damages in the
Section 45. Authority of local government. Nothing in this Act shall be construed to prohibit or preempt the authority of a unit of local government in Illinois to regulate applications of neonicotinoid pesticides in a manner that is equivalent to, or more stringent than, the provisions contained in this Act.

Section 50. Severability. If any provision of this Act or the application thereof to any person, entity, or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

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