

AN ACT concerning regulation.

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

Section 5. The Regulatory Sunset Act is amended by changing Sections 4.18 and 4.19b as follows:

(5 ILCS 80/4.18)

Sec. 4.18. Acts repealed ~~January 1, 2008 and~~ December 31, 2008. ~~(a) The following Acts are repealed on January 1, 2008: The Structural Pest Control Act. (b) The following Acts are~~ repealed on December 31, 2008:

The Medical Practice Act of 1987.

The Environmental Health Practitioner Licensing Act.

(Source: P.A. 94-754, eff. 5-10-06; 94-1075, eff. 12-29-06; 94-1085, eff. 1-19-07; 95-187, eff. 8-16-07; 95-235, eff. 8-17-07; 95-450, eff. 8-27-07; 95-465, eff. 8-27-07; 95-639, eff. 10-5-07; 95-687, eff. 10-23-07; 95-689, eff. 10-29-07; 95-703, eff. 12-31-07; revised 1-7-08.)

(5 ILCS 80/4.19b)

Sec. 4.19b. Acts ~~Act~~ repealed on January 1, 2009 and December 31, 2009.

(a) The following Act is repealed on January 1, 2009:

The Interpreters for the Deaf Act.

(b) The following Act is repealed on December 31, 2009:

The Structural Pest Control Act.

(Source: P.A. 95-617, eff. 9-12-07.)

Section 10. The Structural Pest Control Act is amended by adding Section 26 as follows:

(225 ILCS 235/26 new)

Sec. 26. Continuation of Act; validation.

(a) The General Assembly finds and declares that:

(1) Public Act 94-754, which became effective on May 10, 2006, changed the repeal date set for the Structural Pest Control Act within the Regulatory Sunset Act from January 1, 2007 to January 1, 2008.

(2) The Statute on Statutes sets forth general rules on the repeal of statutes and the construction of multiple amendments, but Section 1 of that Act also states that these rules will not be observed when the result would be "inconsistent with the manifest intent of the General Assembly or repugnant to the context of the statute".

(3) This amendatory Act of the 95th General Assembly manifests the intention of the General Assembly to remove the current repealer of the Structural Pest Control Act set forth in the Regulatory Sunset Act and have the Structural Pest Control Act continue in effect beyond January 1, 2008.

(4) The Structural Pest Control Act was originally

enacted to protect, promote, and preserve the public health and general welfare. Any construction of subsection (a) of Section 4.18 of the Regulatory Sunset Act that results in the repeal of the Structural Pest Control Act on January 1, 2008 would be inconsistent with the manifest intent of the General Assembly and repugnant to the context of the Regulatory Sunset Act and the Structural Pest Control Act, and would create serious potential risks to the health and safety of the people of Illinois.

(b) It is hereby declared to have been the intent of the General Assembly that the Structural Pest Control Act not be subject to repeal on January 1, 2008.

(c) The Structural Pest Control Act shall be deemed to have been in continuous effect since May 10, 2006 (the effective date of Public Act 94-754), and it shall continue to be in effect henceforward until it is otherwise lawfully repealed. All previously enacted amendments to the Act taking effect on or after January 1, 2008, are hereby validated.

(d) All actions taken in reliance on or pursuant to the Structural Pest Control Act by the Department of Public Health or any other person or entity are hereby validated.

(e) In order to ensure the continuing effectiveness of the Structural Pest Control Act, it is set forth in full and re-enacted by this amendatory Act of the 95th General Assembly. This re-enactment is intended as a continuation of the Act. It is not intended to supersede any amendment to the Act that is

enacted by the 95th General Assembly.

(f) The Structural Pest Control Act applies to all claims, civil actions, and proceedings pending on or filed on or before the effective date of this Act.

Section 15. The Structural Pest Control Act is re-enacted as follows:

(225 ILCS 235/Act title) (Structural Pest Control Act.)

An Act to license and regulate structural pest control operators and certify pest control technicians, to make certain exemptions for the State and its political subdivisions and to provide penalties for the violation thereof.

(225 ILCS 235/1) (from Ch. 111 1/2, par. 2201)

(Section scheduled to be repealed on January 1, 2008)

Sec. 1. Short title). This Act shall be known and may be cited as the "Structural Pest Control Act".

(Source: P.A. 82-725.)

(225 ILCS 235/2) (from Ch. 111 1/2, par. 2202)

(Section scheduled to be repealed on January 1, 2008)

Sec. 2. Legislative intent. It is declared that there exists and may in the future exist within the State of Illinois locations where pesticides are received, stored, formulated or prepared and subsequently used for the control of structural

pests, and improper selection, formulation and application of pesticides may adversely affect the public health and general welfare.

It is further established that the use of certain pesticides is restricted or may in the future be restricted to use only by or under the supervision of persons certified in accordance with this Act.

It is recognized that pests can best be controlled through an integrated pest management program that combines preventive techniques, nonchemical pest control methods, and the appropriate use of pesticides with preference for products that are the least harmful to human health and the environment. Integrated pest management is a good practice in the management of pest populations, and it is prudent to employ pest control strategies that are the least hazardous to human health and the environment.

Therefore, the purpose of this Act is to protect, promote and preserve the public health and general welfare by providing for the establishment of minimum standards for selection, formulation and application of restricted pesticides and to provide for the licensure of commercial structural pest control businesses, the registration of persons who own or operate non-commercial structural pest control locations where restricted pesticides are used, and the certification of pest control technicians.

It is also the purpose of this Act to reduce economic,

health, and environmental risks by promoting the use of integrated pest management for structural pest control in schools and day care centers, by making guidelines on integrated pest management available to schools and day care centers.

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

(225 ILCS 235/3) (from Ch. 111 1/2, par. 2203)

(Section scheduled to be repealed on January 1, 2008)

Sec. 3. Definitions. As used in this Act, unless the context otherwise requires, the terms specified in Sections 3.01 through 3.27 have the meanings ascribed to them in those Sections.

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

(225 ILCS 235/3.01) (from Ch. 111 1/2, par. 2203.01)

(Section scheduled to be repealed on January 1, 2008)

Sec. 3.01. "Department" means the Department of Public Health.

(Source: P.A. 82-725.)

(225 ILCS 235/3.02) (from Ch. 111 1/2, par. 2203.02)

(Section scheduled to be repealed on January 1, 2008)

Sec. 3.02. "Director" means the Director of Public Health.

(Source: P.A. 82-725.)

(225 ILCS 235/3.03) (from Ch. 111 1/2, par. 2203.03)

(Section scheduled to be repealed on January 1, 2008)

Sec. 3.03. "Person" means any individual, group of individuals, association, trust, partnership, corporation, person doing business under an assumed name, the State of Illinois, or department thereof, any other state-owned and operated institution, or any other entity.

(Source: P.A. 82-725.)

(225 ILCS 235/3.04) (from Ch. 111 1/2, par. 2203.04)

(Section scheduled to be repealed on January 1, 2008)

Sec. 3.04. "Commercial Structural Pest Control Business Location" means any location at or from which any person advertises or contracts to perform structural pest control services for hire or where a person is engaged or employed by that business to perform the services, store materials, keep records, or perform other pertinent activities, for the purpose of operating a structural pest control business at that business location, but does not include locations which exist solely for the purpose of accepting telephone calls and messages on behalf of the licensee.

(Source: P.A. 83-825.)

(225 ILCS 235/3.05) (from Ch. 111 1/2, par. 2203.05)

(Section scheduled to be repealed on January 1, 2008)

Sec. 3.05. "Licensee" means a person licensed in accordance

with this Act.

(Source: P.A. 82-725.)

(225 ILCS 235/3.06) (from Ch. 111 1/2, par. 2203.06)

(Section scheduled to be repealed on January 1, 2008)

Sec. 3.06. "Certified Technician" means an individual who has met the qualifications set forth under Section 5 of this Act.

(Source: P.A. 82-725.)

(225 ILCS 235/3.07) (from Ch. 111 1/2, par. 2203.07)

(Section scheduled to be repealed on January 1, 2008)

Sec. 3.07. "Pests" include arthropods (insects, spiders, mites, ticks and related pests), wood infesting organisms, rats, mice, nuisance birds and any other obnoxious or undesirable animals in, on or under structures, but does not include bacteria or other micro-organisms on or in living man or other living animals.

(Source: P.A. 84-362.)

(225 ILCS 235/3.08) (from Ch. 111 1/2, par. 2203.08)

(Section scheduled to be repealed on January 1, 2008)

Sec. 3.08. "Structure" means any edifice, building or other constructed entity including the contents therein, any patio or terrace connected thereto and the land on which it is situated, and including any portion of land within the given



proprietorship which might constitute a potential harborage for pests which could affect the edifice or building or its contents, any portion of land upon which work has begun for the erection of an edifice, any vehicle used as a common carrier, any dock, wharf, railroad siding or refuse area.

(Source: P.A. 85-227.)

(225 ILCS 235/3.09) (from Ch. 111 1/2, par. 2203.09)

(Section scheduled to be repealed on January 1, 2008)

Sec. 3.09. "Structural Pest Control" means and includes the on-site identification of an infestation in, on or under a structure or the use of any method or device or the application of any substance to prevent, repel, mitigate, curb, control or eradicate any pest in, on or under a structure or within a part of, or materials used in building, a structure; the use of any pesticide, including insecticides, fungicides and other wood treatment products, attractants, repellents, rodenticides, fumigants or mechanical devices for preventing, controlling, eradicating, identifying, mitigating, diminishing or curbing insects, vermin, rats, mice or other pests in, on or under a structure or within a part of, or materials used in building, a structure; vault fumigation and fumigation of box cars, trucks, ships, airplanes, docks, warehouses and common carriers or soliciting to perform any of the foregoing functions.

(Source: P.A. 85-227.)

(225 ILCS 235/3.11) (from Ch. 111 1/2, par. 2203.11)

(Section scheduled to be repealed on January 1, 2008)

Sec. 3.11. "Commercial Structural Pest Control Business" means any business in the course of which any person advertises or contracts to perform structural pest control services on property under the ownership or control of another in exchange for any consideration.

(Source: P.A. 82-725.)

(225 ILCS 235/3.12) (from Ch. 111 1/2, par. 2203.12)

(Section scheduled to be repealed on January 1, 2008)

Sec. 3.12. "Non-commercial Structural Pest Control" means structural pest control performed by a person who is not, and is not employed by, a commercial structural pest control business.

(Source: P.A. 82-725.)

(225 ILCS 235/3.13) (from Ch. 111 1/2, par. 2203.13)

(Section scheduled to be repealed on January 1, 2008)

Sec. 3.13. "Non-commercial Structural Pest Control Location" means any location from which a person, who is not engaged in commercial structural pest control, performs structural pest control activities which are confined to structures directly associated with the activity, business, product or service of such person.

(Source: P.A. 82-725.)

(225 ILCS 235/3.14) (from Ch. 111 1/2, par. 2203.14)

(Section scheduled to be repealed on January 1, 2008)

Sec. 3.14. "Restricted Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, the use of which has been categorized as restricted under subparagraph (C) of paragraph (1) of subsection (d) of Section 3 of the Federal Insecticide, Fungicide, Rodenticide Act as amended or under the Illinois Pesticide Act.

(Source: P.A. 85-177.)

(225 ILCS 235/3.15) (from Ch. 111 1/2, par. 2203.15)

(Section scheduled to be repealed on January 1, 2008)

Sec. 3.15. "Registrant" means a person registered in accordance with the provisions of this Act.

(Source: P.A. 82-725.)

(225 ILCS 235/3.16) (from Ch. 111 1/2, par. 2203.16)

(Section scheduled to be repealed on January 1, 2008)

Sec. 3.16. "Supervision" means the direction and management by certified personnel of the activities of non-certified personnel in use and storage of general use or restricted pesticides.

(Source: P.A. 83-1452.)

(225 ILCS 235/3.17) (from Ch. 111 1/2, par. 2203.17)

(Section scheduled to be repealed on January 1, 2008)

Sec. 3.17. "Sub-category" means a specific area of pest control in which a pest control technician may be separately certified as specified by this Act or by rule promulgated thereunder.

(Source: P.A. 82-725.)

(225 ILCS 235/3.18) (from Ch. 111 1/2, par. 2203.18)

(Section scheduled to be repealed on January 1, 2008)

Sec. 3.18. "Planned Use Inspection" means an inspection of a certified or non-certified technician to observe the procedures for preparation, application and disposal of pesticides to ensure that they are performed in accordance with this Act, the "Illinois Pesticide Act", as amended, the "Environmental Protection Act", as amended, the rules and regulations of the Illinois Pollution Control Board, and other applicable State law.

(Source: P.A. 85-177.)

(225 ILCS 235/3.19) (from Ch. 111 1/2, par. 2203.19)

(Section scheduled to be repealed on January 1, 2008)

Sec. 3.19. "Label" means the written, printed or graphic matter on or attached to the pesticide or device or any of its containers or wrappings.

(Source: P.A. 83-825.)

(225 ILCS 235/3.20) (from Ch. 111 1/2, par. 2203.20)

(Section scheduled to be repealed on January 1, 2008)

Sec. 3.20. "Labeling" means the label and all other written, printed or graphic matters: (a) on the pesticide or device or any of its containers or wrappings, (b) accompanying the pesticide or device or referring to it in any other media used to disseminate information to the public, (c) to which reference is made to the pesticide or device except when references are made to current official publications of the U. S. Environmental Protection Agency, Departments of Agriculture, Health and Human Services or other federal Government institutions, the State experiment station or colleges of agriculture or other similar state institutions authorized to conduct research in the field of pesticides.

(Source: P.A. 83-825.)

(225 ILCS 235/3.21) (from Ch. 111 1/2, par. 2203.21)

(Section scheduled to be repealed on January 1, 2008)

Sec. 3.21. "FIFRA" means the "Federal Insecticide, Fungicide and Rodenticide Act".

(Source: P.A. 83-825.)

(225 ILCS 235/3.22) (from Ch. 111 1/2, par. 2203.22)

(Section scheduled to be repealed on January 1, 2008)

Sec. 3.22. "General Use Pesticide" means any substance or

mixture of substances intended for preventing, destroying, repelling or mitigating any pest, as defined in Section 3.07 of this Act, the use of which has been categorized as general under subparagraph (B) of paragraph (1) of subsection (d) of Section 3 of FIFRA.

(Source: P.A. 83-1452.)

(225 ILCS 235/3.23) (from Ch. 111 1/2, par. 2203.23)

(Section scheduled to be repealed on January 1, 2008)

Sec. 3.23. "USEPA" means the United States Environmental Protection Agency.

(Source: P.A. 83-825.)

(225 ILCS 235/3.24) (from Ch. 111 1/2, par. 2203.24)

(Section scheduled to be repealed on January 1, 2008)

Sec. 3.24. "Device" means any instrument or contrivance, other than a firearm or equipment for application of pesticides when sold separately from pesticides, which is intended for trapping, repelling, destroying, or mitigating any pest, other than bacteria, virus, or other microorganisms on or living in man or other living animals.

(Source: P.A. 83-825.)

(225 ILCS 235/3.25) (from Ch. 111 1/2, par. 2203.25)

(Section scheduled to be repealed on January 1, 2008)

Sec. 3.25. "Integrated pest management" is defined as a

pest management system that includes the following elements:

- (a) identifying pests and their natural enemies;
- (b) establishing an ongoing monitoring and recordkeeping system for regular sampling and assessment of pest and natural enemy populations;
- (c) determining the pest population levels that can be tolerated based on aesthetic, economic, and health concerns, and setting action thresholds where pest populations or environmental conditions warrant remedial action;
- (d) the prevention of pest problems through improved sanitation, management of waste, addition of physical barriers, and the modification of habitats that attract or harbor pests;
- (e) reliance to the greatest extent possible on nontoxic, biological, cultural or mechanical pest management methods, or on the use of natural control agents;
- (f) when necessary, the use of chemical pesticides, with preference for products that are the least harmful to human health and the environment; and
- (g) recordkeeping and reporting of pest populations, surveillance techniques, and remedial actions taken.

(Source: P.A. 87-1106.)

(225 ILCS 235/3.26)

(Section scheduled to be repealed on January 1, 2008)

Sec. 3.26. "School" means any structure used as a public

school in this State.

(Source: P.A. 91-525, eff. 8-1-00.)

(225 ILCS 235/3.27)

(Section scheduled to be repealed on January 1, 2008)

Sec. 3.27. "Day care center" means any structure used as a licensed day care center in this State.

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

(225 ILCS 235/4) (from Ch. 111 1/2, par. 2204)

(Section scheduled to be repealed on January 1, 2008)

Sec. 4. Licensing requirements).

(a) It shall be unlawful for any person to engage in a commercial structural pest control business at any location in this State after October 21, 1977, unless such person is licensed by the Department. A person shall have a separate license for each commercial structural pest control business location. It shall also be unlawful for any person to engage in a commercial pest control business in Illinois from any location outside this State unless such person is licensed by this Department. The licensee may use its state identification number in all forms of advertising.

(b) It shall be unlawful for any person who owns or operates a non-commercial structural pest control location to engage in non-commercial structural pest control using restricted pesticides in this State after October 21, 1977,



unless registered by the Department.

(c) No person shall be licensed or registered as a commercial or non-commercial structural pest control business at any location without complying with the certification requirements as prescribed in Section 5 of this Act.

(d) If a licensee or registrant changes its location of operation during the year of issuance, the Department shall be notified in writing of the new location within 15 days. The license or registration shall be surrendered and a replacement issued for a fee of \$10.

(e) All licenses and registrations issued under this Act shall expire on December 31 of the year issued, except that an original license or registration issued after October 1 and before December 31 shall expire on December 31 of the following year. A license or registration may be renewed by making application on a form prescribed by the Department and by paying the fee required by this Act. Renewal applications shall be filed with the Department prior to December 1 of each year.

(f) No license or registration shall be transferable from one person to another.

(Source: P.A. 83-825.)

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

(Section scheduled to be repealed on January 1, 2008)

Sec. 5. Certification requirements. No individual shall apply any general use or restricted pesticide while engaged in

commercial structural pest control in this State unless certified, or supervised by someone who is certified, by the Department in accordance with this Section.

No individual shall apply any restricted pesticide while engaged in non-commercial structural pest control in this State unless certified, or supervised by someone who is certified, by the Department in accordance with this Section. In addition, any individual at any non-commercial structural pest control location using general use pesticides shall comply with the labeling requirements of the pesticides used at that location.

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

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

1. He has a high school diploma or a GED certificate;

2. He has filed an original application, paid the fee required for examination, and successfully passed the General Standards examination.

B. Any individual engaging in commercial or non-commercial structural pest control and utilizing restricted pesticides in any one of the sub-categories in Section 7 of this Act shall meet the following requirements:

1. He has a high school diploma or a GED certificate;
2. He has:
  - a. six months of practical experience in one or more sub-categories in structural pest control; or
  - b. successfully completed a minimum of 16 semester hours, or their equivalent, in entomology or related fields from a recognized college or university; or
  - c. successfully completed a pest control course, approved by the Department, from a recognized educational institution or other entity.

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

A certified technician who wishes to be certified in sub-categories for which he has not been previously certified may apply for any sub-category examination provided he meets the requirements set forth in this Section, files an original

application, and pays the fee for examination.

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

(Source: P.A. 87-703.)

(225 ILCS 235/5.01) (from Ch. 111 1/2, par. 2205.01)

(Section scheduled to be repealed on January 1, 2008)

Sec. 5.01. Upon the payment of the required fee, an applicant who is certified in another state, may, without examination, be granted a certificate as a certified structural pest control technician by the Department in those sub-categories for which he has been certified by another state, provided that the Department finds that the requirements for certification of structural pest control technicians in that state were, at the date of certification, substantially equal to the requirements then in force in this State and provided that the same privilege of certification is similarly granted by said state to technicians certified by the State of Illinois.

(Source: P.A. 82-725.)

(225 ILCS 235/5.02) (from Ch. 111 1/2, par. 2205.02)

(Section scheduled to be repealed on January 1, 2008)

Sec. 5.02. Upon submission of an application and the required fee, a structural pest control technician certified or licensed as a structural pest control technician by another state is eligible for and may be issued an Illinois structural pest control technician's certificate upon successful completion of the examination administered in accordance with the provisions of this Act, provided that the state in which the applicant is certified or licensed has license or certification requirements substantially equal to those of the State of Illinois and does not have a reciprocal agreement with the State of Illinois.

(Source: P.A. 82-725.)

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

(Section scheduled to be repealed on January 1, 2008)

Sec. 6. Certificate renewal). A certified technician's certificate shall be valid for a period of 3 years and must be renewed by January 1 of each third year. A certificate may be renewed by application upon a form prescribed by the Department, provided that the certified technician furnishes evidence that he has attended during the 3 year period, a minimum of 9 classroom hours, in increments of 3 hours or more, of training at Department approved pest control training seminars and pays the fee required by this Act. Renewal applications shall be filed with the Department prior to

December 1 preceding the date of expiration.

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

A certified technician who has not renewed his certificate for a period of not more than one year after its expiration may secure a renewal upon payment of the renewal fee, late filing charge and the furnishing of evidence of training as may be required by the Department. If a technician has not renewed his certificate for a period of more than one year after its expiration, he shall file an application for examination, pay all required fees, and successfully pass the examination before his certificate is renewed.

(Source: P.A. 93-922, eff. 1-1-05.)

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

(Section scheduled to be repealed on January 1, 2008)

Sec. 7. Written examination required). Applications for examination shall be in the form prescribed by the Department and shall be accompanied by the required fee. The Department shall conduct written examinations at least 4 times each year and may require a practical demonstration by each applicant. The written examination shall be prepared from suggested study

materials.

All applicants shall be tested and required to attain a passing grade on a General Standards examination which evaluates their general knowledge of label and labeling comprehension, safety, environment, equipment, application techniques, laws and regulations, and pests and pesticides. Applicants who pass the General Standards examination may also, if qualified, be examined in any one or more of the other sub-categories in which they desire to use restricted pesticides:

(a) Insects (excluding termites and other wood destroying organisms), rodents and other pests including those pests in food manufacturing, food processing, food storage and grain handling;

(b) Termites and other wood destroying organisms;

(c) Bird control;

(d) Fumigation;

(e) Food manufacturing, food processing and food storage facilities;

(f) Institutional and multi-unit residential housing pest control;

(g) Public health pest control; and

(h) Wood products pest control, which includes the application of restricted use wood treatment pesticides by individuals working for commercial wood treatment companies or non-commercial wood treatment plants using pressure, as well as

nonpressure, treatment methods to control or prevent wood degradation by wood destroying organisms which include but are not limited to insects, and by fungi or bacteria which cause surface molding, surface staining, sap staining, brown rot, white rot and soft rot.

An applicant who is examined and certified in sub-categories (a), (b), (c), (d) and (h) shall be qualified to use restricted pesticides in performing structural pest control activities in commercial and non-commercial structural pest control in those sub-categories in which he has been certified.

An applicant who is examined and certified in sub-categories (e), (f), or (g) shall be permitted to apply restricted pesticides only to structures of the non-commercial structural pest control registrant of which he is an employee.

(Source: P.A. 85-227.)

(225 ILCS 235/8) (from Ch. 111 1/2, par. 2208)

(Section scheduled to be repealed on January 1, 2008)

Sec. 8. Change of certified technician). When the licensee or registrant is without a certified technician the licensee or registrant shall notify the Director in writing within 7 days and shall employ a technician certified in accordance with Section 5 of this Act no later than 45 days from the time the position of certified technician becomes vacant. All structural pest control operations shall be suspended until



such time that the licensee or registrant obtains the services of a certified technician.

(Source: P.A. 84-362.)

(225 ILCS 235/9) (from Ch. 111 1/2, par. 2209)

(Section scheduled to be repealed on January 1, 2008)

Sec. 9. Fees and required insurance. The fees required by this Act are as follows:

(a) For an original license and each renewal - \$100.

(b) For an original registration and each renewal - \$50.

(c) For each certificate renewal - \$40.

(d) For an application for examination including an original certificate - \$40.

(e) Any person who fails to file a renewal application by the date of expiration of a license, certification or registration shall be assessed a late filing charge of \$75.

(f) For duplicate copies of certificates, licenses or registrations - \$10.

All fees shall be paid by check or money order. Any fee required by this Act is not refundable in the event that the original application or application for renewal is denied. Every application for an original license shall be accompanied by a certificate of insurance issued by an insurance company authorized to do business in the State of Illinois or by a risk retention or purchasing group formed pursuant to the federal

Liability Risk Retention Act of 1986, which provides primary, first dollar public liability coverage of the applicant or licensee for personal injuries for not less than \$100,000 per person, or \$300,000 per occurrence, and, in addition, for not less than \$50,000 per occurrence for property damage, resulting from structural pest control. The insurance policy shall be in effect at all times during the license year and a new certificate of insurance shall be filed with the Department within 30 days after the renewal of the insurance policy. Applicants for registration or registration renewal shall not be required to provide evidence of public liability insurance coverage.

All administrative civil fines and fees collected pursuant to this Act shall be deposited into the Pesticide Control Fund established pursuant to the Illinois Pesticide Act. The amount annually collected as administrative civil fines and fees shall be appropriated by the General Assembly to the Department for the purposes of conducting a public education program on the proper use of pesticides and for other activities related to enforcement of this Act and the Illinois Pesticide Act.

(Source: P.A. 87-703.)

(225 ILCS 235/10) (from Ch. 111 1/2, par. 2210)

(Section scheduled to be repealed on January 1, 2008)

Sec. 10. Powers and duties of the Department). The Department has the following powers and duties:

(a) To prescribe and furnish application forms, licenses, registrations, certificates and any other forms necessary under this Act;

(b) To suspend, revoke or refuse to issue or renew registrations, licenses or certificates for cause;

(c) To prescribe examinations which reasonably test the knowledge of the practical and scientific aspects of structural pest control of an applicant for certification as a certified technician;

(d) To conduct hearings concerning the suspension, revocation or refusal to issue or renew certificates, registrations or licenses;

(e) To promulgate rules and regulations necessary for the administration of this Act;

(f) To prohibit the use of specific materials and methods in the application of pesticides when necessary to protect health and property or prevent injury to desirable plants and animals, including pollinating insects, birds and aquatic life. In issuing such regulations, the Director shall give consideration to pertinent research findings and to recommendations of other agencies of the State and of the Federal government;

(g) To conduct inspections, which may include planned use inspections, during business hours, the purpose of which shall be reduced to writing, to determine satisfactory compliance with this Act, after consent of the person, licensee or

registrant has been obtained or after an order for such inspection has been issued by the court;

(h) To cause investigations to be made when the Department has reasonable grounds for believing that a violation of any provision of this Act or rules or regulations promulgated thereunder has occurred or is occurring; and

(i) To conduct a public education program to improve citizen awareness and participation in the reporting of pesticide misuse to better protect the public from such dangerous chemicals. Such program shall include, as a minimum, the dissemination of information to the public and the news media on the requirements of this Act and the Illinois Pesticide Act and the methods of reporting cases of improper pesticide application and use to the Department.

(Source: P.A. 85-177.)

(225 ILCS 235/10.1) (from Ch. 111 1/2, par. 2210.1)

(Section scheduled to be repealed on January 1, 2008)

Sec. 10.1. Structural Pest Control Advisory Council. The Governor shall appoint a Structural Pest Control Advisory Council consisting of 10 members to consult with and advise the Department. Their functions shall be to advise the Department in the preparation of rules necessary to carry out the provisions of the Act, offer suggestions for examination questions, provide suggestions for the efficient administration of the Act, develop criteria for issuance of

administrative fines, and perform other duties as may be prescribed by the Director. Membership on the council shall be as follows:

(a) One member shall be an Illinois certified technician representing the food industry.

(b) One member shall be an Illinois certified technician representing a noncommercial industry other than the food industry but regulated under this Act.

(c) Three members shall be Illinois certified technicians representing the commercial structural pest control industry. To the extent possible, these 3 members shall represent a geographical balance in the State.

(d) One member shall be a representative of a local health department.

(e) One member shall be a representative of an Illinois college or university with expertise in entomology, biology, or chemistry as it relates to structural pest control.

(f) One member shall be a member of the general public.

(g) One member shall be a representative of an Illinois chapter of a national environmental, wildlife, or conservation group or association.

(h) One member shall be a representative of the Illinois Department of Agriculture.

The term of office for each member of the council shall be 4 calendar years with no representative serving more than 2

consecutive terms.

The Council shall be chaired by the Director, or his or her authorized representative, and shall meet at least twice annually, or whenever a majority of the council members vote to hold a meeting to discuss their duties as previously indicated.

(Source: P.A. 87-703.)

(225 ILCS 235/10.2) (from Ch. 111 1/2, par. 2210.2)

(Section scheduled to be repealed on January 1, 2008)

Sec. 10.2. Integrated pest management guidelines; notification; training of designated persons; request for copies.

(a) The Department shall prepare guidelines for an integrated pest management program for structural pest control practices at school buildings and other school facilities and day care centers. Such guidelines shall be made available to schools, day care centers and the public upon request.

(b) When economically feasible, each school and day care center is required to develop and implement an integrated pest management program that incorporates the guidelines developed by the Department. Each school and day care center must notify the Department, within one year after the effective date of this amendatory Act of the 95th General Assembly and every 5 years thereafter, on forms provided by the Department that the school or day care center has developed and is implementing an integrated pest management program. In implementing an

integrated pest management program, a school or day care center must assign a designated person to assume responsibility for the oversight of pest management practices in that school or day care center and for recordkeeping requirements.

(b-1) If adopting an integrated pest management program is not economically feasible because such adoption would result in an increase in the pest control costs of the school or day care center, the school or day care center must provide, within one year after the effective date of this amendatory Act of the 95th General Assembly and every 5 years thereafter, written notification to the Department, on forms provided by the Department, that the development and implementation of an integrated pest management program is not economically feasible. The notification must include projected pest control costs for the term of the pest control program and projected costs for implementing an integrated pest management program for that same time period.

(b-2) Each school or day care center that provides written notification to the Department that the adoption of an integrated pest management program is not economically feasible pursuant to subsection (b-1) of this Section must have its designated person attend a training course on integrated pest management within one year after the effective date of this amendatory Act of the 95th General Assembly, and every 5 years thereafter until an integrated pest management program is developed and implemented in the school or day care center. The

training course shall be approved by the Department in accordance with the minimum standards established by the Department under this Act.

(b-3) Each school and day care center shall ensure that all parents, guardians, and employees are notified at least once each school year that the notification requirements established by this Section have been met. The school and day care center shall keep copies of all notifications required by this Section and any written integrated pest management program plan developed in accordance with this Section and make these copies available for public inspection at the school or day care center.

(c) The Structural Pest Control Advisory Council shall assist the Department in developing the guidelines for integrated pest management programs. In developing the guidelines, the Council shall consult with individuals knowledgeable in the area of integrated pest management.

(d) The Department, with the assistance of the Cooperative Extension Service and other relevant agencies, may prepare a training program for school or day care center pest control specialists.

(e) The Department may request copies of a school's or day care center's integrated pest management program plan and notification required by this Act and offer assistance and training to schools and day care centers on integrated pest management programs.



(f) The requirements of this Section are subject to appropriation to the Department for the implementation of integrated pest management programs.

(Source: P.A. 95-58, eff. 8-10-07.)

(225 ILCS 235/10.3)

(Section scheduled to be repealed on January 1, 2008)

Sec. 10.3. Notification. School districts and day care centers must maintain a registry of parents and guardians of students and employees who have registered to receive written notification prior to application of pesticides to school property or day care centers or provide written notification to all parents and guardians of students before such pesticide application. Written notification may be included in newsletters, bulletins, calendars, or other correspondence currently published by the school district or day care center. The written notification must be given at least 2 business days before application of the pesticide application and should identify the intended date of the application of the pesticide and the name and telephone contact number for the school or day care center personnel responsible for the pesticide application program. Prior written notice shall not be required if there is an imminent threat to health or property. If such a situation arises, the appropriate school or day care center personnel must sign a statement describing the circumstances that gave rise to the health threat and ensure that written

notice is provided as soon as practicable. For purposes of this Section, pesticides subject to notification requirements shall not include (i) an antimicrobial agent, such as disinfectant, sanitizer, or deodorizer, or (ii) insecticide baits and rodenticide baits.

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

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

(Section scheduled to be repealed on January 1, 2008)

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

(Source: P.A. 82-725.)

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

(Section scheduled to be repealed on January 1, 2008)

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

the following:

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

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

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

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

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

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

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

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

(i) Performing structural pest control, utilizing or authorizing the use or sale of, pesticides which are in violation of the FIFRA, or the Illinois Pesticide Act.

(Source: P.A. 85-177.)

(225 ILCS 235/14) (from Ch. 111 1/2, par. 2214)

(Section scheduled to be repealed on January 1, 2008)

Sec. 14. Suspension, revocation or refusal to renew license, registration or certification.

(a) Whenever the Department determines that there are reasonable grounds to believe that there has been violation of any provision of this Act or the rules or regulations issued hereunder, the Department shall give notice of the alleged violation to the person to whom the license, registration or certificate was issued, as herein provided. Such notice shall:

(1) be in writing;

(2) include a statement of the alleged violation which necessitates issuance of the notice;

(3) contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Act and the rules and regulations issued hereunder;

(4) prescribe a reasonable time as determined by the Department for the performance of any action required by the notice; and

(5) be served upon the licensee, registrant or certified technician as the case may require, provided that

such notice shall be deemed to have been properly served upon the person when a copy thereof has been sent by registered or certified mail to his last known address as furnished to the Department or when he has been served with such notice by any other method authorized by law.

(b) If the person to whom the notice is served does not comply with the terms of the notice within the time limitations specified in the notice, the Department may proceed with action to suspend, revoke or refuse to issue a license, registration or certificate as provided in this Section. Other requirements of this Act to the contrary notwithstanding, when the Department determines that reasonable grounds exist to indicate that a violation of this Act has been committed which is the third separate violation by that person in an 18-month period, the Department shall not be required to issue notice as required by subsection (a) of this Section but may proceed immediately with action to suspend, revoke or refuse to issue a license, registration or certificate.

(c) In any proceeding to suspend, revoke or refuse to issue a license, registration or certificate, the Department shall first serve or cause to be served upon the person violating this Act or the rules or regulations promulgated under this Act a written notice of the Department's intent to take action. The notice shall specify the way in which the person has failed to comply with this Act or any rules, regulations or standards of the Department. In the case of revocation or suspension, the

notice shall require the person to remove or abate the violation or objectionable condition specified in the notice within 5 days or within a longer period of time as the Department may allow. If the person fails to comply with the terms and conditions of the revocation or suspension notice within the time specified or the time extension allowed by the Department, the Department may revoke or suspend the license, registration or certification. In the case of refusal to issue a license, registration or certification, if the person fails to comply with the Act or rules, regulations or standards promulgated under the Act, the Department may refuse to issue a license, registration or certification.

(Source: P.A. 82-725.)

(225 ILCS 235/15) (from Ch. 111 1/2, par. 2215)

(Section scheduled to be repealed on January 1, 2008)

Sec. 15. Administrative hearing. The Department shall give written notice by certified or registered mail to any applicant, licensee, registrant or certified technician of the Department's intent to suspend, revoke, or refuse to issue a license, registration, or certificate or to assess a fine. Such person has a right to a hearing before the Department; however, a written notice of a request for such a hearing shall be served on the Department within 10 days of notice of such refusal, suspension, or revocation of a license, registration, or certification, or imposition of a fine. The hearing shall be

conducted by the Director, or a Hearing Officer designated in writing by the Director, to conduct the hearing. A stenographic record shall be made of the hearing and the cost borne by the Department; however, a transcription of the hearing will be made only if a person requests and shall be transcribed at the cost of such person.

The hearing shall be conducted at such place as designated by the Department.

(Source: P.A. 87-703.)

(225 ILCS 235/16) (from Ch. 111 1/2, par. 2216)

(Section scheduled to be repealed on January 1, 2008)

Sec. 16. Subpoena powers of Department or hearing officer). The Director or Hearing Officer may compel by subpoena or subpoena duces tecum the attendance and testimony of witnesses and the production of books and papers and administer oaths to witnesses. All subpoenas issued by the Director or Hearing Officer may be served as provided for in a civil action. The fees of witnesses for attendance and travel shall be the same as the fees for witnesses before the circuit court and shall be paid by the party to such proceeding at whose request the subpoena is issued. If such subpoena is issued at the request of the Department, the witness fee shall be paid as an administrative expense.

In the cases of refusal of a witness to attend or testify, or to produce books or papers, concerning any matter upon which

he might be lawfully examined, the circuit court of the county where the hearing is held, upon application of any party to the proceeding, may compel obedience by proceeding as for contempt. (Source: P.A. 83-334.)

(225 ILCS 235/17) (from Ch. 111 1/2, par. 2217)

(Section scheduled to be repealed on January 1, 2008)

Sec. 17. Deposition of witnesses; testimony at hearing recorded). In the event of the inability of any party, or the Department, to procure the attendance of witnesses to give testimony or produce books and papers, such party or the Department may take the deposition of witnesses in accordance with the laws of this State. All testimony taken at a hearing shall be reduced to writing, and all such testimony and other evidence introduced at the hearing shall be a part of the record of the hearing.

(Source: P.A. 82-725.)

(225 ILCS 235/19) (from Ch. 111 1/2, par. 2219)

(Section scheduled to be repealed on January 1, 2008)

Sec. 19. Certification of record). The Department is not required to certify any record or file any answer or otherwise appear in any proceeding for judicial review unless the party filing the complaint deposits with the clerk of the court the sum of \$1 per page representing costs of such certification. Failure on the part of the plaintiff to make such deposit shall



be grounds for dismissal of the action.

(Source: P.A. 82-725.)

(225 ILCS 235/20) (from Ch. 111 1/2, par. 2220)

(Section scheduled to be repealed on January 1, 2008)

Sec. 20. Injunction). The performance of structural pest control or the operation of a business location as defined in Section 3 of this Act within this State in violation of this Act or the rules and regulations promulgated hereunder is declared a nuisance and inimical to the public health, welfare and safety and a deceptive business practice. The Director, in the name of the people of the State, through the Attorney General or the State's Attorney of the county in which such violation occurs may, in addition to other remedies herein provided, bring an action for an injunction to restrain such violation or enjoin the future performance of structural pest control or the operating of a business location until compliance with the provisions of this Act has been obtained.

(Source: P.A. 83-825.)

(225 ILCS 235/21) (from Ch. 111 1/2, par. 2221)

(Section scheduled to be repealed on January 1, 2008)

Sec. 21. Penalty). Any person who violates this Act or any rule or regulation adopted by the Department, or who violates any determination or order of the Department under this Act shall be guilty of a Class A misdemeanor and shall be fined a

sum not less than \$100.

Each day's violation constitutes a separate offense. The State's Attorney of the county in which the violation occurred or the Attorney General shall bring such actions in the name of the people of the State of Illinois.

(Source: P.A. 82-725.)

(225 ILCS 235/21.1) (from Ch. 111 1/2, par. 2221.1)

(Section scheduled to be repealed on January 1, 2008)

Sec. 21.1. Administrative Civil Fines. The Department is empowered to assess administrative civil fines against a licensee, registrant or certified technician for violations of this Act or its rules and regulations. These fines shall be established by the Department by rule and may be assessed in addition to, or in lieu of, license, registration, or certification suspensions and revocations. Rules to implement this Section shall be proposed by the Department by January 1, 1993.

The amount of these fines shall be determined by the hearing officer upon determination that a violation or violations of the Act or rules has occurred. Any fine assessed and not paid within 60 days of notice from the Department may be submitted to the Attorney General's Office for collection. Failure to pay a fine shall also be grounds for immediate suspension or revocation of a license, registration, or certification issued under this Act.

(Source: P.A. 87-703.)

(225 ILCS 235/22) (from Ch. 111 1/2, par. 2222)

(Section scheduled to be repealed on January 1, 2008)

Sec. 22. Scope of Act). The provisions of this Act apply to any structural pest control operations performed by the State or agency thereof. However, the State or agency thereof or any unit of local government shall not be required to pay any fees, nor shall the employees thereof be required to pay any fees for examination, certification or renewal of certification in the sub-categories of either (f) or (g) specified in Section 7 of this Act.

This Act does not apply to any person certified by the Illinois Department of Agriculture to use restricted pesticides in structures on his own individual property.

(Source: P.A. 82-725.)

(225 ILCS 235/23) (from Ch. 111 1/2, par. 2223)

(Section scheduled to be repealed on January 1, 2008)

Sec. 23. Judicial review of final administrative decision). The Administrative Review Law, as amended, and the rules adopted under the Administrative Review Law, apply to and govern all proceedings for judicial review of final administrative decisions of the Department under this Act. Such judicial review shall be had in the circuit court of the county in which the cause of action arose. The term "Administrative

decision" is defined as in Section 3-101 of the Code of Civil Procedure.

(Source: P.A. 82-783.)

(225 ILCS 235/23.1) (from Ch. 111 1/2, par. 2223.1)

(Section scheduled to be repealed on January 1, 2008)

Sec. 23.1. The provisions of the Illinois Administrative Procedure Act are hereby expressly adopted and shall apply to all administrative rules and procedures of the Department of Public Health under this Act, except that in case of conflict between the Illinois Administrative Procedure Act and this Act the provisions of this Act shall control, and except that Section 5-35 of the Illinois Administrative Procedure Act relating to procedures for rule-making does not apply to the adoption of any rule required by federal law in connection with which the Department is precluded by law from exercising any discretion.

(Source: P.A. 88-45.)

(225 ILCS 235/24) (from Ch. 111 1/2, par. 2224)

(Section scheduled to be repealed on January 1, 2008)

Sec. 24. Severability clause). If any part of this Act is adjudged invalid, such adjudication shall not affect the validity of the Act as a whole or of any other part.

(Source: P.A. 82-725.)

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(225 ILCS 235/25) (from Ch. 111 1/2, par. 2225)

(Section scheduled to be repealed on January 1, 2008)

Sec. 25. The provisions of "The Illinois Administrative Procedure Act", approved September 22, 1975, are hereby expressly adopted and shall apply to all administrative rules and procedures of the Department of Public Health under this Act.

(Source: P.A. 82-725.)

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

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Statutes amended in order of appearance

5 ILCS 80/4.18

5 ILCS 80/4.19b

225 ILCS 235/26 new

225 ILCS 235/Act title            Structural Pest Control Act.

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225 ILCS 235/2                    from Ch. 111 1/2, par. 2202

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225 ILCS 235/3.01                from Ch. 111 1/2, par. 2203.01

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