

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 Illinois Pesticide Act is amended by  
5 changing Sections 4, 12, and 14 as follows:

6 (415 ILCS 60/4) (from Ch. 5, par. 804)

7 Sec. 4. Definitions. As used in this Act:

8 1. "Director" means Director of the Illinois Department of  
9 Agriculture or his authorized representative.

10 2. "Active Ingredient" means any ingredient which will  
11 prevent, destroy, repel, control or mitigate a pest or which  
12 will act as a plant regulator, defoliant or desiccant.

13 3. "Adulterated" shall apply to any pesticide if the  
14 strength or purity is not within the standard of quality  
15 expressed on the labeling under which it is sold, distributed  
16 or used, including any substance which has been substituted  
17 wholly or in part for the pesticide as specified on the  
18 labeling under which it is sold, distributed or used, or if any  
19 valuable constituent of the pesticide has been wholly or in  
20 part abstracted.

21 4. "Agricultural Commodity" means produce of the land,  
22 including, but not limited to, plants and plant parts,  
23 livestock and poultry and livestock or poultry products,

1 seeds, sod, shrubs and other products of agricultural origin  
2 including the premises necessary to and used directly in  
3 agricultural production. Agricultural commodity also includes  
4 aquatic products, including any aquatic plants and animals or  
5 their by-products that are produced, grown, managed, harvested  
6 and marketed on an annual, semi-annual, biennial or short-term  
7 basis, in permitted aquaculture facilities.

8 5. "Animal" means all vertebrate and invertebrate species  
9 including, but not limited to, man and other mammals, birds,  
10 fish, and shellfish.

11 5.5. "Barrier mosquitocide" means a pesticide that is  
12 formulated to kill adult mosquitoes and that is applied so as  
13 to leave a residual mosquitocidal coating on natural or  
14 manmade surfaces. "Barrier mosquitocide" does not include a  
15 product that is exempt from registration under the Federal  
16 Insecticide, Fungicide, and Rodenticide Act, or rules adopted  
17 pursuant to that Act.

18 5.6. "Barrier mosquitocide treatment" means application of  
19 a barrier mosquitocide to a natural or manmade surface.

20 6. "Beneficial Insects" means those insects which during  
21 their life cycle are effective pollinators of plants,  
22 predators of pests or are otherwise beneficial.

23 7. "Certified applicator".

24 A. "Certified applicator" means any individual who is  
25 certified under this Act to purchase, use, or supervise  
26 the use of pesticides which are classified for restricted

1 use.

2 B. "Private applicator" means a certified applicator  
3 who purchases, uses, or supervises the use of any  
4 pesticide classified for restricted use, for the purpose  
5 of producing any agricultural commodity on property owned,  
6 rented, or otherwise controlled by him or his employer, or  
7 applied to other property if done without compensation  
8 other than trading of personal services between no more  
9 than 2 producers of agricultural commodities.

10 C. "Licensed Commercial Applicator" means a certified  
11 applicator, whether or not he is a private applicator with  
12 respect to some uses, who owns or manages a business that  
13 is engaged in applying pesticides, whether classified for  
14 general or restricted use, for hire. The term also applies  
15 to a certified applicator who uses or supervises the use  
16 of pesticides, whether classified for general or  
17 restricted use, for any purpose or on property of others  
18 excluding those specified by subparagraphs 7 (B), (D), (E)  
19 of Section 4 of this Act.

20 D. "Commercial Not For Hire Applicator" means a  
21 certified applicator who uses or supervises the use of  
22 pesticides classified for general or restricted use for  
23 any purpose on property of an employer when such activity  
24 is a requirement of the terms of employment and such  
25 application of pesticides under this certification is  
26 limited to property under the control of the employer only

1 and includes, but is not limited to, the use or  
2 supervision of the use of pesticides in a greenhouse  
3 setting. "Commercial Not For Hire Applicator" also  
4 includes a certified applicator who uses or supervises the  
5 use of pesticides classified for general or restricted use  
6 as an employee of a state agency, municipality, or other  
7 duly constituted governmental agency or unit.

8 8. "Defoliant" means any substance or combination of  
9 substances which cause leaves or foliage to drop from a plant  
10 with or without causing abscission.

11 9. "Desiccant" means any substance or combination of  
12 substances intended for artificially accelerating the drying  
13 of plant tissue.

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

20 11. "Distribute" means offer or hold for sale, sell,  
21 barter, ship, deliver for shipment, receive and then deliver,  
22 or offer to deliver pesticides, within the State.

23 12. "Environment" includes water, air, land, and all  
24 plants and animals including man, living therein and the  
25 interrelationships which exist among these.

26 13. "Equipment" means any type of instruments and

1 contrivances using motorized, mechanical or pressure power  
2 which is used to apply any pesticide, excluding pressurized  
3 hand-size household apparatus containing dilute ready to apply  
4 pesticide or used to apply household pesticides.

5 14. "FIFRA" means the Federal Insecticide, Fungicide, and  
6 Rodenticide Act, as amended.

7 15. "Fungi" means any non-chlorophyll bearing  
8 thallophytes, any non-chlorophyll bearing plant of a lower  
9 order than mosses or liverworts, as for example rust, smut,  
10 mildew, mold, yeast and bacteria, except those on or in living  
11 animals including man and those on or in processed foods,  
12 beverages or pharmaceuticals.

13 16. "Household Substance" means any pesticide customarily  
14 produced and distributed for use by individuals in or about  
15 the household.

16 17. "Imminent Hazard" means a situation which exists when  
17 continued use of a pesticide would likely result in  
18 unreasonable adverse effects on the environment or will  
19 involve unreasonable hazard to the survival of a species  
20 declared endangered by the U.S. Secretary of the Interior or  
21 to species declared to be protected by the Illinois Department  
22 of Natural Resources.

23 18. "Inert Ingredient" means an ingredient which is not an  
24 active ingredient.

25 19. "Ingredient Statement" means a statement of the name  
26 and percentage of each active ingredient together with the

1 total percentage of inert ingredients in a pesticide and for  
2 pesticides containing arsenic in any form, the ingredient  
3 statement shall include percentage of total and water soluble  
4 arsenic, each calculated as elemental arsenic. In the case of  
5 spray adjuvants the ingredient statement need contain only the  
6 names of the functioning agents and the total percent of those  
7 constituents ineffective as spray adjuvants.

8 20. "Insect" means any of the numerous small invertebrate  
9 animals generally having the body more or less obviously  
10 segmented for the most part belonging to the class Insects,  
11 comprised of six-legged, usually winged forms, as for example  
12 beetles, caterpillars, and flies. This definition encompasses  
13 other allied classes of arthropods whose members are wingless  
14 and usually have more than 6 legs as for example spiders,  
15 mites, ticks, centipedes, and millipedes.

16 21. "Label" means the written, printed or graphic matter  
17 on or attached to the pesticide or device or any of its  
18 containers or wrappings.

19 22. "Labeling" means the label and all other written,  
20 printed or graphic matter: (a) on the pesticide or device or  
21 any of its containers or wrappings, (b) accompanying the  
22 pesticide or device or referring to it in any other media used  
23 to disseminate information to the public, (c) to which  
24 reference is made to the pesticide or device except when  
25 references are made to current official publications of the U.  
26 S. Environmental Protection Agency, Departments of

1 Agriculture, Health, Education and Welfare or other Federal  
2 Government institutions, the state experiment station or  
3 colleges of agriculture or other similar state institution  
4 authorized to conduct research in the field of pesticides.

5 23. "Land" means all land and water area including  
6 airspace, and all plants, animals, structures, buildings,  
7 contrivances, and machinery appurtenant thereto or situated  
8 thereon, fixed or mobile, including any used for  
9 transportation.

10 24. "Licensed large-scale operator ~~Operator~~" means a  
11 person who is employed to apply pesticides to the lands of  
12 others under the direction of a "licensed commercial  
13 applicator" or a "licensed commercial not-for-hire applicator"  
14 and who applies pesticides with large-scale application  
15 equipment, such as boom sprayers or tractor-mounted spray  
16 equipment, or other large-scale application equipment as  
17 further prescribed by the Department of Agriculture by rule.

18 24.5. "Licensed small-scale operator" means a person who  
19 is employed to apply pesticides to the lands of others under  
20 the direction of a licensed commercial applicator or a  
21 licensed commercial not-for-hire applicator and who applies  
22 pesticides with equipment other than the large-scale  
23 application equipment used by licensed large-scale operators.

24 25. "Nematode" means invertebrate animals of the phylum  
25 nemathelminthes and class nematoda, also referred to as nemas  
26 or eelworms, which are unsegmented roundworms with elongated

1 fusiform or sac-like bodies covered with cuticle and  
2 inhabiting soil, water, plants or plant parts.

3 26. "Permit" means a written statement issued by the  
4 Director or his authorized agent, authorizing certain acts of  
5 pesticide purchase or of pesticide use or application on an  
6 interim basis prior to normal certification, registration, or  
7 licensing.

8 27. "Person" means any individual, partnership,  
9 association, fiduciary, corporation, or any organized group of  
10 persons whether incorporated or not.

11 28. "Pest" means (a) any insect, rodent, nematode, fungus,  
12 weed, or (b) any other form of terrestrial or aquatic plant or  
13 animal life or virus, bacteria, or other microorganism,  
14 excluding virus, bacteria, or other microorganism on or in  
15 living animals including man, which the Director declares to  
16 be a pest.

17 29. "Pesticide" means any substance or mixture of  
18 substances intended for preventing, destroying, repelling, or  
19 mitigating any pest or any substance or mixture of substances  
20 intended for use as a plant regulator, defoliant or desiccant.

21 30. "Pesticide Dealer" means any person who distributes  
22 registered pesticides to the user.

23 31. "Plant Regulator" means any substance or mixture of  
24 substances intended through physiological action to affect the  
25 rate of growth or maturation or otherwise alter the behavior  
26 of ornamental or crop plants or the produce thereof. This does

1 not include substances which are not intended as plant  
2 nutrient trace elements, nutritional chemicals, plant or seed  
3 inoculants or soil conditioners or amendments.

4 32. "Protect Health and Environment" means to guard  
5 against any unreasonable adverse effects on the environment.

6 33. "Registrant" means a person who has registered any  
7 pesticide pursuant to the provision of FIFRA and this Act.

8 34. "Restricted Use Pesticide" means any pesticide with  
9 one or more of its uses classified as restricted by order of  
10 the Administrator of USEPA.

11 35. "SLN Registration" means registration of a pesticide  
12 for use under conditions of special local need as defined by  
13 FIFRA.

14 36. "State Restricted Pesticide Use" means any pesticide  
15 use which the Director determines, subsequent to public  
16 hearing, that an additional restriction for that use is needed  
17 to prevent unreasonable adverse effects.

18 37. "Structural Pest" means any pests which attack and  
19 destroy buildings and other structures or which attack  
20 clothing, stored food, commodities stored at food  
21 manufacturing and processing facilities or manufactured and  
22 processed goods.

23 38. "Unreasonable Adverse Effects on the Environment"  
24 means the unreasonable risk to the environment, including man,  
25 from the use of any pesticide, when taking into account  
26 accrued benefits of as well as the economic, social, and

1 environmental costs of its use.

2 39. "USEPA" means United States Environmental Protection  
3 Agency.

4 40. "Use inconsistent with the label" means to use a  
5 pesticide in a manner not consistent with the label  
6 instruction, the definition adopted in FIFRA as interpreted by  
7 USEPA shall apply in Illinois.

8 41. "Weed" means any plant growing in a place where it is  
9 not wanted.

10 42. "Wildlife" means all living things, not human,  
11 domestic, or pests.

12 43. "Bulk pesticide" means any registered pesticide which  
13 is transported or held in an individual container in undivided  
14 quantities of greater than 55 U.S. gallons liquid measure or  
15 100 pounds net dry weight.

16 44. "Bulk repackaging" means the transfer of a registered  
17 pesticide from one bulk container (containing undivided  
18 quantities of greater than 100 U.S. gallons liquid measure or  
19 100 pounds net dry weight) to another bulk container  
20 (containing undivided quantities of greater than 100 U.S.  
21 gallons liquid measure or 100 pounds net dry weight) in an  
22 unaltered state in preparation for sale or distribution to  
23 another person.

24 45. "Business" means any individual, partnership,  
25 corporation or association engaged in a business operation for  
26 the purpose of selling or distributing pesticides or providing

1 the service of application of pesticides in this State.

2 46. "Facility" means any building or structure and all  
3 real property contiguous thereto, including all equipment  
4 fixed thereon used for the operation of the business.

5 47. "Chemigation" means the application of a pesticide  
6 through the systems or equipment employed for the primary  
7 purpose of irrigation of land and crops.

8 48. "Use" means any activity covered by the pesticide  
9 label, including, but not limited to, application of  
10 pesticide, mixing and loading, storage of pesticides or  
11 pesticide containers, disposal of pesticides and pesticide  
12 containers and reentry into treated sites or areas.

13 (Source: P.A. 102-555, eff. 1-1-22; 102-916, eff. 1-1-23;  
14 103-154, eff. 6-30-23.)

15 (415 ILCS 60/12) (from Ch. 5, par. 812)

16 Sec. 12. Licensed operator. No pesticide operator shall  
17 use any pesticides without a pesticide operator license issued  
18 by the Director.

19 1. Application for an operator license shall be made in  
20 writing on designated forms available from the Director. Each  
21 application shall contain information regarding the nature of  
22 applicants pesticide use, his qualifications, and such other  
23 facts as prescribed on the form. The application shall also  
24 include the following:

25 A. The full name of applicant.

1           B. The address of the applicant.

2           C. The name of and license/certification number of the  
3           pesticide applicator under whom the applicant will work.

4           2. The Director shall not issue a pesticide operator  
5           license until the individual identified has demonstrated his  
6           competence and knowledge regarding pesticide use in accordance  
7           with Section 9 of this Act. The Director shall issue separate  
8           certification tests for both licensed large-scale operators  
9           and licensed small-scale operators based on the rules and  
10          regulations prescribed for each by the Department of  
11          Agriculture.

12          3. The Director shall not issue an operator license to any  
13          person who is unable to provide the name and  
14          license/certification number of an applicator under whom the  
15          operator will work.

16          4. For the years preceding the year 2001, a licensed  
17          commercial operator working for or under the supervision of a  
18          certified licensed commercial pesticide applicator shall pay  
19          an annual fee of \$25. For the years 2001, 2002, and 2003, the  
20          annual fee for a commercial operator license is \$30. For the  
21          years 2004, 2005, and 2006, the annual fee for a commercial  
22          operator license is \$35. For the years 2007 through 2017, the  
23          annual fee for a commercial operator license is \$40. For the  
24          years 2018 through 2023, the fee for a multi-year commercial  
25          operator license is \$120. For the years 2024 and thereafter,  
26          the fee for a multi-year commercial operator license is \$180.

1 The late application fee for an operator license shall be \$20  
2 in addition to the normal license fee. A licensed operator  
3 shall be assessed a fee of \$10 for a duplicate license.

4 5. For the years 2011 through 2017, the commercial  
5 not-for-hire pesticide operator license fee shall be \$15. For  
6 the years 2018 through 2023, the fee for a multi-year  
7 commercial not-for-hire pesticide operator license is \$45. For  
8 the years 2024 and thereafter, the fee for a multi-year  
9 commercial not-for-hire pesticide operator license is \$90. The  
10 late application fee for a commercial not-for-hire operator  
11 license shall be \$20 in addition to the normal license fee. A  
12 commercial not-for-hire operator shall be assessed a fee of  
13 \$10 for a duplicate license.

14 (Source: P.A. 103-441, eff. 1-1-24.)

15 (415 ILCS 60/14) (from Ch. 5, par. 814)

16 Sec. 14. Unlawful acts.

17 1. The following are violations of this Act, if any  
18 person:

19 A. Made false or fraudulent claims through any media  
20 misrepresenting the effect of pesticides or methods.

21 B. Applied known ineffective or improper pesticides.

22 C. Applied pesticides in a faulty, careless, or  
23 negligent manner.

24 D. Used or made recommendation for use of a pesticide  
25 inconsistent with the labeling of the pesticide.

1           E. Neglected, or after notice in writing, refused, to  
2           comply with provisions of this Act, the regulations  
3           adopted hereunder, or of any lawful order of the Director,  
4           including the limitations specified in a duly issued  
5           permit, certification, or registration.

6           F. Failed to keep and maintain records required by  
7           this Act or failed to make reports when and as required or  
8           made false or fraudulent records or reports.

9           G. Used or supervised the use of a pesticide without  
10          qualifying as a certified applicator, licensed small-scale  
11          operator, or licensed large-scale operator.

12          H. Used fraud or misrepresentation in making  
13          application for, or renewal of, any license, permit,  
14          certification, or registration or in demonstration of  
15          competence.

16          I. Aided or abetted a person to evade provisions of  
17          this Act, conspired with any person to evade provisions of  
18          this Act or allowed a license, permit, certification or  
19          registration to be used by another person.

20          J. Impersonated any federal, state, county, or city  
21          official.

22          K. Purchased pesticides by using another person's  
23          license or using or purchasing pesticides outside of a  
24          specific category for which that person is licensed or any  
25          other misrepresentation.

26          L. Fails to comply with the rules and regulations

1           adopted under the authority of this Act.

2           2. Except as provided in Section 14 (2G), it is unlawful  
3 for any person to distribute in the State the following:

4           A. A pesticide not registered pursuant to provisions  
5 of this Act.

6           B. Any pesticide, if any claim made for it, use  
7 recommendation, other labeling or formulation, differs  
8 from the representations made in connection with  
9 registration. However, a change in labeling or formulation  
10 may be made within a registration if the change does not  
11 violate provisions of FIFRA or this Act.

12           C. Any pesticide unless in the registrants unbroken  
13 container.

14           D. Any pesticide container to which all label  
15 information required under provisions of this Act has not  
16 been securely affixed.

17           E. Any pesticide which is adulterated or misbranded or  
18 any device which is misbranded.

19           F. Any pesticide in a container which, due to damage,  
20 is hazardous to handle and store.

21           G. It shall not be unlawful to distribute pesticides  
22 "in bulk" provided such distribution does not violate the  
23 provisions of this Act, the Rules and Regulations under  
24 this Act, or FIFRA.

25           3. It shall be unlawful:

26           A. To sell any pesticide labeled for restricted use to

1 any applicator not certified, unless such applicator has a  
2 valid permit authorizing purchase under a special  
3 exemption from certification requirements.

4 B. To handle, store, display, use or distribute  
5 pesticides in such manner as to endanger man and his  
6 environment, to endanger food, feed or other products that  
7 may be stored, displayed or distributed with such  
8 pesticides.

9 C. To use, dispose of, discard, or store pesticides or  
10 their containers in such a manner as to endanger public  
11 health and the environment or to pollute water supplies.

12 D. To use for personal advantage, reveal to persons,  
13 other than the Director designee or properly designated  
14 official of other jurisdictions, or to a physician or  
15 other qualified person in cases of emergency for  
16 preparation of an antidote any information judged as  
17 relating to trade secrets. To use or reveal a financial  
18 information obtained by authority or marked as privileged  
19 or confidential by a registrant.

20 E. To sell any pesticide labeled for restricted use  
21 over an Internet website to an Illinois resident who is  
22 not a certified pesticide applicator as provided under  
23 Section 11 of this Act.

24 F. To apply a restricted use pesticide on or within  
25 500 feet of school property during normal hours, except  
26 for whole structure fumigation. However, if the pesticide

1 application information listed on the pesticide label is  
2 more restrictive than this paragraph (F), then the more  
3 restrictive provision shall apply. The Department of  
4 Agriculture shall adopt rules necessary to implement the  
5 provisions of this paragraph (F). As used in this  
6 paragraph (F), "normal school hours" means Monday through  
7 Friday from 7 a.m. until 4 p.m., excluding days when  
8 classes are not in session.

9 4. Exemptions from the violation provisions of this Act  
10 are as follows:

11 A. Carriers lawfully engaged in transporting  
12 pesticides within this State, provided that such carrier  
13 shall upon request permit the Director to copy all records  
14 showing transactions in the movement of the pesticide or  
15 device.

16 B. Public officials of this State or the federal  
17 government while engaged in the performance of official  
18 duties in administration of pesticide laws or regulations.

19 C. Persons who ship a substance or mixture of  
20 substances being tested for the purpose of determining its  
21 value for pesticide use, to determine its toxicity or  
22 other properties and from which such user does not derive  
23 any benefit in pest control from its use.

24 5. No pesticide or device shall be deemed in violation of  
25 this Act when intended solely for export to a foreign country.  
26 If it is not exported all the provisions of this Act shall

1 apply.

2 (Source: P.A. 102-548, eff. 1-1-22.)