



Sen. Julie A. Morrison

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10400SB3200sam001

LRB104 18429 TRT 35486 a

1 AMENDMENT TO SENATE BILL 3200

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3200 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pesticide Act is amended by  
5 changing Section 4 and by adding Section 13.6 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

1 wholly or in part for the pesticide as specified on the  
2 labeling under which it is sold, distributed or used, or if any  
3 valuable constituent of the pesticide has been wholly or in  
4 part abstracted.

5 4. "Agricultural Commodity" means produce of the land,  
6 including, but not limited to, plants and plant parts,  
7 livestock and poultry and livestock or poultry products,  
8 seeds, sod, shrubs and other products of agricultural origin  
9 including the premises necessary to and used directly in  
10 agricultural production. Agricultural commodity also includes  
11 aquatic products, including any aquatic plants and animals or  
12 their by-products that are produced, grown, managed, harvested  
13 and marketed on an annual, semi-annual, biennial or short-term  
14 basis, in permitted aquaculture facilities.

15 5. "Animal" means all vertebrate and invertebrate species  
16 including, but not limited to, man and other mammals, birds,  
17 fish, and shellfish.

18 5.5. "Barrier mosquitocide" means a pesticide that is  
19 formulated to kill adult mosquitoes and that is applied so as  
20 to leave a residual mosquitocidal coating on natural or  
21 manmade surfaces. "Barrier mosquitocide" does not include a  
22 product that is exempt from registration under the Federal  
23 Insecticide, Fungicide, and Rodenticide Act, or rules adopted  
24 pursuant to that Act.

25 5.6. "Barrier mosquitocide treatment" means application of  
26 a barrier mosquitocide to a natural or manmade surface.

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

4           7. "Certified applicator".

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

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

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

1           D. "Commercial Not For Hire Applicator" means a  
2 certified applicator who uses or supervises the use of  
3 pesticides classified for general or restricted use for  
4 any purpose on property of an employer when such activity  
5 is a requirement of the terms of employment and such  
6 application of pesticides under this certification is  
7 limited to property under the control of the employer only  
8 and includes, but is not limited to, the use or  
9 supervision of the use of pesticides in a greenhouse  
10 setting. "Commercial Not For Hire Applicator" also  
11 includes a certified applicator who uses or supervises the  
12 use of pesticides classified for general or restricted use  
13 as an employee of a state agency, municipality, or other  
14 duly constituted governmental agency or unit.

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

18           9. "Desiccant" means any substance or combination of  
19 substances intended for artificially accelerating the drying  
20 of plant tissue.

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

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

4           12. "Environment" includes water, air, land, and all  
5           plants and animals including man, living therein and the  
6           interrelationships which exist among these.

7           13. "Equipment" means any type of instruments and  
8           contrivances using motorized, mechanical or pressure power  
9           which is used to apply any pesticide, excluding pressurized  
10          hand-size household apparatus containing dilute ready to apply  
11          pesticide or used to apply household pesticides.

12          14. "FIFRA" means the Federal Insecticide, Fungicide, and  
13          Rodenticide Act, as amended.

14          15. "Fungi" means any non-chlorophyll bearing  
15          thallophytes, any non-chlorophyll bearing plant of a lower  
16          order than mosses or liverworts, as for example rust, smut,  
17          mildew, mold, yeast and bacteria, except those on or in living  
18          animals including man and those on or in processed foods,  
19          beverages or pharmaceuticals.

20          16. "Household Substance" means any pesticide customarily  
21          produced and distributed for use by individuals in or about  
22          the household.

23          17. "Imminent Hazard" means a situation which exists when  
24          continued use of a pesticide would likely result in  
25          unreasonable adverse effects on the environment or will  
26          involve unreasonable hazard to the survival of a species

1 declared endangered by the U.S. Secretary of the Interior or  
2 to species declared to be protected by the Illinois Department  
3 of Natural Resources.

4 18. "Inert Ingredient" means an ingredient which is not an  
5 active ingredient.

6 19. "Ingredient Statement" means a statement of the name  
7 and percentage of each active ingredient together with the  
8 total percentage of inert ingredients in a pesticide and for  
9 pesticides containing arsenic in any form, the ingredient  
10 statement shall include percentage of total and water soluble  
11 arsenic, each calculated as elemental arsenic. In the case of  
12 spray adjuvants the ingredient statement need contain only the  
13 names of the functioning agents and the total percent of those  
14 constituents ineffective as spray adjuvants.

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

23 21. "Label" means the written, printed or graphic matter  
24 on or attached to the pesticide or device or any of its  
25 containers or wrappings.

26 22. "Labeling" means the label and all other written,

1 printed or graphic matter: (a) on the pesticide or device or  
2 any of its containers or wrappings, (b) accompanying the  
3 pesticide or device or referring to it in any other media used  
4 to disseminate information to the public, (c) to which  
5 reference is made to the pesticide or device except when  
6 references are made to current official publications of the U.  
7 S. Environmental Protection Agency, Departments of  
8 Agriculture, Health, Education and Welfare or other Federal  
9 Government institutions, the state experiment station or  
10 colleges of agriculture or other similar state institution  
11 authorized to conduct research in the field of pesticides.

12 23. "Land" means all land and water area including  
13 airspace, and all plants, animals, structures, buildings,  
14 contrivances, and machinery appurtenant thereto or situated  
15 thereon, fixed or mobile, including any used for  
16 transportation.

17 24. "Licensed Operator" means a person employed to apply  
18 pesticides to the lands of others under the direction of a  
19 "licensed commercial applicator" or a "licensed commercial  
20 not-for-hire applicator".

21 25. "Nematode" means invertebrate animals of the phylum  
22 nemathelminthes and class nematoda, also referred to as nemas  
23 or eelworms, which are unsegmented roundworms with elongated  
24 fusiform or sac-like bodies covered with cuticle and  
25 inhabiting soil, water, plants or plant parts.

26 26. "Permit" means a written statement issued by the

1 Director or his authorized agent, authorizing certain acts of  
2 pesticide purchase or of pesticide use or application on an  
3 interim basis prior to normal certification, registration, or  
4 licensing.

5 27. "Person" means any individual, partnership,  
6 association, fiduciary, corporation, or any organized group of  
7 persons whether incorporated or not.

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

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

18 30. "Pesticide Dealer" means any person who distributes  
19 registered pesticides to the user.

20 31. "Plant Regulator" means any substance or mixture of  
21 substances intended through physiological action to affect the  
22 rate of growth or maturation or otherwise alter the behavior  
23 of ornamental or crop plants or the produce thereof. This does  
24 not include substances which are not intended as plant  
25 nutrient trace elements, nutritional chemicals, plant or seed  
26 inoculants or soil conditioners or amendments.

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

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

5           34. "Restricted Use Pesticide" means (i) any pesticide  
6 with one or more of its uses classified as restricted by order  
7 of the Administrator of USEPA or the Director or (ii) any  
8 pesticide that contains a neonicotinoid. "Restricted Use  
9 Pesticide" does not include a pesticide containing a  
10 neonicotinoid that is applied by a licensed applicator or  
11 certified technician working in structural pest control.

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

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

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

24           38. "Unreasonable Adverse Effects on the Environment"  
25 means the unreasonable risk to the environment, including man,  
26 from the use of any pesticide, when taking into account

1 accrued benefits of as well as the economic, social, and  
2 environmental costs of its use.

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

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

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

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

13 43. "Bulk pesticide" means any registered pesticide which  
14 is transported or held in an individual container in undivided  
15 quantities of greater than 55 U.S. gallons liquid measure or  
16 100 pounds net dry weight.

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

25 45. "Business" means any individual, partnership,  
26 corporation or association engaged in a business operation for

1 the purpose of selling or distributing pesticides or providing  
2 the service of application of pesticides in this State.

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

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

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

14 49. "Education course" means a course approved by the  
15 Department of Agriculture that may be used by a certified  
16 applicator, licensed operator, or registered pesticide dealer  
17 to meet renewal requirements under the Act.

18 50. "License transfer" means the transfer of an existing  
19 license or certification by the Department from one certified  
20 applicator or operator to another certified applicator or  
21 operator for the period of time remaining on the license  
22 before renewal.

23 51. "Neonicotinoid" means any pesticide, excluding any  
24 wood preservative pesticide, that contains clothianidin,  
25 imidacloprid, thiamethoxam, dinotefuran, acetamiprid,  
26 thiacloprid, nithiazine, nitenpyram, or any other

1 neonicotinoid that may be identified by rule adopted by the  
2 Department of Agriculture.

3 52. "Ornamental plant" means a plant that is perennial,  
4 annual, grass, or ground cover and that is purposefully  
5 planted for aesthetic reasons.

6 (Source: P.A. 103-154, eff. 6-30-23; 104-363, eff. 1-1-26.)

7 (415 ILCS 60/13.6 new)

8 Sec. 13.6. Neonicotinoids.

9 (a) In this Section, "zoophilous species" means any  
10 species of plants pollinated by insects, birds, or bats.

11 (b) Beginning July 1, 2027, a pesticide containing a  
12 neonicotinoid may not be used on an ornamental plant unless:

13 (1) the pesticide is used outdoors for:

14 (A) structural pest control; or

15 (B) abatement of nonnative insect borers, such as  
16 Agrilus planipennis or related or similar insect  
17 pests;

18 (2) the abatement application of the pesticide is  
19 restricted to:

20 (A) basal bark spray;

21 (B) basal drench solely at the base of a tree;

22 (C) soil injection solely at the base of a tree; or

23 (D) systemic root flare or trunk injection;

24 (3) no broadcast soil treatment of the pesticide,  
25 foliar spraying of the pesticide, or dusting of the

1 pesticide is used; and

2 (4) the abatement application of the pesticide to a  
3 zoophilous species occurs after the blooming period has  
4 passed and early enough to ensure that chemical  
5 decomposition occurs before the following bloom season.

6 (c) The Department of Agriculture, the Department of  
7 Public Health, the Environmental Protection Agency, or any  
8 combination of those agencies under the authorities vested in  
9 those agencies under Section 3 of this Act may adopt rules  
10 conforming with this Section and with the changes made by this  
11 amendatory Act of the 104th General Assembly.

12 (d) Notwithstanding subsection (b), beginning July 1,  
13 2027, the Department of Agriculture may grant a temporary  
14 waiver allowing, for a period not to exceed 2 years, the use of  
15 a pesticide containing a neonicotinoid on ornamental plants or  
16 for the treatment of seeds of ornamental plants, if the  
17 Department determines that:

18 (1) the applicant demonstrates that compliance with  
19 the restrictions in subsection (b) creates an undue  
20 hardship for the applicant or that there is no effective,  
21 commercially available alternative pesticide or pest  
22 management practice reasonably available;

23 (2) the use of a pesticide containing a neonicotinoid  
24 is necessary to address a documented pest infestation or  
25 plant health emergency; and

26 (3) the application of the pesticide containing a

1       neonicotinoid is conducted in a manner that minimizes  
2       exposure to pollinators and other beneficial insects.

3       No waiver issued under this subsection may extend beyond  
4       July 1, 2029. The Department of Agriculture may adopt rules  
5       establishing procedures for application, approval, and renewal  
6       of waivers under this subsection.

7           Section 95. No acceleration or delay. Where this Act makes  
8       changes in a statute that is represented in this Act by text  
9       that is not yet or no longer in effect (for example, a Section  
10      represented by multiple versions), the use of that text does  
11      not accelerate or delay the taking effect of (i) the changes  
12      made by this Act or (ii) provisions derived from any other  
13      Public Act.

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