

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 Section 4 and by adding Sections 13.4 and 13.5 as
6 follows:

7 (415 ILCS 60/4) (from Ch. 5, par. 804)

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

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

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

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

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

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

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

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

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

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

24 7. "Certified applicator".

25 A. "Certified applicator" means any individual who is
26 certified under this Act to purchase, use, or supervise

1 the use of pesticides which are classified for restricted
2 use.

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

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

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

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

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

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

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

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

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

1 13. "Equipment" means any type of instruments and
2 contrivances using motorized, mechanical or pressure power
3 which is used to apply any pesticide, excluding pressurized
4 hand-size household apparatus containing dilute ready to apply
5 pesticide or used to apply household pesticides.

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

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

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

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

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

26 19. "Ingredient Statement" means a statement of the name

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

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

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

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

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

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

11 24. "Licensed Operator" means a person employed to apply
12 pesticides to the lands of others under the direction of a
13 "licensed commercial applicator" or a "licensed commercial
14 not-for-hire applicator".

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

20 26. "Permit" means a written statement issued by the
21 Director or his authorized agent, authorizing certain acts of
22 pesticide purchase or of pesticide use or application on an
23 interim basis prior to normal certification, registration, or
24 licensing.

25 27. "Person" means any individual, partnership,
26 association, fiduciary, corporation, or any organized group of

1 persons whether incorporated or not.

2 28. "Pest" means (a) any insect, rodent, nematode, fungus,
3 weed, or (b) any other form of terrestrial or aquatic plant or
4 animal life or virus, bacteria, or other microorganism,
5 excluding virus, bacteria, or other microorganism on or in
6 living animals including man, which the Director declares to
7 be a pest.

8 29. "Pesticide" means any substance or mixture of
9 substances intended for preventing, destroying, repelling, or
10 mitigating any pest or any substance or mixture of substances
11 intended for use as a plant regulator, defoliant or desiccant.

12 30. "Pesticide Dealer" means any person who distributes
13 registered pesticides to the user.

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

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

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

25 34. "Restricted Use Pesticide" means any pesticide with
26 one or more of its uses classified as restricted by order of

1 the Administrator of USEPA.

2 35. "SLN Registration" means registration of a pesticide
3 for use under conditions of special local need as defined by
4 FIFRA.

5 36. "State Restricted Pesticide Use" means any pesticide
6 use which the Director determines, subsequent to public
7 hearing, that an additional restriction for that use is needed
8 to prevent unreasonable adverse effects.

9 37. "Structural Pest" means any pests which attack and
10 destroy buildings and other structures or which attack
11 clothing, stored food, commodities stored at food
12 manufacturing and processing facilities or manufactured and
13 processed goods.

14 38. "Unreasonable Adverse Effects on the Environment"
15 means the unreasonable risk to the environment, including man,
16 from the use of any pesticide, when taking into account
17 accrued benefits of as well as the economic, social, and
18 environmental costs of its use.

19 39. "USEPA" means United States Environmental Protection
20 Agency.

21 40. "Use inconsistent with the label" means to use a
22 pesticide in a manner not consistent with the label
23 instruction, the definition adopted in FIFRA as interpreted by
24 USEPA shall apply in Illinois.

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

1 42. "Wildlife" means all living things, not human,
2 domestic, or pests.

3 43. "Bulk pesticide" means any registered pesticide which
4 is transported or held in an individual container in undivided
5 quantities of greater than 55 U.S. gallons liquid measure or
6 100 pounds net dry weight.

7 44. "Bulk repackaging" means the transfer of a registered
8 pesticide from one bulk container (containing undivided
9 quantities of greater than 100 U.S. gallons liquid measure or
10 100 pounds net dry weight) to another bulk container
11 (containing undivided quantities of greater than 100 U.S.
12 gallons liquid measure or 100 pounds net dry weight) in an
13 unaltered state in preparation for sale or distribution to
14 another person.

15 45. "Business" means any individual, partnership,
16 corporation or association engaged in a business operation for
17 the purpose of selling or distributing pesticides or providing
18 the service of application of pesticides in this State.

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

22 47. "Chemigation" means the application of a pesticide
23 through the systems or equipment employed for the primary
24 purpose of irrigation of land and crops.

25 48. "Use" means any activity covered by the pesticide
26 label including but not limited to application of pesticide,

1 mixing and loading, storage of pesticides or pesticide
2 containers, disposal of pesticides and pesticide containers
3 and reentry into treated sites or areas.

4 (Source: P.A. 102-555, eff. 1-1-22.)

5 (415 ILCS 60/13.4 new)

6 Sec. 13.4. Barrier mosquitocides.

7 (a) Except as provided under subsection (e) and rules
8 adopted by the Department of Agriculture under subsection (b),
9 no commercial applicator shall apply a barrier mosquitocide
10 between October 16 and April 14.

11 (b) The Department of Agriculture may adopt rules allowing
12 for the application of barrier mosquitocides by commercial
13 applicators between October 16 and April 14, provided that the
14 Department of Agriculture determines, as a part of the
15 rulemaking proceeding, that there is evidence of a significant
16 unmet need for the commercial application of barrier
17 mosquitocides between October 16 and April 14 due to the
18 abundance of target mosquito populations in the State during
19 that period.

20 (c) A commercial applicator of a barrier mosquitocide
21 must, at a minimum:

22 (1) not apply a barrier mosquitocide when wind speeds
23 are greater than or equal to 10 miles per hour;

24 (2) be licensed under this Act and have completed the
25 additional licensure and testing requirements established

1 by the Department of Agriculture under subsection (d);

2 (3) erect, immediately following application of the
3 barrier mosquitocide, signage for residential properties
4 treated with barrier mosquitocides that is comparable to
5 the notification requirements under subsection (a) of
6 Section 3 of the Lawn Care Products Application and Notice
7 Act; and

8 (4) provide, upon request and in a manner that is
9 comparable to the notification requirements under
10 subsection (d) of Section 3 of the Lawn Care Products
11 Application and Notice Act, a copy of the product labels
12 required for the barrier mosquitocide under the Federal
13 Insecticide Fungicide, and Rodenticide Act (FIFRA).

14 (d) The Department of Agriculture shall adopt rules to
15 expand its existing commercial applicator licensure and
16 testing program to include training in the residential
17 application of barrier mosquitocides. The training developed
18 by the Department of Agriculture shall include a course on
19 mosquito control and pollinator protection in the residential
20 environment and shall also include training in the following
21 topics:

22 (1) requirements for domestic inspections by
23 commercial applicators prior to application of barrier
24 mosquitocides;

25 (2) identification of mosquitoes in areas to be
26 treated with the barrier mosquitocide;

- 1 (3) distinguishing between species of mosquitoes;
2 (4) mosquito behavior, biology, and life cycle;
3 (5) pesticide-free source mosquito-reduction methods;
4 (6) pesticide drift and the protection of bystanders
5 during pesticide application;
6 (7) pesticide label requirements;
7 (8) proper technique for application of barrier
8 mosquitocides;
9 (9) protection of pollinators from barrier
10 mosquitocides;
11 (10) mosquito-borne diseases;
12 (11) proper use of equipment for application of
13 mosquitocides;
14 (12) use of personal protective equipment during
15 application of barrier mosquitocides;
16 (13) areas where barrier mosquitocides cannot be
17 applied; and
18 (14) any other topic the Department of Agriculture
19 determines to be relevant.

20 (e) Any barrier mosquitocide treatment made for public
21 health purposes by or on behalf of a mosquito abatement
22 district, public health department, township, municipality, or
23 other unit of local government is exempt from this Section and
24 any rules adopted under this Section.

25 (f) The Department of Agriculture may partner with the
26 University of Illinois to develop and administer a voluntary

1 continuing education curriculum that includes as a curricular
2 element a unit on pollinator protection and ecological
3 protection.

4 (415 ILCS 60/13.5 new)

5 Sec. 13.5. Mosquito misters prohibited. No person shall
6 install or use any residential automatic pesticide misting
7 system in this State. For purposes of this Section,
8 "residential automatic pesticide misting system" means any
9 device that is designed to be installed on, near, or around the
10 exterior of any residential dwelling or the grounds of a
11 residential dwelling and to automatically spray any pesticide
12 solution at timed intervals.

13 Section 99. Effective date. This Act takes effect January
14 1, 2023.