



Rep. Robyn Gabel

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LRB102 15736 CPF 36416 a

1 AMENDMENT TO HOUSE BILL 3118

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3118, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Illinois Pesticide Act is amended by  
6 changing Section 4 and by adding Sections 13.4 and 13.5 as  
7 follows:

8 (415 ILCS 60/4) (from Ch. 5, par. 804)

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

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

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

15 3. "Adulterated" shall apply to any pesticide if the  
16 strength or purity is not within the standard of quality

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

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

17 5. "Animal" means all vertebrate and invertebrate species  
18 including, but not limited to, man and other mammals, bird,  
19 fish, and shellfish.

20 5.5 "Barrier mosquitocide" means a pesticide that is  
21 formulated to kill adult mosquitoes and that is applied so as  
22 to leave a residual mosquitocidal coating on natural or  
23 manmade surfaces.

24 5.6 "Barrier mosquitocide treatment" means application of  
25 a barrier mosquitocide to a natural or manmade surface.

26 6. "Beneficial Insects" means those insects which during

1 their life cycle are effective pollinators of plants,  
2 predators of pests or are otherwise beneficial.

3 7. "Certified applicator".

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

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

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

26 D. "Commercial Not For Hire Applicator" means a

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

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

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

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

26 11. "Distribute" means offer or hold for sale, sell,

1 barter, ship, deliver for shipment, receive and then deliver,  
2 or offer to deliver pesticides, within the State.

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

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

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

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

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

22 17. "Imminent Hazard" means a situation which exists when  
23 continued use of a pesticide would likely result in  
24 unreasonable adverse effect on the environment or will involve  
25 unreasonable hazard to the survival of a species declared  
26 endangered by the U.S. Secretary of the Interior or to species

1 declared to be protected by the Illinois Department of Natural  
2 Resources.

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

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

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

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

25 22. "Labeling" means the label and all other written,  
26 printed or graphic matter: (a) on the pesticide or device or

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

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

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

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

25 26. "Permit" means a written statement issued by the  
26 Director or his authorized agent, authorizing certain acts of

1 pesticide purchase or of pesticide use or application on an  
2 interim basis prior to normal certification, registration, or  
3 licensing.

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

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

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

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

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

26 32. "Protect Health and Environment" means to guard



1 against any unreasonable adverse effects on the environment.

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

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

7 35. "SLN Registration" means registration of a pesticide  
8 for use under conditions of special local need as defined by  
9 FIFRA.

10 36. "State Restricted Pesticide Use" means any pesticide  
11 use which the Director determines, subsequent to public  
12 hearing, that an additional restriction for that use is needed  
13 to prevent unreasonable adverse effects.

14 37. "Structural Pest" means any pests which attack and  
15 destroy buildings and other structures or which attack  
16 clothing, stored food, commodities stored at food  
17 manufacturing and processing facilities or manufactured and  
18 processed goods.

19 38. "Unreasonable Adverse Effects on the Environment"  
20 means the unreasonable risk to the environment, including man,  
21 from the use of any pesticide, when taking into account  
22 accrued benefits of as well as the economic, social, and  
23 environmental costs of its use.

24 39. "USEPA" means United States Environmental Protection  
25 Agency.

26 40. "Use inconsistent with the label" means to use a

1 pesticide in a manner not consistent with the label  
2 instruction, the definition adopted in FIFRA as interpreted by  
3 USEPA shall apply in Illinois.

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

6 42. "Wildlife" means all living things, not human,  
7 domestic, or pests.

8 43. "Bulk pesticide" means any registered pesticide which  
9 is transported or held in an individual container in undivided  
10 quantities of greater than 55 U.S. gallons liquid measure or  
11 100 pounds net dry weight.

12 44. "Bulk repackaging" means the transfer of a registered  
13 pesticide from one bulk container (containing undivided  
14 quantities of greater than 100 U.S. gallons liquid measure or  
15 100 pounds net dry weight) to another bulk container  
16 (containing undivided quantities of greater than 100 U.S.  
17 gallons liquid measure or 100 pounds net dry weight) in an  
18 unaltered state in preparation for sale or distribution to  
19 another person.

20 45. "Business" means any individual, partnership,  
21 corporation or association engaged in a business operation for  
22 the purpose of selling or distributing pesticides or providing  
23 the service of application of pesticides in this State.

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

1           47. "Chemigation" means the application of a pesticide  
2 through the systems or equipment employed for the primary  
3 purpose of irrigation of land and crops.

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

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

10           (415 ILCS 60/13.4 new)

11           Sec. 13.4. Barrier mosquitocides.

12           (a) Except as provided under subsection (e) and rules  
13 adopted by the Department of Agriculture under subsection (b),  
14 no commercial applicator shall apply a barrier mosquitocide  
15 between October 15 and April 15.

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

25           (c) A commercial applicator of a barrier mosquitocide

1 must, at a minimum:

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

4 (2) be licensed under this Act and have completed the  
5 additional licensure and testing requirements established  
6 by the Department of Agriculture under subsection (d);

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

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

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

1           (1) requirements for domestic inspections by  
2           commercial applicators prior to application of barrier  
3           mosquitocides;

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

6           (3) distinguishing between species of mosquitoes;

7           (4) mosquito behavior, biology, and life cycle;

8           (5) pesticide-free source mosquito-reduction methods;

9           (6) pesticide drift and the protection of bystanders  
10          during pesticide application;

11          (7) pesticide label requirements;

12          (8) proper technique for application of barrier  
13          mosquitocides;

14          (9) protection of pollinators from barrier  
15          mosquitocides;

16          (10) mosquito-borne diseases;

17          (11) proper use of equipment for application of  
18          mosquitocides;

19          (12) use of personal protective equipment during  
20          application of barrier mosquitocides;

21          (13) areas where barrier mosquitocides cannot be  
22          applied; and

23          (14) any other topic the Department of Agriculture  
24          determines to be relevant.

25          (e) Any barrier mosquitocide treatment made for public  
26          health purposes by or on behalf of a mosquito abatement

1 district, public health department, township, municipality, or  
2 other unit of local government is exempt from this Section and  
3 any rules adopted under this Section.

4 (f) The Department of Agriculture may partner with the  
5 University of Illinois to develop and administer a voluntary  
6 continuing education curriculum that includes as a curricular  
7 element a unit on pollinator protection and ecological  
8 protection.

9 (415 ILCS 60/13.5 new)

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

18 Section 99. Effective date. This Act takes effect January  
19 1, 2023."