



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB3342

Introduced 2/7/2024, by Sen. Steve McClure

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Pesticide Application on Rights-of-Way Notification Act. Provides that, at least 24 hours before applying a pesticide to a public right-of-way that is located within the corporate boundaries of a municipality, a certified applicator employed or contracted with by the State or a unit of local government to apply the pesticide shall provide notice of the application to all residents whose residences are located within 200 feet of the public right-of-way to be treated. Provides for monetary penalties for violations following an administrative hearing with the Department of Agriculture. Provides penalties for violations of the Act following an administrative hearing. Specifies that penalties are to be deposited into the Pesticide Control Fund, with unpaid penalties subject to collection by the Attorney General. Creates a petty offense and provides for an alternative prosecution by a State's Attorney following referral by the Department of Agriculture, with identical fines for the petty offense. Provides for the adoption of rules by the Department of Agriculture. Defines terms.

LRB103 38864 BDA 69001 b

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 1. Short title. This Act may be cited as the  
5 Pesticide Application on Rights-of-Way Notification Act.

6 Section 5. Definitions. In this Act:

7 "Certified applicator" has the meaning given to that term  
8 in the Illinois Pesticide Act.

9 "Department" means the Department of Agriculture.

10 "Licensed commercial applicator" has the meaning given to  
11 that term in the Illinois Pesticide Act.

12 "Pesticide" has the meaning given to that term in the  
13 Illinois Pesticide Act.

14 Section 10. Prior notification requirements for  
15 application of pesticides on rights of way.

16 (a) At least 24 hours before applying a pesticide to a  
17 public right-of-way that is located within the corporate  
18 boundaries of a municipality, a certified applicator employed  
19 or contracted with by the State or a unit of local government  
20 to apply the pesticide shall provide notice of the application  
21 to all residents whose residences are located within 200 feet  
22 of the public right-of-way to be treated. At a minimum, the

1 following information shall be provided in the notice:

2 (1) the intended date and approximate time of day of  
3 application;

4 (2) the brand name, common name, and scientific name  
5 of each product applied;

6 (3) the type of pesticide contained in the product  
7 applied;

8 (4) the reason for use of each product applied;

9 (5) the range of concentration of end-use product  
10 applied;

11 (6) any special instructions appearing on the label of  
12 the product applicable to an individual's use of the  
13 public right-of-way following application;

14 (7) the State agency or unit of local government name  
15 and telephone number of the certified applicator; and

16 (8) contact information for the Department for  
17 complaints of pesticide misuse, including a telephone  
18 number and website information for the Department.

19 (b) Notification under this Section shall be made in  
20 writing, in person, or by telephone. If an applicator is  
21 unable to provide prior notification to an individual whose  
22 residence is within 200 feet of the public right-of-way  
23 because of absence or inaccessibility of the individual, then  
24 at the time of application the applicator shall leave a  
25 written notice at the residence, which shall provide the  
26 information required by this Section.

1           Section 15. Administrative rules. This Act shall be  
2 administered and enforced by the Department. The Department  
3 may adopt rules as necessary for the enforcement of this Act.

4           Section 20. Penalties.

5           (a) When an administrative hearing is held by the  
6 Department, the hearing officer, upon determination of any  
7 violation of this Act or rule or regulation, shall either  
8 refer the violation or the State's Attorney in the county  
9 where the alleged violation occurred for prosecution or levy  
10 the following administrative monetary penalties:

11                   (1) a penalty of \$250 for a first violation;

12                   (2) a penalty of \$500 for a second violation; and

13                   (3) a penalty of \$1,000 for a third or subsequent  
14 violation.

15           (b) The penalty levied under subsection (a) shall be  
16 collected by the Department, and all penalties collected by  
17 the Department under this Act shall be deposited into the  
18 Pesticide Control Fund. Any penalty not paid within 60 days of  
19 notice from the Department shall be submitted to the Attorney  
20 General for collection.

21           (c) Upon prosecution by a State's Attorney, a violation of  
22 this Act or rules adopted under this Act shall be a petty  
23 offense subject to a fine of \$250 for a first offense, a fine  
24 of \$500 for a second offense, and a fine of \$1,000 for a third

1 or subsequent offense.