

99TH GENERAL ASSEMBLY  
State of Illinois  
2015 and 2016  
HB5900

Introduced , by Rep. Will Guzzardi

SYNOPSIS AS INTRODUCED:

New Act

Creates the Saving Illinois' Pollinators Act. Provides that beginning 9 months after the effective date of the Act, it shall be unlawful to apply any neonicotinoid insecticides on any public lands owned or maintained by Illinois. Provides that beginning 9 months after the effective date of the Act, it shall be unlawful to apply neonicotinoid insecticides in any other outdoor residential settings, including landscaping, ornamental, or other outdoor applications in Illinois. Establishes exemptions to the prohibitions. Provides that the Department of Agriculture shall, within 6 months after the effective date of the Act, adopt rules further defining and implementing specified provisions of the Act. Provides that the Department shall, within one year after the effective date of this Act, issue a draft report evaluating whether clear, peer-reviewed, published scientific evidence exists that outdoor applications of these insecticides are safe for honey bees, other pollinators, other beneficial insects, the broader environment, and human health. Effective immediately.

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CORRECTIONAL BUDGET  
AND IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT MAY  
APPLY

A BILL FOR

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1 AN ACT concerning agriculture.

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 Saving  
5 Illinois' Pollinators Act.

6 Section 5. Findings.

7 (a) Pollination services, including by honey bees and  
8 numerous other pollinators, are a vital part of agricultural  
9 production in Illinois.

10 (b) One-third of food produced in North America depends on  
11 pollination by honey bees, including nearly 95 varieties of  
12 fruits and other foods of high nutritional value to all of  
13 Illinois' citizens. In Illinois, bees provide pollination for  
14 red clover, alfalfa, apple trees, cranberries, and more. These  
15 crops must be pollinated by bees to produce fruit or seed.

16 (c) Over the past several years, documented incidents of  
17 colony collapse disorder and excessive honey bee mortality have  
18 been at a record high, with some beekeepers losing large  
19 portions of their operations and suffering reduced production  
20 of their valuable honey. Illinois saw a dramatic 62.4% loss of  
21 honey bee colonies in 2014-2015.

22 (d) Scientists have linked the use of systemic  
23 neonicotinoid insecticides to the rapid decline of honey bees

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1 and other pollinators and to the deterioration of pollinator  
2 health. This class of insecticides damages the central nervous  
3 system of insects, causing tremors, paralysis, and death at  
4 very low doses. They are systemic insecticides, meaning they  
5 are absorbed into treated plants and distributed throughout  
6 their vascular systems. As a result, treating a plant or  
7 coating a seed with neonicotinoids can render parts of the  
8 plant, including the roots, leaves, stems, flowers, nectar,

9 pollen, and guttation fluid, toxic to insects. They are  
10 persistent in soil and easily transported via air, dust, and  
11 water.

12 (e) Neonicotinoid insecticides cause sublethal effects  
13 including impaired foraging and feeding behavior,  
14 disorientation, weakened immunity, delayed larval development,  
15 and increased susceptibility to viruses, diseases, and  
16 parasites and numerous studies have also demonstrated acute,  
17 lethal effects from the application of these toxins. They have  
18 also been found to kill or weaken beneficial invertebrates,  
19 birds, and other wildlife, through direct and indirect effects.

20 (f) Bumblebees, beneficial insects of all kinds, and whole  
21 food chains of aquatic invertebrates, insects, birds, bats and  
22 other pollinators in Illinois are at risk from environmental  
23 contamination by highly-persistent neonicotinoids. In  
24 Illinois, 5 species of bat (Rafinesque's Big-eared Bat, Gray  
25 Bat, Indiana Bat, Eastern Small-footed Bat, and Northern  
26 Long-eared Bat) are already listed as threatened or endangered

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1 and may be harmed by neonicotinoid use in the state.  
2 Additionally, 7 species of butterfly, one species of dragonfly,  
3 and more than 30 species of bird are also threatened or  
4 endangered and could be at risk from neonicotinoids.

5 (g) Scientists have also found that the use of  
6 neonicotinoids in seed treatment is harmful to birds. Recent  
7 science has demonstrated that consumption of a single corn  
8 kernel coated with a neonicotinoid is toxic enough to kill a  
9 medium-sized songbird. Illinois is home of a diverse array of  
10 birds including the American goldfinch, Eastern bluebird, and  
11 red-winged blackbirds, all of which could be at risk from the  
12 use of neonicotinoids.

13 (h) In 2013, the European Union voted to suspend use of 3  
14 major neonicotinoids (imidacloprid, clothianidin, and  
15 thiamethoxam) on certain agricultural crops pending a review of  
16 their safety. Other U.S. States, such as New York, have  
17

restricted some neonicotinoid uses to address their risks.

18 Section 10. Definitions. As used in this Act:

19 "Neonicotinoid insecticides" means a class of systemic  
20 pesticides with a common mode of action that affects the  
21 central nervous system of insects that includes the following  
22 active ingredients: acetamiprid, clothianidin, dinotefuran,  
23 imidacloprid, thiacloprid and thiamethoxam, and such other new  
24 neonicotinoid insecticides as may be identified after the  
25 effective date of this Act by rules adopted by the Department

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1 of Agriculture.

2 Section 15. Statement of purpose. The purposes of this Act  
3 are: (1) to protect Illinois' honey bees, native bees, other  
4 pollinators, insects, birds, and animals from exposure to  
5 neonicotinoid insecticides; and (2) to defend and protect  
6 Illinois' agricultural economy and natural ecosystems. This  
7 Act shall be liberally construed to fulfill these purposes.

8 Section 20. Restrictions on use of neonicotinoid  
9 insecticides.

10 (a) Beginning 9 months after the effective date of this  
11 Act, it shall be unlawful to apply any neonicotinoid  
12 insecticides on any public lands owned or maintained by  
13 Illinois.

14 (b) Beginning 9 months after the effective date of this  
15 Act, it shall be unlawful to apply neonicotinoid insecticides  
16 in any other outdoor residential settings, including  
17 landscaping, ornamental, or other outdoor applications in  
18 Illinois.

19 Section 25. Exemptions. The provisions of Section 20 of  
20 this Act shall not apply to: (1) the use of neonicotinoids  
21 following the effective date of this Act that were purchased  
22 before that date pursuant to a reasonable phase-out period to  
23 be adopted by the Director of Agriculture by regulation, not to

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1 exceed one year; or (2) to any facility or other entity that is  
2 State-licensed or federally-licensed to conduct research on  
3 neonicotinoid insecticides.

4 Section 30. Rulemaking. The Department of Agriculture  
5 shall, within 6 months after the effective date of this Act,  
6 adopt rules further defining and implementing the provisions of  
7 Sections 20 and 25 of this Act.

8 Section 35. Study and reevaluation. The Department of  
9 Agriculture shall, within one year after the effective date of  
10 this Act, issue a draft report evaluating whether clear,  
11 peer-reviewed, published scientific evidence exists that  
12 outdoor applications of these insecticides are safe for honey  
13 bees, other pollinators, other beneficial insects, the broader  
14 environment, and human health. The public, including all  
15 interested entities, then shall be allowed to comment on the  
16 draft report. After considering the comments and any other  
17 relevant information, the Department shall deliver its final  
18 evaluation report on that topic to the Governor and to the  
19 Chairs of the Senate Committee of Agriculture and the House  
20 Committee of Agriculture and Conservation.

21 Section 40. Enforcement.

22 (a) Enforcement.

23 (1) The sampling and examination of pesticides,

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1 devices, books and records, and the labeling of pesticides  
2 or devices shall be made under the supervision of the  
3 Director for the purposes of determining compliance with  
4 provisions of this Act. The Director, upon presentation of  
5 identification, is authorized to enter a premises at  
6 reasonable times during normal working hours in order to  
7 have access to pesticides, devices, books and records, and

8 labeling for pesticides or devices.

9 (A) The Director shall provide a copy of the  
10 results of any analysis made of those samples to the  
11 owner, operator or agent in charge of the site.

12 (B) If upon the analysis or examination there  
13 appears to be a violation of provisions of this Act or  
14 regulations adopted thereunder, the Director shall  
15 cause notice to be given to the owner, operator or  
16 agent in charge and specify any administrative  
17 proceedings or criminal actions that are contemplated  
18 against such person.

19 (C) In seeking the institution of criminal charges  
20 against a violator, the Director shall refer copies of  
21 findings or the results of analysis or both, to the  
22 prosecuting attorney for the county in which the  
23 violation occurred.

24 (2) For the purpose of carrying out the provisions of  
25 this Act the Director, upon presentation of  
26 identification, is authorized to enter upon public or

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1 private premises at reasonable times during normal working  
2 hours in order to:

3 (A) Investigate or inspect to determine the facts  
4 in complaints of pesticide injury, mis-use,  
5 mis-handling, or reported excessive pesticide  
6 exposure.

7 (B) Determine the facts in any pesticide incident  
8 reported to him, including collecting samples for  
9 analysis.

10 (C) Observe pesticide use and sample the  
11 pesticides being applied, as well as the site to which  
12 the pesticide is being applied.

13 (D) To inspect and collect samples in any place  
14 where pesticides are produced, manufactured, sold or  
15 distributed.

16 (3) The Director upon being denied access to any land

17           may apply to the court of jurisdiction for a search warrant  
18           authorizing such access for purpose of carrying out  
19           provision of this Act. The court may upon receiving the  
20           request issue such warrant.

21           (4) The Director, with or without the aid and advice of  
22           the court of jurisdiction, is charged with enforcing the  
23           requirements of this Act and rules adopted hereunder. In  
24           the event the enforcement agent of local jurisdiction  
25           refuses to act on behalf of the Director, the Attorney  
26           General may so act.

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1           (5) The Director may bring action to enjoin the  
2           violation or threatened violation of any provision of this  
3           Act or regulation adopted thereunder in the court of  
4           jurisdiction for the county in which such occurs or is  
5           about to occur.

6           (6) Nothing in this Act shall be construed as requiring  
7           the Director to report minor violations for prosecution or  
8           the institution of condemnation proceedings when he  
9           believes the public interest would be better served by a  
10          suitable written notice of warning.

11          (7) Any person who impedes, obstructs, hinders or  
12          otherwise prevents or attempts to prevent the Director in  
13          the performance of official duties is guilty of a Class A  
14          misdemeanor. Any person using physical force against the  
15          Director in the performance of official duties is guilty of  
16          a Class 4 felony.

17          (b) The Attorney General may bring an action to enjoin a  
18          violation of this Act in any circuit court of this State.

19          (c) Any injured citizen of Illinois may, after giving  
20          notice of the alleged violation to the Attorney General and the  
21          alleged violator and waiting 60 days, bring an action to enjoin  
22          a violation of this Act by any person in any court of competent  
23          jurisdiction. The court may, in the action, award to a citizen  
24          who is a prevailing plaintiff reasonable attorney's fees and  
25          costs incurred in investigating and prosecuting the action,

26 however, the court may not award monetary damages in the

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1 action.

2 Section 45. Authority of local government. Nothing in this  
3 Act shall be construed to prohibit or preempt the authority of  
4 a unit of local government in Illinois to regulate applications  
5 of neonicotinoid pesticides in a manner that is equivalent to,  
6 or more stringent than, the provisions contained in this Act.

7 Section 50. Severability. If any provision of this Act or  
8 the application thereof to any person, entity, or circumstance  
9 is held invalid, the invalidity does not affect other  
10 provisions or applications of this Act which can be given  
11 effect without the invalid provision or application, and to  
12 this end the provisions of this Act are severable.

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