

SB1936



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1936

Introduced 2/9/2023, by Sen. Laura Ellman

SYNOPSIS AS INTRODUCED:

410 ILCS 620/3.25 new

Amends the Illinois Food, Drug and Cosmetic Act. Provides that, notwithstanding any other provision of law, (1) it is unlawful for a person or entity to sell or suggest the purchase of sodium nitrite in an online store or using an online platform and (2) sodium nitrite may not be utilized by any person for that person's private use. Contains provisions concerning exemptions, violations, and criminal liability. Contains other provisions.

LRB103 29048 CPF 55434 b

A BILL FOR

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Food, Drug and Cosmetic Act is
5 amended by adding Section 3.25 as follows:

6 (410 ILCS 620/3.25 new)

7 Sec. 3.25. Sodium nitrite.

8 (a) Notwithstanding any other provision of law, it is
9 unlawful for a person or entity to sell or suggest the purchase
10 of sodium nitrite in an online store or using an online
11 platform.

12 This subsection does not apply to a licensed professional
13 or entity who uses sodium nitrite in the licensed
14 professional's or entity's ordinary course of business.

15 (b) Notwithstanding any other provision of law, sodium
16 nitrite may not be utilized by any person for that person's
17 private use.

18 (c) Except as provided under subsection (d), if it is
19 shown by a preponderance of the evidence that a person or
20 entity sold or suggested the purchase of sodium nitrite and
21 the sale or suggestion resulted in, or was likely to result in,
22 material harm to an individual, that person or entity is
23 subject to criminal liability to the full extent of the law.

1 (d) If it is shown by a preponderance of the evidence that
2 a person's or entity's sale of sodium nitrite or suggestion to
3 purchase sodium nitrite does not violate this Section and that
4 the person or entity took necessary measures to comply with or
5 prevent a violation of federal or State law to protect the
6 safety of the person or entity to whom the sodium nitrite was
7 sold or suggested to be sold, then the person or entity who
8 sold or suggested it is subject to any arbitration or civil
9 litigation necessary to remedy any damage caused by the sale
10 or suggestion but is not criminally liable under subsection
11 (c).

12 In this subsection, "necessary measures" include security
13 checks, checking public and nonpublic data, and maintaining
14 necessary security measures on a person's or entity's online
15 store or online platform.