



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB2193

by Rep. Susana A. Mendoza

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-37 new
720 ILCS 5/12-38 new

Amends the Criminal Code of 1961. Provides that it is unlawful for any person knowingly to have in his or her possession or to carry about any of the following substances in a form and amount that is capable of causing serious injury or distress to another: (i) any corrosive or caustic acid or alkali (including but not limited to sulfuric acid) or any solution or mixture of corrosive or caustic acids or alkalis, (ii) elemental phosphorus, or (iii) hydrogen sulfide, valerianic (isobutyric) acid, ammonium valerianate, valerianate of zinc, or any other nauseating, offensive, or disgusting chemical of like or similar nature. Includes exceptions. Provides that a person shall not knowingly sell, give away, offer to sell or give away, or have in his or her possession any stink ball or fire ball, or any bomb, ball tube, vial, or bottle made of thin glass or other easily breakable material, containing any of those substances in a form and amount that is capable of causing serious injury or distress to another. Makes violation a Class C misdemeanor. Also provides that a person seeking to acquire any corrosive or caustic acid must show identification and sign a log. Provides that a person shall not knowingly acquire more than one package containing corrosive or caustic acid from a retail location within a 24-hour period. Includes exceptions. Provides that the Department of Public Health shall have the authority to promulgate rules for the implementation and enforcement of this provision. Provides that a violation is a business offense for which a fine not exceeding \$1,500 may be imposed.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Criminal Code of 1961 is amended by adding
5 Sections 12-37 and 12-38 as follows:

6 (720 ILCS 5/12-37 new)

7 Sec. 12-37. Possession and sale of caustic and noxious
8 substances.

9 (a) Except as provided in subsection (c), it is unlawful
10 for any person knowingly to have in his or her possession or to
11 carry about any of the following substances in a form and
12 amount that is capable of causing serious injury or distress to
13 another: (i) any corrosive or caustic acid or alkali (including
14 but not limited to sulfuric acid) or any solution or mixture of
15 corrosive or caustic acids or alkalis, (ii) elemental
16 phosphorus, or (iii) hydrogen sulfide, valerianic (isobutyric)
17 acid, ammonium valerianate, valerianate of zinc, or any other
18 nauseating, offensive, or disgusting chemical of like or
19 similar nature.

20 (b) A person shall not knowingly sell, give away, offer to
21 sell or give away, or have in his or her possession any stink
22 ball or fire ball, or any bomb, ball tube, vial, or bottle made
23 of thin glass or other easily breakable material, containing

1 any of the substances specified in subsection (a) in a form and
2 amount that is capable of causing serious injury or distress to
3 another.

4 (c) The restrictions of subsection (a) do not apply to (i)
5 persons while engaged in the legitimate commercial
6 manufacture, distribution, storage, or use of the specified
7 substances, (ii) persons while engaged in legitimate
8 scientific or medical research, study, teaching, or treatment
9 involving the use of such substances, including without
10 limitation physicians, pharmacists, scientists, teachers,
11 students, and employees of regularly established laboratories,
12 manufacturing and wholesale pharmacies, retail pharmacies,
13 medical treatment facilities, schools, colleges, and
14 universities; (iii) persons who have procured any of the
15 specified substances for medicinal purposes upon a
16 prescription of a physician licensed to practice medicine in
17 all its branches under the Medical Practice Act of 1987; or
18 (iv) persons while engaged in the sale, possession,
19 transportation, or use for its intended commercial purpose of a
20 commercial product containing any of the substances specified
21 in subsection (a), provided that the product is not used to
22 threaten, intimidate, injure, or cause distress to another.

23 (d) Sentence. A violation of this Section is a Class C
24 misdemeanor.

1 Sec. 12-38. Restrictions on purchase or acquisition of
2 corrosive or caustic acid.

3 (a) Except as provided in subsection (c) of this Section, a
4 person seeking to purchase, receive, or otherwise acquire any
5 corrosive or caustic acid, including but not limited to
6 sulfuric acid, must, prior to taking possession:

7 (1) provide a driver's license or other
8 government-issued identification showing the person's
9 name, date of birth, and photograph; and

10 (2) sign a log documenting the name and address of the
11 person, the date and time of the transaction, and the brand
12 and product name and total quantity distributed of the
13 corrosive or caustic acid.

14 (b) Except as provided in subsection (c) of this Section,
15 no person shall knowingly purchase, receive, or otherwise
16 acquire more than one package of a corrosive or caustic acid
17 from a retail location within a 24-hour period.

18 (c) The restrictions of subsections (a) and (b) do not
19 apply to (i) persons while engaged in the legitimate commercial
20 manufacture, distribution, storage, or use of the specified
21 substances, (ii) persons while engaged in legitimate
22 scientific or medical research, study, teaching, or treatment
23 involving the use of such substances, including without
24 limitation physicians, pharmacists, scientists, teachers,
25 students, and employees of regularly established laboratories,
26 manufacturing and wholesale pharmacies, retail pharmacies,

1 medical treatment facilities, schools, colleges, and
2 universities; or (iii) persons who procure any of those
3 substances for medicinal purposes upon a prescription of a
4 physician licensed to practice medicine in all its branches.

5 (d) The Illinois Department of Public Health shall have the
6 authority to promulgate rules for the implementation and
7 enforcement of this Section.

8 (e) Sentence. Any violation of this Section is a business
9 offense for which a fine not exceeding \$1,500 may be imposed.