

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 (b), it is unlawful  
10 for any person knowingly to have in his or her possession or to  
11 carry about any of the substances which are regulated by Title  
12 16 CFR Section 1500.129 of the Federal Caustic Poison Act and  
13 are required to contain the words "causes severe burns" as the  
14 affirmative statement of principal hazard on its label.

15 (b) The restrictions of subsection (a) do not apply to:

16 (1) persons while engaged in the legitimate commercial  
17 manufacture, distribution, storage, or use of the  
18 specified substances;

19 (2) persons while engaged in legitimate scientific or  
20 medical research, study, teaching or treatment involving  
21 the use of such substances, including without limitation  
22 physicians, pharmacists, scientists, teachers, students,  
23 and employees of regularly established laboratories,

1 manufacturing and wholesale pharmacies, retail pharmacies,  
2 medical treatment facilities, schools, colleges, and  
3 universities;

4 (3) persons who have procured any of the specified  
5 substances for medicinal purposes upon a prescription of a  
6 physician licensed to practice medicine in all its branches  
7 under the Medical Practice Act of 1987;

8 (4) commercial or consumer products that contain any of  
9 the specified substances found in subsection (a)  
10 including, but not limited to, batteries;

11 (5) production agriculture as defined in Section 3-5 of  
12 the Use Tax Act; or

13 (6) persons while engaged in the sale, possession,  
14 transportation, or use for its intended commercial purpose  
15 of a commercial product containing any of the substances  
16 specified in subsection (a), provided that the product is  
17 not used to threaten, intimidate, injure, or cause distress  
18 to another.

19 (c) Sentence. A violation of this Section is a Class 4  
20 felony.

21 (d) The regulation of the possession and carrying of  
22 caustic and noxious substances under this Section is an  
23 exclusive power and function of the State. A home rule unit may  
24 not regulate the possession and carrying of caustic and noxious  
25 substances and any ordinance or local law contrary to this  
26 Section is declared void. This is a denial and limitation of

1 home rule powers and functions under subsection (h) of Section  
2 6 of Article VII of the Illinois Constitution.

3 (720 ILCS 5/12-38 new)

4 Sec. 12-38. Restrictions on purchase or acquisition of  
5 corrosive or caustic acid.

6 (a) A person seeking to purchase a substance which is  
7 regulated by Title 16 CFR Section 1500.129 of the Federal  
8 Caustic Poison Act and is required to contain the words "causes  
9 severe burns" as the affirmative statement of principal hazard  
10 on its label, must prior to taking possession:

11 (1) provide a valid driver's license or other  
12 government-issued identification showing the person's  
13 name, date of birth, and photograph; and

14 (2) sign a log documenting the name and address of the  
15 person, date and time of the transaction, and the brand,  
16 product name and net weight of the item.

17 (b) Exemption. The requirements of subsection (a) do not  
18 apply to batteries.

19 (c) Rules and Regulations. The Illinois Department of State  
20 Police shall have the authority to promulgate rules for the  
21 implementation and enforcement of this Section.

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

24 (e) Preemption. The regulation of the purchase or  
25 acquisition, or both, of a caustic or corrosive substance and

1 any registry regarding the sale or possession, or both, of a  
2 caustic or corrosive substance is an exclusive power and  
3 function of the State. A home rule unit may not regulate the  
4 purchase or acquisition of caustic or corrosive substances and  
5 any ordinance or local law contrary to this Section is declared  
6 void. This is a denial and limitation of home rule powers and  
7 functions under subsection (h) of Section 6 of Article VII of  
8 the Illinois Constitution.