



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB4523

Introduced 1/31/2012, by Rep. Kent Gaffney - Richard Morthland

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-38

Amends the Criminal Code of 1961. Exempts household products from the statute requiring a person seeking to purchase a substance which is regulated by Title 16 CFR Section 1500.129 of the Federal Caustic Poison Act and required to contain the words "causes severe burns" as the affirmative statement of principal hazard on its label, prior to taking possession to: (1) provide a valid driver's license or other government-issued identification showing the person's name, date of birth, and photograph; and (2) sign a log documenting the name and address of the person, date and time of the transaction, and the brand, product name and net weight of the item. Defines "household product". Effective immediately.

LRB097 16874 RLC 62247 b

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 changing
5 Section 12-38 as follows:

6 (720 ILCS 5/12-38)

7 Sec. 12-38. Restrictions on purchase or acquisition of
8 corrosive or caustic acid.

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

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

17 (2) sign a log documenting the name and address of the
18 person, date and time of the transaction, and the brand,
19 product name and net weight of the item.

20 (b) Exemption. The requirements of subsection (a) do not
21 apply to batteries or household products. For the purposes of
22 this Section, "household product" means any product which is
23 customarily produced or distributed for sale for consumption or

1 use, or customarily stored, by individuals in or about the
2 household, including, but not limited to, products which are
3 customarily produced and distributed for use in or about a
4 household as a cleaning agent, drain cleaner, pesticide, epoxy,
5 paint, stain, or similar substance.

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

9 (d) Sentence. Any violation of this Section is a business
10 offense for which a fine not exceeding \$150 for the first
11 violation, \$500 for the second violation, or \$1,500 for the
12 third and subsequent violations within a 12-month period shall
13 be imposed.

14 (e) Preemption. The regulation of the purchase or
15 acquisition, or both, of a caustic or corrosive substance and
16 any registry regarding the sale or possession, or both, of a
17 caustic or corrosive substance is an exclusive power and
18 function of the State. A home rule unit may not regulate the
19 purchase or acquisition of caustic or corrosive substances and
20 any ordinance or local law contrary to this Section is declared
21 void. This is a denial and limitation of home rule powers and
22 functions under subsection (h) of Section 6 of Article VII of
23 the Illinois Constitution.

24 (Source: P.A. 97-565, eff. 1-1-12.)

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.