



Sen. John J. Millner

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09700SB3655sam001

LRB097 20081 RLC 66152 a

1 AMENDMENT TO SENATE BILL 3655

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3655 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by  
5 changing 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

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

4           (b) Exemption. The requirements of subsection (a) do not  
5           apply to batteries or household products. For the purposes of  
6           this Section, "household product" means any product which is  
7           customarily produced or distributed for sale for consumption or  
8           use, or customarily stored, by individuals in or about the  
9           household, including, but not limited to, products which are  
10           customarily produced and distributed for use in or about a  
11           household as a cleaning agent, drain cleaner, pesticide, epoxy,  
12           paint, stain, or similar substance.

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

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

21           (e) Preemption. The regulation of the purchase or  
22           acquisition, or both, of a caustic or corrosive substance and  
23           any registry regarding the sale or possession, or both, of a  
24           caustic or corrosive substance is an exclusive power and  
25           function of the State. A home rule unit may not regulate the  
26           purchase or acquisition of caustic or corrosive substances and

1 any ordinance or local law contrary to this Section is declared  
2 void. This is a denial and limitation of home rule powers and  
3 functions under subsection (h) of Section 6 of Article VII of  
4 the Illinois Constitution.

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

6 Section 99. Effective date. This Act takes effect upon  
7 becoming law.".