



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB4542

Introduced 1/31/2012, by Rep. Joe Sosnowski

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-38

Amends the Criminal Code of 1961. Exempts liquid drain cleaners from the requirements that a person seeking to purchase a substance which is regulated by Title 16 CFR Section 1500.129 of the Federal Caustic Poison Act and is required to contain the words "causes severe burns" as the affirmative statement of principal hazard on its label, must prior to taking possession: (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.

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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 liquid drain cleaners.

22 (c) Rules and Regulations. The Illinois Department of State
23 Police shall have the authority to promulgate rules for the

1 implementation and enforcement of this Section.

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

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

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