Illinois Rules on Sales of Caustic Substances

Beginning January 1, 2012, a new law in Illinois (Public Act 097-0565) will increase the burden on retailers who sell certain products classified as caustic substances.

Under the new law, stores will have to keep a registry on the sale of any product that is regulated by the Federal Caustic Poison Act (FCPA) and that is also required to have the wording "causes severe burns" on the product label.

Guidelines on the specific information to be tracked in the sales registry have not yet been released by the Illinois State Police. However, it is believed the registry may be either paper or electronic, so long as it can be produced by the store in the event the state police request to see it. The list should include: Purchaser’s Name, Address (verified by picture ID), Date of Sale, Item Purchased, Quantity, and Signature.

Check with your POS provider to see if you have the ability to flag identified items and automatically bring up a data entry screen. Remember, you will need to bring up the information if, and when, requested by the Illinois State Police.

Some products in the categories of lye, paint thinners, muriatic acids, etc. may qualify under these new rules. Store associates should be able to identify if the product qualifies by looking for the FCPA and "causes severe burns" wording on the product label. If the product label contains no such language, there will be no requirement to register the sale. You should also note that batteries of any kind are exempt from the registry.

The new Illinois law is scheduled to take effect statewide 1/1/2012. This law also pre-empts a confusing City of Chicago ordinance adopted in early 2011 which required city retailers to keep a registry on sales of sulfuric acid and other caustic substances. Technically, the Chicago ordinance still remains in effect through December 31, 2011; however, we are not aware of any active compliance checks being performed by the city.

For a description of SOME items on the FCPA list SEE PDF ATTACHMENT. Additionally, check with your wholesale suppliers for a list of products they sell that meet the Illinois criteria.