

1641

2015-2016 Regular Sessions

I N S E N A T E

January 13, 2015

Introduced by Sen. HANNON -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law and the general business law, in relation to prohibiting the sale of powdered pure caffeine

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The public health law is amended by adding a new article
2 33-B to read as follows:

3 ARTICLE 33-B

4 POWDERED PURE CAFFEINE

5 SECTION 3398. DEFINITION.

6 3398-A. SALE PROHIBITED.

7 3398-B. EXEMPTION.

8 3398-C. PENALTY.

9 S 3398. DEFINITION. FOR THE PURPOSES OF THIS ARTICLE, "POWDERED PURE
10 CAFFEINE" MEANS ANY CONCENTRATED POWDERED FORM OF THE STIMULANT
11 CAFFEINE, OR ANY POWDER SUBSTANCE SOLD OR MARKETING AS PURE CAFFEINE.

12 S 3398-A. SALE PROHIBITED. NO PERSON, FIRM, CORPORATION, PARTNERSHIP,
13 ASSOCIATION, LIMITED LIABILITY COMPANY OR OTHER ENTITY SHALL SELL, OFFER
14 TO SELL OR GIVE AWAY FOR EITHER RETAIL, WHOLESALE OR PROMOTIONAL
15 PURPOSES, OR DISTRIBUTE POWDERED PURE CAFFEINE.

16 S 3398-B. EXEMPTION. THE PROVISIONS OF THIS ARTICLE SHALL NOT APPLY TO
17 ANY PRODUCT WHICH IS MANUFACTURED TO CONTAIN CAFFEINE IN ACCORDANCE WITH
18 THE RULES AND REGULATIONS OF THE UNITED STATES FOOD AND DRUG ADMINIS-
19 TRATION.

20 S 3398-C. PENALTY. A VIOLATION OF THIS ARTICLE SHALL BE AN OFFENSE
21 PUNISHABLE BY A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS.

22 S 2. The general business law is amended by adding a new section 390-d
23 to read as follows:

24 S 390-D. POWDERED PURE CAFFEINE; PROHIBITION. 1. FOR THE PURPOSES OF
25 THIS SECTION, "POWDERED PURE CAFFEINE" MEANS ANY CONCENTRATED POWDERED

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 FORM OF THE STIMULANT CAFFEINE, OR ANY POWDER SUBSTANCE SOLD OR MARKETING
2 AS PURE CAFFEINE.

3 2. NO PERSON, FIRM, CORPORATION, PARTNERSHIP, ASSOCIATION, LIMITED
4 LIABILITY COMPANY OR OTHER ENTITY SHALL SELL, OFFER TO SELL OR GIVE AWAY
5 FOR EITHER RETAIL, WHOLESALE OR PROMOTIONAL PURPOSES, OR DISTRIBUTE
6 POWDERED PURE CAFFEINE; PROVIDED, HOWEVER, THAT THE PROVISIONS OF THIS
7 SECTION SHALL NOT APPLY TO ANY PRODUCT WHICH IS MANUFACTURED TO CONTAIN
8 CAFFEINE IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE UNITED
9 STATES FOOD AND DRUG ADMINISTRATION.

10 3. A VIOLATION OF THIS SECTION SHALL BE AN OFFENSE PUNISHABLE BY A
11 FINE OF NOT MORE THAN ONE THOUSAND DOLLARS.

12 S 3. This act shall take effect immediately.