

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.

LBD07146-01-5

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.