S T A T E O F N E W Y O R K

8144--A

2015-2016 Regular Sessions

I N A S S E M B L Y

June 10, 2015

Introduced by M. of A. ORTIZ -- read once and referred to the Committee on Health -- recommitted to the Committee on Health in accordance with Assembly Rule 3, sec. 2 -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

ARTICLE 33-B

POWDERED PURE CAFFEINE

SECTION 3398. DEFINITION.

3398-A. SALE PROHIBITED.

3398-B. EXEMPTION.

3398-C. PENALTY.

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

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

S 3398-B. EXEMPTION. THE PROVISIONS OF THIS ARTICLE SHALL NOT APPLY TO THE MARKETING OR SALE OF PURE POWDERED CAFFEINE IN BULK FORM TO ANY BUSINESS ENTITY AS PART OF A BUSINESS TRANSACTION.

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

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

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

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S 390-D. POWDERED PURE CAFFEINE; PROHIBITION. 1. FOR THE PURPOSES OF THIS SECTION, "POWDERED PURE CAFFEINE" MEANS ANY CONCENTRATED POWDERED FORM OF THE STIMULANT CAFFEINE, OR ANY POWDER SUBSTANCE SOLD OR MARKETED AS PURE CAFFEINE.

2. NO PERSON, FIRM, CORPORATION, PARTNERSHIP, ASSOCIATION, LIMITED LIABILITY COMPANY OR OTHER ENTITY SHALL SELL, OFFER TO SELL OR GIVE AWAY FOR EITHER RETAIL OR PROMOTIONAL PURPOSES, OR DISTRIBUTE POWDERED PURE CAFFEINE; PROVIDED, HOWEVER, THAT THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO THE MARKETING OR SALE OF PURE POWDERED CAFFEINE IN BULK FORM TO A BUSINESS ENTITY AS PART OF A BUSINESS TRANSACTION.

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

S 3. This act shall take effect immediately.