

# AN ACT

To enact sections 2925.34 and 4301.71 of the Revised Code to prohibit the sale of pure caffeine products and to prohibit the sale of powdered or crystalline alcohol for human consumption.

*Be it enacted by the General Assembly of the State of Ohio:*

SECTION 1. That sections 2925.34 and 4301.71 of the Revised Code be enacted to read as follows:

**Sec. 2925.34.** (A) As used in this section:

(1) "Pure caffeine product" means, subject to division (A)(2) of this section, a product that consists solely or primarily of caffeine and is manufactured into a crystalline, liquid, or powdered form.

(2) "Pure caffeine product" does not include any of the following that contains caffeine and is formulated, manufactured, and labeled in accordance with the laws and regulations enforced by the United States Food and Drug Administration:

(a) Coffee, tea, any soft drink, any energy drink, or any other caffeine-containing beverage;

(b) Any energy product.

(B) Except as provided in division (C) of this section, no person shall knowingly sell or offer for sale a pure caffeine product.

(C) Division (B) of this section does not prohibit a person from selling or offering for sale any product manufactured in a unit-dose form such as a pill, tablet, or caplet, but only if each unit dose of the product contains not more than two hundred fifty milligrams of caffeine.

(D) Nothing in this section prohibits either of the following:

(1) Possession of a product described in division (C) of this section;

(2) Possession of a pure caffeine product by any of the following:

(a) A food processing establishment, as defined in section 3715.021 of the Revised Code;

(b) A manufacturer of a drug that is available without a prescription;

(c) A laboratory that holds a current, valid category III terminal distributor of dangerous drugs license issued by the state board of pharmacy under section 4729.54 of the Revised Code;

(d) A laboratory, as defined in section 3719.01 of the Revised Code;

(e) A laboratory of any agency or department of this state that performs testing, analysis, and other laboratory services on behalf of the state;

(f) A postal or delivery service that transports or delivers a pure caffeine product to an entity specified in divisions (D)(2)(a) to (e) of this section.

(E) Whoever violates division (B) of this section is guilty of illegal sale of pure caffeine, a minor misdemeanor on a first offense and a misdemeanor of the third degree on each subsequent offense.

**Sec. 4301.71.** (A) No person shall sell or offer for sale powdered or crystalline alcohol for human consumption.

(B) Division (A) of this section does not apply to any of the following:

(1) Any substance regulated by the food and drug administration in the United States department of health and human services that is not either of the following:

(a) Beer or intoxicating liquor; or

(b) A compound that could be converted into beer or intoxicating liquor.

(2) A medication that requires a prescription;

(3) An over-the-counter medication.

(C) As used in this section:

(1) "Powdered or crystalline alcohol" means a product that is manufactured into a powdered or crystalline form and that contains any amount of alcohol.

(2) "Prescription" has the same meaning as in section 4729.01 of the Revised Code.

(3) "Over-the-counter medication" means medication that may be legally sold and purchased without a prescription.

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*Speaker* \_\_\_\_\_ *of the House of Representatives.*

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*President* \_\_\_\_\_ *of the Senate.*

Passed \_\_\_\_\_, 20\_\_\_\_

Approved \_\_\_\_\_, 20\_\_\_\_

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*Governor.*

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

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*Director, Legislative Service Commission.*

Filed in the office of the Secretary of State at Columbus, Ohio, on the \_\_\_\_ day of \_\_\_\_\_, A. D. 20\_\_\_\_.

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*Secretary of State.*

File No. \_\_\_\_\_ Effective Date \_\_\_\_\_