

2016 -- S 2056 SUBSTITUTE A

LC003056/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

A N A C T

RELATING TO FOOD AND DRUGS-REGULATION OF POWDERED CAFFEINE

Introduced By: Senators Crowley, Sosnowski, Jabour, and Conley

Date Introduced: January 13, 2016

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 21 of the General Laws entitled "FOOD AND DRUGS" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 37

4 REGULATION OF POWDERED CAFFEINE

5 **21-37-1. Legislative findings and purpose. --** (a) Caffeine is a known alkaloid found in
6 cocoa, coffee, tea, kola nuts and is naturally present in more than sixty (60) plants. While
7 generally used as a stimulant, it does not actually provide energy but on the contrary, provides the
8 illusion of energy. While caffeine can be found naturally, powdered caffeine is manufactured in a
9 laboratory setting and if used in small doses, can be used safely to caffeinate medicines, food and
10 soft drinks. When used in high doses however, caffeine can raise the user's blood pressure, cause
11 heartburn, dehydration and can lead to seizures, erratic heartbeats and in some cases, death.

12 (b) Currently, powdered caffeine is not regulated by the Food and Drug Administration,
13 and it is the purpose of this chapter to promote the health and safety of the consumers,
14 particularly minors, by regulating the sale, possession and use of powdered caffeine within the
15 state of Rhode Island.

16 **21-37-2. Definitions. --** As used in this chapter:

17 (1) "Caffeine" means that central nervous-system stimulant and known alkaloid
18 commonly found in cocoa and coffee seeds or beans; and

19 (2) "Powdered caffeine" means any concentrated powdered form of the stimulant

1 caffeine, or any powder substance sold or marketed as pure or concentrated caffeine.

2 **21-37-3. Prohibited activities.** -- (a) It shall be illegal for any person, partnership,
3 corporation or other entity to sell, give, provide or otherwise supply powdered caffeine to any
4 person under the age of twenty-one (21) years.

5 (1) Any person, partnership, corporation or other entity located within or without the state
6 of Rhode Island that violates §21-37-3(a), shall be punished upon conviction:

7 (i) For a first offense, by a fine of up to five hundred dollars (\$500);

8 (ii) For a second offense, by a fine of up to one thousand dollars (\$1,000) and/or
9 imprisonment of up to one year; and

10 (iii) For a third or subsequent offense, by a fine of up to three thousand dollars (\$3,000)
11 and/or imprisonment of up to three (3) years.

12 (b) Any person being under the age of twenty-one (21) years who possesses powdered
13 caffeine may be punished upon conviction by a fine of up to five hundred dollars (\$500) and may
14 be ordered to perform up to thirty (30) hours of community service, and upon a second or
15 subsequent violation hereof may additionally be ordered to undergo a substance abuse assessment
16 by a licensed substance abuse professional.

17 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would prohibit the sale of powdered caffeine to any person under the age of
2 twenty-one (21) years of age and would prohibit the possession of powdered caffeine by anyone
3 in that age group. Penalties would include fines and/or imprisonment for suppliers, and fines and
4 counseling for those found in possession.

5 This act would take effect upon passage.

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LC003056/SUB A
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