

2016 -- S 2056

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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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 doesn't 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.

16 **21-37-2. Definition.** -- 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 eighteen (18) years or to possess powdered caffeine while on any public
5 playground or on any public or private school premises.

6 (1) Any person, partnership, corporation of other entity located within or without the state
7 of Rhode Island that violates this section, shall be punished upon conviction:

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

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

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

13 (b) It shall be illegal for any person under the age of eighteen (18) to possess powdered
14 caffeine in any quantity. Any person under the age of eighteen (18) who possesses powdered
15 caffeine in violation of this section shall be required to perform up to thirty (30) hours of
16 community service and/or shall be required to enter into a substance treatment program, approved
17 by any local substance abuse prevention taskforce, at the option of a minor charged with a
18 violation of this section.

19 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 eighteen (18) and the possession of powdered caffeine by anyone under eighteen (18). This act
3 would also prohibit the possession of powdered caffeine by any person while on a school premises
4 or public playground. Penalties would include fines and imprisonment for subsequent offenses
5 and community service and counseling for minors found in possession.

6 This act would take effect upon passage.

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