

SB0009



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB0009

Introduced 1/15/2015, by Sen. Jennifer Bertino-Tarrant

SYNOPSIS AS INTRODUCED:

New Act
105 ILCS 110/3

Creates the Powdered Caffeine Control and Education Act. Prohibits any person from selling, offering to sell, giving away, or providing free samples of powdered pure caffeine to any person under age 18 located in the State or to any person under age 18 making the purchase from within the State. Sets forth penalties for violations of the Act. Contains legislative findings. Defines required terms. Amends the Critical Health Problems and Comprehensive Health Education Act. Provides that the Comprehensive Health Education Program shall include information regarding the use of powdered pure caffeine. Effective January 1, 2016.

LRB099 04051 JLK 24069 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Powdered Caffeine Control and Education Act.

6 Section 5. Findings. The General Assembly finds that the
7 United States Food and Drug Administration issued a warning
8 concerning powdered pure caffeine that companies market to
9 consumers. The powder, often sold in bulk, is nearly 100% pure
10 caffeine. Caffeine powder is easily purchased online,
11 including on websites that sell vitamins and supplements.
12 Because the product is unregulated by the United States Food
13 and Drug Administration, health experts indicate that it is
14 nearly impossible to know what dose of caffeine an individual
15 is consuming, even if the powder is measured carefully. While
16 caffeine in small quantities is generally not dangerous for
17 human consumption, large quantities of caffeine can be
18 extremely dangerous, even fatal. The American Academy of
19 Pediatrics discourages the consumption of caffeine and related
20 stimulants by children and adolescents.

21 Section 10. Purpose. The purpose of this Act is to ban the
22 sale of powdered pure caffeine to minors within the State in

1 order to protect their health and safety.

2 Section 15. Definitions. As used in this Act:

3 "Person" means any natural person, corporation,
4 partnership, firm, organization, association, or other legal
5 entity.

6 "Powdered pure caffeine" means any product composed purely
7 of caffeine in a loose powdered form.

8 Section 20. Control of the sale of powdered pure caffeine.

9 (a) No person may sell, offer for sale, give away, or
10 provide free samples of powdered pure caffeine to any person
11 under age 18 located within the State or to any person under
12 age 18 making the purchase from within the State.

13 (b) The prohibition of subsection (a) of this Section does
14 not apply to the sale of any powdered pure caffeine product
15 that receives explicit approval as safe and effective for its
16 intended use under the federal Food, Drug, and Cosmetic Act or
17 is lawfully marketed under an over-the-counter monograph
18 issued by the United States Food and Drug Administration.

19 Section 25. Penalties.

20 (a) Any person who violates this Act is guilty of a Class A
21 misdemeanor.

22 (b) For a second or subsequent violation of this Act, a
23 person is guilty of a Class 3 felony.

1 Section 70. The Critical Health Problems and Comprehensive
2 Health Education Act is amended by changing Section 3 as
3 follows:

4 (105 ILCS 110/3)

5 Sec. 3. Comprehensive Health Education Program. The
6 program established under this Act shall include, but not be
7 limited to, the following major educational areas as a basis
8 for curricula in all elementary and secondary schools in this
9 State: human ecology and health, human growth and development,
10 the emotional, psychological, physiological, hygienic and
11 social responsibilities of family life, including sexual
12 abstinence until marriage, prevention and control of disease,
13 including instruction in grades 6 through 12 on the prevention,
14 transmission and spread of AIDS, age-appropriate sexual abuse
15 and assault awareness and prevention education in grades
16 pre-kindergarten through 12, public and environmental health,
17 consumer health, safety education and disaster survival,
18 mental health and illness, personal health habits, the use of
19 powdered pure caffeine, alcohol, drug use, and abuse including
20 the medical and legal ramifications of alcohol, drug, and
21 tobacco use, abuse during pregnancy, evidence-based and
22 medically accurate information regarding sexual abstinence,
23 tobacco, nutrition, and dental health. The program shall also
24 provide course material and instruction to advise pupils of the

1 Abandoned Newborn Infant Protection Act. The program shall
2 include information about cancer, including without limitation
3 types of cancer, signs and symptoms, risk factors, the
4 importance of early prevention and detection, and information
5 on where to go for help. Notwithstanding the above educational
6 areas, the following areas may also be included as a basis for
7 curricula in all elementary and secondary schools in this
8 State: basic first aid (including, but not limited to,
9 cardiopulmonary resuscitation and the Heimlich maneuver),
10 heart disease, diabetes, stroke, the prevention of child abuse,
11 neglect, and suicide, and teen dating violence in grades 7
12 through 12. Beginning with the 2014-2015 school year, training
13 on how to properly administer cardiopulmonary resuscitation
14 (which training must be in accordance with standards of the
15 American Red Cross, the American Heart Association, or another
16 nationally recognized certifying organization) and how to use
17 an automated external defibrillator shall be included as a
18 basis for curricula in all secondary schools in this State.

19 The school board of each public elementary and secondary
20 school in the State shall encourage all teachers and other
21 school personnel to acquire, develop, and maintain the
22 knowledge and skills necessary to properly administer
23 life-saving techniques, including without limitation the
24 Heimlich maneuver and rescue breathing. The training shall be
25 in accordance with standards of the American Red Cross, the
26 American Heart Association, or another nationally recognized

1 certifying organization. A school board may use the services of
2 non-governmental entities whose personnel have expertise in
3 life-saving techniques to instruct teachers and other school
4 personnel in these techniques. Each school board is encouraged
5 to have in its employ, or on its volunteer staff, at least one
6 person who is certified, by the American Red Cross or by
7 another qualified certifying agency, as qualified to
8 administer first aid and cardiopulmonary resuscitation. In
9 addition, each school board is authorized to allocate
10 appropriate portions of its institute or inservice days to
11 conduct training programs for teachers and other school
12 personnel who have expressed an interest in becoming qualified
13 to administer emergency first aid or cardiopulmonary
14 resuscitation. School boards are urged to encourage their
15 teachers and other school personnel who coach school athletic
16 programs and other extracurricular school activities to
17 acquire, develop, and maintain the knowledge and skills
18 necessary to properly administer first aid and cardiopulmonary
19 resuscitation in accordance with standards and requirements
20 established by the American Red Cross or another qualified
21 certifying agency. Subject to appropriation, the State Board of
22 Education shall establish and administer a matching grant
23 program to pay for half of the cost that a school district
24 incurs in training those teachers and other school personnel
25 who express an interest in becoming qualified to administer
26 cardiopulmonary resuscitation (which training must be in

1 accordance with standards of the American Red Cross, the
2 American Heart Association, or another nationally recognized
3 certifying organization) or in learning how to use an automated
4 external defibrillator. A school district that applies for a
5 grant must demonstrate that it has funds to pay half of the
6 cost of the training for which matching grant money is sought.
7 The State Board of Education shall award the grants on a
8 first-come, first-serve basis.

9 No pupil shall be required to take or participate in any
10 class or course on AIDS or family life instruction or to
11 receive training on how to properly administer cardiopulmonary
12 resuscitation or how to use an automated external defibrillator
13 if his or her parent or guardian submits written objection
14 thereto, and refusal to take or participate in the course or
15 program or the training shall not be reason for suspension or
16 expulsion of the pupil.

17 Curricula developed under programs established in
18 accordance with this Act in the major educational area of
19 alcohol and drug use and abuse shall include classroom
20 instruction in grades 5 through 12. The instruction, which
21 shall include matters relating to both the physical and legal
22 effects and ramifications of drug and substance abuse, shall be
23 integrated into existing curricula; and the State Board of
24 Education shall develop and make available to all elementary
25 and secondary schools in this State instructional materials and
26 guidelines which will assist the schools in incorporating the

1 instruction into their existing curricula. In addition, school
2 districts may offer, as part of existing curricula during the
3 school day or as part of an after school program, support
4 services and instruction for pupils or pupils whose parent,
5 parents, or guardians are chemically dependent.

6 (Source: P.A. 97-1147, eff. 1-24-13; 98-190, eff. 8-6-13;
7 98-441, eff. 1-1-14; 98-632, eff. 7-1-14; 98-756, eff.
8 7-16-14.)

9 Section 99. Effective date. This Act takes effect January
10 1, 2016.