

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 4 felony.

1 Section 99. Effective date. This Act takes effect January
2 1, 2016.