

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**S. B. No. 7**

**Senator Manning**

**Cosponsors: Senators Obhof, Beagle, Jones, Lehner, Schiavoni, Tavares**

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**A BILL**

To enact section 2925.34 of the Revised Code to  
prohibit the sale of pure caffeine products.

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**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 2925.34 of the Revised Code be  
enacted to read as follows:

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**Sec. 2925.34.** (A) As used in this section, "pure caffeine  
product" means a product that contains caffeine only and is  
manufactured into a crystalline, liquid, or powdered form.

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

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(C) Division (B) of this section does not prohibit a  
person from selling or offering for sale either of the  
following:

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(1) A 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;

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(2) A product such as coffee, tea, or another substance 18  
meant for human consumption that contains any amount of caffeine 19  
combined with other ingredients or components. 20

(D) Nothing in this section prohibits either of the 21  
following: 22

(1) Possession of a product described in division (C) of 23  
this section; 24

(2) Possession of a pure caffeine product by any of the 25  
following: 26

(a) A food processing establishment, as defined in section 27  
3715.021 of the Revised Code; 28

(b) A manufacturer of a drug that is available without a 29  
prescription; 30

(c) A laboratory that holds a current, valid category III 31  
terminal distributor of dangerous drugs license issued by the 32  
state board of pharmacy under section 4729.54 of the Revised 33  
Code; 34

(d) A laboratory, as defined in section 3719.01 of the 35  
Revised Code; 36

(e) A laboratory of any agency or department of this state 37  
that performs testing, analysis, and other laboratory services 38  
on behalf of the state; 39

(f) A postal or delivery service that transports or 40  
delivers a pure caffeine product to an entity specified in 41  
divisions (D)(2)(a) to (e) of this section. 42

(E) Whoever violates division (B) of this section is 43  
guilty of illegal sale of pure caffeine, a minor misdemeanor on 44

a first offense and a misdemeanor of the third degree on each 45  
subsequent offense. 46