

As Passed by the Senate

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Sub. S. B. No. 7

Senator Manning

**Cosponsors: Senators Obhof, Beagle, Jones, Lehner, Schiavoni, Tavares, Bacon,
Hughes, Brown, Burke, Eklund, Faber, Gardner, Hite, Oelslager, Patton, Sawyer,
Seitz, Skindell, Thomas, Widener**

A BILL

To enact section 2925.34 of the Revised Code to 1
prohibit the sale of pure caffeine products. 2

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

Section 1. That section 2925.34 of the Revised Code be 3
enacted to read as follows: 4

Sec. 2925.34. (A) As used in this section: 5

(1) "Pure caffeine product" means, subject to division (A) 6
(2) of this section, a product that consists solely or primarily 7
of caffeine and is manufactured into a crystalline, liquid, or 8
powdered form. 9

(2) "Pure caffeine product" does not include any of the 10
following that contains caffeine and is formulated, 11
manufactured, and labeled in accordance with the laws and 12
regulations enforced by the United States Food and Drug 13
Administration: 14

(a) Coffee, tea, any soft drink, any energy drink, or any 15
other caffeine-containing beverage; 16

<u>(b) Any energy product.</u>	17
<u>(B) Except as provided in division (C) of this section, no person shall knowingly sell or offer for sale a pure caffeine product.</u>	18 19 20
<u>(C) Division (B) of this section does not prohibit a person from selling or offering for sale any 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.</u>	21 22 23 24 25
<u>(D) Nothing in this section prohibits either of the following:</u>	26 27
<u>(1) Possession of a product described in division (C) of this section;</u>	28 29
<u>(2) Possession of a pure caffeine product by any of the following:</u>	30 31
<u>(a) A food processing establishment, as defined in section 3715.021 of the Revised Code;</u>	32 33
<u>(b) A manufacturer of a drug that is available without a prescription;</u>	34 35
<u>(c) A laboratory that holds a current, valid category III terminal distributor of dangerous drugs license issued by the state board of pharmacy under section 4729.54 of the Revised Code;</u>	36 37 38 39
<u>(d) A laboratory, as defined in section 3719.01 of the Revised Code;</u>	40 41
<u>(e) A laboratory of any agency or department of this state that performs testing, analysis, and other laboratory services</u>	42 43

on behalf of the state; 44

(f) A postal or delivery service that transports or 45
delivers a pure caffeine product to an entity specified in 46
divisions (D) (2) (a) to (e) of this section. 47

(E) Whoever violates division (B) of this section is 48
guilty of illegal sale of pure caffeine, a minor misdemeanor on 49
a first offense and a misdemeanor of the third degree on each 50
subsequent offense. 51