

As Concurred 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, Skindell, Thomas, Widener

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A BILL

To enact sections 2925.34 and 4301.71 of the 1
Revised Code to prohibit the sale of pure 2
caffeine products and to prohibit the sale of 3
powdered or crystalline alcohol for human 4
consumption. 5

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

Section 1. That sections 2925.34 and 4301.71 of the 6
Revised Code be enacted to read as follows: 7

Sec. 2925.34. (A) As used in this section: 8

(1) "Pure caffeine product" means, subject to division (A) 9
(2) of this section, a product that consists solely or primarily 10
of caffeine and is manufactured into a crystalline, liquid, or 11
powdered form. 12

(2) "Pure caffeine product" does not include any of the 13
following that contains caffeine and is formulated, 14
manufactured, and labeled in accordance with the laws and 15
regulations enforced by the United States Food and Drug 16
Administration: 17

(a) Coffee, tea, any soft drink, any energy drink, or any 18
other caffeine-containing beverage; 19

(b) Any energy product. 20

(B) Except as provided in division (C) of this section, no 21
person shall knowingly sell or offer for sale a pure caffeine 22
product. 23

(C) Division (B) of this section does not prohibit a 24
person from selling or offering for sale any product 25
manufactured in a unit-dose form such as a pill, tablet, or 26
caplet, but only if each unit dose of the product contains not 27
more than two hundred fifty milligrams of caffeine. 28

(D) Nothing in this section prohibits either of the 29
following: 30

(1) Possession of a product described in division (C) of 31
this section; 32

(2) Possession of a pure caffeine product by any of the 33
following: 34

(a) A food processing establishment, as defined in section 35
3715.021 of the Revised Code; 36

(b) A manufacturer of a drug that is available without a 37
prescription; 38

(c) A laboratory that holds a current, valid category III 39

terminal distributor of dangerous drugs license issued by the 40
state board of pharmacy under section 4729.54 of the Revised 41
Code; 42

(d) A laboratory, as defined in section 3719.01 of the 43
Revised Code; 44

(e) A laboratory of any agency or department of this state 45
that performs testing, analysis, and other laboratory services 46
on behalf of the state; 47

(f) A postal or delivery service that transports or 48
delivers a pure caffeine product to an entity specified in 49
divisions (D)(2)(a) to (e) of this section. 50

(E) Whoever violates division (B) of this section is 51
guilty of illegal sale of pure caffeine, a minor misdemeanor on 52
a first offense and a misdemeanor of the third degree on each 53
subsequent offense. 54

Sec. 4301.71. (A) No person shall sell or offer for sale 55
powdered or crystalline alcohol for human consumption. 56

(B) Division (A) of this section does not apply to any of 57
the following: 58

(1) Any substance regulated by the food and drug 59
administration in the United States department of health and 60
human services that is not either of the following: 61

(a) Beer or intoxicating liquor; or 62

(b) A compound that could be converted into beer or 63
intoxicating liquor. 64

(2) A medication that requires a prescription; 65

(3) An over-the-counter medication. 66

<u>(C) As used in this section:</u>	67
<u>(1) "Powdered or crystalline alcohol" means a product that</u>	68
<u>is manufactured into a powdered or crystalline form and that</u>	69
<u>contains any amount of alcohol.</u>	70
<u>(2) "Prescription" has the same meaning as in section</u>	71
<u>4729.01 of the Revised Code.</u>	72
<u>(3) "Over-the-counter medication" means medication that</u>	73
<u>may be legally sold and purchased without a prescription.</u>	74