AN ACT concerning health.

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

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

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

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

order to protect their health and safety.

Section 15. Definitions. As used in this Act:

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

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

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

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

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

Section 25. Penalties.

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

(b) For a second or subsequent violation of this Act, a person is guilty of a Class 4 felony.

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