

By: Representative Hughes

To: Judiciary B

HOUSE BILL NO. 1285

1 AN ACT TO CREATE "NOAH'S LAW"; TO PROVIDE LEGISLATIVE INTENT;
2 TO PROVIDE DEFINITIONS; TO PROHIBIT THE SALE, BARTER OR TRANSFER
3 OF PURE POWDERED CAFFEINE PRODUCTS; TO PROVIDE PENALTIES FOR; AND
4 FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** This act shall be known and cited as "Noah's
7 Law."

8 **SECTION 2.** (1) As used in this act, "pure powdered caffeine
9 product" means a product that consists solely of pure caffeine, or
10 is sold or marketed as pure caffeine or pure powdered caffeine,
11 and is manufactured into a crystalline or powdered form. A "pure
12 powdered caffeine product" does not include products that contain
13 caffeine and are formulated, manufactured, and labeled in
14 accordance with the laws and regulations enforced by the United
15 States Food and Drug Administration.

16 (2) Except as provided in subsection (3) of this act, no
17 person, firm, corporation or other entity shall knowingly sell or
18 offer for sale, barter, or give away a pure powdered caffeine
19 product for human consumption.



20 (3) Subsection (2) of this act shall not prohibit a person,
21 firm, corporation or other entity from selling or offering for
22 sale, bartering, giving away, distributing, or delivering either
23 of the following:

24 (a) A pure powdered caffeine product used in any lawful
25 manufacturing process of another lawful product, in any lawful
26 research, or in any lawful prescription drug; or

27 (b) Any product that receives explicit approval as safe
28 and effective for its intended use under the Federal Food, Drug
29 and Cosmetic Act or is lawfully marketed under an over-the-counter
30 monograph issued by the United States Food and Drug
31 Administration.

32 (4) Any person, firm, corporation or other entity who
33 violates this act shall be liable as follows: For a first
34 conviction, a fine of not more than One Hundred Fifty Dollars
35 (\$150.00); and for all subsequent convictions, a fine of not more
36 than One Thousand Dollars (\$1,000.00).

37 (5) The provisions of this act shall supersede any existing
38 or subsequently enacted law, ordinance, rule or regulation of any
39 local government or political subdivision which relates to the
40 sale, purchase, promotion, possession, manufacture, or
41 distribution of a pure powdered caffeine product, of any lawful
42 product containing caffeine, and of any lawful product included in
43 subsection (2) of this section. No local government or political



44 subdivision shall adopt any law, ordinance, rule or regulation
45 that is more restrictive than the provisions of this act.

46 **SECTION 3.** This act shall take effect and be in force from
47 and after its passage.

