

By: Senator(s) Jolly, Doty

To: Judiciary, Division A

SENATE BILL NO. 2672

1 AN ACT TO BE KNOWN AS "NOAH'S LAW"; TO PROHIBIT THE SALE OF
2 CERTAIN CAFFEINE PRODUCTS TO ANYONE UNDER THE AGE OF 18; TO ENACT
3 DEFINITIONS; TO PROVIDE PENALTIES; TO REQUIRE POINT OF SALE
4 NOTICES; TO PROHIBIT MINOR POSSESSION OF CAFFEINE PRODUCTS ON
5 EDUCATIONAL PROPERTY; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** (1) This act shall be known and may be cited as
8 "Noah's Law."

9 (2) "Caffeine product" means any caffeine pill, tablet or
10 capsule that contains more than two hundred (200) milligrams of
11 caffeine per unit. It does not include liquids containing
12 caffeine.

13 (3) (a) It is unlawful to sell or transfer possession of a
14 caffeine product to a person who is under eighteen (18) years of
15 age.

16 (b) All places of business selling caffeine products
17 must clearly mark all caffeine products to indicate that a person
18 must be eighteen (18) years of age or older to purchase caffeine
19 products as provided in subsection (6) of this section.



20 (c) (i) Violation of this section is a misdemeanor
21 punishable by imprisonment not to exceed three (3) days and a fine
22 not to exceed Fifty Dollars (\$50.00) for a first offense,
23 Seventy-five Dollars (\$75.00) for a second offense, and Five
24 Hundred Dollars (\$500.00) for a third or subsequent offense.

25 (ii) It is a defense to prosecution under this
26 section that government-issued photographic identification
27 establishing the person's age as at least eighteen (18) years was
28 examined before selling or transferring the caffeine product.

29 (4) It shall not be considered a violation of this section
30 on the part of any law enforcement officer or person under
31 eighteen (18) years of age for any law enforcement officer of this
32 state to use persons under eighteen (18) years of age to purchase
33 or attempt to purchase prohibited caffeine products for the
34 purpose of monitoring compliance with this section, as long as
35 those persons are supervised by duly authorized law enforcement
36 agency officials.

37 (5) (a) No person under eighteen (18) years of age shall
38 purchase any caffeine product prohibited by this act or possess or
39 use caffeine products that are prohibited by this act on any
40 educational property as defined in Section 97-37-17(a).

41 (b) If a person under eighteen (18) years of age is
42 found by a court to be in violation of this section, the court may
43 order the minor to perform up to three (3) hours of community
44 service.



45 (c) A violation under this section is not to be
46 recorded on the criminal history of the minor and, upon proof of
47 satisfaction of the court's order, the record shall be expunged
48 from any records other than youth court records.

49 (6) (a) Point of sale warning signs are required, and each
50 seller shall place and maintain in legible condition, at each
51 point of sale of prohibited caffeine products to consumers, a sign
52 no smaller than eight and one-half (8-1/2) by eleven (11) inches
53 or ninety-three (93) square inches stating: "STATE LAW PROHIBITS
54 THE SALE OF CERTAIN CAFFEINE PRODUCTS TO PERSONS UNDER THE AGE OF
55 18 YEARS. PROOF OF AGE REQUIRED."

56 (b) Any person who violates this section shall be
57 punished by a penalty of not more than One Hundred Dollars
58 (\$100.00).

59 **SECTION 2.** This act shall take effect and be in force from
60 and after July 1, 2018.

