

# AMENDMENT PROPOSED TO

HOUSE BILL NO. 753



BY Reynolds

HOUSE BILL NO. ~~753~~ 753

BY: Representative Reynolds

1            <sup>169</sup> AMEND after line ~~152~~ by inserting the following new sections  
2 and renumbering the succeeding section:

3            SECTION 3 Section 3 and 4 this act shall be known and cited  
4 as "Noah's Law."

5            SECTION 4 (1) As used in this section, "pure powdered  
6 caffeine product" means a product that consists solely of pure  
7 caffeine, or is sold or marketed as pure caffeine or pure powdered  
8 caffeine, and is manufactured into a crystalline or powdered form.  
9 A "pure powdered caffeine product" does not include products that  
10 contain caffeine and are formulated, manufactured, and labeled in  
11 accordance with the laws and regulations enforced by the United  
12 States Food and Drug Administration.

13            (2) Except as provided in subsection (3) of this section, no  
14 person, firm, corporation or other entity shall knowingly sell or



15 offer for sale, barter, or give away a pure powdered caffeine  
16 product for human consumption.

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

21 (a) A pure powdered caffeine product used in any lawful  
22 manufacturing process of another lawful product, in any lawful  
23 research, or in any lawful prescription drug; or

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

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

34 (5) The provisions of this section shall supersede any  
35 existing or subsequently enacted law, ordinance, rule or  
36 regulation of any local government or political subdivision which  
37 relates to the sale, purchase, promotion, possession, manufacture,  
38 or distribution of a pure powdered caffeine product, of any lawful  
39 product containing caffeine, and of any lawful product included in



40 subsection (2) of this section. No local government or political  
41 subdivision shall adopt any law, ordinance, rule or regulation  
42 that is more restrictive than the provisions of this section.

