

HOUSE BILL 1266

J1

5lr3080

By: **Delegate Ebersole**

Introduced and read first time: March 9, 2015

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Sale, Offer for Sale, and Distribution of Powdered Caffeine –**
3 **Prohibition**

4 FOR the purpose of prohibiting a person from selling, offering for sale, or distributing
5 powdered caffeine; establishing certain penalties; defining a certain term; and
6 generally relating to the sale, offer for sale, and distribution of powdered caffeine.

7 BY adding to

8 Article – Health – General

9 Section 24–307

10 Annotated Code of Maryland

11 (2009 Replacement Volume and 2014 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
13 That the Laws of Maryland read as follows:

14 **Article – Health – General**

15 **24–307.**

16 **(A) (1) IN THIS SECTION, “POWDERED CAFFEINE” MEANS A PRODUCT**
17 **CONTAINING 100% CAFFEINE IN A POWDERED OR CRYSTALLINE FORM.**

18 **(2) “POWDERED CAFFEINE” DOES NOT INCLUDE:**

19 **(I) CAFFEINE PILLS, TABLETS, OR CAPLETS CONTAINING 200**
20 **MILLIGRAMS OR LESS OF CAFFEINE PER DOSE; OR**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(II) COFFEE, TEA, OR ANY OTHER SUBSTANCE MEANT FOR**
2 **HUMAN CONSUMPTION THAT CONTAINS CAFFEINE COMBINED WITH OTHER**
3 **INGREDIENTS.**

4 **(B) A PERSON MAY NOT SELL, OFFER FOR SALE, OR DISTRIBUTE TO ANY**
5 **PERSON POWDERED CAFFEINE.**

6 **(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR**
7 **AND ON CONVICTION IS SUBJECT TO:**

8 **(1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$500 OR**
9 **IMPRISONMENT NOT EXCEEDING 30 DAYS OR BOTH; AND**

10 **(2) FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE NOT**
11 **EXCEEDING \$1,000 OR IMPRISONMENT NOT EXCEEDING 6 MONTHS OR BOTH.**

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2015.