

**RESOLUTION NO. 764 -2014, ADOPTING LOCAL LAW
NO. 30 -2014, A LOCAL LAW TO PROHIBIT THE SALE OF
POWDERED CAFFEINE TO MINORS IN SUFFOLK COUNTY**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on July 29, 2014, a proposed local law entitled, "**A LOCAL LAW TO PROHIBIT THE SALE OF POWDERED CAFFEINE TO MINORS IN SUFFOLK COUNTY;**" now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. 30 -2014, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO PROHIBIT THE SALE OF POWDERED
CAFFEINE TO MINORS IN SUFFOLK COUNTY**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF
SUFFOLK**, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that the County of Suffolk is dedicated to protecting the health and safety of its residents, and is particularly interested in the health of children.

This Legislature also finds and determines that caffeine is a stimulant that is found naturally in the seeds, leaves and roots of some plants and can be found in a variety of products from coffee and tea to sodas and energy drinks.

This Legislature further finds and determines that caffeine in small quantities is generally not dangerous for human consumption, but large quantities of caffeine can be extremely dangerous, even lethal.

This Legislature finds that companies are increasingly selling pure caffeine powder to consumers as a dietary supplement.

This Legislature determines that these supplements are intended to be taken at very low doses (1/16 of a teaspoon) but some users do not follow these guidelines.

This Legislature further finds that the symptoms of caffeine overdose include difficulty breathing, confusion, dizziness, convulsions, fever, hallucinations, an irregular rapid heartbeat, vomiting and, in some cases, may cause death.

This Legislature also determines that the estimated lethal dosage of caffeine powder is between 1 and 3 teaspoons a day. Children may experience toxicity at an even lower dosage.

This Legislature also finds that recently, a high school teenager in Ohio died just days before his high school graduation from a caffeine overdose related to using caffeine powder.

This Legislature further determines that given the potentially dangerous nature of caffeine powder, Suffolk County should prohibit the sale of caffeine powder to individuals under the age of 18.

Therefore, the purpose of this law is to prohibit the sale of powdered caffeine to minors in Suffolk County.

Section 2. Definitions.

As used in this law, the following terms shall have the meanings indicated:

“Caffeine powder” shall mean any product composed purely of caffeine in a loose powder form.

“Person” shall mean any natural person, individual, corporation, unincorporated association, proprietorship, firm, partnership, joint venture, joint stock association or other entity or business organization of any kind.

Section 3. Prohibitions.

No person shall sell, offer for sale, give away or provide free samples of caffeine powder to individuals under the age of 18 in Suffolk County.

Section 4. Penalties.

- A. Violations of this law shall be punishable by a fine of \$500 for an initial violation, with subsequent violations punishable by a fine of up to \$1,000.
- B. A civil penalty shall be assessed by the Commissioner of the Department of Health Services following a hearing at which an alleged violator has the opportunity to be heard.

Section 5. Enforcement.

This law shall be enforced by the Suffolk County Department of Health Services.

Section 6. Rules and Regulations.

The Commissioner of the Suffolk County Department of Health Services is hereby authorized and empowered to promulgate such rules and regulations as he or she deems necessary to implement this law.

Section 7. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

Section 8 Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 9. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 10. Effective Date.

This law shall take effect immediately upon filing in the Office of the Secretary of State.

DATED: October 7, 2014

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: November 5, 2014

After a public hearing duly held on October 20, 2014
Filed with the Secretary of State on November 14, 2014