



123rd MAINE LEGISLATURE

SECOND REGULAR SESSION-2008

Legislative Document	No. 2034
H.P. 1418	House of Representatives, December 21, 2007

An Act To Prohibit the Sale of Energy Drinks to Minors

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 19, 2007. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. Mac Failand

MILLICENT M. MacFARLAND Clerk

Presented by Representative JACKSON of Allagash. Cosponsored by Senator MARRACHÉ of Kennebec and Representatives: BRAUTIGAM of Falmouth, FAIRCLOTH of Bangor, PINGREE of North Haven, Senators: President EDMONDS of Cumberland, MARTIN of Aroostook, MITCHELL of Kennebec.

- 1 Be it enacted by the People of the State of Maine as follows:
- 2 Sec. 1. 22 MRSA §2174 is enacted to read:

3 §2174. Energy drinks

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- 4 <u>1. Definitions.</u> As used in this section, unless the context otherwise indicates, the
 5 following terms have the following meanings.
- 6 A. "Energy drink" means a soft drink that contains 80 or more milligrams of 7 caffeine per 8 fluid ounces advertised as being specifically designed to provide 8 energy and generally including a combination of methylxanthines, B vitamins and 9 herbal ingredients.
- 10 B. "Minor" means a person who has not attained 18 years of age.
- 2. Prohibition. A person may not sell, furnish, give away or offer to sell, furnish or
 give away an energy drink in this State to a minor.
- **3. Violation.** A person who violates this section commits a civil violation for which
 fines may be imposed under subsection 4.
- 15 **4. Fines.** The following fines apply to violations of this section.
- A. A person who violates subsection 2 commits a civil violation for which a fine of
 \$50 may be adjudged.
- 18 B. A person who violates subsection 2 after having previously violated subsection 2
 19 commits a civil violation for which a fine of \$100 may be adjudged.
- 20 C. A person who violates subsection 2 after having previously violated subsection 2
 21 more than once commits a civil violation for which a fine of \$500 may be adjudged.
 - SUMMARY
- This bill prohibits the sale of energy drinks to minors. An energy drink is a soft drink specifically designed to provide energy and must contain 80 or more milligrams of caffeine per 8 fluid ounces.