

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 17

H.P. 12

House of Representatives, January 5, 2009

An Act To Prohibit the Sale of Energy Drinks to Minors

Reference to the Committee on Health and Human Services suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative PENDLETON of Scarborough.

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**

4 **1. Definitions.** 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 caffeine
7 per 8 fluid ounces advertised as being specifically designed to provide energy and
8 generally including a combination of methylxanthines, B vitamins and herbal
9 ingredients.

10 B. "Minor" means a person who has not attained 18 years of age.

11 **2. Prohibition.** A person may not sell, furnish, give away or offer to sell, furnish or
12 give away an energy drink in this State to a minor.

13 **3. Violation.** A person who violates this section commits a civil violation for which
14 a fine may be imposed under subsection 4.

15 **4. Fines.** The fines under this subsection apply to violations of this section.

16 A. A person who violates subsection 2 commits a civil violation for which a fine of
17 \$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.

22 **SUMMARY**

23 This bill prohibits the sale of energy drinks to minors. An energy drink is a soft drink
24 specifically designed to provide energy that contains 80 or more milligrams of caffeine
25 per 8 fluid ounces.

26