

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 753

H.P. 504

House of Representatives, February 28, 2013

**An Act To Prohibit the Sale of High-caffeine Energy Drinks to
Persons under 18 Years of Age**

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative CASSIDY of Lubec.
Cosponsored by Representatives: HUBBELL of Bar Harbor, MAKER of Calais, SCHNECK of
Bangor, TURNER of Burlington.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 22 MRSA §2176** is enacted to read:

3 **§2176. 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 subsection 2 commits a civil violation for
14 which a fine may be imposed under subsection 4.

15 **4. Fines.** The fines under this subsection apply to violations of subsection 2.

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 that contains 80 or more milligrams of caffeine per 8 fluid ounces advertised as being
25 specifically designed to provide energy.