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An Act To Prohibit the Sale of Energy Drinks to Minors

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

Sec. 1. 22 MRSA §2174 is enacted to read:

§ 2174. Energy drinks

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Energy drink" means a soft drink that contains 80 or more milligrams of caffeine per 8 fluid ounces advertised as being specifically designed to provide energy and generally including a combination of methylxanthines, B vitamins and herbal ingredients.

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.

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.

B. A person who violates subsection 2 after having previously violated subsection 2 commits a civil violation for which a fine of \$100 may be adjudged.

C. A person who violates subsection 2 after having previously violated subsection 2 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.