

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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

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

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

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

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

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