



# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 753

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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**

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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.