



House of Representatives

General Assembly

File No. 37

February Session, 2024

House Bill No. 5261

House of Representatives, March 14, 2024

The Committee on Children reported through REP. LINEHAN of the 103rd Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT PROHIBITING THE SALE OF ENERGY DRINKS TO INDIVIDUALS UNDER SIXTEEN YEARS OF AGE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2024*) (a) As used in this section:

2 (1) "Dealer" means any individual, firm, fiduciary, partnership,
3 corporation, limited liability company, trust or association engaged in
4 the business of selling energy drinks to retail consumers in the state;

5 (2) "Energy drink" means a soft drink that contains (A) not less than
6 eighty milligrams of caffeine per nine fluid ounces, and (B)
7 methylxanthines, B vitamins, one or more herbal ingredients or an
8 ingredient labeled "energy blend"; and

9 (3) "Sale" or "sell" means the act of exchanging an energy drink for
10 consideration.

11 (b) On and after January 1, 2025, no dealer shall sell an energy drink
12 to an individual under sixteen years of age. Each dealer, or such dealer's

13 agent or employee, shall require any individual who is attempting to
 14 purchase an energy drink, whose age is in question, to present a valid
 15 motor vehicle operator's license, identity card issued pursuant to section
 16 1-1h of the general statutes or passport. If an individual fails to present
 17 such license, card or passport, such dealer or dealer's agent shall not sell
 18 an energy drink to such individual.

19 (c) On and after January 1, 2025, each dealer shall place and maintain,
 20 in legible condition at each point of sale of energy drinks to consumers,
 21 a notice that states that the sale of energy drinks to any individual under
 22 sixteen years of age is prohibited by this section.

23 (d) Any dealer who violates the provisions of this section shall be (1)
 24 issued a warning for the first offense, (2) fined not more than two
 25 hundred dollars for a second offense occurring not more than two years
 26 after the first offense, and (3) fined not more than three hundred fifty
 27 dollars for a third or subsequent offense occurring not more than two
 28 years after a prior offense.

29 (e) The Commissioner of Consumer Protection shall have the power
 30 to enforce the provisions of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2024	New section

KID *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 25 \$	FY 26 \$
Consumer Protection, Dept.	GF - Cost	364,167	476,833
State Comptroller - Fringe Benefits ¹	GF - Cost	139,424	185,899
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill bans the sale of energy drinks to individuals under the age of sixteen and requires the Department of Consumer Protection (DCP) to enforce the ban resulting in a total cost to the state of \$503,591 in FY 25² and \$662,732 in FY 26 and a potential revenue gain.

To meet the requirements of the bill DCP will need to hire six new employees³ for a salary and other expenses cost of \$364,167 in FY 25 and \$476,833 in FY 26, along with corresponding fringe benefits costs of \$139,424 in FY 25 and \$185,899 in FY 26. The additional employees are needed to regulate the market through inspections, monitoring compliance, receiving and investigating complaints, and educating the public. To the extent there are multiple violations from the same dealer

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 41.25% of payroll in FY 25.

²FY 25 costs reflect 9 months of salary due to the bill's October 1, 2024 effective date.

³The new employees consist of four investigators, one staff attorney, and one consumer information representative.

there is a potential revenue gain to the state.⁴

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to employee wage increases and the number of violations.

⁴A first-time offender is issued a warning, a second offense is a fine of not more than \$200, a third and subsequent offenses are fines of not more than \$350.

OLR Bill Analysis**HB 5261*****AN ACT PROHIBITING THE SALE OF ENERGY DRINKS TO INDIVIDUALS UNDER SIXTEEN YEARS OF AGE.*****SUMMARY**

Starting January 1, 2025, this bill prohibits anyone who sells energy drinks to retail consumers (“dealers”) from doing so to individuals under age 16. The ban applies to soft drinks with (1) at least 80 milligrams of caffeine per nine fluid ounces and (2) methylxanthines, B vitamins, an herbal ingredient, or an ingredient labeled “energy blend.”

Under the bill, dealers, including their agents and employees, must require consumers who try to buy an energy drink and whose age is in question, to verify it by presenting a valid driver’s license, identity card, or passport. The bill (1) prohibits dealers from selling an energy drink to someone who is asked for identification but does not provide it and (2) requires dealers to have a legible notice at each point of sale stating that the law prohibits the sale of these drinks to anyone under age 16.

Lastly, the bill authorizes the Department of Consumer Protection to enforce these requirements. A violation is punishable by a (1) warning for the first offense, (2) fine of up to \$200 for a second offense occurring within two years after the first offense, and (3) fine of up to \$350 for a third or subsequent offense occurring within two years after a prior offense.

EFFECTIVE DATE: October 1, 2024

COMMITTEE ACTION

Committee on Children

Joint Favorable

Yea 13 Nay 6 (03/05/2024)