



House of Representatives

File No. 621

General Assembly

February Session, 2024 **(Reprint of File No. 37)**

House Bill No. 5261
As Amended by House Amendment
Schedules "B" and "D"

Approved by the Legislative Commissioner
April 29, 2024

AN ACT CONCERNING THE CONSUMPTION OF ENERGY DRINKS BY CHILDREN.

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

1 Section 1. (*Effective from passage*) (a) For the purposes of this section,
2 "energy drink" means a soft drink that contains (1) not less than eighty
3 milligrams of caffeine per nine fluid ounces, and (2) methylxanthines, B
4 vitamins, one or more herbal ingredients or an ingredient labeled
5 "energy blend", and "social media" has the same meaning as provided
6 in section 9-601 of the general statutes.

7 (b) There is established a working group to (1) study the (A) medical
8 risks associated with energy drink consumption by children, and (B)
9 anticipated effects of a prohibition on the sale of energy drinks to
10 children on (i) the state-wide sale of energy drinks, and (ii) public health,
11 and (2) make recommendations for (A) a public awareness campaign
12 concerning such risks, that includes, but is not limited to, a video
13 recording for publication or broadcast on television and social media,

14 (B) notice to be posted at the point of sale of energy drinks in retail
15 establishments alerting consumers to such risks, and (C) a one-page
16 document explaining such risks.

17 (c) The working group shall include, but not be limited to, the
18 following members, who shall be selected jointly by the Commissioners
19 of Public Health and Consumer Protection: (1) The chairpersons and
20 ranking members of the joint standing committees of the General
21 Assembly having cognizance of matters relating to children and public
22 health, (2) an individual with expertise in advertising and marketing, (3)
23 a parent or guardian of a child who experienced adverse health
24 conditions or died due to the consumption of energy drinks, (4) a
25 pediatric cardiologist, (5) a representative of a state-wide chapter of a
26 national association of pediatricians, (6) a representative of a state-wide
27 governing body for interscholastic athletic activities, (7) a representative
28 of the Connecticut Children's Medical Center, (8) a representative of a
29 state-wide association of food retailers, wholesalers, distributors and
30 service providers, (9) a representative of a manufacturer of energy
31 drinks, (10) the Commissioner of Public Health, or the commissioner's
32 designee; and (11) a licensed athletic trainer. The commissioners, or their
33 designees, shall serve as cochairpersons of the working group. The
34 administrative staff of the joint standing committee of the General
35 Assembly having cognizance of matters relating to children shall serve
36 as administrative staff of the working group.

37 (d) Not later than November 1, 2024, the working group shall submit
38 a report on its study and recommendations to the joint standing
39 committees of the General Assembly having cognizance of matters
40 relating to children, public health and consumer protection in
41 accordance with the provisions of section 11-4a of the general statutes.

42 Sec. 2. (NEW) (*Effective July 1, 2024*) (a) For the purposes of this
43 section, "energy drink" means a soft drink that contains (1) not less than
44 eighty milligrams of caffeine per nine fluid ounces, and (2)
45 methylxanthines, B vitamins, one or more herbal ingredients or an
46 ingredient labeled "energy blend".

47 (b) Not later than December 1, 2024, the Department of Consumer
 48 Protection shall develop signage alerting consumers to the medical risks
 49 associated with energy drink consumption by children and make a copy
 50 of such signage available on the department's Internet web site. Such
 51 signage shall incorporate the recommendations submitted by the
 52 working group established pursuant to section 1 of this act.

53 (c) On and after January 1, 2025, each individual, firm, fiduciary,
 54 partnership, corporation, limited liability company, trust or association
 55 engaged in the business of selling energy drinks to retail consumers in
 56 the state shall post a copy of the notice developed pursuant to subsection
 57 (b) of this section in a conspicuous place at the point of sale of such
 58 energy drinks.

59 Sec. 3. (NEW) (*Effective July 1, 2024*) Not later than January 1, 2025,
 60 the working group established pursuant to section 1 of this act shall, in
 61 consultation with the Department of Public Health, develop a one-page
 62 document explaining the medical risks associated with energy drink
 63 consumption by children. The Department of Public Health shall make
 64 a copy of such document available on the department's Internet web
 65 site. Such document shall incorporate the recommendations submitted
 66 by the working group. For the purposes of this section, "energy drink"
 67 means a soft drink that contains (1) not less than eighty milligrams of
 68 caffeine per nine fluid ounces, and (2) methylxanthines, B vitamins, one
 69 or more herbal ingredients or an ingredient labeled "energy blend".

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>July 1, 2024</i>	New section
Sec. 3	<i>July 1, 2024</i>	New section

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: None

Municipal Impact: None

Explanation

The bill makes various changes regarding energy drink regulations resulting in no fiscal impact to the state.

Section 1 creates a working group to study the risk associated with energy drink consumption by children and the anticipated effects of a prohibition on the sale of energy drinks to children resulting in no fiscal impact because the working group has the expertise to meet the requirements of the bill.

Sections 2 and 3 require the Department of Consumer Protection (DCP) to develop signage regarding the medical risks of energy drinks and the working group to develop a one-page document explaining the medical risks of energy drink consumption resulting in no fiscal impact because DCP and the working group have the expertise to meet these requirements.

House "B" strikes the underlying bill and its associated fiscal impact resulting in the impact described above.

House "D" alters the composition of the working group resulting in no fiscal impact to the state.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**HB 5261 (as amended by House "B" and "D")******AN ACT PROHIBITING THE SALE OF ENERGY DRINKS TO INDIVIDUALS UNDER SIXTEEN YEARS OF AGE.*****SUMMARY**

The Office of Legislative Research does not analyze Special Acts.

*House Amendment "B" strikes the underlying bill, which generally would have prohibited the sale of energy drinks to children under age 16, and replaces it with provisions that (1) establish a working group to study the (a) medical risks associated with children consuming energy drinks and (b) anticipated effects of a prohibition on the sale of energy drinks to children, public health, and the state-wide sale of energy drinks; (2) require the Department of Consumer Protection (DCP) to develop signage alerting consumers to the risks associated with children consuming energy drinks and retailers to post it; (3) require the Department of Public Health to develop a one-page document explaining the medical risks associated with children consuming energy drinks; and (4) change the bill's effective date.

*House Amendment "D" increases the working group's membership by adding the Public Health Committee's chairpersons and ranking members, the DCP commissioner, and a licensed athletic trainer.

EFFECTIVE DATE: July 1, 2024

COMMITTEE ACTION

Committee on Children

Joint Favorable

Yea 13 Nay 6 (03/05/2024)