



General Assembly

Amendment

February Session, 2024

LCO No. 4250



Offered by:

REP. LINEHAN, 103rd Dist.

SEN. MAHER, 26th Dist.

To: House Bill No. 5261

File No. 37

Cal. No. 58

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

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

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

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

15 recording for publication or broadcast on television and social media,
16 (B) notice to be posted at the point of sale of energy drinks in retail
17 establishments alerting consumers to such risks, and (C) a one-page
18 document explaining such risks.

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

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