

STRICKEN AS OF 6/7/2011
AMENDED COPY AS OF 4/18/2011

Intro. Res. No. 2156-2010

Laid on Table 12/7/2010

Introduced by Legislators Nowick, Lindsay, Muratore, Losquadro, Schneiderman, Gregory

**RESOLUTION NO. -2011, ADOPTING LOCAL LAW
NO. -2011, A LOCAL LAW TO ALERT CONSUMERS TO
THE HEALTH RISKS ASSOCIATED WITH ENERGY DRINKS**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on December 7, 2010, a proposed local law entitled, "**A LOCAL LAW TO ALERT CONSUMERS TO THE HEALTH RISKS ASSOCIATED WITH ENERGY DRINKS;**" now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. -2011, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO ALERT CONSUMERS TO THE HEALTH RISKS
ASSOCIATED WITH ENERGY DRINKS**

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that energy drinks are very popular, particularly among young people.

This Legislature also finds and determines that energy drinks are classified as dietary supplements and are not currently regulated by the FDA.

This Legislature further finds and determines that energy drinks contain up to 800 milligrams of caffeine per serving, the equivalent of eight cups of coffee. The exact caffeine content of these drinks is not required to be disclosed as nutritional information.

This Legislature finds that energy drinks also contain a blend of herbal supplements, vitamins and amino acids, such as glucose, guarana, taurine, vitamin B6, vitamin B12, yerba mate, bitter orange, ginger, ginkgo, St. John's Wort, and ginseng, the exact contents of which are also not disclosed.

This Legislature determines that the potent combination of caffeine, sugar, carbohydrates, herbs, vitamins and amino acids found in energy drinks can pose significant health risks to consumers.

The Legislature finds that some energy drinks feature warning labels stating that the product is not recommended for children, pregnant women and those sensitive to caffeine.

This Legislature also finds that consuming energy drinks can have significant adverse effects, including aggravating heart conditions, causing headaches, rapid heartbeat,

nervousness, irritability, sleeplessness, dehydration, abnormal heart rhythms, and stomach upset and even death.

This Legislature finds that consuming energy drinks can be particularly dangerous for individuals with heart problems and may interfere with medications prescribed for certain conditions, including attention deficit disorder, allergies, asthma, and birth control pills.

This Legislature also determines that energy drinks are frequently combined with alcohol, which can mask an individual's intoxication level, leading to increased alcohol consumption and additional health risks.

This Legislature finds that most consumers are unaware of the serious health risks posed by consuming energy drinks.

Therefore, the purpose of this law is to require retail establishments that sell energy drinks in Suffolk County to post signs informing consumers of the negative effects associated with consuming energy drinks.

Section 2. Definitions.

As used in this law, the following terms shall have the meanings indicated:

"ENERGY DRINK" shall mean a beverage that is not strictly regulated by the Food and Drug Administration and that contains 75 or more milligrams of caffeine per 8 fluid ounces and generally includes a combination of other supplements such as methylxanthines, B vitamins, herbal ingredients and other ingredients which are advertised as being specifically designed to provide or increase energy.

"RETAIL ESTABLISHMENT" shall mean any outlet, store, shop, mercantile establishment or other place of business engaged in the retail sale of goods or merchandise directly to consumers for consumption on or off premises, and shall include vending machines.

Section 3. Sign Requirements.

Any retail establishment in Suffolk County that sells or offers for sale energy drinks shall post a sign or poster provided by the Department of Health Services which shall have conspicuous lettering in all capital letters and not less than a quarter inch in height on a contrasting background stating:

ENERGY DRINKS WARNING

CONSUMPTION OF ENERGY DRINKS MAY BE HARMFUL TO CHILDREN, PREGNANT WOMEN AND PEOPLE SENSITIVE TO CAFFEINE. ENERGY DRINKS MAY AGGRAVATE HEART CONDITIONS, CAUSE HEADACHES, RAPID HEARTBEAT, DEHYDRATION, DISRUPTION OF SLEEP PATTERNS AND CONCENTRATION, AND IN RARE CASES, DEATH. THESE EFFECTS MAY BE MAGNIFIED IN CHILDREN UNDER AGE 18. ENERGY DRINKS MAY CONTAIN LARGE QUANTITIES OF CAFFEINE AND OTHER INGREDIENTS, INCLUDING HERBAL SUPPLEMENTS, AMINO ACIDS AND VITAMINS. THE INGREDIENTS IN THESE DRINKS MAY INTERFERE WITH CERTAIN PRESCRIPTION MEDICATIONS FOR ATTENTION DEFICIT DISORDER, ASTHMA, ALLERGIES, BIRTH CONTROL

AND OTHER CONDITIONS. MIXING ENERGY DRINKS WITH ALCOHOL OR OTHER DRUGS MAY POSE ADDITIONAL HEALTH RISKS.

Section 4. Penalties.

Violation of this law shall be punishable by a civil fine of up to two hundred fifty dollars (\$250) for a first violation, with subsequent violations punishable by a fine of up to seven hundred fifty dollars (\$750).

Section 5. Rules and Regulations.

The Commissioner of the Department of Health Services is hereby authorized and empowered to promulgate rules and regulations necessary for the implementation of the provisions of this law.

Section 6. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

Section 7. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 8. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 9. Effective Date.

This law shall take effect on the one hundred twentieth (120th) day immediately subsequent to filing in the Office of the Secretary of State.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: