

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

Intro. Res. No. 2210-2010

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 BAN THE SALE OF
ENERGY DRINKS TO MINORS IN SUFFOLK COUNTY**

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 BAN THE SALE OF ENERGY DRINKS TO MINORS IN SUFFOLK COUNTY;**" 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 BAN THE SALE OF ENERGY DRINKS TO
MINORS IN SUFFOLK COUNTY**

**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 most energy drinks claim to target their marketing to consumers aged 18 to 30, but are being consumed predominantly by children in middle and high school.

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

This Legislature finds that consumption of energy drinks by minors has been associated with hyperactivity, lack of concentration, poor nutrition and dental problems.

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 consumption of energy drinks can cause significant adverse effects: aggravating heart conditions, headaches, rapid heartbeat, nervousness, irritability, sleeplessness, dehydration, abnormal heart rhythms, and stomach

upset and even death. These effects may be exacerbated in minors and occur after consuming smaller amounts of caffeine or other stimulants.

This Legislature also determines that, in an effort to curb minors' use of these dangerous beverages, some states, including Maine, Kentucky and Michigan, have considered banning the sale of energy drinks to minors.

This Legislature further determines that Suffolk County should protect the health and welfare of children by restricting their ability to purchase energy drinks.

Therefore, the purpose of this law is to ban the sale of energy drinks to minors in Suffolk County.

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.

"MINOR" shall mean any natural person or individual under the age of eighteen (18).

"PERSON" shall mean any natural person, individual, corporation, unincorporated association, proprietorship, firm, partnership, joint venture, joint-stock association, or other entity or business organization of any kind.

Section 3. Prohibition.

No person shall sell energy drinks to minors in Suffolk County.

Section 4. Penalties.

Violation of this law shall be punishable by a civil fine of up to five hundred dollars (\$500) for a first violation, with subsequent violations punishable by a fine of up to one thousand dollars (\$1,000).

Section 5. Enforcement.

This law shall be enforced by the Department of Health Services.

Section 6. Authority to Promulgate Rules and Regulations.

The Commissioner of the Suffolk County Department of Health Services is hereby authorized and empowered to promulgate such rules and regulations as he or she deems necessary to implement this law.

Section 7. Applicability.

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

Section 8. 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 9. 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 10. Effective Date.

This law shall take effect immediately upon filing in the Office of the Secretary of State.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: