

**RESOLUTION NO. 189 -2013, ADOPTING LOCAL LAW
NO. 17 -2013, A LOCAL LAW TO PROHIBIT THE SALE AND
DISTRIBUTION OF STIMULANT DRINKS TO MINORS IN
COUNTY PARKS**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on February 5, 2013, a proposed local law entitled, "**A LOCAL LAW TO PROHIBIT THE SALE AND DISTRIBUTION OF STIMULANT DRINKS TO MINORS IN COUNTY PARKS**"; now, therefore be it

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

LOCAL LAW NO. 17 -2013, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO PROHIBIT THE SALE AND DISTRIBUTION OF
STIMULANT DRINKS TO MINORS IN COUNTY PARKS**

**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 the County of Suffolk is dedicated to protecting the health and safety of its residents, and pays special attention to children's health.

This Legislature further finds and determines that so-called "energy drinks" are very popular, particularly among young people.

This Legislature finds that these drinks contain very high levels of caffeine, though the exact amounts are not disclosed by their makers as nutrition information.

This Legislature finds that caffeine is not a source of energy but a stimulant and, therefore, these beverages are more accurately described as "stimulant drinks" and shall be referred to as such in this law.

This Legislature finds that in addition to caffeine stimulant drinks contain a variety of herbal supplements, vitamins and amino acids, such as guarana, taurine, vitamins B6 and B12, yerba mate, bitter orange, ginger, ginkgo, St. Johns Wort and ginseng.

This Legislature determines that consumption of stimulant drinks can cause significant adverse health effects: aggravating heart conditions, headaches, rapid heartbeat, nervousness, irritability, sleeplessness, dehydration, abnormal heart rhythms and stomach upset.

This Legislature also finds that consuming stimulant drinks can be particularly harmful to young people. Consumption of stimulant drinks may interfere with medications

prescribed for certain conditions, including attention deficit disorder, allergies, asthma, and birth control pills.

This Legislature notes that many stimulant drinks are labeled by their own manufacturers as "Not Recommended for Children".

This Legislature further finds that given the health risks associated with the consumption of stimulant drinks by minors, it is reasonable and appropriate for the County of Suffolk to exercise its police powers to prohibit the sale and distribution of stimulant drink products at its own parks and beaches..

Therefore, the purpose of this law is to prohibit the sale or distribution of stimulant drinks to minors in County parks.

Section 2. Amendments.

Chapter 643 of the SUFFOLK COUNTY CODE is hereby amended as follows:

Chapter 643. PARKS AND PARK FACILITIES.

ARTICLE I. Rules and Regulations.

§ 643-2. Definitions.

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

PERSON – Any person, firm, partnership, association, corporation, company or organization of any kind.

STIMULANT DRINK - a beverage 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 improve energy.

§ 643-4. Prohibited acts.

A. No person in a County park shall:

(25) sell or offer for sale, provide or otherwise distribute stimulant drinks to persons under the age of eighteen.

Section 3. Exemptions.

- A.) This prohibition shall not apply to individuals who bring stimulant drinks into a County park solely for personal consumption.
- B.) This law shall not apply to persons operating a concession in a County park who are expressly authorized by their agreement with the County of Suffolk to sell or distribute stimulant drinks.

Section 4. Future Concession Licenses

All concession licenses and license renewals entered into by the Suffolk County Department of Parks, Recreation and Conservation on or after the effective date of this law shall contain a provision barring the sale or distribution of stimulant drinks to persons under the age of eighteen.

Section 5. Applicability.

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

Section 6. 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 7. 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 8. Effective Date.

This law shall take effect on the sixtieth (60th) day following its filing in the Office of the Secretary of State.

___ Underlining denotes addition of new language

DATED: March 19, 2013

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: April 19, 2013

After a public hearing duly held on April 2, 2013
Filed with the Secretary of State on May 3, 2013