

SENATE No. 1684

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act restricting the sale of energy drinks to minors..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 270 of the General Laws is hereby amended by inserting after
2 section 8A the following section:-

3 Section 8B: (a) As used in this section, the term “energy drink” shall mean a carbonated
4 beverage that exceeds caffeine content of 100 milligrams of caffeine per 8 ounce serving.

5 (b) Whoever sells an energy drink to any person under the age of 18 shall be punished by
6 a fine of not less than \$100 for the first offense, not less than \$200 for the second offense and not
7 less than \$300 for the third or any subsequent offense.

8 SECTION 2. Chapter 71 of the General Laws is hereby amended by inserting after
9 section 2B the following section:-

10 Section 2C: Student use of energy drinks.

11 (a) As used in this section, the term “energy drink” shall mean a carbonated beverage
12 that exceeds a caffeine content of 100 milligrams of caffeine per 8 ounce serving.

13 (b) It shall be unlawful for any student, enrolled in either primary or secondary public
14 schools in the commonwealth, to drink an energy drink on school grounds. Each school
15 committee shall establish a policy dealing with students who violate this law. This policy may
16 include, but not be limited to, mandatory education classes on nutrition and health.

17 SECTION 3 . Section 10 of Chapter 64C of the General Laws, as appearing in the 2006
18 Official Edition, is hereby amended by striking out, in line 45, the words “Each vending machine
19 containing cigarettes or tobacco shall have attached on the front of it a notice to be furnished by
20 the commissioner reading ‘Persons under eighteen are prohibited from using this machine’, and
21 any person owning or operating a vending machine who fails to display such a notice shall be
22 punished by a fine of not more than fifty dollars” and inserting in place thereof the following:-

23 “Each vending machine containing cigarettes, tobacco or energy drinks shall have
24 attached on the front of it a notice to be furnished by the commissioner reading ‘Persons under
25 eighteen are prohibited from using this machine’, and any person owning or operating a vending
26 machine who fails to display such a notice shall be punished by a fine of not more than \$50.”

27 SECTION 4. Section 1 of Chapter 64C, as so appearing, is hereby amended by inserting
28 after the first paragraph the following sentence:- “Whenever used in this chapter, unless the
29 context otherwise requires, the word “energy drink” shall mean a carbonated beverage that
30 exceeds a caffeine content of 100 milligrams of caffeine per 8 ounce serving.”