

**HOUSE . . . . . No. 2040**

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The Commonwealth of Massachusetts

PRESENTED BY:

*James M. Murphy*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to prohibit the sale of "energy drinks" to persons under the age of 19.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

*James M. Murphy*

*4th Norfolk*

*Thomas J. Calter*

*12th Plymouth*

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By Mr. Murphy of Weymouth, a petition (accompanied by bill, House, No. 2040) of James M. Murphy and Thomas J. Calter for legislation to prohibit the sale of "energy drinks", so-called, to persons eighteen years old or younger. Public Health.

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The Commonwealth of Massachusetts

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**In the Year Two Thousand Thirteen**  
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An Act to prohibit the sale of "energy drinks" to persons under the age of 19.

*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. Section 3 of chapter 270 of the General Laws, as appearing in the 2010  
2 Official Edition, is hereby amended by adding at the end thereof the following new paragraph:  
3   □Whoever distributes, delivers, gives away or sells, any “Energy Drink” or other ingredient,  
4 substance or beverage that exceeds a caffeine content of seventy-one (71) milligrams per twelve  
5 (12) ounce serving and contains taurine and glucuronolactone or a soft drink that is classified as  
6 a dietary supplement not regulated by the Food and Drug Administration and that contains eighty  
7 (80) or more milligrams of caffeine per eight (8) fluid ounces and generally includes a  
8 combination of methylxanthines, B vitamins and herbal ingredients which are advertised as  
9 being specifically designed to provide or increase energy to any persons under the age of  
10 nineteen (19) shall be punished by a fine not less than fifty (50) dollars for the first offense, one  
11 hundred (100) for the second offense and two hundred fifty (250) for the third offense.  
12   □