

Committee on Children JOINT FAVORABLE REPORT

Bill No.: HB-5261

AN ACT PROHIBITING THE SALE OF ENERGY DRINKS TO INDIVIDUALS

Title: UNDER SIXTEEN YEARS OF AGE.

Vote Date: 3/5/2024

Vote Action: Joint Favorable

PH Date: 2/29/2024

File No.:

***Disclaimer:** The following JOINT FAVORABLE Report is prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and does not represent the intent of the General Assembly or either chamber thereof for any purpose.*

SPONSORS OF BILL:

Committee on Children

REASONS FOR BILL:

This bill would prohibit the sale of energy drinks to individuals under 16 years old.

It defines terms like "dealer" and "energy drink" and establishes rules for sales, prohibiting dealers from selling energy drinks to individuals under sixteen years of age starting January 1, 2025. It mandates age verification using valid identification and requires dealers to display notices indicating the age restriction. Penalties for non-compliance include warnings, fines up to two hundred dollars for a second offense, and fines up to three hundred fifty dollars for subsequent offenses within a two-year period. Enforcement is overseen by the Commissioner of Consumer Protection.

RESPONSE FROM ADMINISTRATION/AGENCY:

[Connecticut Department of Consumer Protection, Commissioner, Bryan Cafferelli](#) states that this bill would require considerable resources that are not allocated to them in this bill to allow for the inspection of sales facilities and to enforce this prohibition. This bill also doesn't require entities selling energy drinks to obtain a credential from the department, and that, without the credential, it is impossible for the Department of Consumer Protections to know which businesses are selling energy drinks. They state that even if you do amend this bill to require a credential, it would place a financial burden on many business owners and require investigation and enforcement resources for the Department of Consumer Protections to implement.

[The Commission on Women, Children, Seniors, Equity, and Opportunity](#) supports this bill and states that energy drinks may cause adverse health effects. They go on to cite a [study review paper by ScienceDirect](#), stating that studies reported a strong association between energy drink consumption and smoking, alcohol use, intent to initiate smoking or alcohol use, delinquent behaviors, short sleep duration, poor sleep quality, low academic performance, increased risk of suicide, psychological distress, attention-deficit hyperactivity disorder symptoms, depressive and panic behaviors, allergic diseases, insulin resistance, dental caries, and erosive tooth wear. They also cite [a 2023 study](#) by the National Library of Medicine, stating that the European Food Safety Authority nor the Food and Drug Administration have indicated a safe limit, and these substances should be avoided altogether.

NATURE AND SOURCES OF SUPPORT:

[Ledyard High School, Student](#) supports this bill because they believe that minors shouldn't consume an artificial form of energy and the passing of this bill would protect minors from any adverse effects an energy drink could have. According to the national Library of medicine, energy drinks can potentially cause liver damage, kidney failure, respiratory disorders, tachycardia, agitation, seizures, psychotic episodes, decreased reaction time, increased blood pressure, and sleep disturbances in minors. They state that an adolescent individual with Attention Deficit Hyper-activity Disorder who is taking prescribed stimulants could experience a significantly increase heart rate and blood pressure. They also state that minors under the age of 17 shouldn't consume more than 2.5 mg per kilogram of body mass, which comes out to an average range of 100-175 mg for the average adolescent.

[Ledyard High School, Sophomore Student](#) supports this bill and states that they are currently researching the effects of controlled substances and addiction in adolescent individuals. They state that addiction is on the rise among teenagers and gives cannabis use disorder as an example and notes that caffeine is potentially just as addictive, but significantly more common. They state that according to the National Cancer Institute, caffeine is categorized as a psychoactive agent just like nicotine, marijuana, heroin, and cocaine.

[Connecticut Academy of Pediatrics, Executive Board Member, Sandra Carbonari M.D.](#) supports this bill and states that the American Academy of Pediatrics advises against caffeine for children under 12 years old, and between 12 and 18 years old to not consume more than 100 mg of caffeine in one day which is the equivalent to the amount of caffeine in one standard cup of coffee. The active ingredients in energy drinks are legal stimulants and can cause restlessness, shaking hands, stomachaches, headaches, nervousness, irregular heart rhythms, and other life-threatening heart-rhythm changes. They state that in 2011, 1,499 adolescents aged 12-17 years old were admitted to the emergency room due to an energy drink related emergency. The American Academy of Pediatrics states that caffeine and other stimulant substances contained in energy drinks have no place in the diet of children and adolescents.

[Connecticut State Dental Association, Executive Director, Kathlene Gerrity](#) states their neutrality on this bill and go on to explain that this piece of testimony is in order to answer questions that were asked by committee members during the relevant public hearing. Some

things that get checked during a dental visit such as diabetes, hypertension, and oral cancer on top of the normal things checked during a visit such as cavities or gum disease. They also note the financial implications of dental treatment and use the cost of crowns and root canals as an example. They state that the average American drinks 50 gallons of sugar-sweetened beverages annually. Sugar-sweetened beverages also routinely replace healthy drinks. One of the pressing concerns of the professionals within Connecticut's Dental Health landscape is the declining number of dental practitioners accepting Medicaid, which is attributed to inadequate reimbursement rates. One dentist affiliated with the Connecticut State Dental Association stated that she loses \$63 for each Medicaid patient treated. They recommend ensuring that 85% of patient premium dollars become allocated directly to patient care.

[Earth Scientist, Coach, Kim Libera](#) supports this bill and recommends amending the language of the bill to ensure that electrolyte drinks do not get classified as energy drinks since electrolyte drinks are needed for athletes to rehab after an exercise. They also recommend schools teach a full nutrition course as part of the physical education curriculum.

[Connecticut Association of Schools / Connecticut Interscholastic Athletic Conference \(CAS-CIAC\), Executive Director, Dr. Glenn Lungarini](#) supports this bill and states that energy drinks are promoted as a performance enhancer despite evidence to the contrary. Highly caffeinated drinks wear off during exercise and place young athletes with underlying cardiac issues at risk.

[Connecticut Childrens, Pediatric Registered Dietician, Kate Samela, MS, RD, CD-N, CSP](#) supports this bill and states that energy drinks lack regulatory oversight which lets manufacturers market aggressively to vulnerable and impressionable youth. They state that the American Academy of Pediatrics recommends that children never consume energy drinks as they may pose a risk for serious adverse health outcomes. They also state that the Food and Drug Administration does not require companies to print caffeine content.

[Mr. Independent Researcher, Jim Shepherd](#) supports this bill because they tragically lost their son due to an energy drink related emergency in January 2008 to an energy drink related emergency. They state that the industries claim of product safety is extrapolated from the safety of naturally occurring caffeine which has been challenged by many studies which assert that adverse reactions from energy drinks are significantly higher than from traditional sources of caffeine. They state that in January of 2024, 40 health organizations, researchers, and public health leaders wrote a letter to the UK Secretary of State to appeal for the government to uphold its promise of sales restrictions on energy drinks to children under the age of 16. They go on to list many places that have banned energy drink sales to children and saw many positive results, as well as an example of a ban that was reversed and then teachers reported many very negative results in children.

NATURE AND SOURCES OF OPPOSITION:

[TPN Associates LLC, President, Dr. Richard H. Adamson, on behalf of the American Beverage Association, the American Beverage Association, Sandra Grance, and Red Bull North America inc, Director of Government Affairs, Ariel Guffin](#) oppose this bill and stated that caffeine has been consumed in energy drinks safely for over 30 years and has been designated by the Food and Drug Administration as safe for use in cola and cola-like

beverages. It has also been reported to be safe according to the European Food Safety Administration. They then go through the various other ingredients found in energy drinks including taurine, glucuronolactone, guarana, and ginseng. They also state that American Beverage Association member companies routinely exceed mandatory requirements for labeling. They state that restrictions on energy drinks are not based in science because teens experience no unique effects from caffeine compared to adults and caffeine from energy drinks represents a much smaller source of caffeine as opposed to coffee, which has significantly more caffeine in it.

[New England Convenience Store & Energy Marketers Association, Executive Director, Peter Brennan](#), and [the Connecticut Energy Marketers Association, President, Christian Herb](#)

oppose this bill because it would be difficult for retailers to enforce this age restriction. Other age restricted products such as tobacco, lottery tickets, or beer either are behind the sales counter and/or are very clearly identifiable to the cashier. Energy drinks are not sold from behind the sales counter and aren't always identifiably marked. They also state that this would put Connecticut retailers near to the border at a competitive disadvantage to retailers just across the border. They believe that the regulation of beverages concerning health-related factors should be left to the F.D.A.

Reported by: Patrick Buckley

Date: 3/11/2024