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**HOUSE BILL 8002**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington** **64th Legislature** **201X Regular Session**

**By** Representative \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Read first time XX/XX/1X. Referred to Committee on Health Care.

AN ACT Relating to restricting the sale of energy drinks.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.** A new section is added to chapter 70.54 RCW to read as follows:

(1) A person may not sell, furnish, give away, or offer to sell, furnish, or give away an energy drink to a person who is less than eighteen years old.

(2) A person who violates this section commits a civil infraction. The monetary penalty for the first violation of subsection (1) of this section may not exceed fifty dollars. The monetary penalty for the second violation of subsection (1) of this section may not exceed one hundred dollars. The monetary penalty for having violated subsection (1) of this section three or more times may not exceed five hundred dollars for each violation.

(3) For the purposes of this section, "energy drink" means a soft drink that contains eighty milligrams or more of caffeine per nine fluid ounces and contains methylxanthines, B vitamins, or herbal ingredients.

**--- END ---**

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| **Washington State**  **House of Representatives**  **Office of Program Research** | **BILL**  **ANALYSIS** |

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| --- | --- |
| **Health Care Committee** |  |

**HB 8002**

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| This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent. |

**Brief Description**: Restricting the sale of energy drinks to persons under 18 years of age.

**Sponsor**: Representative \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

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| --- |
| **Brief Summary of Bill** |
| * Prohibits the offered or actual sale, furnishing, or giving away of energy drinks to a person who is less than eighteen years old. |

**Hearing Date**: XX/XX/XX

**Staff:** [Teacher’s Name]

**Background**: The sale of energy drinks in Washington State is currently unrestricted. Studies have shown that consuming large amounts of caffeine or other legal stimulants often found in energy drinks can cause heart and other health problems, especially in adolescents. Energy drinks, such as Red Bull, Monster, Rock Star, and 5-Hour Energy can contain between 8 and 110 milligrams of caffeine per fluid ounce (between 80 and 250 mg per serving). In comparison, standard caffeinated soft drinks such as Coca-Cola or Dr. Pepper contain 2-5 milligrams of caffeine per fluid ounce.

**Summary of Bill**: A person who offers or actually sells, gives, or otherwise furnishes an energy drink to a person under the age of 18 has committed a civil infraction. Monetary penalties are imposed of up to $50 for the first violation, up to $100 for a second violation, and up to $500 for third and subsequent violations. Energy drinks are defined as soft drinks containing at least 80 mg of caffeine per 9 fluid ounces and containing methylxanthines, B vitamins, or herbal stimulants as caffeine substitutes.

**Appropriation**: None.  
**Effective Date**: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

8002 AMENDMENT

By Representative \_\_\_\_\_\_\_\_\_\_

**HB 8002** - H COMM AMD **1**

By Committee on Health Care

On page 1, at the beginning of line 7, strike “eighteen” and insert “sixteen”.

|  |  |
| --- | --- |
|  | EFFECT: Changes the age at which people can be provided with energy drinks from 18 to 16 years old. |

**--- END ---**

8002 AMENDMENT

By Representative \_\_\_\_\_\_\_\_\_\_

**HB 8002** - H COMM AMD **2**

By Committee on Health Care

On page 1, line 15, after “means a”, strike “soft”

On page 1, line 16, after “contains” strike “eighty” and insert “fifty”

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| --- | --- |
|  | EFFECT: Changes the definition of “energy drink” to include non-soft drinks and reduces the amount of caffeine allowed in energy drinks available to minors from 80mg per 9 fluid ounces to 50mg per 9 fluid ounces. |

--- END ---

8002 AMENDMENT

By Representative \_\_\_\_\_\_\_\_\_\_

**HB 8002** - H COMM AMD **3**

By Committee on Health Care

On page 1, line 8, after "(2)" insert “No person shall sell or permit to be sold any energy drink through any vending machine or device that mechanically dispenses drinks unless the device is located in a location from which minors are prohibited or in industrial worksites where minors are not employed.

(3)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

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| --- | --- |
|  | EFFECT: Restricts the sale of energy drinks from vending machines or other devices accessible to persons under 18. |

**--- END ---**

8002 AMENDMENT

By Representative \_\_\_\_\_\_\_\_\_\_

**HB 8002** - H COMM AMD **4**

By Committee on Health Care

On page 1, line 10, after “exceed” strike “fifty” and insert “one hundred”

On page 1, line 11, after “exceed” strike “one” and insert “five”

On page 1, line 13, after “exceed" strike “five hundred” and insert “one thousand”

|  |  |
| --- | --- |
|  | EFFECT: Increases the fines for selling energy drinks to minors. |

**--- END ---**

8002 AMENDMENT

By Representative \_\_\_\_\_\_\_\_\_\_

**HB 8002** - H COMM AMD **5**

By Committee on Health Care

On page 1, line 5, after “person” insert “, other than a parent or legal guardian,"

On page 1, at the beginning of line 7, strike “eighteen” and insert “sixteen”

On page 1, line 7, after “old” insert “, without prior written permission from the person’s parent or legal guardian”

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|  | EFFECT: Allows parents and guardians to provide energy drinks to children under sixteen. Changes the age restriction for providing energy drinks from eighteen to sixteen years old. |

**--- END ---**

**Mock Role Sheet**

**HB 8002 – Energy Drinks**

**Committee: Health Care**

**COMMITTEE MEMBERS**

*Study the bill, listen to and ask questions of lobbyists, propose amendments, vote on the bill and amendments*

|  |  |
| --- | --- |
| **Majority Party** | **Minority Party** |
| Chair \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  *Presides over the committee and majority caucus, decides how the meeting will run*  Vice Chair \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  *Assists the chair, proposes motions*  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | Ranking Member\_\_\_\_\_\_\_\_\_\_\_  *Leads minority caucus*  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

**PRIME SPONSOR \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

*Testifies first at the hearing, as the legislator who proposed the bill*

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **LOBBYISTS**  *Research their position on the bill and attempt to persuade legislators, by testifying at the hearing and lobbying*   |  |  | | --- | --- | | **Pro** | **Con** | | *Support passing the bill*  Pediatrician  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_School Counselor  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Concerned Parent  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Student opposed to energy drinks  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | *Oppose passing the bill*  Convenience Store Owner  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Red Bull Representative  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Student energy drinker  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | | | | |  |  |  |
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