**Committee Chair**

You decided to give this bill a hearing because public health concerns for young people are a main priority for you and several other members of the committee. However, you have concerns about enforcing the bill, the burden it places on families and business owners, and whether it’s the most effective way of encouraging healthy habits.

**Member 1**

You are a parent and a former nurse. One of your main goals is to protect young peoples’ health. In the past, you have sponsored legislation for stronger ID checks and penalties for selling cigarettes and alcohol to young people.

**Member 2**

You believe strongly in personal liberty. You believe that parents, not government, should have the right to make the decisions that are best for their family.

**Member 3**

You represent an urban district with a large number of convenience stores and other small businesses. You support public health measures, but you are also concerned about laws that would make it harder for local business owners and employees to make a living.

**Member 4**

You believe the government should do more to promote personal wellness and help people live healthier lives. You are interested in school-based programs to promote healthy decisions to young people and are concerned about unhealthy choices that impact students’ health, school performance and stress levels.

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

 **HOUSE BILL 8002**

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

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

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 ---**

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

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

**HB 8002**

|  |
| --- |
| 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 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

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

**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 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.

A single energy drink could harm heart health for young adults

Medical News Today

Honor Whiteman

November 8, 2015

Drinking just a single energy drink may raise the risk for cardiovascular events among young, healthy adults. This is according to a new study published in JAMA.

The Mayo Clinic found that young adults who consumed one 16-ounce energy drink showed a rise in [blood pressure](http://www.medicalnewstoday.com/articles/270644.php) and an increase in [stress](http://www.medicalnewstoday.com/articles/145855.php) hormone responses within 30 minutes, which may raise cardiovascular risk.

Energy drinks - marketed as beverages that can boost physical and mental performance - are growing in popularity, particularly among adolescents and young adults in the US. According to the Centers for Disease Control and Prevention (CDC), energy drinks are regularly consumed by around 31% of teenagers aged 12-17 and 34% of adults aged 18-24.

But with the rise in energy drink consumption comes an increase in public health concern; the beverages have been linked to a number of severe side effects. A study reported by *Medical News Today* in 2013, for example, [linked energy drinks to altered heart function](http://www.medicalnewstoday.com/articles/269569.php).

What is more, a 2013 report from the Substance Abuse and Mental Health Services Administration (SAMHSA) found the number of emergency department visits in the US involving energy drink consumption more than doubled between 2007-11, from 10,068 visits to 20,783.

Caffeine is believed to be the most harmful ingredient in energy drinks; a single can or bottle contains anything from around 80 mg of caffeine to more than 500 mg. For comparison, a 500 mg cup of [coffee](http://www.medicalnewstoday.com/articles/270202.php) contains an average of 100 mg of caffeine.

Energy drinks also have a high sugar content and may contain other plant-based stimulants that produce side effects comparable to those of caffeine.

**Are Energy Drinks Dangerous? The Washington Beverage Association has the facts.**

The beverage industry employs 4,580 people in Washington State, represents a $3.5 billion share in our economy, and is committed to public health and nutrition initiatives to help Washingtonians live life to the fullest. In addition, beverage sales help support over 17,000 workers in restaurants, grocery stores, convenience stores, and movie theaters around the state. House Bill 8002 would negatively impact our businesses, our employees, and our state’s economy without improving public health, and we urge you to vote against this ineffective and irresponsible measure.

House Bill 8002 would ban the sale of energy drinks to minors under the age of 18. It also imposes fines on the individuals who sell or provide energy drinks to minors. There is no scientific basis for any safety concerns about energy drinks in young people. Furthermore, there are no studies suggesting that penalizing retailers, as this bill would do, will impact teen consumption of energy drinks or caffeine.

In the face of persistent misinformation about energy drinks, here are the facts:

1. **Most energy drinks contain significantly less caffeine than a similarly-sized coffeehouse coffee.**Many contain about half – a 16 fluid ounce energy drink typically contains between 160 and 240 milligrams of caffeine, while the same size coffeehouse coffee contains around 300 to 330 milligrams.
2. **Energy drinks are regulated by the U.S. Food and Drug Administration (FDA) and the U.S. Federal Trade Commission (FTC).**Energy drinks, their ingredients and labeling are regulated by the FDA and, as with most consumer products, their advertising is subject to oversight by the FTC.
3. **The safety of energy drinks has been established by scientific research as well as regulatory agencies around the globe.**Just recently, the European Food Safety Authority confirmed the safety of energy drinks and their ingredients after an extensive review.
4. **Energy drinks contribute only about 2 percent of caffeine intake – from all sources – in the American diet.**A report on caffeine consumption among the U.S. population commissioned by FDA in 2009, and updated in 2012, indicated that teens and young adults ages 14 to 21 years consume, on average, approximately one-third the amount of caffeine as people over 21 – about 100 milligrams per day – and that most of their caffeine consumption is from beverages other than energy drinks *(Somogyi 2012)*. The 2012 report also showed that the average amount of caffeine consumed has remained constant.

Washington’s families have the right to consume products that are safe, tested, and enjoyed by millions of people nationwide and around the world. This bill will hurt Washington’s economy and penalize food service and retail workers, all to solve a problem that does not really exist. The Washington Beverage Association urges the Legislature to say no to overreach and reject House Bill 8002.

Subject: Please Support Energy Drink Ban for Teens

Dear Representative Lopez,

I am writing to ask you to support House Bill 8002’s ban on the sale of energy drinks to teenagers. As a parent and a high school soccer coach, I know first-hand the level of dependence that many young people have on these addictive drinks. They see it as a harmless “boost” to help them take on more and more activities. These drinks are very far from harmless.

Two years ago, a 16-year-old student athlete and close friend of my daughter’s collapsed during our soccer practice. She was rushed to the emergency room, where she was found to have an undiagnosed heart murmur. She had consumed two five-hour energy drinks that day. Thankfully, she has recovered, but other young people around the country have died as a result of similar incidents. Since then, our school’s athletic department has worked to raise awareness of the dangers of energy drinks among the student body and develop healthier habits in our young athletes in particular.

Energy drinks contribute to attention problems, risky behavior, and can lead to serious medical complications or death for some young people, like my daughter’s friend. Companies market these to young people with promises of athletic achievement and adventure, and profit off of their irresponsible risk-taking. They are readily available in stores and restaurants for high schoolers and even middle schoolers to purchase, and sometimes are even sold in on-campus vending machines. We need to protect our children from these dangerous and untested products and help them develop life-long healthy habits. Please do the right thing and support House Bill 8002.

Sincerely,

Ellen Markus

Subject: Trust Teens – No on HB 8002!!!!

Dear Representative Jones,

I am a 17-year-old senior at Washington High School. I’m asking you not to ban energy drinks for people my age. The media likes to tell you that teenagers are too irresponsible to make good decisions for ourselves and tell scary stories about the terrible behavior that energy drinks cause. I’m an AP student, have a driver’s license and have never been so much as pulled over, and I’ve had a job at Target for the last two summers. In a year, I’ll be old enough to vote in my first election. Sometimes, I do enjoy having a Monster or a Rockstar drink. Most of the teens I know do. During the school year, our classes start at 7:30 AM, and if we have sports or after school activities, they can be 12 hours long. Many professional athletes use energy drinks to pick themselves up before training or a competition. Why would people who care so much about their bodies and health drink something that wasn’t safe?

My friends and I are responsible, active young adults, and we deserve to be treated like it. I hope that you will see young people as smart enough to make good decisions, because we actually do, every day.

Would you want someone telling you how many cups of coffee you could have before going to work in the morning?

Sincerely,

Tyler Chen

### Is Red Bull Energy Drink safe?

Red Bull Energy Drink is available in more than 169 countries, including every state of the European Union, because health authorities across the world have concluded that Red Bull Energy Drink is safe to consume. More than 5.9 billion cans were consumed last year and about 60 billion cans since Red Bull was created more than 28 years ago.

One 250 ml can of Red Bull Energy Drink contains 80 mg of [caffeine](http://energydrink-us.redbull.com/en/caffeine-red-bull), about the [same amount of caffeine as in a cup of coffee](http://energydrink-us.redbull.com/en/caffeine-amount-red-bull). The European Food Safety Authority (EFSA) concluded in 2009 that the ingredients of energy drinks are of no concern. In 2015, the EFSA confirmed the safety of energy drinks and their ingredients.

All ingredients of Red Bull products are labelled.

Red Bull Website, 2016 <http://energydrink-us.redbull.com/en/red-bull-is-safe>