



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB5726

by Rep. Luis Arroyo

SYNOPSIS AS INTRODUCED:

410 ILCS 620/3.24 new

Amends the Illinois Food, Drug and Cosmetic Act. Sets forth the General Assembly's findings concerning the sale of energy drinks to minors. Defines "energy drink" as a beverage that contains the following ingredients or any combination of the following ingredients: (1) taurine, naturally occurring or synthesized; (2) guarana, including any extract or product of the plant or the seed of the plant; (3) glucuronolactone; and (4) any extract, herb, or tuber of any species of ginseng. Provides that it is unlawful in this State for any person to sell, offer for sale, or deliver an energy drink to a person under 18 years of age. Provides that the Director of Public Health is authorized to file a complaint and apply to the circuit court for, and such court may upon hearing and for cause shown grant, a temporary restraining order or preliminary or permanent injunction restraining any person from violating the provision concerning the Sale of energy drinks to minors.

LRB099 20036 MJP 44442 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning public health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Food, Drug and Cosmetic Act is
5 amended by adding Section 3.24 as follows:

6 (410 ILCS 620/3.24 new)

7 Sec. 3.24. Sale of energy drinks to minors.

8 (a) The General Assembly finds the following:

9 (1) The effects of energy drinks, when taken in
10 excessive doses, include increased heart rates, anxiety,
11 jitteriness, headache, and fatigue.

12 (2) Children younger than 18 years of age may have a
13 lower tolerance for increased heart rates, anxiety,
14 jitteriness, headache, and fatigue caused by energy drinks
15 than those over the age of 18.

16 (3) Children younger than 18 years of age are more
17 susceptible to the harmful effects of stimulants because
18 their bodies are less developed than adults.

19 (b) For the purpose of this Section, "energy drink" means a
20 beverage that contains the following ingredients:

21 (1) taurine, naturally occurring or synthesized;

22 (2) guarana, including any extract or product of the
23 plant or the seed of the plant;

1 (3) glucuronolactone; and

2 (4) any extract, herb, or tuber of any species of
3 ginseng.

4 (c) It is unlawful in this State for any person to sell,
5 offer for sale, or deliver an energy drink to a person under 18
6 years of age.

7 (d) In addition to any other remedies provided by law, the
8 Director is authorized to file a complaint and apply to the
9 circuit court for, and such court may upon hearing and for
10 cause shown grant, a temporary restraining order or preliminary
11 or permanent injunction restraining any person from violating
12 any provision of this Section.