**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16‑17‑780 SO AS TO PROHIBIT THE SALE OF AN ENERGY DRINK TO A MINOR, TO PROVIDE PENALTIES FOR A VIOLATION OF THIS SECTION, AND TO DEFINE THE TERM ENERGY DRINK.

Whereas, energy drink manufacturers capitalize on a largely unregulated market and advertise their products directly to children and teenagers across the country; and

Whereas, the overconsumption of energy drinks can lead to a variety of health issues including cardiac arrhythmia, heart attacks, transient ischemic attacks, seizures, and kidney failure; and

Whereas, a recent study by the Journal of the American Medical Association found that consumption of a commercially available energy drink significantly increased levels of blood pressure and catecholamines in young healthy adults; and

Whereas, between 2007 and 2011, the estimated number of emergency room visits involving energy drinks doubled from 10,068 visits to 20,783 visits; and

Whereas, if energy drinks remain unregulated, countless young South Carolinians may become victims of the serious health consequences that may result from their consumption. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 7, Chapter 17, Title 16 of the 1976 Code is amended to read:

“Section 16‑17‑780. (A) It is unlawful for an individual to sell, furnish, give, or distribute an energy drink to a minor under the age of eighteen years.

(B) An individual who knowingly violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than fifty dollars for each violation.

(C) Notwithstanding any other provision of law, a violation of this section does not violate the terms and conditions of an establishment’s beer and wine permit and is not grounds for revocation or suspension of a beer and wine permit.

(D) For the purposes of this section, the term ‘energy drink’ means a soft drink that contains a minimum of eighty milligrams of caffeine per nine fluid ounces and contains methylxanthines, B vitamins, or herbal ingredients.”

SECTION 2. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑