

athletic performance" and "increases caloric burn and mental sharpness"; and

WHEREAS, these energy drinks fail to adequately warn of the inherent risks of ingesting concentrated amounts of caffeine; NOW THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO

SECTION 1. The above recitals are expressly incorporated herein and made part hereof as though fully set forth herein.

SECTION 2. Chapter 9-102 of the Municipal Code of Chicago is hereby amended by creating a new Section 8-4-019 underscored as follows:

Committee on Health and Environmental Protection

8-4-19 Energy Drink

(a) Definitions

"Energy Drink" shall mean a canned or bottled beverage which contains an amount of caffeine exceeding or equal to 180 milligrams per container and containing Taurine (2-aminoethanesulfonic acid) or Guarana.

- b) No person shall sell, give away, barter, exchange or otherwise furnish any energy drink.
- c) Any person who violates this subsection upon conviction shall be punished as follows for each offense:
 - 1) A fine of not less than \$100.00 nor more than \$500.00 for each offense; and
 - 2) Any repeat violations of any provision of Section 8-4-019 by a licensee shall be grounds for revocation or suspension of such license. For purpose of this section, "license" includes any and all licenses issued by any officer, department or agency of the City of Chicago required for retail or other business operations at the location at which the offense occurred and includes, but is not limited to, retail licenses.
 - 3) For the purposes of this Section, each sale equals one violation of this Subsection. !
- d) Severability

- (1) If any Section, Subsection, Paragraph, or part of this ordinance is for any reason held to be unconstitutional or invalid by any final court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance.

SECTION 3. This ordinance shall be in full force and effect after its passage and publication.

Edward M. Burke, Alderman 14th Ward