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O2012-8134

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City Council Document Tracking Sheet

Meeting Date: 11/15/2012

Sponsor(s): Burns, William D. (4)
Cardenas, George A. (12)

Type: Ordinance

Title: Amendment of Chapter 9-102 of Municipal Code by adding new Section 019 to regulate energy drink

Committee(s) Assignment: Committee on Health and Environmental Protection

ORDINANCE

WHEREAS, highly caffeinated “energy drinks” like Red Bull, Rockstar, Monster, Full Throttle and 5 Hour Energy are popular among teenagers and young adults; and

WHEREAS, these unregulated beverages are sold side by side with sodas and fruit juices in gas stations, rest stops, pharmacies and grocery stores; and

WHEREAS, researchers found that these energy drinks contain high levels of caffeine and warned of dangerous, even life threatening, effects on blood pressure, heart rate and brain function; and

WHEREAS, a 2010 Mayo article entitled “Energy Beverages: Content and Safety” cited “teens and young adults, both athletes and non-athletes, are consuming energy beverages at an alarming rate, we need to determine whether long-term use of energy beverages by this population will translate into effects later”; and

WHEREAS, the Food and Drug Administration has received reports that link at least five deaths since 2009 to a beverage called “Monster Energy”; and

WHEREAS, the most visible death happened in December 2011 when a 14 year old girl died suddenly from a heart arrhythmia that occurred when she drank two “Monster Energy” drinks over the course of two days; and

WHEREAS, manufacturers label these beverages as a “dietary supplement” which allows them to avoid federal regulation unlike the soda and juice industries; and

WHEREAS, producers of energy drinks are able to make unsubstantiated claims such as “enhances 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:



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 to persons under the age of 21.

(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.


George Cardenas, 12th


William D. Burns, Alderman, 4th Ward

