

SENATE BILL No. 369

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-18-2-114.8; IC 16-42-12.5;
IC 35-52-16-87.5.

Synopsis: Energy drinks. Provides that a person may not sell, give, or distribute an energy drink to an individual who is less than 18 years of age. Establishes a penalty for violations.

Effective: July 1, 2019.

Alting

January 10, 2019, read first time and referred to Committee on Rules and Legislative Procedure.



First Regular Session of the 121st General Assembly (2019)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

SENATE BILL No. 369

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-18-2-114.8 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2019]: **Sec. 114.8. "Energy drink" for**
4 **purposes of IC 16-42-12.5, has the meaning set forth in**
5 **IC 16-42-12.5-1.**

6 SECTION 2. IC 16-42-12.5 IS ADDED TO THE INDIANA CODE
7 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2019]:

9 **Chapter 12.5. Food: Energy Drinks**
10 **Sec. 1. As used in this chapter, "energy drink" means a soft**
11 **drink (as defined by IC 6-2.5-1-26) that contains:**

12 **(1) eighty (80) milligrams or more of caffeine per nine (9)**
13 **fluid ounces; and**

14 **(2) any methylxanthine other than caffeine, any form of**
15 **vitamin B, or an herbal ingredient.**

16 **Sec. 2. (a) A person may not sell, give, or distribute an energy**
17 **drink to an individual who is less than eighteen (18) years of age.**



1 **(b) A person who knowingly or intentionally violates this section**
2 **commits a Class C misdemeanor.**

3 SECTION 3. IC 35-52-16-87.5 IS ADDED TO THE INDIANA
4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2019]: **Sec. 87.5. IC 16-42-12.5-2 defines a**
6 **crime concerning energy drinks.**

