

# MedChi

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TO: The Honorable Dereck E. Davis, Chair  
Members, House Economic Matters Committee  
The Honorable Kathleen Dumais

FROM: Joseph A. Schwartz, III  
Pamela Metz Kasemeyer  
J. Steven Wise  
Danna L. Kauffman

DATE: March 7, 2014

RE: **SUPPORT** – House Bill 1273 – *Criminal Law – Energy Drinks – Sale to and Possession by Minors Prohibited*

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The Maryland State Medical Society (MedChi), which represents more than 8,000 Maryland physicians and their patients, supports House Bill 1273.

House Bill 1273 mandates the protection of children and adolescents by prohibiting a person from distributing, selling, furnishing, or giving away or offering to sell an energy drink to a minor, as they are products linked to potential health risks.

Recent studies confirm that energy drinks contain ingredients that are harmful to children. The U.S. Food and Drug Administration found that “energy drinks are not appropriate for children and should never be consumed.” The Substance Abuse and Mental Health Services Administration reported that energy drinks were the cause of many emergency room visits in adolescents aged 12 to 17. Research indicates that the high content of caffeine in energy drinks is a direct link to its negative effects. Yet energy drink labels are not required to disclose the caffeine content.

While caffeine has many negative effects on children, including aggravating heart problems and nervous disorders, caffeine alone is not the major culprit. The difference between energy drinks and other high caffeine content drinks, is that energy drinks contain a toxic combination of caffeine, guarana (a plant containing stimulants), and other stimulant

substances which are harmful to minors. The ingredients, such as caffeine, which have been

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proven to be harmful to children, must not detract attention from other ingredients, which are understudied and unregulated and may be contributing to the negative effects associated with energy drinks.

Marketing energy drinks to children is unregulated, and the energy drink industry is deliberately marketing to minors through advertisements which promise enhanced athletic performance, increased energy, and concentration. The Yale Rudd Center for Food Policy and Obesity found that energy drink advertisements to adolescents were at the top of the list of advertisements viewed by teens.

Support for this legislation is nationwide. Society is aware of the hazards of energy drinks and is calling for regulation. The American Medical Association adopted a policy to support a ban on marketing of high stimulant/caffeine drinks to minors, and other states and schools across the country have already regulated the sale of energy drinks to minors (Policy Attached). House Bill 1273 requires the State of Maryland to intervene on behalf of minors. MedChi requests a favorable vote.

**For more information call:**

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## **D-150.976 Hazards of Energy Beverages - Their Abuse and Regulation**

1. Our AMA will seek necessary regulatory action through the US Food and Drug Administration to regulate potentially hazardous energy beverages (like Red Bull (TM), Rockstar (TM), Monster (TM), Full Throttle (TM)).
2. Our AMA will seek federal regulation to implement warning labels about the side effects of the contents of energy drinks, particularly when combined with alcohol.
3. Our AMA supports a ban on the marketing of "high stimulant/caffeine drinks" to children/adolescents under the age of 18. (Res. 909, I-11; Appended: Res. 409, A-13)