

# HOUSE BILL No. 6400

September 9, 2008, Introduced by Rep. Calley and referred to the Committee on Commerce.

A bill to amend 2000 PA 92, entitled  
"Food law of 2000,"  
(MCL 289.1101 to 289.8111) by adding section 5104.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 5104. (1) A FOOD ESTABLISHMENT SHALL NOT SELL AN ENERGY  
2 DRINK TO AN INDIVIDUAL LESS THAN 17 YEARS OF AGE.

3        (2) A FOOD ESTABLISHMENT DETERMINED TO HAVE VIOLATED  
4 SUBSECTION (1) IS SUBJECT ONLY TO ADMINISTRATIVE FINES AND COSTS  
5 UNDER SECTION 5105.

6        (3) IN AN ACTION FOR THE VIOLATION OF THIS SECTION, PROOF THAT  
7 THE DEFENDANT OR THE DEFENDANT'S AGENT OR EMPLOYEE DEMANDED AND WAS  
8 SHOWN, BEFORE FURNISHING AN ENERGY DRINK TO AN INDIVIDUAL LESS THAN  
9 17 YEARS OF AGE, A MOTOR VEHICLE OPERATOR'S OR CHAUFFEUR'S LICENSE

1 OR OTHER BONA FIDE DOCUMENTARY EVIDENCE OF THE AGE AND IDENTITY OF  
2 THAT INDIVIDUAL SHALL BE A DEFENSE TO AN ACTION BROUGHT UNDER THIS  
3 SECTION.

4 (4) AS USED IN THIS SECTION, "ENERGY DRINK" MEANS A CARBONATED  
5 BEVERAGE THAT CONTAINS BOTH OF THE FOLLOWING:

6 (A) A CAFFEINE CONTENT THAT EXCEEDS 71 MILLIGRAMS PER 12-OUNCE  
7 SERVING.

8 (B) TAURINE AND GLUCURONOLACTONE.