

ORDINANCE NO.

AN ORDINANCE OF CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, ADDING CHAPTER 8.34 TO THE LANCASTER MUNICIPAL CODE RELATING TO THE SALE OF ENERGY DRINKS TO PERSONS UNDER 18 YEARS OF AGE

WHEREAS, the City Council of the City of Lancaster finds the following: (1) the effects of energy drinks, when taken in excessive doses, include increased heart rates, anxiety, jitteriness, headache, and fatigue; (2) children younger than 18 years of age may have a lower tolerance for increased heart rates, anxiety, jitteriness, headache, and fatigue caused by energy drinks than those over the age of 18; and (3) children younger than 18 years of age are more susceptible to the harmful effects of stimulants because their bodies are less developed than adults; and

WHEREAS, to protect public health, safety, and welfare, the City Council of the City of Lancaster has determined that it is necessary to prohibit any person from distributing, delivering, giving away, selling, or offering for sale an energy drink (a) to a person under 18 years of age and/or (b) within one thousand (1,000) feet of an elementary, junior high, or high school.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LANCASTER DOES HEREBY ORDAIN, AS FOLLOWS:

Section 1. The City Council of the City of Lancaster hereby finds and determines that the above recitals are true and correct.

Section 2. Chapter 8.34 is hereby added to the Lancaster Municipal Code to read as set forth in Exhibit "A" attached hereto.

Section 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is held for any reason to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

Section 4. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published and posted pursuant to the provisions of law in that regard and this Ordinance shall take effect 30 days after adoption.

I, Andrea Alexander, of the City of Lancaster, do hereby certify that the foregoing ordinance was regularly introduced and placed upon its first reading on the _____ day of _____, 2024, and placed upon its second reading and adoption at a regular meeting of the City Council on the ____ day of _____, 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

ANDREA ALEXANDER
City Clerk
City of Lancaster

R. REX PARRIS
Mayor
City of Lancaster

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES }ss
CITY OF LANCASTER }

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CERTIFICATION OF ORDINANCE
CITY COUNCIL

I, _____, _____ City of Lancaster, California, do hereby certify that this is a true and correct copy of the original Ordinance No. _____, for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, on this _____ day of _____, _____.

(seal)

EXHIBIT “A”

CHAPTER 8.34

SALE OF ENERGY DRINKS TO MINORS

Sections:

- 8.34.010 Title.**
- 8.34.020 Findings and purpose.**
- 8.34.030 Definitions.**
- 8.34.040 Sale of energy drink to person under 18 years of age prohibited.**
- 8.34.050 Sale of energy drink near elementary, junior high, or high school prohibited.**
- 8.34.060 Violation and penalty.**

Section 8.34.010 Title.

This chapter shall be known as the City of Lancaster’s Energy Drink Regulations.

Section 8.34.020 Findings and purpose.

The City Council finds the following:

- (1) The effects of energy drinks, when taken in excessive doses, include increased heart rates, anxiety, jitteriness, headache, and fatigue.
- (2) Children younger than 18 years of age may have a lower tolerance for increased heart rates, anxiety, jitteriness, headache, and fatigue caused by energy drinks than those over the age of 18.
- (3) Children younger than 18 years of age are more susceptible to the harmful effects of stimulants because their bodies are less developed than adults.

8.34.030 Definitions.

Unless the particular provision requires, the definitions and provisions contained in this section shall govern the construction, meaning, and application of words and phrases used in this chapter.

“Energy drink” means a beverage that exceeds a caffeine content of seventy-one (71) milligrams per twelve (12) ounce serving and contains any of the following ingredients:

- (1) taurine, naturally occurring or synthesized;
- (2) guarana, including any extract or product of the plant or the seed of the plant;
- (3) glucuronolactone; and/or
- (4) any extract, herb, or tuber of any species of ginseng.

Energy drink also means a soft drink that is classified as a dietary supplement not regulated by the United States Food and Drug Administration and that contains eighty (80) or more

milligrams of caffeine per eight (8) fluid ounces and generally includes a combination of methylxanthines, B vitamins and herbal ingredients.

“Person” means any individual, or corporation, partnership, association or other group or combination of individuals acting as an entity.

8.34.040 Sale of energy drink to person under 18 years of age prohibited.

It is unlawful for any person to distribute, deliver, give away, sell, or offer for sale an energy drink to a person under 18 years of age.

8.34.050 Sale of energy drink near elementary, junior high, or high school prohibited.

It is unlawful for any person to distribute, deliver, give away, sell, or offer for sale an energy drink within one thousand (1,000) feet of and abutting or adjacent to any elementary, junior high, or high school on those days that school is in session.

8.34.060 Violation and Penalty.

- A. Violations of this chapter shall constitute a misdemeanor and shall be punishable in the manner provided in Section 1.12.020(A).
- B. Causing, permitting, aiding, abetting, or concealing a violation of any provision of this chapter shall constitute a violation.
- C. Violations of this chapter are hereby declared to be public nuisances. The city attorney or the district attorney may, in addition to or in lieu of prosecution in a criminal action hereunder, commence an action or actions, proceeding or proceedings for the abatement, removal and enjoinder thereof, in the manner provided by law, and shall take such other steps, and shall apply to such courts or court as may have jurisdiction to grant such relief as will abate or remove such violations and restrain and enjoin any person from acting contrary to the provisions of this chapter. The remedies provided by this chapter are cumulative and in addition to any other remedies available at law or in equity.