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February 26, 2024

Delegate Joseline Pena-Melnyk
Chair, House Health and Government Operations Committee
Legislative Office Building, Room 241
Annapolis, Maryland 21401

Re: HB 739 - Maryland Department of Health - List of Diet Pills (Weight Loss Supplement Identification)

Dear Chair Pena-Melnyk:

The Consumer Healthcare Products Association ¹(CHPA) supports the overall goal of House Bill 739 to provide transparency around weight loss products. However, we request an amendment to refine the scope of dietary supplements and over-the-counter drugs that the Maryland Department of Health (MDOH) will include when developing its public list. Specifically, we ask that the MDOH narrow its focus to products marketed strictly for weight loss or fat burning, rather than broadly encompassing any supplement or OTC drug that could have secondary weight loss effects. This adjustment will allow the MDOH to more accurately capture products actually targeted for weight management, while excluding the wider range of vitamins, supplements, and medications taken for general health purposes that may also modestly impact weight as a side effect. We believe this amendment preserves the spirit of transparency and consumer protection the bill aims to achieve. At the same time, it prevents over-labeling products as weight loss aids when that is not their core intended use. We welcome further discussion on this recommendation and on enacting this important legislation in a targeted, responsible manner.

While CHPA supports transparency around weight loss products, we have concerns about the inclusion of language on “metabolism” and “nutrient metabolism” in H.B. 739. As written, these terms dramatically expand what products could be categorized as weight loss aids. Many common vitamins and supplements help metabolize nutrients as part of their intended health effects unrelated to weight loss.

For instance, Vitamin D and Vitamin K aid in metabolizing calcium to support bone health. Digestive enzymes help break down lactose for those with lactose sensitivity. These products should not be labeled as weight loss supplements purely due to their metabolic effects.

Therefore, we respectfully request the removal of the following language from H.B 739 on page 2, lines 8-9:

“(I) THE LABELING OR MARKETING OF THE PILL INCLUDES STATEMENTS OR IMAGES THAT EXPRESSLY STATE OR IMPLY THAT THE PILL WILL HELP MODIFY, MAINTAIN, OR REDUCE BODY FAT, APPETITE, ~~OVERALL METABOLISM, OR THE PROCESS BY WHICH NUTRIENTS ARE METABOLIZED~~”

¹ The Consumer Healthcare Products Association is the Washington, D.C. based national trade association representing the makers of over-the-counter medications, dietary supplements, and consumer medical devices.

This adjustment will right-size the scope to products intentionally marketed for weight loss or fat burning, rather than inadvertently capturing this wider range of health products. We believe this preserves transparency for consumers while avoiding unintended over-labeling. CHPA welcomes further discussion on crafting strong, targeted legislation to achieve the aims of H.B. 739.

Dietary supplements and over-the-counter medications are important for the health and wellness of millions of Maryland residents. CHPA and its members are committed to providing consumers with safe, effective, and transparently-labeled products.

We welcome the chance to collaborate with Delegate Vogel, the Health and Government Operations Committee, and other stakeholders to shape strong legislation on this issue. Our goal is for consumers to have clear information on products marketed primarily for weight management, while also preserving access to supplements and OTCs taken for general health purposes.

Please feel free to contact me directly with any additional questions on CHPA's perspective. I am happy to discuss our specific concerns around the metabolism/nutrient metabolism language. Working together, I'm confident we can craft legislation that both provide transparency around weight loss products and avoid unintended consequences. We look forward to further dialogue to enact H.B. 739 in a targeted, responsible way.

Respectfully submitted,



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Cc: Members of the House Committee on Health and Government Operations