

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

House Bill 920 (Delegates Ali and Benson)
Health and Government Operations

No So-Called Sexual Stimulant Pills for Kids Act

This bill prohibits the sale of products that are labeled and marketed as sexual stimulant pills to minors in the State. Retailers that sell such products must make them accessible only to the retailer and employees, so they are out of the reach of minors. The Secretary of Health and Mental Hygiene must define the products covered under the prohibition and adopt regulations to implement the bill. Violators are subject to civil penalties of \$300 for the first violation and \$500 for a subsequent violation within 24 months.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues due to the bill's civil penalty provisions, assuming penalties collected are deposited in the general fund. No effect on expenditures since regulation development can be handled with existing resources.

Local Effect: Enforcement can be handled with existing resources, assuming it is based on complaints only and not on inspection of all retailers that sell sexual stimulant pills.

Small Business Effect: Potential minimal.

Analysis

Current Law/Background: State law does not address the issue of sexual stimulants for adults or minors. Federal law requires retail stores to keep over-the-counter medications containing pseudoephedrine behind the counter or in a locked cabinet.

The U.S. Food and Drug Administration (FDA) regulates dietary supplements. Under the Dietary Supplement Health and Education Act of 1994, dietary supplement manufacturers are responsible for ensuring that dietary supplements are safe before they are marketed, and FDA is responsible for taking action against any unsafe dietary supplement product after it reaches the market. Generally, manufacturers do not need to register products with FDA nor get FDA approval before producing or selling dietary supplements. The Federal Trade Commission regulates dietary supplement advertising.

In 2003, FDA warned consumers not to purchase certain products, sold over-the-counter, that manufacturers claimed increase stamina, confidence, and performance in women. FDA said that the products contained a prescription drug ingredient which carries potential health risks. Since 2004, FDA has identified several products sold online as dietary supplements for treating erectile dysfunction and enhancing sexual performance. FDA has found the products to contain potentially harmful, undeclared ingredients.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene, Judiciary (Administrative Office of the Courts), Department of Legislative Services

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