

HOUSE BILL 287

E1, E4, J1

0lr0898

By: **Delegates Ali, Benson, Nathan–Pulliam, Pena–Melnik, and Tarrant**

Introduced and read first time: January 27, 2010

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Sexual Supplement Safety Act**

3 FOR the purpose of prohibiting, except on a valid prescription of a certain authorized
4 prescriber, a person from marketing, selling, offering for sale, or distributing a
5 certain aphrodisiac drug product; providing criminal penalties for a violation of
6 this Act; defining a certain term; and generally relating to aphrodisiac drug
7 products.

8 BY adding to

9 Article – Criminal Law
10 Section 5–711
11 Annotated Code of Maryland
12 (2002 Volume and 2009 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article – Criminal Law**

16 **5–711.**

17 **(A) IN THIS SECTION, “APHRODISIAC DRUG PRODUCT” MEANS A DRUG,**
18 **MEDICINE, CHEMICAL, PREPARATION, OR FORMULA THAT BEARS LABELING**
19 **CLAIMS THAT IT WILL AROUSE OR INCREASE SEXUAL DESIRE OR THAT IT WILL**
20 **IMPROVE SEXUAL PERFORMANCE.**

21 **(B) EXCEPT ON A VALID PRESCRIPTION OF AN AUTHORIZED**
22 **PRESCRIBER AS DEFINED IN § 12–101 OF THE HEALTH OCCUPATIONS ARTICLE,**
23 **A PERSON MAY NOT MARKET, SELL, OFFER FOR SALE, OR DISTRIBUTE AN**
24 **APHRODISIAC DRUG PRODUCT.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A**
2 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING:**

3 **(1) \$5,000 FOR A FIRST VIOLATION; AND**

4 **(2) \$10,000 FOR A SUBSEQUENT VIOLATION.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2010.