

SENATE BILL 47

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4lr0449

HB 634/23 – ECM & HGO

(PRE-FILED)

By: **Senator Benson**

Requested: August 23, 2023

Introduced and read first time: January 10, 2024

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Sale of Diet Pills to Minors – Prohibition**
3 **(Protecting Teenagers From Unregulated Diet Pills)**

4 FOR the purpose of establishing prohibitions and requirements regarding the sale of diet
5 pills to individuals under a certain age; requiring the Maryland Department of
6 Health to develop a notice with information about the potential health risks of diet
7 pills; authorizing the Department to establish limitations on which diet pills are
8 subject to this Act; and generally relating to the sale of diet pills to minors.

9 BY adding to

10 Article – Health – General
11 Section 21–259.4
12 Annotated Code of Maryland
13 (2023 Replacement Volume)

14 BY repealing and reenacting, with amendments,

15 Article – Health – General
16 Section 21–1215
17 Annotated Code of Maryland
18 (2023 Replacement Volume)

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

21 **Article – Health – General**

22 **21–259.4.**

23 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 INDICATED.

2 (2) "DELIVERY SALE" MEANS A SALE OF DIET PILLS TO A CONSUMER
3 IN WHICH:

4 (I) 1. THE CONSUMER SUBMITS THE ORDER FOR THE SALE
5 BY MEANS OF A TELEPHONE OR OTHER METHOD OF VOICE TRANSMISSION, THE
6 MAIL, OR THE INTERNET; OR

7 2. THE SELLER IS OTHERWISE NOT IN THE PHYSICAL
8 PRESENCE OF THE BUYER WHEN THE REQUEST FOR PURCHASE IS MADE; OR

9 (II) 1. THE DIET PILLS ARE DELIVERED TO THE BUYER BY
10 COMMON CARRIER, PRIVATE DELIVERY SERVICE, OR OTHER METHOD OF REMOTE
11 DELIVERY; OR

12 2. THE SELLER IS OTHERWISE NOT IN THE PHYSICAL
13 PRESENCE OF THE BUYER WHEN THE BUYER OBTAINS POSSESSION OF THE DIET
14 PILLS.

15 (3) "DELIVERY SELLER" MEANS A PERSON, INCLUDING AN ONLINE
16 RETAILER, WHO MAKES DELIVERY SALES OF OVER-THE-COUNTER DIET PILLS.

17 (4) (I) "DIET PILLS" MEANS ONE OF THE FOLLOWING PRODUCTS
18 THAT IS LABELED, MARKETED, OR OTHERWISE REPRESENTED FOR THE PURPOSE OF
19 ACHIEVING WEIGHT LOSS OR BUILDING MUSCLE:

20 1. A DIETARY SUPPLEMENT, AS DEFINED IN 21 U.S.C. §
21 321; OR

22 2. A DRUG, AS DEFINED IN 21 U.S.C. § 321 FOR WHICH A
23 PRESCRIPTION IS NOT REQUIRED UNDER THE FEDERAL FOOD, DRUG, AND
24 COSMETIC ACT.

25 (II) "DIET PILLS" DOES NOT INCLUDE DIETARY FIBER
26 PRODUCTS.

27 (5) "RETAIL ESTABLISHMENT" MEANS ANY VENDOR THAT, IN THE
28 COURSE OF REGULAR BUSINESS, SELLS DIET PILLS AT RETAIL DIRECTLY TO THE
29 PUBLIC.

30 (B) (1) A PERSON MAY NOT SELL, TRANSFER, OR OTHERWISE FURNISH
31 DIET PILLS TO AN INDIVIDUAL UNDER THE AGE OF 18 YEARS WITHOUT A

1 PRESCRIPTION.

2 (2) A RETAIL ESTABLISHMENT THAT SELLS DIET PILLS SHALL LIMIT
3 ACCESS TO THE DIET PILLS IN AN AREA THAT IS DIRECTLY ACCESSIBLE ONLY BY
4 EMPLOYEES OF THE RETAIL ESTABLISHMENT, SUCH AS BEHIND A RETAIL COUNTER
5 OR IN A LOCKED CASE.

6 (3) A PERSON SHALL REQUEST VALID IDENTIFICATION FROM AN
7 INDIVIDUAL ATTEMPTING TO PURCHASE DIET PILLS IF THE INDIVIDUAL
8 REASONABLY APPEARS TO BE UNDER THE AGE OF 18 YEARS.

9 (C) A DELIVERY SELLER:

10 (1) MAY NOT SELL, DELIVER, OR CAUSE TO BE DELIVERED ANY DIET
11 PILLS TO AN INDIVIDUAL UNDER THE AGE OF 18 YEARS;

12 (2) MAY NOT ACCEPT A DELIVERY SALE ORDER FROM AN INDIVIDUAL
13 UNLESS THE DELIVERY SELLER:

14 (I) OBTAINS THE FULL NAME, BIRTH DATE, AND RESIDENTIAL
15 ADDRESS OF THE INDIVIDUAL; AND

16 (II) VERIFIES THE INFORMATION REQUIRED UNDER ITEM (I) OF
17 THIS ITEM THROUGH THE USE OF A COMMERCIALY ACCEPTABLE DATABASE,
18 CONSISTING PRIMARILY OF DATA FROM GOVERNMENT SOURCES, THAT ARE
19 REGULARLY USED BY GOVERNMENT AND BUSINESSES FOR THE PURPOSES OF AGE
20 AND IDENTITY VERIFICATION; AND

21 (3) SHALL SHIP DIET PILLS THROUGH A METHOD OF SHIPPING THAT
22 REQUIRES:

23 (I) THE CONSUMER PLACING THE DELIVERY SALE ORDER, OR
24 AN ADULT WHO IS AT LEAST 18 YEARS OF AGE, TO SIGN TO ACCEPT DELIVERY; AND

25 (II) THE INDIVIDUAL WHO SIGNS THE DELIVERY TO PROVIDE
26 PROOF, IN THE FORM OF A VALID, GOVERNMENT-ISSUED PHOTOGRAPHIC
27 IDENTIFICATION, THAT THE INDIVIDUAL IS AT LEAST 18 YEARS OF AGE.

28 (D) THE DATABASE USED UNDER SUBSECTION (C)(2)(II) OF THIS SECTION
29 MAY NOT BE:

30 (1) IN THE POSSESSION OF OR UNDER THE CONTROL OF THE
31 DELIVERY SELLER; OR

1 **(2) SUBJECT TO ANY CHANGES OR SUPPLEMENTATION BY THE**
2 **DELIVERY SELLER.**

3 **(E) (1) THE DEPARTMENT SHALL DEVELOP A NOTICE STATING THAT**
4 **SPECIFIED DIET PILLS MAY CONTRIBUTE TO GASTROINTESTINAL IMPAIRMENT,**
5 **TACHYCARDIA, HYPERTENSION, MYOCARDIAL INFARCTION, STROKE, ORGAN**
6 **FAILURE, SEVERE LIVER INJURY SOMETIMES REQUIRING A TRANSPLANT OR**
7 **LEADING TO DEATH, OR OTHER SERIOUS INJURIES OR DEATH.**

8 **(2) EACH RETAILER THAT SELLS DIET PILLS SHALL PROMINENTLY**
9 **DISPLAY THE NOTICE DEVELOPED UNDER PARAGRAPH (1) OF THIS SUBSECTION IN**
10 **A LOCATION WHERE CUSTOMERS OF THE RETAIL ESTABLISHMENT CAN SEE THE**
11 **NOTICE.**

12 **(F) A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A CIVIL**
13 **PENALTY NOT EXCEEDING \$1,000.**

14 **(G) (1) THE DEPARTMENT, IN CONSULTATION WITH THE U.S. FOOD AND**
15 **DRUG ADMINISTRATION AND OTHER INTERESTED STAKEHOLDERS, MAY ADOPT**
16 **REGULATIONS ESTABLISHING LIMITATIONS ON WHICH DIET PILLS ARE SUBJECT TO**
17 **THIS SECTION.**

18 **(2) WHEN DETERMINING WHETHER TO LIMIT THE APPLICATION OF**
19 **THIS SECTION, THE DEPARTMENT MAY CONSIDER WHETHER:**

20 **(I) THE DIET PILLS CONTAIN:**

21 1. **AN INGREDIENT APPROVED BY THE U.S. FOOD AND**
22 **DRUG ADMINISTRATION FOR WEIGHT LOSS;**

23 2. **A STEROID; OR**

24 3. **CREATINE, GREEN TEA EXTRACT, RASPBERRY**
25 **KETONE, GARCINIA CAMBOGIA, OR GREEN COFFEE BEAN EXTRACT;**

26 **(II) THE LABELING OR MARKETING OF THE DIET PILLS**
27 **INCLUDES STATEMENTS OR IMAGES THAT EXPRESSLY STATE OR IMPLY THAT THE**
28 **DIET PILLS WILL HELP MODIFY, MAINTAIN, OR REDUCE BODY FAT, APPETITE,**
29 **OVERALL METABOLISM, OR THE PROCESS BY WHICH NUTRIENTS ARE METABOLIZED;**
30 **AND**

31 **(III) THE DIET PILLS OR THEIR INGREDIENTS ARE OTHERWISE**

1 **REPRESENTED FOR THE PURPOSE OF ACHIEVING WEIGHT LOSS.**

2 21-1215.

3 (a) This section does not apply to a violation of § 21-220(b)(4) [or], § 21-259.2,
4 **OR § 21-259.4** of this title.

5 (b) A person who violates any provision of Subtitle 2 of this title or any regulation
6 adopted under Subtitle 2 of this title is guilty of a misdemeanor and on conviction is subject
7 to:

8 (1) A fine not exceeding \$10,000 or imprisonment not exceeding 1 year or
9 both; or

10 (2) If the person has been convicted once of violating Subtitle 2 of this title,
11 a fine not exceeding \$25,000 or imprisonment not exceeding 3 years or both.

12 (c) In addition to any criminal penalties imposed under this section, a person who
13 violates any provision of Subtitle 2 of this title, any rule or regulation adopted under
14 Subtitle 2 of this title, or any term, condition, or limitation of any license or registration
15 issued under Subtitle 2 of this title:

16 (1) Is subject to a civil penalty not exceeding \$5,000, in an action in any
17 District Court; and

18 (2) May be enjoined from continuing the violation.

19 (d) Each day on which a violation occurs is a separate violation under this section.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2024.