

Chapter 704

(House Bill 996)

AN ACT concerning

**Public Health – Phenibut Consumer Protection Act
(JT Alvey Phenibut Consumer Protection Act)**

FOR the purpose of requiring a retailer that prepares, distributes, sells, or exposes for sale a phenibut product to disclose the factual basis on which any representations regarding the phenibut product are made; establishing prohibitions related to the preparation, distribution, and sale of phenibut products; ~~requiring the Maryland Department of Health, in collaboration with the Maryland Hospital Association, to report to the General Assembly, on or before a certain date, on the number of adverse health events observed in individuals after the use of phenibut;~~ and generally relating to phenibut.

BY adding to

Article – Health – General

Section 21-2F-01 through 21-2F-04 to be under the new subtitle “Subtitle 2F.
Phenibut Consumer Protection Act”

Annotated Code of Maryland

(2023 Replacement Volume and 2024 Supplement)

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

Article – Health – General**SUBTITLE 2F. PHENIBUT CONSUMER PROTECTION ACT.****21-2F-01.**

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “PHENIBUT PRODUCT” MEANS A PRODUCT MARKETED FOR HUMAN CONSUMPTION CONTAINING ANY BETA-PHENYL-GAMMA-AMINOBTYRIC ACID HCL.

(C) (1) “RETAILER” MEANS A PERSON THAT:

(I) SELLS, PREPARES, OR MAINTAINS PHENIBUT PRODUCTS;

OR

(II) ADVERTISES, REPRESENTS, OR HOLDS ITSELF OUT AS SELLING, PREPARING, OR MAINTAINING PHENIBUT PRODUCTS.

(2) “RETAILER” INCLUDES A MANUFACTURER, WHOLESALER, STORE, RESTAURANT, HOTEL, CATERING FACILITY, CAMP, BAKERY, DELICATESSEN, SUPERMARKET, GROCERY STORE, CONVENIENCE STORE, GAS STATION, OR FOOD OR DRINK COMPANY.

21-2F-02.

(A) (1) A RETAILER THAT PREPARES, DISTRIBUTES, SELLS, OR EXPOSES FOR SALE A PHENIBUT PRODUCT SHALL DISCLOSE ON THE PRODUCT LABEL THE FACTUAL BASIS ON WHICH ANY REPRESENTATIONS REGARDING THE PHENIBUT PRODUCT ARE MADE.

(2) A RETAILER MAY NOT PREPARE, DISTRIBUTE, SELL, OR EXPOSE FOR SALE A PHENIBUT PRODUCT THAT:

(I) DOES NOT COMPLY WITH THE DISCLOSURE REQUIREMENT ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION; OR

(II) HAS NOT BEEN RECOGNIZED AS A DIETARY INGREDIENT OR APPROVED DRUG BY THE U.S. FOOD AND DRUG ADMINISTRATION.

(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A RETAILER MAY NOT PREPARE, DISTRIBUTE, SELL, OR EXPOSE FOR SALE ANY OF THE FOLLOWING:

(I) A PHENIBUT PRODUCT THAT IS ADULTERATED WITH A DANGEROUS SUBSTANCE OTHER THAN PHENIBUT;

(II) A PHENIBUT PRODUCT THAT IS CONTAMINATED WITH A DANGEROUS SUBSTANCE OTHER THAN PHENIBUT; OR

(III) A PRODUCT CONTAINING PHENIBUT THAT DOES NOT INCLUDE ON ITS PACKAGE OR LABEL THE AMOUNT OF BETA-PHENYL-GAMMA-AMINOBUTYRIC ACID HCL CONTAINED IN THE PRODUCT.

(2) (I) FOR THE PURPOSE OF PARAGRAPH (1)(I) OF THIS SUBSECTION, A PHENIBUT PRODUCT IS ADULTERATED WITH A DANGEROUS SUBSTANCE OTHER THAN PHENIBUT IF:

1. THE PHENIBUT PRODUCT IS MIXED OR PACKED WITH A SUBSTANCE OTHER THAN PHENIBUT; AND

2. THAT SUBSTANCE AFFECTS THE QUALITY OR STRENGTH OF THE PHENIBUT PRODUCT TO A DEGREE AS TO RENDER THE PHENIBUT PRODUCT INJURIOUS TO A CONSUMER.

(II) FOR THE PURPOSE OF PARAGRAPH (1)(II) OF THIS SUBSECTION, A PHENIBUT PRODUCT IS CONTAMINATED WITH A DANGEROUS SUBSTANCE OTHER THAN PHENIBUT IF THE PHENIBUT PRODUCT CONTAINS A POISONOUS OR OTHERWISE DELETERIOUS INGREDIENT OTHER THAN PHENIBUT, INCLUDING A DRUG THAT IS DESIGNATED AS A CONTROLLED DANGEROUS SUBSTANCE UNDER TITLE 5 OF THE CRIMINAL LAW ARTICLE.

(C) A RETAILER MAY NOT DISTRIBUTE, SELL, OR EXPOSE FOR SALE A PHENIBUT PRODUCT TO AN INDIVIDUAL UNDER THE AGE OF 21 YEARS.

(D) IN A PROSECUTION FOR A VIOLATION OF THIS SECTION, IT IS A DEFENSE THAT THE DEFENDANT RELIED IN GOOD FAITH ON THE REPRESENTATIONS OF A MANUFACTURER, PROCESSOR, PACKER, OR DISTRIBUTOR OF A PHENIBUT PRODUCT.

(E) A RETAILER THAT VIOLATES SUBSECTION (A)(1) OF THIS SECTION IS SUBJECT TO A CIVIL PENALTY NOT EXCEEDING:

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

(2) \$2,000 FOR EACH SUBSEQUENT VIOLATION.

(F) A RETAILER THAT VIOLATES SUBSECTION (A)(2), (B), OR (C) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$5,000, IMPRISONMENT FOR NOT MORE THAN 90 DAYS, OR BOTH.

(G) IN ADDITION TO ANY OTHER PENALTIES SPECIFIED IN THIS SECTION, A RETAILER WHO VIOLATES THIS SECTION IS LIABLE FOR ANY CIVIL DAMAGES SUSTAINED BY THE INDIVIDUAL RESULTING FROM THE VIOLATION.

21-2F-03.

(A) A RETAILER MAY NOT DIRECTLY OR INDIRECTLY ADVERTISE A THERAPEUTIC BENEFIT OF PHENIBUT.

(B) A RETAILER MAY NOT DIRECTLY OR INDIRECTLY ADVERTISE OR MARKET PHENIBUT PRODUCTS TO MINORS.

(C) IT IS A VIOLATION OF SUBSECTION (B) OF THIS SECTION FOR A RETAILER TO USE ANY OF THE FOLLOWING IN THE ADVERTISING, PROMOTION, PACKAGING, OR LABELING OF A PHENIBUT PRODUCT:

- (1) A CARTOON;**
- (2) A SUPERHERO;**
- (3) A VIDEO GAME REFERENCE;**
- (4) AN IMAGE OF A FOOD PRODUCT PRIMARILY INTENDED FOR MINORS;**
- (5) A TRADEMARK THAT IMITATES OR MIMICS THE TRADEMARK OF A PRODUCT THAT HAS BEEN ADVERTISED OR MARKETING PRIMARILY TO MINORS;**
- (6) A SYMBOL OR CELEBRITY THAT IS PRIMARILY ASSOCIATED WITH MINORS OR MEDIA PRIMARILY DIRECTED TO MINORS; AND**
- (7) AN IMAGE OF AN INDIVIDUAL WHO APPEARS TO BE UNDER THE AGE OF 27 YEARS.**

(D) IT IS A VIOLATION OF SUBSECTION (B) OF THIS SECTION FOR A RETAILER TO ADVERTISE OR PROMOTE A PHENIBUT PRODUCT:

- (1) IN A NEWSPAPER, A MAGAZINE, A PERIODICAL, OR ANY OTHER PUBLICATION FOR WHICH INDIVIDUALS UNDER THE AGE OF 21 YEARS CONSTITUTE 15% OR MORE OF THE TOTAL AUDIENCE, AS MEASURED BY COMPETENT AND RELIABLE SURVEY EVIDENCE;**
- (2) AT A CONCERT, A STADIUM, A SPORTING EVENT, OR ANY OTHER PUBLIC EVENT FOR WHICH INDIVIDUALS UNDER THE AGE OF 21 YEARS CONSTITUTE 15% OR MORE OF THE TOTAL AUDIENCE, AS MEASURED BY COMPETENT AND RELIABLE SURVEY EVIDENCE; OR**
- (3) ON AN OUTDOOR BILLBOARD OR SIGN BOARD THAT IS WITHIN 500 FEET OF A SCHOOL.**

21-2F-04.

THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.

~~SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31, 2026, the Maryland Department of Health, in collaboration with the Maryland Hospital Association, shall report to the General Assembly, in accordance with § 2-1257 of the State Government Article, on the number of adverse health events observed in individuals after the use of phenibut.~~

SECTION ~~2.~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2025.

Approved by the Governor, May 20, 2025.