

HOUSE BILL 884

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By: **Delegate Vogel**

Introduced and read first time: January 30, 2025

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Sale of Diet Pills to Minors – Prohibition**

3 FOR the purpose of establishing prohibitions and requirements regarding the sale of diet
4 pills to individuals under a certain age; and generally relating to the sale of diet pills
5 to minors.

6 BY adding to
7 Article – Health – General
8 Section 21–259.4
9 Annotated Code of Maryland
10 (2023 Replacement Volume and 2024 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article – Health – General
13 Section 21–1215
14 Annotated Code of Maryland
15 (2023 Replacement Volume and 2024 Supplement)

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

18 **Article – Health – General**

19 **21–259.4.**

20 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
21 **INDICATED.**

22 **(2) “DELIVERY SALE” MEANS A SALE OF DIET PILLS TO A CONSUMER**
23 **IN WHICH:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

4 **2. THE SELLER IS OTHERWISE NOT IN THE PHYSICAL**
5 **PRESENCE OF THE BUYER WHEN THE REQUEST FOR PURCHASE IS MADE; OR**

6 **(II) 1. THE DIET PILLS ARE DELIVERED TO THE BUYER BY**
7 **COMMON CARRIER, PRIVATE DELIVERY SERVICE, OR OTHER METHOD OF REMOTE**
8 **DELIVERY; OR**

9 **2. THE SELLER IS OTHERWISE NOT IN THE PHYSICAL**
10 **PRESENCE OF THE BUYER WHEN THE BUYER OBTAINS POSSESSION OF THE DIET**
11 **PILLS.**

12 **(3) “DELIVERY SELLER” MEANS A PERSON, INCLUDING AN ONLINE**
13 **RETAILER, WHO MAKES DELIVERY SALES OF OVER-THE-COUNTER DIET PILLS.**

14 **(4) (I) “DIET PILLS” MEANS ONE OF THE FOLLOWING PRODUCTS**
15 **THAT IS LABELED, MARKETED, OR OTHERWISE REPRESENTED FOR THE PURPOSE OF**
16 **ACHIEVING WEIGHT LOSS OR BUILDING MUSCLE:**

17 **1. A DIETARY SUPPLEMENT, AS DEFINED IN 21 U.S.C. §**
18 **321; OR**

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

22 **(II) “DIET PILLS” DOES NOT INCLUDE:**

23 **1. DIETARY FIBER PRODUCTS; OR**

24 **2. PROTEIN POWDERS, PROTEIN DRINKS, OR FOODS**
25 **MARKETED AS CONTAINING PROTEIN UNLESS THE PROTEIN POWDER, PROTEIN**
26 **DRINK, OR FOOD MARKETED AS CONTAINING PROTEIN CONTAINS AN INGREDIENT**
27 **OTHER THAN PROTEIN THAT IS A PRODUCT DESCRIBED IN SUBPARAGRAPH (I) OF**
28 **THIS PARAGRAPH.**

29 **(5) “RETAIL ESTABLISHMENT” MEANS ANY VENDOR THAT, IN THE**
30 **COURSE OF REGULAR BUSINESS, SELLS DIET PILLS AT RETAIL DIRECTLY TO THE**
31 **PUBLIC.**

1 **(B) (1) A PERSON MAY NOT SELL, TRANSFER, OR OTHERWISE FURNISH**
2 **DIET PILLS TO AN INDIVIDUAL UNDER THE AGE OF 18 YEARS WITHOUT A**
3 **PRESCRIPTION UNLESS THE INDIVIDUAL IS ACCOMPANIED BY A PARENT OR**
4 **GUARDIAN.**

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

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

12 **(C) A DELIVERY SELLER:**

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

15 **(2) SHALL SHIP DIET PILLS THROUGH A METHOD OF SHIPPING THAT**
16 **REQUIRES:**

17 **(I) THE CONSUMER PLACING THE DELIVERY SALE ORDER, OR**
18 **AN ADULT WHO IS AT LEAST 18 YEARS OF AGE WHO RESIDES AT THE ADDRESS OF**
19 **THE DELIVERY, TO SIGN TO ACCEPT DELIVERY; AND**

20 **(II) THE INDIVIDUAL WHO SIGNS THE DELIVERY TO PROVIDE**
21 **PROOF, IN THE FORM OF A VALID, GOVERNMENT-ISSUED PHOTOGRAPHIC**
22 **IDENTIFICATION, THAT THE INDIVIDUAL IS AT LEAST 18 YEARS OF AGE; AND**

23 **(3) SHALL SHIP DIET PILLS IN PACKAGING THAT CLEARLY INDICATES**
24 **THAT THE PACKAGE CONTAINS A DIET PILL.**

25 **(D) (1) A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A CIVIL**
26 **PENALTY NOT EXCEEDING \$750.**

27 **(2) A PENALTY IMPOSED UNDER THIS SUBSECTION AGAINST A RETAIL**
28 **ESTABLISHMENT WITH TWO OR MORE LOCATIONS IN THE STATE SHALL BE IMPOSED**
29 **AGAINST THE LOCATION AT WHICH THE VIOLATION OCCURRED.**

30 **(E) WHEN DETERMINING WHETHER A DRUG OR DIETARY SUPPLEMENT**
31 **CONSTITUTES A DIET PILL, A COURT MAY CONSIDER WHETHER:**

1 **(1) THE DRUG OR DIETARY SUPPLEMENT CONTAINS:**

2 **(I) AN INGREDIENT APPROVED BY THE U.S. FOOD AND DRUG**
3 **ADMINISTRATION FOR WEIGHT LOSS OR MUSCLE BUILDING;**

4 **(II) A STEROID; OR**

5 **(III) CREATINE, GREEN TEA EXTRACT, RASPBERRY KETONE,**
6 **GARCINIA CAMBOGIA, OR GREEN COFFEE BEAN EXTRACT;**

7 **(2) THE LABELING OR MARKETING OF THE DRUG OR DIETARY**
8 **SUPPLEMENT INCLUDES STATEMENTS OR IMAGES THAT EXPRESSLY STATE OR**
9 **IMPLY THAT THE DRUG OR DIETARY SUPPLEMENT WILL HELP:**

10 **(I) MODIFY, MAINTAIN, OR REDUCE BODY FAT, APPETITE,**
11 **OVERALL METABOLISM, OR THE PROCESS BY WHICH NUTRIENTS ARE METABOLIZED;**
12 **OR**

13 **(II) MAINTAIN OR INCREASE MUSCLE OR STRENGTH;**

14 **(3) THE DRUG OR DIETARY SUPPLEMENT OR ITS INGREDIENTS ARE**
15 **OTHERWISE REPRESENTED FOR THE PURPOSE OF ACHIEVING WEIGHT LOSS OR**
16 **BUILDING MUSCLE; OR**

17 **(4) THE RETAILER HAS:**

18 **(I) PLACED SIGNS, CATEGORIZED, OR TAGGED THE DRUG OR**
19 **DIETARY SUPPLEMENT WITH STATEMENTS DESCRIBED IN ITEM (2) OF THIS**
20 **SUBSECTION;**

21 **(II) GROUPED THE DRUG OR DIETARY SUPPLEMENT WITH**
22 **OTHER WEIGHT-LOSS OR MUSCLE-BUILDING PRODUCTS IN A DISPLAY,**
23 **ADVERTISEMENT, WEBPAGE, OR AREA OF THE STORE; OR**

24 **(III) OTHERWISE REPRESENTED THAT THE DRUG OR DIETARY**
25 **SUPPLEMENT IS FOR WEIGHT LOSS OR MUSCLE BUILDING.**

26 **(F) THIS SECTION MAY NOT BE CONSTRUED TO IMPOSE LIABILITY ON NEWS**
27 **MEDIA THAT ACCEPT OR PUBLISH ADVERTISING FOR A DIET PILL.**

28 21-1215.

1 (a) This section does not apply to a violation of § 21–220(b)(4), § 21–228, [or] §
2 21–259.3, **OR § 21–259.4** of this title.

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

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

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

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

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

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

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

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