



Council for Responsible Nutrition

1828 L Street, NW, Suite 810 • Washington, DC 20036-5114
(202) 204-7700 • fax (202) 204-7701 • www.crnusa.org

MEMORANDUM IN OPPOSITION

Maryland bill: HB 634:

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

The Council for Responsible Nutrition (CRN)¹ respectfully opposes HB 634 as currently written. This proposal would restrict access to **two broad categories** of dietary supplements and functional foods – sports nutrition and weight management products – by requiring hundreds of products be restricted because of unjustified and unscientific concerns regarding products with wide margins of safety and long histories of safe use. While we understand this proposal may have stemmed from concerns about perceived misuse/abuse of certain products, CRN is alarmed by the legislation as drafted because of the bill’s overly broad approach which categorizes safe, legal, and regulated products along with certain ingredients already banned from sale, reflecting a lack of understanding of today’s dietary supplement marketplace as well as the federal regulatory framework for these products. This overly broad approach ultimately limits access without any scientific rationale for responsible Maryland consumers of all ages who may find benefit in legitimate products.

The bill text does not indicate any existing safety concerns for legal products, nor does it specifically link these products to body dysmorphia or eating disorders, but statements made by the bill sponsors indicate that as a possible nexus for the legislation. To be clear, there is no credible scientific data that any of the products and ingredients identified in this bill lead to or cause body dysmorphia, eating disorders, or mental health issues. CRN recognizes that the bill identifies some products that exist in the marketplace that are already either illegal or have unknown safety profiles; however not all of the products fall into that category. We are committed to working with the sponsors, the Maryland legislature, the Maryland Department of Health and proponents of the bill to address legitimate concerns relating to potentially dangerous and illegal products. This approach that targets a broad array of legitimate, federally regulated products is not the solution.

If enacted, this proposal would:

- cast an overly broad net over hundreds of safe and beneficial sports nutrition and weight management dietary supplements and functional food products because of the ambiguous reference to dietary supplement products “for the purpose of achieving weight loss or building muscle”;
- place unreasonable compliance and economic burdens on Maryland retailers who would be required to place hundreds of products in locked cases or behind a retail counter (at no small

¹The Council for Responsible Nutrition (CRN), founded in 1973, is a Washington, D.C.-based trade association representing 190+ dietary supplement and functional food manufacturers, ingredient suppliers, and companies providing services to those manufacturers and suppliers. In addition to complying with a host of federal and state regulations governing dietary supplements and food in the areas of manufacturing, marketing, quality control and safety, our manufacturer and supplier members also agree to adhere to additional voluntary guidelines as well as to CRN’s Code of Ethics. Visit, www.crnusa.org. Follow us on: Twitter [@CRN_Supplements](https://twitter.com/CRN_Supplements), [Facebook](https://www.facebook.com/CRNUSA), and [LinkedIn](https://www.linkedin.com/company/crnusa).

expense to reconfigure their aisles), age-verify sales, and fulfill onerous signage requirements at retail establishments—or risk grievous fines for any violations;

- have significant negative impacts on all consumers and their access to safe and beneficial products by denying those consumers the opportunity to freely compare products, ingredients, and options;
- require unnecessary and misleading signage of potential negative health effects without scientific basis. The vast majority of ingredients in these products have strong safety profiles that counter the supposed, disparaging health effects raised by the legislation. A few ingredients listed in the bill are already illegal under federal law for sale to ANY consumer (e.g., anabolic steroids outlined in Section G);
- place an enormous enforcement burden on the State to inspect thousands of stores, including but not limited to drugstores/pharmacies, gyms, yoga studios, bodegas, big box chains, supermarkets, and convenience stores as well as online retailers resulting in a cumbersome resource burden and financial cost to the State; and
- add more responsibility and impose financial burdens for regulation to the Maryland Department of Health, to determine what products can be sold in retail establishments statewide. Due to hundreds of products currently available, and new products regularly launched, this regulatory process could become overwhelming and costly.

Most importantly; however, the proposal lacks an important component. It does **NOT** provide benefit to adolescents with eating disorders nor does the legislation provide resources for their mental health, condition, or recovery.

Conclusion: CRN agrees that the increasing incidence of eating disorders and body dysmorphia among young people is a disturbing trend and encourages development of state, federal and local resources to address this public health crisis. However, targeting a regulated industry to limit access to safe and beneficial products is punitive and harmful to retailers and all consumers in Maryland. Dietary supplements are a supplement to, not a substitute for, a well-balanced diet and a healthy lifestyle. When used properly, they help promote overall good health and prevent disease. We welcome the opportunity to work with the Sponsors to develop an approach that captures illegal, dangerous products but doesn't punitively restrict access to thousands of beneficial products with no valid safety issues or dangerous ingredients.