

February 17, 2025

The Honorable Joseline Pena-Melnyk, Chair  
House Health and Government Operations Committee  
241 Taylor House Office Building  
6 Bladen Street  
Annapolis, MD 21401

**RE: HB 884 – Related to certain diet pill and dietary supplements for muscle building**

Dear Chair Pena-Melnyk,

The Consumer Healthcare Products Association (CHPA)<sup>1</sup> opposes HB 884, a bill seeking to restrict the sale of OTC diet pills and dietary supplements to individuals under 18 years of age. While we share the bill's underlying goal of protecting minors from potentially harmful weight loss and muscle building products, the legislation as currently drafted is overly broad and would inadvertently restrict access to many essential health products.

**Value of Dietary Supplements**

Dietary supplements play a significant role in helping millions of Americans meet their nutritional needs. Many people use supplements to address specific deficiencies or to support their overall health goals. Although some take targeted supplements like vitamin D in regions with limited sunlight exposure, others use multivitamins, minerals, or other supplements to complement their daily nutrition. While nothing can substitute for a balanced diet and healthy lifestyle, millions of Americans rely on dietary supplements as an important tool for meeting their daily nutritional needs and supporting their overall health goals.

**Overly Broad Scope**

HB 884's overly broad scope and vague language create significant concerns across multiple dimensions of dietary supplementation. The expansive definition of "dietary supplements for weight loss or muscle building" could unintentionally restrict access to products primarily designed for general health benefits, including those supporting bone and heart health, antioxidants for cell protection, and supplements regulating sugar metabolism. Essential micronutrients like magnesium, calcium, and vitamins B6, D, and K, which are fundamental for proper muscle function and calcium metabolism, could be classified as restricted substances merely for making legitimate claims about muscle health or using muscle-related imagery in their marketing. Furthermore, the ingredient-based restrictions targeting specific compounds like creatine and green tea extract would affect supplements used for diverse health purposes unrelated to body composition, such as cardiovascular support, antioxidant protection, and digestive health, potentially limiting access for consumers who rely on these ingredients for general wellness rather than weight loss or muscle enhancement.

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<sup>1</sup> The Consumer Healthcare Products Association is the Washington, D.C. based national trade association representing the manufacturers of over-the-counter medicine, dietary supplements, and OTC medical devices

## **Redundant Age Verification Requirements on Home Delivery**

Verifying age through identification (ID) checks at the point of sale is a standard and sometimes necessary practice to prevent minors from purchasing particular products. However, requiring additional ID verification upon home delivery for online purchases creates an unnecessary burden for consumers. This redundant check forces adults to be present during delivery to show identification and sign for products they've already verified their age to purchase. Such requirements could significantly disrupt the convenience of mail-order supplements, particularly affecting working adults who cannot be home during typical delivery hours. While common carriers have systems in place to verify age for products requiring recipients to be 21 or older, their existing infrastructure may not be equipped to handle age 18 verification for products. This would require delivery services to either revamp their systems and create new processes to handle the different age requirements, or they might opt out of delivering these products entirely. For those who rely on regular supplement deliveries to maintain their health regimen, this added layer of verification serves no meaningful purpose while potentially forcing them to alter their schedules or risk missing important deliveries.

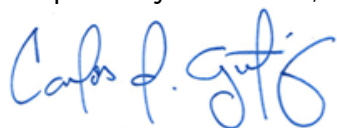
## **Legal and Legislative Context**

It is worth noting that New York is currently the only state in the entire country to have adopted similar age restrictions, and their law is currently under litigation. Most states have, in fact, rejected the New York approach, recognizing the need for more precise legislative solutions. Even in New York, Governor Hochul initially vetoed similar legislation, acknowledging its shortcomings before later signing a modified, more problematic version into law. California has also previously vetoed comparable restrictions, recognizing the difficulty in enforcing these measures. Studies have consistently shown that empowering parents and teenagers with accurate information about proper drug and supplement use, potential risks, and healthy alternatives creates better outcomes than restricting access. By focusing on evidence-based education programs, we can address concerns about supplement misuse while preserving access for responsible consumers.

## **Recommended Action**

Protecting minors' well-being is a shared priority, particularly regarding age-appropriate product use. However, HB 884 blurs the line between weight management/muscle building products and general wellness supplements. This lack of precision has led CHPA to strongly recommend opposing the bill until proper consultation with key stakeholders allows for improvements to the bill's core provisions. A more targeted approach would both safeguard minors and maintain widespread access to essential nutritional supplements that benefit Maryland residents' health and wellbeing.

Respectfully submitted,



Carlos I. Gutiérrez

Vice President, State & Local Government Affairs  
Consumer Healthcare Products Association  
cgutierrez@chpa.org | 202-429-3521

cc: House Health and Government Operations Committee  
The Honorable Delegate Joseph Vogel