

## House Bill No. 953

An act relating to weight-loss pills; defining the term “weight-loss pill”; prohibiting the sale or other transfer of weight-loss pills to minors; providing a defense; requiring establishments selling such pills at retail to post notice that such sale is unlawful; providing penalties; providing an effective date.

WHEREAS, the Southern Medical Journal in September 2002 found that “a strong correlation between dieting and the onset of eating disorders exists. One of the most alarming issues regarding dieting is the report of associated mortality,” and

WHEREAS, that same report stated that “scientific data support potential adverse physiologic consequences of dieting and weight loss, including loss of electrolytes, mineral & trace metals, histologic changes of the myocardium, as well as the potential adverse effects of free fatty acids on myocardial function,” and

WHEREAS, in February 1996 the Food and Drug Administration proposed new warning labels for over-the-counter weight-loss pills containing phenylpropanolamine (PPA), one of a number of drugs of concern in weight-loss pills. These labels would include a statement noting that “People between 12 and 18 years of age should not try this product without consulting a doctor. Not for use by children under 12 years of age,” NOW, THEREFORE,

Be It Enacted by the Legislature of the State of Florida:

Section 1. Selling, delivering, bartering, furnishing, or giving weight-loss pills to persons under age 18; penalties; defense.—

(1) As used in this section, the term “weight-loss pill” means a pill that is available without a prescription, the marketing, advertising, or packaging of which indicates that its primary purpose is for facilitating or causing weight loss. The term includes a pill that contains at least one of the following ingredients: ephedra species, ephedrine alkaloid containing dietary supplements, or Sida cordifolia. However, the term does not include a pill containing one or more of such ingredients which is marketed or intended for a primary purpose other than weight loss.

(2) It is unlawful to sell, deliver, barter, furnish, or give, directly or indirectly, a weight-loss pill to a person under 18 years of age. However, it is a defense to a charge of violating this subsection if the buyer or recipient of the weight-loss pill displayed to the person alleged to have committed the violation a driver’s license or identification card issued by this state or another state, a passport, or a United States armed services identification card that indicated that the buyer or recipient was 18 years of age or older and the appearance of the buyer or recipient was such that a prudent person would reasonably believe that the buyer or recipient was not under 18 years of age.

(3) A first violation of subsection (2) or subsection (3) is punishable by a fine of \$100. A second violation of subsection (2) or subsection (3) is punishable by a fine of \$250. A third violation of subsection (2) or subsection (3) is punishable by a fine of \$500. A fourth or subsequent violation of subsection (2) or subsection (3) is punishable by a fine as determined by the Department of Agriculture and Consumer Services, not to exceed \$1,000.

(4) The Department of Agriculture is authorized to adopt rules to implement this section.

Section 2. This act shall take effect July 1, 2004.

Approved by the Governor May 21, 2003.

Filed in Office Secretary of State May 21, 2003.