HOUSE DOCKET, NO. 1050 FILED ON: 1/18/2017

# HOUSE . . . . . No. 1195

## The Commonwealth of Massachusetts

PRESENTED BY:

***Kay Khan***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act protecting children from harmful diet pills and muscle-building supplements.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|---|---|---|
| *Kay Khan* | *11th Middlesex* | *1/18/2017* |
| *Patricia A. Haddad* | *5th Bristol* | *1/23/2017* |
| *Sarah K. Peake* | *4th Barnstable* | *1/24/2017* |
| *Denise C. Garlick* | *13th Norfolk* | *2/2/2017* |
| *Jason M. Lewis* | *Fifth Middlesex* | *1/25/2017* |
| *Michael D. Brady* | *Second Plymouth and Bristol* | *2/1/2017* |
| *Thomas J. Calter* | *12th Plymouth* | *2/3/2017* |
| *Tackey Chan* | *2nd Norfolk* | *1/26/2017* |
| *Mike Connolly* | *26th Middlesex* | *1/26/2017* |
| *Claire D. Cronin* | *11th Plymouth* | *2/1/2017* |
| *Angelo L. D'Emilia* | *8th Plymouth* | *2/1/2017* |
| *Carole A. Fiola* | *6th Bristol* | *1/23/2017* |
| *William C. Galvin* | *6th Norfolk* | *1/27/2017* |
| *Jonathan Hecht* | *29th Middlesex* | *1/27/2017* |
| *Steven S. Howitt* | *4th Bristol* | *2/3/2017* |
| *Robert M. Koczera* | *11th Bristol* | *2/1/2017* |
| *Joan B. Lovely* | *Second Essex* | *2/3/2017* |
| *Michael J. Rodrigues* | *First Bristol and Plymouth* | *1/24/2017* |

| | | |
|---|---|---|
| *Angelo M. Scaccia* | *14th Suffolk* | *1/30/2017* |
| *Alan Silvia* | *7th Bristol* | *1/31/2017* |
| *James E. Timilty* | *Bristol and Norfolk* | *1/24/2017* |

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# HOUSE . . . . . No. 1195

By Ms. Khan of Newton, a petition (accompanied by bill, House, No. 1195) of Kay Khan and others for legislation prohibiting the sale of dietary supplements for weight loss or muscle building to minors under the age of 18. Public Health.

## The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court**
**(2017-2018)**

An Act protecting children from harmful diet pills and muscle-building supplements.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1. Chapter 111 of the General Laws is hereby amended by adding the following section:-

Section 236. (a) As used in this section the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Dietary supplements for weight loss or muscle building", a class of dietary supplements, and “Over-the-counter Diet Pills”, a class of drugs, sold for or used with the intent to achieve weight loss or build muscle that are lawfully sold, transferred, or furnished over-the-counter with or without a prescription pursuant to the federal Food, Drug, and Cosmetic Act, 21 U.S.C. section 301 et. seq., or regulations adopted thereunder. "Dietary supplements for weight loss or muscle building” and “Over-the-Counter Diet Pills” may include, but are not limited to, thermogens, which are substances that produce heat in the body and promote more calorie burning, lipotropics, which are compounds that help break down fat during body metabolism,

hormones, including hormone modulators and hormone mimetics, appetite suppressants, or ingredients deemed adulterated under 21 U.S.C.A § 342.

“Retail establishment", any vendor that in the regular course of business sells dietary supplements for weight loss or muscle building at retail directly to the public including, but not limited to, pharmacies under chapter 112 sections 37 to 39C, grocery stores, mail-order or internet sale, and other retail stores.

(b) No over-the-counter diet pills or dietary supplements for weight loss or muscle building shall be sold to any person under 18 years of age.

(c) Any retail establishment that sells over-the-counter diet pills, or dietary supplements for weight loss or muscle building shall limit access to such products in a manner designed to prevent the misuse or abuse of such products. Such products shall not be directly accessible by customers, and may only be accessed by a manager, assistant manager, acting manager or other supervisory personnel at such location; provided, however, if the retail establishment is a pharmacy, these products shall be placed behind the pharmacy counter. Such products may only be purchased upon a request made by a customer to the manager, assistant manager, acting manager or other supervisory personnel at such location, or in the case of a pharmacy, an employee of the pharmacy located behind the pharmacy counter.

(d) Retail establishments shall conspicuously post at each purchase counter a notice developed and provided by the Department of Public Health clearly communicating that certain over-the-counter diet pills, or dietary supplements for weight loss or muscle building are known to cause gastrointestinal impairment tachycardia, hypertension, myocardial infarction, stroke,

severe liver injury sometimes requiring transplant or leading to death, organ failure, other serious injury, and death.

(e) Whoever violates subsection (b), (c) or (d) shall be punished by a fine of no more than $2,000.

(f) Any violation of this section shall constitute an unfair method of competition or an unfair or deceptive act or practice pursuant to chapter 93.

SECTION 2. The Department of Public Health, in consultation with the U.S. Food and Drug Administration and the stakeholders including, but not limited to, the eating disorders community, will determine which over-the-counter diet pills, or dietary supplements for weight loss or muscle building shall have limited accessibility.

SECTION 3. This act shall take effect in 180 days.