

HOUSE No. 2331

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:
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/4/2021</i>
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>	<i>2/4/2021</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/6/2021</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>2/8/2021</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>	<i>2/8/2021</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>	<i>2/9/2021</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>2/17/2021</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/18/2021</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>	<i>2/25/2021</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>	<i>2/26/2021</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>3/15/2021</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>7/8/2021</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>10/12/2021</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>10/20/2021</i>

HOUSE No. 2331

By Ms. Khan of Newton, a petition (accompanied by bill, House, No. 2331) of Kay Khan and others relative to the sale of dietary supplements for weight loss and muscle building. Public Health.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

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:

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

3 Section 238. (a) As used in this section the following words shall, unless the context
4 clearly requires otherwise, have the following meanings:-

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

13 lipotropics, which are compounds that help break down fat during body metabolism, hormones,
14 including hormone modulators and hormone mimetics, appetite suppressants, or ingredients
15 deemed adulterated under 21 U.S.C.A § 342. "Retail establishment", any vendor that in the
16 regular course of business sells dietary supplements for weight loss or muscle building at retail
17 directly to the public including, but not limited to, pharmacies under chapter 112 sections 37 to
18 39C, grocery stores, mail-order or internet sale vendors, and other retail stores.

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

21 (c) Any retail establishment that sells over-the-counter diet pills, or dietary supplements
22 for weight loss or muscle building shall request, examine and reasonably rely upon a current and
23 valid photographic identification establishing a person's age as at least 18 years of age prior to
24 selling such person over-the-counter diet pills or dietary supplements for weight loss or muscle
25 building.

26 (d) Retail establishments shall conspicuously post at each purchase counter a notice
27 developed and provided by the department of public health clearly communicating that certain
28 over-the-counter diet pills, or dietary supplements for weight loss or muscle building are known
29 to cause gastrointestinal impairment, tachycardia, hypertension, myocardial infarction, stroke,
30 severe liver injury sometimes requiring transplant or leading to death, organ failure, other serious
31 injury, and death.

32 (e) Retail establishments that violate subsection (b), (c) or (d) shall be punished by a fine
33 of no more than \$2,000.

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

36 SECTION 2. The department of public health, in consultation with the U.S. Food and
37 Drug Administration and the stakeholders including, but not limited to, the eating disorders
38 community, will determine which over-the-counter diet pills, or dietary supplements for weight
39 loss or muscle building shall be subject to subsection (c) require photographic identification.

40 SECTION 3. The department of public health may promulgate such procedures, rules or
41 regulations as necessary to implement this section.

42 SECTION 4. This act shall take effect in 180 days.