

By Senator Margolis

35-890A-03

1 A bill to be entitled
2 An act relating to weight-loss pills; defining
3 the term "weight-loss pill"; prohibiting the
4 sale, gift, or other transfer of weight-loss
5 pills to minors; providing a defense; requiring
6 establishments selling such pills at retail to
7 post notice that such sale is unlawful;
8 providing penalties; providing an effective
9 date.

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

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

21 WHEREAS, in February 1996 the Food and Drug
22 Administration proposed new warning labels for
23 over-the-counter diet pills containing phenylpropanolamine
24 (PPA). These labels would include a statement noting that
25 "People between 12 and 18 years of age should not try this
26 product without consulting a doctor. Not for use by children
27 under 12 years of age," NOW, THEREFORE,

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

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

4 (1) As used in this section, the term "weight-loss
5 pill" means a pill that is available without a prescription,
6 the marketing, advertising, or packaging of which indicates
7 that its primary purpose is for facilitating or causing weight
8 loss. The term includes, but is not limited to, a pill that
9 contains at least one of the following ingredients:
10 phenylpropanolamine; phentermine; phendimetrazine;
11 benzphetamine; diethylpropion; ephedra; or any similar
12 ingredient. However, the term does not include a pill
13 containing one or more of such ingredients which is marketed
14 or intended for a primary purpose other than weight loss.

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

27 (3) Each establishment at which weight-loss pills are
28 sold at retail shall display in a conspicuous place at each
29 location within the establishment at which purchases may be
30 made a sign with the following statement in red letters at
31 least half an inch high on a white background:

1 It is a violation of Florida law to sell
2 weight-loss pills to persons under 18 years of
3 age.
4 (4) A violation of subsection (2) or subsection (3)
5 constitutes a misdemeanor of the second degree, punishable as
6 provided in section 775.082 or section 775.083, Florida
7 Statutes.

8 Section 2. This act shall take effect July 1, 2003.

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11 SENATE SUMMARY

12 Prohibits the sale, gift, or other delivery of
13 nonprescription weight-loss pills, as defined, to minors.
14 Requires establishments selling such pills at retail to
15 post notice that such sale to minors is unlawful.
16 Violation of either requirement is a second-degree
17 misdemeanor, but it is a defense to a charge of unlawful
18 sale or other delivery that the buyer or recipient
19 produced identification indicating that he or she was of
20 age and his or her appearance was such that one could
21 reasonably believe that he or she was 18 or older.

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