

By the Committees on Criminal Justice; Health, Aging, and Long-Term Care; and Senators Margolis, Dawson, Bullard, Posey, Fasano, Miller, Garcia, Campbell, Peaden, Hill and Klein

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A bill to be entitled
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 diet pills containing phenylpropanolamine (PPA). 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:

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: ephedra
10 species; ephedrine alkaloid-containing dietary supplements;
11 Sida cordifolia or any similar ingredient. However, the term
12 does not include a pill containing one or more of such
13 ingredients which is marketed or intended for a primary
14 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 first violation of subsection (2) or subsection
5 (3) is punishable by a fine of \$500. A second violation of
6 subsection (2) or subsection (3) is punishable by a fine of
7 \$1,000. A third or subsequent violation of subsection (2) or
8 subsection (3) constitutes a misdemeanor of the second degree,
9 punishable as provided in section 775.082 or section 775.083,
10 Florida Statutes.

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

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13 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
14 COMMITTEE SUBSTITUTE FOR
15 CS/SB 1626

16 Provides that a first violation of the created offenses is
17 punishable by a fine of \$500. A second violation is punishable
18 by a fine of \$1,000. A third or subsequent violation
19 constitutes a second degree misdemeanor.
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