

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 or other transfer of weight-loss pills to  
5           minors; providing a defense; requiring  
6           establishments selling such pills at retail to  
7           post notice that such sale is unlawful;  
8           providing penalties; authorizing the Department  
9           of Agriculture to adopt rules; providing an  
10          effective date.

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

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

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

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30          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 a pill that contains at least one of  
9 the following ingredients: ephedra species; ephedrine alkaloid  
10 containing dietary supplements; Sida cordifolia or any similar  
11 ingredient. However, the term does not include a pill  
12 containing one or more of such ingredients which is marketed  
13 or intended for a primary purpose other than weight loss.

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

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

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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 \$100. A second violation of  
6 subsection (2) or subsection (3) is punishable by a fine of  
7 \$250. A third violation of subsection (2) or subsection (3) is  
8 punishable by a fine of \$500. A fourth or subsequent violation  
9 of subsection (2) or subsection (3) is punishable by a fine as  
10 determined by the Department of Agriculture, not to exceed  
11 \$1,000.00.  
12           (5) The Department of Agriculture is authorized to  
13 adopt rules to implement this section.  
14           Section 2. This act shall take effect July 1, 2004.  
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