



HB 0953

2003

1 A bill to be entitled

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

8  
9 WHEREAS, the Southern Medical Journal in September 2002  
10 found that "a strong correlation between dieting and the onset  
11 of eating disorders exists. One of the most alarming issues  
12 regarding dieting is the report of associated mortality," and

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

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

25  
26 Be It Enacted by the Legislature of the State of Florida:

27  
28 Section 1. Selling, delivering, bartering, furnishing, or  
29 giving weight-loss pills to persons under age 18; penalties;  
30 defense.--



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31       (1) As used in this section, the term "weight-loss pill"  
32 means a pill that is available without a prescription, the  
33 marketing, advertising, or packaging of which indicates that its  
34 primary purpose is for facilitating or causing weight loss. The  
35 term includes, but is not limited to, a pill that contains at  
36 least one of the following ingredients: phenylpropanolamine;  
37 phentermine; phendimetrazine; benzphetamine; diethylpropion;  
38 ephedra; or any similar ingredient. However, the term does not  
39 include a pill containing one or more of such ingredients which  
40 is marketed or intended for a primary purpose other than weight  
41 loss.

42       (2) It is unlawful to sell, deliver, barter, furnish, or  
43 give, directly or indirectly, a weight-loss pill to a person  
44 under 18 years of age. However, it is a defense to a charge of  
45 violating this subsection if the buyer or recipient of the  
46 weight-loss pill displayed to the person alleged to have  
47 committed the violation a driver's license or identification  
48 card issued by this state or another state, a passport, or a  
49 United States armed services identification card that indicated  
50 that the buyer or recipient was 18 years of age or older and the  
51 appearance of the buyer or recipient was such that a prudent  
52 person would reasonably believe that the buyer or recipient was  
53 not under 18 years of age.

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

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60       It is a violation of Florida law to sell weight-loss  
61       pills to persons under 18 years of age.

62  
63       (4) A violation of subsection (2) or subsection (3)  
64       constitutes a misdemeanor of the second degree, punishable as  
65       provided in section 775.082 or section 775.083, Florida  
66       Statutes.

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