



CHAMBER ACTION

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The Committee on Health Care recommends the following:

Committee Substitute

Remove the entire bill and insert:

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



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28 WHEREAS, in February 1996 the Food and Drug Administration
29 proposed new warning labels for over-the-counter weight-loss
30 pills containing phenylpropanolamine (PPA), one of a number of
31 drugs of concern in weight-loss pills. These labels would
32 include a statement noting that "People between 12 and 18 years
33 of age should not try this product without consulting a doctor.
34 Not for use by children under 12 years of age," NOW, THEREFORE,

35

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

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

41 (1) As used in this section, the term "weight-loss pill"
42 means a pill that is available without a prescription, the
43 marketing, advertising, or packaging of which indicates that its
44 primary purpose is for facilitating or causing weight loss. The
45 term includes, but is not limited to, a pill that contains at
46 least one of the following ingredients: ephedra species,
47 ephedrine alkaloid containing dietary supplements, or Sida
48 cordifolia. However, the term does not include a pill containing
49 one or more of such ingredients which is marketed or intended
50 for a primary purpose other than weight loss.

51 (2) It is unlawful to sell, deliver, barter, furnish, or
52 give, directly or indirectly, a weight-loss pill to a person
53 under 18 years of age. However, it is a defense to a charge of
54 violating this subsection if the buyer or recipient of the
55 weight-loss pill displayed to the person alleged to have



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56 committed the violation a driver's license or identification
57 card issued by this state or another state, a passport, or a
58 United States armed services identification card that indicated
59 that the buyer or recipient was 18 years of age or older and the
60 appearance of the buyer or recipient was such that a prudent
61 person would reasonably believe that the buyer or recipient was
62 not under 18 years of age.

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

68
69 It is a violation of Florida law to sell weight-loss
70 pills to persons under 18 years of age.

71
72 (4) A first violation of subsection (2) or subsection (3)
73 is punishable by a fine of \$500. A second violation of
74 subsection (2) or subsection (3) is punishable by a fine of
75 \$1,000. A third or subsequent violation of subsection (2) or
76 subsection (3) constitutes a misdemeanor of the second degree,
77 punishable as provided in s. 775.082 or s. 775.083, Florida
78 Statutes.

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