



1 A bill to be entitled
2 An act relating to weight-loss pills; defining the term
3 "weight-loss pill"; prohibiting the sale or other transfer
4 of weight-loss pills to minors; providing a defense;
5 requiring establishments selling such pills at retail to
6 post notice that such sale is unlawful; providing
7 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 weight-loss
21 pills containing phenylpropanolamine (PPA), one of a number of
22 drugs of concern in weight-loss pills. These labels would
23 include a statement noting that "People between 12 and 18 years
24 of age should not try this product without consulting a doctor.
25 Not for use by children under 12 years of age," NOW, THEREFORE,

26
27 Be It Enacted by the Legislature of the State of Florida:
28



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

32 (1) As used in this section, the term "weight-loss pill"
33 means a pill that is available without a prescription, the
34 marketing, advertising, or packaging of which indicates that its
35 primary purpose is for facilitating or causing weight loss. The
36 term includes a pill that contains at least one of the following
37 ingredients: ephedra species, ephedrine alkaloid containing
38 dietary supplements, or Sida cordifolia. However, the term does
39 not include a pill containing one or more of such ingredients
40 which is marketed or intended for a primary purpose other than
41 weight 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) A first violation of subsection (2) or subsection (3)
55 is punishable by a fine of \$100. A second violation of
56 subsection (2) or subsection (3) is punishable by a fine of



57 \$250. A third violation of subsection (2) or subsection (3) is
58 punishable by a fine of \$500. A fourth or subsequent violation
59 of subsection (2) or subsection (3) is punishable by a fine as
60 determined by the Department of Agriculture and Consumer
61 Services, not to exceed \$1,000.

62 (4) The Department of Agriculture is authorized to adopt
63 rules to implement this section.

64 Section 2. This act shall take effect July 1, 2004.

65