

SENATE, No. 980

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JANUARY 30, 2020

Sponsored by:

Senator THOMAS H. KEAN, JR.

District 21 (Morris, Somerset and Union)

SYNOPSIS

Establishes New Jersey Dietary Supplements Task Force to make recommendations concerning safety and regulation of dietary supplements sold in New Jersey.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** establishing the New Jersey Dietary Supplements Task
2 Force.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

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7 1. a. There is established in the Department of Health the New
8 Jersey Dietary Supplements Task Force, which shall be responsible
9 for examining and making recommendations for legislative or
10 executive action with regard to the sale and use of dietary
11 supplements in this State, including, but not limited to:

12 (1) quality control requirements;

13 (2) facility and product inspections;

14 (3) manufacturer reporting requirements;

15 (4) batch testing requirements, including whether to mandate
16 batch testing by the State;

17 (5) establishing a collaborative system to share batch test results
18 and adverse incident reports with other states;

19 (6) the treatment of patients following adverse incidents;

20 (7) reporting adverse incidents to appropriate State and federal
21 agencies;

22 (8) restricting or banning the sale of specific products;

23 (9) establishing age restrictions to purchase dietary
24 supplements;

25 (10) imposing new fees or taxes on dietary supplements;

26 (11) mandating additional labeling or signage requirements; and

27 (12) public education and outreach programs.

28 b. The task force shall consist of seven members, to be
29 appointed as follows: the Commissioner of Health, the Attorney
30 General, and the Director of the Division of Consumer Affairs in
31 the Department of Law and Public Safety, or their designees, who
32 shall serve ex officio; and four public members, with two public
33 members appointed by the Governor, one public member appointed
34 by the President of the Senate, and one public member appointed by
35 the Speaker of the General Assembly. The public members shall
36 have a significant background in matters pertaining to the public
37 health, patient care, nutritional, or consumer affairs implications of
38 dietary supplements.

39 c. Vacancies in the membership of the task force shall be filled
40 in the same manner provided for the original appointments.

41 d. The task force shall organize as soon as practicable
42 following the appointment of its members and shall select a
43 chairperson from among the members. The chairperson shall
44 appoint a secretary who need not be a member of the task force.

45 e. Members of the task force shall serve without compensation,
46 but shall be reimbursed for necessary expenses incurred in the
47 performance of their duties as members of the task force, within the

1 limits of funds appropriated or otherwise made available to the task
2 force for its purposes.

3 f. The task force shall be entitled to call to its assistance and
4 avail itself of the services of the employees of any State, county, or
5 municipal department, board, bureau, commission, or agency as it
6 may require and as may be available to it for its purposes.

7 g. The Department of Health shall provide staff support to the
8 task force.

9 h. No later than one year after organization, the task force shall
10 submit to the Governor, and to the Legislature pursuant to section 2
11 of P.L.1991, c.164 (C.52:14-19.1), a report of its findings and
12 recommendations for legislative, executive, or any other action as
13 may be appropriate to improve the safety and quality of dietary
14 supplements offered for sale in this State. The task force shall
15 expire upon submission of its report.

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17 2. This act shall take effect immediately and shall expire on the
18 first day of the third month following submission of the task force
19 report.

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STATEMENT

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24 This bill establishes the New Jersey Dietary Supplements Task
25 Force in the Department of Health. The task force will be
26 responsible for examining and making recommendations for
27 legislative or executive action with regard to the sale and use of
28 dietary supplements in this State, including, but not limited to:
29 quality control requirements; facility and product inspections;
30 manufacturer reporting requirements; batch testing requirements,
31 including whether to mandate batch testing by the State;
32 establishing a collaborative system to share test results and adverse
33 incident reports with other states; the treatment of patients
34 following adverse incidents; reporting adverse incidents to
35 appropriate State and federal agencies; restricting or banning the
36 sale of specific products; establishing age restrictions to purchase
37 dietary supplements; imposing new fees or taxes on dietary
38 supplements; mandating additional labeling or signage
39 requirements; and public education and outreach programs.

40 The task force will consist of seven members: the Commissioner
41 of Health, the Attorney General, and the Director of the Division of
42 Consumer Affairs in the Department of Law and Public Safety, or
43 their designees, who will serve ex officio; and four public members,
44 with two appointed by the Governor and one each appointed by the
45 President of the Senate and the Speaker of the General Assembly.
46 The public members are to have a significant background in matters
47 pertaining to the public health, patient care, nutritional, or consumer
48 affairs implications of dietary supplements. Vacancies in the

1 membership of the task force will be filled in the same manner
2 provided for the original appointments.

3 The task force will organize as soon as practicable following the
4 appointment of its members and select a chairperson from among
5 the members; the chairperson will appoint a secretary, who need not
6 be a member of the task force. Members of the task force will serve
7 without compensation, but will be reimbursed for necessary
8 expenses incurred in the performance of their duties, within the
9 limits of funds appropriated or otherwise made available. The task
10 force will be entitled to call to its assistance and avail itself of the
11 services of the employees of any State, county, or municipal
12 department, board, bureau, commission, or agency as it may require
13 and as may be available to it for its purposes. The Department of
14 Health will provide staff support to the task force.

15 No later than one year after organization, the task force will be
16 required to submit to the Governor and to the Legislature a report of
17 its findings and recommendations for legislative, executive, or any
18 other action as may be appropriate to improve the safety and quality
19 of dietary supplements offered for sale in New Jersey. The task
20 force will expire following the submission of its report.

21 Dietary supplements are a class of consumer product that is not
22 classified as either food or drugs, and includes vitamins, minerals,
23 herbs, botanicals, amino acids, concentrates, metabolites,
24 constituents, and extracts. Although the federal Food and Drug
25 Administration (FDA) oversees the marketing and labeling of
26 dietary supplements and is authorized to investigate reports of
27 adverse incidents, it does not currently perform premarket testing of
28 the supplements or require FDA approval before they are marketed.
29 Studies suggest that many supplements currently available on the
30 market are mislabeled, lack clear dosage instructions, or are
31 adulterated with contaminants, with the result that supplements
32 often do not contain the ingredients listed on the label, contain
33 additional, unlisted ingredients, or contain ingredients in quantities
34 different than those listed. The consumption of mislabeled or
35 adulterated substances can pose significant health risks for
36 consumers.

37 It is the sponsor's belief that establishing the New Jersey Dietary
38 Supplement Task Force is an important step in determining what
39 actions may be taken at the State level to improve the quality and
40 safety of dietary supplements marketed in New Jersey to better
41 safeguard the health of New Jersey consumers.