

ASSEMBLY, No. 3512

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED MARCH 8, 2022

Sponsored by:
Assemblyman HERB CONAWAY, JR.
District 7 (Burlington)

SYNOPSIS

Prohibits sale of certain diet pills and dietary supplements for muscle building to persons under 18 years of age.

CURRENT VERSION OF TEXT

As introduced.



A3512 CONAWAY

2

1 AN ACT concerning the sale of certain diet pills or dietary
2 supplements to minors and supplementing Title 2A of the
3 Revised Statutes.

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

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8 1. a. No person shall sell, offer to sell, or offer for promotional
9 purposes, either directly or indirectly by an agent or employee, any
10 over-the-counter diet pill or dietary supplement for muscle building
11 to a person under 18 years of age.

12 b. A person who violates the provisions of subsection a. of this
13 section, including an employee of a retail establishment who
14 actually sells any over-the-counter diet pill or dietary supplement
15 for muscle building to a person under 18 years of age, shall be
16 liable to a civil penalty of not more than \$750. In the case of a
17 retail establishment that is part of a chain with two or more
18 locations in the State, the violation shall be assessed against the
19 retail establishment at which the violation occurred and not the
20 chain. The civil penalty shall be collected by and in the name of the
21 State by the local health agency pursuant to the "Penalty
22 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.),
23 in a summary proceeding before the municipal court having
24 jurisdiction.

25 An official authorized by statute or ordinance to enforce the
26 State or local health codes or a law enforcement officer having
27 enforcement authority in that municipality may issue a summons for
28 a violation of the provisions of subsection a. of this section, and
29 may serve and execute all process with respect to the enforcement
30 of this section consistent with the Rules of Court.

31 A penalty recovered under the provisions of this subsection shall
32 be paid into the treasury of the municipality in which the violation
33 occurred for the general uses of the municipality.

34 c. The provisions of this section shall not apply to any over-the-
35 counter diet pill or dietary supplement for muscle building that has
36 been prescribed by a licensed health care professional legally
37 authorized to prescribe such pill or dietary supplement pursuant to
38 State and federal law.

39 d. As used in this section:

40 "Dietary supplement for muscle building" means a dietary
41 supplement sold for or used with the intent to build muscle, but
42 shall not include protein powders, protein drinks, and foods
43 marketed as containing protein unless the protein powders, drinks,
44 and foods contain one or more ingredients, other than protein which
45 would, considered alone, constitute a diet supplement for muscle
46 building.

47 "Over-the-counter diet pill" means a drug sold for or used with
48 the intent to achieve weight loss that contains a label that meets the

1 requirements of 21 CFR 201.66, including (1) a "Drug Facts" panel;
2 or (2) a statement of the "active ingredient" or "active ingredients"
3 with a list of those ingredients contained in the compound,
4 substance, or preparation.

5

6 2. The Commissioner of Health shall, pursuant to the
7 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
8 1 et seq.), promulgate rules and regulations to effectuate the
9 purposes of this act.

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11 3. This act shall take effect on the first day of the sixth month
12 next following the date of enactment.

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STATEMENT

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17 This bill prohibits the sale of certain diet pills and dietary
18 supplements to minors.

19 Specifically, the bill prohibits a person from selling, offering to
20 sell, or offering for promotional purposes, either directly or
21 indirectly by an agent or employee, any over-the-counter diet pill or
22 dietary supplement for muscle building to a person under 18 years
23 of age.

24 As used in the bill, "dietary supplement for muscle building"
25 means a dietary supplement sold for or used with the intent to build
26 muscle and does not include protein powders, protein drinks, and
27 foods marketed as containing protein unless the protein powders,
28 drinks, and foods contain one or more ingredients, other than
29 protein which would, considered alone, constitute a diet supplement
30 for muscle building. "Over-the-counter diet pill" means a drug sold
31 for or used with the intent to achieve weight loss that contains a
32 label that meets the requirements of 21 CFR 201.66, including (1) a
33 "Drug Facts" panel; or (2) a statement of the "active ingredient" or
34 "active ingredients" with a list of those ingredients contained in the
35 compound, substance, or preparation.

36 The bill stipulates that a person who violates the provisions of
37 the bill, including an employee of a retail establishment who
38 actually sells any over-the-counter diet pill or dietary supplement
39 for muscle building to a person under 18 years of age, is liable to a
40 civil penalty of not more than \$750. In the case of a retail
41 establishment that is part of a chain with two or more locations in
42 the State, the violation is to be assessed against the retail
43 establishment at which the violation occurred and not the chain.
44 The civil penalty is to be collected pursuant to the "Penalty
45 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.),
46 in a summary proceeding before the municipal court having
47 jurisdiction.

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1 The provisions of the bill do not apply to the sale of any over-
2 the-counter diet pill or dietary supplement for muscle building that
3 has been prescribed by a licensed health care professional legally
4 authorized to prescribe such pill or dietary supplement pursuant to
5 State and federal law.