

ASSEMBLY, No. 1848

STATE OF NEW JERSEY 221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

Assemblyman HERB CONAWAY, JR.

District 7 (Burlington)

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Co-Sponsored by:

Assemblywoman Speight and Assemblyman Stanley

SYNOPSIS

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

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



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

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

7
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 to
11 a minor under 18 years of age, unless the minor is accompanied by a
12 parent or guardian.

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

25 An official authorized by statute or ordinance to enforce the State
26 or local health codes or a law enforcement officer having enforcement
27 authority in that municipality may issue a summons for a violation of
28 the provisions of subsection a. of this section, and may serve and
29 execute all process with respect to the enforcement of this section
30 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 shall
42 not include protein powders, protein drinks, and foods marketed as
43 containing protein unless the protein powders, drinks, and foods
44 contain one or more ingredients, other than protein which would,
45 considered alone, constitute a diet supplement for muscle building.

46 "Over-the-counter diet pill" means a drug sold for or used with the
47 intent to achieve weight loss that contains a label that meets the
48 requirements of 21 CFR 201.66, including (1) a "Drug Facts" panel; or

1 (2) a statement of the "active ingredient" or "active ingredients" with a
2 list of those ingredients contained in the compound, substance, or
3 preparation.

4
5 2. The Commissioner of Health shall, pursuant to the
6 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
7 1 et seq.), promulgate rules and regulations to effectuate the
8 purposes of this act.

9
10 3. This act shall take effect on the first day of the sixth month
11 next following the date of enactment.

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14 STATEMENT

15
16 This bill prohibits the sale of certain diet pills and dietary
17 supplements to minors.

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

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

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