

[First Reprint]

## ASSEMBLY, No. 3512

# STATE OF NEW JERSEY

## 220th LEGISLATURE

INTRODUCED MARCH 8, 2022

**Sponsored by:**

**Assemblyman HERB CONAWAY, JR.**

**District 7 (Burlington)**

**Assemblyman BENJIE E. WIMBERLY**

**District 35 (Bergen and Passaic)**

**Assemblyman RAJ MUKHERJI**

**District 33 (Hudson)**

**Co-Sponsored by:**

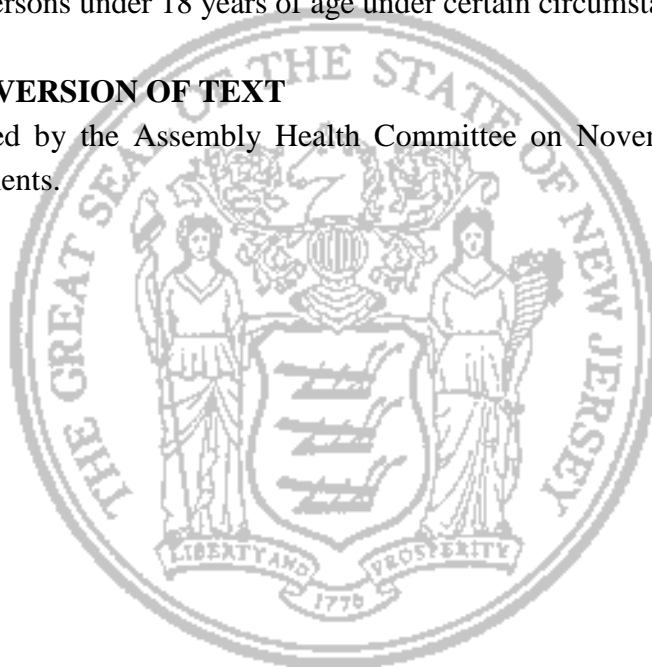
**Assemblywomen Speight, Jimenez, Assemblyman Stanley and  
Assemblywoman Jasey**

### 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

As reported by the Assembly Health Committee on November 14, 2022, with amendments.



(Sponsorship Updated As Of: 1/19/2023)

1 AN ACT concerning the sale of certain diet pills or dietary  
2 supplements to minors and supplementing Title 2A of the  
3 <sup>1</sup>**[Revised]** New Jersey<sup>1</sup> 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 <sup>1</sup>**[person]** minor<sup>1</sup> under 18 years of age<sup>1</sup>, unless the minor is  
12 accompanied by a parent or guardian<sup>1</sup>.

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 <sup>1</sup>**[person]** minor<sup>1</sup> under 18 years of age, <sup>1</sup>who is not  
17 accompanied by a parent or guardian,<sup>1</sup> shall be liable to a civil penalty  
18 of not more than \$750. In the case of a retail establishment that is part  
19 of a chain with two or more locations in the State, the violation shall  
20 be assessed against the retail establishment at which the violation  
21 occurred and not the chain. The civil penalty shall be collected by and  
22 in the name of the State by the local health agency pursuant to the  
23 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et  
24 seq.), in a summary proceeding before the municipal court having  
25 jurisdiction.

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

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

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

40 d. As used in this section:

41 "Dietary supplement for muscle building" means a dietary  
42 supplement sold for or used with the intent to build muscle, but shall  
43 not include protein powders, protein drinks, and foods marketed as  
44 containing protein unless the protein powders, drinks, and foods

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly AHE committee amendments adopted November 14, 2022.

1 contain one or more ingredients, other than protein which would,  
2 considered alone, constitute a diet supplement for muscle building.

3 "Over-the-counter diet pill" means a drug sold for or used with the  
4 intent to achieve weight loss that contains a label that meets the  
5 requirements of 21 CFR 201.66, including (1) a "Drug Facts" panel; or  
6 (2) a statement of the "active ingredient" or "active ingredients" with a  
7 list of those ingredients contained in the compound, substance, or  
8 preparation.

9  
10 2. The Commissioner of Health shall, pursuant to the  
11 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-  
12 1 et seq.), promulgate rules and regulations to effectuate the  
13 purposes of this act.

14  
15 3. This act shall take effect on the first day of the sixth month  
16 next following the date of enactment.