

SENATE BILL 1137

J1

4lr3490
CF HB 739

By: **Senator Benson**

Introduced and read first time: February 9, 2024

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Department of Health – List of Diet Pills**
3 **(Weight Loss Supplement Identification)**

4 FOR the purpose of requiring the Maryland Department of Health to develop a list of diet
5 pills, make the list publicly accessible, and update the list on a certain basis; and
6 generally relating to diet pills.

7 BY adding to
8 Article – Health – General
9 Section 21–228
10 Annotated Code of Maryland
11 (2023 Replacement Volume)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
13 That the Laws of Maryland read as follows:

14 **Article – Health – General**

15 **21–228.**

16 **(A) (1) IN THIS SECTION, “DIET PILL” MEANS ONE OF THE FOLLOWING**
17 **THAT IS LABELED, MARKETED, OR OTHERWISE REPRESENTED FOR THE PURPOSE OF**
18 **ACHIEVING WEIGHT LOSS:**

19 **(I) A DIETARY SUPPLEMENT, AS DEFINED IN 21 U.S.C. § 321;**
20 **OR**

21 **(II) A DRUG, AS DEFINED IN 21 U.S.C. § 321, FOR WHICH A**
22 **PRESCRIPTION IS NOT REQUIRED UNDER THE FEDERAL FOOD, DRUG, AND**
23 **COSMETIC ACT.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) “DIET PILL” DOES NOT INCLUDE A DIETARY FIBER PRODUCT.**

2 **(B) (1) THE DEPARTMENT SHALL DEVELOP A LIST OF**
3 **OVER-THE-COUNTER DIET PILLS SOLD IN THE STATE.**

4 **(2) WHEN DETERMINING WHETHER A PRODUCT CONSTITUTES A DIET**
5 **PILL, THE DEPARTMENT MAY CONSIDER WHETHER:**

6 **(I) THE LABELING OR MARKETING OF THE PILL INCLUDES**
7 **STATEMENTS OR IMAGES THAT EXPRESSLY STATE OR IMPLY THAT THE PILL WILL**
8 **HELP MODIFY, MAINTAIN, OR REDUCE BODY FAT, APPETITE, OVERALL METABOLISM,**
9 **OR THE PROCESS BY WHICH NUTRIENTS ARE METABOLIZED; AND**

10 **(II) THE PILL OR ITS INGREDIENTS ARE OTHERWISE**
11 **REPRESENTED FOR THE PURPOSE OF ACHIEVING WEIGHT LOSS.**

12 **(3) ON OR BEFORE JANUARY 1, 2025, THE DEPARTMENT SHALL:**

13 **(I) MAKE THE LIST OF DIET PILLS DEVELOPED UNDER**
14 **PARAGRAPH (1) OF THIS SUBSECTION PUBLICLY ACCESSIBLE; AND**

15 **(II) UPDATE THE LIST ON A QUARTERLY BASIS.**

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2024.