

**Department of Legislative Services**  
Maryland General Assembly  
2024 Session

**FISCAL AND POLICY NOTE**  
**Enrolled - Revised**

House Bill 1230

(Delegate Pena-Melnyk, *et al.*)

Health and Government Operations

Finance

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**Public Health - Tianeptine Consumer Protection Act**

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This emergency bill generally prohibits a “retailer” from distributing, selling, exposing for sale, or advertising for sale a “tianeptine product.” A violator is guilty of a misdemeanor and subject to a fine of up to \$5,000 and/or imprisonment for up to 90 days. In addition to any penalty under the bill, a retailer is also liable for any civil damages sustained by an individual resulting from the violation. The Maryland Department of Health (MDH) must adopt regulations to implement the bill.

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**Fiscal Summary**

**State Effect:** MDH can adopt regulations with existing budgeted resources. The civil liability and criminal penalty provisions of the bill are not anticipated to have a material impact on State finances or operations.

**Local Effect:** Local health departments can handle enforcement with existing budgeted resources. The civil liability and criminal penalty provisions of the bill are not anticipated to have a material impact on local finances or operations.

**Small Business Effect:** Potential meaningful.

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**Analysis**

**Bill Summary:** “Tianeptine product” means a product that is marketed for human consumption containing any amount of tianeptine sodium or tianeptine sulfate.

“Retailer” means a person that (1) sells, prepares, or maintains tianeptine products or (2) advertises, represents, or holds itself out as selling, preparing, or maintaining tianeptine

products (including a manufacturer, wholesaler, store, restaurant, hotel, catering facility, camp, bakery, delicatessen, supermarket, grocery store, convenience store, gas station, or food/drink company).

**Current Law:** The State does not currently regulate tianeptine.

The U.S. Food and Drug Administration (FDA) has not approved tianeptine for any medical use and considers tianeptine to be an unsafe food additive.

As of January 2024, nine states either restrict or ban tianeptine.

**Small Business Effect:** Small business retailers are prohibited from distributing, selling, exposing for sale, or advertising for sale a tianeptine product. Violators are subject to civil liability and criminal penalty provisions, as specified.

**Additional Comments:** Tianeptine is an antidepressant drug that is marketed as a supplement to treat anxiety, depression, pain, and opioid use disorder. FDA has issued a consumer warning that tianeptine is an unsafe food additive that may result in addiction to the substance. Tianeptine is used as a prescription drug in some countries, but it is not approved as a drug in the United States.

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### Additional Information

**Recent Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts); Maryland Department of Health; U.S. Food and Drug Administration; *The New York Times*; Department of Legislative Services

**Fiscal Note History:** First Reader - February 23, 2024  
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