



NEW YORK STATE SENATOR

Shelley B. Mayer

## The Post Journal: Second Time's The Charm?

JOHN WHITTAKER May 30, 2023

| ISSUE: **DIET PILLS; BODY IMAGE; SELF ESTEEM**



Sen. Shelley Mayer is pictured speaking at a rally in February.

### Lawmakers Try New Approach To Ban Use Of Over-The-Counter Dietary, Muscle Building Supplements By Minors

State lawmakers are taking a new approach to better regulate over-the-counter diet pills, weight-loss supplements and muscle building supplements.

Gov. Kathy Hochul vetoed legislation approved by the legislature in 2022 because of concerns the bill focused on a list of banned supplements, according to Assemblywoman Nily Rozic, D-

Queens, and Sen. Shelley Mayer, D-Port Chester.

“In 2022, the Senate and Assembly passed legislation to prohibit the sale of these dangerous diet pills and dietary supplements to minors, based on a list of covered products to be developed by the Department of Health,” Rozic and Mayer wrote in their legislative justification. “The legislation was vetoed, due to concerns about the efficacy of a static list of covered products and the capacity of the Department of Health to develop such a list. ... The bill defines dietary supplements for weight loss or muscle building and over-the-counter diet pills as products that are labeled, marketed, or otherwise represented for the purpose of achieving weight loss or muscle building. This approach will target drugs based on their marketing — and associated harmful effects -rather than relying on a list of covered ingredients that the industry will soon work around.”

Rozic and Mayer have introduced new legislation (A.5620/S.5823) that uses a different tact by providing criteria for a court to consider in determining whether an over-the-counter diet pill or dietary supplement is labeled as either for weight loss or muscle building. The new legislation also prohibits the sale of over-the-counter diet pills or dietary supplements for weight loss or muscle building to minors except when prescribed by a health care provider. It sets age verification requirements, including that retail establishments require proof of legal age of purchase if the buyer looks to be less than 25 years of age. Delivery sellers shall be required to use a form of shipping that requires an adult over the age of 18 to receive the package, and requires the person who signs for delivery to provide a valid, government-issued ID. Those who violate the law could face a \$500 fine.

The new bill has yet to move from the Assembly’s Governmental Operations Committee with only a couple of weeks left in the state legislative session. The Senate version has been amended twice and advanced to a third reading on May 16.

“Although they are sold alongside multivitamins and other supplements largely regarded as safe, these products often contain unlisted, illegal pharmaceutical ingredients that pose serious risks,” Mayer and Rozic wrote. “While some voluntary certifications exist, there is no guarantee that a supplement contains the listed ingredients. These products have been linked to outbreaks of liver damage, some severe enough to require transplantation, and have even caused several high-profile deaths in recent years. Despite the harms these products can cause, the perception of risk associated with them is still low.”

California, Massachusetts, New Jersey and Missouri have all been considering similar legislation, according to a September Associated Press article. The state regulations are a further restriction than those imposed by the federal Food and Drug Administration. Dietary supplements, which encompass a broad range of vitamins, herbs, and minerals, are classified by the FDA as food and don’t undergo scientific and safety testing as prescription drugs and over-the-counter medicines do.

According to the Kaiser Health Network, a study in the American Journal of Public Health that followed more than 10,000 women ages 14-36 over 15 years, found that “those who used diet pills had more than 5 times higher adjusted odds of receiving an eating disorder diagnosis from a health care provider within 1 to 3 years than those who did not.” The network also notes many pills have been found tainted with banned and dangerous ingredients that may cause cancer, heart attacks, strokes, and other ailments. For example, the FDA advised the public to avoid Slim Sense by Dr. Reade because it contains lorcaserin, which has been found to cause psychiatric disturbances and impairments in attention or memory. The FDA ordered it discontinued and the company couldn’t be reached for comment.

“Unscrupulous manufacturers are willing to take risks with consumers’ health — and they are lacing their products with illegal pharmaceuticals, banned pharmaceuticals, steroids,

excessive stimulants, even experimental stimulants,” said Bryn Austin, founding director of the Strategic Training Initiative for the Prevention of Eating Disorders, or STRIPED, which supports the restrictions. “Consumers have no idea that this is what’s in these types of products.”

An industry trade group, the Natural Products Association, disputes that diet pills cause eating disorders, citing the lack of consumer complaints to the FDA of adverse events from their members’ products. The association contends that its members adhere to safe manufacturing processes, random product testing, and appropriate marketing guidelines. Representatives also worry that if minors can’t buy supplements over the counter, they may buy them from “crooks” on the black market and undermine the integrity of the industry. Under the bills, minors purchasing weight loss products must show identification along with a prescription.

“According to FDA data, there is no association between the two,” said Kyle Turk, the association’s director of government affairs, said to the Kaiser Health Network.

Read original article here: <https://www.post-journal.com/news/top-stories/2023/05/second-times-the-charm/>

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#### RELATED LEGISLATION

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### **2023-S5823A**

- 
- Introduced

- ○ In Committee Assembly
  - In Committee Senate
- ○ On Floor Calendar Assembly
  - On Floor Calendar Senate
- ○ Passed Assembly
  - Passed Senate
- Delivered to Governor
- Signed By Governor
- 

Relates to establishing restrictions on the sale of over-the-counter diet pills and dietary supplements for weight loss or muscle building

March 17, 2023

Senate Floor Calendar

Sponsored by **Shelley B. Mayer**

Do you support this bill?