

# SENATE BILL NO. 922

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR WHITE.

4263S.01H

ADRIANE D. CROUSE, Secretary

## AN ACT

To amend chapter 196, RSMo, by adding thereto one new section relating to dietary supplements, with penalty provisions.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 196, RSMo, is amended by adding thereto  
2 one new section, to be known as section 196.185, to read as  
3 follows:

**196.185. 1. As used in this section, the following  
2 terms shall mean:**

3 (1) "Dietary supplements for weight loss or muscle  
4 building" or "over-the-counter diet pills", a class of  
5 dietary supplements or drugs sold for or used with the  
6 intent to achieve weight loss or build muscle that are  
7 lawfully sold, transferred, or furnished over-the-counter  
8 with or without a prescription pursuant to the federal Food,  
9 Drug, and Cosmetic Act, 21 U.S.C. Section 301 et. seq., or  
10 regulations adopted thereunder. "Dietary supplements for  
11 weight loss or muscle building" and "over-the-counter diet  
12 pills" may include, but are not limited to, thermogens,  
13 which are substances that produce heat in the body and  
14 promote more calorie burning; lipotropics, which are  
15 compounds that help break down fat during body metabolism;  
16 hormones, including hormone modulators and hormone mimetics;  
17 appetite suppressants; or ingredients deemed adulterated  
18 under 21 U.S.C. Section 342;

19           (2) "Retail establishment", any vendor that in the  
20 regular course of business sells over-the-counter diet pills  
21 or dietary supplements for weight loss or muscle building at  
22 retail directly to the public, including, but not limited  
23 to, pharmacies, grocery stores, mail-order or internet sale  
24 vendors, and other retail stores.

25           2. No over-the-counter diet pills or dietary  
26 supplements for weight loss or muscle building shall be sold  
27 to any person under eighteen years of age.

28           3. Any retail establishment that sells over-the-  
29 counter diet pills or dietary supplements for weight loss or  
30 muscle building shall request, examine, and reasonably rely  
31 upon a current and valid photographic identification  
32 establishing a person's age as at least eighteen years of  
33 age prior to selling such person over-the-counter diet pills  
34 or dietary supplements for weight loss or muscle building.

35           4. Retail establishments shall conspicuously post at  
36 each purchase counter a notice developed and provided by the  
37 department of health and senior services clearly  
38 communicating that certain over-the-counter diet pills or  
39 dietary supplements for weight loss or muscle building are  
40 known to cause gastrointestinal impairment, tachycardia,  
41 hypertension, myocardial infarction, stroke, severe liver  
42 injury sometimes requiring transplant or leading to death,  
43 organ failure, other serious injury, and death.

44           5. Retail establishments that violate subsection 2, 3,  
45 or 4 of this section shall be punished by a fine of no more  
46 than two thousand dollars.

47           6. Any violation of this section shall constitute an  
48 unlawful practice pursuant to section 407.020.

49           7. The department of health and senior services, in  
50 consultation with the U.S. Food and Drug Administration and

51 stakeholders, including, but not limited to, the eating  
52 disorders community, shall determine which over-the-counter  
53 diet pills or dietary supplements for weight loss or muscle  
54 building shall be subject to subsection 3 of this section  
55 requiring photographic identification.

56 8. The department of health and senior services shall  
57 promulgate such procedures, rules, or regulations as  
58 necessary to implement this section. Any rule or portion of  
59 a rule, as that term is defined in section 536.010, that is  
60 created under the authority delegated in this section shall  
61 become effective only if it complies with and is subject to  
62 all of the provisions of chapter 536 and, if applicable,  
63 section 536.028. This section and chapter 536 are  
64 nonseverable and if any of the powers vested with the  
65 general assembly pursuant to chapter 536 to review, to delay  
66 the effective date, or to disapprove and annul a rule are  
67 subsequently held unconstitutional, then the grant of  
68 rulemaking authority and any rule proposed or adopted after  
69 August 28, 2022, shall be invalid and void.

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