

# AN ACT PROHIBITING THE SALE OF NONPRESCRIPTION LAXATIVE PRODUCTS TO MINORS AND REQUIRING SALES BEHIND THE COUNTER.

Referred to Committee on: \_\_\_\_\_

Introduced by: \_\_\_\_\_

Be it enacted by the Senate and House of Representatives in \_\_\_\_\_:

## Section 1. Findings.

- (a) A total of 4% of the United States population will abuse laxative products for weight control during their lifetime.
- (b) Laxative product abuse affects both males and females of all racial, ethnic, and socioeconomic groups.
- (c) Studies show that adolescents abuse over-the-counter drugs and supplements such as laxative products and diet pills for weight loss, with 6% of girls and 4% of boys reporting past-month use of diet products without physician advice.
- (d) Serious health consequences associated with the abuse of laxative products include acute and chronic impairment of gastrointestinal and cardiovascular systems, sometimes resulting in death; dehydration; chronic diarrhea and constipation; metabolic acidosis; hypokalemia, and other fluid and electrolyte disorders; cardiac arrhythmia; hemorrhagic and ischemic stroke; and hepatic and renal failure.
- (e) Adolescent girls and young women who used over-the-counter laxatives for weight control had six times the risk of being diagnosed with an eating disorder for the first time within one to three years following the laxative use.

Section 2. (NEW) (Effective January 1, 20XX) the [Insert in public health/welfare/crimes/business/penal code title] is amended as follows:

- (a) Any retail establishment that sells a nonprescription laxative product shall limit access to such product in a manner designed to prevent the misuse or abuse of such products as follows:
  - (1) In general, nonprescription laxative products shall be stored behind the counter, in an area not directly accessible to customers as follows:
    - (i) For the purposes of retail establishments maintaining a pharmacy, nonprescription laxative products shall be stored behind the pharmacy counter, and
    - (ii) For the purposes of retail establishments not maintaining a pharmacy, nonprescription laxative products shall be stored in a secure location behind the counter such that the nonprescription laxative product may only be accessed by an employee of the establishment.

STRATEGIC TRAINING INITIATIVE FOR THE PREVENTION OF EATING DISORDERS

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## (2) Age Verification.

- (i) A retail establishment shall only sell a nonprescription laxative product to persons 18 years of age or older who furnish a valid, government-issued photo identification demonstrating their age; and
- (ii) A retail establishment that mails or ships a nonprescription laxative product shall not sell, deliver, or cause to be delivered any nonprescription laxative product to a person under 18 years of age, and shall use a method of mailing or shipment that requires -
  - (a) The person placing the delivery sale order, or an adult who is at least 18 years of age, to sign to accept delivery of the package at the delivery address; and
  - (b) The person who signs to accept delivery of the package to provide proof, in the form of a valid, government-issued photo identification, that the person is at least 18 years of age.






## (b) Furnishing Nonprescription Laxative Products to Minors.

- (1) Any coach, trainer, or other person acting in an official or nonofficial capacity as an adult supervisor for an athletic team consisting of minors under the age of 18 who sells, gives, or otherwise furnishes to any member of the team a nonprescription laxative product with the intent that it be consumed, injected, or administered for any nonmedical purposes such as loss of weight or altering the body in any way related to participation on the team or league, is guilty of a misdemeanor per Section (c).
  - (2) Subsection (b)(1) does not apply to a minor's physician, parent or guardian, or any person acting at the written direction of, or with the written consent of, the parent or guardian, if that person is in fact acting with that authority.
- (c) **OPTIONAL:** Any person that violates this section is guilty of a [*insert misdemeanor/felony within crimes/penal code title.*]

- (1) Any person or retail establishment that violates the provisions in this section shall be guilty of a misdemeanor, and shall, on conviction thereof, be punished only as follows:
  - (i) Upon conviction of the first such offense, a person or retail establishment shall be sentenced to imprisonment not exceeding six months, or to pay a fine not exceeding ten thousand dollars (\$10,000), or both.
  - (ii) Upon conviction of the second and subsequent such offenses, a person or retail establishment shall be sentenced to imprisonment not exceeding two years, or to pay a fine not exceeding twenty-five thousand dollars (\$25,000), or both.

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(d) For the purposes of this section, the following phrases are defined as:

(1) “Nonprescription Laxative Product” means an over-the-counter drug or over-the-counter dietary supplement with a primary or secondary effect of stimulating bowel movements, increasing the bulk of bowel contents, or lubricating stool designed to ease the passage of bowel movements and relieve constipation.

(i) (2) “Retail Establishment” means every vendor that in the regular course of business sells nonprescription laxative products at retail directly to the public, including pharmacies, grocery stores, and other retail stores.

(e) Nothing in this section limits the sale of prescription laxative products.

**Statement of Purpose:**

*To prohibit the sale of nonprescription laxative products to minors and to specify the location.*

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