



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB3027

Introduced 2/6/2025, by Rep. Janet Yang Rohr

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Ban on Harmful Supplements for Minors Act. Prohibits the sale of diet pills or dietary supplements for weight loss or muscle building to any person under 18 years of age, unless that individual has a prescription. Provides for responsibilities of retail establishments. Provides for responsibilities of delivery sellers. Provides that the Attorney General may apply for a special proceeding to issue an injunction upon notice to the defendant of not less than 5 days, with certain requirements. Provides that any person who violates any provision of this Act is liable for a civil penalty of up to \$1,000 per violation. Provides for an affirmative defense based upon compliance with the Act, with certain requirements. Provides for rulemaking by the Attorney General or the Department of Public Health to determine additional dietary supplements or drugs that are subject to the Act. Provides that the Department of Public Health may adopt other rules as necessary to implement this Act. Defines terms.

LRB104 05784 BDA 15814 b

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Ban on  
5 Harmful Supplements for Minors Act.

6 Section 5. Definitions. In this Act:

7 "Caffeine" or "1, 3, 7-trimethylxanthine" means a  
8 naturally-occurring drug that is a member of the  
9 methylxanthine class of compounds with stimulant effects.

10 "Delivery sale" means any sale of over-the-counter diet  
11 pills or dietary supplements for weight loss or muscle  
12 building to a consumer if:

13 (1) the consumer submits the order for the sale by  
14 means of a telephone or other method of voice  
15 transmission, the U.S. Postal Service or other delivery  
16 service, or the Internet or other online service, or the  
17 seller is otherwise not in the physical presence of the  
18 buyer when the request for purchase or order is made; or

19 (2) the over-the-counter diet pills or dietary  
20 supplements for weight loss or muscle building are  
21 delivered to the buyer by common carrier, private delivery  
22 service, or other method of remote delivery, or the seller  
23 is not in the physical presence of the buyer when the buyer

1 obtains possession of the over-the-counter diet pills or  
2 dietary supplements for weight loss or muscle building.

3 "Delivery seller" means a person, including an online  
4 retailer, who makes delivery sales of over-the-counter diet  
5 pills or dietary supplements for weight loss or muscle  
6 building.

7 "Dietary supplement" means:

8 (1) a product, other than tobacco, intended to  
9 supplement the diet that bears or contains one or more of  
10 the following dietary ingredients:

11 (A) a vitamin;

12 (B) a mineral;

13 (C) an herb or other botanical;

14 (D) an amino acid;

15 (E) a dietary substance for use by a person to  
16 supplement the person's diet by increasing the total  
17 dietary intake; or

18 (F) a concentrate, metabolite, constituent,  
19 extract, or combination of any ingredient described in  
20 paragraph (A), (B), (C), (D), or (E).

21 (2) a product:

22 (A) that is ingested orally;

23 (B) is not represented for use as a conventional  
24 food, or as a sole item of meal or the diet; or

25 (C) is labeled as a dietary supplement.

26 "Dietary supplement for weight loss or muscle building"

1 means a dietary supplement that is labeled, marketed, or  
2 otherwise represented for the purpose of achieving weight loss  
3 or building muscle. "Dietary supplement for weight loss or  
4 muscle building" does not include items marketed as containing  
5 essential nutrients, probiotics, or caffeine, unless the  
6 recommended serving of caffeine includes more than 400 mg per  
7 day and unless the product marketed contains ingredients other  
8 than essential nutrients, probiotics, or caffeine, which alone  
9 would be considered a dietary supplement for weight loss or  
10 muscle building.

11 "Dietary supplement that is labeled, marketed, or  
12 otherwise represented for the purpose of achieving weight loss  
13 or building muscle" or "drug that is labeled, marketed, or  
14 otherwise represented for the purpose of achieving weight  
15 loss" means either:

16 (1) the product contains:

17 (A) an ingredient or product approved by the U.S.  
18 Food and Drug Administration for weight loss or muscle  
19 building;

20 (B) a steroid; or

21 (C) an ingredient included in the National  
22 Institutes of Health's Dietary Supplements for Weight  
23 Loss fact sheet or Dietary Supplements for Exercise  
24 and Athletic Performance fact sheet, except for any  
25 essential nutrients, probiotics, or caffeine under 400  
26 mg;

1           (2) the product's labeling or marketing bears  
2 statements or images that express or imply that the  
3 product will help:

4                   (A) modify, maintain, or reduce body weight, fat,  
5 appetite, overall metabolism, or the process by which  
6 nutrients are metabolized; and

7                   (B) maintain or increase muscle or strength;

8           (3) the product or its ingredients are otherwise  
9 represented for the purpose of achieving weight loss or  
10 building muscle;

11           (4) the retailer has categorized the dietary  
12 supplement for weight loss or muscle building by:

13                   (A) placing signs, categorizing, or tagging the  
14 supplement with statements described paragraph (2) of  
15 this definition; or

16                   (B) otherwise representing that the product is for  
17 weight loss or muscle building; or

18           (5) the Attorney General or the Department of Public  
19 Health has, by rule, denoted the dietary supplement or  
20 drug as a dietary supplement that is labeled, marketed, or  
21 otherwise represented for the purpose of achieving weight  
22 loss or building muscle or a drug that is labeled,  
23 marketed, or otherwise represented for the purpose of  
24 achieving weight loss.

25 "Drug" means:

26           (1) articles recognized in the official United States

1           Pharmacopoeia-National Formulary, official Homeopathic  
2           Pharmacopoeia of the United States, or any supplement to  
3           any of them;

4           (2) articles intended for use in the diagnosis, cure,  
5           mitigation, treatment, or prevention of disease in man or  
6           other animals;

7           (3) articles (other than food) intended to affect the  
8           structure or any function of the body of man or other  
9           animals; and

10          (4) articles intended for use as a component of any  
11          article specified in paragraph (1), (2), or (3).

12          "Essential nutrient" means any nutrient that the human  
13          body needs and that must be taken from outside the body.

14          "Essential nutrient" includes any nutrient, whether an  
15          element, vitamin, or macronutrient, that is included in the  
16          National Institutes of Health and the Food and Nutrition Board  
17          of the National Academies of Sciences, Engineering, and  
18          Medicine Daily Reference Intakes (DRI).

19          "Over-the-counter diet pill" means a drug that is labeled,  
20          marketed, or otherwise represented for the purpose of  
21          achieving weight loss for which a prescription is not required  
22          under the U.S. Food, Drug and Cosmetic Act.

23          "Probiotics" means live microorganisms that are ingested  
24          with the intent to beneficially affect the host and provide  
25          health benefits, such as through improving intestinal  
26          microbial balance.

1 "Proof of legal age" means:

2 (1) a valid driver's license or non-driver's  
3 identification card which indicates that the individual is  
4 at least 18 years of age and that is issued by this State;  
5 the federal government; any United States territory,  
6 commonwealth, or possession; the District of Columbia; a  
7 state government within the United States; or a provincial  
8 government of Canada;

9 (2) a valid passport issued by the United States or  
10 any other country recognized by the United States,  
11 indicating that the individual is at least 18 years of  
12 age; or

13 (3) an identification card issued by the armed forces  
14 of the United States, indicating that the individual is at  
15 least 18 years of age.

16 "Retail establishment" means any vendor that, in the  
17 regular course of business, sells dietary supplements for  
18 weight loss or muscle building or over-the-counter diet pills  
19 at retail directly to the public, including, but not limited  
20 to, pharmacies, grocery stores, other retail stores, and  
21 vendors that accept orders placed by mail, telephone,  
22 electronic mail, Internet website, online catalog, or software  
23 application.

24 Section 10. Prohibited sale to minors. No person shall  
25 sell, offer to sell, or give away, as either a retail or

1 wholesale promotion, an over-the-counter diet pill or dietary  
2 supplement for weight loss or muscle building to any person  
3 under 18 years of age, unless that individual has a  
4 prescription for that item. Retail establishments shall  
5 require proof of legal age for purchase of such products.

6 Section 15. Responsibilities of retail establishments.

7 (a) A retail establishment shall request valid  
8 identification and proof of legal age from any person who  
9 attempts to purchase a dietary supplement for weight loss or  
10 muscle building or an over-the-counter diet pill if the retail  
11 establishment cannot reasonably determine that the person  
12 appears to be at least 18 years of age or has a prescription.

13 (b) Any person operating a retail establishment may  
14 perform a transaction scan as a precondition for the purchase  
15 of over-the-counter diet pills or dietary supplements for  
16 weight loss or muscle building if the information deciphered  
17 by the transaction scan fails to match the information printed  
18 on the driver's license or non-driver identification card. If  
19 the transaction scan indicates that the information in the  
20 proof of legal age is false or fraudulent, the attempted  
21 transaction shall be denied. The operator may confiscate the  
22 false proof of legal age and submit it to local law  
23 enforcement.

24 (c) A retail establishment or the employees of a retail  
25 establishment shall only use a device capable of deciphering

1 any electronically readable format, and shall only use the  
2 information recorded and maintained through the use of such  
3 devices, for the purposes contained in this Act. No retail  
4 establishment or employee of such establishment shall resell  
5 or disseminate the information recorded during a scan to any  
6 third persons. Such prohibited resale or dissemination  
7 includes, but is not limited to, any advertising, marketing or  
8 promotional activities. Notwithstanding the restrictions  
9 imposed by this Section, such records may be released under a  
10 court ordered subpoena or under any other statute that  
11 specifically authorizes the release of the information.

12 (d) A retail establishment or the employees of a retail  
13 establishment may electronically or mechanically record and  
14 maintain only the information from a transaction scan  
15 necessary to effectuate this Act. Such information shall be  
16 limited to the following: (i) name, (ii) date of birth, (iii)  
17 driver's license or non-driver identification number, and (iv)  
18 expiration date of the driver's license or identification  
19 card.

20 Section 20. Responsibilities of delivery sellers.

21 (a) Notwithstanding subsection (a) of Section 15, an  
22 online retailer or other delivery seller who mails or ships  
23 over-the-counter diet pills or dietary supplements for weight  
24 loss or muscle building to consumers:

25 (1) shall not sell, deliver, or cause to be delivered

1 any over-the-counter diet pills or dietary supplements for  
2 weight loss or muscle building to a person under 18 years  
3 of age, unless the person in question has a prescription;

4 (2) shall use a method of mailing or shipping that  
5 requires:

6 (A) the purchaser placing the delivery sale order,  
7 or an adult who is at least 18 years of age, to sign to  
8 accept delivery of the shipping container at the  
9 delivery address; and

10 (B) the person who signs to accept delivery of the  
11 shipping container to provide proof of legal age; and

12 (3) shall not accept a delivery sale order from a  
13 person without obtaining the full name, birth date, and  
14 residential address of that person.

15 (b) No delivery seller or employee of such establishment  
16 shall resell or disseminate the information recorded to any  
17 third person. Such prohibited resale or dissemination includes  
18 but is not limited to any advertising, marketing, or  
19 promotional activities. Notwithstanding the restrictions  
20 imposed by this subdivision, such records may be released  
21 pursuant to subpoena or under any other law that specifically  
22 authorizes the release of such information.

23 Section 25. Remedies.

24 (a) Whenever there shall be a violation of this Act, an  
25 application may be made by the Attorney General in the name of

1 the people of the State of Illinois to a court having  
2 jurisdiction by a special proceeding to issue an injunction,  
3 and, upon notice to the defendant of not less than 5 days, to  
4 enjoin and restrain the continuance of such violation; and, if  
5 it shall appear to the satisfaction of the court that the  
6 defendant has, in fact, violated this Act, an injunction may  
7 be issued by the court, enjoining and restraining any further  
8 violations, without requiring proof that any person has, in  
9 fact, been injured or damaged thereby.

10 (b) Any person who violates any provision of this Act is  
11 liable for a civil penalty of up to \$1,000 per violation.

12 (c) It shall be an affirmative defense to any prosecution  
13 under this Act that such person has produced a driver's  
14 license or non-driver's license identification card apparently  
15 issued by a governmental entity, successfully completed that  
16 transaction scan, and that over-the-counter diet pills or  
17 dietary supplements for weight loss or muscle building were  
18 sold, delivered, or given to such person in reasonable  
19 reliance upon such identification and transaction scan.  
20 Evaluating the applicability of such affirmative defense, the  
21 court shall take into consideration any written policy adopted  
22 and implemented by the seller to effectuate the provisions of  
23 this Act. Use of a transaction scan shall not excuse any person  
24 operating a retail establishment from the exercise of  
25 reasonable diligence otherwise required by this Act.

1           Section 30. Rulemaking. The Attorney General or the  
2 Department of Public Health may adopt rules identifying any  
3 product that is a dietary supplement that is labeled,  
4 marketed, or otherwise represented for the purpose of  
5 achieving weight loss or building muscle or a drug that is  
6 labeled, marketed, or otherwise represented for the purpose of  
7 achieving weight loss. The Department of Public Health may  
8 adopt other rules as necessary to implement this Act.