



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3948

Introduced 10/30/2019, by Rep. Robyn Gabel

SYNOPSIS AS INTRODUCED:

New Act
215 ILCS 5/424

from Ch. 73, par. 1031

Creates the Over the Counter Diet Pills Act. Prohibits the sale of over the counter diet pills to any person under 18 years of age. Provides that retail establishments selling over the counter diet pills must limit access, display, and provide access to over the counter diet pills designated by the Department of Public Health in specified manners. Provides that violations of the Act's provisions shall be punished as a business offense with a fine of no more than \$2,000 and shall constitute an unfair method of competition and an unfair or deceptive act or practice under the Illinois Insurance Code. Requires the Department, in consultation with the United States Food and Drug Administration and stakeholders, to determine which over the counter diet pills shall have limited accessibility. Amends the Illinois Insurance Code to make a conforming change. Effective 180 days after becoming law.

LRB101 14590 CPF 63499 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 Over
5 the Counter Diet Pills Act.

6 Section 5. Definitions. In this Act:

7 "Department" means the Department of Public Health.

8 "Lipotropics" means compounds that help break down fat
9 during body metabolism.

10 "Over the counter diet pills" means a class of dietary
11 supplements or drugs sold for or used with the intent to
12 achieve weight loss or build muscle that is lawfully sold,
13 transferred, or furnished over the counter with or without a
14 prescription pursuant to the Federal Food, Drug, and Cosmetic
15 Act or regulations adopted thereunder. "Over the counter diet
16 pills" includes, but is not limited to, thermogens,
17 lipotropics, hormones, hormone modulators, hormone mimetics,
18 appetite suppressants, and ingredients deemed adulterated
19 under Section 342 of the Federal Food, Drug, and Cosmetic Act.

20 "Retail establishment" means any vendor that in the regular
21 course of business sells over the counter diet pills at retail
22 directly to the public, including, but not limited to,
23 pharmacies, grocery stores, mail-order vendors, internet sale

1 vendors, or other retail stores.

2 "Thermogens" means substances that produce heat in the body
3 and promote more calorie burning.

4 Section 10. Sale of over the counter diet pills.

5 (a) No over the counter diet pills shall be sold to any
6 person under 18 years of age.

7 (b) A retail establishment that sells over the counter diet
8 pills shall limit access to over the counter diet pills
9 designated for limited accessibility by the Department under
10 Section 20 in a manner designed to prevent the misuse or abuse
11 of such products. Such products shall be displayed in locked
12 cases, not be directly accessible by customers, and may only be
13 accessed by a manager, assistant manager, acting manager, or
14 other supervisory personnel at such location. Such products may
15 only be purchased upon a request made by a customer to the
16 manager, assistant manager, acting manager, or other
17 supervisory personnel at such location.

18 Section 15. Violations.

19 (a) A violation of Section 10 shall be punishable as a
20 business offense and subject to a fine of no more than \$2,000.

21 (b) A violation of Section 10 shall constitute an unfair
22 method of competition and an unfair or deceptive act or
23 practice under Section 424 of the Illinois Insurance Code.

1 Section 20. Determination of limited accessibility. The
2 Department, in consultation with the United States Food and
3 Drug Administration and stakeholders, including, but not
4 limited to, the community of persons with eating disorders,
5 shall determine by rule which over the counter diet pills shall
6 have limited accessibility under subsection (b) of Section 10.

7 Section 25. Rulemaking. The Department shall adopt such
8 rules as it deems necessary for the implementation of this Act.

9 Section 50. The Illinois Insurance Code is amended by
10 changing Section 424 as follows:

11 (215 ILCS 5/424) (from Ch. 73, par. 1031)

12 Sec. 424. Unfair methods of competition and unfair or
13 deceptive acts or practices defined. The following are hereby
14 defined as unfair methods of competition and unfair and
15 deceptive acts or practices in the business of insurance:

16 (1) The commission by any person of any one or more of
17 the acts defined or prohibited by Sections 134, 143.24c,
18 147, 148, 149, 151, 155.22, 155.22a, 155.42, 236, 237, 364,
19 and 469 of this Code.

20 (2) Entering into any agreement to commit, or by any
21 concerted action committing, any act of boycott, coercion
22 or intimidation resulting in or tending to result in
23 unreasonable restraint of, or monopoly in, the business of

1 insurance.

2 (3) Making or permitting, in the case of insurance of
3 the types enumerated in Classes 1, 2, and 3 of Section 4,
4 any unfair discrimination between individuals or risks of
5 the same class or of essentially the same hazard and
6 expense element because of the race, color, religion, or
7 national origin of such insurance risks or applicants. The
8 application of this Article to the types of insurance
9 enumerated in Class 1 of Section 4 shall in no way limit,
10 reduce, or impair the protections and remedies already
11 provided for by Sections 236 and 364 of this Code or any
12 other provision of this Code.

13 (4) Engaging in any of the acts or practices defined in
14 or prohibited by Sections 154.5 through 154.8 of this Code.

15 (5) Making or charging any rate for insurance against
16 losses arising from the use or ownership of a motor vehicle
17 which requires a higher premium of any person by reason of
18 his physical disability, race, color, religion, or
19 national origin.

20 (6) Failing to meet any requirement of the Unclaimed
21 Life Insurance Benefits Act with such frequency as to
22 constitute a general business practice.

23 (7) A violation of Section 10 of the Over the Counter
24 Diet Pills Act.

25 (Source: P.A. 99-143, eff. 7-27-15; 99-893, eff. 1-1-17.)

26 Section 99. Effective date. This Act takes effect 180 days

1 after becoming law.