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**SENATE BILL 5622**

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**State of Washington 69th Legislature 2025 Regular Session**

**By** Senators Lovick, Dhingra, and Liias

AN ACT Relating to establishing restrictions on the sale of over-the-counter diet pills and dietary supplements for weight loss or muscle building to individuals under 18 years of age; adding a new chapter to Title 69 RCW; and prescribing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

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

(a) The consumer submits the order for the sale by means of a telephone or other method of voice transmission, mail, or the internet or other online service, or the seller is otherwise not in the physical presence of the buyer when the request for purchase or order is made; or

(b) The over-the-counter diet pills or dietary supplements for weight loss or muscle building are delivered to the buyer by common carrier, private delivery service, or other method of remote delivery, or the seller is not in the physical presence of the buyer when the buyer obtains possession of the over-the-counter diet pills or dietary supplements for weight loss or muscle building.

(2) "Delivery seller" means a vendor, including online retailers, who makes delivery sales of over-the-counter diet pills or dietary supplements for weight loss or muscle building. "Delivery seller" includes persons who accept orders placed by mail, telephone, email, a website, online catalog, or software application.

(3) "Dietary supplement" has the same meaning as in RCW 82.08.0293.

(4) "Dietary supplements for weight loss or muscle building" means a dietary supplement that is labeled, marketed, or otherwise represented for the purpose of achieving weight loss or muscle building. "Dietary supplements for weight loss or muscle building" does not include protein powders, protein drinks, or foods marketed as containing protein unless the protein powder, protein drink, or food marketed as containing protein contains an ingredient other than protein which would, considered alone, constitute a dietary supplement for weight loss or muscle building.

(5) "Over-the-counter diet pills" means a class of drugs labeled, marketed, or otherwise represented for the purpose of achieving weight loss that can be obtained without a prescription and is not restricted to use by prescribing practitioners.

(6) "Person" means any individual, firm, corporation, partnership, association, limited liability company, or other entity.

(7) "Retail establishment" means any vendor that, in the regular course of business, sells dietary supplements for weight loss or muscle building or over-the-counter diet pills at retail directly to the public, including pharmacies, grocery stores, other retail stores, and vendors that accept orders placed by mail, telephone, email, a website, online catalog, or software application.

NEW SECTION. **Sec.**  (1) No person may sell, offer to sell, or give away, as either a retail or wholesale promotion, an over-the-counter diet pill or dietary supplement for weight loss or muscle building within this state to any person under 18 years of age.

(2)(a) Retail establishments must require proof of legal age for purchase of over-the-counter diet pills and dietary supplements for weight loss or muscle building.

(b) For the purposes of this section, proof of legal age includes any of the following officially issued identification that shows the purchaser's age and bears the purchaser's signature and photograph:

(i) Driver's license, instruction permit, or identification card of a state or province of Canada;

(ii) Identicard issued by the Washington state department of licensing under chapter 46.20 RCW;

(iii) United States military identification;

(iv) Passport;

(v) Enrollment card issued by the governing authority of a federally recognized Indian tribe located in Washington; or

(vi) Merchant marine identification card issued by the United States coast guard.

(c) Identification is not required of any individual who reasonably appears to be at least 25 years of age. However, the appearance of the purchaser shall not constitute a defense in any proceeding alleging the sale of any over-the-counter diet pills and dietary supplements for weight loss or muscle building to an individual under 18 years of age.

(3)(a) Any person operating a retail establishment may perform a transaction scan as a precondition for the purchase of over-the-counter diet pills or dietary supplements for weight loss or muscle building.

(b) In any instance where the information deciphered by the transaction scan fails to match the information printed on the driver's license or nondriver identification card, or if the transaction scan indicates that the information is false or fraudulent, the attempted transaction must be denied.

(c) In any proceeding arising under this chapter, it is an affirmative defense that the purchaser produced identification listed under subsection (2) of this section, successfully completed that transaction scan, and that over-the-counter diet pills or dietary supplements for weight loss or muscle building were sold, delivered, or given to the purchaser in reasonable reliance on the identification and transaction scan. In evaluating the applicability of the affirmative defense, the court must take into consideration any written policy adopted and implemented by the seller to carry out this chapter. Use of a transaction scan may not excuse any person operating a retail establishment from the exercise of reasonable diligence otherwise required by this chapter.

(d)(i) A retail establishment or employee of the establishment may only use a transaction scan device capable of deciphering any electronically readable format and may only use the information recorded and maintained using such devices for the purposes contained in this chapter.

(ii) No retail establishment or employee of the establishment may resell or disseminate the information recorded during use of a transaction scan device to any third person, including any advertising, marketing, or promotional activities. However, transaction information covered by this subsection may be released under a court-ordered subpoena or a statute that specifically authorizes the release of this information.

(e) A retail establishment or employee of the establishment may electronically or mechanically record and maintain only the following information from a transaction scan:

(i) Name;

(ii) Date of birth;

(iii) Identification number; and

(iv) Expiration date of the identification.

NEW SECTION. **Sec.**  A delivery seller, including an online retailer, who mails or ships over-the-counter diet pills or dietary supplements for weight loss or muscle building to consumers:

(1) May not sell, deliver, or cause to be delivered any over-the-counter diet pills or dietary supplements for weight loss or muscle building to a person under 18 years of age; and

(2) Must use a method of mailing or shipping:

(a) That requires the purchaser placing the delivery sale order, or an adult who is at least 18 years of age to sign to accept delivery of the shipping container at the delivery address; and

(b) That requires the person who signs to accept delivery of the shipping container to provide proof, in the form of a valid, government-issued identification bearing a photograph of the individual, that the person is at least 18 years of age.

NEW SECTION. **Sec.**  (1) The office of the attorney general may investigate violations of this chapter and may bring actions to enforce compliance and enjoin further violations. Except for violations of section 2(3)(d)(ii) of this act, when a court determines that a violation of this chapter has occurred, the court may impose a penalty of not more than $500 per violation. If a court determines that a violation of section 2(3)(d)(ii) of this act has occurred, the court may impose a penalty of not more than $1,000 per violation.

(2) When determining whether an over-the-counter diet pill or dietary supplement is labeled, marketed, or otherwise represented for the purpose of achieving weight loss or muscle building, the court shall consider, at a minimum, the following factors:

(a) Whether the product contains:

(i) An ingredient approved by the federal food and drug administration for weight loss or muscle building;

(ii) A steroid; or

(iii) Creatine, green tea extract, raspberry ketone, garcinia cambogia, or green coffee bean extract;

(b) Whether the product's labeling or marketing bears statements or images that express or imply that the product will help:

(i) Modify, maintain, or reduce body weight, fat, appetite, overall metabolism, or the process by which nutrients are metabolized; or

(ii) Maintain or increase muscle or strength;

(c) Whether the product or its ingredients are otherwise represented for the purpose of achieving weight loss or building muscle; or

(d) Whether the retailer has categorized the dietary supplement for weight loss or muscle building by:

(i) Placing signs, categorizing, or tagging the supplement with statements described under (b) of this subsection;

(ii) Grouping the supplements with other weight loss or muscle building products in a display, advertisement, web page, or area of the store; or

(iii) Otherwise representing that the product is for weight loss or muscle building.

NEW SECTION. **Sec.**  Sections 1 through 4 of this act constitute a new chapter in Title 69 RCW.

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