

2026 -- S 2774

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

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A N A C T

RELATING TO CRIMINAL OFFENSES -- CHILDREN

Introduced By: Senators Valverde, Lauria, DiMario, Kallman, and Vargas

Date Introduced: March 04, 2026

Referred To: Senate Commerce

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 11-9 of the General Laws entitled "Children" is hereby amended by
2 adding thereto the following section:

3 **11-9-22. Sale of over-the-counter diet pills and dietary supplements for weight loss or**
4 **muscle building.**

5 (a) Definitions: For purposes of this section the following terms shall have the following
6 meanings:

7 (1) "Dietary supplement for weight loss or muscle building" means a dietary supplement
8 as defined in 21 U.S.C. 321(ff) that is labeled, marketed, or otherwise represented for the purpose
9 of achieving weight loss or building muscle.

10 (2) "Over-the-counter diet pill" means a drug as defined in 21 U.S.C. 321(g)(1) labeled,
11 marketed, or otherwise represented for the purpose of achieving weight loss for which a
12 prescription is not required under the federal Food, Drug and Cosmetic Act, 21 U.S.C. §§ 301-399i.

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

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

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

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

9 (5) "Delivery seller" means a person, including online retailers, who makes delivery sales
10 of over-the-counter diet pills or dietary supplements for weight loss or muscle building.

11 (b) Prohibitions: No person shall sell or offer to sell or give away, as either a retail or
12 wholesale promotion, an over-the-counter diet pill or dietary supplement for weight loss or muscle
13 building to any person under eighteen (18) years of age.

14 (c) Responsibilities of retail establishments:

15 (1) Any retail establishment that sells over-the-counter diet pills or dietary supplements for
16 weight loss or muscle building shall limit access to such products in a manner designed to prevent
17 unauthorized access to such products. Such products shall not be directly accessible by customers,
18 and may be accessed only by employees of the establishment at such location such as behind a
19 retail counter or in a locked case.

20 (2) For purposes of subsection (c)(1) of this section, and subject to the provisions of
21 subsection (d) of this section, a retail establishment shall request valid identification from any
22 person who attempts to purchase a dietary supplement for weight loss or over-the-counter diet pill
23 if the retail establishment cannot reasonably determine that the person is at least eighteen (18) years
24 of age.

25 (d) Responsibilities of delivery sellers:

26 (1) Notwithstanding the provisions of subsection (c)(2) of this section, a delivery seller,
27 including online retailers, who mails or ships over-the-counter diet pills or dietary supplements for
28 weight loss or muscle building to consumers:

29 (i) Shall not sell, deliver, or cause to be delivered any over-the-counter diet pills or dietary
30 supplements for weight loss or muscle building to a person under eighteen (18) years of age.

31 (ii) Shall use a method of mailing or shipping that requires:

32 (A) The purchaser placing the delivery sale order, or an adult who is at least eighteen (18)
33 years of age, to sign to accept delivery of the shipping container at the delivery address; and

34 (B) The person who signs to accept delivery of the shipping container to provide proof, in

1 the form of valid government-issued identification bearing a photograph of the individual, that the
2 person is at least eighteen (18) years of age.

3 (iii) Shall not accept a delivery sale order from a person without:

4 (A) Obtaining the full name, birth date, and residential address of that person; and

5 (B) Verifying the information provided in subclause subsection (d)(1)(iii)(A) of this
6 section, through the use of a commercially available database or aggregate of databases, consisting
7 primarily of data from government sources, that are regularly used by government and businesses
8 for the purpose of age and identity verification and authentication, to ensure that the purchaser is
9 at least eighteen (18) years of age.

10 (2) Limitation: No database being used for age and identity verification under this section
11 shall be in the possession or under the control of the delivery seller, or be subject to any changes
12 or supplementation by the delivery seller.

13 (e) Remedies:

14 (1) Whenever there shall be a violation of this section, an application may be made by the
15 attorney general in the name of the people of the State of Rhode Island, to a court or justice having
16 jurisdiction by a special proceeding to issue an injunction, and upon notice to the defendant of not
17 less than five (5) days, to enjoin and restrain the continuance of such violation. If it shall appear to
18 the satisfaction of the court or justice that the defendant has, in fact, violated this section, an
19 injunction may be issued by the court or justice, enjoining and restraining any further violations,
20 without requiring proof that any person has, in fact, been injured or damaged thereby.

21 (2) Whenever the court shall determine that a violation of this section has occurred, the
22 court may impose a civil penalty of not more than one thousand dollars (\$1,000).

23 (f) When determining whether a supplement is labeled, marketed, or otherwise represented
24 for the purpose of achieving weight loss or muscle building, the attorney general shall consider, but
25 is not limited to, the following factors:

26 (1) Whether the product contains:

27 (i) An ingredient approved by the federal Food and Drug Administration for weight loss or
28 muscle building;

29 (ii) A steroid; or

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

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

34 (i) Modify, maintain, or reduce body weight, fat, appetite, overall metabolism, or the

- 1 process by which nutrients are metabolized; or
- 2 (ii) Maintain or increase muscle or strength;
- 3 (3) Whether the product or its ingredients are otherwise represented for the purpose of
- 4 achieving weight loss or building muscle; and
- 5 (4) Whether the retail establishment or delivery seller has:
- 6 (i) Placed signs, categorized, or tagged the product with statements described in subsection
- 7 (f)(2) of this section;
- 8 (ii) Grouped the product with other weight-loss or muscle building products in a display,
- 9 advertisement, webpage, or area of the store; or
- 10 (iii) Otherwise represented that the product is for weight loss or muscle building.
- 11 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO CRIMINAL OFFENSES -- CHILDREN

1 This act would prohibit the sale of over-the-counter diet pills and muscle-building
2 supplements to minors in Rhode Island and require age verification, restricted access, and civil
3 penalties for violations.

4 This act would take effect upon passage.

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