



Rep. Janet Yang Rohr

Filed: 3/14/2025

10400HB3027ham001

LRB104 05784 BDA 23575 a

1 AMENDMENT TO HOUSE BILL 3027

2 AMENDMENT NO. _____. Amend House Bill 3027 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the Ban
5 on 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

1 seller is otherwise not in the physical presence of the
2 buyer when the request for purchase or order is made; or

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

10 "Delivery seller" means a person, including an online
11 retailer, who makes delivery sales of over-the-counter diet
12 pills or dietary supplements for weight loss or muscle
13 building.

14 "Dietary supplement" means:

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

18 (A) a vitamin;

19 (B) a mineral;

20 (C) an herb or other botanical;

21 (D) an amino acid;

22 (E) a dietary substance for use by a person to
23 supplement the person's diet by increasing the total
24 dietary intake; or

25 (F) a concentrate, metabolite, constituent,
26 extract, or combination of any ingredient described in

1 paragraph (A), (B), (C), (D), or (E).

2 (2) a product:

3 (A) that is ingested orally;

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

6 (C) is labeled as a dietary supplement.

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

18 "Dietary supplement that is labeled, marketed, or
19 otherwise represented for the purpose of achieving weight loss
20 or building muscle" or "drug that is labeled, marketed, or
21 otherwise represented for the purpose of achieving weight
22 loss" means either:

23 (1) the product contains:

24 (A) an ingredient or product approved by the U.S.
25 Food and Drug Administration for weight loss or muscle
26 building; or

1 (B) a steroid;

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

5 (3) the retailer has categorized the dietary
6 supplement for weight loss or muscle building by:

7 (A) placing signs, categorizing, or tagging the
8 supplement with statements described in paragraph (2)
9 of this definition; or

10 (B) otherwise representing that the product is for
11 weight loss or muscle building.

12 "Drug" means:

13 (1) articles recognized in the official United States
14 Pharmacopoeia-National Formulary, official Homeopathic
15 Pharmacopoeia of the United States, or any supplement to
16 any of them;

17 (2) articles intended for use in the diagnosis, cure,
18 mitigation, treatment, or prevention of disease in man or
19 other animals;

20 (3) articles (other than food) intended to affect the
21 structure or any function of the body of man or other
22 animals; and

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

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

1 "Essential nutrient" includes any nutrient, whether an
2 element, vitamin, or macronutrient, that is included in the
3 National Institutes of Health and the Food and Nutrition Board
4 of the National Academies of Sciences, Engineering, and
5 Medicine Daily Reference Intakes (DRI).

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

10 "Probiotics" means live microorganisms that are ingested
11 with the intent to beneficially affect the host and provide
12 health benefits, such as through improving intestinal
13 microbial balance.

14 "Proof of legal age" means:

15 (1) a valid driver's license or non-driver's
16 identification card which indicates that the individual is
17 at least 18 years of age and that is issued by this State;
18 the federal government; any United States territory,
19 commonwealth, or possession; the District of Columbia; a
20 state government within the United States; or a provincial
21 government of Canada;

22 (2) a valid passport issued by the United States or
23 any other country recognized by the United States,
24 indicating that the individual is at least 18 years of
25 age; or

26 (3) an identification card issued by the armed forces

1 of the United States, indicating that the individual is at
2 least 18 years of age.

3 "Retail establishment" means any vendor that, in the
4 regular course of business, sells dietary supplements for
5 weight loss or muscle building or over-the-counter diet pills
6 at retail directly to the public, including, but not limited
7 to, pharmacies, grocery stores, other retail stores, and
8 vendors that accept orders placed by mail, telephone,
9 electronic mail, Internet website, online catalog, or software
10 application.

11 Section 10. Prohibited sale to minors. No person shall
12 sell, offer to sell, or give away, as either a retail or
13 wholesale promotion, an over-the-counter diet pill or dietary
14 supplement for weight loss or muscle building to any person
15 under 18 years of age, unless that individual has a
16 prescription for that item. Retail establishments shall
17 require proof of legal age for purchase of such products.

18 Section 15. Responsibilities of retail establishments.

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

1 (b) Any person operating a retail establishment may
2 perform a transaction scan as a precondition for the purchase
3 of over-the-counter diet pills or dietary supplements for
4 weight loss or muscle building if the information deciphered
5 by the transaction scan fails to match the information printed
6 on the driver's license or non-driver identification card. If
7 the transaction scan indicates that the information in the
8 proof of legal age is false or fraudulent, the attempted
9 transaction shall be denied. The operator may confiscate the
10 false proof of legal age and submit it to local law
11 enforcement.

12 (c) A retail establishment or the employees of a retail
13 establishment shall only use a device capable of deciphering
14 any electronically readable format, and shall only use the
15 information recorded and maintained through the use of such
16 devices, for the purposes contained in this Act. No retail
17 establishment or employee of such establishment shall resell
18 or disseminate the information recorded during a scan to any
19 third persons. Such prohibited resale or dissemination
20 includes, but is not limited to, any advertising, marketing or
21 promotional activities. Notwithstanding the restrictions
22 imposed by this Section, such records may be released under a
23 court ordered subpoena or under any other statute that
24 specifically authorizes the release of the information.

25 (d) A retail establishment or the employees of a retail
26 establishment may electronically or mechanically record and

1 maintain only the information from a transaction scan
2 necessary to effectuate this Act. Such information shall be
3 limited to the following: (i) name, (ii) date of birth, (iii)
4 driver's license or non-driver identification number, and (iv)
5 expiration date of the driver's license or identification
6 card.

7 Section 20. Responsibilities of delivery sellers.
8 Notwithstanding subsection (a) of Section 15, an online
9 retailer or other delivery seller who mails or ships
10 over-the-counter diet pills or dietary supplements for weight
11 loss or muscle building to consumers shall not sell any
12 over-the-counter diet pills or dietary supplements for weight
13 loss or muscle building to a person under 18 years of age,
14 unless the person in question has a prescription.

15 Section 25. Remedies.

16 (a) Whenever there shall be a violation of this Act, an
17 application may be made by the Attorney General in the name of
18 the people of the State of Illinois to a court having
19 jurisdiction by a special proceeding to issue an injunction,
20 and, upon notice to the defendant of not less than 5 days, to
21 enjoin and restrain the continuance of such violation; and, if
22 it shall appear to the satisfaction of the court that the
23 defendant has, in fact, violated this Act, an injunction may
24 be issued by the court, enjoining and restraining any further

1 violations, without requiring proof that any person has, in
2 fact, been injured or damaged thereby.

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

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