

**As Introduced**

**136th General Assembly  
Regular Session  
2025-2026**

**H. B. No. 943**

**Representatives Salvo, Baker**

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To amend section 3715.99 and to enact sections 1  
3715.811, 3715.812, and 3715.813 of the Revised 2  
Code to prohibit the sale of over-the-counter 3  
diet pills and dietary supplements for weight 4  
loss or muscle building to minors. 5

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 3715.99 be amended and sections 6  
3715.811, 3715.812, and 3715.813 of the Revised Code be enacted 7  
to read as follows: 8

**Sec. 3715.811.** (A) As used in sections 3715.811 to 9  
3715.813 of the Revised Code: 10

(1) "Delivery sale" means any sale to a buyer if either of 11  
the following apply: 12

(a) The buyer submits the order for the sale via telephone 13  
or other method of voice transmission, mail, electronic mail, 14  
internet web site, online catalog, software application, or 15  
other internet service, or the seller is otherwise not in the 16  
physical presence of the buyer when the order is made. 17

(b) The sale is delivered to the buyer by the United 18  
States postal service, common carrier, private delivery service, 19  
or other method of remote delivery, or the seller is otherwise 20

not in the physical presence of the buyer when the buyer obtains possession of the sale. 21  
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(2) "Dietary supplement for weight loss or muscle building" means a dietary supplement as defined in 21 U.S.C. 321 that is labeled, marketed, or otherwise represented for the purpose of achieving weight loss or building muscle. 23  
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(3) "Identification card" means a document issued by the United States government or a state, county, or municipal government, or a subdivision or agency of any of the foregoing, including a driver's or commercial driver's license, an identification card issued under sections 4507.50 to 4507.52 of the Revised Code, a military identification card, or any other form of identification that bears the name, date of birth, description, and picture of the person identified. 27  
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(4) "Over-the-counter diet pill" means a drug as defined in 21 U.S.C. 321 that is labeled, marketed, or otherwise represented for the purpose of achieving weight loss for which a prescription is not required under the federal "Food, Drug, and Cosmetic Act," 21 U.S.C. 301, et seq. 35  
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(5) "Retailer" means a place of business that offers consumer products for sale to the general public, including pharmacies, grocery stores, other retail stores, and places of business that accept orders placed by telephone, mail, electronic mail, internet web site, online catalog, or software application. 40  
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(B) No person shall knowingly sell, offer to sell, hold for sale, deliver, or otherwise provide an over-the-counter diet pill or dietary supplement for weight loss or muscle building to an individual who is under eighteen years of age. 46  
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Sec. 3715.812. (A) A retailer shall require any individual 50  
who attempts to purchase an over-the-counter diet pill or 51  
dietary supplement for weight loss to present an identification 52  
card, unless from the individual's outward appearance the 53  
employee making the sale reasonably presumes the individual to 54  
be twenty-five years of age or older. 55

(B) (1) A retailer who makes delivery sales of over-the- 56  
counter diet pills or dietary supplements for weight loss or 57  
muscle building shall do all of the following: 58

(a) Obtain the full name, birth date, and residential 59  
address of the individual placing the delivery sale order and 60  
verify this information using a commercially available database 61  
or aggregate of databases, consisting primarily of data from 62  
government sources regularly used by government and businesses 63  
for the purpose of age and identity verification and 64  
authentication, to ensure that the individual is at least 65  
eighteen years of age; 66

(b) Use a method of shipping that requires both of the 67  
following: 68

(i) A signature to accept the delivery at the delivery 69  
address from either the individual who placed the delivery sale 70  
order or another individual who is over eighteen years of age; 71

(ii) The presentation of an identification card bearing a 72  
photograph of the individual signing for the delivery to verify 73  
that the individual is over eighteen years of age. 74

(2) No database used for age and identity verification 75  
under division (B) (1) (a) of this section shall be in the 76  
possession or under the control of the retailer making the 77  
delivery sale, or be subject to any changes or supplementation 78

by the retailer making the delivery sale. 79

Sec. 3715.813. When determining if a supplement is 80  
labeled, marketed, or otherwise represented for the purpose of 81  
achieving weight loss or muscle building, the director of 82  
agriculture shall consider the following: 83

(A) Whether the product contains any of the following: 84

(1) An ingredient approved by the United States food and 85  
drug administration for weight loss or muscle building; 86

(2) A steroid; 87

(3) Creatine, green tea extract, raspberry ketone, 88  
garcinia cambogia, or green coffee bean extract. 89

(B) Whether the product's labeling or marketing bears 90  
statements or images that express or imply that the product will 91  
do either of the following: 92

(1) Modify, maintain, or reduce body weight, fat, 93  
appetite, overall metabolism, or the process by which nutrients 94  
are metabolized; 95

(2) Maintain or increase muscle strength. 96

(C) Whether the product or its ingredients are otherwise 97  
represented for the purpose of achieving weight loss or building 98  
muscle; 99

(D) Whether the seller has done any of the following: 100

(1) Placed signs, categorized, or tagged the product with 101  
statements described in division (B) of this section; 102

(2) Grouped the product with other weight-loss or muscle- 103  
building products in a display, advertisement, web site, or area 104  
of the store; 105

(3) Otherwise represented that the product is for weight 106  
loss or muscle building. 107

**Sec. 3715.99.** (A) Whoever violates section 3715.13 or 108  
3715.38 of the Revised Code is guilty of a minor misdemeanor. 109

(B) Whoever violates section 3715.22, 3715.25, or 3715.27 110  
of the Revised Code is guilty of a misdemeanor of the fourth 111  
degree. 112

(C) Whoever violates section 3715.23 or 3715.34 of the 113  
Revised Code is guilty of a misdemeanor of the second degree. 114

(D) Whoever violates section 3715.52 or 3715.65 of the 115  
Revised Code is guilty of a misdemeanor of the fourth degree on 116  
a first offense; on each subsequent offense, the person is 117  
guilty of a misdemeanor of the second degree. 118

(E) Whoever violates section 3715.521 of the Revised Code 119  
is guilty of a minor misdemeanor. A violation of that section 120  
occurs on a daily basis, not according to the number of times 121  
per day that an expired drug, baby food, or infant formula is 122  
sold, offered for sale, or delivered at retail or to the 123  
consumer. Each day of violation is a separate offense. 124

(F) Whoever violates section 3715.811 or 3715.812 of the 125  
Revised Code is guilty of unlawful sale of an over-the-counter 126  
diet pill or dietary supplement for weight loss or muscle 127  
building, punishable by a fine of up to one thousand dollars. 128

**Section 2.** That existing section 3715.99 of the Revised 129  
Code is hereby repealed. 130