
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 995 Session of
2005

INTRODUCED BY LaGROTTA, CALTAGIRONE, DENLINGER, J. EVANS, HABAY,
JAMES, JOSEPHS, LEDERER, PISTELLA, THOMAS, WALKO, WASHINGTON
AND YOUNGBLOOD, MARCH 16, 2005

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 16, 2005

AN ACT

1 Amending the act of April 14, 1972 (P.L.233, No.64), entitled
2 "An act relating to the manufacture, sale and possession of
3 controlled substances, other drugs, devices and cosmetics;
4 conferring powers on the courts and the secretary and
5 Department of Health, and a newly created Pennsylvania Drug,
6 Device and Cosmetic Board; establishing schedules of
7 controlled substances; providing penalties; requiring
8 registration of persons engaged in the drug trade and for the
9 revocation or suspension of certain licenses and
10 registrations; and repealing an act," regulating the sale of
11 dietary supplements.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. Section 2(b) of the act of April 14, 1972
15 (P.L.233, No.64), known as The Controlled Substance, Drug,
16 Device and Cosmetic Act, is amended by adding a definition to
17 read:

18 Section 2. Definitions.--* * *

19 (b) As used in this act:

20 * * *

21 "Dietary supplement." A product other than tobacco
22 identified by the department using the following criteria:

1 (1) The product is intended to supplement the diet and bears
2 or contains one or more of the following dietary ingredients:

3 (i) Vitamins.

4 (ii) Minerals.

5 (iii) Herbs or other botanicals.

6 (iv) Amino acids.

7 (v) Substances for use by natural persons to supplement the
8 diet by increasing total daily intake.

9 (vi) Concentrates, metabolites, constituents, extracts or
10 combinations of these ingredients.

11 (2) The product is intended for ingestion in pill, capsule,
12 tablet or liquid form.

13 (3) The product is not represented for use as a conventional
14 food or as the sole item of a meal or diet.

15 (4) The product is labeled as a dietary supplement.

16 The term may include products such as an approved new drug,
17 certified antibiotic or licensed biologic that was marketed as a
18 dietary supplement or food before approval, certification or
19 license.

20 Section 2. Section 35 of the act is amended to read:

21 Section 35. Promulgation of Regulations.--(a) The secretary
22 shall have the authority to promulgate in accordance with the
23 provisions of this section and of the act of July 31, 1968
24 (P.L.769, No. 240), known as the "Commonwealth Documents Law"
25 any regulations hereinbefore referred to in this act and such
26 other regulations with the consent of the board regarding the
27 possession, distribution, sale, purchase or manufacture of
28 controlled substances, other drugs or devices or cosmetics as
29 may be necessary to aid in the enforcement of this act.

30 (b) The secretary shall promulgate regulations to require

1 that the sale of dietary supplements not by prescription be sold
2 behind the counter and shall not be sold to persons under
3 eighteen years of age.

4 Section 3. This act shall take effect in 60 days.