

JAN 21 2026

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# A BILL FOR AN ACT

RELATING TO HEALTH.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. The Hawaii Revised Statutes is amended by  
2 adding a new chapter to be appropriately designated and to read  
3 as follows:

4                                   **"CHAPTER**

5       **SALES OF CERTAIN DIET AND MUSCLE-BUILDING PRODUCTS TO MINORS**

6       §   -1 **Definitions.** For purposes of this chapter, unless  
7 the context requires otherwise:

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

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



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

9       "Delivery seller" means a vendor, including any online  
10      retailer, that makes delivery sales of over-the-counter diet  
11      pills or dietary supplements for weight loss or muscle building.  
12      "Delivery seller" includes any person that accepts orders placed  
13      by mail, telephone, electronic mail, internet website, online  
14      catalog, or software application.

15      "Dietary supplement" shall have the same meaning as in  
16      title 21 United States Code section 321.

17      "Dietary supplement for weight loss or muscle building"  
18      means a class of dietary supplement that is labeled, marketed,  
19      or otherwise represented for the purpose of achieving weight  
20      loss or muscle building.



1 "Over-the-counter diet pill" means a class of drugs that  
2 are labeled, marketed, or otherwise represented for the purpose  
3 of achieving weight loss and sold, transferred, or furnished  
4 over the counter, with or without a prescription, pursuant to  
5 the Federal Food, Drug, and Cosmetic Act, title 21 United States  
6 Code chapter 9, or regulations adopted pursuant to that Act.

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

14 § -2 **General prohibition regarding minors; proof of**  
15 **legal age.** (a) Except as provided by this chapter, no person  
16 shall sell, offer to sell, or give away, as either a retail or  
17 wholesale promotion, any over-the-counter diet pill or dietary  
18 supplement for weight loss or muscle building to any person  
19 within the State who is under eighteen years of age. Each  
20 retail establishment shall require proof of legal age for the  
21 purchase of the aforementioned products.



(b) For purposes of this chapter, only the following may be considered as proof of legal age:

(1) A valid driver's license or non-driver's identification card issued by the examiner of drivers; the federal government; any United States territory, commonwealth or possession; the District of Columbia; a state government within the United States; or a provincial government of the dominion of Canada;

(2) A valid passport issued by the United States government or any other country;

(3) An identification card issued by the armed forces of the United States, indicating that the individual is at least eighteen years of age; or

(4) A student identification card, provided that the card indicates the date of birth of the individual.

**§ -3 Scans; identification cards; driver's licenses.**

(a) Any person operating a retail establishment may scan the machine-readable zone of an individual's identification card or driver's license pursuant to section 487J-6 as a precondition for the purchase of over-the-counter diet pills or dietary supplements for weight loss or muscle building.



1 (b) In any instance in which the information deciphered by  
2 the scan fails to match the information printed on the driver's  
3 license or identification card, or any instance in which the  
4 transaction scan indicates that the information is false or  
5 fraudulent, the attempted transaction shall be denied.

6 (c) In any proceeding pursuant to section -5, it shall  
7 be an affirmative defense that the person produced a driver's  
8 license or identification card apparently issued by a  
9 governmental entity; that the machine-readable scan appeared to  
10 verify the person's age; and that over-the-counter diet pills or  
11 dietary supplements for weight loss or muscle building were  
12 sold, delivered, or given to the person in reasonable reliance  
13 upon the presentation of the identification and completion of  
14 the scan. In evaluating the applicability of this affirmative  
15 defense, the court shall take into consideration any written  
16 policy adopted and implemented by the seller to comply with this  
17 chapter. The practice of scanning of machine-readable zones of  
18 driver's licenses and identification cards shall not excuse any  
19 person operating a retail establishment from the exercise of  
20 reasonable diligence otherwise required by this chapter.



1       §   **-4 Delivery sellers.** Notwithstanding section   -2, a  
2 delivery seller, including an online retailer, that mails or  
3 ships over-the-counter diet pills or dietary supplements for  
4 weight loss or muscle building to consumers:

5       (1) Shall not sell, deliver, or cause to be delivered any  
6 over-the-counter diet pill or dietary supplement for  
7 weight loss or muscle building to a person under  
8 eighteen years of age; and

9       (2) Shall use a method of mailing or shipping that  
10 requires:

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

15       (B) The individual who signs to accept delivery of  
16 the shipping container to provide proof, in the  
17 form of a valid, government-issued identification  
18 bearing a photograph of the individual, that the  
19 person is at least eighteen years of age.

20       §   **-5 Violations; special proceedings.** Whenever there  
21 shall be a violation of this chapter, an application may be made



1 by the attorney general in the name of the State, to a court  
2 having jurisdiction by a special proceeding to issue an  
3 injunction, and upon notice to the defendant of not less than  
4 five days, to enjoin and restrain the continuance of the  
5 violation; and if it shall appear to the satisfaction of the  
6 court that the defendant has, in fact, violated this chapter, an  
7 injunction may be issued by the court or justice, enjoining and  
8 restraining any further violations, without requiring proof that  
9 any person has, in fact, been injured or damaged thereby.

10 Whenever a court shall determine that a violation of this  
11 chapter has occurred, the court may impose a civil penalty of no  
12 more than \$500.

13       §   -6   **Courts; factors to consider.** When determining  
14 whether an over-the-counter diet pill or dietary supplement is  
15 labeled, marketed, or otherwise represented for the purpose of  
16 achieving weight loss or muscle building, the court shall  
17 consider factors including whether:

18       (1) The product contains:

19               (A) An ingredient approved by the United Food and  
20                       Drug Administration for weight loss or muscle  
21                       building;



(B) A steroid; or

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

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

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

(B) Maintain or increase muscle or strength;

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

(4) The retailer has categorized the product as being for  
weight loss or muscle building by:

(A) Placing signs, categorizing, or tagging the  
supplement with statements described in paragraph

(2):

(B) Grouping the product with other weight loss or  
muscle building products in a display,  
advertisement, webpage, or area of the store; or





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

§ -7 **Exceptions; vitamins; protein.** This chapter shall not apply to the sale of:

- (1) Vitamins;
  - (2) Protein powder or protein drinks; or
  - (3) Food; marketed as containing vitamins or protein;
- unless the product also contains an ingredient other than a vitamin or protein that would, considered alone, constitute a dietary supplement for weight loss or muscle building."

SECTION 2. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY:

A handwritten signature in black ink, appearing to read "J. A. 22", is written over a horizontal line.

# S.B. NO. 2284

**Report Title:**

Health; Diet Pills; Muscle Building; Dietary Supplements; Minors

**Description:**

Generally prohibits the sale of over-the-counter diet pills and dietary supplements for weight loss or muscle building to minors. Provides certain exceptions for vitamins and protein products.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

