

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext. 103 or <mailto:refdesk@njstatelib.org>.

REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

No

P.L. 2003, CHAPTER 57, *approved May 1, 2003*
Senate, No. 677 (*Second Reprint*)

1 AN ACT concerning products that contain ephedrine alkaloids and
2 supplementing Title 24 of the Revised Statutes.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. A person who knowingly sells, transfers or otherwise furnishes
8 a product containing ephedrine alkaloids to a minor who is ²under²
9 ¹[17]18¹ years of age ²[or younger]² is a disorderly person, unless:

10 a. the person is a health care professional licensed pursuant to Title
11 45 of the Revised Statutes who has obtained consent, as required by
12 law, to the treatment of the minor to whom the product is furnished or
13 the parent or guardian of the minor; or

14 b. the product is a drug as defined in R.S.24:1-1.
15

16 2. A product that contains ephedrine alkaloids that is not a drug as
17 defined in R.S.24:1-1, shall not be sold or offered for sale in this State
18 after the effective date of this act unless its label indicates that the sale
19 of the product to minors ²under² ¹[17]18¹ years of age ²[or
20 younger]² is prohibited by State law, in accordance with regulations
21 adopted by the Commissioner of Health and Senior Services.
22

23 3. The Commissioner of Health and Senior Services shall adopt
24 rules and regulations pursuant to the "Administrative Procedure Act,"
25 P.L.1968, c.410 (C.52:14B-1 et seq.) to carry out the purposes of this
26 act.
27

28 4. This act shall take effect on the 120th day following enactment.
29
30

31 _____
32
33 Prohibits sale of products containing ephedrine alkaloids to minors
34 under 18 years of age.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SHH committee amendments adopted September 9, 2002.

² Assembly AHH committee amendments adopted December 16, 2002.

SENATE, No. 677

STATE OF NEW JERSEY
210th LEGISLATURE

INTRODUCED JANUARY 15, 2002

Sponsored by:

Senator ANDREW R. CIESLA

District 10 (Monmouth and Ocean)

SYNOPSIS

Prohibits sale of products containing ephedrine alkaloids to minors 17 years of age and younger.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning products that contain ephedrine alkaloids and
2 supplementing Title 24 of the Revised Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. A person who knowingly sells, transfers or otherwise furnishes
8 a product containing ephedrine alkaloids to a minor who is 17 years of
9 age or younger is a disorderly person, unless:

10 a. the person is a health care professional licensed pursuant to Title
11 45 of the Revised Statutes who has obtained consent, as required by
12 law, to the treatment of the minor to whom the product is furnished or
13 the parent or guardian of the minor; or

14 b. the product is a drug as defined in R.S.24:1-1.
15

16 2. A product that contains ephedrine alkaloids that is not a drug as
17 defined in R.S.24:1-1, shall not be sold or offered for sale in this State
18 after the effective date of this act unless its label indicates that the sale
19 of the product to minors 17 years of age or younger is prohibited by
20 State law, in accordance with regulations adopted by the
21 Commissioner of Health and Senior Services.
22

23 3. The Commissioner of Health and Senior Services shall adopt
24 rules and regulations pursuant to the "Administrative Procedure Act,"
25 P.L.1968, c.410 (C.52:14B-1 et seq.) to carry out the purposes of this
26 act.
27

28 4. This act shall take effect on the 120th day following enactment.
29
30

31 STATEMENT
32

33 This bill provides that a person who knowingly sells, transfers or
34 otherwise furnishes a product containing ephedrine alkaloids to a
35 minor who is 17 years of age or younger is a disorderly person, unless:

36 a. the person is a health care professional licensed pursuant to Title
37 45 of the Revised Statutes who has obtained consent, as required by
38 law, to the treatment of the minor to whom the product is furnished or
39 the parent or guardian of the minor; or

40 b. the product is a drug as defined in R.S.24:1-1.

41 The bill further requires that a product that contains ephedrine
42 alkaloids that is not a drug, shall not be sold or offered for sale in this
43 State after the effective date of this bill unless its label indicates that
44 the sale of the product to minors 17 years of age or younger is
45 prohibited by State law, in accordance with regulations adopted by
46 the Commissioner of Health and Senior Services.

1 Ephedrine (or ephedra) is a stimulant contained in various products
2 sold as dietary supplements, from tablets sold in health food stores to
3 special fruit drinks, which has been advertised to young people as a
4 "natural alternative" to illegal drugs that promises euphoria,
5 heightened sexual awareness, weight loss or enhanced athletic
6 performance. However, the federal Food and Drug Administration has
7 received hundreds of adverse event reports since 1993 that indicate
8 that use of ephedrine alkaloids can result in heart attacks, strokes,
9 seizures and psychoses, and in a few cases, death. Given the potential
10 health risks of ingesting dietary supplements containing ephedrine
11 alkaloids, particularly for minors, it is appropriate that the sale of such
12 products be prohibited to minors 17 years of age and younger, unless
13 the product is used by a licensed health care professional with the
14 consent of the minor's parent or the minor's parent provides the
15 product to the minor.

ASSEMBLY HEALTH AND HUMAN SERVICES COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 677

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 16, 2002

The Assembly Health and Human Services Committee reports favorably and with committee amendments Senate Bill No. 677 (1R).

As amended by the committee, the purpose of this bill is to prohibit the sale, transfer or other furnishing of dietary supplements containing ephedrine alkaloids to minors under 18 years of age, unless the product is provided by a licensed health care professional with the consent of the minor's parent or the minor's parent provides the product to the minor.

Specifically, the bill provides that a person who knowingly sells, transfers or otherwise furnishes a product containing ephedrine alkaloids to a minor who is 18 years of age or younger is a disorderly person (which is punishable by imprisonment for up to six months, or a fine of up to \$1,000, or both), unless:

- C the person is a health care professional licensed pursuant to Title 45 of the Revised Statutes who has obtained consent, as required by law, to the treatment of the minor to whom the product is furnished or the parent or guardian of the minor; or
- C the product is a drug as defined in N.J.S.A.24:1-1.

In addition, the bill prohibits the sale or offer for sale in this State of any product containing ephedrine alkaloids that is not a drug, unless the product label indicates that its sale to minors under 18 years of age is prohibited by State law, in accordance with regulations to be adopted by the Commissioner of Health and Senior Services under this bill.

The bill takes effect on the 120th day after enactment.

As reported by the committee, this bill is identical to Assembly Bill No. 2830 Aca (Conaway/Connors), which the committee also reported on this date.

COMMITTEE AMENDMENTS:

The committee amendments to the bill apply its provisions to a minor under 18 years of age (rather than 18 years of age and younger).

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 677

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 9, 2002

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with committee amendments Senate Bill No. 677.

As amended, this bill provides that a person who knowingly sells, transfers or otherwise furnishes a product containing ephedrine alkaloids to a minor who is 18 years of age or younger is a disorderly person, unless:

- C the person is a health care professional licensed pursuant to Title 45 of the Revised Statutes who has obtained consent, as required by law, to the treatment of the minor to whom the product is furnished or the parent or guardian of the minor; or
- C the product is a drug as defined in R.S.24:1-1.

The bill further requires that a product containing ephedrine alkaloids, which is not a drug, shall not be sold or offered for sale in this State after the effective date of this bill unless its label indicates that the sale of the product to minors 18 years of age or younger is prohibited by State law, in accordance with regulations adopted by the Commissioner of Health and Senior Services.

Ephedrine (or ephedra) is a stimulant contained in various products sold as dietary supplements, from tablets sold in health food stores to special fruit drinks, which has been advertised to young people as a "natural alternative" to illegal drugs that promises euphoria, heightened sexual awareness, weight loss or enhanced athletic performance. However, the federal Food and Drug Administration has received hundreds of adverse event reports since 1993 that indicate that use of ephedrine alkaloids can result in heart attacks, strokes, seizures and psychoses, and in a few cases, death. Given the potential health risks of ingesting dietary supplements containing ephedrine alkaloids, particularly for minors, it is appropriate that the sale or transfer of such products to minors 18 years of age and younger be prohibited, unless the product is used by a licensed health care professional to treat a minor, with the consent of the minor's parent, or the minor's parent provides the product to the minor.

The committee amendments increase the age group, from 17 years of age and younger to 18 years of age and younger, to which the prohibition of the sale of products containing ephedrine alkaloids applies.

ASSEMBLY, No. 2830

STATE OF NEW JERSEY

210th LEGISLATURE

INTRODUCED SEPTEMBER 30, 2002

Sponsored by:

Assemblyman HERBERT CONAWAY, JR.

District 7 (Burlington and Camden)

Assemblyman JACK CONNERS

District 7 (Burlington and Camden)

SYNOPSIS

Prohibits sale of products containing ephedrine alkaloids to minors 18 years of age and younger.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning products that contain ephedrine alkaloids and
2 supplementing Title 24 of the Revised Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. A person who knowingly sells, transfers or otherwise furnishes
8 a product containing ephedrine alkaloids to a minor who is 18 years of
9 age or younger is a disorderly person, unless:

10 a. the person is a health care professional licensed pursuant to Title
11 45 of the Revised Statutes who has obtained consent, as required by
12 law, to the treatment of the minor to whom the product is furnished or
13 the parent or guardian of the minor; or

14 b. the product is a drug as defined in R.S.24:1-1.
15

16 2. A product that contains ephedrine alkaloids that is not a drug as
17 defined in R.S.24:1-1, shall not be sold or offered for sale in this State
18 after the effective date of this act unless its label indicates that the sale
19 of the product to minors 18 years of age or younger is prohibited by
20 State law, in accordance with regulations adopted by the
21 Commissioner of Health and Senior Services.
22

23 3. The Commissioner of Health and Senior Services shall adopt
24 rules and regulations pursuant to the "Administrative Procedure Act,"
25 P.L.1968, c.410 (C.52:14B-1 et seq.) to carry out the purposes of this
26 act.
27

28 4. This act shall take effect on the 120th day following enactment.
29
30

31 STATEMENT

32
33 This bill provides that a person who knowingly sells, transfers or
34 otherwise furnishes a product containing ephedrine alkaloids to a
35 minor who is 18 years of age or younger is a disorderly person, unless:

36 a. the person is a health care professional licensed pursuant to Title
37 45 of the Revised Statutes who has obtained consent, as required by
38 law, to the treatment of the minor to whom the product is furnished or
39 the parent or guardian of the minor; or

40 b. the product is a drug as defined in R.S.24:1-1.

41 The bill further requires that a product that contains ephedrine
42 alkaloids that is not a drug, shall not be sold or offered for sale in this
43 State after the effective date of this bill unless its label indicates that
44 the sale of the product to minors 18 years of age or younger is
45 prohibited by State law, in accordance with regulations adopted by
46 the Commissioner of Health and Senior Services.

1 Ephedrine (or ephedra) is a stimulant contained in various products
2 sold as dietary supplements, from tablets sold in health food stores to
3 special fruit drinks, which has been advertised to young people as a
4 "natural alternative" to illegal drugs that promises euphoria,
5 heightened sexual awareness, weight loss or enhanced athletic
6 performance. However, the federal Food and Drug Administration has
7 received hundreds of adverse event reports since 1993 that indicate
8 that use of ephedrine alkaloids can result in heart attacks, strokes,
9 seizures and psychoses, and in a few cases, death. Given the potential
10 health risks of ingesting dietary supplements containing ephedrine
11 alkaloids, particularly for minors, it is appropriate that the sale of such
12 products be prohibited to minors 18 years of age and younger, unless
13 the product is used by a licensed health care professional with the
14 consent of the minor's parent or the minor's parent provides the
15 product to the minor.

ASSEMBLY HEALTH AND HUMAN SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2830

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 16, 2002

The Assembly Health and Human Services Committee reports favorably and with committee amendments Assembly Bill No. 2830.

As amended by the committee, the purpose of this bill is to prohibit the sale, transfer or other furnishing of dietary supplements containing ephedrine alkaloids to minors under 18 years of age, unless the product is provided by a licensed health care professional with the consent of the minor's parent or the minor's parent provides the product to the minor.

Specifically, the bill provides that a person who knowingly sells, transfers or otherwise furnishes a product containing ephedrine alkaloids to a minor who is under 18 years of age is a disorderly person (which is punishable by imprisonment for up to six months, or a fine of up to \$1,000, or both), unless:

- C the person is a health care professional licensed pursuant to Title 45 of the Revised Statutes who has obtained consent, as required by law, to the treatment of the minor to whom the product is furnished or the parent or guardian of the minor; or
- C the product is a drug as defined in N.J.S.A.24:1-1.

In addition, the bill prohibits the sale or offer for sale in this State of any product containing ephedrine alkaloids that is not a drug, unless the product label indicates that its sale to minors under 18 years of age is prohibited by State law, in accordance with regulations to be adopted by the Commissioner of Health and Senior Services under this bill.

The bill takes effect on the 120th day after enactment.

As reported by the committee, this bill is identical to Senate Bill No. 677 (1R) Aca (Ciesla), which the committee also reported on this date.

COMMITTEE AMENDMENTS

The committee amendments to the bill apply its provisions to a minor under 18 years of age (rather than 18 years of age and younger).