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**SENATE BILL 5622**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Senators Lovick and Dhingra

1        AN ACT Relating to establishing restrictions on the sale of over-  
2 the-counter diet pills and dietary supplements for weight loss or  
3 muscle building to individuals under 18 years of age; adding a new  
4 chapter to Title 69 RCW; and prescribing penalties.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6        NEW SECTION.    **Sec. 1.**    The definitions in this section apply  
7 throughout this chapter unless the context clearly requires  
8 otherwise.

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

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

17        (b) The over-the-counter diet pills or dietary supplements for  
18 weight loss or muscle building are delivered to the buyer by common  
19 carrier, private delivery service, or other method of remote  
20 delivery, or the seller is not in the physical presence of the buyer

1 when the buyer obtains possession of the over-the-counter diet pills  
2 or dietary supplements for weight loss or muscle building.

3 (2) "Delivery seller" means a vendor, including online retailers,  
4 who makes delivery sales of over-the-counter diet pills or dietary  
5 supplements for weight loss or muscle building. "Delivery seller"  
6 includes persons who accept orders placed by mail, telephone, email,  
7 a website, online catalog, or software application.

8 (3) "Dietary supplement" has the same meaning as in RCW  
9 82.08.0293.

10 (4) "Dietary supplements for weight loss or muscle building"  
11 means a dietary supplement that is labeled, marketed, or otherwise  
12 represented for the purpose of achieving weight loss or muscle  
13 building. "Dietary supplements for weight loss or muscle building"  
14 does not include protein powders, protein drinks, or foods marketed  
15 as containing protein unless the protein powder, protein drink, or  
16 food marketed as containing protein contains an ingredient other than  
17 protein which would, considered alone, constitute a dietary  
18 supplement for weight loss or muscle building.

19 (5) "Over-the-counter diet pills" means a class of drugs labeled,  
20 marketed, or otherwise represented for the purpose of achieving  
21 weight loss that can be obtained without a prescription and is not  
22 restricted to use by prescribing practitioners.

23 (6) "Person" means any individual, firm, corporation,  
24 partnership, association, limited liability company, or other entity.

25 (7) "Retail establishment" means any vendor that, in the regular  
26 course of business, sells dietary supplements for weight loss or  
27 muscle building or over-the-counter diet pills at retail directly to  
28 the public, including pharmacies, grocery stores, other retail  
29 stores, and vendors that accept orders placed by mail, telephone,  
30 email, a website, online catalog, or software application.

31 NEW SECTION. **Sec. 2.** (1) No person may sell, offer to sell, or  
32 give away, as either a retail or wholesale promotion, an over-the-  
33 counter diet pill or dietary supplement for weight loss or muscle  
34 building within this state to any person under 18 years of age.

35 (2) (a) Retail establishments must require proof of legal age for  
36 purchase of over-the-counter diet pills and dietary supplements for  
37 weight loss or muscle building.

1 (b) For the purposes of this section, proof of legal age includes  
2 any of the following officially issued identification that shows the  
3 purchaser's age and bears the purchaser's signature and photograph:

4 (i) Driver's license, instruction permit, or identification card  
5 of a state or province of Canada;

6 (ii) Identocard issued by the Washington state department of  
7 licensing under chapter 46.20 RCW;

8 (iii) United States military identification;

9 (iv) Passport;

10 (v) Enrollment card issued by the governing authority of a  
11 federally recognized Indian tribe located in Washington; or

12 (vi) Merchant marine identification card issued by the United  
13 States coast guard.

14 (c) Identification is not required of any individual who  
15 reasonably appears to be at least 25 years of age. However, the  
16 appearance of the purchaser shall not constitute a defense in any  
17 proceeding alleging the sale of any over-the-counter diet pills and  
18 dietary supplements for weight loss or muscle building to an  
19 individual under 18 years of age.

20 (3) (a) Any person operating a retail establishment may perform a  
21 transaction scan as a precondition for the purchase of over-the-  
22 counter diet pills or dietary supplements for weight loss or muscle  
23 building.

24 (b) In any instance where the information deciphered by the  
25 transaction scan fails to match the information printed on the  
26 driver's license or nondriver identification card, or if the  
27 transaction scan indicates that the information is false or  
28 fraudulent, the attempted transaction must be denied.

29 (c) In any proceeding arising under this chapter, it is an  
30 affirmative defense that the purchaser produced identification listed  
31 under subsection (2) of this section, successfully completed that  
32 transaction scan, and that over-the-counter diet pills or dietary  
33 supplements for weight loss or muscle building were sold, delivered,  
34 or given to the purchaser in reasonable reliance on the  
35 identification and transaction scan. In evaluating the applicability  
36 of the affirmative defense, the court must take into consideration  
37 any written policy adopted and implemented by the seller to carry out  
38 this chapter. Use of a transaction scan may not excuse any person  
39 operating a retail establishment from the exercise of reasonable  
40 diligence otherwise required by this chapter.

1 (d) (i) A retail establishment or employee of the establishment  
2 may only use a transaction scan device capable of deciphering any  
3 electronically readable format and may only use the information  
4 recorded and maintained using such devices for the purposes contained  
5 in this chapter.

6 (ii) No retail establishment or employee of the establishment may  
7 resell or disseminate the information recorded during use of a  
8 transaction scan device to any third person, including any  
9 advertising, marketing, or promotional activities. However,  
10 transaction information covered by this subsection may be released  
11 under a court-ordered subpoena or a statute that specifically  
12 authorizes the release of this information.

13 (e) A retail establishment or employee of the establishment may  
14 electronically or mechanically record and maintain only the following  
15 information from a transaction scan:

- 16 (i) Name;
- 17 (ii) Date of birth;
- 18 (iii) Identification number; and
- 19 (iv) Expiration date of the identification.

20 NEW SECTION. **Sec. 3.** A delivery seller, including an online  
21 retailer, who mails or ships over-the-counter diet pills or dietary  
22 supplements for weight loss or muscle building to consumers:

23 (1) May not sell, deliver, or cause to be delivered any over-the-  
24 counter diet pills or dietary supplements for weight loss or muscle  
25 building to a person under 18 years of age; and

26 (2) Must use a method of mailing or shipping:

27 (a) That requires the purchaser placing the delivery sale order,  
28 or an adult who is at least 18 years of age to sign to accept  
29 delivery of the shipping container at the delivery address; and

30 (b) That requires the person who signs to accept delivery of the  
31 shipping container to provide proof, in the form of a valid,  
32 government-issued identification bearing a photograph of the  
33 individual, that the person is at least 18 years of age.

34 NEW SECTION. **Sec. 4.** (1) The office of the attorney general may  
35 investigate violations of this chapter and may bring actions to  
36 enforce compliance and enjoin further violations. Except for  
37 violations of section 2(3)(d)(ii) of this act, when a court  
38 determines that a violation of this chapter has occurred, the court

1 may impose a penalty of not more than \$500 per violation. If a court  
2 determines that a violation of section 2(3)(d)(ii) of this act has  
3 occurred, the court may impose a penalty of not more than \$1,000 per  
4 violation.

5 (2) When determining whether an over-the-counter diet pill or  
6 dietary supplement is labeled, marketed, or otherwise represented for  
7 the purpose of achieving weight loss or muscle building, the court  
8 shall consider, at a minimum, the following factors:

9 (a) Whether the product contains:

10 (i) An ingredient approved by the federal food and drug  
11 administration for weight loss or muscle building;

12 (ii) A steroid; or

13 (iii) Creatine, green tea extract, raspberry ketone, garcinia  
14 cambogia, or green coffee bean extract;

15 (b) Whether the product's labeling or marketing bears statements  
16 or images that express or imply that the product will help:

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

20 (ii) Maintain or increase muscle or strength;

21 (c) Whether the product or its ingredients are otherwise  
22 represented for the purpose of achieving weight loss or building  
23 muscle; or

24 (d) Whether the retailer has categorized the dietary supplement  
25 for weight loss or muscle building by:

26 (i) Placing signs, categorizing, or tagging the supplement with  
27 statements described under (b) of this subsection;

28 (ii) Grouping the supplements with other weight loss or muscle  
29 building products in a display, advertisement, web page, or area of  
30 the store; or

31 (iii) Otherwise representing that the product is for weight loss  
32 or muscle building.

33 NEW SECTION. **Sec. 5.** Sections 1 through 4 of this act  
34 constitute a new chapter in Title 69 RCW.

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