

HOUSE BILL 707

J1

0lr2604

By: **Delegates Ali, Benson, Nathan–Pulliam, Pena–Melnik, and Tarrant**
Introduced and read first time: February 4, 2010
Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Sexual Supplement Safety Act**

3 FOR the purpose of prohibiting, except on a valid prescription of a certain authorized
4 prescriber, a person from marketing, selling, offering for sale, or distributing a
5 certain aphrodisiac drug product; providing civil penalties for a violation of this
6 Act; defining a certain term; and generally relating to aphrodisiac drug
7 products.

8 BY adding to
9 Article – Health – General
10 Section 24–304
11 Annotated Code of Maryland
12 (2009 Replacement Volume)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article – Health – General**

16 **24–304.**

17 (A) IN THIS SECTION, “APHRODISIAC DRUG PRODUCT” MEANS A DRUG,
18 MEDICINE, CHEMICAL, PREPARATION, OR FORMULA THAT BEARS LABELING
19 CLAIMS THAT IT WILL AROUSE OR INCREASE SEXUAL DESIRE OR THAT IT WILL
20 IMPROVE SEXUAL PERFORMANCE.

21 (B) EXCEPT ON A VALID PRESCRIPTION OF AN AUTHORIZED
22 PRESCRIBER AS DEFINED IN § 12–101 OF THE HEALTH OCCUPATIONS ARTICLE,
23 A PERSON MAY NOT MARKET, SELL, OFFER FOR SALE, OR DISTRIBUTE AN
24 APHRODISIAC DRUG PRODUCT.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(C) A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A CIVIL**
2 **PENALTY OF:**

3 **(1) \$5,000 FOR A FIRST VIOLATION; AND**

4 **(2) \$10,000 FOR A SUBSEQUENT VIOLATION.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2010.