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April 13, 2026

The Honorable Senator Robert Britto
Chairman, Senate Commerce Committee
State House
82 Smith Street
Providence, RI 02903-1105

RE: OPPOSITION to S 2774 (Sale of over-the-counter diet pills and dietary supplements for weight loss or muscle building)

Dear Chairman Britto,

On behalf of the Consumer Healthcare Products Association (CHPA)¹, I am writing to express opposition to Senate Bill 2774 which would regulate the sale of over-the-counter diet pills and dietary supplements for weight loss or muscle building.

While we share the legislature's commitment to protecting minors from products that may pose genuine health risks, S 2774 as currently drafted goes well beyond that goal in two significant respects, and in doing so risks creating serious compliance burdens for retailers without a corresponding benefit to public health.

Overly Broad and Vague Scope Determination

S 2774 establishes a multi-factor test for determining whether a product constitutes a regulated dietary supplement for weight loss or muscle building. Among those factors is whether a product contains specific ingredients including creatine, green tea extract, raspberry ketones, garcinia cambogia, or green coffee bean extract. This approach is deeply problematic.

These ingredients appear in countless everyday products that no reasonable person would consider a weight loss or diet supplement. Green tea extract, for example, is found in general wellness teas, antioxidant supplements, and multivitamins that are purchased by consumers of all ages for purposes entirely unrelated to weight loss. Creatine is one of the most researched supplements, with extensive evidence supporting its benefits not only for athletic performance but also for cognitive health, bone health, and combating age-related muscle loss. Research demonstrates that creatine supplementation improves cognition and memory, particularly in aging adults, and helps decrease symptoms of sleep deprivation. Additionally, creatine has been studied for its potential to enhance bone mineral density and reduce osteoporosis risk, especially when combined with resistance training. For older adults, creatine helps combat sarcopenia by improving muscle mass and strength even without intensive exercise, particularly beneficial for postmenopausal women and aging populations.

¹ Consumer Healthcare Products Association is the national trade association representing the manufacturers of nonprescription drugs, dietary supplements and over-the-counter medical devices

Basing age-restriction determinations on the mere presence of these ingredients, rather than on how a product is actually marketed or labeled, will sweep a broad swath of ordinary, benign products into the regulatory net.

The appropriate and more workable standard is a simple one: a product should be subject to age restrictions only if it is specifically labeled or marketed for weight loss or muscle building. This is the standard the bill's own definition begins with, and it is the standard that should control. Retailers, manufacturers, and enforcement agencies can all readily apply a label-and-marketing test. By contrast, an ingredient-based test requires retailers to conduct a quasi-scientific analysis of product formulations – a standard that is neither administrable at the point of sale nor fair to good-faith retailers who have no practical means of independently assessing ingredient classifications.

We urge the Committee to amend this legislation to make clear that the determination of whether a product is subject to age restriction shall be based solely on how the product is labeled, marketed, or represented to consumers – and not on its ingredient composition.

Duplicative and Burdensome ID Requirements

S 2774 requires delivery sellers to use a shipping method that mandates a signature and proof of legal age at the point of delivery. We oppose this requirement as written, not because we object to age verification for online sales, but because it is duplicative and imposes costs and burdens without meaningful additional protection.

Age verification already occurs, and should occur, at the point of sale. When a consumer places an online order, that is the moment at which the retailer has full control over the transaction, direct access to the consumer's information, and the ability to verify age through established mechanisms. Requiring a second, redundant verification at delivery does not add a meaningful layer of protection; it simply shifts administrative burden onto carriers and creates friction for the overwhelming majority of adult consumers who are lawfully purchasing these products.

Moreover, the practical challenges of delivery-point age verification are substantial. National carriers do not uniformly support age-gated delivery services for supplement products. Mandating such a requirement effectively creates a delivery infrastructure problem that Rhode Island retailers and shippers cannot unilaterally solve, and that will disadvantage Rhode Island-based businesses relative to out-of-state or international sellers who may be beyond the reach of enforcement.

Age verification at the point of sale is the right place to draw the line. It is consistent with how other age-restricted products are regulated in the online context, and it is sufficient to accomplish the bill's protective purpose. We respectfully urge the Committee to amend this bill to remove the delivery-point verification requirement and rely instead on point-of-sale age verification for online and delivery transactions.

Recommendation

We urge the Committee to substantially revise this bill to:

- Narrow the scope to products explicitly and primarily marketed for weight loss or muscle building
- Remove the overly broad ingredient-based criteria
- Limit ID verification to the point of sale only

Conclusion

We support the legislature's goal of keeping harmful products out of the hands of minors. However, S 2774 as drafted reaches too far, penalizing ordinary products based on ingredient content rather than actual marketing intent, and layering duplicative verification requirements that will burden retailers and carriers without improving outcomes for young people. With the targeted amendments described above, this legislation could achieve its protective purpose in a manner that is clear, administrable, and fair to the businesses and consumers it will affect.

Thank you for your consideration of our concerns.

Respectfully submitted,



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Cc: Members of the Senate Committee on Commerce