

AW

Richard Blumenthal Ref

AMENDMENT NO. _____ Calendar No. _____

Purpose: To limit the sale of dietary supplements in commissary and exchange stores.

IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.

S. 2943

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GPO: 2010 63-070 (mae)

AMENDMENT intended to be proposed by Mr. BLUMENTHAL *and Mr. Durbin*

Viz:

- 1 At the end of subtitle E of title VI, add the following:
- 2 **SEC. 663. LIMITATION ON SALE OF DIETARY SUPPLEMENTS**
- 3 **IN COMMISSARY AND EXCHANGE STORES.**
- 4 (a) LIMITATION.—Section 2484(c) of title 10, United
- 5 States Code, is amended by adding at the end the fol-
- 6 lowing new paragraph:
- 7 “(4)(A) The Secretary of Defense, in consultation
- 8 with the Commissioner of Food and Drugs, the Federal
- 9 Trade Commission, and the Office of Dietary Supplements
- 10 at the National Institutes of Health, shall establish a defi-

1 nition for a product category for dietary supplements that
2 are considered to be high risk. The dietary supplements
3 included within the product category shall include dietary
4 supplements that are marketed for muscle building, weight
5 loss, and sexual enhancement.

6 “(B) A dietary supplement in the product category
7 of dietary supplements considered to be high risk under
8 subparagraph (A) may be sold by a commissary store or
9 exchange store, or a retail establishment operating on a
10 military installation, only if the dietary supplement has
11 been verified by an independent third party for recognized
12 public standards of identity, purity, strength, and com-
13 position, and adherence to related process standards.

14 “(C) The Secretary of Defense and the Commissioner
15 of Food and Drugs shall jointly identify the third parties
16 that may provide verification under subparagraph (B).

17 “(D) In this paragraph, the term ‘dietary supple-
18 ment’ has the meaning given that term in section 201(ff)
19 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
20 321(ff)).”.

21 (b) EFFECTIVE DATE.—The amendment made by
22 subsection (a) shall take effect on the date that is one
23 year after the date of the enactment of this Act, and shall
24 apply with respect to sales that occur on or after such
25 effective date.