

EXHIBIT B



STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

VETO # 122

December 23, 2022

TO THE ASSEMBLY:

I am returning herewith, without my approval, the following bill:

Assembly Bill Number 431-C, entitled:

“AN ACT to amend the general business law, in relation to establishing restrictions on the sale of over-the-counter diet pills and dietary supplements for weight loss or muscle building”

NOT APPROVED

This legislation would prohibit the sale or distribution of over-the-counter diet pills and dietary supplements for weight loss or muscle building to any person under 18 unless prescribed or ordered by a duly licensed health care provider. Retailers who violate this law may be subject to a civil penalty of up to \$500.

I share the concerns of the sponsors of this bill, and desire to address the marketing of these diet pills and dietary supplements to minors. The United States Food and Drug Administration (FDA) does not have oversight over the safety and efficacy of these products, and concerns have been raised about dangerous ingredients and the links to eating disorders, particularly in young people. Protecting young New Yorkers from harm is a top priority.

This legislation would require the Department of Health (DOH) to determine what products should be limited under this new law. DOH does not have the expertise necessary to analyze ingredients used in countless products, a role that is traditionally played by the FDA. Without sufficient expertise, DOH is not equipped to create a list of restricted products. It would also be unfair to expect retailers to determine which products they can and cannot sell over the counter to minors, particularly while facing the threat of civil penalties. For these reasons, at this time I am constrained to veto this bill.

The bill is disapproved.

A handwritten signature in black ink that reads "Kathy Hochul". The signature is written in a cursive, flowing style.