

Date of Hearing: April 8, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

AB 1901 (Berman) – As Amended March 16, 2026

Policy Committee: Environmental Safety and Toxic Materials Vote: 5 - 0

Urgency: No State Mandated Local Program: No Reimbursable: No

SUMMARY:

This bill requires manufacturers of children's diapers to list all intentionally added ingredients in the diapers.

Specifically, this bill, among other things:

- 1) Requires a manufacturer of any children's diapers sold, distributed, or manufactured in the state to, on or before January 1, 2028, display on a web page on its website, and on the product details page on the website where the diapers are sold, a list of all the intentionally added ingredients in the diapers, as specified.
- 2) Requires that all children's diapers sold, distributed, or manufactured in the state to, on or before January 1, 2029, include on the outermost package in an easily and publicly identifiable manner a list of all the intentionally added ingredients in the diapers, and a website address for a web page that provides specified information.
- 3) Authorizes the Department of Toxic Substances Control (DTSC), the Attorney General (AG), a city attorney, county counsel, or district attorney to enforce the provisions of this bill.
- 4) Provides that (a) person who violates the provisions of this bill shall be liable for an administrative or civil penalty not to exceed \$5,000 for the first violation and not to exceed \$10,000 for each subsequent violation, as specified, and (b) a prevailing party shall be entitled to an award of reasonable attorney's fees and costs.
- 5) Authorizes DTSC to adopt regulations to implement, enforce, interpret, or make specific the provisions of this bill.
- 6) Provides that, upon appropriation by the Legislature, funds in the Toxic Substances Control Account (TSCA) may be used by DTSC to implement the provisions of this bill and requires that moneys from penalties collected pursuant to the provisions of this bill be deposited into TSCA.
- 7) Prohibits a person from selling, distributing, or manufacturing children's diapers in the state that do not comply with the requirements of this bill.

FISCAL EFFECT:

- 1) While DTSC's authority in the bill is discretionary, if the department elected to use this authority, it would incur both near-term and ongoing costs of an unknown but potentially significant amount, possibly in the hundreds of thousands to low millions of dollars (TSCA), to adopt regulations to implement, enforce, interpret, or make specific the provisions of this bill and to enforce the bill's requirements. Some of these costs may be offset by penalty revenue resulting from enforcement actions.

For context, as part of the Governor's fiscal year (FY) 2026-27 budget, DTSC is requesting \$3.1 million (various funds) and nine permanent positions in FY 2026-27 and \$2.5 million in FY 2027-28 and ongoing to implement and enforce various product ban bills, including SB 1266 (Limón), Chapter 790, Statutes of 2024, which prohibits the manufacture, sale, or distribution of any juvenile feeding, sucking, or teething product that contains bisphenol, and requires DTSC to enforce and establish specified standards for juvenile products.

- 2) Possible cost pressures (Trial Court Trust Fund (TCTF), General Fund) of an unknown amount to the trial courts in increased workload. Actual costs will depend on the number of cases filed and the amount of court time needed to resolve each case. It generally costs approximately \$1,000 to operate a courtroom for one hour. Although courts are not funded on the basis of workload, increased pressure on the TCTF may create a demand for increased funding for courts from the General Fund. The Governor's January budget for FY 2026-27 provides \$70 million ongoing General Fund to the TCTF for court operations.

The Legislative Analyst's Office recently warned of General Fund structural deficits of around \$35 billion per year in the 2027-28 fiscal year and ongoing.

- 3) The Department of Justice anticipates minor and absorbable costs.

COMMENTS:

- 1) **Purpose.** According to the author:

Recent testing shows many diapers are made with ingredients linked to health and environmental concerns...AB 1901 would require manufacturers of children's diapers sold, distributed, or manufactured in California to clearly label all ingredients on both the product's packaging and online. This will give parents greater transparency into what chemicals are in their children's diapers so that they can make informed decisions that are the right choice for their family.

- 2) **Background.** According to research cited in the Assembly Environmental Safety and Toxic Materials Committee's analysis of this bill, the average child uses approximately 7,000 disposable diapers before they are toilet-trained. Many components of diapers (plastics, wetness indicators, and fragrances) may contain concerning chemicals. Supporters of this bill point to mounting research suggesting that children's diapers may contain hormone-disrupting phthalates and volatile organic compounds (VOCs). Supporters note that babies and toddlers are especially vulnerable to harmful chemicals "because their bodies and skin are still developing, and their smaller size can result in proportionately higher exposures relative to body weight, making the risks more concerning." The Consumer Product Safety Commission requires baby diapers to be tested for lead but does not require manufacturers to

test for a variety of other harmful chemicals or disclose their ingredients – although some manufacturers are doing so voluntarily.

This bill does not prohibit the use of any ingredients in diapers but instead requires manufacturers to disclose diaper ingredients on the packaging and online. The enforcement provisions in this bill are similar to those established by SB 1266 for violations of existing law prohibiting the use of bisphenol chemicals in children's feeding and teething products.

Writing in an oppose-unless-amended position, the Center for Baby and Adult Hygiene Products and other organizations are requesting amendments to protect confidential business information (CBI), similar to the CBI provisions in the Menstrual Products Right to Know Act (AB 1989 (C. Garcia), Chapter 272, Statutes of 2020); remove the requirement to disclose Chemical Abstract Service numbers and chemical or raw material names, and instead include a list of ingredients using standardized nomenclature; add an 18-month timeline for label changes of ingredient updates or reformulations required on the outermost package and a six-month timeline for information disclosed online; and remove language allowing the AG and civil courts to pursue legal action on manufacturers but maintain the authority to impose administrative penalties for noncompliance.

Writing in an oppose-unless amended position, the Fragrance Creators Association (FCA) is requesting amendments to align this bill with existing ingredient disclosure laws, including the aforementioned Menstrual Products Right to Know Act and the Cleaning Product Right to Know Act (SB 258 (Lara), Chapter 830, Statutes of 2017). FCA argues this alignment will “promote regulatory consistency, provide meaningful transparency for consumers, and avoid the creation of duplicative or conflicting disclosure standards for manufacturers operating in California.”

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