

ASSEMBLY THIRD READING

AB 1901 (Berman)

As Amended May 18, 2026

Majority vote

SUMMARY

Requires, by January 1, 2029, manufacturers of children's diapers to list on their website and on the packages of children's diapers a list of all intentionally added ingredients in the children's diapers.

Major Provisions

- 1) Requires a manufacturer of any children's diapers sold, distributed, or manufactured in the state to, on or before January 1, 2029, display on a web page on its internet website, and on the product details page on the internet website where the children's diapers are sold, a list of all of the children's diaper's intentionally added ingredients.
- 2) Requires the list to include all of the following information for each intentionally added ingredient in the children's diaper:
 - a) Chemical or raw material name;
 - b) The Chemical Abstract Service (CAS) number; and,
 - c) All specific functions or purposes for use in the children's diapers.
- 3) 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 of the intentionally added ingredients in the children's diaper, and an internet website address for a web page that provides all of the information required above.
- 4) Authorizes the Department of Toxic Substances Control (DTSC), the Attorney General, a city attorney, county counsel, or district attorney to enforce the provisions of this bill.
- 5) 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 \$10,000 for each subsequent violation.
- 6) Prohibits a person from selling, distributing, or manufacturing children's diapers in the state that do not comply with the requirements of this bill.

COMMENTS

Diaper use in the United States: According to the 2025 *Environmental Science & Technology* article, "Volatile Organic Compounds in Disposable Diapers and Baby Wipes in the US: A Survey of Products and Health Risks," in the United States, people use 27.4 billion disposable diapers each year at a cost that exceeds \$9 billion annually. The article states that the average child will use approximately 7,000 disposable diapers before they are toilet trained. Diapers are

used by young children before they are toilet trained, by a subset of children who continue to use them after being toilet trained, and by seniors and others suffering from incontinence, which includes over 20 million women in the United States alone.

Exposure due to chemicals in diapers: The 2025 *Environmental Science & Technology* article describes that diapers are in constant and immediate contact with skin. Young children and older adults, both of whom have thin and sensitive skin that is highly vulnerable to chemical exposure, wear the vast majority of diapers. For healthy individuals, the skin forms a strong protective barrier; however, repeated exposure to urine, feces, and excessive moisture may weaken the skin barrier. Additionally, some diaper users have growing, damaged, or deteriorated skin, conditions that can increase the risk of dermal complications such as diaper dermatitis. Diapers also contact external genitalia and tissues, such as the vulva, that have high chemical permeability. Many components of diapers may include concerning ingredients, including plastics, wetness indicators, inks, pigments, adhesives, and fragrances.

This bill: This bill requires, by January 1, 2029, manufacturers to list on their web page all intentionally added ingredients in children's diapers; and packages of children's diapers to include a list of all intentionally added ingredients of the diapers.

Manufacturers are already disclosing ingredients: According to the Environmental Working Group (EWG), some diaper manufacturers are already choosing to provide consumers with complete transparency regarding their diapers. They point out that, to date, 23 diaper products produced by three manufacturers have been "verified" by the EWG Verified program, which means that the product meets EWG's strictest criteria for transparency and health. In order to become EWG Verified, products must avoid EWG's ingredients of concern and provide full transparency through a program whose standards and criteria are created by EWG's team of scientists, formulators, and toxicologists. EWG states that EWG Verified diapers are free from chemicals, materials and byproducts linked to health harms; low-emitting in volatile organic compounds; free from added fragrances and lotions; and, made with transparency, with all ingredients and materials publicly disclosed.

This bill-- enforcement: To ensure compliance with the disclosure requirements delineated in this bill, AB 1901 authorizes DTSC to adopt regulations to implement, enforce, interpret, or make specific the provisions of this bill. It also authorizes DTSC, the Attorney General, a city attorney, county counsel, or district attorney to enforce the disclosure requirements in the bill, and makes a person who violates the provisions of this bill liable for an administrative or civil penalty not to exceed \$5,000 for the first violation and \$10,000 for each subsequent violation.

The enforcement provisions in AB 1901 are similar to those found in HSC Section 108940, which were established by SB 1266 (Limon, Chapter 790, Statutes of 2024) for violations of statute prohibiting the use of bisphenol chemicals in children's feeding and teething products.

Consumer right to know: This bill does not prohibit the use of any ingredients in diapers, but does require that manufacturers disclose diaper ingredients on the package of diapers and online. In order to make informed decisions, especially about purchasing and using products that are in direct contact with their children's bodies for years, consumers need to know product ingredients. As the Centers for Disease Control (CDC) states, "Because their bodies are still growing, children are at greater risk if they are exposed to environmental contaminants." Consumer right to know policies help ensure consumer safety, health, and value while fostering market transparency and accountability.

According to the Author

"As a new dad, I have a new appreciation for how important it is for parents to make informed decisions when it comes to the health and wellness of their children. We all want the best for our children, but the lack of transparency around diaper ingredients prevents us from knowing what 'the best' is when buying the one thing that is touching our baby's skin every minute of their lives for years.

Recent testing shows many diapers are made with ingredients linked to health and environmental concerns. These include phthalates, which are linked to hormone disruption, and bleaching agents, which can cause skin and respiratory irritation. Volatile organic compounds are often used in diapers and can include hazardous air pollutants, which are associated with respiratory and other health harms. In addition, certain wetness indicators and colorful designs may contain harmful compounds, heavy metals, or dyes that can cause allergic contact dermatitis.

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."

Arguments in Support

A coalition of environmental, children's health, and consumer protection organizations write in support,

"...With our collective expertise in children's health, environmental health, and consumer safety, we urge the California Legislature to support this proposal. In so doing, California will address the lack of transparency in the children's diaper marketplace and empower parents and caregivers to make informed choices for their children's health."

"...Many diaper companies do not disclose all their products' ingredients, leaving caregivers unable to make informed decisions about products that continuously touch their baby's skin. This lack of information is a problem because mounting research suggests that children's diapers can contain harmful substances, like hormone-disrupting phthalates and volatile organic compounds (VOCs). Despite these risks, children's diaper manufacturers are not required to disclose which ingredients they use."

"...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. Additionally, the skin around their genitals is very thin, exacerbating the risks from constant exposure to harmful substances in diapers. Recent testing shows that many diapers are made with ingredients linked to health and environmental concerns. For example, one recent study found toxic VOCs in all tested disposable diapers and wipes at trace levels. Another study identified the risks to babies exposed to phthalates in disposable diapers."

"...The Food and Drug Administration doesn't regulate children's diapers as medical devices, although it regulates adult incontinence products as such. Instead, baby diapers fall under the purview of the Consumer Product Safety Commission. The 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."

"AB 1901 would fill this information gap by requiring full disclosure of all intentionally added ingredients by manufacturers of children's diapers sold, distributed, or manufactured in California. Manufacturers would be required to clearly label all ingredients on both the product's packaging and online. By requiring ingredient transparency, this legislation would give parents the information they need to compare products and make informed choices about which diapers are safest for their baby."

Arguments in Opposition

The Fragrance Creators Association (FCA) writes in opposition,

"FCA respectfully requests amendments to align the bill with existing California laws governing ingredient disclosure, including the Menstrual Products Right to Know Act of 2020 and the Cleaning Product Right to Know Act of 2017. Aligning AB 1901 with these established frameworks would promote regulatory consistency, provide meaningful transparency for consumers, and avoid the creation of duplicative or conflicting disclosure standards for manufacturers operating in California."

"The fragrance disclosure requirements in the Cleaning Product Right to Know Act of 2017 were meticulously negotiated by FCA and other stakeholders, including the Environmental Working Group. This framework was used three years later in the Menstrual Products Right to Know Act of 2020, in recognition of the careful balance the law achieved to provide transparency and ingredient information to consumers, while providing a narrow avenue for manufacturers to protect crucial confidential business information (CBI). What is clear in both laws is that no fragrance allergens or ingredients contained on one of the twenty-two designated lists can be claimed CBI and must be included on the product labels and websites."

"Hygiene products often contain scent-based technologies that can capture or alter underlying malodors. In turn, this has direct positive benefits, reducing the negative impact on well-being that malodors can produce, increasing productivity and performance, improving the use of public facilities and therefore hygiene, and more."

"While FCA supports efforts to increase consumer transparency, it is important that new disclosure requirements remain consistent with existing California law. Aligning AB 1901 with the fragrance ingredient and allergen disclosure provisions and confidential business information protections contained in the Menstrual Products Right to Know Act of 2020 and the Cleaning Product Right to Know Act of 2017 would provide clear and accessible information to consumers while also ensuring that manufacturers can comply with a consistent regulatory framework."

"Without such alignment, AB 1901 risks creating a patchwork of differing ingredient disclosure requirements across product categories. This type of fragmentation can create unnecessary complexity for manufacturers, regulators, and consumers alike, potentially reducing clarity rather than improving it. Consistent disclosure frameworks across similar consumer products help ensure that consumers receive reliable, comparable information while allowing regulators to implement and enforce requirements effectively."

FISCAL COMMENTS

According to the Assembly Appropriations Committee, 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, 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.

The Assembly Appropriations Committee says that enactment of this bill would result in possible cost pressures 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.

VOTES**ASM ENVIRONMENTAL SAFETY AND TOXIC MATERIALS: 5-0-2**

YES: Connolly, Bauer-Kahan, Lee, McKinnor, Papan

ABS, ABST OR NV: Ellis, Castillo

ASM APPROPRIATIONS: 11-0-4

YES: Wicks, Aguiar-Curry, Calderon, Caloza, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache

ABS, ABST OR NV: Hoover, Dixon, Ta, Tangipa

UPDATED

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