

CONCURRENCE IN SENATE AMENDMENTS

AB 1901 (Berman)

As Amended August 21, 2026

Majority vote

SUMMARY

Requires manufacturers of children's diapers sold, distributed, or manufactured in the state to display on their website and on the packages of children's diapers a list of all intentionally added ingredients in the children's diapers.

Senate Amendments

- 1) Authorize, instead of require, the product details page where the diapers are sold to display a list, or a link to the dedicated web page on the manufacturer's internet website with a list, of all of the children's diaper's intentionally added ingredients.
- 2) Extend the date, from January 1, 2029 to July 1, 2029, by which all children's diapers sold in the state must 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 diapers and an internet website address for a dedicated web page on the manufacturer's internet website that provides specified information on the children's diaper's intentionally added ingredients.
- 3) Delete provisions that would have conferred express authority upon the Attorney General, a district attorney, a county counsel, or a city attorney to enforce the provisions of this bill.
- 4) Delete provisions that would have required that a person in violation of provisions of this bill be liable for a civil penalty, as specified.

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, by July 1, 2029, 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 3 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.

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 to enforce the disclosure requirements in the bill, and makes a person who violates the provisions of this bill liable for an administrative penalty not to exceed \$5,000 for the first violation and \$10,000 for each subsequent violation.

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.

Intentionally added chemicals in products: This bill focuses on intentionally added ingredients in children's diapers. Similarly, to protect human health and the environment, several provisions of state law prohibit, limit, or require disclosure of certain substances in specific products. Some of these provisions restrict or require disclosure of intentionally added substances, but establish different, potentially less stringent, requirements for unintentionally added substances. These statutes include limitations on, prohibitions of, or disclosure of specified chemicals in cosmetics and cleaning products; PFAS in textiles, juvenile products, and plant-based food packaging; and, Di(2-ethylhexyl) phthalate (DEHP) in intravenous tubing. To a large extent, legislators treated intentionally added and non-intentionally added substances differently to account for unavoidable environmental contamination of products, such as PFAS contamination from municipal water. However, recent discussions about this differential treatment of intentionally added versus non-intentionally added substances have raised critical policy questions, including whether these provisions are enforceable and truly capture the Legislature's intent to protect public health and the environment from harmful substances in products. Discussions should continue about how to ensure that concerning substances in products are restricted, prohibited, or disclosed, regardless of when in the manufacturing and distribution process the substances become present in the product.

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 dozens of children's, community, public health, environmental and other public-interest organizations write in support of the bill,

"The Food and Drug Administration doesn't regulate 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. As such, 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.

Babies and toddlers are especially vulnerable to harmful chemicals because their bodies and skin are still developing, making exposure 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 concerns, like hormone disrupting phthalates, volatile organic compounds (VOCs), and even formaldehyde. By requiring ingredient transparency, this legislation will empower parents and caregivers to make informed choices about the diapers they choose to keep their babies clean and dry."

Arguments in Opposition

A coalition of industry organizations, including the Center for Baby and Adult Hygiene Products, the American Chemistry Council, and California Manufacturers and Technology Association, writes in an "oppose unless amended" position on a previous version of the bill,

"There are currently no protections for confidential business information (CBI) in AB 1901, which plays a critical role in a company's ability to innovate and succeed... Absent inclusion of a provision protecting CBI, companies may be required to publicly disclose legitimate CBI, compromising proprietary information and negatively impacting the health of those businesses.

Further, in some instances, product manufacturers are legally bound through nondisclosure agreements with their material suppliers, creating tension between compliance with this law and existing contractual obligations... We are seeking the same [CBI] requirements [as AB 1989, 2020, C. Garcia) for children's diapers, ensuring there is alignment across the industry as it relates to the requirements of disclosing intentionally added ingredients while protecting proprietary information.

.... AB 1901 includes a provision to disclose the Chemical Abstract Service (CAS) number, the chemical or raw material name, and the function or purpose for each intentionally added ingredient. The CAS number and chemical names are not commonly understood by consumers which may lead to misinterpretation and can cause consumers to conclude that an ingredient is unsafe when it has been determined to be safe for its intended use... We urge removing the requirement to disclose CAS numbers and chemical or raw material names, and instead include a list of intentionally added ingredients using standardized nomenclature that consumers can understand and align with existing ingredient disclosure laws.

... We are requesting amendments to add an 18-month timeline for label changes of ingredient updates or reformulations that are required on the outermost package, and a 6-month timeline for information disclosed online."

FISCAL COMMENTS

According to the Senate Appropriations Committee analysis, DTSC estimates ongoing costs, for full implementation of the bill, of at least \$535,000 in fiscal year 2027-2028, \$750,000 in 2028-29, and \$685,000 annually thereafter to adopt regulations to implement, enforce, interpret, or make specific the provisions of this bill and to enforce the bill's requirements. The analysis also notes that enactment of this bill would result in possible costs of an unknown amount to the trial courts due to increased workload.

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

ASSEMBLY FLOOR: 68-1-11

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Chen, Connolly, Davies, Elhawary, Ellis, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lee, Lowenthal, Macedo, McKinnor, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NO: DeMaio

ABS, ABST OR NV: Carrillo, Castillo, Dixon, Flora, Hadwick, Johnson, Lackey, Muratsuchi, Celeste Rodriguez, Ta, Tangipa

UPDATED

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