

Date of Hearing: March 24, 2026

ASSEMBLY COMMITTEE ON HEALTH

Mia Bonta, Chair

AB 2030 (Lowenthal) – As Introduced February 17, 2026

SUBJECT: Dietary supplements for weight loss and over-the-counter diet pills.

SUMMARY: Prohibits dietary supplements for weight loss or muscle building and over-the-counter (OTC) diet pills from being sold, delivered, or given away as either a retail or wholesale promotion to any person under 18 years of age, subject to an identification check. Makes a person who violates these provisions liable for a civil penalty of no more than \$1,000 for each violation and authorizes the Attorney General (AG), or any district attorney, county counsel, or city counsel to apply to a court for a temporary injunction enjoining or restraining any person or entity from violating this bill, as specified. Specifically, **this bill:**

- 1) Prohibits a person from selling, offering to sell, or giving away as either a retail or wholesale promotion, an OTC diet pill or dietary supplement for weight loss or muscle building to any person under 18 years of age.
- 2) Requires a retail establishment to request valid identification from any person who attempts to purchase OTC diet pills or dietary supplements for weight loss or muscle building if the retail establishment cannot reasonably determine that the person appears to be under 18 years of age.
- 3) Requires any retail establishment that sells OTC diet pills or dietary supplements for weight loss or muscle building to limit access to those products in a manner designed to prevent unauthorized access to those products. Prohibits the products from being directly accessible to customers and authorizes the products to be accessed only by employees of the establishment at a location such as behind a retail counter or in a locked case.
- 4) Requires a delivery seller, including an online retailer, who mails or ships OTC diet pills or dietary supplements for weight loss or muscle building to consumers to adhere to all of the following:
 - a) Not sell, deliver, or cause to be delivered any OTC diet pills or dietary supplements for weight loss or muscle building to a person under 18 years of age.
 - b) Use a method of mailing or shipping that requires both of the following:
 - i) The purchaser placing the delivery sale order, or an adult who is at least 18 years of age, to sign to accept delivery of the shipping container at the delivery address; and,
 - ii) The person who signs to accept delivery to provide proof, in the form of a valid, government-issued identification bearing a photograph of the individual, that the person is at least 18 years of age.
 - c) Prohibits a delivery seller from accepting an order from a person without doing both of the following:
 - i) Obtaining the full name, birth date, and residential address of that person; and,

- ii) Verifying the information provided in clause (i), through the use of a commercially available or aggregate of databases, consisting primarily of data from government sources, that are regularly used by government and businesses for the purpose of age and identity verification and authentication, to ensure that the purchaser is at least 18 years of age.
 - d) Prohibits the database being used for age and identity verification to be in the possession or under the control of the delivery seller or be subject to any changes or supplementation by the delivery seller.
- 5) Exempts a violation of this bill from the penalties and remedies of the Sherman Food, Drug and Cosmetic Act (Sherman Law) as described in 5) of existing law below.
- 6) Authorizes the AG or any district attorney, county counsel, or city attorney to apply to a court for, and requires that court to have jurisdiction upon hearing and for cause shown to grant, a temporary or permanent injunction enjoining or restraining any person from violating any provision of this bill.
- 7) Makes a person who violates this bill liable for a civil penalty of no more than \$1,000 (one thousand dollars) for each violation.
- 8) Authorizes the civil penalty to be assessed and recovered in a civil action brought in the name of the people of the State of California by the AG or by any district attorney, county counsel, or city attorney in any court of competent jurisdiction.
- 9) When determining whether a supplement is labeled, marketed, or otherwise represented for the purpose of achieving weight loss or muscle building, requires the AG to consider (but not be limited to) the following factors:
- a) Whether the product contains any of the following:
 - i) An ingredient approved by the United States Food and Drug Administration for weight loss or muscle building;
 - ii) A steroid; or,
 - iii) Creatine, green tea extract, raspberry ketone, garcinia cambogia, or green coffee bean extract;
 - b) Whether the product's labeling or marketing bears statements or images that express or imply that the product will help with either of the following:
 - i) Modify, maintain, or reduce body weight, fat, appetite, overall metabolism, or the process by which nutrients are metabolized; or,
 - ii) Maintain or increase muscle or strength;
 - c) Whether the product or its ingredients are otherwise represented for the purpose of achieving weight loss or building muscle;
 - d) Whether the retail establishment or delivery seller has done any of the following:

- i) Placed signs, categorized or tagged the products with statements described in b) above;
 - ii) Grouped the product with other weight loss or muscle building products in a display, advertisement, internet website or area of the store; or,
 - iii) Otherwise representing that the product is for weight loss or muscle building.
- 10) Defines “dietary supplement for weight loss or muscle building” to mean a dietary supplement, as defined in 14) of existing law below in that is labeled, marketed, or otherwise represented for the purpose of achieving weight loss or building muscle.
- 11) Defines “OTC diet pill” to mean a drug, as defined in 13) of existing law below, that is labeled, marketed, or otherwise represented for the purpose of achieving weight loss for which a prescription is not required.
- 12) Defines “retail establishment” to mean any vendor that, in the regular course of business, sells dietary supplements for weight loss or muscle building or OTC diet pills at retail directly to the public, including but not limited to, pharmacies, grocery stores, other retail stores, and vendors that accept orders places by mail, telephone, electronic mail, internet website, online catalog, or software application.
- 13) Defines “delivery sale” to mean any sale of OTC diet pills or dietary supplements for weight loss or muscle building to a buyer in either of the following cases:
- a) The buyer submits the order for the sale by means of a telephone or other method of voice transmission, the mail, or the internet or other online service, or the seller is otherwise not in the physical presence of the buyer when the request for purchase or order is made; or,
 - b) The OTC diet pills or dietary supplements for weight loss or muscle building are delivered to the buyer by common carrier, private delivery service, or other method of remote delivery, or the seller is not in the physical presence of the buyer when the buyer obtains possession of the over-the-counter diet pills or dietary supplements for weight loss or muscle building.
- 14) Defines “delivery seller” to mean a person, including online retailers, who makes delivery sales of OTC diet pills or dietary supplements for weight loss or muscle building.

EXISTING LAW:

State Law

- 1) Establishes the Sherman Law, which provides for the regulation of various subjects relating to the processing, labeling, advertising, and sale of food, drugs, and cosmetics, including dietary supplements, under the administration and enforcement of the State Department of Public Health (DPH). [Health & Safety Code (HSC) § 109875, *et seq.*]
- 2) Defines the following under the Sherman Law:

- a) A “label” to mean a display of written, printed, or graphic matter upon a food, drug, device, or cosmetic or upon its immediate container. [HSC § 109955]
 - b) “Manufacture” to mean the preparation, compounding, propagation, processing, or fabrication of any food, drug, device, or cosmetic. Includes in the definition repackaging or otherwise changing the container, wrapper, or labeling of any food, drug, device, or cosmetic in furtherance of the distribution of the food, drug, device, or cosmetic. Does not include repackaging from a bulk container by a retailer at the time of sale to its ultimate consumer. [HSC § 109970]
- 3) Requires all labels of foods, drugs, devices, or cosmetics to conform to federal requirements, as specified. [HSC § 110340]
- 4) Makes it a misdemeanor for any manufacturer, wholesaler, retailer, or other person to sell, transfer, or otherwise furnish a dietary supplement containing ephedrine group alkaloids or other specified substances to a person under 18 years of age, and requires a seller to request valid identification of prospective purchasers who reasonably appear to be under 18 years of age. [HSC § 110423.2]
- 5) Requires a person who violates the Sherman Law or regulations adopted pursuant to the Sherman Law, if convicted, to be subject to imprisonment for not more than one year in a county jail or a fine of not more than one thousand dollars (\$1,000), or both the imprisonment and fine. [HSC § 111825]
- 6) Prohibits the sale or distribution of any dietary supplement product that contains ephedrine group alkaloids unless the product contains a specified statement: “THIS PRODUCT HAS (INSERT THE AMOUNT OF PRODUCT) MILLIGRAMS OF CONCENTRATED EPHEDRINE GROUP ALKALOIDS PER SERVING IN THE FORM OF HERBAL EXTRACTS.” [HSC § 110423]
- 7) Prohibits the sale of any dietary supplement containing ephedrine if the product label clearly and conspicuously contains specific warning, including the following:
- a) “WARNING: NOT FOR USE BY INDIVIDUALS UNDER THE AGE OF 18 YEARS. DO NOT USE IF PREGNANT OR NURSING. Consult a physician or licensed qualified health care professional before using this product if you have, or have a family history of, heart disease, thyroid disease, diabetes, high blood pressure, depression or other psychiatric condition, glaucoma, difficulty in urinating, prostate enlargement, or seizure disorder, or if you are using a monoamine oxidase inhibitor or any other dietary supplement, prescription drug, or over-the-counter drug containing ephedrine, pseudoephedrine, or phenylpropanolamine (ingredients found in certain allergy, asthma, cough or cold, and weight control products).”
 - b) “Do not exceed recommended serving. Exceeding recommended serving may cause serious adverse health effects, including heart attack and stroke.”
 - c) “Discontinue use and call a physician or licensed qualified health care professional immediately if you experience rapid heartbeat, dizziness, severe headache, shortness of breath, or other similar symptoms.”

- d) “Individuals who are sensitive to the effects of caffeine should consult a licensed health care professional before consuming this product.”
 - e) “KEEP OUT OF REACH OF CHILDREN.” [*Ibid.*]
- 8) Prohibits the sale or distribution of dietary supplements containing steroid hormone precursors unless the product label for these dietary supplements clearly and conspicuously contains the following warning:
- “WARNING: NOT FOR USE BY INDIVIDUALS UNDER THE AGE OF 18 YEARS. DO NOT USE IF PREGNANT OR NURSING. Consult a physician or licensed qualified health care professional before using this product if you have, or have a family history of, prostate cancer, prostate enlargement, heart disease, low “good” cholesterol, or if you are using any other dietary supplement, prescription drug, or over-the-counter drug. Do not exceed recommended serving. Exceeding recommended serving may cause serious adverse health effects. Possible side effects include acne, hair loss, hair growth on the face (in women), aggressiveness, irritability, and increased levels of estrogen. Discontinue use and call a physician or licensed qualified health care professional immediately if you experience rapid heartbeat, dizziness, blurred vision, or other similar symptoms. KEEP OUT OF REACH OF CHILDREN.” [*Ibid.*]
- 9) Requires the product label for any dietary supplement product containing ephedrine group alkaloids or steroid hormone precursors to clearly and conspicuously display the following statement: “To report any adverse events call 1-800-332-1088.” [*Ibid.*]
- 10) Makes it a misdemeanor to sell, furnish, give, or cause to be sold, furnished, or given away, any alcoholic beverage to any person under the age of 21 years. Makes it a misdemeanor for any person under the age of 21 years to purchase any alcoholic beverage, or to consume any alcoholic beverage, as specified. [Business and Professions Code (BPC) § 25658]
- 11) Requires all persons engaging in the retail sale of tobacco products to check the identification of tobacco purchasers, to establish the age of the purchaser, if the purchaser reasonably appears to be under 21. [BPC § 25956]

Federal Law

- 12) Establishes federal Food, Drug and Cosmetic Act (FDCA) which provides for the regulation of various subjects relating to the processing, labeling, advertising, and sale of food, drugs, and cosmetics, including dietary supplements, enforced by the federal Food and Drug Administration (FDA). [21 United States Code (USC) § 301, *et seq.*]
- 13) Defines “drug” to mean:
- a) Articles recognized in the official United States Pharmacopoeia, official Homoeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them;
 - b) Articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals;

- c) Articles (other than food) intended to affect the structure or any function of the body of man or other animals; and,
 - d) Articles intended for use as a component of a) b) or c) above. [21 USC § 321(g)(1)]
- 14) Defines a “dietary supplement” to mean a product (other than tobacco) intended to supplement the diet that bears or contains one or more of the following dietary ingredients: a vitamin, mineral, an herb or botanical, an amino acid, a dietary substance for use by man to supplement the diet by increasing the total dietary intake; or a concentrate, metabolite, constituent, extract, or combination of any aforementioned ingredient.
- a) Further provides that a “dietary supplement” means a product that is intended for ingestion in a form described in ingestion in tablet, capsule, powder, softgel, gelcap, or liquid form, as specified and is not represented for use as a conventional food or as a sole item of a meal or the diet; and is labeled as a dietary supplement. [21 USC § 321 (ff)]
- 15) Requires a food to be deemed misbranded if its labeling is false or misleading. Establishes labeling requirements as specified in regulations for dietary supplement products, including a requirement that nutrition information first list dietary ingredients present in a product in a significant amount as well as a requirement to include the quantity of dietary ingredients or of a proprietary blend of such ingredients per serving. [21 USC § 343]
- 16) Establishes the Current Good Manufacturing Practice (cGMP) for manufacturing, packaging, labeling, and holding operations for dietary supplements. [21 Code of Federal Regulations, Part 111].

FISCAL EFFECT: Unknown. This bill has not been analyzed by a fiscal committee.

COMMENTS:

- 1) PURPOSE OF THIS BILL.** According to the author, the growing public health threat posed by youth access to OTC diet pills and muscle-building supplements is concerning and deserves immediate action. The author states that nearly 1 in 10 young people report to have used these potentially harmful weight loss products in their lifetime. The author continues that these products are aggressively marketed to young people, often online and on social media platforms, with promises of rapid weight loss, dramatic body transformation, and increased muscle mass, despite carrying serious risks including organ failure, heart attack, stroke, severe liver injury, testicular cancer, and even death. The author continues that many have been found to contain undisclosed ingredients such as illegal steroids, pharmaceutical drugs, heavy metals, or previously banned thermogenic stimulants. The author continues that because dietary supplements are not subject to the same premarket approval standards as prescription medications, dangerous products often remain on store shelves until after significant harm occurs. The author continues that federal oversight by the FDA usually only occurs after injuries have been reported, leaving our young population vulnerable to unsafe and misleading products. The author states that this bill addresses this gap by establishing clear, enforceable age restrictions on the sale of products marketed as weight loss or muscle building supplements by creating meaningful safeguards like those already in place for other age restricted products such as tobacco and alcohol. Research shows that the use of weight-loss and muscle-building supplements is associated with higher rates of eating disorders, body dysmorphia, depression, and other mental health vulnerabilities among adolescents.

The author concludes that this bill represents a practical, immediate step to protect California's young people from preventable harm and to ensure that their health and well-being come before deceptive marketing and unregulated industry practices.

2) BACKGROUND.

- a) **Young people and diet pills.** According to a 2024 study published in *JAMA Network Open* titled “Global Prevalence of Adolescent Use of Nonprescription Weight-Loss Products: A Systematic Review and Meta-Analysis”, nearly 1 in 10 adolescents have used nonprescribed, medically unapproved weight loss products. The authors of the study highlight that the use of non-prescribed weight loss products increases the risk of being diagnosed with an eating disorder in the future and unhealthy weight gain in adulthood.

According to a 2022 publication by the University of Minnesota School of Public Health, most muscle-building supplements, such as protein powders and pills, can be bought OTC by minors with little or no regulation. Muscle-building supplements are not screened by the FDA for safety or effectiveness before they enter the market. Many muscle-building supplements are often mislabeled or tainted with harmful products, such as steroids. Steroid use can lead to heart disease, kidney problems, and liver damage, which makes it critical to understand how young people might be using them. The article highlights that researchers who conducted a study published in the journal *Preventive Medicine Reports* found that:

- i) 55% of males and 33% of females reported using protein supplements, such as powders and shakes, during adolescence and adulthood;
 - ii) 6.7% of males and 5.4% of females reported using steroids during adolescence and adulthood;
 - iii) Adolescent boys who used protein supplements were twice as likely to subsequently use steroids eight years later in young adulthood; and,
 - iv) Adolescent girls who used protein supplements were five times as likely to subsequently use steroids eight years later.
- b) **Workgroup Report.** The Governor vetoed AB 1341 (C. Garcia) of 2021, which similarly would have prohibited the sale of dietary supplements for weight loss and OTC diet pills subject to an identification check, further described in previous legislation below. The veto message directed DPH to form a workgroup, inclusive of academic and medical experts, for the purpose of developing public policy recommendations on the best way to address this important public health challenge. DPH issued a summary report in February 2024, highlighting that the concepts proposed by the workgroup do not represent a position of the California Health and Human Services Agency, DPH, or the Governor's Office.

The workgroup put forward several policy ideas, many of which are similar to provisions of this bill, including restricting the sale of OTC diet pills and weight loss dietary supplements to adults 18-years-old and over, mandating that such products are kept behind the counter or otherwise made inaccessible to minors, and granting the AG authority to enforce proposed restrictions and specify the factors that the AG and retailers

can look for such as: those currently approved for weight loss by the FDA in prescription drugs and possible ingredients such as green tea extract, raspberry ketone, green coffee bean extract, garcinia cambogia, and any other product marketed for weight loss.

- c) **Delivery Sales.** This bill restricts the sale and delivery of a dietary supplement for weight loss or muscle-building or over-the-counter diet pill from a delivery seller, including an online retailer. This bill prohibits the delivery seller from accepting a delivery sale order without obtaining the full name, birth date, and residential address of that person and verifying this information using a commercially available database or aggregate of databases. According to information provided by the author and sponsor, there are multiple existing databases that could be utilized for this purpose since federal law already requires tobacco delivery sellers to use such databases.
- d) **Other States.** In 2023, New York enacted a similar bill prohibiting the sale of muscle building supplements and OTC diet pills to individuals under 18 years of age, subject to an identification check. The New York bill explicitly exempted protein powders, protein drinks, and foods marketed as containing protein unless the protein powder, protein drink, or food contains an ingredient other than protein which would, considered alone, constitute a dietary supplement for weight loss or muscle building.

In 2024, Colorado enacted legislation prohibiting the sale of OTC diet pills to persons under 18 years of age, subject to an identification check.

- e) **Protein Powder.** Relevant to protein powder, this bill specifically applies to OTC diet pills and dietary supplements marketed for weight loss or muscle building. If a protein powder, food, or drink is being sold as a dietary supplement with an FDA-mandated “Supplement Facts” label, it is because it has other ingredients that go beyond what is federally allowed to be marketed as “food.”
- 3) **SUPPORT.** This bill is sponsored by the Strategic Training Initiative for the Prevention of Eating Disorders (STRIPED), who writes in support, while these dietary supplements deceptively claim to promote healthy weight loss, some using celebrity endorsers, these products are not required to demonstrate rigorous testing for safety or efficacy before entering the market, are not medically recommended, and are inadequately regulated by the FDA. STRIPED continues that alarmingly, there are no age restrictions on the sale of these products, leaving young people, who are particularly vulnerable to deceptive marketing claims, with no protection from purchasing these dangerous products. STRIPED notes products pose a serious risk to children of all ethnicity groups, genders, and ages across the state. STRIPED continues that the American Academy of Pediatrics has strongly cautioned against teens using these products, and the FDA has yet to approve any OTC weight-loss products for children. STRIPED contends that restricting access puts California’s public health approach in line with physician recommendations. STRIPED concludes by urging support of this bill to protect young people in California from these dangerous products.
- 4) **OPPOSITION.** The Consumer Healthcare Products Association (CHPA), which represents the manufacturers and marketers of OTC medicines, dietary supplements, and OTC medical devices opposes this bill. CHPA notes that in the interest of reaching a workable agreement, it is prepared to remain neutral on an age-18 restriction on the sale of dietary supplements, provided the restriction is: (1) limited exclusively to products that are explicitly marketed or labeled for weight loss or muscle building; (2) implemented through a single point-of-sale

identification check, with no additional verification at the point of delivery; and (3) the only regulatory requirement imposed, with no additional mandates regarding product placement, display, or merchandising. CHPA states designating a product as age-restricted based on the presence of specified ingredients rather than on explicit marketing claims will sweep in a vast array of entirely legitimate consumer products that have no connection whatsoever to the bill's stated purpose and create serious compliance uncertainty for manufacturers and retailers. CHPA contends that this bill imposes a two-step age verification process for online and delivery sales, once at the time of purchase and again at the point of physical delivery via government-issued photo ID, which is not only redundant, but also commercially disruptive and seemingly more burdensome than what is required for any comparable age-restricted product sold online in California. Regarding this bill's requirement that retailers place covered products behind the counter or in a locked case, CHPA states that restricting physical access for all customers including the adults who are the overwhelming majority of purchasers is unnecessary, disproportionate, and commercially burdensome without any clear public safety justification.

- 5) RELATED LEGISLATION.** AB 2302 (Celeste Rodriguez) would require infant formula manufacturers to test toxic elements (aluminum, arsenic, cadmium, lead, and mercury) and make results available on their internet website. AB 2302 is pending a hearing in the Assembly Health Committee.

6) PREVIOUS LEGISLATION.

- a)** AB 1341 (C. Garcia) of 2022 would have prohibited a retail establishment from selling, transferring, or otherwise furnishing dietary supplements for weight loss or over-the-counter diet pills to any person under 18 years of age without a prescription and would have required a retail establishment to request valid identification from any person attempting to purchase a dietary supplement for weight loss or OTC diet pill if that person reasonably appears to be under 18 years of age. Would have required DPH to post a notice for distribution to retail establishments including that certain dietary supplements for weight loss or OTC diet pills may contribute to specified health conditions or death. Would have required DPH, in consultation with the FDA and stakeholders including but not limited to representatives from the eating disorders community to determine which dietary supplements for weight loss or OTC diet pills are subject to AB 1341 as specified. Would have made violations subject to a civil penalty. Would have exempted retail clerks from being subject to civil penalty, except a retail clerk who is a willful participant in an ongoing conspiracy to violate AB 1341. The Governor's veto message stated in part:

"I commend the work of the author as this bill raises an important public health issue related to the safety of diet or weight loss pills that can result in injury. However, dietary supplements for weight loss are not considered drugs and, therefore, this measure would require DPH to evaluate every individual weight loss and dietary supplement product for safety, which is beyond the scope of the department's capabilities.

Recognizing the need to educate and protect the public, particularly California's youth, of the dangers of using dietary supplements for weight loss, I am directing DPH to form a workgroup, inclusive of academic and medical experts, that would

develop public policy recommendations on the best way to address this important public health challenge.

DPH is prepared to work with the legislature next session to address sales age limits and other potential legislative actions to address the responsible sale of dietary supplements for weight loss and OTC diet pills that do not require the state to undertake lengthy and costly pharmacological studies on the many supplements on the market today.”

- b) AB 82 (Weber) of 2024 would have prohibited a retail establishment from selling, transferring, or otherwise furnishing dietary supplements for weight loss or over-the-counter diet pills to any person under 18 years of age without a prescription and would have required a retail establishment to request valid identification from anyone attempting to purchase a dietary supplement for weight loss or OTC diet pill if that person reasonably appears to be under 18 years of age. Would have required DPH, in consultation with the FDA and stakeholders including but not limited to representatives from the eating disorders community to determine which OTC diet pills and diet supplements would be subject to this section. Would have made violators of this bill subject to a civil penalty for each violation. Would have exempted retail clerks from being subject to a civil penalty for a violation, except a retail clerk who is a willful participant in an ongoing conspiracy to violate AB 82. AB 82 was held on the Senate Appropriations suspense file.

- 7) **DOUBLE REFERRAL.** This bill is double referred, upon passage in this Committee, it will be referred to the Assembly Committee on Judiciary.
- 8) **POLICY COMMENT.** Similar previous legislation described above created civil penalties as a means of enforcement but explicitly exempted retail clerks from these penalties. As the bill moves forward, the author may wish to consider ensuring that retailer clerks are not subject to civil penalty or retaliation if a retailer is illegally selling dietary supplements marketed for weight loss or muscle building or OTC diet pills to individuals under 18 years of age.

REGISTERED SUPPORT / OPPOSITION:

Support

The Strategic Training Initiative for the Prevention of Eating Disorders (sponsor)
 CA Commission on the Status of Women and Girls
 Center for Science in the Public Interest (UNREG)
 The International Federation of Eating Disorder Dietitians
 Several individuals

Opposition

American Herbal Products Association
 Consumer Healthcare Products Association
 Natural Products Association

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