

Date of Hearing: April 14, 2026

ASSEMBLY COMMITTEE ON JUDICIARY
Ash Kalra, Chair
AB 2030 (Lowenthal) – As Amended April 7, 2026

As Proposed to be Amended

SUBJECT: DIETARY SUPPLEMENTS FOR WEIGHT LOSS AND OVER-THE-COUNTER DIET PILLS

KEY ISSUE: SHOULD A RETAIL ESTABLISHMENT BE PROHIBITED FROM SELLING DIETARY SUPPLEMENTS FOR WEIGHT LOSS AND OVER-THE-COUNTER DIET PILLS TO MINORS, UNLESS PRESCRIBED BY A PHYSICIAN?

SYNOPSIS

According to the author and supporters of this bill, although some over-the-counter diet pills and weight loss supplements contain substances which may be harmful to minors, such products are easily purchased by children and teens without parental or physician approval. This bill, therefore, would prohibit any person or retailer from selling such products to minors, unless the minor has a physician's prescription. The bill also requires retailers to request valid identification from any person seeking to buy these products if it cannot reasonably determine whether the person appears to be under 18 years of age. Finally, the bill provides the Attorney General, city attorneys, and county counsels with the ability to enforce the provisions of this bill and imposes civil penalties for violation of the bill's provisions.

This bill is sponsored by the Strategic Training Initiative for the Prevention of Eating Disorders. It also enjoys the support of several individuals and groups, especially those concerned with childhood eating disorders. Generally, they contend that social and cultural pressures lead many young people to use, and sometimes abuse, diet pills and weight loss supplements. The bill is opposed by various trade associations, particularly those involved in the marketing, manufacturing, or sale of dietary supplements. Opponents contend that restrictions on dietary supplements are unwarranted because these products are already regulated under federal law and there is little to no evidence linking lawful supplements to eating disorders.

This bill was previously heard and approved by the Committee on Health by a vote of 12-1.

SUMMARY: Prohibits the sale and distribution of over-the-counter (OTC) diet pills and dietary supplements to minors without a prescription. 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) Allows 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.
- 4) Requires a delivery seller, including an online retailer, who mails or ships over-the counter diet pills or dietary supplements for weight loss or muscle building to consumers to adhere to all of the following:
 - a) Not selling, delivering, or causing 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) Using 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) Prohibiting 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 identify verification and authentication, to ensure that the purchaser is at least 18 years of age.
 - d) Prohibiting a database being used for age and identity verification from being in the possession or under the control of the delivery seller or be subject to any changes or supplementation by the delivery seller.
- 5) Authorizes the Attorney General, a county counsel, or a city attorney to apply to a court for, and that court shall have jurisdiction upon hearing and for cause shown to grant, a temporary or permanent injunction enjoining or restraining any person or entity from violating any provision of this section.
- 6) Makes a person who violates this bill's provisions liable for a civil penalty of no more than one thousand dollars (\$1,000) for each violation. Specifies that these penalties may be assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General, a county counsel, or a city attorney in any court of competent jurisdiction.
- 7) Provides that the penalties established by this bill are cumulative and will not limit or diminish rights, remedies, or penalties established under other laws.

- 8) Entitles a prevailing party in an action brought pursuant to this bill's provisions to an award of reasonable attorney's fees and costs.
- 9) Provides that a court, when determining whether a supplement is "labeled, marketed, or otherwise represented for the purpose of achieving weight loss or muscle building," may consider, but is not limited to, all of 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.
 - 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.
 - 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 product with statements described in 9 (b).
 - ii. Grouped the product with other weight loss or muscle building products in a display, advertisement, internet website, or area of the store.
 - iii. Otherwise representing that the product is for weight loss or muscle building.
- 10) Specifies that the bill's provisions do not apply to a person under 18 years of age with a prescription for an OTC diet pill or dietary supplement for weight loss or muscle building.
- 11) Defines all of the following for purposes of the bill:
 - a) "Dietary supplement for weight loss or muscle building" to mean a dietary supplement, as defined by federal law, that is labeled, marketed, or otherwise represented for the purpose of achieving weight loss or building muscle.
 - b) "OTC diet pill" to mean a drug, as defined by federal law, that is labeled, marketed, or otherwise represented for the purpose of achieving weight loss for which a prescription is not required.

- c) “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 placed by mail, telephone, electronic mail, internet website, online catalog, or software application.
- d) “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:
 - i. 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,
 - ii. 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.

12) 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:

- 1) Grants the FDA authority to oversee the safety of food, drugs, medical devices, and cosmetics, and defines a dietary supplement as a vitamin; mineral; herb or other botanical; amino acid; or other substance used to supplement the diet by increasing the total dietary intake; or a concentrate, metabolite, constituent, extract, or combination of the preceding substances. (21 U.S.C. Section 301, *et seq.*)
- 2) Establishes under federal law, the Dietary Supplement Health and Education Act (DSHEA), administered by the FDA, which among other things, regulates the manufacture, distribution, and labeling of dietary supplements and prohibits marketing products that are adulterated or misbranded. (21 U.S.C. Section 342.)
- 3) Establishes the state Sherman Food, Drug, and Cosmetic Law, administered by the California Department of Public Health, which regulates the packaging, labeling, and advertising of drugs and devices, including dietary supplements. (Health & Safety Code Section 109875 *et seq.*)
- 4) Regulates the sale or distribution of any dietary supplement that contains ephedrine group alkaloids and makes it a misdemeanor to sell such products to persons under 18 years of age. Requires the seller of such products to request a valid identification of any prospective purchaser that reasonably appears to be under 18 years of age. Requires a label to contain specified warnings, including a warning that such products should not be used by persons under 18 years of age. (Health & Safety Code Sections 110423 and 110423.2.)
- 5) Makes it a misdemeanor to sell, furnish, give, or cause to be sold, furnished, or given away, any alcoholic beverage to any person under 21 years of age. 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 & Professions Code Section 25658.)

- 6) Requires all persons engaging in the retail sale of tobacco products to check the ID of prospective tobacco purchasers in order to determine their age, if the purchaser reasonably appears to be under 21 years of age. (Business & Professions Code Section 22956.)
- 7) 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 U.S.C. Section 321 (g)(1).)
- 8) 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. (21 U.S.C. Section 321) (ff).)

FISCAL EFFECT: As currently in print this bill is keyed fiscal.

COMMENTS: In the last few years, lawmakers, health experts, and researchers have become increasingly concerned about the effects of diet pills and other dietary supplements for weight loss on teens and children. Concerns specifically stem from the alleged connection between the use of the products and the risk of being diagnosed with an eating disorder. In a recent meta-analysis of studies reporting the prevalence of weight-loss product use over a period of time, researchers found that nearly 1 in 10 adolescents have used ineffective and potentially harmful nonprescribed weight-loss products in their lifetime. (Natasha Yvonne Hall et al., *Global Prevalence of Adolescent Use of Nonprescription Weight-Loss Products: A Systematic Review and Meta-Analysis*, (Jan. 10, 2024) JAMA Network Open, available at: <https://pubmed.ncbi.nlm.nih.gov/38198138/>.) Among other things, the authors emphasized that nonprescription use of weight loss products has been associated with an increased risk of being diagnosed with an eating disorder within several years of the onset of use. (*Id.*) Accordingly, they concluded that “interventions are urgently required to prevent and regulate use of weight-loss products in this population.” This bill attempts to address these issues by prohibiting the sale of diet pills and other dietary supplements for weight loss to minors, and imposing penalties on those who do so. According to the author:

The growing public health threat posed by youth access to over-the-counter diet pills and muscle-building supplements is concerning and deserves immediate action. Nearly 1 in 10

young people report to have used these potentially harmful weight loss products in their lifetime. 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. Many have been found to contain undisclosed ingredients such as illegal steroids, pharmaceutical drugs, heavy metals, or previously banned thermogenic stimulants. 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. Federal oversight by the FDA usually only occurs after injuries have been reported, leaving our young population vulnerable to unsafe and misleading products.

AB 2030 addresses this gap by establishing clear, enforceable age restrictions on the sale of products marketed as weight loss or muscle building supplements. This bill created 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. AB 2030 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.

AB 1341 Work Group & Policy Recommendations. This bill is substantially similar to AB 1341 (C. Garcia, 2022), which was vetoed by Governor Newsom. In his veto message, the Governor directed the California Department of Public Health (CDPH) “to form a workgroup, inclusive of academic and medical experts, to develop public policy recommendations on the best way to address this important public health challenge.”

Accordingly, CDPH established the AB 1341 Workgroup to address the potential risks associated with the use of dietary supplements for weight loss and OTC diet pills, with a specific focus on the risks to youth. While the Workgroup developed various policy recommendations, these recommendations do not represent a position of CDPH, the California Health and Human Services Agency, or the Governor's Office. Among other things, the Workgroup proposed that the Legislature could restrict the sale of OTC diet pills and weight loss dietary supplements to adults 18-years-old and over, and grant California's Attorney General authority to enforce these proposed restrictions.

This bill similarly prohibits any person from selling, giving away or otherwise distributing OTC diet pills and dietary supplements for weight loss or muscle building to minors, without a physician's prescription. The bill further provides that retailers must request valid identification before selling these products to individuals in cases where a person cannot reasonably determine whether a purchaser is under 18 years of age. Under the bill, retailers may limit access to these products by placing them behind a counter or other means.

Additionally, the bill provides the Attorney General, city attorneys, and county counsels with the ability to enforce the above-mentioned provisions. Any person who violates the bill's provisions could be held liable for a civil penalty of up to one thousand (\$1,000) dollars for each violation.

Finally, the bill provides a list of factors that a court may consider when determining whether a supplement is “labeled, marketed or is otherwise represented for the purpose of achieving weight loss or muscle building.” Among other things, the factors allow the court to consider the makeup of the ingredients in the product, the product’s labeling or marketing, and the product’s grouping with other weight loss or muscle building products in a display, advertisement, internet website or in a particular area of a store.

Restrictions on over-the-counter supplements for minors and the ability of minors to consent.

By definition, “over-the-counter” products do not require a prescription and thus, with few exceptions, there is no barrier on *who* may purchase them. One notable exception includes the regulation and sale of over-the-counter products that contain ephedrine. Although no prescription is required for an adult, retailers must keep such products in a secure location, check the IDs of all purchasers, and refrain from selling the product to anyone under 18 years of age. However, regulations of ephedrine had less to do with protecting minors, *per se*, than with regulating a product that is used in the production of methamphetamine.

Other prohibitions on the sale of harmful products to a minor – most notably alcohol and tobacco products – are rooted in the age-old presumption (whether justified or not) that minors have less capacity than adults to make rational decisions about their health. As a general rule, for example, a minor cannot consent to medical treatments or procedures without parental approval. In recent years, the Legislature has made notable exceptions to this general rule when it comes to reproductive care, some mental health counseling, and certain substance abuse treatments. However, those exceptions still represent unique situations in which requiring parental consent could pose a risk to the minor that is greater than the risk posed by the medical treatment or procedure. Under this bill, however, denying minors the right to purchase potentially harmful weight loss supplements or diet pills without a prescription does not pose any health risk to the minor.

Proposed Amendments. The author proposes these minor amendments to: 1) remove references to public prosecutors that are less likely to have the bandwidth to enforce civil laws, such as this bill; 2) incentivize enforcement by local government attorneys by allowing recovery of reasonable attorney’s fees and costs; and 3) ensure that this bill’s provisions do not alter any existing rights or remedies provided by other laws. The amendments will be as follows:

(2) The Attorney General ~~or any district attorney~~, a county counsel, or a city attorney may apply to a court for, and that court shall have jurisdiction upon hearing and for cause shown to grant, a temporary or permanent injunction enjoining or restraining any person or entity from violating any provision of this section.

(3) A person who violates this section shall be liable for a civil penalty of no more than one thousand dollars (\$1,000) for each violation, which may be assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General ~~or by any district attorney~~, a county counsel, or a city attorney in any court of competent jurisdiction.

(4) A prevailing plaintiff in an action brought pursuant to this section shall be entitled to an award of reasonable attorney’s fees and costs.

[...]

(g) The penalties established by this section are cumulative and shall not diminish rights, remedies or penalties established under other laws.

ARGUMENTS IN SUPPORT: Writing on behalf of several organizations and individuals, the Strategic Initiative for the Prevention of Eating Disorders, the bill’s sponsor, states “this important legislation would protect children across California by prohibiting the sale of weight-loss dietary supplements and over-the-counter (OTC) diet pills in stores or online to any person under 18 years of age.” They continue:

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 U.S. Food and Drug Administration (FDA). Alarming, 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.

[...]

We must take action now to protect the children of California by making it harder for children to be targeted by the empty promises of under-regulated weight-loss supplements. These products pose a serious risk to children of all ethnicity groups, genders, and ages across the state. The American Academy of Pediatrics has *strongly cautioned against teens using these products*. The Food and Drug Administration has *yet to approve any over-the-counter weight-loss products for children*.

Restricting access puts California’s public health approach in line with physician recommendations.

ARGUMENTS IN OPPOSITION: In opposition to the bill, the National Products Association notes that dietary supplements are already subject to a comprehensive federal framework and that there is no evidence linking lawful supplements to eating disorders. Further, the Association contends that the bill would disproportionately burden independent health food stores, pharmacies, convenience retailers, and small regional chains, noting “[t]hese businesses rely on lawful supplement sales and would be forced to implement age-verification systems and compliance protocols without clear evidence of public health benefit.”

Other associations, especially those representing manufacturers or sellers of dietary supplements, submitted opposition letters to a prior version of the bill. It is unclear whether these groups still oppose the bill, given recent amendments.

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
International Federation of Eating Disorder Dietitians
7 individuals

Opposition

American Herbal Products Association
California Pharmacists Association
Consumer Healthcare Products Association
Natural Products Association

Oppose (unless amended)

Council for Responsible Nutrition

Analysis Prepared by: Kristian Wright / JUD. / (916) 319-2334