

CONCURRENCE IN SENATE AMENDMENTS

AB 2030 (Lowenthal)

As Amended August 21, 2026

Majority vote

SUMMARY

Prohibits dietary supplements for weight loss or muscle building and over-the-counter (OTC) diet pills from being sold, delivered, or given away *in this state* as either a retail or wholesale promotion to any person under 18 years of age, subject to an identification check, except if the person has a prescription for such a product. Makes a person who violates this bill liable for a civil penalty of no more than \$500 for each violation and authorizes the Attorney General (AG), a county counsel, or a city attorney to apply to a court for a temporary injunction enjoining or restraining any person or entity from violating this bill, as specified. Makes a prevailing plaintiff in an action under this bill entitled to an award of reasonable attorney's fees and costs. Specifies that the penalties established by this bill are cumulative and do not diminish rights, remedies, or penalties established under other laws.

Senate Amendments

Specify that this bill applies to the sale, delivery, or giving away of dietary supplements for weight loss or muscle building and OTC diet pills by retailers in this state to persons under 18 years of age. Change the amount of the civil penalty from \$1000 to \$500. Recast the provisions of the bill in a new section of code.

COMMENTS

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 unhealthful 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 United States Food and Drug Administration (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.

Workgroup Report. Governor Newsom vetoed AB 1341 (Cristina 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 the Department of Public Health (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.

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 notes that many have been found to contain undisclosed ingredients such as illegal steroids, pharmaceutical drugs, heavy metals, or previously banned thermogenic stimulants. The author explains 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 argues 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.

Arguments in 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.

Arguments in Opposition

The American Herbal Products Association (AHPA) opposes this bill and states that restricting access to lawful and beneficial dietary supplement products and creates major confusion for consumers and retailers, all without addressing the social forces that are the root cause of eating disorders. AHPA continues that as this bill is written, enforcing counsel and courts would be left to make individual case-by-case determinations about what ingredients, what mechanisms of action, and what communications would count as an implicit claim regarding any of the described biomechanical processes. AHPA continues that a wide range of products not normally considered weight loss or musclebuilding supplements would thus be subject to the proposed restriction based solely on the identification of their ingredients. AHPA notes that the net effect will be consumer confusion regarding what products are actually safe. AHPA states that this

bill's requirement for signature upon receipt for delivery sale carries major running costs; responsible and compliant companies operating through delivery sale may remove themselves from the California market rather than undergo these costs, leaving those parties least likely to follow the law in their place.

FISCAL COMMENTS

According to the Senate Appropriations Committee, DPH and the California Department of Justice indicate no fiscal impact to the departments. Unknown, potential workload costs to the courts related to civil action filings (Trial Court Trust Fund, General Fund). While the courts are not funded on a workload basis, an increase in workload could result in delayed court services and would put pressure on the General Fund to increase the amount appropriated for trial court operations.

VOTES:

ASM HEALTH: 12-1-3

YES: Bonta, Addis, Aguiar-Curry, Pacheco, Caloza, Carrillo, Mark González, Patel, Rogers, Schiavo, Sharp-Collins, Stefani

NO: Sanchez

ABS, ABST OR NV: Chen, Johnson, Patterson

ASM JUDICIARY: 9-2-1

YES: Kalra, Bauer-Kahan, Bryan, Connolly, Harabedian, Pacheco, Papan, Stefani, Zbur

NO: Macedo, Sanchez

ABS, ABST OR NV: Dixon

ASM APPROPRIATIONS: 11-3-1

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

NO: Hoover, Ta, Tangipa

ABS, ABST OR NV: Dixon

ASSEMBLY FLOOR: 57-7-16

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

NO: Davies, DeMaio, Jeff Gonzalez, Hadwick, Macedo, Sanchez, Tangipa

ABS, ABST OR NV: Alanis, Arambula, Castillo, Chen, Dixon, Ellis, Flora, Gallagher, Garcia, Hoover, Johnson, Lackey, Patterson, Ramos, Celeste Rodriguez, Ta

UPDATED

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