

Date of Hearing: January 15, 2026

ASSEMBLY COMMITTEE ON JUDICIARY

Ash Kalra, Chair

AB 634 (Jeff Gonzalez) – As Amended January 5, 2026

As Proposed to be Amended

**SUBJECT:** TIANEPTINE

**KEY ISSUE:** SHOULD THE MANUFACTURING, DISTRIBUTION, AND SALES OF TIANEPTINE BE PROHIBITED IN CALIFORNIA?

**SYNOPSIS**

*While unknown to many Californians, the drug tianeptine is an atypical tricyclic antidepressant that is authorized in some European and Asian countries to treat depression, anxiety, and irritable bowel syndrome. However, existing federal law in the United States neither approves nor disapproves of the drug, resulting in tianeptine existing in a legal grey area. As a result of the legal ambiguity surrounding the drug, some parties sell pills containing tianeptine in convenience stores and gas stations. When taken at high doses, like those provided in the over-the-counter sales in this country, the drug provides less of an antidepressive effect and instead produces a high similar to that of heroin. Given that roadside stores are the most frequent seller of the drug, tianeptine is commonly referred to as “gas station heroin” and unfortunately produces similar addictive effects.*

*Given the dangers of tianeptine, this bill prohibits its manufacturing, distribution, or sales in this state. The bill imposes civil penalties for violating the prohibition and authorizes civil law enforcement to seek these civil penalties. Proposed amendments narrow the scope of the prohibition in order to avoid implicating low-level gas station employees who have no authority over what is sold in convenience stores. Amendments also provide for civil cost recovery to promote enforcement, and make a minor clarifying change to avoid a potential dormant commerce clause violation.*

*This measure is sponsored by the California Narcotics Officers’ Association who highlight the extreme dangers posed by tianeptine and the shortcomings of the existing enforcement system. Although prior versions of this measure were opposed by criminal justice reform groups, the current iteration of the bill utilizing civil enforcement has no registered opposition. This bill will be heard in the Health Committee prior to this hearing.*

**SUMMARY:** Prohibits the manufacturing, distribution, or sales of tianeptine in California. Specifically, **this bill**:

- 1) Prohibits a person or entity from manufacturing, distributing, or offering for sale in this state a product that contains tianeptine.
- 2) Authorizes the Attorney General, a city attorney or a county counsel to bring a civil action to seek civil penalties against a party that violated 1).

- 3) Provides that a party found liable for a violation of 1) is liable for a civil penalty of \$2,500 for a first offense and \$5,000 for subsequent violations.
- 4) Authorizes a plaintiff that prevails in an action brought pursuant to 2) to recover reasonable attorney's fees and costs.
- 5) Clarifies that nothing in the bill impairs or impedes any other rights, causes of action, claims, or defenses available under any other law, and that the remedies provided in this bill are cumulative with any other remedies available under any other law.

**EXISTING LAW:**

- 1) Establishes the Sherman Food, Drug, and Cosmetic Law, to be administered by the Department of Public Health, to enforce food and drug safety regulations. (Health and Safety Code Section 109875 *et seq.*)
- 2) Imposes a criminal fine of \$1,000 and a term of imprisonment of not more than one year in county jail for a first violation of the Sherman Food, Drug, and Cosmetic Law. (Health and Safety Code Section 111825(a).)
- 3) Provides that if a violation of the Sherman Food, Drug, and Cosmetic Law involves the removal, sales or disposal of an embargoed food, drug, device, or cosmetic without the permission of an authorized agent of the Department of Public Health or an applicable superior court, if convicted, the criminal fine is authorized to reach up to \$10,000 in addition to the jail time specified in 2). (Health and Safety Code Section 111825(b).)
- 4) Authorizes the Attorney General, any district attorney, or any city attorney to bring an action pursuant to 2) or 3). (Health and Safety Code Section 111840.)

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

**COMMENTS:** Tianeptine is an atypical tricyclic antidepressant that is authorized in some European countries to treat depression, anxiety, and irritable bowel syndrome. Due to the drug's atypical nature, it is only approved internationally at low doses and under medical supervision. The drug has never been approved by the United States Food and Drug Administration for use in this country, however, the drug has also never been labeled as a controlled substance by the federal government. Although the Food and Drug Administration has issued numerous warnings about the drug, due to the legally ambiguous federal standards, some companies continue to sell the product. As a result of the lack of clear regulations surrounding the sale and use of tianeptine consumers are exposed to significant medical risks.

Following the lead of several other states, this bill would prohibit a person from manufacturing, distributing, or offering tianeptine for sale in California. In support of this measure the author states:

AB 634 aims to combat the growing threat posed by Tianeptine, also known as "gas station heroin." This legislation will restrict the commercial manufacturing, selling, delivering, distributing, and holding of Tianeptine in California. Tianeptine has been increasingly misused, particularly by individuals seeking an opioid-like effect, despite its unregulated status and the severe risks it poses to the public. The opioid epidemic continues to ravage

communities across the nation, and Tianeptine has become a disturbing new threat in this ongoing crisis. This Bill seeks to address this emerging danger and prevent further harm to vulnerable populations, especially those already at risk due to the opioid crisis. With AB 634, California will strengthen its response to the opioid epidemic by closing a dangerous loophole and taking decisive action to safeguard public health and safety.

**What is tianeptine.** As noted, tianeptine is an atypical tricyclic antidepressant that is authorized in some European and Asian countries to treat depression, anxiety, and irritable bowel syndrome. According to researchers at Virginia Commonwealth University, tianeptine leads to an uptick in serotonin levels in the brain, thus causing users to feel a sense of euphoria. While such euphoria may be great for those suffering from depression, when the drug is consumed at higher dosage levels that euphoria turns into a high more analogous to taking heroin than to an antidepressant. (Mia Stephens, *What you need to know about ‘gas station heroin’*, VCU Health News (July 8, 2025) available at: <https://www.vcuhealth.org/news/what-you-need-to-know-about-gas-station-heroin/>.) Unfortunately, because the product is largely unregulated in this country, it is included in pills frequently sold over the counter at places like gas stations and convenience stores, leading to the drug’s street moniker of “gas station heroin.” (*Id.*)

Unfortunately, much like heroin, high levels of tianeptine consumption can lead to serious side effects including sedation, slowed breathing, agitation, irregular heartbeat, and in some cases coma or death. Even more troubling, the United States Food and Drug Administration notes tianeptine has similar addictive characteristics to heroin and can produce opioid-like withdrawals. (*Tianeptine Products Linked to Serious Harm, Overdoses, Death*, United States Food and Drug Administration, available at: <https://www.fda.gov/consumers/consumer-updates/tianeptine-products-linked-serious-harm-overdoses-death>.)

**Tianeptine remains largely unregulated in the United States.** Because tianeptine is not listed on the federal schedule of controlled substances and yet is also not approved by the United States Food and Drug Administration, national regulation of the drug is spotty at best. According to the author at least a dozen individual states have moved to regulate or prohibit tianeptine. In California, the drug is regulated under the Sherman Food, Drug, and Cosmetic Law. However, it is not clear that the California Department of Public Health is actively enforcing prohibitions against the drug’s sale or use in California and there does not appear to be any meaningful statutory prohibition or regulation of the drug in this state.

**This bill** recognizes the dangers that tianeptine presents to the general public, and thus prohibits the drug’s manufacturing, distribution, or sale in this state. Seeking to avoid returning to the bygone era of simply criminalizing all drugs, this bill aims to impose civil penalties on those found to have violated the above prohibitions. The bill imposes civil penalties of \$2,500 for a first violation and \$5,000 for subsequent violations. As proposed to be amended, given that the bill imposes *civil* penalties, the bill vests enforcement in the state’s civil law prosecutors; specifically, the Attorney General, city attorneys and county counsels. As is standard for civil penalty measures passed by this Committee, the bill authorizes fee and cost recovery for prevailing plaintiffs. Finally, the measure adopts a savings clause to ensure that it does not limit any other existing tools, including enforcement under the Sherman Food, Drug, and Cosmetic Law, should the bill be enacted.

**Proposed amendments eliminate a dormant commerce clause conflict and narrow the scope of the bill to avoid unintended consequences.** This bill was recently amended to remove it from

criminal enforcement and vest enforcement with civil authorities. However, those amendments still structure the measure in a manner far more analogous to a Penal Code criminal statute than a civil penalty regime. For example, the bill did not define a violation, which is necessary for determining penalty levels in civil statutes, but not charging counts in criminal law. Furthermore, the bill retained district attorney enforcement which, in keeping with this Committee's pattern and practice, is not appropriate for civil enforcement. Furthermore, Section 111840 of the Health and Safety Code already provides district attorneys with enforcement authority under the Sherman Food, Drug, and Cosmetic Law. Finally, the bill in print lacks cost recovery provisions, undermining the likelihood it would be used to robustly enforce the new prohibition on tianeptine. Accordingly, as a result of discussions with the author as well as the Committee on Health, the author is proposing the following amendments to better align the bill with existing civil penalty statutes. The bill will now read:

**109024.** (a) (1) A person or entity shall not manufacture, ~~sell, deliver,~~ distribute, ~~hold,~~ or offer for sale, ~~in this state in-commerce~~ a product that contains tianeptine.

(2) *Every product manufactured, distributed, or offered for sale in this state shall constitute a violation of this section.*

(b) (1) Upon an action brought by the Attorney General, a city attorney, or a county counsel, ~~or a district attorney~~, a person or entity that violates subdivision (a) shall be liable for a civil penalty not to exceed ~~two thousand five hundred dollars (\$2,500)~~ ~~five thousand dollars (\$5,000)~~ for a first violation, and not to exceed ~~five thousand dollars (\$5,000)~~ ~~ten thousand dollars (\$10,000)~~ for each subsequent violation.

(2) This section does not impair or impede any other rights, causes of action, claims, or defenses available under any other law. The remedies provided in this section are cumulative with any other remedies available under any other law.

(c) *A prevailing plaintiff in an action brought pursuant to (b) shall be entitled to an award of reasonable attorney's fees and costs.*

Finally, the amendment in subdivision (a) changing the term "in commerce" to "in this state" is designed to avoid an inadvertent dormant commerce clause violation, as California cannot legally prohibit a product from being manufactured in another jurisdiction.

***Ongoing discussions will likely further refine this bill.*** The author concedes, especially in light of the recent reframing of the enforcement of this bill, that the measure remains a work in progress. Although the amendments to subdivision (a), highlighted above, narrow the scope of potential violations and thus dramatically lessen the risk of an overbroad enforcement of this measure, the author is pledging to this Committee (and the Health Committee) to refine the language to ensure that low-level sales employees are not inadvertently targeted by this bill. While the amendments that limit violations to those primarily committed by ownership or management level positions, thus protecting a clerk who does not decide what is offered for sale in a store, significantly narrow the bill, a more explicit safe harbor may be needed for these frontline staff. Accordingly, the author pledges to continue to work with stakeholders to ensure only those with command-and-control decisions related to tianeptine are exposed to liability. This Committee will continue to monitor these discussions, but given the serious dangers posed by tianeptine, this measure is an important step to protecting California consumers.

**ARGUMENTS IN SUPPORT:** This bill is sponsored by the California Narcotic Officers' Association. In support of the bill the Narcotic Officers write:

Tianeptine is a tricyclic antidepressant used in some Latin American, Asian, and European countries but is not FDA approved or regulated for use in the United States. Individuals with an opioid use disorder may be more likely to use tianeptine, as it is inaccurately marketed as a safer alternative to opioids and can have opioid-like effects. The FDA has warned that manufacturers of tianeptine are making inaccurate and unproven claims that use of tianeptine can improve brain function, treat anxiety, depression, pain, opioid use disorder, and other health ailments.

Experts warn that it's dangerous to consume any unapproved drug, particularly one that poses the risk of dependency and withdrawal, and that in the case of tianeptine, can cause respiratory depression and severe sedation. Often packaged in colorful, shot-sized bottles, these rogue tianeptine products contain the drug in varying concentrations and have also been found to include dangerous synthetic cannabinoids.

The lack of a federal ban on tianeptine has meant states have been acting on their own. In 2018, Michigan became the first state to ban sales of the drug, classifying it as a Schedule II controlled substance, the same category as drugs like cocaine and fentanyl. The FDA says at least 12 states have enacted similar bans and prohibits retailers from shipping to those states.

AB 634 addresses these concerns by clarifying in statute that tianeptine is illegal to be sold or distributed in California.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

California Narcotics Officers' Association

### **Opposition**

None on file

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