

ASSEMBLY THIRD READING
AB 634 (Jeff Gonzalez)
As Amended January 16, 2026
Majority vote

SUMMARY

Prohibits the manufacture, distribution, and offer for sale of tianeptine.

Major Provisions

- 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 violates the provisions in 1).
- 3) Provides that a party found liable for a violation of 1) is liable for a civil penalty not to exceed \$2,500 for the first violation and not to exceed \$5,000 for each subsequent violation.
- 4) Provides this bill does not impair or impede any other rights, causes of action, claims, or defenses available under any other law.
- 5) Provides that remedies provided by this bill are cumulative with any other remedies available under any other law.
- 6) Entitles a prevailing plaintiff in an action brought pursuant to 2) above to an award of reasonable attorney's fees and costs.

COMMENTS

What is tianeptine? Tianeptine is an antidepressant drug approved for the treatment of major depressive disorder in various countries within Europe, Asia, and Latin America. It is not approved for any use in the United States (U.S.) by the U.S. Food and Drug Administration (FDA).

According to a 2023 article published in *Pain and Therapy* titled "Tianeptine, an Antidepressant with Opioid Agonist Effects: Pharmacology and Abuse Potential, a Narrative Review," tianeptine is an opioid receptor agonist. Tianeptine's opioid-like actions can induce euphoric effects.

Legal status of tianeptine. Tianeptine, also known as "gas station heroin," is not approved by the FDA for medical use. Pursuant to existing federal law, tianeptine is considered an unsafe food additive, making its sale illegal in the U.S. The FDA has taken actions on tianeptine including: issuing multiple consumer advisories and warnings about products with tianeptine as being linked to serious harm, overdose, and death; issuing warning letters to companies distributing and selling unlawful tianeptine products as dietary supplements and unapproved drugs; and, issuing import alerts to help detain tianeptine shipments at U.S. borders.

Despite this, tianeptine continues to be sold in convenience stores and gas stations in both powder and pill form claiming to treat conditions such as anxiety, depression, pain, and to

enhance the users' mood and cognitive function. Tianeptine can be obtained online from independent vendors without a prescription.

In California, The Sherman Food, Drug, and Cosmetic Law (Sherman Law) gives the state Department of Public Health (DPH) the broad regulatory authority to oversee food, drug, and medical device safety and makes violators subject to penalties. The Food and Drug Branch (FDB) of DPH is responsible for complaints regarding commercially processed foods, drugs, medical devices, cosmetics, and certain consumer products affecting Californians. The FDB investigates complaints about products like tianeptine and shares findings with relevant authorities, including local health jurisdictions.

Impacts of tianeptine. According to the FDA, reports of severe side effects involving tianeptine are increasing. Poison control center cases involving tianeptine exposure have increased nationwide, from 11 total cases between 2000 and 2013 to 151 cases in 2020 alone.

The FDA has identified cases in which people experienced other serious harmful effects from abusing or misusing tianeptine by itself or with other drugs, including antidepressants and antianxiety medicines. These effects included agitation, drowsiness, confusion, sweating, rapid heartbeat, high blood pressure, nausea, vomiting, slowed or stopped breathing, coma, and death.

How would this bill change how tianeptine is regulated? It is already illegal to market and sell tianeptine in California, and DPH already has authority to address the illegal sale of tianeptine under the Sherman Law. This bill expressly prohibits the manufacture, distribution, and offer for sale of tianeptine in this state and creates an additional civil penalty structure upon action by the Attorney General, city attorney, or county counsel.

Please see the Assembly Health Committee analysis for additional background.

According to the Author

This bill aims to combat the growing threat posed by tianeptine. The author states that this bill will restrict the commercial manufacturing, selling, delivering, distributing, and holding of tianeptine in California. The author continues that 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 author contends that the opioid epidemic continues to ravage communities across the nation, and tianeptine has become a disturbing new threat in this ongoing crisis. The author concludes that this bill will strengthen California's response to the opioid epidemic by closing a dangerous loophole and taking decisive action to safeguard public health and safety.

Arguments in Support

This bill is sponsored by the California Narcotic Officers' Association (CNOA), who writes in support, tianeptine inhabits a murky space in U.S. drug regulation. CNOA states that it is illegal to market or sell the drug, but it is also not on the list of federally controlled substances. CNOA continues that while tianeptine is in products sold at gas stations and other stores, it is also available to buy online. CNOA continues that from a law-enforcement and public-safety perspective, tianeptine presents several acute concerns. First, CNOA flags high abuse and addiction potential. CNOA notes that tianeptine acts on opioid receptors and produces opioid-like effects, including euphoria, dependence, and severe withdrawal symptoms. CNOA continues that emergency departments across the country have reported increasing numbers of tianeptine-

related overdoses, poisonings, and hospitalizations. Second, CNOA highlights deceptive marketing and easy access. CNOA asserts that products containing tianeptine are often labeled as supplements, energy boosters, or mood enhancers, creating a false perception of safety and enabling access by minors and vulnerable populations. Third, CNOA flags strain on first responders and emergency services. CNOA notes that law-enforcement officers, firefighters, and Emergency Medical Services personnel are increasingly encountering individuals suffering from tianeptine intoxication, withdrawal, or polysubstance abuse, diverting critical resources from other public-safety priorities. Fourth, CNOA contends there is a regulatory gap under current law and absent clear scheduling, enforcement agencies face challenges in removing these dangerous substances from circulation or holding distributors accountable.

Arguments in Opposition

None.

FISCAL COMMENTS

According to the Assembly Appropriations Committee, possible cost pressures of an unknown but potentially significant amount to the courts in increased workload to adjudicate cases filed as a result of this bill. Although courts are not funded on the basis of workload, increased pressure on the Trial Court Trust Fund may create a demand for increased funding for courts from the General Fund (Trial Court Trust Fund, General Fund). The Department of Justice estimates no significant costs.

VOTES

ASM HEALTH: 15-0-1

YES: Bonta, Chen, Addis, Aguiar-Curry, Caloza, Carrillo, Mark González, Krell, Patel, Patterson, Sanchez, Schiavo, Sharp-Collins, Stefani, Gallagher

ABS, ABST OR NV: Celeste Rodriguez

ASM JUDICIARY: 12-0-0

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

ASM APPROPRIATIONS: 15-0-0

YES: Wicks, Hoover, Stefani, Calderon, Caloza, Dixon, Fong, Mark González, Krell, Bauer-Kahan, Pacheco, Pellerin, Solache, Ta, Tangipa

UPDATED

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