

SENATE THIRD READING

SB 646 (Weber Pierson)

As Amended July 10, 2025

Majority vote

SUMMARY

Requires, under the state's Sherman Food, Drug, and Cosmetic Law (Sherman Law), manufacturers of prenatal multivitamins to test their products for toxic elements (arsenic, cadmium, lead, and mercury); requires brand owners to disclose specified information to the public on their websites, including the levels of toxic elements in their prenatal multivitamins; requires brand owners to include, on the same webpage showing toxic element levels, nutrient information and a statement about toxic elements and ingredients in prenatal vitamins, as specified.

COMMENTS

Why are prenatal vitamins important? Prenatal supplements can help pregnant individuals obtain sufficient nutrients to support a healthy pregnancy. During pregnancy, the fetus and placenta divert nutrients from the parent's blood. To account for this, the recommended dietary allowance of certain nutrients for pregnant individuals is higher than for non-pregnant individuals. For example, the recommended dietary allowance of 18 milligrams per day of iron increases to 27 milligrams per day during pregnancy. Prenatal supplements can help individuals who may not have the ability to obtain the appropriate nutrients from diet alone. Factors including the pregnant individual's current diet, medical history, and food access can contribute to their ability to obtain appropriate amounts of some nutrients, according to experts.

A 2025 study titled, "*Heavy metals and phthalate contamination in prenatal vitamins and folic acid supplements*," explores prenatal vitamins as a source of heavy metal exposure, specifically looking at the elements lead and cadmium, and found that lead and Cadmium were detected in the majority of prenatal vitamins, including prescription prenatal vitamins. Among the commercially available prenatal vitamins, 15% exceeded the California Proposition 65 threshold for daily lead consumption of 0.5 micrograms, as did a third of the prescription-based samples.

The United States (US) Government Accountability Office (GAO) published a report in 2023 titled, "*Prenatal Supplements: Amounts of Some Key Nutrients Differed from Product Labels*" assessing the accuracy of over-the-counter prenatal supplement labels for amounts of certain nutrients—vitamins and minerals—and determining whether the supplements also contain harmful substances, such as heavy metals. The GAO contracted with the accredited laboratory to test prenatal supplement products for lead, arsenic, cadmium and mercury because these elements have been associated with harmful effects on the fetal brain, cognitive development, and growth. The GAO's testing identified heavy metal contaminants in 6 of the 12 prenatal supplement products tested. The GAO concluded that all concentrations were low and unlikely to pose a health concern based on daily exposure limits used by the US Food and Drug Administration.

This bill requires testing of prenatal multivitamins for arsenic, cadmium, lead, and mercury, and further requires companies to post the levels of toxic elements present in each lot of a packaged prenatal vitamin product, information from the product's supplement facts panel including the

level of each nutrient ingredient and an explanatory statement regarding the varying levels of toxic elements in prenatal vitamins to provide the consumer with context.

Please see the Assembly Environmental Safety and Toxic Materials analysis for the most updated major provisions and additional background, as well as the Assembly Health Committee analysis for additional background.

According to the Author

Prenatal vitamins are essential for supplementing the nutritional needs of pregnant individuals, helping to prevent birth defects, low birth weight, and pregnancy complications. The author continues that while a balanced diet is ideal, many Americans, including Californians, do not consume adequate nutrients. The author notes that prenatal vitamins commonly contain folic acid, iodine, iron, and other essential nutrients for a pregnant individual. The author continues that recent studies highlight concerns over toxic element contamination of prenatal vitamins with lead, arsenic, cadmium, and mercury. The author concludes that given the risks associated with heavy metal exposure and the absence of federal or state regulations specific to prenatal vitamins, legislative action is needed to enhance transparency, which allows consumers to make informed choices, incentivizes companies to reduce toxic element contamination, and, if needed, provide a basis for setting safety standards.

Arguments in Support

The Environmental Working Group (EWG), Unleaded Kids, and the American College of Obstetricians and Gynecologists District IX (ACOG) are the co-sponsors of this bill and state that this bill will protect maternal and fetal health by requiring the testing and public reporting of heavy metals in prenatal vitamins sold or manufactured in California. The co-sponsors continue that prenatal vitamins play a critical role in supporting healthy pregnancies, providing essential nutrients that help lower the risk of birth defects, low birth weight, and other complications. The co-sponsors state that recent studies have raised significant concerns about contamination of these supplements with toxic elements, including lead, arsenic, cadmium, and mercury—substances known to pose serious health risks, especially to pregnant individuals and developing fetuses. The co-sponsors continue that additional independent studies have documented contamination levels exceeding California's Proposition 65 thresholds. The co-sponsors note that despite these alarming findings, there are currently no federal or state regulations requiring the testing and disclosure of heavy metals in prenatal vitamins. The co-sponsors state that this bill addresses this critical gap by requiring manufacturers to test a representative sample from each production lot for arsenic, cadmium, lead, and mercury. The co-sponsors conclude that this bill builds on that progress by empowering pregnant individuals with vital information to choose safe and reliable prenatal supplements, free from harmful contaminants.

Arguments in Opposition

The Natural Products Association (NPA) opposes this bill and states that if this bill were enacted, it would lead to significant consumer confusion for a variety of reasons, including: misinterpretation of risk, lack of context about natural occurrence, inconsistency with federal standards, potential for unnecessary alarm and product avoidance. NPA notes that elements like lead, arsenic, cadmium, and mercury are found naturally in soil, water, and plants, meaning they can inadvertently be present in trace amounts of foods and supplements. NPA concludes that without clear context, a warning label will make consumers believe prenatal vitamins pose a unique health risk even though the levels are well below established safety thresholds. The Council for Responsible Nutrition and the Consumer Healthcare Products Association oppose

this bill unless it is amended, stating appreciation for the author's willingness to ensure the consumer receives a disclosure that will provide important context, and requesting further amendments to apply this bill to prenatal multivitamins manufactured on or after January 1, 2027; narrow applicability to products sold or offered for sale in the state of California; ensure consistent terminology required on product labels versus what must be disclosed on manufacturer websites; and other clarifying changes.

FISCAL COMMENTS

According to the Assembly Committee on Appropriations:

- 1) The California Department of Public Health estimates ongoing, annual costs of \$169,000 starting in fiscal year 2026-27 to cover one full-time employee position to perform inspections and field audits, including remote inspections and desk audits, re-inspections, new license inspections, label review, and field visits to California firms holding out-of-state products (General Fund).
- 2) The Department of Justice (DOJ) anticipates increased workload for the Environmental Justice and Protection Section (EJPS) within DOJ's Public Rights Division to enforce this bill. The work anticipated by EJPS could require a significant increase in attorney hours. DOJ is unable to estimate at this time the additional number of Deputy Attorneys General, along with their legal complement, that might need to be hired. If DOJ does not pursue enforcement as authorized by this bill, DOJ would likely not incur any costs, but if DOJ hires staff to handle enforcement actions, costs could be in the low hundreds of thousands of dollars annually, at a minimum (Unfair Competition Law Fund).

VOTES

SENATE FLOOR: 38-0-2

YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

ABS, ABST OR NV: Limón, Reyes

ASM HEALTH: 15-0-1

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

ABS, ABST OR NV: Patterson

ASM ENVIRONMENTAL SAFETY AND TOXIC MATERIALS: 5-0-2

YES: Connolly, Bauer-Kahan, Lee, McKinnor, Papan

ABS, ABST OR NV: Ellis, Castillo

ASM APPROPRIATIONS: 15-0-0

YES: Wicks, Sanchez, Arambula, Calderon, Caloza, Dixon, Elhawary, Fong, Mark González, Ahrens, Pacheco, Pellerin, Solache, Ta, Tangipa

UPDATED

VERSION: July 10, 2025

CONSULTANT: Eliza Brooks / HEALTH / (916) 319-2097

FN: 0001437