

Assembly Bill No. 2030

CHAPTER 720

An act to add Chapter 17.5 (commencing with Section 109030) to Part 3 of Division 104 of the Health and Safety Code, relating to public health.

[Approved by Governor September 28, 2026. Filed with
Secretary of State September 28, 2026.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2030, Lowenthal. Dietary supplements for weight loss and over-the-counter diet pills.

Existing law regulates the safety of various consumer products, including, among other things, specific additives in foods, chemicals in products for young children, and lead in tableware.

This bill would prohibit a person from selling, offering to sell, or giving away as either a retail or wholesale promotion, and a delivery seller from selling, delivering, or causing to be delivered, an over-the-counter diet pill or dietary supplement for weight loss or muscle building, as defined, to any person in this state under 18 years of age, except as specified, by requiring a specified identification check. The bill would make a person who violates these provisions liable for a civil penalty of no more than \$500 for each violation, as specified, and would authorize the Attorney General, a county counsel, or a city attorney to apply to a court for, and would authorize that court to 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 of the prohibitions. The bill would make a prevailing plaintiff in an action under these provisions entitled to an award of reasonable attorney's fees and costs.

The people of the State of California do enact as follows:

SECTION 1. Chapter 17.5 (commencing with Section 109030) is added to Part 3 of Division 104 of the Health and Safety Code, to read:

CHAPTER 17.5. DIETARY SUPPLEMENTS

109030. (a) For purposes of this section, the following terms shall have the following meanings:

(1) "Dietary supplement for weight loss or muscle building" means a dietary supplement, as defined in 21 U.S.C. 321(ff), that is labeled, marketed, or otherwise represented for the purpose of achieving weight loss or building muscle.

(2) “Over-the-counter diet pill” means a drug, as defined in 21 U.S.C. 321(g)(1), that is labeled, marketed, or otherwise represented for the purpose of achieving weight loss for which a prescription is not required under the Federal Food, Drug and Cosmetic Act (21 U.S.C. Sec. 301 et seq.).

(3) “Retail establishment” means any vendor that, in the regular course of business, sells dietary supplements for weight loss or muscle building or over-the-counter 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.

(4) “Delivery sale” means any sale of over-the-counter diet pills or dietary supplements for weight loss or muscle building to a buyer in either of the following cases:

(A) 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.

(B) The over-the-counter 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.

(5) “Delivery seller” means a person, including online retailers, who makes delivery sales of over-the-counter diet pills or dietary supplements for weight loss or muscle building.

(b) (1) A person shall not sell, offer to sell, or give away as either a retail or wholesale promotion, an over-the-counter diet pill or dietary supplement for weight loss or muscle building to any person in this state under 18 years of age.

(2) For purposes of paragraph (1), and subject to subdivision (c), a retail establishment shall request valid identification from any person in this state who attempts to purchase over-the-counter 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) Any retail establishment that sells over-the-counter diet pills or dietary supplements for weight loss or muscle building in this state may limit access to those products in a manner designed to prevent unauthorized access to those products.

(c) (1) Notwithstanding paragraph (2) of subdivision (b), 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 in this state shall adhere to all of the following:

(A) Shall not sell, deliver, or cause to be delivered any over-the-counter diet pills or dietary supplements for weight loss or muscle building to a person in this state under 18 years of age.

(B) Shall not accept a delivery sale order from a person without doing either or both of the following:

(i) Obtaining the full name, birth date, and residential address of that person and verifying this through the use of a commercially available database 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 identity verification and authentication, to ensure that the purchaser is at least 18 years of age.

(ii) Use a method of mailing or shipping that requires an adult who is at least 18 years of age to sign to accept delivery of the shipping container at the delivery address. The person who signs to accept delivery of the shipping container shall 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.

(2) A database being used for age and identity verification under clause (i) of subparagraph (B) of paragraph (1) shall not be in the possession or under the control of the delivery seller, or be subject to any changes or supplementation by the delivery seller.

(d) (1) Section 111825 does not apply to a violation of this section.

(2) The Attorney General, 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 five hundred dollars (\$500) 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, 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.

(e) When determining whether a supplement is "labeled, marketed, or otherwise represented for the purpose of achieving weight loss or muscle building," the court may consider, but is not limited to, all of the following factors:

(1) Whether the product contains any of the following:

(A) An ingredient approved by the United States Food and Drug Administration for weight loss or muscle building.

(B) A steroid.

(C) Creatine, green tea extract, raspberry ketone, garcinia cambogia, or green coffee bean extract.

(2) 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:

(A) Modify, maintain, or reduce body weight, fat, appetite, overall metabolism, or the process by which nutrients are metabolized.

(B) Maintain or increase muscle or strength.

(3) Whether the product or its ingredients are otherwise represented for the purpose of achieving weight loss or building muscle.

(4) Whether the retail establishment or delivery seller has done any of the following:

(A) Placed signs, categorized, or tagged the product with statements described in paragraph (2).

(B) Grouped the product with other weight loss or muscle building products in a display, advertisement, internet website, or area of the store.

(C) Otherwise representing that the product is for weight loss or muscle building.

(f) This section does not apply to a person under 18 years of age with a prescription for an over-the-counter diet pill or dietary supplement for weight loss or muscle building.

(g) This section does not apply to a person 18 years of age or older.

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