CLIENT ALERTS & INSIGHTS

Whey Too Young: California's AB 2030 Brings Age Checks to Supplement Aisles

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Featured Practices: Litigation, State Attorneys General Investigations & Enforcement

Featured Industries: Retail & E-Commerce

Key Takeaways

- **California is restricting sales of certain over the counter diet pills and weight-loss or muscle-building supplements to consumers under 18**. The new requirements are expected to take effect January 1, 2027. The law applies to in-store, online and delivery sales, as well as samples, giveaways and other promotions.
- **The biggest challenge may be determining which products are covered.** AB 2030 looks beyond what a product is called to how it is marketed or represented, meaning claims, imagery, website categories, search tags, shelf placement and promotions could bring products within the law's scope.
- **Retailers selling to California consumers should review potentially covered products and their marketing.** Ensure appropriate age-verification procedures are in place. That includes preparing employees to check IDs in stores and implementing compliant database verification or adult-signature requirements for online and delivery sales.

What Retailers Need to Know

If you sell diet pills or weight-loss or muscle-building supplements to California consumers, in a store or online, your sales practices are about to change. Assembly Bill 2030, signed by Governor Gavin Newsom on September 28, 2026, bars brick-and-mortar retailers, online sellers, and delivery sellers from selling over-the-counter ("OTC") diet pills and weight-loss or muscle-building dietary supplements to anyone under 18. Retailers also cannot offer these products to minors or hand them out as freebies in a retail or wholesale promotion. Minors with a prescription are exempt.

And yes, retailers will have to check IDs. If a seller cannot tell whether a buyer is a minor, you must ask for valid identification.

When Does It Take Effect?

Likely January 1, 2027. AB 2030 has no urgency clause, and nothing publicly available sets an operative date. But under California's default rule, statutes enacted during a regular session take effect on January 1 of the following year. That is why commentators, including the American Herbal Products Association, expect AB 2030 to kick in on January 1, 2027.

Which Products Are Covered

Do not look for a list of covered products in AB 2030, because there is not one. Instead, the law sweeps in two broad categories:

- **Dietary Supplements for Weight Loss or Muscle Building:** dietary supplements that are "labeled, marketed, or otherwise represented for the purpose of achieving weight loss or building muscle." *See* Act of Sept. 28, 2026, ch. 720, 2026 Cal. Stat. ___ (codified at Cal. Health & Safety Code § 109030) (adopting definition set forth in 21 U.S.C. § 321(ff)),
- **OTC Diet Pills:** nonprescription drugs that are "labeled, marketed or otherwise represented for the purpose of achieving weight loss." *See id.* (adopting definition set forth in 21 U.S.C. § 321(g)(1)).

Because the law turns on how a product is presented, not just what it is called, AB 2030 could reach products that never mention "weight loss" or "muscle building" at all. Listed ingredients, claims, imagery, and even where a product sits on a store shelf or website could determine whether a teenager can buy it.

The industry has not been quiet about it. The Council for Responsible Nutrition, American Herbal Products Association, Consumer Healthcare Products Association, and Natural Products Association have all criticized the law's imprecise scope and warned that it could capture everyday health and wellness products. And unlike New York's similar law, AB 2030 has no carve-out for protein products. Even a teen's post-practice protein bar could be in play.

Key Requirements by Sales Channel

In-Store Retailers

- Do not sell, offer to sell, or give away covered products, including as a promotion, to anyone under 18 years of age.
- Ask for valid identification whenever you cannot reasonably determine whether a buyer is under 18.
- The law does not require it, but you may keep covered products behind the counter or otherwise limit access to prevent unauthorized purchases. Locking up the creatine, however, does not excuse you from checking IDs.

Online and Delivery Sellers

Delivery sellers cannot sell, deliver, or cause to be delivered covered products to anyone in California under 18. Before completing a delivery sale, the seller (or its driver) must verify the buyer's age in one of two ways:

1. **Database Verification.** Collect the buyer's full name, date of birth, and residential address, and verify them through a commercially available database, or a combination of databases, that (a) draws mainly on government sources, (b) is regularly used by government and businesses to verify age and identity, and (c) is not controlled by or subject to changes by the seller.
2. **Verification at Delivery.** Ship using a delivery method that requires an adult (18 or older) to sign for the package and show government-issued photo ID.

The delivery option was a late addition to the bill. The California Senate added it just before sending AB 2030 to Governor Newsom, and some early summaries described both methods as required. Sellers should check their chosen approach against the final statutory text.

Enforcement and Penalties

There is no private right of action, so plaintiffs' lawyers can stand down. Enforcement belongs to the Attorney General and local officials, such as county counsel and city attorneys. There are no criminal penalties, but enforcers can pursue:

- **Civil Penalties:** up to $500 per violation. That may sound modest, but multiply $500 across all the sales at a busy store or e-commerce site, and a single compliance gap can add up fast.
- **Injunctive Relief:** the Attorney General, a county counsel, or a city attorney may ask a court for a temporary or permanent injunction to stop violations.

With local officials across the state holding enforcement power, retailers operating in multiple California jurisdictions could hear from more than one enforcer.

Action Steps for Retailers

So far, neither the Attorney General nor any other California authority has issued guidance on AB 2030. As industry concern grows and January 1 approaches, we expect that to change.

Do not wait for that guidance. Although AB 2030's full effect remains unclear, retailers and online and delivery sellers should do the following before January 1, 2027:

1. **Inventory Your Products.** Review and categorize every dietary supplement, diet pill, and sports-nutrition product you sell to California residents against the "labeled, marketed, or otherwise represented" standard.

2. **Audit Marketing and Merchandising.** Scrub websites, product descriptions, search tags, online categories, in-store signage, shelf placement, and promotions. Each can determine whether a product falls under the new age restrictions.
3. **Implement In-Store ID-Check Protocols.** Update point-of-sale procedures and add prompts or flags for covered items to remind employees to request and review identification.
4. **Build Online Verification.** Implement a compliant online age verification process or require that deliveries of age-restricted products be signed for by a person 18 or older.
5. **Lock Down Promotions and Giveaways.** Make sure no samples, free gifts, or promotional distributions of covered products reach anyone under 18.
6. **Train Your Staff.** Train cashiers, store managers, customer-service reps, and fulfillment teams on the new rules and the prescription exception.
7. **Document Everything.** Keep records of product-classification decisions, procedures, and training.
8. **Benesch's Retail & E-Commerce and State Attorneys General Investigations & Enforcement Industry Groups are closely monitoring AB 2030. Have questions about whether the law reaches your products or sales channels, or need help building and implementing a compliance program? Contact Michael D. Meuti, Kevin B. Frankel, or Allyson R. Cady.**