

April 27, 2021

Testimony of Kyle Turk

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Re: Assembly Judiciary Committee on Hearing for AB 1341

The Natural Products Association (NPA) is the oldest and largest trade association representing more than 750 members nationwide before federal state and local governments.

We and our members, many of which you've heard from, strongly oppose AB 1341. NPA members and other industry stakeholders invest significant resources and capital to ensure their products are safe. These include good manufacturing processes, random product testing, adhering to marketing guidelines, and following the strict rules and regulations that the FDA and the FTC have made for 25 years. Those rules ensure that the United States enjoys the safest dietary supplement supply in the world. Period.

As written, AB 1341 would prohibit ingredients from being sold to minors under the age of 18. That would mean that school lunches, calcium fortified smoothies, Egg McMuffins, milk with cereal, a decent steak, and a host of other common food products would suddenly become contraband. Lipotropics and thermogens are in foods we want our children to eat. This includes lean cuts of beef, chicken, turkey, eggs, milk, and even chocolate. In our view, it is simply ridiculous to put these building blocks of nutrition and good health in the same category as alcohol and tobacco. It is even more ridiculous considering that the legislature is simultaneously weighing whether to make dangerous narcotics more available to these same school age children.

This legislation appears to be a solution in search of a problem. But there is no problem because there is no evidence of a linkage between dietary supplements and eating disorders. None. How do we know this? Because we asked.

In 2019, we submitted a FOIA request to the FDA to explore whether there were any adverse events from cases involving eating disorders and dietary supplements. The answer from FDA was zero.

If Assembly Bill 1341 were to become law, many products such as Vitamin-D and calcium would not be available to people under 18. This would have a catastrophic effect on vulnerable communities using these essential products to supplement their health and get the critical nutrients they need. By putting these supplements behind the counter, the bill would further stigmatize those fighting weight management issues who already face a range of mental and physical health challenges; forcing them to a separate counter to evaluate various weight management products.

More than three in four Americans utilize these products to maintain their overall health. Selling safe dietary supplements should not be a criminal offense. Yet, under this bill, the fine for selling nutritional supplements would be four to five times higher than the fines for selling alcohol or tobacco to a minor. Dietary supplements are not drugs, nor should they be treated as such. If AB 1341 passes it would criminalize the sale of healthy products like whey protein and amino acids. Yet, lawmakers in this very body are proposing to make possession of DMT, LSD, Ketamine, MDMA, and other narcotics lawful. This is absurd.

But beyond the absurdity of treating healthy and nutritional ingredients like a public enemy, there is a broader economic impact to consider. In California, the natural products industry supports over 50,000 jobs including mom and pop store owners who supply their communities with nutritional products. Main Street has been crushed by the COVID-19 pandemic. But it wouldn't just be supplement stores who would be impacted. Groceries and restaurants would also potentially become victims, which is why we think there are significant legal challenges for this bill as well.

We support efforts to stop illegal drugs masquerading as natural products being sold to consumers, especially minors. The federal government has vast enforcement powers and has a long track record of punishing criminals who break the law. We support vigorous enforcement of the law to protect consumers. Still, this legislation will not accomplish that and will work against existing law that is well-designed to protect consumers.