



May 14, 2021

The Honorable Lorena Gonzalez, Chair
Assembly Appropriations Committee
State Capitol, Room 2114
Sacramento, CA 95814

Re: AB 1341 (C. Garcia) Dietary Supplements for Weight Loss & Over-the-Counter Diet Pills - OPPOSE

Dear Chairwoman Gonzalez,

The California Retailers Association (CRA) and National Association of Chain Drug Stores (NACDS) are respectfully opposed to AB 1341 (C. Garcia), which will prohibit the sale of over-the-counter (OTC) dietary supplements to individuals under 18 years of age without a prescription. It will also require retailers and pharmacies to store these products behind the counter, which will create a significant new administrative burden.

As front-line healthcare providers, the chain pharmacy community is committed to keeping patients safe while ensuring consumer choice is preserved. While we appreciate the author's goal to combat and mitigate eating disorders, we do not believe that limiting access to dietary supplements is the answer. Weight loss supplements are already regulated under the Dietary Supplement Health and Education Act (DSHEA) by the Federal Food and Drug Administration (FDA). DSHEA requires manufacturers to demonstrate the safety of these products and prohibits claims on product labels from being misleading. If the FDA determines that a dietary supplement is unsafe, it has the authority to remove that product from commerce or request that it be recalled by the manufacturer. These federal processes and systems are already in place to ensure that weight loss supplements are safe for consumers. By banning the OTC sale of dietary supplements to Californians under 18, AB 1341 will restrict access to these safe FDA-regulated products, forcing many consumers to turn to less-regulated, misbranded, and dangerous supplements sold online.

By requiring retailers and pharmacies to move OTC dietary supplements from stock on the floor to behind the counter, AB 1341 will cause substantial workflow issues for our members and take time away from patient care when pharmacies can least afford it. In this unprecedented time, our members and their pharmacy teams have risen to the challenge and provided millions of COVID-19 tests and vaccinations to patients throughout the country. CRA and NACDS have advocated to remove barriers to care and assist our pharmacy teams during and beyond the current Public Health Emergency. Adding a new burdensome requirement will only distract from these critical services our members are providing, while limiting access to supplements that are critical to the health and wellness of many Californians.

The California Retailers Association is the only statewide trade association representing all segments of the retail industry including general merchandise, department stores, mass merchandisers, restaurants, convenience stores, supermarkets and grocery stores, chain drug, and specialty retail such as auto, vision,

jewelry, hardware and home stores. CRA works on behalf of California's retail industry, which operates over 400,000 retail establishments with a gross domestic product of billions annually and employs millions of Californians.

The National Association of Chain Drug Stores represents traditional drug stores, supermarkets and mass merchants with pharmacies. Chains operate over 40,000 pharmacies, and NACDS' over 80 chain member companies include regional chains, with a minimum of four stores, and national companies. Chains employ nearly 3 million individuals, including 155,000 pharmacists. They fill over 3 billion prescriptions yearly, and help patients use medicines correctly and safely, while offering innovative services that improve patient health and health care affordability.

For the reasons stated above, CRA and NACDS are unfortunately opposed to AB 1341. Please do not hesitate to contact Jennifer Snyder or Lindsay Gullahorn with Capitol Advocacy at jsnyder@capitoladvocacy.com or lgullahorn@capitoladvocacy.com if you have any questions.

Sincerely,



Rachel Michelin, President
California Retailers Association



Steve C. Anderson, FASAE, CAE, IOM
President & Chief Executive Officer
National Association of Chain Drug Stores

cc: The Honorable Cristina Garcia, Author
Members, Assembly Appropriations Committee
Lisa Murawski, Assembly Appropriations Committee
Joe Shinstock, Assembly Republican Caucus