

March 4, 2026

CRN Member Breakfast Briefing

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March 4, 2026

One Year In: Federal and State Political Landscape Around Dietary Supplements



One Year into Make America Healthy Again



CRN Federal Priorities



HSA/FSA/HRA Coverage for Supplements

- CRN is leading efforts to classify dietary supplements as qualified medical expenses so consumers can purchase supplements via pre-tax Flexible Spending Accounts (FSAs), Health Savings Accounts (HSAs), and Health Reimbursement Arrangements (HRAs)
- Policy would increase consumer access to supplements and provide recognition of their health benefits



HSA/FSA State of Play



- While Senator Kevin Cramer (R-ND) hoped to include language in Reconciliation package, provisions related to HSAs and FSAs were limited
 - Potential opportunities in upcoming legislative packages
- CRN actively engaging with the Administration
 - Department of Health and Human Services
 - Treasury

Dietary Supplement Product Listing

- CRN-backed Dietary Supplement Listing Act of 2026 introduced by Senator Richard Durbin (D-IL)
- Would require companies to submit basic label information to the U.S. Food and Drug Administration (FDA).
- FDA still lacks a comprehensive inventory of the tens of thousands of supplements sold in the U.S.—a gap industry leaders say undermines transparency, enforcement, and consumer confidence in a fast-growing marketplace.
- CRN negotiated provisions approved by the Board

119TH CONGRESS
2^D SESSION

S. 3677

To improve transparency and the availability of information regarding dietary supplements by amending the Federal Food, Drug, and Cosmetic Act to require manufacturers of dietary supplements to list dietary supplements with the Food and Drug Administration.

IN THE SENATE OF THE UNITED STATES

JANUARY 15, 2026

Mr. DURBIN introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

Federal Preemption for Dietary Supplements

“Patchwork” of laws and regulations



119TH CONGRESS
2D SESSION

H. R. 7366

To amend the Federal Food, Drug, and Cosmetic Act to clarify and affirm the preemptive authority of the Food and Drug Administration over dietary supplement regulation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 2026

Mr. LANGWORTHY introduced the following bill; which was referred to the Committee on Energy and Commerce

- States proposing and implementing policies that are inconsistent with FDA requirements pertaining to supplements
- Congressman Nick Langworthy (R-NY-23) introduced CRN-supported Dietary Supplement Regulatory Uniformity Act
- Reaffirms FDA’s authority by clarifying that only FDA can establish regulatory requirements for dietary supplements
- States allowed to petition the Agency if they can demonstrate a legitimate local concern

Drug Preclusion Reform

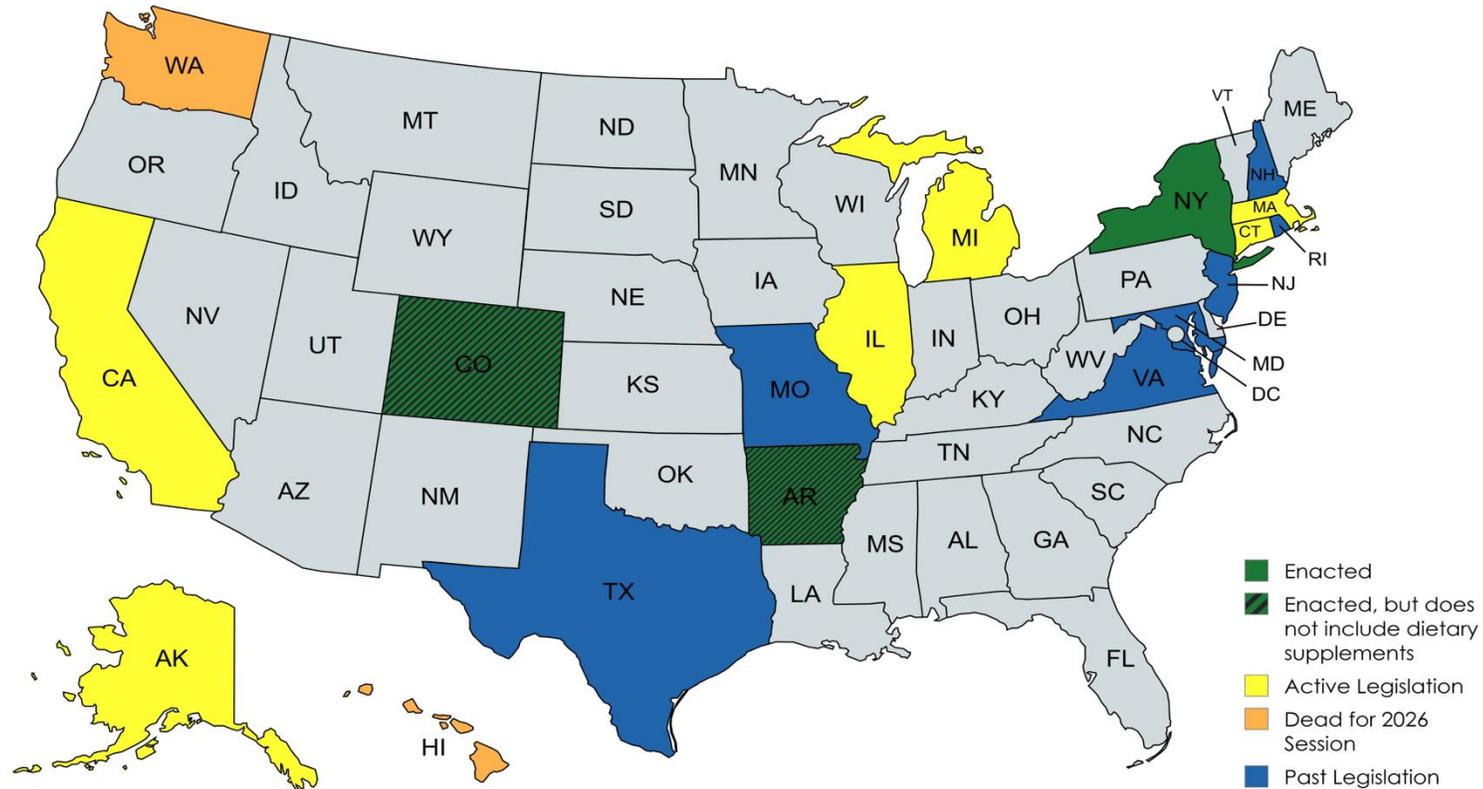
- Provision in Dietary Supplement Health and Education Act of 1994 (DSHEA):
 - Dietary supplement may not contain an ingredient that is identical to an article used in a drug if: 1) the drug was "first-to-the-market," or 2) the drug has "previously been authorized for investigation as a new drug... for which substantial clinical investigations have been instituted and for which the existence of such investigations has been made public."
- CRN is advocating for an update to the Drug Preclusion provision that provides clarity and balances the unique needs of the dietary supplement and pharmaceutical industries



CRN State Priorities



State Age Restriction Legislation



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Last Updated 2/27/26

State Age Restriction Legislation: AK, CA, CT

Alaska

- H.B.236 introduced on 01/20 and referred to Health & Social Services and Finance Committees

California

- A.B.2030 differs from previous California proposals; now has restricted access provision and higher penalties

Connecticut

- S.227 introduced on 02/18 and was heard by the Joint General Law Committee on 02/23.
- CRN testified against Section 1 of the bill (age restriction provision); it should be noted that other sections do not impact dietary supplements
- CRN working with two retail groups in Hartford and is coordinating with their lobbyists to oppose age restriction efforts

State Age Restriction Legislation: HI, IL, MA

Hawaii

- S.B.2106, S.B.2284, and H.B.2380 have all been introduced; only S.B. 2106 has moved thus far but is now deferred
- CRN testified in opposition to S.B.2106 during a Senate Committee on Health and Human Services hearing and then submitted testimony to the Committee on Commerce and Consumer Protection

Illinois

- H.B.3027 advanced out of committee in spring 2025 but did not receive final action before adjournment and was re-referred to the House Rules Committee
- Placed back on the House calendar and remains active for consideration

Massachusetts

- H.2530, H.2440, and S.1620 were heard by the Joint Committee on Public Health, CRN testified and submitted detailed written comments for the record
- CRN held multiple in-person meetings in Boston with Committee Chairs and House leadership
- The House bill (now combined into MA H.2440) has since been referred to the Joint Committee on Health Care Financing

State Age Restriction Legislation: MI, WA

Michigan

- MI H.B.5250 was introduced last year and has been referred to the House Health Policy Committee
- The bill sponsor is Representative Erin Byrnes (D), who sponsored similar legislation in 2024
- CRN is engaged with stakeholders in Michigan; additionally, CRN President & CEO Steve Mister appeared in a local Michigan television news interview, and in interviews with Michigan radio stations and the state's premier political newsletter on behalf of the dietary supplements industry

Washington

- Originally introduced in 2025, S.B.5622 advanced through its original committee but failed to meet a procedural deadline
- S.B.5622 reintroduced on 01/12
- Bill has been retained in present status but again failed to meet crossover date; CRN is still monitoring

State Ingredient, Labeling, and Disclosure Bills

- State activity has increased significantly due in part to the MAHA movement
- CRN has been monitoring state bills that would ban certain ingredients and/or require warning or disclosure labels
- 2025 - Louisiana S.B.14 and Texas S.B.25/H.B.25 originally required products containing certain ingredients, including melatonin and titanium dioxide (TiO₂), to bear a warning label
- Due in part to CRN efforts, both removed melatonin and then exempted dietary supplements from the warning label provision altogether
- Similar bills in 2026 (IN, OH, NY, WI)



State Ingredient, Labeling, and Disclosure Bills cont.



- Date labeling proposals are also being considered in several states - Similar to CA A.B. 660 which prohibits the use of date labels other than the following:
 - “BEST if Used by” or “BEST if Used or Frozen by” to indicate the quality date of the food item
 - “USE by” or “USE by or Freeze by” to indicate the safety date of the food item
- Testing/disclosure policies
 - Recent laws include CA A.B. 899 and CA S.B. 646; require regular testing for “heavy metals” in products and then public disclosure of the results
 - Anticipate similar more bills being introduced

State Generally Recognized As Safe (GRAS) Bills

- Current Law - manufacturers can self-determine whether an ingredient is GRAS and market GRAS ingredients in food without notifying FDA
- Several proposals in Congress as well as an upcoming FDA Notice of Proposed Rulemaking (NPRM); however, several states have their own proposals
- Most prominent is New York Senate Bill S.3214 / Assembly Bill A.1556
- Proposed legislation in CA, NJ, PA as well
- Legislation would fundamentally alter GRAS and create inconsistency between state and federal policy



How to get involved

- Engage with Federal and State officials
- Join CRN Government Relations and/or Regulatory Affairs Committees for updates
- Contact me at mmeirovitz@crnusa.org

Let your voice be heard!!!



Thank You

Questions?

