Protecting 21st Century Consumers Through Dietary Supplement Regulatory Modernization

Americans overwhelmingly support CHPA's priorities for modernizing the Dietary Supplement Health & Education Act (DSHEA) of 1994

CHPA CONSUMER HEALTHCARE PRODUCTS ASSOCIATION

Taking healthcare personally.

In the more than 30 years since Congress passed DSHEA, the dietary supplement industry has grown from $4 billion to more than $61 billion. However, this increased demand for vitamins, minerals, and supplement products – driven largely by consumers taking greater control over their self-care routines – has stretched our current regulatory structure, allowing bad actors to exploit the fact that regulations have not kept pace with the rapid growth. As the industry continues to grow, so does consumer demand for regulatory reform. In fact, results from a recent national survey* found that 75% of voters support legislation to modernize the regulations overseeing dietary supplements. **DSHEA needs to be modernized into a regulatory framework that will give FDA the tools it needs to keep up with the marketplace and continue to ensure product integrity and consumer safety.**

What is DSHEA?

Signed into law on October 25, 1994, DSHEA gives FDA the authority to regulate dietary supplements using tools that provide consumers with better information and ensure access to safe and beneficial products. Common dietary supplement products include vitamins (such as multivitamins or individual vitamins like vitamin D), minerals (such as calcium or magnesium), and live microbials (commonly referred to as "probiotics").

Why is Reform Needed?

Today's DSHEA regulations are not enough to completely stop poor quality or adulterated products from entering the market. A comprehensive approach is needed to provide FDA the tools to ensure a safer and more trusted marketplace for consumers for years to come.

Outdated Regulations Enable Bad Actors to Sneak into the Marketplace

Outdated regulations and lack of FDA enforcement and resources have created an opportunity for criminal behavior in the dietary supplement industry. For example, ingredients that have already been banned by FDA for any use have appeared in products illegally sold as dietary supplements in convenience stores and smoke shops. These adulterated products often make dangerous and unproven claims that they can treat anxiety, depression, and other conditions and have inaccurate labeling. Reports of severe side effects and even death have been increasing nationwide.

A Comprehensive Approach

The FDA does not have a list of all dietary supplements on the market, making it difficult to regulate products it does not know exist. To help, dietary supplement bills propose requiring manufacturers to list their products on an FDA website – a priority known as Mandatory Product Listing (MPL). CHPA agrees MPL would be a good first step to increase marketplace transparency. But, as a stand-alone measure, it's not enough.

Bringing dietary supplement regulatory framework into the 21st century will:

- **Enhance** consumer trust and safety.
- **Empower** FDA with the tools it needs to stop criminals.
- **Foster innovation**, safety, and access to high quality supplements for consumers.

Priorities Needed For Comprehensive DSHEA Modernization:

1

IMPROVE TRANSPARENCY

Mandatory Product Listing (MPL) would increase transparency and improve the ability for FDA, consumers, and healthcare providers to identify dietary supplements and differentiate them from dangerous and illegal ingredients like tianeptine. Supported by 81% of voters.*

2

INCREASE MANUFACTURING AUDITS

Allowing accredited third-party organizations to support FDA in conducting audits would ensure responsible manufacturing practices across industry and make it harder for bad actors to hide. Supported by 79% of voters.*

3

STOP ILLEGAL ACTIVITY

Create a New Prohibited Act that allows FDA to take strong, immediate action against bad actors producing and selling specific illegal, harmful, or banned ingredients. Supported by 81% of voters.*

4

STRENGTHEN INNOVATION

FDA's interpretation of DSHEA's "preclusion provision" limits supplement manufacturers from considering the use of safe and beneficial ingredients, such as N-Acetyl Cysteine (NAC) and Nicotinamide Mononucleotide (NMN), for use in future products. This provision needs to be revised to create the opportunity for responsible manufacturers to bring innovative products to market. Supported by 78% of voters.*

5

UPDATE INFORMATION SHARING FOR THE DIGITAL AGE

Current dietary supplement regulations were created in 1994 before websites or online marketing took off, creating certain limitations that don't fit the way consumers commonly access information today. Allowing manufacturers to provide published scientific studies and other information about their products on web pages would give consumers, healthcare providers, and others quicker access to beneficial Information. Supported by 81% of voters.*

*Source: National Voter Survey, Peak Insights, March 2025 chpa.org/DSHEAsurvey