

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

AB 634 (Jeff Gonzalez)
Version: June 8, 2026
Hearing Date: June 23, 2026
Fiscal: Yes
Urgency: No
ME

SUBJECT

Tianeptine

DIGEST

This bill prohibits business entities from manufacturing, distributing, or offering for sale products that contain tianeptine. The bill imposes civil penalties on violators and allows public prosecutors to bring actions and recover attorney fees and costs.

EXECUTIVE SUMMARY

Tianeptine is a substance that can cause serious adverse reactions and is included in products sold in California. This bill would ban the manufacture, distribution, or offer for sale of a product that contains tianeptine or that is marketed as containing tianeptine. The bill allows public prosecutors to bring actions for civil penalties against business entities that market or sell tianeptine. The bill specifies that these entities shall not manufacture, distribute, or offer for sale in this state a product that contains tianeptine or that is marketed as containing tianeptine. The civil penalties shall not exceed \$2,500 for a first violation and shall not exceed \$5,000 for each subsequent violation. The bill specifies that the provisions do not impair or impede any other rights, causes of action, claims, or defenses available under any other law and that the remedies provided in this bill are cumulative with any other remedies available under any other law. The bill entitles a prevailing plaintiff to reasonable attorney's fees and costs.

The bill is sponsored by the California Narcotic Officers' Association and is supported by the California Medical Association and other health and safety organizations. The bill is opposed by the Drug Policy Alliance and the American Civil Liberties Union California Action. The bill passed out of the Senate Health Committee on a vote of 11 to 0. Should the bill pass out of this Committee it will then be referred to the Senate Appropriations Committee.

PROPOSED CHANGES TO THE LAW

Existing law provides for the regulation of various products, such as hazardous substances, household substances, items containing lead or mercury, and cosmetics by various entities, including the California Departments of Health Care Services, Public Health, and Toxic Substances Control. (Health & Saf. Code §§ 108040-§109052.)

This bill:

- 1) Specifies that a sole proprietorship, partnership, limited liability company, corporation, or other business entity shall not manufacture, distribute, or offer for sale in this state a product that contains tianeptine or that is marketed as containing tianeptine.
- 2) Provides that every product manufactured, distributed, or offered for sale in this state that contains tianeptine or that is marketed as containing tianeptine shall constitute a violation of this section.
- 3) Allows the Attorney General, a city attorney, or a county counsel to bring an action against an entity that violates the above prohibition.
- 4) Provides that an entity in violation of the prohibition shall be liable for a civil penalty not to exceed \$2,500 for a first violation, and not to exceed \$5,000 for each subsequent violation.
- 5) Provides that the provisions of this bill do not impair or impede any other rights, causes of action, claims, or defenses available under any other law.
- 6) Provides that the remedies provided in this bill are cumulative with any other remedies available under any other law.
- 7) Provides that a prevailing plaintiff in an action brought pursuant the provisions of this bill shall be entitled to an award of reasonable attorney's fees and costs.

COMMENTS

1. Stated need for the bill

According to the author:

AB 634 aims to combat the growing threat posed by Tianeptine, also known as "gas station heroin." This legislation will restrict the commercial manufacturing, selling, and distribution of Tianeptine in California. Tianeptine has been increasingly misused, particularly by individuals seeking an opioid-like effect,

despite its unregulated status and the severe risk it poses to the public. The opioid epidemic continues to ravage communities across the nation, and Tianeptine has become a disturbing new threat in this ongoing crisis. This Bill seeks to address this emerging danger and prevent further harm to vulnerable populations, especially those already at risk due to the opioid crisis.

2. Bans the marketing and sale of tianeptine and allows public prosecutors to seek civil penalties and attorney fees for violations

Sponsors of this bill contend that tianeptine is a dangerous substance that can cause serious adverse reactions. This bill is sponsored by the California Narcotic Officers' Association and would ban the manufacture, distribution, or offer for sale of a product that contains tianeptine or that is marketed as containing tianeptine. Please see the Senate Health Committee analysis of this bill for further details about the regulatory framework and the possible public health dangers of tianeptine.

The bill allows public prosecutors to bring actions for civil penalties against businesses that market or sell tianeptine. The entities subject to this bill's ban are a sole proprietorship, partnership, limited liability company, corporation, or other business entity. The bill specifies that these entities shall not manufacture, distribute, or offer for sale in this state a product that contains tianeptine or that is marketed as containing tianeptine. The civil penalties shall not exceed \$2,500 for a first violation and shall not exceed \$5,000 for each subsequent violation. The bill specifies that the provisions do not impair or impede any other rights, causes of action, claims, or defenses available under any other law and that the remedies provided in this bill are cumulative with any other remedies available under any other law. The bill also specifies that a prevailing plaintiff in an action brought pursuant the provisions of this bill shall be entitled to an award of reasonable attorney's fees and costs. Given the possible danger caused by tianeptine and the lack of a regulatory framework, it is arguably reasonable to prohibit the manufacture, distribution, and offer for sale of products containing the substance and to provide for civil penalties and attorney fees and costs. The bill specifies that only public prosecutors are empowered to bring actions for violations of the prohibition created by this bill. Additionally, the bill's prohibitions only apply to business entities.

The California Narcotic Officers' Association write the following in support of the bill:

Tianeptine is a tricyclic antidepressant used in some Latin American, Asian, and European countries but is not FDA approved or regulated for use in the United States. Individuals with an opioid use disorder may be more likely to use tianeptine, as it is inaccurately marketed as a safer alternative to opioids and can have opioid-like effects. The FDA has warned that manufacturers of tianeptine are making inaccurate and unproven claims that use of tianeptine can improve brain function, treat anxiety, depression, pain, opioid use disorder, and other health ailments. Tianeptine inhabits a murky space in U.S. drug

regulation. It's illegal to market or sell the drug, but it's also not on the list of federally controlled substances. And while it's in products sold at gas stations and other stores, it's also available to buy online.

Experts warn that it's dangerous to consume any unapproved drug, particularly one that poses the risk of dependency and withdrawal, and that in the case of tianeptine, can cause respiratory depression and severe sedation. Often packaged in colorful, shot-sized bottles, these rogue tianeptine products contain the drug in varying concentrations and have also been found to include dangerous synthetic cannabinoids.

Researchers have learned that tianeptine activates the receptor like other opioids do, like morphine, oxycodone or fentanyl. Repeated use of tianeptine can cause dependence and withdrawal symptoms similar to those of opioid withdrawal, including agitation, nausea, anxiety, diarrhea, and chills. Some cases of withdrawal have been severe, with patients requiring intubation. [. . .]

Lack of a federal ban on tianeptine has forced states to act on their own. In 2018, Michigan became the first state to ban sales of the drug, classifying it as a Schedule II controlled substance, the same category as drugs like cocaine and fentanyl. The FDA says at least 12 states have enacted similar bans.

AB 634 seeks to strengthen California's response to the opioid epidemic by closing a dangerous loophole and taking decisive action to safeguard public health and safety. The bill protects Californians from this dangerous substance by prohibiting the manufacturing, distributing, and offering for sale products containing tianeptine.

The Drug Policy Alliance writes the following in opposition to the bill:

We all want safe and healthy communities and share the intent of preventing harms that may result from the use of specific substances. Unfortunately, legislation to sporadically create new punishments or place arbitrary restrictions on specific substances does not accomplish that. California needs to establish a consistent regulatory approach that is centered on ensuring health and safety of consumers and communities. We should evaluate substances of concern with a regulatory process based on studies by relevant scientific, medical, and public health experts, which take into account the potential health and harm-reduction benefits of the substance. Such regulatory processes must also ensure opportunities for meaningful public comment.

Tianeptine is an atypical opioid agonist, which has been shown to induce antidepressant and anxiolytic effects, and is prescribed to treat depression and anxiety in a number of countries, including Canada. However, little research

has been conducted in the U.S. on the impacts of tianeptine use on health, including its potential association with addiction. Reports suggest that at least some people who use tianeptine do so because they are unable to access appropriate health care: tianeptine use has been reported by people experiencing chronic pain whose opioid prescriptions have been cut off due to DEA prescribing regulations; people looking to curb withdrawal symptoms while tapering off other substances, including illicit opioids; and people with depression or anxiety seeking a low-cost medication. It is possible that if tianeptine were to become entirely unavailable, some people will seek out other substances with different effects and risk profiles, potentially increasing their risk of adverse health consequences, including overdose.

While we appreciate the author's significant amendments to the original bill, we recommend that the bill be amended to direct the California Health and Human Services Agency and/or the California Department of Public Health to study the dangers and potential value of tianeptine, with input from physicians, scientists, addiction medicine experts, public health professionals, and the public. Given the many complex issues in regulating substances such as this one, it is critical that their perspectives are heard and considered through a regulatory process with a public comment period. We encourage the author and relevant stakeholders to convene a broader dialogue focused on developing a durable, public health-centered framework for evaluating and regulating emerging substances in California.

SUPPORT

California Narcotic Officers' Association (sponsor)
California Academy of Preventive Medicine
California District Attorneys Association
California Medical Association
California Pharmacists Association
California Society of Addiction Medicine
City of Huntington Beach
Health Officers Association of California

OPPOSITION

American Civil Liberties Union California Action
Drug Policy Alliance

RELATED LEGISLATION

Pending legislation: none known.

Prior legislation: AB 2217 (Weber, 2024) would have prohibited a person or entity from manufacturing, selling, delivering, distributing, holding, or offering for sale, in commerce a food product for human consumption that contains tianeptine. A violation of these provisions would have been punishable by a civil penalty not to exceed \$5,000 for a first violation and not to exceed \$10,000 for each subsequent violation, upon an action brought by the Attorney General, a city attorney, a county counsel, or a district attorney. AB 2217 was held in the Assembly Health Committee.

PRIOR VOTES:

Senate Health Committee (Ayes 11, Noes 0)

Assembly Floor (Ayes 74, Noes 0)

Assembly Appropriations Committee (Ayes 15, Noes 0)

Assembly Judiciary Committee (Ayes 12, Noes 0)

Assembly Health Committee (Ayes 15, Noes 0)
