



## **HB 2256A: Statutory Cleanup ORS 616 Dietary Supplement**

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### **Description**

- Provides explicit authority for the Oregon Department of Agriculture (ODA) to regulate dietary supplements under provisions of Oregon's food law.
- Adds "dietary supplements" to the definition of "food" in ORS 616.205(8) and 616.695(3).
- Provides a definition of dietary ingredient.

### **Background**

ODA currently licenses and inspects dietary supplement manufacturers, but a recent comparison by our authorities by the Oregon Department of Justice, with the Food, Drug, and Cosmetic Act, determined that Oregon's definition of "food" did not explicitly or clearly include dietary supplements. While many states consider dietary supplements "food," an analysis by legal counsel determined that ODA does not have clear authority to regulate these products.

Examples of dietary supplements include, but not limited to, ginseng, St. John's Wort, and vitamin D.

Today, ODA inspects dietary supplement manufactures for general sanitation conditions but not for compliance with federal regulations. When the Food and Drug Administration looks at compliance with their specific requirements for dietary supplements during nationwide inspections, they have seen widespread violations. Some of the major violations, include but are not limited to, mis-branding, the content of ingredient marketed is not the same as what it contains, misleading health claims, and foreign substances (such as sawdust) have been identified.

If dietary supplements are added as a food, ODA will continue to inspect these manufactures for sanitation purposes but will also be able to inspect them against the federal dietary supplement standards as well.

### **Stakeholder Outreach**

We have reached out to the major dietary supplement stakeholder organizations in the US and the Pacific Northwest, and have shared the draft concept with them. Additionally, we have shared the draft concept with the Food Safety Advisory Committee, which includes about 20 members representing diverse stakeholder groups.