



NHCSL

THE NATIONAL HISPANIC CAUCUS OF STATE LEGISLATORS

RESOLUTION

No. 2022-12

Safety in Dietary Supplements

Reported to the Caucus by the NHCSL Healthcare Task Force
Rep. Alma Hernández (AZ), Chair

Sponsored by
Rep. Alma Hernández (AZ)

Unanimously ratified by the Caucus on December 1, 2022

WHEREAS, 87.8% of Americans fail to consume the daily recommended intake of fruits and 90.7% fail the same test for vegetables;¹ and,

WHEREAS, while Hispanics meet their fruit and vegetables intakes better than other groups (15.7% do, compared to 14.3% of Blacks and 11.2% of non-Hispanic whites), the vast majority still fail to meet them;² and,

WHEREAS, those recommended fruit and vegetable intakes are designed to supply part of the quantitative Dietary Reference Intakes (DRI) “on nutrients, which include macronutrients (i.e., protein, carbohydrates, and fats), vitamins and minerals (e.g.,

¹ Lee-Kwan SH, Moore LV, Blanck HM, Harris DM, Galuska D. Disparities in State-Specific Adult Fruit and Vegetable Consumption — United States, 2015. MMWR Morb Mortal Wkly Rep 2017;66:1241–1247. DOI: <http://dx.doi.org/10.15585/mmwr.mm6645a1>

² Ibid.

vitamin C, iron, and sodium), and food components (e.g., dietary fiber)” and other components primarily through food;³ and,

WHEREAS, according to the official Dietary Guidelines for Americans, 2020-2025, “fortified foods and dietary supplements may be useful in providing one or more nutrients that otherwise may be consumed in less than recommended amounts,”⁴ making the access to and safety of dietary supplements an important concern; and,

WHEREAS, over half of all Americans and 75% of Americans 60 and older use dietary supplements,⁵ illustrating the crucial role they play in improving the health and wellness of all Americans; and,

WHEREAS, according to a study conducted in August by the Council for Responsible Nutrition, an industry trade association, recent declines in supplement use “are more marked among those with lower incomes and among white and Hispanic Americans,”⁶ consistent with the impact of overall inflation; and,

WHEREAS, despite the exponential growth⁷ of the dietary supplement industry in the twenty-eight years since Congress enacted the Dietary Supplement Health and Education Act of 1994 (DSHEA), few updates have been made to that law to keep up with, safety and misinformation challenges; and,

WHEREAS, food and dietary supplements are not accompanied with intended use information from the manufacturer; and,

WHEREAS, dietary supplement manufacturers are required to disclose information to the Food and Drug Administration (FDA) that reasonable evidence exists that the new ingredient is safe for human consumption,⁸ but the “FDA is limited to postmarket enforcement;”⁹ and,

WHEREAS, after evaluating the information provided by the manufacturer, the FDA can choose to allow the new ingredient to enter the marketplace, but “under DSHEA,

³ U.S. Department of Agriculture and U.S. Department of Health and Human Services. Dietary Guidelines for Americans, 2020-2025. 9th Edition. p. 7. December 2020. Available at [DietaryGuidelines.gov](https://www.dietaryguidelines.gov)

⁴ Ibid. at p. 36.

⁵ Mishra S, Stierman B, Gahche JJ, Potischman N. Dietary supplement use among adults: United States, 2017–2018. NCHS Data Brief, no 399. Hyattsville, MD: National Center for Health Statistics. 2021. DOI: [https://doi.org/10.15620/cdc:101131external icon](https://doi.org/10.15620/cdc:101131external%20icon)

⁶ Council for Responsible Nutrition, CRN Reveals Survey Data from 2022 Consumer Survey on Dietary Supplements (Oct. 13 2022). Available at <https://www.crnusa.org/newsroom/crn-reveals-survey-data-2022-consumer-survey-dietary-supplements>

⁷ U.S. Food and Drug Administration, [Information for Consumers on Using Dietary Supplements](#) (Oct. 21, 2022).

⁸ See Section 413(d) of the FD&C Act, 21 U.S.C. 350b(d). And see U.S. Food and Drug Administration, [New Dietary Ingredients in Dietary Supplements - Background for Industry](#) (Oct. 26, 2020).

⁹ U.S. Food and Drug Administration, [Questions and Answers on Dietary Supplements](#) (Oct. 26, 2022)

FDA is not authorized to approve dietary supplements for safety and effectiveness before they are marketed.”¹⁰

THEREFORE, BE IT RESOLVED, that the National Hispanic Caucus of State Legislators recognizes the need for Congress and health officials to ensure that dietary supplements are affordable, accessible and safe, and specifically supports increased oversight on the industry, emphasizing good manufacturing practices and trustworthy third-party inspections and audits to ensure product quality and intended use.

THE HEALTHCARE TASK FORCE UNANIMOUSLY RECOMMENDED THIS RESOLUTION TO THE EXECUTIVE COMMITTEE FOR APPROVAL. THE EXECUTIVE COMMITTEE UNANIMOUSLY APPROVED THIS RESOLUTION AT ITS MEETING OF NOVEMBER 18, 2022.

THE NATIONAL HISPANIC CAUCUS OF STATE LEGISLATORS UNANIMOUSLY RATIFIED THIS RESOLUTION ON DECEMBER 1, 2022 AT ITS ANNUAL MEETING IN LAS VEGAS, NEVADA

¹⁰ U.S. Food and Drug Administration, [Information for Consumers on Using Dietary Supplements](#) (Oct. 21, 2022).