

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

SB 659 (Reyes)  
Version: April 10, 2025  
Hearing Date: April 22, 2025  
Fiscal: Yes  
Urgency: No  
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**SUBJECT**

The Parent's Accountability and Child Protection Act: remedies

**DIGEST**

This bill allows public prosecutors and a parent or legal guardian of a minor acquiring a specified product to bring an action for enhanced civil penalties against an online business in violation of the Parent's Accountability and Child Protection Act (PACPA).

**EXECUTIVE SUMMARY**

PACPA requires a person or business that seeks to sell any product or service that is illegal under state law to sell to a minor to, notwithstanding any general term or condition, take reasonable steps, as specified, to ensure that the purchaser is of legal age at the time of purchase or delivery, including, but not limited to, verifying the age of the purchaser. This includes products and services such as dangerous fireworks, tanning, firearms, cigarettes, blunt wraps, and controlled substances. Public prosecutors are authorized to bring a civil action against a business or person that violates the law seeking a civil penalty not exceeding \$7,500.

This bill provides that, in addition to any other remedy available, online businesses that violate PACPA can be subject to a range of civil penalties depending on the egregiousness of the conduct, from the maximum amount in controversy for a limited civil case for negligent violations, currently amounting to \$35,000, to 20 times that amount, or \$700,000 for intentional violations. This is assessed for each violation and each minor user of the product or service. Such actions are also authorized to be brought by a parent or legal guardian of a minor who acquired the product or service.

The bill is sponsored by Common Sense Media and the Children's Advocacy Institute. It is supported by various advocacy and labor groups, including the California Coalition for Children's Safety and Health and United Food and Commercial Workers, Western States Council. It is opposed by several industry groups, including Technet.

**PROPOSED CHANGES TO THE LAW**

Existing law:

- 1) Requires, pursuant to PACPA, a person or business that conducts business in California, and that seeks to sell any product or service in or into California that is illegal under state law to sell to a minor to, notwithstanding any general term or condition, take reasonable steps, as specified, to ensure that the purchaser is of legal age at the time of purchase or delivery, including, but not limited to, verifying the age of the purchaser. (Civ. Code § 1798.99.1(a)(1).)
- 2) Provides that reasonable steps include:
  - a) Requiring the purchaser or recipient to input, scan, provide, or display a government-issued identification, provided that the person or business complies with all laws governing the retention, use, and disclosure of personally identifiable information, as specified.
  - b) Requiring the purchaser to use a nonprepaid credit card for an online purchase.
  - c) Implementing a system that restricts individuals with accounts designated as minor accounts from purchasing the products listed.
  - d) Shipping the product or service to an individual who is of legal age. (Civ. Code § 1798.99.1(a)(2).)
- 3) Lists the items subject to PACPA, including dangerous fireworks and firearms. (Civ. Code § 1798.99.1(b)-(c).)
- 4) Prohibits a person or business subject to PACPA from retaining, using, or disclosing any information it receives from a purchaser or recipient in an effort to verify age for any purpose other than as required by law. (Civ. Code § 1798.99.1(a)(6).)
- 5) Subjects violators to a civil penalty of up to \$7,500 in actions brought by public prosecutors. (Civ. Code § 1798.99.1(d).)
- 6) Establishes the maximum amount in controversy for a limited civil case at \$35,000. (Code Civ. Proc. § 85.)

This bill:

- 1) Provides that an online business that violates PACPA is subject to a civil penalty, in addition to any other remedy available under law, for each violation and each minor user of a product or service outlined therein, as follows:
  - a) For negligently violating PACPA, the maximum amount in controversy for a limited civil case under Section 85 of the Code of Civil Procedure.

- b) For knowingly or willfully violating PACPA, 10 times the maximum amount in controversy for a limited civil case.
  - c) For intentionally violating PACPA, 20 times the maximum amount in controversy for a limited civil case.
- 2) Authorizes a parent or legal guardian of a minor who acquired a product or service identified in the statute to bring such actions to enforce violations of PACPA by online businesses.
  - 3) Defines “online business” as a business that seeks to sell a product or service described in PACPA, on a public-facing internet website, web application, or digital application, including a mobile application, social media platform, as defined, advertising network, mobile operating system, search engine, email service, or internet access service. “Online business” does not include a business that generated less than \$100 million in gross revenue during the preceding calendar year.

### COMMENTS

#### 1. Expanding PACPA enforcement

There are many laws protecting children in California from harmful materials. AB 2511 (Chau, Ch. 872, Stats. 2018) established PACPA to ensure that minors are not able to purchase specified items that they are not legally allowed to purchase. It requires businesses to take reasonable steps to ensure that the purchaser is of legal age at the time of purchase or delivery, including, but not limited to, verifying the age of the purchaser. The law lists various conduct that meets this threshold, including requiring the purchaser or recipient to input, scan, provide, or display a government-issued identification, requiring the purchaser to use a nonprepaid credit card for an online purchase, and implementing a system that restricts individuals with accounts designated as minor accounts from purchasing the products listed.

The products or services that are illegal to sell to a minor under state law that are subject to PACPA include:

- An aerosol container of paint that is capable of defacing property
- Etching cream that is capable of defacing property
- Dangerous fireworks
- Tanning in an ultraviolet tanning device
- Dietary supplement products containing ephedrine group alkaloids
- Body branding
- Firearms or handguns
- A BB device
- Ammunition or reloaded ammunition

- Any tobacco, cigarette, cigarette papers, blunt wraps, any other preparation of tobacco, any other instrument or paraphernalia that is designed for the smoking or ingestion of tobacco, products prepared from tobacco, or any controlled substance
- Electronic cigarettes
- A less lethal weapon

This bill bolsters the enforcement mechanism within PACPA. It provides that in addition to any other remedy available under law, online businesses that violate PACPA are subject to heightened civil penalties. Currently there is a penalty of \$7,500 per violation. This bill ties penalties to the maximum amount in controversy for a limited civil action, which is currently \$35,000. Negligent violations are subject to a \$35,000 penalty, knowing or willful violations are subject to a \$350,000 penalty, and intentional violations are subject to a \$700,000 penalty.

“Online businesses” are those that seek sell these products and services online and that have earned at least \$100 million in gross revenue. These entities are specifically targeted because of the increasing incidence of sales online to children as a result of ineffective safeguards. The federal Food and Drug Administration (FDA) recently issued warning letters to this effect:

On August 23, 2023, FDA issued warning letters to 15 online retailers for selling and/or distributing unauthorized e-cigarette products packaged to look like youth-appealing characters, school supplies, toys, and drinks. Since the appearance of these illegal products can be deceiving, the agency is also seeking to raise awareness among parents, teachers, and other adults headed into the new school year.<sup>1</sup>

A recent report by the Children’s Advocacy Institute (CAI) at the University of San Diego School of Law, a sponsor of the bill, examined whether Amazon.com is complying with PACPA:

The aim of the law is to prevent children from buying products online that they may not lawfully buy in brick-and-mortar stores. The law was enacted after several investigative news reports documented how a minor was able to buy dangerous weapons on the marketplace. The examination found that Amazon is currently not complying with §1798.99.1. When it comes to many products that are illegal to sell to minors – some of which

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<sup>1</sup> *Retailers Warned to Stop Selling Illegal E-Cigarettes Resembling Youth-Appealing Characters, School Supplies, Toys, and Drinks* (August 23, 2023) FDA, <https://www.fda.gov/tobacco-products/ctp-newsroom/retailers-warned-stop-selling-illegal-e-cigarettes-resembling-youth-appealing-characters-school>. All internet citations current as of April 17, 2025.

are potentially dangerous to children -- Amazon is not engaging in any of the required steps to ensure children cannot buy certain products.<sup>2</sup>

The bill also expands standing to those affected by violations. While the current law allows only public prosecutors to bring enforcement actions for PACPA violations, this bill authorizes a parent or legal guardian of a minor who acquired an unauthorized product or service to bring a civil action for these new penalties against an online business.

## 2. Stakeholder positions

According to the author:

Online shopping exposes children and teens to products they may not otherwise be able to access in traditional retail stores. A lack of stringent age verification policies and robust enforcement of the law is leading to children purchasing harmful products without their parents' consent. While AB 2511 (Chau, 2018) was passed to prohibit children from buying products online that they may not lawfully buy in brick-and-mortar stores, some online business are continuing to disregard the law.

SB 659 aims to strengthen enforcement against online sales by increasing the penalties for violating existing law and empowering parents to take legal action against e-businesses that negligently violate consumer protections for children. Greedy corporate businesses are prioritizing their profits and revenue over the safety of their users. Online businesses should be held to the same standards as brick and mortar stores who ensure that under aged minors are not purchasing products illegally.

Writing in support, the California Coalition for Children's Safety and Health explains the need for the bill:

Current law requires online marketplaces like Amazon to age-verify the purchases of items that are illegal to sell to children but when these monolithic sized on-line marketers violate that law California does not have an adequate penalty to bring them back in line with the law.

The consequences for breaking California's landmark online marketplace age verification law have conclusively proven inadequate to the job of persuading Amazon to comply. The maximum penalty of \$7,500 for violating the law is far too inadequate to bring giant on-line marketing

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<sup>2</sup> Amazon: *Breaking the Law and Placing Children at Risk?* (April 8, 2025) CAI, [https://catcher.sandiego.edu/items/usdlaw/04032025\\_\\_REPORT\\_FINAL\\_AMAZON.pdf](https://catcher.sandiego.edu/items/usdlaw/04032025__REPORT_FINAL_AMAZON.pdf).

businesses, like Amazon, in line with the spirit and intent of the law to protect children from unsafe and downright dangerous product sales. The inadequacy of the current law also prevents parents from using their voice and right to meaningfully bring a complaint against dangerous product sales to their children, because the size and wealth of on-line markets like Amazon the current fine has no financial motivation to comply.

The sponsors of the bill, CAI and Common Sense Media, make the case:

Current law permits only under-funded, understaffed, overwhelmed, public prosecutors with competing civil and criminal priorities to enforce section 1798.99.1 and the maximum financial penalty that can be obtained (\$7,500) is about half of what is available in small claims court against a natural person.

It is hard to contextualize how inconsequential this enforcement strategy is to a corporation that in one year earned more than twice California's budget. Here is one way to contextualize it: the maximum financial penalty for littering in California of \$1,000 is 1.6% of an average Californian's salary.

In feckless contrast, \$7,500 for violating a far more serious law protecting children is .00000125% of \$600 billion, Amazon's 2024 revenue. To have a penalty for Amazon violating a child-protection law roughly match the penalty for an average Californian for littering - can we agree a far less serious offence? -- the maximum penalty for Amazon would have to be 1.6% of \$600 billion, or about \$9 million dollars per violation.

SB 659 does not propose going anywhere near that far but it does, based on the failure of current law to prompt compliance, propose consequential remedies that might prompt a \$600 billion dollar per year company to honor California's sovereign laws.

The California Chamber of Commerce writes in opposition:

[W]e are concerned with the scale of fees proposed by your SB 659, which would multiply existing penalties by, depending on the mental state involved, approximately five times and ninety times. Specifically: the bill would change the penalty for a negligent violation to the maximum amount in controversy for a limited civil case (\$35,000) - which is just under 5x present penalties. For violations that are willful or intentional, such penalties are as high as \$350,000 or \$700,000 per instance. We see these penalties as bizarrely disproportionate, particularly when we are not aware of evidence that present law is not functioning. In other words:

without evidence that present law is not functioning to deter companies from selling age-restricted products to minors, we do not understand the rationale for such disproportionate penalties. These penalties are also not restricted to the most dangerous of products – such as firearms or tobacco – but instead, apply even to items like spray paint.

We are particularly concerned that a private right of action is included in SB 659 – which will enable private plaintiff's attorneys to threaten retailers into massive nuisance settlements even where there has been no harm to any children.

The California Federation of Labor Unions writes in support:

The structure of the penalty also puts brick-and-mortar retailers, such as unionized grocery stores and small businesses, at a disadvantage. While the penalties have an impact on small businesses with slim profit margins, giants like Amazon would not notice such a penalty. That allows their harmful wrongdoing to continue unabated, creating yet another competitive advantage for them over local stores.

SB 659 addresses this inequity by increasing penalties for willful, knowing, or intentional violations of the law, targeting the sellers that are flagrant violators. The bill also allows parents to bring an action to ensure that the families who were harmed can enforce the law as well.

### **SUPPORT**

Children's Advocacy Institute (sponsor)  
Common Sense Media (sponsor)  
California Coalition for Children's Safety and Health  
California Federation of Labor Unions, AFL-CIO  
California Teamsters Public Affairs Council  
Consumer Federation of California  
Consumer Protection Policy Center/USD School of Law  
Consumer Watchdog  
Internet Accountability Project  
Orange County Labor Federation, AFL-CIO  
San Diego and Imperial Counties Labor Council  
United Food and Commercial Workers, Western States Council  
Working Partnerships USA

**OPPOSITION**

California Chamber of Commerce  
California Retailers Association  
Civil Justice Association of California  
Technet

**RELATED LEGISLATION**

Pending Legislation: AB 2 (Lowenthal, 2025) subjects social media platforms who violate the duty of ordinary care and skill to a child to enhanced statutory damages of \$5,000 to \$1 million or 3 times the child's actual damages per violation. AB 2 is currently on the Assembly Floor.

Prior Legislation:

AB 3080 (Alanis, 2024) would have amended PACPA to include providing access to pornographic internet websites and updating what constitutes reasonable steps to ensure the user is of legal age at the time of access, including by verifying the age of the user. AB 3080 died in the Senate Appropriations Committee.

AB 2511 (Chau, Ch. 872, Stats. 2018) *See Comment 1.*

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