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California State Senate

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TWENTY-NINTH SENATE DISTRICT



COMMITTEES:
EDUCATION
ENVIRONMENTAL QUALITY
HOUSING
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LEGISLATIVE ETHICS
RULES

SB 659 (Reyes): Digital Safety for Children

SUMMARY

SB 659 enhances punishment in place for the illegal sale of prohibited products to minors by establishing meaningful penalties for negligent, willful and intentional violations of law. Additionally, it allows a parent to take legal action if an illegal product is sold to their child.

BACKGROUND

At brick-and-mortar stores, retailers are required to verify the age of buyers when selling certain products, such as: alcohol, cigarettes, diet pills, certain weapons, spray paint, and UV tanning devices because it is illegal to sell them to minors. In today's digital era children, through the use of the internet, children have greater access to products that they many not otherwise have access to in retail stores.

Due to this shifting dynamic, the Legislature in 2018 enacted AB 2511 (Chau), which requires online marketplaces to age-verify the purchases of products that are unlawful for minors to buy. This law was enacted after several investigative news reports revealed that minors were able to purchase dangerous weapons on the online

marketplace. However due to the small fine amount and limited enforcement authority, large businesses that are generating millions in revenues, are not age verifying during the purchasing process.

In 2018, a news report¹ in Sacramento revealed that Amazon was selling age-restricted products with no age verification effort at all. Despite the existence of strict regulations around the sale of products that are illegal for minors – many of which pose significant risks to children – Amazon has failed to implement the necessary measures to prevent minors from purchasing these potentially dangerous items. This lack of action undermines consumer safety and regulatory compliance.

Implementing effective safeguards is crucial to protect children from consuming products online that could jeopardize their mental, physical, and overall health and development. It is clear that without an increase in these penalties, as well as an expansion in the ability to enforce this provision of law, a substantial reprisal businesses will see these fines as the cost of doing business.

¹ Kevin Oliver, "Sacramento Dad: Amazon Sold BB Gun, Other Forbidden Items to Son," *KCRA*, February 28, 2018,

<https://www.kcra.com/article/amazon-selling-bb-guns-other-forbidden-items-to-children-1/18761872>.

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THIS BILL

This bill strengthens enforcement of existing law by allowing parents to take legal action against online retailers to protect their children. It provides for penalties of up to \$35,000 for negligent violations, ten times that amount for knowing or willful violations, and twenty times that amount for intentional violations.

SUPPORT

Children's Advocacy Institute at the University
Of San Diego School Of Law

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