



April 15, 2025

The Honorable Senator Eloise Gomez Reyes
1021 O Street, Suite 7210
Sacramento, CA 95814

RE: SB 659 (Reyes), as Amended April 10, 2025 – OPPOSE – Creates new private right of action and increases civil penalties against online retailers

Dear Senator Reyes:

The Civil Justice Association of California (CJAC) and the California Retailers Association respectfully **OPPOSE** your **SB 659**, which would subject online businesses to a new private right of action and exorbitant civil penalties for the sale of certain products or services to minors.

1. Online Retailers Already Have Robust Age Verification Controls in Place

Existing law already requires businesses to verify the age of users who purchase certain products. Businesses currently have policies in place that prohibit minors from shopping online without a parent or guardian in their terms and conditions.

Beyond that, companies place controls to prevent the sale of potentially dangerous items to minors, including requiring customers to submit their birthdate and other information from an accepted form of identification, which is then verified by the company. There is no evidence to suggest that companies are not already working to address instances where age verification controls are evaded.

The controls that online retailers have in place to prevent sales to minors are equivalent to the steps taken by brick-and-mortar establishments to verify age. Even in person, age verification methods are not infallible. In fact, Los Angeles is home to some of the highest rates of fake ID usage at brick-and-mortar stores, especially for alcohol purchases among

college students.¹ It is unfair to single out online retailers for enhanced penalties and liability.

2. Creating a New Private Right of Action Will Lead to an Increase in Frivolous Lawsuits

The Legislature should avoid creating yet another law providing private individuals and plaintiff's attorneys with an additional avenue to bring lawsuits against businesses. The ease of bringing private rights of action along with the potential to win large penalties invites abusive lawsuits, further clogging our courts without appreciable benefit to consumers.

This bill would increase the civil penalty to the maximum amount in controversy for a limited civil case, up to twenty times, and create new liability exposure simple negligence. There is no reasonable basis for these excessive liability expansions.

For the foregoing reasons, CJAC and the California Retailers Association respectfully **OPPOSE SB 659**. If you have any questions or need further information, please contact: Chris Micheli at (916) 743-6802, cmicheli@snodgrassmicheli.com.

Sincerely,

Civil Justice Association of California – Kyla Christoffersen Powell
California Retailers Association – Ryan Allain

¹ <https://idscan.net/blog/idscan-net-2023-fake-id-report/#:~:text=Where%20are%20fake%20IDs%20being,suspicious%20at%20some%20busy%20dispensaries.>