
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

AB 1349 (Bryan) - Consumer protection: ticket sellers

Version: July 2, 2026

Policy Vote: B., P. & E.D. 7 - 0, P., D.T.,
& C.P. 7 - 0, JUD. 13 - 0

Urgency: No

Mandate: Yes

Hearing Date: August 3, 2026

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Bill Summary: AB 1349 revises and expands prohibitions and requirements relating to speculative ticket sales.

Fiscal Impact:

- Unknown court cost pressures ranging from minor to significant (General Fund and special funds) to the extent the Attorney General (AG) brings civil actions against any person who violates the new requirements and restrictions regarding ticket resale marketplaces. Actual costs will depend on the number of actions filed and the time required to adjudicate each case. The Department of Justice (DOJ) reports that it does not anticipate a significant fiscal impact; this assessment suggests the department may not actively pursue enforcement using the authority prescribed in the bill.
- Unknown, potentially significant court cost pressures (Trial Court Trust Fund and General Fund) as the False Advertising Law (FAL), Unfair Competition Law, and general statutes governing ticket sellers provide a private right of action for consumers. Although trial courts are not funded based on workload, increased pressure on the Trial Court Trust Fund may create a demand for additional court resources. For context, the proposed 2026-27 Governor's Budget would provide \$70 million General Fund support to the Trial Court Trust Fund.
- Unknown local county costs to the extent that a six month misdemeanor jail sentence is imposed, though incarceration for this offense appears unlikely. The average annual cost to incarcerate one person in county jail is approximately \$80,000. For historical context, Los Angeles County budgeted \$1.3 billion for jail costs in 2021, averaging roughly \$90,000 per incarcerated person. Actual county incarceration costs will depend on the number of convictions and the length of each sentence. Generally, county incarceration costs are not reimbursable state mandates pursuant to Proposition 30 (2012).

Background: Speculative ticketing is the practice of listing and selling event tickets on secondary marketplaces before the seller owns, possesses, or holds a guaranteed contractual right to them. In these scenarios, the reseller relies on the assumption that they can purchase the promised ticket at a later date, ideally at a lower cost, to fulfill the buyer's order. Because the seller does not yet have the tickets, delivery is often delayed until shortly before the event. Furthermore, if the reseller fails to source the ticket before the event, the consumer's order is canceled, which can leave the buyer without admission and without adequate time to secure alternative tickets. Under existing

California law, it is unlawful for a ticket seller to contract for the sale of tickets or accept payment unless they possess the ticket, hold a written contract to obtain it, or explicitly inform the purchaser (both orally and in writing) that they do not currently possess or have a contract for the ticket (Business and Professions Code (BPC) Section 22502.1).

Proposed Law:

- Repeals the existing Section 22502.1 of the BPC and replaces it with the following provisions:
 - Defines “speculative ticket sale” as the advertisement, listing, marketing, offer, contract, acceptance of payment, or sale of a ticket by any person, other than a ticket resale marketplace, who, at the time of such action, lacks either:
 - Actual or constructive possession of the ticket. "Constructive possession" means the person has fully paid for the ticket, holds a legally enforceable right to receive delivery, and has received a purchase or assignment confirmation from the original ticket seller, event presenter, or venue operator.
 - Express authorization from the event presenter or venue operator to sell the ticket.
 - Prohibits a ticket resale marketplace from knowingly or recklessly processing payment, collecting a fee, advertising, listing, marketing, offering, contracting, accepting payment for, or facilitating a speculative ticket sale. Requires marketplaces to implement reasonable measures designed to prevent speculative ticket sales on their platforms.
 - Prohibits a ticket seller from engaging in a speculative ticket sale.
 - Prohibits a ticket seller from advertising, listing, marketing, offering, contracting, accepting payment for, or selling a ticket before it has been made available for sale by the event presenter, venue operator, rights holder, or original seller, unless expressly authorized by one of these entities or unless the ticket seller has constructive possession of the ticket.
- Expands the existing statutory right to obtain double damages and reliance costs against a ticket seller who fails to supply a ticket at or below the contracted price, making these remedies explicitly available against any ticket seller, original seller, ticket reseller, or ticket resale marketplace.
- Repeals the existing definition of “ticket seller” and establishes the following definitions:
 - “Consumer” means a natural person who purchases a ticket with the reasonable expectation of attending an event.

- “Event presenter” means the person or organization responsible for a sporting, musical, theater, or other entertainment event for which tickets are sold, including a rights holder or their authorized agent.
- “Onsale” means the official date and time when tickets for an event become available to the general public.
- “Original seller” means a person who, for compensation, commission, or otherwise, advertises, lists, markets for sale, or sells an admission ticket to a sporting, musical, theater, or other entertainment event for original sale as instructed by an event presenter or venue operator.
- “Rights holder” means an artist, performing arts organization, theater company, dance company, professional athletic team, professional athletic league, author, lecturer, or other person that is a primary performer, participant, speaker, or presenter at an event for which tickets are sold.
- “Ticket resale marketplace” means an entity that, for compensation, commission, or otherwise, operates a website or other online application that advertises, lists, markets for sale, processes payments for, or facilitates the resale of admission tickets for a sporting, musical, theater, or other entertainment event between third parties, and includes an original seller to the extent that the original seller operates a website or other online application that advertises, lists, markets for sale, processes payments for, or facilitates resale or original sale of tickets that were not offered to the general public during the public onsale.
- “Ticket reseller” means a person or entity, other than a consumer or season ticket holder who, for compensation, commission, or otherwise, advertises, lists, markets for sale, offers for sale, facilitates the sale of, or sells admission tickets to, a sporting, musical, theater, or other entertainment event on a secondary market.
- “Ticket seller” means a person who, for compensation, commission, or otherwise, advertises, lists, markets for sale, offers for sale, facilitates the sale of, or sells an admission ticket to, a sporting, musical, theater, or other entertainment event.
- “Venue operator” means a person who owns, operates, manages, or controls a venue at which a sporting, musical, theater, or other entertainment event is presented.
- “Season ticket holder” means a person who purchases a package of tickets for multiple events from an original seller, event presenter, rights holder, or venue operator pursuant to a season ticket membership, subscription, premium seat license, or similar ticketing program.
- Repeals existing law exempting a primary contractor, or a seller of tickets for a primary contractor, from speculative ticket sales limitations.

- Repeals existing law prohibiting software used to circumvent ticket sales security measures, and replaces it with a provision declaring it unlawful to knowingly use, provide, sell, offer, market, or facilitate software or services to engage in any of the following:
 - Purchase tickets in excess of posted limits for an online event ticket sale.
 - Circumventing or evading an electronic queue, waiting period, presale restriction, presale code, ticket purchasing limit, account limitation, or any other distribution control established and disclosed by the event presenter, venue operator, rights holder, or ticket seller.
 - Circumventing or disabling a security measure, access control system, or other control used to facilitate authorized ticket sales or authorized event entry.
 - Utilizing multiple IP addresses, purchaser accounts, email addresses, or other technological means to purchase tickets in excess of posted limits or to evade specified purchasing restrictions.
 - Using software, services, or automated methods to automate, coordinate, facilitate, or otherwise enable any prohibited conduct.
- Provides that it is unlawful for any person, ticket seller, original seller, ticket reseller, or ticket resale marketplace acting in connection with the sale or resale of tickets to advertise, market, or offer tickets in a manner likely to mislead a reasonable consumer regarding the source, sponsorship, authorization, availability, price, or nature of the ticket.
- Prohibits the use of an internet website, address, domain name, trade name, trademark, logo, design, or other identifying characteristic that is substantially similar to, or likely to be confused with, that of an event presenter, venue operator, rights holder, original seller, or authorized agent, if displayed with the intent or likelihood of deceiving reasonable consumers regarding the source, sponsorship, authorization, or affiliation of the website or advertisement.
- Prohibits any person from representing or implying that:
 - A ticket is available from an authorized source when it is actually being offered through resale.
 - A live entertainment event is sold out when tickets remain available from the original seller or an authorized seller.
 - A consumer is purchasing a ticket directly from an event presenter, venue operator, rights holder, original seller, or authorized agent when the consumer is purchasing from a reseller or resale marketplace.
 - A ticket listing reflects a specific seat, section, row, or location if the seller lacks a reasonable basis to make that representation.

- Provides that engaging in any of the aforementioned deceptive marketing, website impersonation, or misrepresentation practices constitutes false or misleading advertising for the purposes of the FAL.

Related Legislation: AB 1720 (Haney, 2026) prohibits ticket resellers from selling a ticket for more than 10 percent above the original ticket price, subject to certain exemptions and parameters, and prohibits resellers from advertising, displaying, or offering a ticket price that does not include all mandatory fees or charges. AB 1720 is pending in this committee.

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