
THIRD READING

Bill No: AB 509
Author: Flora (R)
Amended: 6/16/25 in Senate
Vote: 21

SENATE GOVERNMENTAL ORG. COMMITTEE: 15-0, 6/24/25

AYES: Padilla, Archuleta, Ashby, Blakespear, Cervantes, Choi, Dahle, Hurtado, Jones, Ochoa Bogh, Richardson, Rubio, Smallwood-Cuevas, Wahab, Weber Pierson

SENATE APPROPRIATIONS COMMITTEE: 7-0, 8/29/25

AYES: Caballero, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

ASSEMBLY FLOOR: 77-0, 6/2/25 - See last page for vote

SUBJECT: Alcoholic beverages: minors

SOURCE: Author

DIGEST: This bill provides that the use of “active age verification software or an age verification device” that fails to identify a false identification card be considered evidence in related legal proceedings against a person or licensee that provides alcohol to a person under 21 years of age, as specified.

ANALYSIS:

Existing law:

- 1) Establishes the Department of Alcoholic Beverage Control (ABC) and grants it exclusive authority to administer the provisions of the ABC Act in accordance with laws enacted by the Legislature. This involves licensing individuals and businesses associated with the manufacture, importation, and sale of alcoholic beverages in this state and the collection of license fees.

- 2) Establishes the Responsible Beverage Service (RBS) Training program that requires the Department of ABC to develop, implement, and administer a curriculum for an RBS training program for servers of alcohol and their managers, as specified. Alcohol servers are required to successfully complete an RBS training course offered or authorized by the Department of ABC.
- 3) Makes it a misdemeanor for any person under 21 years of age to purchase any alcoholic beverage or consume any alcoholic beverage in any on-sale premises.
- 4) Subjects a holder of a license to sell alcoholic beverages to criminal prosecution and suspension or revocation of that license if the licensee sells any alcoholic beverages to any person under 21 years of age.
- 5) Provides that a licensee's acceptance of bona fide evidence, as defined, constitutes a defense to any prosecution or proceedings against the licensees, as specified.
- 6) Provides that bona fide evidence of majority and identity of the person is any of the following:
 - a) A document issued by a federal, state, county or municipal government, or subdivision therefore including but not limited to, a valid motor vehicle operator's license, that contains the name, date of birth, description, and a picture of the person.
 - b) A valid passport issued by the United States or by a foreign government.
 - c) A valid identification card issued to a member of the Armed forces that includes a date of birth and a picture of the person.

This bill:

- 1) Provides that the use of an active age verification software or an age verification device to establish the age of a purchaser of alcoholic beverages, that fails to identify a false identification card, shall be considered evidence, provided that the identification is bona fide evidence of majority and identity, as established in current law, and was physically inspected, seemingly legitimate, and matches the physical appearance of the customer.

- 2) Defines “use of an active age verification software or an age verification device” to mean scanning the magnetic strip or the barcode on the bona fide evidence of majority and identity to verify data on the identification document.

Background

Author Statement. According to the author’s office, “AB 509 modernizes alcohol sales enforcement by incentivizing the use of advanced age verification technology. Under current law, businesses are strictly liable for selling alcohol to minors, even when they take reasonable steps to verify a customer’s age. As fake IDs become more sophisticated, manual checks alone are increasingly unreliable, yet businesses are hesitant to adopt electronic verification tools due to the risk of penalties if the technology fails. This bill ensures that licensees using state-approved age verification software or devices are not penalized if those tools fail to detect a false ID. By promoting more reliable verification methods while maintaining accountability, AB 509 helps prevent underage access to alcohol and protects responsible businesses from unfair penalties.”

Selling Alcohol to Minors. Except as otherwise provided in the ABC Act, every person who sells, furnishes, or gives any alcoholic beverage to any person under the age of 21 years is guilty of a misdemeanor. Any on-sale licensee who knowingly permits a person under the age of 21 to consume any alcoholic beverage, whether or not the licensee has knowledge that the person is under the age of 21, is guilty of a misdemeanor.

Under the ABC Act, bona fide evidence of majority and identity of the person is any of the following: 1) a document issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including, but not limited to, a valid motor vehicle operator’s license, that contains the name, date of birth, description, and picture of the person; 2) a valid passport issued by the United States or by a foreign government; and 3) a valid identification card issued to a member of the Armed Forces that includes a date of birth and a picture of the person.

The ABC Act provides that if the licensee, or his or her employee, was shown any of these documents, and that licensee or employee relied on that identification as proof of the individual’s age, then that shall be a defense to any criminal prosecution or to any proceedings for the suspension or revocation of their license. The ABC Act authorizes any licensee, or his or her employee, to refuse to sell or serve alcoholic beverages to any person who is unable to produce adequate written evidence that he or she is over the age of 21 years. A licensee may seize any

identification presented by a person that shows the person to be under the age of 21 years or that is false, so long as a receipt is given to the person from whom the identification is seized and the seized identification is given within 24 hours of seizure to the local law enforcement agency.

Last year, SB 1371 (Bradford, Chapter 606, statutes of 2024), authorized the use of a biometric system, as defined, as a defense in any criminal prosecution or legal proceedings against the licensee. The bill stipulated that the biometric system must be based on a review of bona fide evidence of a person's majority and identity, ensuring the verification and authentication of the validity of that evidence.

In California, although ID scanning is not explicitly required, adopting robust age verification measures, such as using ID scanners, can help licensees avoid specific penalties. Moreover, research indicates that well-publicized and rigorous compliance checks significantly reduce the sale of alcohol to minors.

This bill provides that the use of an active age verification software or an age verification device to establish the age of a purchaser of alcoholic beverages, that fails to identify a false identification card, shall be considered evidence, provided that the identification is bona fide evidence of majority and identity, as established in current law, and was physically inspected, seemingly legitimate, and matches the physical appearance of the customer.

Related/Prior Legislation

SB 1371 (Bradford, Chapter 606, Statutes of 2024) made reliance upon a system that reviews bona fide evidence of majority and biometrics to determine age and identify of a person before admittance into a premises where alcoholic beverages may be lawfully purchased a defense to any criminal prosecution or proceedings against a licensee.

AB 3117 (Wilson, 2024) would have made a mobile or digital driver's license or identification card a bona fide evidence of majority and identity of a person provided the Department of Motor Vehicles or Department of ABC, authorizes the use of those licenses or identification cards without the possession of a physical driver's license or identification card, as specified. (Held in the Assembly Appropriations Committee Suspense File)

AB 59 (Jeffries, Chapter 405, Statutes of 2009) provided that, if a military identification card lacks a physical description but does not include date of birth

and photo, further proof of majority shall not be required to purchase or consume any alcoholic beverage, as specified.

AB 1191 (Conway, Chapter 142, Statutes of 2009) authorized the acceptance of a valid passport, issued by the United State government or foreign government, as bona fide evidence that a person is 21 years of age or older.

AB 764 (Calderon, Chapter 68, Statutes of 2005) established a process where in the event an ID card issued to a member of the Armed Forces is provided as proof of age 21 when purchasing alcoholic beverages, and the ID lacks a physical description, then proof of being age 21 may be further substantiated if a motor vehicle operator's license or other valid bona fide identification issued by any government jurisdiction is also provided, as specified.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Senate Appropriations committee, the Department of ABC notes it may require IT technical expertise to provide support to enforcement and legal staff in preparation for and testimony during administrative hearings regarding accusations filed against a licensee. The Department estimates:

- 1) One-time cost of \$23,000 for staff operating expenses and equipment.
- 2) Ongoing annual costs of \$189,000 for an Information Technology Specialist II.
- 3) Minor and absorbable costs to adopt regulations.

SUPPORT: (Verified 8/28/25)

California Restaurant Association

OPPOSITION: (Verified 8/28/25)

None received

ARGUMENTS IN SUPPORT: According to the California Restaurant Association, "our member restaurants and their team-members have a long-track record of upholding the highest standards of responsible alcohol service. This is why many restaurants across the state have implemented age-verification practices that include technological tools to assist with guest age-verification. Yet, fake identification cards are becoming increasingly sophisticated and harder to distinguish from legitimate IDs making age-verification software increasingly appealing. Furthermore, fake IDs being used across the state today mimic security

measures that were once considered impossible to counterfeit such as official government holograms, micro printing, laser engraving, and even the use of data chips. Restaurant operators who act in good faith and follow the law should not then be penalized for the failure of the age verification device or software.”

ASSEMBLY FLOOR: 77-0, 6/2/25

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NO VOTE RECORDED: Ellis, Lee

Prepared by: Felipe Lopez / G.O. / (916) 651-1530
8/29/25 20:39:00

**** END ****