

CONCURRENCE IN SENATE AMENDMENTS

AB 509 (Flora)

As Amended June 16, 2025

Majority vote

SUMMARY

This bill would provide 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.

Senate Amendments

1) 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.

COMMENTS*Background.*

The California Department of Alcoholic Beverage Control (ABC) plays a vital role in enforcing the ABC Act, with the authority to conduct investigations, perform inspections, and impose penalties for violations. The scope of the ABC's enforcement actions is determined by the severity and frequency of the infractions.

For minor or first-time violations, the ABC may issue a notice of violation and require the licensee to correct the problem within a specified period. Repeat or serious violations, however, can result in more severe penalties. These can include fines, temporary suspension of the license, or even revocation of the license, effectively banning the licensee from selling alcohol. In extreme cases, the ABC can also pursue criminal charges against the licensee. This typically occurs in cases of gross negligence or deliberate violations, such as selling alcohol to minors on a repeated basis or engaging in fraudulent activities.

In terms of compliance, the ABC conducts regular inspections and offers various prevention and education programs to retail licensees through its Licensee Education on Alcohol and Drugs (LEAD) program.

Buying alcoholic beverages in California. Except as otherwise provided in the ABC Act, every person who sells, furnishes, gives, or causes to be sold, furnished, or given away, 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 years to consume any alcoholic beverage in the on-sale premises, whether or not the licensee has knowledge that the person is under the age of 21 years, 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.

Proof that the defendant-licensee, or his or her employee or agent, demanded, was shown, and acted in reliance upon bona fide evidence in any transaction, employment, use, or permission forbidden by B&P Code Sections 25658, 25663, or 25665 *shall be a defense to any criminal prosecution* therefor or to any proceedings for the suspension or revocation of any license based thereon.

For the purpose of preventing the ABC Act, any licensee, or his or her agent or employee, may 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, or his or her agent or employee, 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 that has jurisdiction over the licensed premises. A licensee, his or her agent or employees, decision to not seize a license shall not create any civil or criminal liability.

Last year, SB 1371 (Bradford), Chapter 606, 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.

According to the Author

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."

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.”

Arguments in Opposition

None on file

FISCAL COMMENTS

According to the Assembly Committee on Appropriations analysis, “the 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 ABC 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.

VOTES:

ASM GOVERNMENTAL ORGANIZATION: 19-0-3

YES: Blanca Rubio, Davies, Berman, Bryan, Carrillo, DeMaio, Dixon, Fong, Gipson, Nguyen, Pacheco, Ramos, Michelle Rodriguez, Sanchez, Solache, Soria, Ta, Valencia, Wallis

ABS, ABST OR NV: Alvarez, Gabriel, McKinnor

ASM APPROPRIATIONS: 14-0-1

YES: Wicks, Arambula, Calderon, Caloza, Dixon, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache, Ta, Tangipa

ABS, ABST OR NV: Sanchez

ASSEMBLY FLOOR: 77-0-2

YES: 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

ABS, ABST OR NV: Ellis, Lee

SENATE FLOOR: 39-0-1

YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNERney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

ABS, ABST OR NV: Reyes

UPDATED

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