



March 16, 2026

Honorable Rebecca Bauer-Kahan
Chair, Assembly Committee on Privacy and Consumer Protection
1020 N Street, Room 162
Sacramento, CA 95814

RE: AB 2076 (Lowenthal) – SUPPORT

Dear Chair Rebecca Bauer-Kahan,

The Consumer Protection Policy Center (CPPC) is a nonprofit, nonpartisan, academic center of research, teaching, learning and advocacy in regulatory and public interest law based at the University of San Diego School of Law. **CPPC supports AB 2076 (Lowenthal)**, which would protect children from accessing dangerous age-restricted products through large online marketplaces and other outlets.

Children Are Being Put at Risk and the Law Is Not Working

California's Parent's Accountability and Child Protection Act, enacted in 2018, was designed to ensure that retailers take meaningful steps to prevent minors from purchasing products that are prohibited for children under state law, including spray paint, BB guns, diet supplements containing ephedrine, and body branding devices. Despite this law having been in effect for over seven years, compliance has fallen far short, particularly among large online marketplaces, where the scale and anonymity of digital transactions make enforcement especially difficult.

A 2025 report by the Children's Advocacy Institute at the University of San Diego School of Law documented alarming failures by one of the nation's largest online retailers. Researchers found that the platform:

- Accepted entirely fabricated credentials, including incorrect driver's license numbers paired with made-up birthdates, to complete age verification;
- Permitted payment with prepaid credit cards and gift cards for restricted items, an explicit violation of California law;

- Ceased prompting for age verification altogether after a single transaction — even after account logout — allowing subsequent purchases of restricted items with no verification whatsoever; and
- Delivered dangerous products, including BB weapons, unattended in common areas with no adult signature required.

These are not technicalities, they represent a systematic failure to protect children from real harm. A child can complete a purchase of a dangerous product on one of the world's largest retail platforms in minutes, using falsified information, and have the item delivered to a location where no adult is present. The law is being ignored, and putting children in danger.

The Current Penalty Structure Provides No Incentive to Comply

The root cause of this noncompliance is straightforward: the financial consequences for violating this law are negligible for companies of this scale. Under current law, the maximum civil penalty is \$7,500 per violation. For a corporation generating hundreds of billions of dollars in annual revenue, this amount poses no deterrent whatsoever.

AB 2076 addresses this directly by increasing the maximum civil penalty for large marketplaces. That is a proportionate and necessary response to the scale of the companies involved, and is the kind of consequence that will actually compel compliance.

Nitrous Oxide Poses a Serious and Growing Threat to Young People

AB 2076 also takes an important step by adding nitrous oxide to the list of products covered by the Parent's Accountability and Child Protection Act. Once confined largely to medical and culinary settings, nitrous oxide has become increasingly accessible to adolescents online. With adolescent people being the main population abusing nitrous oxide through inhalation.

The health consequences of nitrous oxide misuse are severe and well-documented. Recreational inhalation can cause loss of consciousness, permanent nerve damage, spinal cord injury, brain damage, and death. California law already prohibits minors from purchasing nitrous oxide, yet large online platforms continue to sell it without any meaningful age verification. AB 2076 closes this gap by requiring retailers to take the same reasonable steps to prevent underage purchases of nitrous oxide that the law already requires for other dangerous products.

A Common-Sense Solution That Puts Children First

The evidence is clear: large online retailers have had years to come into compliance with California's child safety laws and have chosen not to do so. AB 2076 does not ask for anything unreasonable. It asks that corporations take meaningful steps to keep dangerous products out of the hands of children.

For these reasons, the Consumer Protection Policy Center is in support of AB 2076 and urge your committee to do the same.

Sincerely,

Marcus Friedman

Marcus Friedman
Administrative Director, Consumer Protection Policy Center
Centers for Public Interest Law
University of San Diego School of Law