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SB-1371 Alcoholic beverage control: proof of age. (2023-2024)

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Date Published: 09/26/2024 09:00 PM

Senate Bill No. 1371

CHAPTER 606

An act to amend Section 25660 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor September 25, 2024. Filed with Secretary of State September 25, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1371, Bradford. Alcoholic beverage control: proof of age.

Existing law, the Alcoholic Beverage Control Act, 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. The act also 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. Existing law provides that a licensee's acceptance of bona fide evidence, as defined, constitutes a defense to any prosecution or proceedings against the licensee, as specified.

This bill would also make the utilization of a biometric system, as defined, a defense to any criminal prosecution or proceedings against the licensee. The bill would require the biometric system to be based upon a review of bona fide evidence of majority and identity of a person and that verifies and authenticates the validity of that bona fide evidence.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 25660 of the Business and Professions Code is amended to read:

25660. (a) 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.
- (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.

(b) (1) Proof that the defendant-licensee, or their employee or agent, demanded, was shown, and acted in reliance upon bona fide evidence, or utilized a biometric system, in any transaction, employment, use, or permission forbidden by Section 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.

(2) A biometric system utilized by a defendant-licensee shall be based upon a review of bona fide evidence of majority and identity of a person and that verifies and authenticates the validity of that bona fide evidence.

(c) For purposes of this section, the following definitions apply:

(1) "Biometrics" means the unique characteristics of a person, including, but not limited to, fingerprints, iris, face, or other similar biometric characteristics, or any combination thereof.

(2) "Biometric system" means technology that links the identity of a person to that person's biometrics.