

FACT SHEET

KEEPING CHILDREN SAFE WHILE SHOPPING ONLINE

SUMMARY

Various California laws have long prohibited certain products, such as spray paint, tanning devices, firearms, and tobacco products, from being sold to minors in brick-and-mortar stores. In order to ensure children could not circumvent these important safety measures and gain access to these products online, California enacted legislation in 2018 to require Internet retailers to take reasonable steps to verify the age of anyone attempting to purchase these products.

Studies have documented that Amazon is failing to comply with this existing law and is not taking any reasonable steps to verify the age of a purchaser before selling age-restricted products. Not only does this law breaking endanger children, Amazon also enjoys an unfair competitive advantage over brick-and-mortar retailers.

Additionally, Amazon continues to sell Nitrous Oxide, a medical and culinary tool that is famously abused as a recreational drug, without adequate verification that the purchaser is above the age of 18 despite California law prohibiting minors from purchasing the product.

BACKGROUND: AGE-RESTRICTED PRODUCTS

To protect children and property, California has enacted laws that prohibit selling a variety of items to minors. In addition to alcohol and cigarettes, it is, unlawful, for example, for minors to purchase diet pills containing ephedrine, certain weapons, spray paint, and UV tanning devices. To avoid breaking these laws, brick-and-mortar stores are required to verify the ages of purchasers.

In 2018 an investigative news report in Sacramento revealed that a competitor of these brick-and-mortar stores – Amazon – was selling several of these age-restricted products with no age verification effort at all.¹ To ensure Californians enjoy the intended protection of these laws in a world of online marketplaces and to ensure fair competition between online and brick-and-mortar stores, California in 2018 enacted Cal. Civ. Code. §1798.99.1 (“§1798.99.1”)² to require online marketplaces to age-verify the purchase of products that are unlawful for children to buy.

This law, known as The Parent’s Accountability and Child Protection Act, requires retailers to

¹ <https://www.kcra.com/article/amazon-selling-bb-guns-other-forbidden-items-to-children-1/18761872>
<https://www.kcra.com/article/teen-buys-bb-gun/18918089>

² AB 2511 (Chau, 2018 Chapter 872, Statutes of 2018)

age-verify the purchase of items that are illegal for minors to purchase including spray paint, fireworks, etching cream, body branding devices, specified weapons and ammunition, BB guns, electronic cigarettes and tobacco products. Section 1798.99.1 also provides additional “reasonable steps” a retailer may take to ensure products are not purchased or delivered to minors including prohibiting these items from being purchased with a prepaid credit card or gift card, and ensuring items are delivered to an ID-verified adult. Retailers found to violate this section are subject to a miniscule civil penalty of \$7,500 per violation; less than the maximum jurisdiction for small claims court. Meanwhile Amazon claimed the top spot among online retailers in the United States in 2023, capturing 37.6 percent of the market, and earned \$638 billion in revenue in 2024.³⁴

AMAZON IS BLATANTLY VIOLATING THE LAW

A 2025 report⁵ released by the Children’s Advocacy Institute at the University of San Diego School of Law titled “Amazon: Breaking the Law and Placing Children at Risk?” documented that Amazon is apparently not complying with almost any facet of §1798.99.1 or otherwise ensuring reasonable, age-verified child safety.

When researchers attempted to purchase spray paint, etching cream, ultraviolet tanning devices and body branding equipment -- all products prohibited from being sold to minors and covered by §1798.99.1 -- Amazon did not require the purchaser to input, scan, provide or display a government-issued identification. Further, Amazon allowed the products to be purchased using prepaid credit cards and gift cards.

For most of the more dangerous items covered by §1798.99.1, such as firearms, ammunition and tobacco products, Amazon does not sell them online. However, Amazon does sell BB guns and items used to prepare tobacco for smoking. For these items, Amazon is also not complying with the law. Researchers attempted to purchase a BB gun from Amazon. When selecting the BB weapon and placing it in the cart, Amazon does require purchasers to input ID information and a birthdate. When researchers entered a birthdate placing them under the age of 18, Amazon’s systems rightly prevented the transaction from being completed. However researchers were able to bypass this purported safety check by entering incorrect ID information accompanied by a made-up birthdate that placed them over the age of 18. The age verification is performative; there was no attempt by Amazon to verify the inputted information was correct.

Even more alarming, researchers discovered that after only one transaction whereby the purchaser is prompted to enter a birthdate and they enter a made-up birthdate placing them over the age of 18, Amazon never again asks for age verification when purchasing subsequent age-restricted

³<https://ir.aboutamazon.com/news-release/news-release-details/2025/Amazon-com-Announces-Fourth-Quarter-Results/>

⁴<https://www.statista.com/statistics/274255/market-share-of-the-leading-retailers-in-us-e-commerce/#:~:text=B2C%20E%2DCommerce-,Biggest%20online%20retailers%20in%20the%20U.S.%202023%2C%20by%20market%20share,Kingdom%20with%2030%20billion%20dollars.>

⁵https://catcher.sandiego.edu/items/usdlaw/04032025_REPORT_FINAL_AMAZON.pdf

items. This remained true after the researcher had signed out of the account and signed back in later.

Researchers completed the purchase of BB weapons. During the process, Amazon required age and ID information at the point of sale for the BB weapons, but not for the diet supplements, despite the label stating that they should not be used for children. The researcher was never informed by Amazon that an adult needed to be present at the point of delivery to show identification and receive the items. The purchaser received a notification that Amazon had combined the BB weapon and diet pills into the same delivery package. The package was delivered to the address and was left in a common area with no alert to the purchaser that the package had been delivered.⁶

BACKGROUND: NITROUS OXIDE

Nitrous oxide, or dinitrogen monoxide, is a gaseous chemical compound. Nitrous oxide has many uses in the culinary and medical fields. The gas is used in aerosol containers to propel products such as cooking sprays and whipped cream. Most consumers interact with nitrous oxide through products that already contain the chemical, however containers of pure nitrous oxide are sold in order to recharge dispensers. In the medical field, nitrous oxide is known as “laughing gas” and used as sedation in dental procedures.

Nitrous oxide is also used as a recreation drug. It is a dissociative drug, which means it causes people to feel separated or detached from their body or physical environment. Dissociatives are similar to psychedelics, they can cause hallucinations and other changes in thoughts, emotions and consciousness.⁷ The gas is inhaled, usually by releasing nitrous gas cartridges (bulbs or whippets) into another object, such as a balloon, or directly into the mouth. Immediate effects of nitrous oxide include sedation, blurred vision, sedation and dizziness. Regular use of nitrous oxide can result in memory loss, loss of muscle control and depression, among others.⁸

Existing law prohibits possessing nitrous oxide with the intent inhaling the gas for the purpose of causing a condition of intoxication, or who knowingly and with the intent to use nitrous oxide illegally and is under the influence of nitrous oxide or any material containing nitrous oxide is guilty of a misdemeanor.⁹ Penal Code section 381c prohibits any person from selling or furnishing any device, canister, tank, or receptacle either exclusively containing nitrous oxide or exclusively

⁶ Researchers also purchased a second BB. Weapon and had it delivered to an Amazon Pick-up location rather than a home address. Amazon rightly restricted the choice of pick-up locations to only those where the purchaser would need to go to a counter and speak to an employee. It did not allow the product to be delivered to self-serve locations. Information provided by Amazon at the point of purchase explaining this restriction did not include the need for a legal adult to pick up the items. The researcher elected to pick up the BB weapon at the Amazon Counter in Whole Foods. No notification was provided by Amazon at any point during the order or deliver confirmation process that a legal adult needed to pick up the items. The researcher showed the pick-up barcode to the employee and was able to receive the item without being asked to show ID.

⁷ Li L, & Vlisides, P. [Ketamine: 50 Years of Modulating the Mind. Frontiers in Human Neuroscience](#) [Internet]. 2016 [08.05.2024]; 10:[1-15 pp.].

⁸ <https://adf.org.au/drug-facts/nitrous-oxide/>

⁹ Pen. Code, § 381b.

containing a chemical compound mixed with nitrous oxide, to a person under 18 years of age is guilty of a misdemeanor.¹⁰

NITROUS OXIDE PURCHASE EXPERIMENT

A search for “Nitrous Oxide gas” in Amazon returns numerous results, most of which are titled with language such as “whipped cream charger” or “cream charger.” The nitrous oxide tanks available on Amazon are colorfully packaged and many are flavored, including lemonade, strawberry, mint, blueberry and watermelon. A majority of the products listed come in large tanks. In contrast, an online search for “NO₂” or “whipped cream charger” through restaurant supply websites returns products sold in miniature cartridges without the elaborate packaging and flavor options.

In Amazon, a nitrous oxide tank was selected and placed in the cart. When trying to complete the purchase a prompt was given to enter ID and birthdate information, however as found in the Children’s Advocacy Institute report, the system was easily bypassed by entering an incorrect ID number and incorrect birthdate. Further, like the Institute’s report highlighted, once the ID check was completed the user was never prompted to enter the information again despite trying to add additional items to the cart, and logging out and logging back in at a later time. Lastly, the user entered several different delivery addresses within the same transaction and was never prompted again to enter ID verification information or given a notice that an adult needs to be present to receive the items.

¹⁰ Pen. Code, § 381c, subd. (a)

6:51

nitrous oxide gas

All Discounts Up to \$35 \$35 to \$80

prime Explore Condition Brands

WellWhip Whipped Cream Charger - 6 Pack (640g/0.95L Each) Nitrous Oxide Tank (N2O) 5.0 (4) 200+ bought in past month \$99⁶⁶ FREE delivery Wed, Oct 29

Compare Add to cart

WellWhip Whipped Cream Charger - 3.3L 2000g Nitrous Oxide (N2O) Tank, 99.99%... 5.0 (3) 100+ bought in past month \$69⁶⁰ FREE delivery Wed, Oct 29

Compare Add to cart

WellWhip Whipped Cream Charger

6:52

nitrous oxide gas

All Discounts Up to \$35 \$35 to \$80

prime Explore Condition Brands

Sponsored 3.3L / 2000G Food-Grade Steel Cylinder - Leakproof, Kitchen-Safe, Stainless Steel Compatible... 5.0 (5) \$118¹⁸ FREE delivery Oct 27 - 29

Compare Add to cart

Sponsored 4.4L / 3000G Food-Grade Steel Cylinder - Leakproof, Kitchen-Safe, Stainless Steel Compatible... 5.0 (4) \$89⁹⁹ FREE delivery Oct 27 - 29

Compare Add to cart

6:52

Search or ask a question

Color: Watermelon

Watermelon Blueberry Strawberry

Number of Items: 2

1 \$65 ⁸⁸ In Stock	2 \$118 ¹⁸ In Stock	4 \$220 ⁸⁸ In Stock
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\$118¹⁸

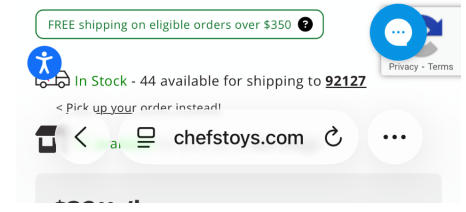
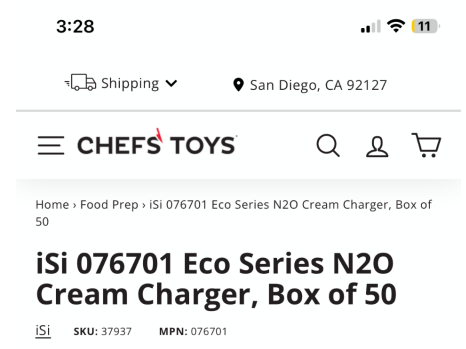
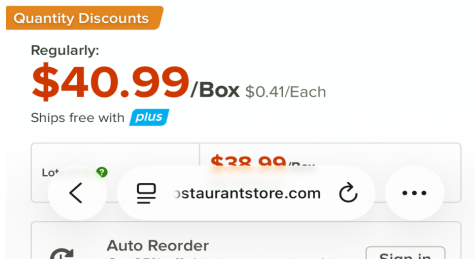
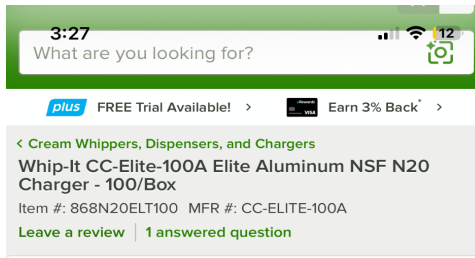
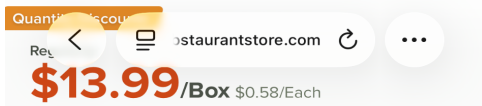
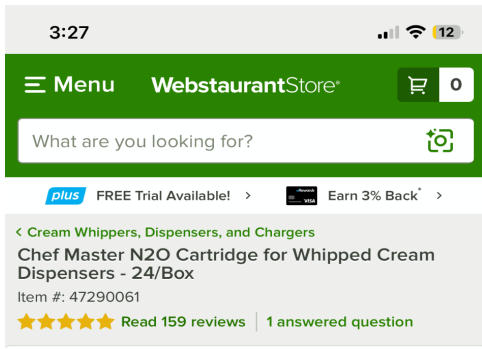
Or \$39⁴⁰ /mo (3 mo). Select from 3 plans

FREE delivery October 27 - 29. Details

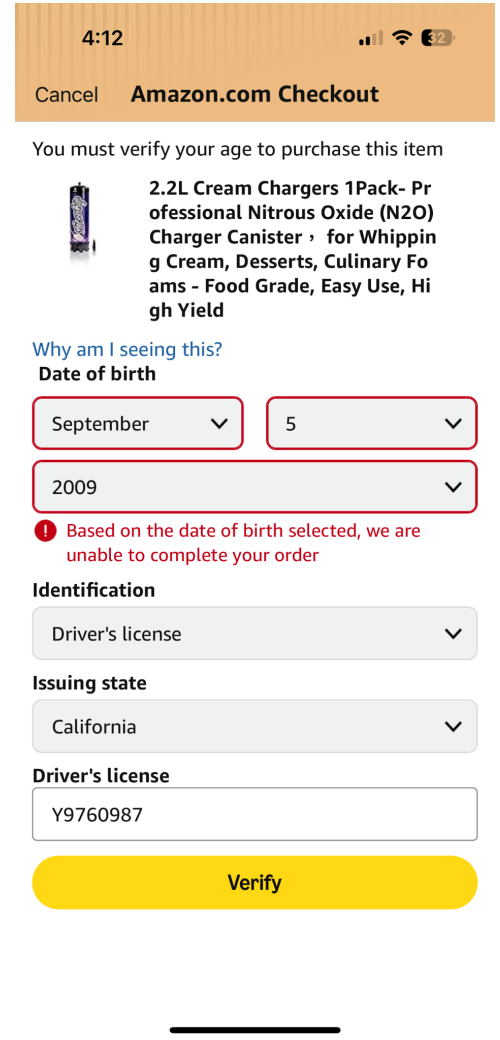
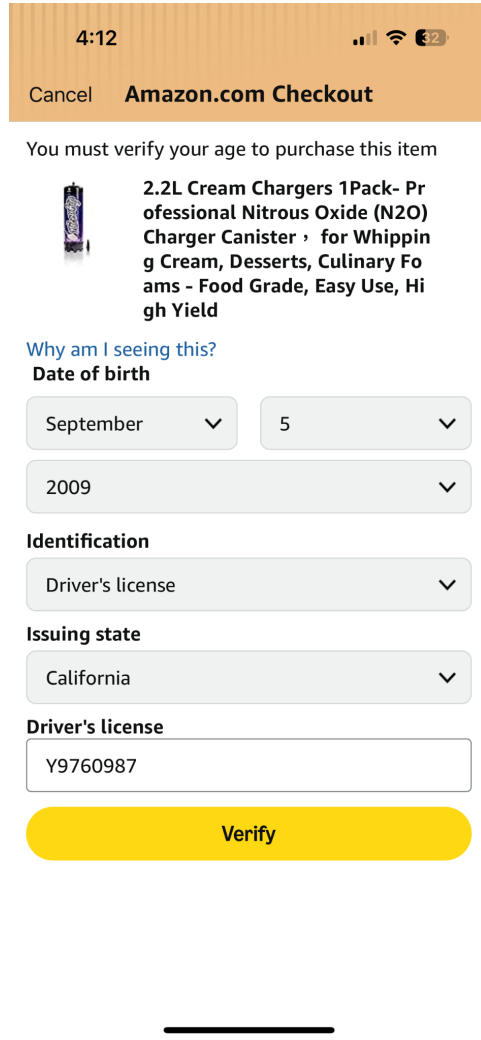
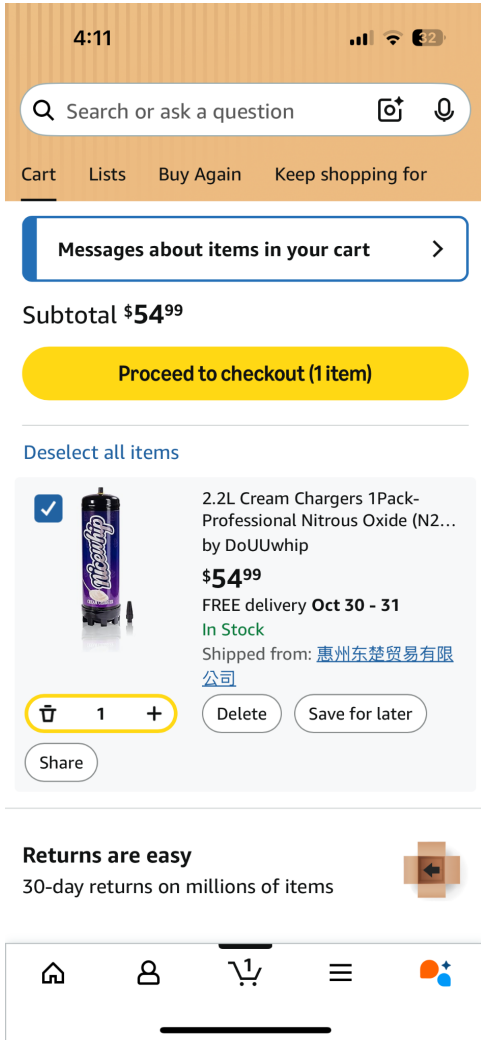
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In Stock

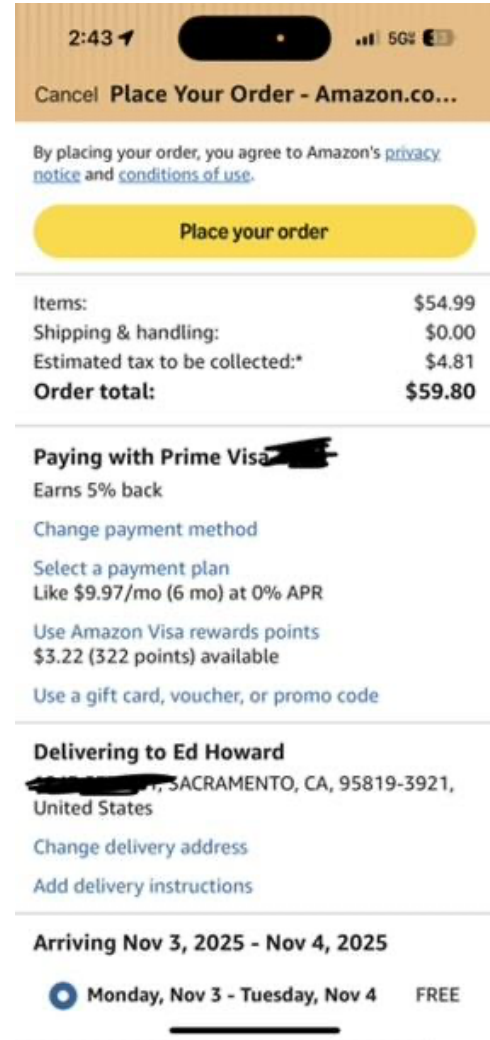
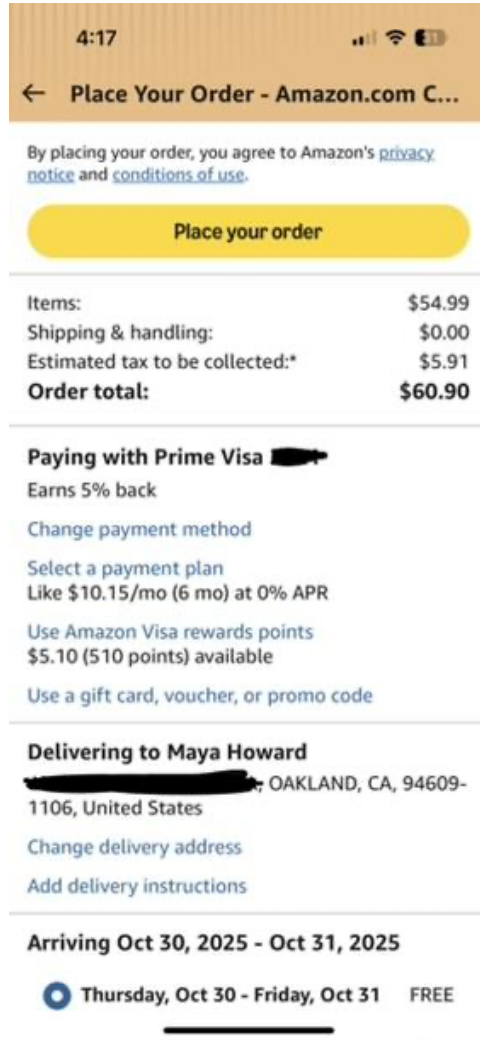
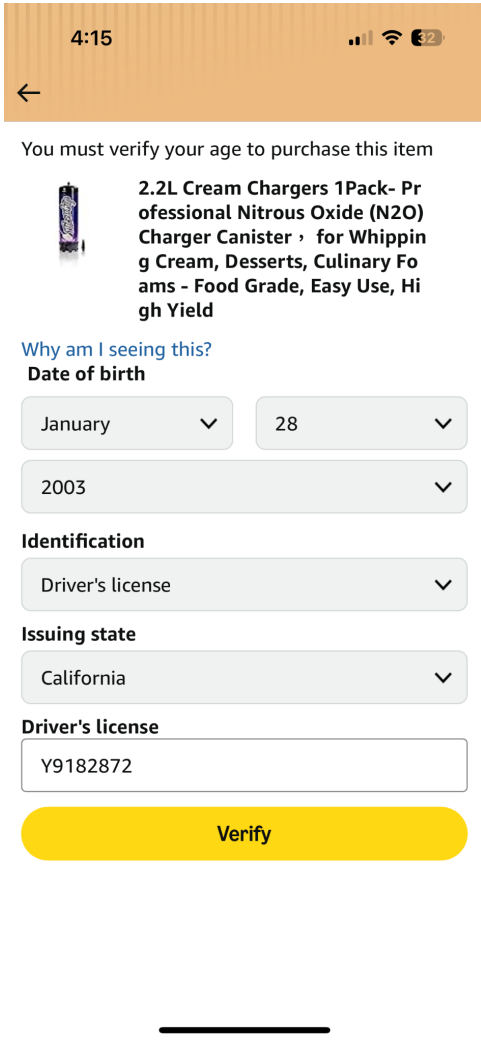
Colorfully packaged and flavored nitrous oxide tanks available on Amazon



Searches for "NO2" and "Whipped Cream Charger" on online restaurant supply sites.



Nitrous oxide purchase experiment. Amazon rejected with a birthdate placing the purchaser under 18.



When a different ID number and birthdate are entered Amazon allows the purchase to be completed (photos 1-2).

However when the address is changed to a completely different address and recipient, no additional ID or age check is prompted (photo 3).

PROPOSAL

This proposal modifies current law in two ways:

First, the bill would include nitrous oxide in the list of products covered by The Parent's Accountability and Child Protection Act. All retailers would be required to take reasonable steps to verify the age of a purchaser.

Secondly, in light of Amazon's failure to take any reasonable steps to comply with §1798.99.1 and ensure dangerous products do not fall into the hands of minors despite the law being in effect for over 6 years, the bill would prohibit large online marketplaces from selling the products

covered by §1798.99.1. The bill is limited to large online marketplaces making over \$1 billion annually. In order to incentive compliance, the bill increases penalties on large online marketplaces from \$7,500 per violation to \$1.5 million per violation.

SPONSOR

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PROPOSED LANGUAGE

SECTION 1. Section 1798.99.1 of the Civil Code is amended to read:

1798.99.1. (a) (1) A person or business that conducts business in California, and that seeks to sell any product or service in or into California that is illegal under state law to sell to a minor, as described in subdivisions (b) and (c), shall, notwithstanding any general term or condition, take reasonable steps to ensure that the purchaser is of legal age at the time of purchase or delivery, including, but not limited to, verifying the age of the purchaser.

(2) Reasonable steps as used in paragraph (1) for the purchase of ~~items~~ products or services described in subdivision ~~(b)~~ (c) include, but are not limited to, any of the following:

(A) Requiring the purchaser or recipient to input, scan, provide, or display a government-issued identification, provided that the person or business complies with all laws governing the retention, use, and disclosure of personally identifiable information, including, but not limited to, subdivision (a) of Section 1749.65, paragraphs (3) to (7), inclusive, of subdivision (b) of, and subdivisions (c) to (f), inclusive, of, Section 1798.90, paragraph (1) of subdivision (a) of Section 1798.90.1, Sections 1798.29, 1798.81.5, and 1798.82, and Sections 22575 to 22579, inclusive, of the Business and Professions Code.

(B) Requiring the purchaser to use a nonprepaid credit card for an online purchase.

(C) Implementing a system that restricts individuals with accounts designated as minor accounts from purchasing the products listed in subdivision ~~(b)~~ (c).

(D) Shipping the product or service to an individual who is of legal age.

(3) Reasonable steps as used in paragraph (1) for the purchase of ~~items~~ products or services described in subdivision ~~(c)~~ (d) include, but are not limited to, any of the following:

(A) Requiring the purchaser or recipient to input, scan, provide, or display a government-issued identification, provided that the person or business complies with all laws governing the retention, use, and disclosure of personally identifiable information, including, but not limited to, subdivision (a) of Section 1749.65, paragraphs (3) to (7), inclusive, of subdivision (b) of, and subdivisions (c) to (f), inclusive, of, Section 1798.90, paragraph (1) of subdivision (a) of Section 1798.90.1, Sections 1798.29, 1798.81.5, and 1798.82, and Sections 22575 to 22579, inclusive, of the Business and Professions Code.

(B) Shipping the product or service to an individual who is of legal age.

(4) Reasonable steps as used in paragraph (1) shall not include consent obtained through the minor.

(5) A seller's reasonable and good faith reliance on bona fide evidence of the purchaser or recipient's age shall constitute an affirmative defense to any action under this subdivision.

(6) A person or business required to comply with this section shall not retain, use, or disclose any information it receives from a purchaser or recipient in an effort to verify age pursuant to this section for any purpose other than as required to comply with, or as needed to demonstrate compliance with, this section, California law, or a state or federal court order.

[\(b\) An online marketplace that sells any product in or into California is prohibited from offering for sale products listed in subdivisions \(c\) and \(d\).](#)

~~(b)~~

[\(c\)](#) Products or services that are illegal to sell to a minor under state law that are subject to subdivision (a) include all of the following:

(1) An aerosol container of paint that is capable of defacing property, as referenced in Section 594.1 of the Penal Code.

(2) Etching cream that is capable of defacing property, as referenced in Section 594.1 of the Penal Code.

(3) Dangerous fireworks, as referenced in Sections 12505 and 12689 of the Health and Safety Code.

(4) Tanning in an ultraviolet tanning device, as referenced in Sections 22702 and 22706 of the Business and Professions Code.

(5) Dietary supplement products containing ephedrine group alkaloids, as referenced in Section 110423.2 of the Health and Safety Code.

(6) Body branding, as referenced in Sections 119301 and 119302 of the Health and Safety Code.

(7) Nitrous oxide as referenced in section 381c of the Penal code.

~~(e)~~

(d) Products or services that are illegal to sell to a minor under state law that are subject to subdivision (a) include all of the following:

(1) Firearms or handguns, as referenced in Sections 16520, 16640, and 27505 of the Penal Code.

(2) A BB device, as referenced in Sections 16250 and 19910 of the Penal Code.

(3) Ammunition or reloaded ammunition, as referenced in Sections 16150 and 30300 of the Penal Code.

(4) Any tobacco, cigarette, cigarette papers, blunt wraps, any other preparation of tobacco, any other instrument or paraphernalia that is designed for the smoking or ingestion of tobacco, products prepared from tobacco, or any controlled substance, as referenced in Division 8.5 (commencing with Section 22950) of the Business and Professions Code, and Sections 308, 308.1, 308.2, and 308.3 of the Penal Code.

(5) Electronic cigarettes, as referenced in Section 119406 of the Health and Safety Code.

(6) A less lethal weapon, as referenced in Sections 16780 and 19405 of the Penal Code.

~~(d)~~

(e) (1) In an action brought by a public prosecutor, a ~~a~~-business or person that violates this section shall be subject to a civil penalty not exceeding seven thousand five hundred dollars (\$7,500) for each violation.

(2) In an action brought by a public prosecutor, an online marketplace that violates this section shall be subject to a civil penalty not exceeding one million five hundred thousand dollars (\$1,500,000) for each violation.

~~(e)~~

(f) The provisions of this section do not apply to a business or online marketplace that is regulated by state or federal law providing greater protection to personal information or requiring greater age verification than provided by this section ~~in~~ with regard to the subjects addressed by this section. Compliance with state or federal law shall be deemed compliance with this section with regard to those subjects. This subdivision does not relieve a business from a duty to comply with any other requirements of other state and federal law regarding the protection and privacy of personal information or age verification.

~~(f)~~

(g) For purposes of this section, ~~a government issued identification means any of the following:~~ the following definitions apply:

(1) "Government-issued identification" means any of the following:

~~(1)~~

(A) A document issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including, but not limited to, an identification card or a valid motor vehicle operator's license, including licenses or identification cards issued pursuant to Section 12801.9 of the Vehicle Code, that contains the name, date of birth, description, and picture of the person.

~~(2)~~

(B) A valid passport issued by the United States or by a foreign government.

~~(3)~~

(C) A valid identification card issued to a member of the United States Armed Forces that includes the date of birth and picture of the person.

~~(4)~~

(D) A valid consular identification document.

~~(5)~~

(E) An identification card issued by a federally recognized tribal government.

(2) (A) "Online marketplace" means a consumer-directed, electronically accessed platform that includes features that allow for, facilitate, or enable a third-party seller to engage in the sale, purchase, payment, storage, shipment, or delivery of a consumer product in this state.

(B) "Online marketplace" does not include a platform that generated less than one billion dollars (\$1,000,000,000) in gross revenue during the preceding calendar year.

(C) For purposes of this paragraph, "platform" includes a social media platform as defined in Section 22675 of the Business and Professions Code.

~~(6)~~

(h) This section shall become operative on January 1, 2020.