

Date of Hearing: March 18, 2026

ASSEMBLY COMMITTEE ON GOVERNMENTAL ORGANIZATION

Blanca Rubio, Chair

AB 1982 (Lowenthal) – As Amended March 12, 2026

**SUBJECT:** On-sale general public premises: drug testing devices.

**SUMMARY:** This bill would repeal the January 1, 2027, sunset date, thereby indefinitely extending specified requirements that require on-sale general public premises (Type 48 – Bar, Night Club) licensees to offer for sale to their customers drug testing devices at a cost not to exceed a reasonable amount based on the wholesale cost of those devices, as specified.

Additionally, the bill would repeal the January 1, 2027 sunset date, thereby indefinitely extending specified requirements that obligate applicants for a new permanent Type 48 license and holders of an existing Type 48 license (Bar, Nightclub) to provide a lid for a customer’s drink upon request, as defined. The licensee is authorized to charge an additional fee for providing a lid with a customer’s drink and would prohibit the fee from exceeding the reasonable cost of providing the lid, as specified. **Specifically, this bill:**

1) Requires an applicant for a new permanent on-sale general public premises license or the holder of an existing on-sale general public premises to, upon request, provide a lid, as defined, with a customer’s drink. Provides that the lid is not required to fill all containers in which alcoholic beverages are served on the premises but shall fit at least one. Requires the licensee to post a specified notice in a prominent and conspicuous location (as defined). Clarifies that nothing prohibits a Type 48 licensee from offering lids to customers free of charge. Provides that a violation of these requirements is not a crime. Establishes that a sole violation, including failure to comply with the notice requirement, shall result in a warning issued by the Department of Alcoholic Beverage Control (ABC) for the first offense. Includes a sunset date of January 1, 2027.

2) Requires an applicant for a new permanent on-sale general public premises (Type 48) license or the holder of an existing Type 48 license to offer for sale to their customers drug testing devices at a cost not to exceed a reasonable amount based on the wholesale cost of those devices. Requires the licensee to post a specified notice in a prominent and conspicuous location, as defined. Provides that a licensee shall not be held liable for a defective test or an inaccurate test result, including, but not limited to, false positive or false negative results. Requires the licensee to ensure that all testing devices offered to customers have not exceeded their expiration date or recommended period of use, as indicated on the product label, packaging, or by the manufacturer. Defines “drug testing devices” to include test strips, stickers, straws, and other devices designed to detect the presence of controlled substances in a drink. Includes a sunset date of January 1, 2027.

**EXISTING LAW:**

1) Establishes the ABC and grants it exclusive authority to administer the provisions of the Alcoholic Beverage Control Act (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 and the collection of license fees for this purpose.

- 2) Provides, under the Act, for the issuance of various alcoholic beverage licenses, including the imposition of fees, conditions, and restrictions in connection with the issuance of those licenses.
- 3) Defines an “on-sale” license as authorizing the sale of all types of alcoholic beverages; namely, beer, wine, and distilled spirits, for consumption on the premises (such as restaurants or bar). An “off-sale” license authorizes the sale of all types of alcoholic beverages for consumption off the premises in original sealed containers.
- 4) Establishes the Responsible Beverage Service (RBS) Training program that requires 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 ABC.
- 5) Provides that Type 42, 48, and 61 licensees must maintain a sign reading, "No Person Under 21 Allowed" at or near each public entrance. The sign must be visible from the exterior. In addition, a sign of like size and content must be posted at a prominent place inside the licensed premises, as defined. (Rule 107, California Code of Regulations)
- 6) Requires an applicant for a new permanent on-sale general public premises license or the holder of an existing Type 48 license to offer for sale to their customers drug testing devices at a cost not to exceed a reasonable amount based on the wholesale cost of those devices and to post a specific notice about the availability of the drug testing devices. Defines “drug testing devices” for this purpose to mean specified devices designed to detect the presence of controlled substances in a drink. Requires ABC to post on its internet website a link to a page that contains information about these requirements. The Act repeals these requirements on January 1, 2027.
- 7) Requires, until January 1, 2027, an applicant for a new permanent Type 48 license and the holder of an existing Type 48 license to, upon request, provide a lid with a customer’s drink. The bill authorized the licensee to charge an additional fee for providing a lid with a customer’s drink and would prohibit the fee from exceeding the reasonable cost of providing the lid, as specified. (California Business and Professions Code § 25624)
- 8) Provides that every person who willfully mingles any poison or harmful substance with any food, drink, medicine, or pharmaceutical product or who willfully places any poison or harmful substance in any spring, well, reservoir, or public water supply, where the person knows or should have known that the same would be taken by any human being to his or her injury, is guilty of a felony punishable by imprisonment in the state prison for two, four, or five years. Any violation involving the use of a poison or harmful substance that may cause death if ingested or that causes the infliction of great bodily injury on any person shall be punished by an additional term of three years. (Penal Code § 347)

**FISCAL EFFECT:** This bill is keyed fiscal by Legislative Counsel.

**COMMENTS:**

Purpose of the bill. According to the author's office, "Drink spiking remains one of the most insidious threats facing Californians today. Unlike other dangers, it is invisible — you cannot see it, taste it, or smell it. Victims have no warning, and by the time they realize what has happened, the harm is already done — leaving them vulnerable to assault, sexual violence, and other serious crimes. In 2023, AB 1013 took direct aim at this threat, requiring bars and nightclubs to make drug testing strips available on site. That bill passed both chambers without a single no vote — a testament to how seriously Californians take this issue. AB 1982 ensures that progress endures. Allowing these protections to sunset would be moving backward, leaving Californians more vulnerable than before."

**Background.**

Drink Spiking. Drink spiking, defined as the unsolicited addition of a drug to a drink consumed in a social setting, is a relatively common and growing issue in this country. The term 'getting roofied' typically refers to being dosed with Rohypnol (flunitrazepam) or a similar drug. Since roofies are tasteless, odorless, colorless, and easily dissolvable, perpetrators often use them to drug victims by spiking their drinks. Alongside Rohypnol, other common date rape drugs include Ketamine (Special K) and Gamma-Hydroxybutyrate (GHB).

It is difficult to find comprehensive, up-to-date statistics on the prevalence of drink-spiking/drugging but various state officials and police departments from across the country have stated that it is a problem that needs to be addressed. For example, the Boston Police Department (BPD) issued a statement warning the public to be mindful of alcohol consumption while in the city's bars and clubs. This was after the department said it's "become aware of numerous social media posts from various individuals who state that they were victims of drink spiking at local area bars." These drugs can cause disorientation, confusion, and temporary paralysis or loss of consciousness, according to the BPD. The drugs can also make potential victims vulnerable to the intentions of a suspect. BPD officials reminded anyone going out to bars or clubs in the city to be aware of where your drink is at all times, never leaving it unattended. They also suggest making sure a drink is served directly by the bartender or server.

In California, in recent years, the Long Beach Department has received an average of 25 reports annually from individuals who suspected they had been drugged while out with friends, potentially by substances slipped into their drinks. In response, the city launched a pilot program offering free test strips to detect certain drugs in beverages. The initiative includes both the distribution of drug-detection test strips and educational outreach efforts. To use the test strips, individuals simply apply a small amount of beverage fluid onto them; if a drug is present, the strip changes to a specific color. The program is managed by the city's Health Department.

Following reports of people feeling as though they had been drugged (or "roofied") at West Hollywood nightlife establishments, the City of West Hollywood launched a program that included outreach and distribution of disposable test kits that check for illegal substances in drinks.

It should be noted that over the years, the ABC has developed community-oriented policing approaches involving local merchants in deterring crime. It is designed in a manner that fosters

and protects the health, safety, welfare, and economic well-being of the people of the State of California. This bill seems to be in line with that directive.

Anti-Tampering Devices. Anti-tampering alcohol drink devices are devices designed to prevent unwanted access or tampering with an individual's alcoholic beverages. These type of devices can be used in bars and clubs and can take different forms such as bottle seals, lids with tamper-evident features, or special locking mechanisms. The purpose of these devices is to ensure the integrity and safety of alcoholic beverages by deterring and detecting any attempts to tamper with the drink. In doing so, they provide reassurance that the drink has not been tampered with. Such devices are particularly useful in environments where the security of an alcoholic drink is a concern, such as bars and nightclubs, where a drink can be left unattended or in situations where an individual wants to safeguard their alcoholic drink.

New Requirements on Alcohol Licensees. In 2023, the Legislature passed and Governor Newsom signed AB 1013 (Lowenthal) that required Type 48 (bars and nightclubs) licensees, beginning July 1, 2024 and until January 1, 2027, to comply with all of the following: 1) Offer drug testing devices (such as test strips, stickers, straws, or other devices that are designed to detect the presence of controlled substances in a drink), which have not exceeded their expiration date or recommended period of use, that test for "controlled substances" commonly used to spike drinks. These drugs may include, but are not limited to, flunitrazepam, ketamine, and gamma hydroxybutyric acid, also known by other names, including GHB, gamma-hydroxybutyrate, 4-hydroxybutyrate, 4-hydroxybutanoic acid, sodium oxybate, and sodium oxybutyrate; 2) The drug testing devices shall be available for sale to customers, at a price not to exceed a reasonable amount based on the wholesale cost. Alternatively, they may be given to customers free of charge; and 3) Post the following notice in a prominent and conspicuous location: "Don't get roofied! Drink spiking drug test kits available here. Ask a staff member for details."

The law impacted approximately 2,400 businesses statewide. An ABC licensee is not liable for a defective test or inaccurate test result. Failure to make those products available could result in possible fines and violations by ABC. While the department generally takes an educational approach, including multiple warnings to licensees before any fines and violations are issued, licensees would nonetheless be responsible for ensuring these particular products are always available for purchase. ABC will not sell or provide kits, and does not recommend or endorse any specific company that does.

In 2024, the Legislature passed and Governor Newsom signed three bills aimed at strengthening protections against drink spiking in designed venues licensed by the ABC. Authored by Assemblymember Lowenthal, the three chaptered bills (AB 2375, AB 2389, and AB 2402) addressed the following concepts:

1. Offering drink lids: Required Type 48 (bar/nightclub) licensees in California, starting July 1, 2025, to provide drink lids upon request to help prevent drink spiking. Licensees may charge a reasonable fee for the lids and must update signage regarding both lids and testing kits. The law expires on January 1, 2027.
2. Notification of authorities: Mandated on-sale public premises licensees (Type 48 – Bar, Nightclub) to contact law enforcement or emergency medical services and provide specified information when a customer reports or suspects they or another individual may have been a victim of drink spiking.

3. Expanded RBS training: Beginning January 1, 2027, Responsible Beverage Service (RBS) training must include best practices for preventing drink spiking, protecting individuals from it, and responding effectively if a person has been drugged through drink spiking.

These measures were designed to enhance safety and increase awareness within venues licensed by the ABC. According to the author, this bill builds upon earlier, related legislative efforts on the subject.

ABC Type 48 License (On-Sale General Public Premises (Bar, Nightclub)). Authorizes the sale of beer, wine and distilled spirits for consumption on the premises where sold. Authorizes the sale of beer and wine for consumption off the premises where sold. Minors may not enter and remain. Food service is not required. According to ABC's website there are approximately 2,497 Type 48 licenses in the state.

Responsible Beverage Service (RBS) Training. Anyone that is employed at an ABC on-premises licensed establishment who is responsible for checking identifications, taking customer orders, and pouring or delivering alcoholic beverages must have a valid RBS certification from ABC. Servers and their managers must register in the RBS Portal, take RBS training from an approved training provider, and pass the ABC RBS exam within 60 days of their first date of employment. On-premises locations include, but are not limited to, bars, restaurants, tasting rooms, clubs, stadiums, movie theaters, hotels, and caterers. Covered licensees are required to maintain records of their various certifications, and violators are subject to unspecified "disciplinary action." The RBS training is currently available in several different languages.

Retail Operating Standards apply to stores (License Types 20 & 21), bars, and taverns (License Type 40, 42, 48 and 61). They do not apply to bona fide eating places (License Types 41, 47 or 75), convention centers, exhibit halls, auditoriums, ballparks, stadiums, coliseums, hotels, motels, certain marine parks, wineries or beer manufacturers.

In support. The Night's Watch writes in support of this bill, "AB 1982 works to make nights out in San Francisco safer by empowering the nightlife community to challenge the culture of sexual and gender-based violence through outreach, education, and advocacy. This bill represents an important step forward in strengthening California's response to drink spiking and related forms of harm. By removing the sunset date, this legislation will provide the long-term stability needed for venues, advocates, and public agencies to integrate prevention measures into nightlife operations and support safer nightlife environments across the state."

Prior legislation. AB 668 (Lowenthal) of 2025. This bill would have required, beginning July 1, 2026 and until January 1, 2029, any person who obtains a catering authorization or daily on-sale license for the sale of alcoholic beverages at a large outdoor event to offer drug testing devices, provide drink lids upon request, and comply with notification and signage requirements related to drink spiking, as specified. (Held on the Senate Committee on Appropriations Suspense File)

AB 1524 (Lowenthal), Chapter 679, Statutes of 2024. Required each community college district and each campus of California State University to provide drug testing devices at no cost to their campus population at a location on campus. Requests the University of California, independent

institutions, and private postsecondary education institutions to provide drug testing devices at no cost to their campus population at a location on campus.

AB 2375 (Lowenthal), Chapter 714, Statutes of 2024. Commencing July 1, 2025, until January 1, 2027, required an applicant for a new permanent Type 48 license and the holder of an existing Type 48 license (Type 48 – Bar, Nightclub) to, upon request, provide a lid with a customer’s drink. The bill authorized the licensee to charge an additional fee for providing a lid with a customer’s drink and would prohibit the fee from exceeding the reasonable cost of providing the lid, as specified.

AB 2389 (Lowenthal), Chapter 310, Statutes of 2024. Required on-sale public premises (Type 48 – Bar, Night club) licensees to contact and provide specified information to law enforcement or emergency medical services when they are notified by a customer that the customer or another customer believes they have been a victim of drink spiking.

AB 2402 (Lowenthal), Chapter 829, Statutes of 2024. Required the ABC, by January 1, 2027, to include in RBS training courses best practices to protect a person from drink spiking and best practices if the person believes they have, or someone they know has, been drugged as a result of drink spiking. Defines "drink spiking", for the purposes of this bill, to mean putting alcohol or drugs into another person's drink without their knowing and express consent, also known as roofying.

AB 1013, (Lowenthal), Chapter 353, Statutes of 2023. Required an on-sale general public premises (Type 48) licensee to offer for sale to their customers drug testing devices at a cost not to exceed a reasonable amount based on the wholesale cost of those devices. A Type 48 licensee shall not be held liable for a defective test or inaccurate test result, including, but not limited to, a false positive or false negative test result.

AB 1221 (Gonzalez Fletcher), Chapter 847, Statutes of 2017. Established the RBS Training Program Act of 2017, and requires ABC, on or before January 1, 2020, to develop, implement, and administer a curriculum for an RBS training program, as specified. Additionally, the bill requires, beginning July 1, 2021, an alcohol server, as defined, to successfully complete an RBS training course offered or authorized by ABC.

SB 1182 (Galgiani), Chapter 893, Statutes of 2016. Made make it a felony, punishable by imprisonment in a county jail for 16 months, or 2 or 3 years, to possess ketamine, flunitrazepam (Rohypnol), or hydroxybutyric acid (GHB), with the intent to commit a sex crime, as defined.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

Office of Sexual Harassment & Assault Response + Prevention (SHARP)/  
Mayor's Office for Victims' Rights-San Francisco

The Night's Watch

### **Opposition**

None on file

**Analysis Prepared by:** Eric Johnson / G.O. / (916) 319-2531