

ASSEMBLY THIRD READING
AB 1982 (Lowenthal)
As Amended March 12, 2026
Majority vote

SUMMARY

This bill extends indefinitely the requirement for a bar or nightclub to offer customers, upon request, a drink lid or drug testing device. Specifically, this bill repeals the January 1, 2027, sunset date on the requirement for Type 48 license (Bar, Nightclub) to provide or sell to their customers a drink lid or drug testing device and post specified notices about the availability of drink lids and drug testing devices.

Major Provisions

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.

COMMENTS

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.

Anti-tampering devices. Anti-tampering alcohol drink devices are devices designed to prevent unwanted access or tampering with an individual's alcoholic beverages. These types 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). This law requires Type 48 licensees (bars and nightclubs), beginning July 1, 2024, through January 1, 2027, to comply with all of the following:

- 1) Offer drug-testing devices—such as test strips, stickers, straws, or other tools designed to detect the presence of controlled substances in drinks—that have not exceeded their expiration date or recommended period of use. These devices must test for controlled substances commonly used to spike drinks.
- 2) Make the drug-testing devices available to customers for purchase at a price not exceeding a reasonable amount based on the wholesale cost, or provide them free of charge.
- 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.

In 2024, the Legislature passed, and Governor Newsom signed, AB 2375 (Lowenthal), Chapter 714, Statutes of 2024, which requires Type 48 licensees to provide or sell drink lids to customers 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. This law remains in effect until January 1, 2027.

According to the Author

According to the author, "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."

Arguments 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."

Arguments in Opposition

None on file

FISCAL COMMENTS

According to the Assembly Committee on Appropriations, "Minor and absorbable costs to the Department of Alcoholic Beverage Control (ABC) to continue education and enforcement efforts regarding the provision of drink lids and drug testing devices by Type 48 licensees (approximately 2,500 bars and nightclubs). ABC notes that such efforts are carried out by agents during the course of ABC's usual inspections or investigations. This committee sees a wide array of bills that propose to modify the scope of alcohol laws. Generally, the majority of proposals do not generate significant new workload for ABC, but taken together, these proposals could lead to significant new costs and future budget requests. In this case, ABC has found most premises to be in compliance with the existing drink lid and drug testing device requirement, with the remaining premises voluntarily coming into compliance after being informed of the requirement."

VOTES

ASM GOVERNMENTAL ORGANIZATION: 13-0-9

YES: Blanca Rubio, Davies, Carrillo, Dixon, Fong, Macedo, Nguyen, Pacheco, Solache, Soria, Ta, Valencia, Wallis

ABS, ABST OR NV: Alvarez, Berman, Bryan, Gabriel, Gallagher, Gipson, McKinnor, Ramos, Michelle Rodriguez

ASM APPROPRIATIONS: 14-0-1

YES: Wicks, Hoover, Arambula, Caloza, Dixon, Fong, Mark González, Krell, Muratsuchi, Pacheco, Pellerin, Solache, Ta, Tangipa

ABS, ABST OR NV: Calderon

UPDATED

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