

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

AB 1982 (Lowenthal)
Version: June 15, 2026
Hearing Date: June 23, 2026
Fiscal: Yes
Urgency: No
ME

SUBJECT

On-sale general public premises: drink lids and drug testing devices

DIGEST

This bill removes the sunset date from provisions of law that require holders of and applicants for a bar/night club license to offer for sale drug testing devices at reasonable prices. Such licensees are immune from liability for defective or inaccurate tests.

EXECUTIVE SUMMARY

The Alcoholic Beverage Control Act regulates the licensing of businesses that serve alcoholic beverages. A Type 48 license is associated with bars or night clubs authorized to sell beer, wine, and distilled spirits for consumption on the premises where sold. Minors are prohibited from entering. AB 1013 (Lowenthal, Ch. 353, Stats. 2023) was passed in 2023 and requires such licensees to sell, at a reasonable price, drug testing devices to patrons. These devices include test strips, stickers, straws, and other devices designed to detect the presence of controlled substances in a drink.

The goal of AB 1013 was to address the incidence of drink spiking in such establishments and to prevent the commission of crimes associated with such conduct, namely sexual assault and rape. This Committee reviewed the legislation because it provided immunity to licensees from liability for defective tests and inaccurate test results. The provisions enacted by AB 1013 are set to sunset on at the end of this year. The author of AB 1013 brings this bill to remove the sunset.

The bill is author-sponsored. It is supported by Alcohol Justice. There is no known opposition. The bill passed out of the Senate Governmental Organization Committee on a 13 to 0 vote.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) 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 the drug testing devices. (Bus. & Prof. Code § 25624 (b).)
- 2) Requires licensees to post notices of this requirement, as provided. (Bus. & Prof. Code § 25624 (c).)
- 3) Provides that a licensee shall not be held liable for a defective test or inaccurate test result, including a false positive or false negative test result. However, a licensee shall ensure that all testing devices offered to customers have not exceeded their expiration date or recommended period of use, according to the product label, product packaging, or otherwise recommended by the manufacturer. (Bus. & Prof. Code §§ 25624 (e), (f).)
- 4) Defines “drug testing devices” as test strips, stickers, straws, and other devices designed to detect the presence of controlled substances in a drink. Controlled substances include 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. (Bus. & Prof. Code § 25624 (a).)
- 5) 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, upon request, provide a lid with a customer’s drink, as specified. (Bus. & Prof. Code § 25625.)
- 6) Sunsets the above provisions on January 1, 2027. (Bus. & Prof. Code § 25624 (i) & § 25625 (f).)

This bill:

- 1) Removes the sunset in Business and Professions Code sections 25624 and 25625.
- 2) Gives establishments an option to use the following alternative notice: “Drink spiking is a crime we take seriously. Concerned about your drink? Drink lids and test kits are available – ask a staff member for details.”

COMMENTS

1. Stated need for the bill

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.

AB 1013 and AB 2375 took direct aim at this threat, requiring bars and nightclubs to make drug testing strips and lids available on site. Both bills passed each legislative chamber 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.

2. Civil liability and immunity

As a general rule, California law provides that persons are responsible, not only for the result of their willful acts, but also for an injury occasioned to another by their want of ordinary care or skill in the management of their property or person, except so far as the latter has, willfully or by want of ordinary care, brought the injury upon themselves. (Civ. Code § 1714(a).) Liability has the primary effect of ensuring that some measure of recourse exists for those persons injured by the negligent or willful acts of others; the risk of that liability has the primary effect of ensuring parties act reasonably to avoid harm to those to whom they owe a duty.

Conversely, immunity from liability disincentivizes careful planning and acting on the part of individuals and entities. When one enjoys immunity from civil liability, it is relieved of the responsibility to act with due regard and an appropriate level of care in the conduct of its activities. Immunity provisions are also disfavored because they, by their nature, preclude parties from recovering when they are injured, and force injured parties to absorb losses for which they are not responsible. Liability acts not only to allow a victim to be made whole, but to encourage appropriate compliance with legal requirements.

Although immunity provisions are rarely preferable, the Legislature has in limited scenarios approved measured immunity from liability (as opposed to blanket immunities) to promote other policy goals that could benefit the public. Immunities are generally afforded when needed to ensure the willingness of individuals to continue taking on certain roles that may involve some risk and to incentivize certain conduct,

such as the provision of life-saving or other critical services. Examples include protections for use of CPR (Civ. Code § 1714.2); use of an automated external defibrillator (Civ. Code § 1714.21); use of opiate overdose treatment (Civ. Code § 1714.22); providing emergency care at the scene of an emergency (Health & Saf. Code §§ 1799.102, 1799.106); and performing emergency rescue services (Health & Saf. Code § 1799.107). However, as indicated above, rarely is immunity absolute, and these immunities generally do not cover grossly negligent conduct or intentional misconduct.

AB 1013 (Lowenthal, 2023) was signed into law in 2023. It 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 the drug testing devices. These devices include test strips, stickers, straws, and other devices designed to detect the presence of controlled substances in a drink. The goal of AB 1013 was to address the incidence of drink spiking in such establishments and to prevent the commission of crimes associated with such conduct, namely sexual assault and rape.

AB 1013 included a provision specifying that licensees shall not be held liable for a defective test or inaccurate test result, including a false positive or false negative test result. However, a licensee shall ensure that all testing devices offered to customers have not exceeded their expiration date or recommended period of use, according to the product label, product packaging, or otherwise recommended by the manufacturer. This is a narrow immunity that applies only to the effectiveness of the product the licensees are required to purchase and sell. Given the strong public policy aim, the Committee approved the bill with this immunity. Committee staff have not been provided with any evidence of problems that have arisen due to the narrow immunity.

SUPPORT

The Night's Watch

OPPOSITION

None received

RELATED LEGISLATION

Pending Legislation: None known.

Prior Legislation:

AB 2375 (Lowenthal, Ch. 714, Stats. 2024) required on-sale general public premises (Type 48 - Bar, Night Club) licensees to offer for sale to their customers, upon request, a lid with a customer's drink.

AB 1013 (Lowenthal, Ch. 353, Stats. 2023) required 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.

PRIOR VOTES:

Senate Governmental Organization Committee (Ayes 13, Noes 0)

Assembly Floor (Ayes 76, Noes 0)

Assembly Appropriations Committee (Ayes 14, Noes 0)

Assembly Governmental Organization Committee (Ayes 13, Noes 0)
