

CONCURRENCE IN SENATE AMENDMENTS

AB 1982 (Lowenthal)

As Amended August 3, 2026

Majority vote

SUMMARY

This bill repeals the January 1, 2027, sunset date on the requirement for Type 48 licensees (Bar, Night club) 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.

Senate Amendments

- 1) Provides an on-sale general public premises (Type 48) license an option to post the following alternative notice in a prominent and conspicuous location: "*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.*"
- 2) Makes technical changes.
- 3) Add coauthor.

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) Chapter 353, Statutes of 2023. 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 Alcoholic Beverage Control (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'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 crime. AB 1013 and AB 2375 took direct aim at this threat, requiring bars and nightclubs to make drug testing strings 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. This bill ensures the progress endures. Allowing these protections to sunset would be moving backward, leaving Californians more vulnerable than before."

Arguments in Support

According to the Night's Watch, "drink spiking and drug-facilitated sexual assault remain persistent and underreported threats in nightlife spaces. These incidents not only cause serious, long-term harm to individuals, but also impact the public's perception of nightlife safety and undermine public confidence in nightlife spaces and the broader nighttime economy. As the state of California continues to emphasize nightlife as essential to downtown revitalization & economic recovery, it is essential that the state provides clear standards and prevention tools to reduce the risks of sexual violence perpetration in these spaces."

Arguments in Opposition

None on file.

FISCAL COMMENTS

According to the Senate Committee on Appropriations, pursuant to Senate Rule 28.8, negligible state costs.

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

ASSEMBLY FLOOR: 76-0-4

YES: Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wilson, Zbur, Rivas

ABS, ABST OR NV: Addis, Gabriel, Celeste Rodriguez, Wicks

SENATE FLOOR: 39-0-1

YES: Allen, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Reyes, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

ABS, ABST OR NV: Alvarado-Gil

UPDATED

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