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## SENATE COMMITTEE ON APPROPRIATIONS

Senator Anna Caballero, Chair  
2025 - 2026 Regular Session

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### **AB 668 (Lowenthal) - Alcoholic beverage control: large outdoor events: drink spiking**

**Version:** July 9, 2025

**Urgency:** No

**Hearing Date:** August 18, 2025

**Policy Vote:** G.O. 15 - 0, JUD. 13 - 0

**Mandate:** No

**Consultant:** Janelle Miyashiro

**Bill Summary:** AB 668 requires, 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.

**Fiscal Impact:** Unknown, potentially significant fiscal impact to the Department of Alcoholic Beverage Control (ABC) to investigate complaints related to incidents of alleged drink spiking during large outdoor events involving catering authorization or daily on-sale license holders. For context, the Department of ABC issued 318 daily on-sale licenses and 113 catering authorizations for events with more than 10,000 participants in 2024. If 10 percent of these events resulted in complaint investigations under this bill, this would be 43 investigations. Actual costs to the department will depend on, among other things, the extent that the department may absorb the enforcement activities related to this bill in its regular investigatory activities for incidents involving drink spiking.

It is unknown if the Department of ABC would be required to develop regulations or produce other guidance. The bill is unclear about the number of drug testing devices that licensees should have available for purchase, whether devices must be available at all locations at the event alcohol is being served, or for storage and retention requirements for devices to comply with the mandates of this bill. To the extent the department would need to develop regulations or guidance, there may be additional administrative costs.

Staff notes that the Department of ABC's activities are funded by regulatory and license fees and generally the department does not receive support from the General Fund. New legislative mandates, although modest in scope, may in totality create new cost pressures and impact the department's operating costs and future budget requests.

**Background:** The Department of ABC carries out business inspections through its Informed Merchants Preventing Alcohol-Related Crime Tendencies (IMPACT) Program. The Department of ABC created IMPACT in 1984 as a preventative and educational program. It employs a community-oriented policing strategy that involves local businesses in deterring crime. IMPACT teams select and survey licensed outlets at random. During their visits, IMPACT teams remind licensees of the responsibilities and accountability associated with the sale of alcohol. The officers also inspect licensed premises for compliance with State and local laws. The officers may look for loitering,

litter, graffiti, posted signs, slot machines, lack of food service in restaurants, illegal weapons, or other violations. Although education is the main goal, if any major violations are discovered during the inspections, officers will act. A checklist is used to note any violations observed, and it is given to the licensee. Any issues must then be fixed by the licensee.

**Proposed Law:**

- Requires any person who obtains a catering authorization or daily on-sale license for the sale of alcoholic beverages at a large outdoor event to comply with all of the following:
  - Offer drug testing devices to their customers at a cost not to exceed a reasonable amount based on the wholesale cost of those devices. Provides that a licensee may offer drug testing devices to their customers for free. Provides that a licensee is not liable for a defective test or inaccurate test result. Requires licensees to comply with all manufacturer storage instructions.
  - Upon request, provide a lid with a customer's drink. Provides that the lid is not required to fit all containers in which alcoholic beverages are served at the event, but must fit at least one. Authorizes a licensee to charge an additional fee for providing a lid, not to exceed a reasonable amount based on the wholesale cost of those lids. Provides a licensee can offer lids for free.
  - Contact and provide the following information to law enforcement or emergency medical services when the licensee is notified by a customer that the customer or another customer believes they have been a victim of drink spiking: a positive test result from a testing device, observation of someone tampering with a customer's drink, verbal communication to staff that a customer has been drugged, or observation of symptoms associated with the effects of drink spiking. Requires the licensee or a member of staff, to the best of their ability, to follow any instructions provided by law enforcement or emergency medical services personnel and monitor that customer until law enforcement or medical services personnel arrive to assess the customer.
  - Post the following notice in a prominent and conspicuous location at alcohol dispensing points:

“Don't get roofied! Drink lids and drink spiking drug test kits available here. Ask a staff member for details.”
- Provides that a first violation of the provisions of this bill result only in a warning by the department.
- Requires the department to post a link on its website to a page that contains information about the requirements of this bill.
- Defines “drink spiking,” also known as “roofied,” to include but not be limited to, adding a controlled substance or alcohol to a person's drink without the knowledge or consent of that person.

- Defines “controlled substance” to include, but not be 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.
- Defines “drug testing devices,” to mean test strips, stickers, straws, and other devices designed to detect the presence of controlled substances in a drink.
- Defines “large outdoor event” as an organized outdoor event that is held in a nonpermanent venue featuring performances on one or more stages that has an estimated attendance level of more than 10,000 participants per day.
- Defines “lid” as a removable cover of any size that attaches to the rim of a beverage.
- Makes the provisions of this bill operative on July 1, 2026, and until January 1, 2029.

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