



SENATE BILL 2372

By Rose

AN ACT to amend Tennessee Code Annotated, Title 39;
Title 40 and Title 57, relative to adulterated
products.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-107, is amended by deleting the section and substituting:

(a) It is an offense for a person to adulterate any food product or liquid that is manufactured, marketed, grown, or produced for human consumption or any pharmaceutical product that is designed, marketed, or prescribed for the diagnosis or treatment of a disease or medical condition by placing in, mixing with, or adding to the product or liquid, any object, liquid, powder, or other substance with the intent to cause the following to a user of the product or liquid:

- (1) Involuntary intoxication;
- (2) Bodily injury;
- (3) Serious bodily injury; or
- (4) Death.

(b)

(1) A violation of this section where the person intends to cause involuntary intoxication is a Class D felony.

(2) A violation of this section where the person intends to cause bodily injury is a Class C felony.

(3) A violation of this section where the person intends to cause serious bodily injury or death is a Class B felony.

SECTION 2. Tennessee Code Annotated, Title 57, Chapter 3, Part 1, is amended by adding the following new section:

(a) As used in this section:

(1) "Drink drug testing device" means a device that:

(A) Utilizes disposable test strips to detect the presence of drugs in intoxicating drinks;

(B) Is capable of detecting the presence of controlled substances, drugs, and drug analogs, salts, and isomers in a beverage that are used to incapacitate or intoxicate a person for purposes of assaulting the person or committing a crime;

(C) Detects, at a minimum, not less than ten (10) controlled substances, as defined in 21 U.S.C. § 802.6, and not less than two (2) date rape drugs, as defined in 21 U.S.C. § 841(g)(2)(A);

(D) Provides results in less than five (5) minutes after testing a beverage; and

(E) Is manufactured in the United States or its territories;

(2) "Intoxicating beverage" means alcoholic beverages, spirits, wine, beer, and any other beverage containing alcohol; and

(3) "Licensee" means a person, retailer, distiller, vintner, manufacturer, winery, grocery store, or other entity licensed or permitted under this title to sell or offer samples of intoxicating beverages, whether in bottles or packages or by the drink, on or from a licensed premises.

(b) A licensee authorized to sell or offer samples of intoxicating beverages for consumption on any licensed premises shall not serve intoxicating beverages on the licensed premises unless the licensee maintains a drink drug testing device approved by

the commission that is readily available upon the request of a customer that is capable of rapidly testing a beverage suspected of being spiked, laced, or contaminated with a controlled substance or other drug.

(c) A licensee shall post a notice in a prominent and conspicuous location on the licensed premises that informs customers of the availability of drink drug testing devices.

(d) A licensee is not liable for a defective test or inaccurate test result, including, but not limited to, a false positive or false negative test result.

(e) A licensee shall provide a drink drug testing device to a customer for free or at a cost not to exceed the reasonable cost of the device to the licensee.

(f) A licensee shall ensure that drink drug testing devices offered to customers have not exceeded their expiration date or recommended period of use, according to the product label, product packaging, or manufacturer's recommendation.

(g) The commission, in collaboration with the Tennessee bureau of investigation, shall ensure that drink drug testing devices accurately test for the number of substances required under subdivision (a)(1)(C) and may require that such devices test for additional substances, as may be in the best interest of the public.

SECTION 3. Section 1 takes effect July 1, 2026, the public welfare requiring it. For all other purposes, this act takes effect upon becoming a law, the public welfare requiring it.

Amendment No. 1 to SB2372

Gardenhire
Signature of Sponsor

AMEND Senate Bill No. 2372*

House Bill No. 2301

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 39-17-107, is amended by deleting the section and substituting:

(a) It is an offense for a person to adulterate any food product or liquid that is manufactured, marketed, grown, or produced for human consumption or any pharmaceutical product that is designed, marketed, or prescribed for the diagnosis or treatment of a disease or medical condition by placing in, mixing with, or adding to the product or liquid, any object, liquid, powder, or other substance with the intent to cause the following to a user of the product or liquid:

- (1) Involuntary intoxication;
- (2) Bodily injury;
- (3) Serious bodily injury; or
- (4) Death.

(b)

(1) A violation of this section where the person intends to cause involuntary intoxication is a Class D felony.

(2) A violation of this section where the person intends to cause bodily injury is a Class C felony.

(3) A violation of this section where the person intends to cause serious bodily injury or death is a Class B felony.

SECTION 2. Tennessee Code Annotated, Title 57, Chapter 3, Part 1, is amended by adding the following new section:

(a) As used in this section:

(1) "Drink drug testing device" means a device that:

(A) Utilizes disposable test strips to detect the presence of drugs in intoxicating drinks;

(B) Is capable of detecting the presence of controlled substances, drugs, and drug analogs, salts, and isomers in a beverage that are used to incapacitate or intoxicate a person for purposes of assaulting the person or committing a crime;

(C) Detects, at a minimum, not less than ten (10) controlled substances, as defined in 21 U.S.C. § 802.6, and not less than two (2) date rape drugs, as defined in 21 U.S.C. § 841(g)(2)(A);

(D) Provides results in less than five (5) minutes after testing a beverage; and

(E) Is manufactured in the United States or its territories;

(2) "Intoxicating beverage" means alcoholic beverages, spirits, wine, beer, and any other beverage containing alcohol; and

(3) "Licensee" means a person, retailer, distiller, vintner, manufacturer, winery, grocery store, or other entity licensed or permitted under this title to sell or offer samples of intoxicating beverages, whether in bottles or packages or by the drink, on or from a licensed premises.

(b) A licensee authorized to sell or offer samples of intoxicating beverages for consumption on any licensed premises shall not serve intoxicating beverages on the licensed premises unless the licensee maintains a drink drug testing device approved by the commission that is readily available upon the request of a customer that is capable

of rapidly testing a beverage suspected of being spiked, laced, or contaminated with a controlled substance or other drug.

(c) A licensee shall maintain an inventory of at least ten (10) drink drug testing device disposable test strips for customer use. If the inventory is less than ten (10) at the opening of business, then the establishment shall replenish the inventory within three (3) business days.

(d) A licensee is not liable for a defective test or inaccurate test result, including, but not limited to, a false positive or false negative test result.

(e) A licensee shall provide a drink drug testing device to a customer for free.

(f) A licensee shall ensure that drink drug testing devices offered to customers have not exceeded their expiration date or recommended period of use, according to the product label, product packaging, or manufacturer's recommendation.

(g) The commission, in collaboration with the Tennessee bureau of investigation, shall ensure that drink drug testing devices accurately test for the number of substances required under subdivision (a)(1)(C) and may require that such devices test for additional substances, as may be in the best interest of the public.

SECTION 3. Section 1 takes effect July 1, 2026, the public welfare requiring it. For all other purposes, this act takes effect upon becoming a law, the public welfare requiring it.