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**AB-1013 On-sale general public premises: drug testing devices.** (2023-2024)

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**Assembly Bill No. 1013**

**CHAPTER 353**

An act to add and repeal Section 25624 of the Business and Professions Code, relating to alcoholic beverages.

[ Approved by Governor October 07, 2023. Filed with Secretary of State October 07, 2023. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 1013, Lowenthal. On-sale general public premises: drug testing devices.

The Alcoholic Beverage Control Act, administered by the Department of Alcoholic Beverage Control, regulates the application for, the issuance of, the suspension of, and the conditions imposed upon, various alcoholic beverage licenses. Existing law generally provides that a violation of the act is a misdemeanor.

This bill would require 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. The bill would require a licensee to post a related notice containing specified language in a prominent and conspicuous location. The bill would prohibit a Type 48 licensee from being held liable for a defective test or inaccurate test result. The bill would require a Type 48 licensee to ensure that all testing devices offered to customers have not exceeded their expiration date or recommended period of use, as specified. The bill would specify that a violation of its provisions is not a crime. The bill would require the department to post on its internet website information about the bill's requirements, as specified. The bill would make its provisions operative on July 1, 2024, and would repeal its provisions on January 1, 2027.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** Section 25624 is added to the Business and Professions Code, to read:

**25624.** (a) For purposes of this section, the following definitions apply:

(1) "Drug testing devices" means test strips, stickers, straws, and other devices designed to detect the presence of controlled substances in a drink.

(2) "Controlled substances" includes, but is not 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.

(b) An applicant for a new permanent on-sale general public premises (Type 48) license or the holder of an existing Type 48 license shall 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.

(c) A licensee subject to subdivision (b) shall 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."

(d) This section does not prevent a Type 48 licensee from offering drug testing devices to their customers free of charge.

(e) A Type 48 licensee shall not be held liable for a defective test or inaccurate test result, including, but not limited to, a false positive or false negative test result.

(f) A Type 48 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.

(g) Notwithstanding Section 25617, a violation of this section is not a crime.

(h) The department shall post on its internet website a link to a page that contains information about the requirements of this section, including, but not limited to, the signage that is required to be posted and the types of drug testing devices that are required to be available on a Type 48 licensed premises.

(i) This section shall be operative on July 1, 2024, and shall be repealed on January 1, 2027.