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AB-1524 Postsecondary education: on-campus access to drug testing devices. (2023-2024)

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Assembly Bill No. 1524

CHAPTER 679

An act to add Section 66027.3 to the Education Code, relating to postsecondary education.

[Approved by Governor September 27, 2024. Filed with Secretary of State September 27, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1524, Lowenthal. Postsecondary education: on-campus access to drug testing devices.

Existing law establishes the California Community Colleges, the California State University, the University of California, independent institutions of higher education, and private postsecondary educational institutions as the segments of postsecondary education in the state.

This bill would require the California State University and community college districts to stock drug testing devices, as defined, available and accessible, free-of-charge, in the health center located on each campus and post a notice on these requirements in a prominent and conspicuous location, as specified. The bill would encourage the University of California, independent institutions of higher education, and private postsecondary educational institutions to implement these provisions. By imposing new duties on community college districts, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

SECTION 1. Section 66027.3 is added to the Education Code, to read:

66027.3. (a) For purposes of this section, the following definitions apply:

(1) "Controlled substances" includes, but is not limited to, flunitrazepam, ketamine, and gamma hydroxybutyric acid, which is also known by other names, including, but not limited to, GHB, gamma hydroxyl butyrate, 4-hydroxybutyrate, 4-hydroxybutanoic acid, sodium oxybate, and sodium oxybutyrate.

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

(b) (1) The California State University and each community college district shall stock drug testing devices, available and accessible, free of cost, in the health center located on each campus.

(2) (A) Notwithstanding any other law, the California State University and each community college district shall not be liable in a civil action or be subject to criminal prosecution for a defective test or inaccurate test result, including, but not limited to, a false positive or false negative test result, from a drug testing device made available pursuant to this subdivision.

(B) The California State University and each community college district shall ensure that drug testing devices made available pursuant to this subdivision have not exceeded their expiration date or recommended period of use, according to the product label, product packaging, or as otherwise recommended by the manufacturer.

(c) The California State University and each community college district shall post a notice regarding the requirements of subdivision (b) in a prominent and conspicuous location. This location may include, but shall not be limited to, on each campus health center's internet website or in new student orientation materials.

(d) The Regents of the University of California, independent institutions of higher education, as defined in Section 66010, and private postsecondary educational institutions, as defined in Section 94858, are encouraged to stock drug testing devices, available and accessible, free of cost, in the health center located on each campus.

(e) (1) If the Regents of the University of California, independent institutions of higher education, as defined in Section 66010, and private postsecondary educational institutions, as defined in Section 94858, implement subdivision (d), the campuses are further encouraged to post a notice regarding the requirements of subdivision (d) in a prominent and conspicuous location. This location may include, but shall not be limited to, on each campus health center's internet website or in new student orientation materials.

(2) Notwithstanding any other law, if the Regents of the University of California, independent institutions of higher education, as defined in Section 66010, and private postsecondary educational institutions, as defined in Section 94858, implement subdivision (d), the campuses shall not be liable in a civil action or be subject to criminal prosecution for a defective test or inaccurate test result, including, but not limited to, a false positive or false negative test result, from a drug testing device made available pursuant to subdivision (d).

(3) If the Regents of the University of California, independent institutions of higher education, as defined in Section 66010, and private postsecondary educational institutions, as defined in Section 94858, implement subdivision (d), the campuses are further encouraged to ensure that drug testing devices made available pursuant to subdivision (d) have not exceeded their expiration date or recommended period of use, according to the product label, product packaging, or as otherwise recommended by the manufacturer.

(f) This section does not prevent a campus from providing more than one location where persons may access drug testing devices.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.