



| | | | | | | |
|------|------------------|----------------|--------------|-----------------|------------------|--------------|
| Home | Bill Information | California Law | Publications | Other Resources | My Subscriptions | My Favorites |
|------|------------------|----------------|--------------|-----------------|------------------|--------------|

AB-2375 Alcoholic beverages: on-sale general public premises: drink lids. (2023-2024)

SHARE THIS:  

Date Published: 09/30/2024 09:00 PM

Assembly Bill No. 2375

CHAPTER 714

An act to amend Section 25624 of, and to add and repeal Section 25625 of, the Business and Professions Code, relating to alcoholic beverages.

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2375, Lowenthal. Alcoholic beverages: on-sale general public premises: drink lids.

Existing law, 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 makes a violation of the act a misdemeanor and grounds for suspension or revocation of a license, except as specified.

Existing law authorizes the issuance of on-sale general public premises (Type 48) licenses, which authorize, as specified, the sale of beer, wine, and distilled spirits for consumption on the licensed premises. Existing law, commencing July 1, 2024, until January 1, 2027, requires an applicant for a new permanent Type 48 license and the holder of an existing Type 48 license to offer drug testing devices for sale to their customers and to post a related notice containing specified language, as specified.

This bill would also, commencing July 1, 2025, until January 1, 2027, require an applicant for a new permanent Type 48 license and the holder of an existing Type 48 license to, upon request, provide a lid with a customer's drink. The bill would require a licensee to post a related notice containing specified language in a prominent and conspicuous location and would make a conforming change to the above-described notice requirement related to drug testing devices. The bill would authorize the licensee to charge an additional fee for providing a lid with a customer's drink and would prohibit the fee from exceeding the reasonable cost of providing the lid, as specified. The bill would specify that a violation of this provision is not a crime.

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 of the Business and Professions Code is amended 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 lids and 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.

SEC. 2. Section 25625 is added to the Business and Professions Code, immediately following Section 25624, to read:

25625. (a) (1) An applicant for a new permanent on-sale general public premises (Type 48) license or the holder of an existing Type 48 license shall, upon request, provide a lid with a customer's drink. For purposes of this section, "lid" means a removable cover of any size that attaches to the rim of a beverage. The lid is not required to fit all containers in which alcoholic beverages are served on the premises but shall fit at least one.

(2) A licensee subject to this subdivision shall post the following notice in a prominent and conspicuous location:

"Don't get roofied! Drink lids and drink spiking drug test kits available here. Ask a staff member for details."

(b) The licensee may charge an additional fee for providing a lid with a customer's drink, which shall not exceed a reasonable amount based on the wholesale cost of those lids.

(c) This section does not prevent a Type 48 licensee from offering lids to their customers free of charge.

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

(e) A sole violation of this section, including the notice requirement in this section, shall result only in a warning by the department for the first offense.

(f) This section shall become operative July 1, 2025, and shall remain in effect only until January 1, 2027, and as of that date is repealed.