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AB-2389 Alcoholic beverages: on-sale general - eating place and on-sale general public premises: drug reporting. (2023-2024)

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Assembly Bill No. 2389

CHAPTER 310

An act to add Section 25624.5 to the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor September 20, 2024. Filed with Secretary of State September 20, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2389, Lowenthal. Alcoholic beverages: on-sale general - eating place and on-sale general public premises: drug reporting.

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, beginning July 1, 2024, requires 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 and requires the licensee to post a related notice containing specified language in a prominent and conspicuous location. Existing law prohibits a Type 48 licensee from being held liable for a defective test or inaccurate test result. Existing law repeals the above-described provisions on January 1, 2027.

This bill would require an applicant for a new permanent Type 48 license or the holder of an existing Type 48 license to contact and provide specified information to law enforcement or emergency medical services when they are notified by a customer that the customer or another customer believes they have been a victim of drink spiking, as defined. The bill would also require the licensee or a member of the staff to, upon contacting law enforcement or emergency medical services, follow any instructions provided and monitor the customer until law enforcement or emergency medical services arrive at the premises, as specified. The bill would specify that a violation of its provisions 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 25624.5 is added to the Business and Professions Code, to read:

25624.5. (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) "Drink spiking," also known as "roofied," includes, but is not limited to, adding a controlled substance or alcohol to a person's drink without the knowledge or consent of that person.

(3) "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 contact and provide any of the following information to law enforcement or emergency medical services when they are notified by a customer that the customer or another customer believes they have been a victim of drink spiking:

(1) A positive test result from a drug testing device.

(2) Observation of someone tampering with a customer's drink.

(3) Verbal communication to staff that a customer has been drugged.

(4) Observation of symptoms associated with the effects of drink spiking or the controlled substances used for drink spiking.

(5) Upon contacting law enforcement or emergency medical services, the licensee or a member of the staff shall, to the best of their ability, follow any instructions provided by law enforcement or emergency medical services personnel, and, to the best of their ability, monitor the customer until law enforcement or emergency medical services arrive at the premises to assess the customer.

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