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**AB-2402 Drink spiking.** (2023-2024)

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**Assembly Bill No. 2402**

**CHAPTER 829**

An act to amend Section 25681 of the Business and Professions Code, relating to alcoholic beverages.

[ Approved by Governor September 28, 2024. Filed with Secretary of State September 28, 2024. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 2402, Lowenthal. Drink spiking.

Existing law, the Alcoholic Beverage Control Act, administered by the Department of Alcoholic Beverage Control, regulates the sale and distribution of alcoholic beverages and the granting of licenses for the manufacture, distribution, and sale of alcoholic beverages within the state. Existing law requires the department to develop, implement, and administer a curriculum for a Responsible Beverage Service (RBS) training program, as specified. Existing law requires an RBS training course to include information on, among other things, state laws and regulations relating to alcoholic beverage control and the impact of alcohol on the body, as specified.

This bill would require, on or before January 1, 2027, the RBS training courses to include best practices on how to prevent or protect a person from drink spiking and best practices if the person believes they have, or someone they know has, been drugged as a result of drink spiking.

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

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

**SECTION 1.** Section 25681 of the Business and Professions Code is amended to read:

**25681.** (a) The department shall develop, implement, and administer a curriculum for an RBS training program that will make RBS training courses available, both in person and online, to all persons required to obtain an alcohol server certification pursuant to this article. RBS training courses shall, at a minimum, be offered in English and Spanish.

(1) The department may be a provider of RBS training courses.

(2) The department shall authorize one or more accreditation agencies to accredit training providers to offer RBS training courses that meet the curriculum requirements established by the department. The department may collect fees to cover its reasonable costs for the review, approval, and renewal of the approval of accreditation agencies.

(3) An accredited training provider shall register with the department once accredited.

(b) (1) The department may approve training providers that are not accredited by an accreditation agency authorized by the department. The department shall promulgate regulations setting forth the requirements for approval for training providers that

are not accredited. At a minimum, training providers that are not accredited shall:

(A) Possess background and expertise in the fields of alcohol, training, hospitality, and psychology.

(B) Keep records of all certifications issued and, upon request, make these available to the department or other law enforcement agencies.

(C) Provide technical support to servers and customers.

(D) Maintain strict data security protocols.

(E) Comply with any other requirements established by the department.

(2) The department may collect fees to cover its reasonable costs for the review, approval, and renewal of the approval of training providers that are not accredited by an accreditation agency.

(c) A training provider shall register with the department once accredited by an authorized accreditation agency or approved by the department.

(d) A training provider shall issue alcohol server certifications to persons who have successfully completed an RBS training course and passed an exam.

(e) An alcohol server certification shall be valid for a period of three years from the date of issuance and shall be valid for any person employed by a licensee that is subject to this article.

(f) (1) Commencing on or before January 1, 2027, the RBS training courses shall include all of the following:

(A) Best practices on how to prevent or protect a person from drink spiking.

(B) Best practices if the person believes they have, or someone they know has, been drugged as a result of drink spiking.

(2) For purposes of this subdivision, "drink spiking" means putting alcohol or drugs into another person's drink without their knowing and express consent, also known as roofying.