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**AB-668 Alcoholic beverage control: large outdoor events: drink spiking.** (2025-2026)

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AMENDED IN SENATE JULY 09, 2025

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AMENDED IN ASSEMBLY MARCH 27, 2025

AMENDED IN ASSEMBLY MARCH 17, 2025

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

**ASSEMBLY BILL**

**NO. 668**

**Introduced by Assembly Members Lowenthal and Davies**

**February 14, 2025**

An act to add and repeal Section 23398.9 of the Business and Professions Code, relating to alcoholic beverages.

**LEGISLATIVE COUNSEL'S DIGEST**

AB 668, as amended, Lowenthal. Alcoholic beverage control: large outdoor events: drink spiking.

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, until January 1, 2027, requires an applicant for a new permanent on-sale general public premises (Type 48) license and the holder of an existing Type 48 license to offer drug testing devices and drink lids to their customers and to post a related notice, as specified. Existing law also requires those applicants and licensees 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 specified.

This bill would, commencing July 1, 2026, until January 1, 2029, require any person who obtains a catering authorization or daily on-sale license for the sale of alcoholic beverages at a large outdoor event, as defined, to comply with the above-described drink spiking requirements. *The bill would require a licensee to comply with all manufacturer instructions relating to testing devices, as specified, and would specify that a licensee who complies with the manufacturer's instructions shall not be held liable for a defective test or inaccurate test result.* The bill would specify that a violation of its provisions is not a ~~crime~~. *crime and would specify that a first violation would result only in a warning by the department.*

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

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

**SECTION 1.** Section 23398.9 is added to the Business and Professions Code, to read:

**23398.9.** (a) For purposes of this section, the following definitions shall apply:

- (1) "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.
- (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) "Drug testing devices" means test strips, stickers, straws, and other devices designed to detect the presence of controlled substances in a drink.
- (4) "Large outdoor event" means an organized outdoor event that is held in a nonpermanent venue featuring performances on one or more stages that has an estimated attendance level of more than 10,000 participants per day.
- (5) "Lid" means a removable cover of any size that attaches to the rim of a beverage.

(b) Any person who obtains a catering authorization or daily on-sale license pursuant to this division for the sale of alcoholic beverages at a large outdoor event shall comply with all of the following requirements:

- (1) 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.

(A) This paragraph does not prevent a licensee subject to this section from offering drug testing devices to their customers free of charge.

(B) A licensee subject to this section *who complies with the requirements of subparagraph (C)* 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.

(C) A licensee subject to this section shall *comply with all manufacturer instructions related to testing devices offered to consumers, including instructions for storing the devices, and 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.

- (2) Upon request, provide a lid with a customer's drink. The lid is not required to fit all containers in which alcoholic beverages are served at the event but shall fit at least one.

(A) A licensee subject to this section 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.

(B) This paragraph does not prevent a licensee subject to this section from offering lids to their customers free of charge.

- (3) 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:

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

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

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

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

(E) 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.

- (4) Post the following notice in a prominent and conspicuous location at alcohol dispensing points:

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

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

*(d) A first violation of this section shall result only in a warning by the department.*

~~(e)~~

(e) 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 licensed premises.

~~(e)~~

(f) This section shall become operative July 1, 2026, and shall remain in effect only until January 1, 2029, and as of that date is repealed.