

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

AB 668 (Lowenthal)
Version: July 9, 2025
Hearing Date: July 15, 2025
Fiscal: Yes
Urgency: No
AWM

SUBJECT

Alcoholic beverage control: large outdoor events: drink spiking

DIGEST

This bill requires, until January 1, 2029, any person who obtains a catering authorization or daily on-sale license for the sale of alcoholic beverages at large outdoor events to offer drug testing devices for sale to their customers and to provide, upon request, a lid with a customer's drink, as specified.

EXECUTIVE SUMMARY

A person commits "drink-spiking" when they put a controlled substance or alcohol in the drink of another person without that person's knowledge or consent. Adulterating another's drink is, in and of itself, illegal, but a drink-spiker usually engages in drink-spiking with the goal of perpetrating another crime on the victim – often sexual assault or rape. The most common method of spiking is placing the unwanted substance in another person's drink, though food can also be spiked. Current law requires, until 2027, licensed bars and clubs to make drug-testing devices and lids available for sale to patrons, and to post specified signage relating to the availability of tests.

This bill requires, until January 1, 2029, any person who obtains a catering authorization or daily on-sale license for the sale of alcoholic beverages at large outdoor events to offer drug testing devices for sale to their customers and to provide, upon request, a lid with a customer's drink. The person may charge for the test or drink. The bill also requires the person to post the same signage as a bar or club licensee. The bill provides that the person is immune from liability for a defective test or inaccurate test result, provided that the test is within its expiration period and the person complied with all of the manufacturer's instructions related to the test.

This bill is sponsored by the author and is supported by Alcohol Justice and the California Alcohol Policy Alliance. The Committee has not received timely opposition

to this bill. The Senate Governmental Organization Committee passed this bill with a vote of 15-0.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Provides that every person is responsible, not only for the result of their willful acts, but also for an injury occasioned to another by their want of ordinary care or skill in the management of their property or person, except so far as the latter has, willfully or by want of ordinary care, brought the injury upon themselves. (Civ. Code, § 1714(a).)
- 2) Establishes the Alcoholic Beverage Control Act (ABCA), which governs the manufacture, sale, and disposition of alcoholic beverages in the state, and is administrated by the Department of Alcoholic Beverage Control (ABC). (Bus. & Prof. Code, div. 9, §§ 23000 et seq.)
- 3) Requires a person to obtain a license from the ABC to engage in specified alcoholic-beverage-related commercial activities. (Bus. & Prof. Code, div. 9, ch. 3, §§ 23300 et seq.)
- 4) Establishes the Type 48 license, which authorizes the sale of alcoholic beverages at venues where the service of alcohol is not incidental to food service and minors are not allowed to enter and remain (i.e., bars and nightclubs). (Bus. & Prof. Code, §§ 23320, 25665, 23825.)
- 5) Defines the following terms:
 - a) "Drug testing devices" means test strips, stickers, straws, and other devices designed to detect the presence of controlled substances in a drink. (Bus. & Prof. Code, § 25624(a).)
 - b) "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. (Bus. & Prof. Code, § 25624(a).)
 - c) "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. (Bus. & Prof. Code, § 25624.5(a)(3).)
- 6) Requires the holder of a Type 48 license to do all of the following:
 - a) 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. (Bus. & Prof. Code, § 25624(b).)

- b) Ensure that all testing devices offered to customers under (1) have not exceeded their expiration date or recommended period of prior use, according to the product label, product packaging, or as otherwise recommended by the manufacturer. (Bus. & Prof., § 25624(f).)
 - c) Post a notice that states “Don’t get roofied! Drink lids and drink spiking drug test kits available here. Ask a staff member for details.” in a prominent and conspicuous location. (Bus. & Prof. Code, § 25624(c).)
 - d) Contact and provide specified information to law enforcement or emergency medical services (EMS) when they are notified by a customer that the customer or another customer believes that they have been a victim of drink spiking and, to the best of their ability, follow any instructions provided by law enforcement or EMS personnel and monitor the customer until law enforcement or EMS arrive at the premises to assess the customer. (Bus. & Prof. Code, § 25624.5(b).)
 - e) Beginning July 1, 2025, provide a lid for a customer’s drink upon request; the licensee may charge a fee for providing a lid, which shall not exceed a reasonable amount based on the wholesale cost of those lids. (AB 2375 (Lowenthal, Ch. 714, Stats. 2024); Bus. & Prof. Code § 25625 (effective July 1, 2025).)
- 7) Provides that a 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, from a test provided pursuant to 6)(a). (Bus. & Prof. Code, § 25624(e).)
- 8) Provides that the obligations to provide drug-testing devices for sale, to post notices, and to provide a lid pursuant to 6) sunset on January 1, 2027. (Bus. & Prof. Code, § 25624(i).)

This bill:

- 1) Defines the following terms:
- a) “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) “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 the person.
 - c) “Drug testing devices” means test strips, stickers, straws, and other devices designed to detect the presence of controlled substances in a drink.
 - d) “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.

- e) "Lid" means a removable cover of any size that attaches to the rim of a beverage.
- 2) Requires any person who obtains a catering authorization or daily on-sale license pursuant to the ABCA for the sale of alcoholic beverages at a large outdoor event to comply with all of the following requirements:
- a) 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, or provide such devices to customers free of charge.
 - b) Provide a customer a lid for their drink upon request; the lid is not required to fit all containers in which alcoholic beverages are served at the event but shall fit at least one. The person 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, or may offer the lids free of charge.
 - c) Contact and provide the following information to law enforcement or EMS when they are notified by a customer that the customer or another customer believes they have been a victim of drink spiking:
 - i. A positive test result from a drug-testing device.
 - ii. Observation of someone tampering with a customer's drink.
 - iii. Verbal communications to staff that a customer has been drugged.
 - iv. Observation of symptoms associated with the effects of drink spiking or the controlled substances used for drink spiking.
 - d) Upon contacting law enforcement or EMS pursuant to (c), to the best of their ability, follow any instructions provided by law enforcement or EMS personnel and monitor the customer until law enforcement or EMS arrives at the premises to assess the customer. A member of the licensee's staff may also satisfy this requirement.
 - e) Post a notice that states "Don't get roofied! Drink lids and drink spiking drug test kits available here. Ask a staff member for details." In a prominent and conspicuous location.
- 3) Provides that a licensee who provides a drug-testing device pursuant to 2)(a) 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, provided that they complied with the requirements of 4), below.
- 4) Requires a licensee required to provide a drug-testing device pursuant to 2)(a) to comply with all manufacturer instructions related to testing devices offered to consumers, including instructions for storing the devices, and to 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.

- 5) Requires the ABC to post on its website a link to a page that contains information about the requirements of 1)-4), 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.
- 6) Provides that a violation of 2)(a) is not a crime, and a first violation shall result only in a warning from the ABC.
- 7) Provides that 1)-6) become operative on July 1, 2026, and will sunset on January 1, 2029.

COMMENTS

1. Author's comment

According to the author:

The ongoing and often underreported epidemic of drink spiking, commonly known as “roofing” continues to plague California and the world. Drink spiking, drugging, or “roofing” can be perpetrated in almost any setting, but a common location for this activity to take place is in chaotic environments where alcoholic beverages are being sold, and recreational drugs are being used. AB 668 establishes simple and effective measures to both increase vigilance at California’s large music festivals, and prevent roofing and in turn the horrific crimes that too often follow, such as sexual assault, and rape. In creating a safer environment, music festival goers will have the peace of mind to further enjoy themselves at these vibrant and much celebrated events.

2. Civil liability and immunity

As a general rule, California law provides that persons are responsible, not only for the result of their willful acts, but also for an injury occasioned to another by their want of ordinary care or skill in the management of their property or person, except so far as the latter has, willfully or by want of ordinary care, brought the injury upon themselves.¹ Liability has the primary effect of ensuring that some measure of recourse exists for those persons injured by the negligent or willful acts of others; the risk of that liability has the primary effect of ensuring parties act reasonably to avoid harm to those to whom they owe a duty.

Conversely, immunity from liability disincentivizes careful planning and acting on the part of individuals and entities. Granting a person immunity from civil liability relieves them of the responsibility to act with due regard and an appropriate level of care in the conduct of its activities. Immunity provisions are also disfavored because they, by

¹ Civ. Code, § 1714(a).

definition, preclude parties from recovering when they are injured, thereby forcing injured parties to absorb losses for which they are not responsible. Liability acts not only to allow a victim to be made whole, but also to encourage appropriate compliance with legal requirements.

Although immunity provisions are rarely preferable, the Legislature has in limited scenarios approved measured immunity from liability (as opposed to blanket immunities) to promote other policy goals that could benefit the public. Immunities are generally afforded when needed to ensure the willingness of individuals to continue taking on certain roles that may involve some risk and to incentivize certain conduct, such as the provision of life-saving or other critical services.² As discussed below in Comment 3, the Legislature has also provided limited immunity for licensees who provide drug-testing devices at bars and nightclubs.

3. Background on drink-spiking and recent efforts to protect potential victims

A person commits “drink-spiking” when they put a controlled substance or alcohol in the drink of another person without that person’s knowledge or consent. Adulterating another’s drink is, in and of itself, illegal, but a drink-spiker usually engages in drink-spiking with the goal of perpetrating another crime on the victim—often sexual assault or rape. The most common method of spiking is placing the unwanted substance in another person’s drink,³ though food can also be spiked. Research shows that women of all sexualities are more likely than men to have their drinks spiked—with bisexual women reporting the highest rates of drink-spiking—though sexual minority men are far more likely than straight men to have experienced drink-spiking.⁴

Reliable data on drink-spiking are difficult to come by, in part because the symptoms of drink-spiking can be difficult to distinguish from (or written off as) the symptoms of intoxication from alcohol, including blackout and temporary amnesia that can lead the victim to be unaware of what happened to them while the drugs were in effect.⁵ Also—as is common with crimes commonly perpetrated against women and gender minorities—there is a tendency among some to disbelieve that a person spiked a victim’s drink. As explained in one study, “[m]any bartending participants explain[ed] that they believe that the majority of those who say they have been spiked have just consumed too much alcohol and do not wish to be held accountable.”⁶ Anti-spiking efforts also generally tend to focus on the behavior of potential spiking victims, rather

² See, e.g., Civ. Code, §§ 1714.2 (use of CPR); 1714.21 (use of an automated external defibrillator); 1714.22 (use of opiate overdose treatment).

³ Stephenson, et al., ‘No One Believed Me, and I Have No proof’: An Exploration into the Experiences of Spiking Victims (Spet. 22, 2023) Deviant Behavior, Vol. 45, Iss. 5.

⁴ Schramm, et al., *Prevalence and Risk of Drugging Victimization Among Sexual Minority and Heterosexual College Students* (Dec. 18, 2017) Criminal Justice Review, Vol. 43, Iss. 1. The report did not cover the experiences of nonbinary individuals.

⁵ ‘No One Believed Me, and I Have No proof’: An Exploration into the Experiences of Spiking Victims, *supra*.

⁶ *Ibid*.

than the spiker; “[f]rom a feminist perspective, it appears that these awareness campaigns are holding women personally accountable for their victimization and giving them the responsibility of preventing an attack.”⁷

As explained by the Senate Governmental Organization Committee’s analysis of this bill, the state has taken steps in the past 10 years to help protect persons from would-be drink spikers:

In 2017, Governor Brown signed AB 1221 (Gonzalez Fletcher, Chapter 847, Statutes of 2017) which required the Department of ABC, to develop, implement, and administer a curriculum for [a responsible beverage service (RBS)] training program. The bill requires anyone that is employed at an ABC on-premises licensed establishment who is responsible for checking identifications, taking customer orders, and pouring or delivering alcoholic beverages to have a valid RBS certification from the Department of ABC by July 1, 2021. This date would be delayed by the Department of ABC until August 31, 2022, after issues arose with individuals being able to access RBS training in a timely manner and a lack of training courses in languages other than English. When announcing this extension, the Department of ABC made it clear that even after the August 31, 2022, deadline; the department would focus on an education first approach rather than seeking administrative fines on licensees.

RBS training requires servers and their managers to register in the RBS Portal, take RBS training from an approved training provider, and pass the department’s RBS exam within 60 days of their first date of employment. On-premises locations include, but are not limited to, bars, restaurants, tasting rooms, clubs, stadiums, movie theaters, hotels, and caterers. Covered licensees are required to maintain records of their various certifications, and violators are subject to unspecified “disciplinary action.”

The RBS training is currently available in English, Chinese, Hindi, Korean, Punjabi, Spanish, Tagalog, and Vietnamese. RBS certifications are valid for three years. RBS servers and license administrators with an RBS server roster will receive email notifications prior to the server’s expiration date.

Last year, Governor Newsom signed AB 2402 (Lowenthal, Chapter 829, Statutes of 2024) to require RBS training courses, on or before July 1, 2027, to include best practices on how to prevent or protect a person from drink spiking, as specified.

Additionally, the Legislature has enacted three other drink-spiking measures that apply specifically to bars and clubs. AB 1013 requires holders of Type 48 licenses (required

⁷ *Ibid.* For example, between the two support letters received by this Committee, the closest either came to referring to the perpetrators of drink spiking was to note that this bill’s measures might “reduce the temptation to engage in it.”

for bars and clubs) to offer for sale drug testing devices at reasonable prices, until 2027.⁸ AB 2375 requires the same licensees to provide patrons with a drink lid upon request, also until 2027.⁹ And finally, AB 2389 requires the same licensees to take specified steps upon receiving a report that a patron believes someone has spiked their drink.¹⁰

4. This bill requires drug-testing tests and lids to be made available by certain drink providers at large music festivals

This bill requires, until January 1, 2029, any person who obtains a catering authorization or daily on-sale license for the sale of alcoholic beverages at large outdoor events to offer drug-testing devices for sale to their customers and to provide, upon request, a lid with a customer's drink. The Senate Governmental Organization Committee passed this bill with a vote of 15-0 but expressed concerns about the potential scope of the bill, as explained in that Committee's analysis:

As currently drafted, the bill does not provide any guidance to the Department of ABC or to licensees as to what is expected in terms of the number of drug testing devices that licensees should have available for purchase. Given that the bill defines "large outdoor events" as events that have an estimated attendance level of more than 10,000 participants per day, licensees and the Department of ABC could interpret that to mean that licensees must purchase a minimum of 10,000 drug testing devices per day.

A quick online search of such drug testing devices shows that these products at the low end tend to cost at least \$1 dollar per test if not more. If licensees are required to purchase 10,000 of these tests, it could result in a significant cost to licensees. It should also be noted that these tests do expire. Since many of these festivals are yearly events, licensees might be unable to reuse unused tests. Also it's important to note that while requirements to provide these test kits at bars currently exist, there is very limited data as to how often they are requested by patrons throughout California. Furthermore, unlike music festivals which are temporary, bars can continue to use drug testing kits day after day.

For purposes of this Committee's jurisdiction, the relevant question is whether the bill's immunity provision is appropriately tailored. The bill provides that the person or entity providing a drug-testing device shall not be held liable for a defective or inaccurate test, provided that they complied with all of the manufacturer's instructions relating to the test, including storing the test properly and not providing a test past the expiration date. The possible consequences of a false negative are severe, and providing a poorly maintained test – which could give the drinker a false sense of security – is arguably worse than no test at all. Because this immunity provision holds a

⁸ AB 1013 (Lowenthal, Ch. 353, Stats. 2023).

⁹ AB 2375 (Lowenthal, Ch. 714, Stats. 2024).

¹⁰ AB 2389 (Lowenthal, Ch. 310, Stats. 2024).

person or an entity liable for their own carelessness, while immunizing it from incorrect results outside of their control, this immunity provision appears reasonably narrowly tailored to achieve the overall policy aim of making drug-testing devices available to attendees at large music festivals.

5. Arguments in support

According to the California Alcohol Policy Alliance:

“Drink spiking” is an underreported but consistently present hazard for people who drink. Whether it leads to assault, robbery, or simply loss of control, it can create lasting trauma. Last year’s bills established a baseline of responsibility for bars, including providing testing, lids, and training to prevent harm to bargoers. We applaud [Assemblymember]. Lowenthal’s refusal to stop there, and extend it to music festivals and other major outdoor events as well.

The attendees at music festivals are likely to be younger, less affluent, and less capable of accessing mental health care and emergency support than bar patrons. This, combined with the fact that large outdoor events create conditions where it is nearly impossible to constantly monitor the people nearby, makes it all the more critical to put these common-sense drink-spiking prevention measures into effect there.

SUPPORT

Alcohol Justice
California Alcohol Policy Alliance

OPPOSITION

None received¹¹

RELATED LEGISLATION

Pending legislation: AB 1081 (Macedo, 2025) expands the requirement for Type 48 licensees to offer customers drug-testing devices to include tests for carfentanil and fentanyl. AB 1081 is pending before the Assembly Governmental Organization Committee.

¹¹ The National Independent Venue Association of California was, at one point, in opposition to this bill, but has since changed its position to neutral.

Prior legislation:

AB 2402 (Lowenthal, Ch. 829, Stats. 2024) required, beginning on or before January 1, 2027, courses taught by the ABC's Responsible Beverage Training Service 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 know someone has, been drugged as a result of drink-spiking. AB 2402 is discussed in Comment 3 of this analysis.

AB 2389 (Lowenthal, Ch. 310, Stats. 2024) required the holder of a Type 48 license to contact law enforcement and take specified steps when they are notified by a customer that a customer has been a victim of drink-spiking. AB 2389 is discussed in Comment 3 of this analysis.

AB 2375 (Lowenthal, Ch. 714, Stats. 2024) required the holder of a Type 48 license to, upon request, provide a lid for a customer's drink and post specified notices relating to drink-spiking, beginning July 1, 2025, and until January 1, 2027. AB 2375 is discussed in Comment 3 of this analysis.

AB 1013 (Lowenthal, Ch. 353, Stats. 2023) required Type 48 licensees to provide drug-testing devices to their customers and to post specified notices, until January 1, 2027. AB 1013 is discussed in Comment 3 of this analysis.

PRIOR VOTES:

Senate Governmental Organization Committee (Ayes 15, Noes 0)

Assembly Floor (Ayes 77, Noes 0)

Assembly Appropriations Committee (Ayes 15, Noes 0)

Assembly Governmental Organization Committee (Ayes 20, Noes 0)
