STATE OF NEW YORK

9146

IN SENATE

February 6, 2026

Introduced by Sen. FERNANDEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the alcoholic beverage control law and the tax law, in relation to requiring certain licensees to provide drink drug testing devices to protect consumers from drink spiking

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 100 of the alcoholic beverage control law is amended by adding a new subdivision 10 to read as follows:

10. A covered licensee shall not serve alcoholic beverages on licensed premises unless a drink drug testing device is readily available to be supplied to its customers upon request.

(a) For the purposes of this subdivision, a drink drug testing device is a device that: (i) utilizes test strips to detect the presence of drugs in alcoholic beverages;

(ii) is capable of detecting the presence of at least ten controlled substances (as defined in 21 U.S.C § 802.6);

(iii) is capable of detecting at least two drugs listed as date rape drugs (as defined in 21 U.S.C. §841.G.2A);

(iv) is capable of providing results in no more than five minutes after the alcoholic beverage is applied to the device; and

(v) is manufactured in the United States or its territories.

(b) For the purposes of this subdivision, a covered licensee means an entity licensed under section fifty-five, fifty-five-a, sixty-four, sixty-four-a, sixty-four-d, eighty-one or eighty-one-a of this chapter.

(c) The covered licensee shall post a notice in a prominent and conspicuous location that informs customers of the availability of drink drug testing devices.

(d) The covered 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.

(e) The covered licensee shall provide drink drug testing devices at no cost to the customer.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD13133-03-6

(f) The covered 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.

§ 2. The tax law is amended by adding a new section 210-D to read as follows:

§ 210-D. Drink drug testing devices. Notwithstanding any other provision of law to the contrary, for purposes of this chapter, any amount paid or incurred by an entity licensed under section fifty-five, fifty-five-a, sixty-four, sixty-four-a, sixty-four-d, eighty-one or eighty-one-a of the alcoholic beverage control law to make available a drink drug testing device to consumers pursuant to subdivision ten of section one hundred of the alcoholic beverage control law shall be treated as an ordinary and necessary business expense and shall be deductible when computing taxable income.

§ 3. This act shall take effect on the ninetieth day after it shall have become a law.