STATE OF NEW YORK

8613

2025-2026 Regular Sessions

IN ASSEMBLY

May 22, 2025

Introduced by M. of A. DINOWITZ, LEVENBERG, REYES -- read once and referred to the Committee on Economic Development

AN ACT to amend the alcoholic beverage control 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.

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

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(e) The covered licensee shall provide drink drug testing devices for free or at a cost not to exceed a reasonable amount based on the wholesale cost of such devices.

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