

# SENATE BILL REPORT

## SB 5330

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As Reported by Senate Committee On:  
Labor & Commerce, February 14, 2025

**Title:** An act relating to protecting consumers from spiked drinks at certain licensees of the liquor and cannabis board.

**Brief Description:** Protecting consumers from spiked drinks.

**Sponsors:** Senators Dhingra, Holy, Wellman, Trudeau, Kauffman, Cortes, Riccelli, Cleveland, Hasegawa, Braun, Salomon, Slatter, Orwall, Lovelett, Nobles, Frame, Krishnadasan, Lovick, Stanford, Valdez and Wilson, C..

**Brief History:**

**Committee Activity:** Labor & Commerce: 1/27/25, 2/14/25 [DPS, DNP].

**Brief Summary of First Substitute Bill**

- Requires specified on-premises liquor licensees to offer drug testing devices, such as test strips, for sale to customers in certain areas designated 21 and over by the licensee to detect the presence of controlled substances in a drink.
- Allows a licensee to charge the customer an amount that does not exceed a reasonable amount based on the wholesale cost of the drug testing device.

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### SENATE COMMITTEE ON LABOR & COMMERCE

**Majority Report:** That Substitute Senate Bill No. 5330 be substituted therefor, and the substitute bill do pass.

Signed by Senators Saldaña, Chair; Conway, Vice Chair; Alvarado, Ramos and Stanford.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

**Minority Report:** Do not pass.

Signed by Senators King, Ranking Member; MacEwen and Schoesler.

**Staff:** Marlon Llanes (786-7423)

**Background:** The Liquor and Cannabis Board (LCB) issues various types of retail liquor licenses, including those for restaurants, wineries, and nightclubs.

A person serving alcohol at a licensed location must complete a mandatory alcohol server training program. The training program is required to cover certain subjects, including the physiological effects of alcohol and the effects of alcohol in combination with drugs.

In 2023, California passed Assembly Bill 1013 which requires an applicant or existing holder of specified liquor licenses to offer drug testing devices to customers for sale. The price of the devices may not exceed a reasonable amount based on the wholesale cost the licensee pays for the devices.

**Summary of Bill (First Substitute):** A licensee must offer drug testing devices for sale to the licensee's customers in any service areas designated or classified by the licensee as off-limits to any person under 21 years of age, excluding drink preparation or storage areas. A licensee may charge the customer an amount that does not exceed a reasonable amount based on the wholesale cost of the device. A licensee must ensure that all devices offered to customers have not exceeded their expiration date or recommended period of use, and post a notice in a prominent location indicating the drug test kits are available for sale.

A licensee is not liable for a defective test or inaccurate test result.

LCB is required to post on its website a link to a page that contains information about the requirements of the bill.

A licensee is the holder of any of the following licenses:

- tavern;
- nightclub;
- hotel ; and
- sports entertainment facility.

Drug testing devices means test strips, stickers, straws, and other devices designed to detect the presence of at least one controlled substances in a drink.

**EFFECT OF CHANGES MADE BY LABOR & COMMERCE COMMITTEE (First Substitute):**

- Restricts the areas where a licensee must offer drug testing devices and post a notice to any service areas designated or classified by the licensee as off-limits to any person

under 21 years of age with the exception of drink preparation or storage areas, rather than in all areas.

- Requires a licensee to post a notice, in a prominent and conspicuous location that is viewable to customers, that indicates the drug test kits are available for sale, rather than a specific notice that states: "Don't get roofied! Drink spiking drug test kits available here. Ask a staff member for details."
- Provides that a violation of this law is not a violation of Title 66 RCW, instead of stating that a violation is not a crime.
- Modifies the definition of "drug testing devices" to mean test strips, stickers, straws, and other devices designed to detect the presence of at least one controlled substance in a drink.
- Removes categories of licensees subject to these requirements including theaters, motels, private clubs, public houses, and VIP airport lounge operators, leaving only licensees of taverns, nightclubs, hotels, and sports entertainment facilities.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** The bill takes effect on January 1, 2026.

**Staff Summary of Public Testimony on Original Bill:** *The committee recommended a different version of the bill than what was heard.* PRO: This bill is a continuation of recent legislation relating to sexual assault, including last year's bill that made drug facilitated rape a felony in Washington. There are several kits on the market today that can test for the presence of common date rape drugs in drinks. Testing kits give customers more control and raise awareness about drink spiking. This bill allows a business to offset costs for providing test kits because they are allowed to charge customers for the kits. Members of the public shared personal experiences relating to friends who were victims of drink spiking. This bill provides better access to testing products in the environments they are most needed. If test strips are bought in bulk from local manufacturers, the price per strip could be between \$0.88 to \$1.

CON: This bill extends far beyond the California law it is based on and lacks input from key stakeholders. There are concerns about the inclusion of several types of liquor licenses, the cost to businesses, and the impact of signage and penalties in the bill. The bill should only apply to nightclubs that serve adults and exclude children.

**Persons Testifying:** PRO: Senator Manka Dhingra, Prime Sponsor; Addison Hafermann, Lake Washington High School; Kira Ulrich, Lake Washington High School; Ava Brisimitzis, Lake Washington High School; Shira Avitan, Lake Washington High School; Claire Pike, Lake Washington High School; Elise Summers, Lake Washington High

School; Scott Waller, WASAVP - Washington Association for Substance misuse and Violence Prevention; Collin Bannister, The Associated Students of Washington State University.

CON: Julia Gorton, Washington Hospitality Association.

**Persons Signed In To Testify But Not Testifying:** No one.