

# SENATE BILL REPORT

## SB 5330

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As of January 27, 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.

### Brief Summary of Bill

- Requires specified on-premises liquor licensees to offer drug testing devices, such as test strips, for sale to customers 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

**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

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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:** A licensee must offer drug testing devices for sale to the licensee's customers. 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 that reads as follows, "Don't get roofied! Drink spiking drug kits available here. Ask a staff member for details."

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;
- theater;
- hotel or motel;
- private club;
- public house;
- sports entertainment facility; or
- VIP airport lounge operator.

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

**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:** 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.