

**State of California
Office of Administrative Law**

In re:
Department of Alcoholic Beverage Control

Regulatory Action:

Title 04, California Code of Regulations

Adopt sections: 165.1, 165.2

Amend sections:

Repeal sections:

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

OAL Matter Number: 2025-1121-06

OAL Matter Type: Regular (S)

This rulemaking action adopts a baseline of topics to be taught by an accredited training provider for the prevention of drink spiking. This includes methods to prevent drink spiking, including creating a safe environment, recognizing signs of drink spiking, using equipment like drink lids and testing kits, and responding to someone who believes they or someone they know has been drugged because of drink spiking.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 4/1/2026.

Date: January 8, 2026



Digitally signed by Mark
Storm
Date: 2026.01.08 13:17:37
-08'00'

**Mark Storm
Senior Attorney**

**For: Kenneth J. Pogue
Director**

Original: Paul Tupy, Director

Copy: Robert de Ruyter

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 10/2019)

REGULAR

For use by Secretary of State only
ENDORSED - FILED
in the office of the Secretary of State
of the State of California

OAL FILE NUMBERS, NOTICE FILE NUMBER Z- 2025-0529-02, REGULATORY ACTION NUMBER 2025-1121-06S, EMERGENCY NUMBER, For use by Office of Administrative Law (OAL) only, OFFICE OF ADMIN. LAW 2025 NOV 21 PM4:00, NOTICE, REGULATIONS

JAN 08 2026

Handwritten signature and initials

AGENCY WITH RULEMAKING AUTHORITY Department of Alcoholic Beverage Control, AGENCY FILE NUMBER (If any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE, TITLE(S), FIRST SECTION AFFECTED, 2. REQUESTED PUBLICATION DATE, 3. NOTICE TYPE, 4. AGENCY CONTACT PERSON, TELEPHONE NUMBER, FAX NUMBER (Optional), OAL USE ONLY, ACTION ON PROPOSED NOTICE, NOTICE REGISTER NUMBER 2025, 24-2, PUBLICATION DATE 6/13/25

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Responsible Beverage Service Training Program Drink Spiking Update, 1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)

2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related), SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.), AMEND, REPEAL, TITLE(S) 4

3. TYPE OF FILING, Regular Rulemaking (Gov. Code §11346), Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4), Emergency (Gov. Code, §11346.1(b)), Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute., Emergency Readopt (Gov. Code, §11346.1(h)), Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100), File & Print, Print Only, Other (Specify)

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1) September 19, 2025 - October 6, 2025

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100) Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)), Effective on filing with Secretary of State, §100 Changes Without Regulatory Effect, Effective other (Specify)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY, Department of Finance (Form STD. 399) (SAM §6660), Fair Political Practices Commission, State Fire Marshal, Other (Specify)

7. CONTACT PERSON Robert de Ruyter, TELEPHONE NUMBER 916-212-4019, FAX NUMBER (Optional), E-MAIL ADDRESS (Optional)

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE, DATE Nov 21, 2025, TYPED NAME AND TITLE OF SIGNATORY Paul Tupy, Director

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ENDORSED APPROVED
JAN 08 2026
Office of Administrative Law

TITLE 4. ARTICLE 25 RESPONSIBLE BEVERAGE SERVICE TRAINING PROGRAM. DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL PROPOSED REGULATIONS

§165.1 Curriculum Requirements for How to Prevent or Protect a Person from Drink Spiking

Curriculum required in an approved training provider program pursuant to section 25681(f)(1)(A) of the Business and Professions Code shall include all the following:

- (a) Methods of creating a safe environment.
 - (1) Staff to observe patrons and report behavior indicating drink spiking to managers.
 - (2) Knowledge and enforcement of capacity limits and creation of a crowd control plan for the licensed premises.
 - (3) Establish policies or procedures to prevent drink spiking in drinks served.
 - (A) Drink lids being available by request pursuant to Business and Professions Code section 25625 in a Type 48 licensed premises.
 - (B) Develop testing kit policies and trainings to ensure the use, reading, and understanding of the testing kits in use at the licensed premises by employees of the licensee.
 - (i) Type 48 licensees are required to comply with Section 25624 by posting signs notifying customers about the availability of drink spike testing kits and providing testing kits upon request. Other licensees are not required to post but may institute similar policies.
 - (ii) Drug testing devices most commonly test for ketamine and gamma-hydroxybutyric acid (GHB) flunitrazepam and may include but are not limited to test strips, stickers, and straws.
 - (C) Develop policies and trainings for employees of the licensed premises on how to handle unattended drinks.
- (b) Best practices on how to recognize drink spiking, which includes observation of the following by persons required to obtain an alcohol server certification
 - 1) Person appears intoxicated after ingesting little or no alcohol at all.
 - 2) Complaints about the strength of the drinks being served.
 - 3) Dizziness or nausea.

- 4) Sudden loss of bladder or bowel control.
- 5) Sudden body temperature changes.

Authority cited: Section 22, Article XX, California Constitution, Sections 25681(a), (f), 25685(a) Business and Professions Code. Reference: Section 25680(c)(1), Business and Professions Code.

§165.2 Curriculum Requirements for Responding if the Person Believes They Have or Someone They Know Has Been Drugged as a Result of Drink Spiking

Curriculum required in an approved training provider program pursuant to section 25681(f)(1)(B) of the Business and Professions Code shall include all the following:

- (a) Methods of responding if person believes they have or someone they know has been drugged because of drink spiking, including but not limited to
 - (1) Bring the victim somewhere safe and always keep a staff member with them.
 - (2) Call emergency services.
 - (3) Keep talking to the potential victim to reassure them.
 - (4) Attempt to locate the alleged perpetrator and keep eyes on them.
 - (5) If possible, preserve the drink in question for testing.
- (b) Establishing the policy to train employees of the licensee to identify common responses to trauma.

Authority cited: Section 22, Article XX, California Constitution, Sections 25681(a), (f), 25685(a) Business and Professions Code. Reference: Section 25680(c)(1).