



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB1738

Introduced 1/28/2025, by Rep. Jennifer Gong-Gershowitz

SYNOPSIS AS INTRODUCED:

235 ILCS 5/6-40 new

Amends the Liquor Control Act of 1934. Requires a bar to offer for sale or provide to the bar's customers drug testing devices at a cost not to exceed a reasonable amount based on the wholesale cost of the devices or free of charge. Provides that the owner or owners of a bar shall not be held liable, either criminally or civilly, for a defective test or inaccurate test result, including a false positive or false negative test result. Requires the owner or owners of a bar to ensure that all testing devices offered to customers have not exceeded their expiration date or recommended period of use, according to the product label or product packaging or as otherwise recommended by the manufacturer. Requires the Illinois Liquor Control Commission to post on its website information about the requirements, including, but not limited to, the signage that is required to be posted and the types of drug testing devices that are required to be available. Authorizes rulemaking.

LRB104 06644 BDA 16680 b

1 AN ACT concerning liquor.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Liquor Control Act of 1934 is amended by
5 adding Section 6-40 as follows:

6 (235 ILCS 5/6-40 new)

7 Sec. 6-40. Drug testing devices.

8 (a) In this Section:

9 "Bar" means a retail licensed establishment that is
10 devoted to the serving of alcoholic beverages for consumption
11 by guests on the premises and that derives no more than 10% of
12 its gross revenue from the sale of food consumed on the
13 premises. "Bar" includes, but is not limited to, taverns,
14 nightclubs, cocktail lounges, adult entertainment facilities,
15 and cabarets.

16 "Controlled substances" includes, but is not limited to,
17 flunitrazepam, ketamine, and gamma hydroxybutyric acid, also
18 known by other names, including GHB, gamma hydroxybutyrate,
19 4-hydroxybutyrate, 4-hydroxybutanoic acid, sodium oxybate, and
20 sodium oxybutyrate.

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

1 (b) A bar shall offer for sale to the bar's customers drug
2 testing devices at a cost not to exceed a reasonable amount
3 based on the wholesale cost of the devices. This subsection
4 does not prevent a bar from offering drug testing devices to
5 customers free of charge.

6 A bar shall post the following notice in a conspicuous
7 location: "Don't get roofied! Drink spiking drug test kits
8 available here. Ask a staff member for details."

9 (c) The owner or owners of a bar shall not be held liable,
10 either criminally or civilly, for a defective test or
11 inaccurate test result, including a false positive or false
12 negative test result.

13 (d) The owner or owners of a bar shall ensure that all drug
14 testing devices offered to customers have not exceeded their
15 expiration date or recommended period of use, according to the
16 product label or product packaging or as otherwise recommended
17 by the manufacturer.

18 (e) The State Commission shall post on its website
19 information about the requirements of this Section, including,
20 but not limited to, the signage that is required to be posted
21 and the types of drug testing devices that are required to be
22 available. The State Commission shall adopt rules to implement
23 the requirements of this Section.