

As Introduced

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Representatives Lett, Schmidt

Cosponsors: Representatives Russo, Rader, Salvo, Brennan, Piccolantonio, White, A., Synenberg, Troy, Brent, Brownlee, Sims, Hall, D.

To enact sections 4301.73 and 4301.731 of the
Revised Code to establish provisions governing
date rape drug testing devices.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4301.73 and 4301.731 of the
Revised Code be enacted to read as follows:

Sec. 4301.73. (A) As used in this section and section
4301.731 of the Revised Code:

(1) "Controlled substance" has the same meaning as in
section 3719.01 of the Revised Code.

(2) "D class permit" does not include a D-6 or D-8 permit.

(3) "Date rape drug" means any of the following:

(a) Gamma hydroxybutyric acid (GHB) or any controlled
substance analogue of GHB, including gamma butyrolactone (GBL)
or 1,4-butanediol;

(b) Ketamine;

(c) Flunitrazepam;

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<u>(d) Any other substance that has effects that are similar</u>	17
<u>to or the same as those drugs listed in divisions (A) (3) (a) to</u>	18
<u>(c) of this section.</u>	19
<u>(4) "Drink drug testing device" means a device that does</u>	20
<u>all of the following:</u>	21
<u>(a) Utilizes test strips or similar technologies to detect</u>	22
<u>the presence of drugs in beer or intoxicating liquor;</u>	23
<u>(b) Is capable of detecting the presence of at least ten</u>	24
<u>controlled substances;</u>	25
<u>(c) Is capable of providing results in not more than five</u>	26
<u>minutes after beer or intoxicating liquor is tested by the</u>	27
<u>device;</u>	28
<u>(d) Is manufactured in the United States or its</u>	29
<u>territories.</u>	30
<u>(5) "Qualified permit holder" means the holder of an A-1-A</u>	31
<u>or D class permit issued under Chapter 4303. of the Revised</u>	32
<u>Code.</u>	33
<u>(B) A qualified permit holder shall do all of the</u>	34
<u>following:</u>	35
<u>(1) Post a notice in a prominent and conspicuous location</u>	36
<u>that informs customers of the availability of a drink drug</u>	37
<u>testing device;</u>	38
<u>(2) Provide a drink drug testing device for free or at a</u>	39
<u>cost not to exceed a reasonable amount based on the wholesale</u>	40
<u>cost of those devices;</u>	41
<u>(3) Ensure that all drink drug testing devices offered to</u>	42
<u>customers have not exceeded their expiration dates or</u>	43

<u>recommended periods of use, according to the product label.</u>	44
<u>(C) A qualified permit holder is not liable for a defective test or inaccurate test result of a drink drug testing device, including a false positive or false negative test result.</u>	45
<u>Sec. 4301.731. (A) The division of liquor control may establish a mechanism for consumers and qualified permit holders to voluntarily report positive results from drink drug testing devices.</u>	49
<u>(B) If the division establishes a reporting mechanism under division (A) of this section, the division shall do all of the following regarding any data collected pursuant to that division:</u>	50
<u>(1) Eliminate any personal identifying information relating to the consumer or qualified permit holder that reported the information;</u>	51
<u>(2) Aggregate the data;</u>	52
<u>(3) Analyze the data for trend analysis, public safety assessments, and prevention efforts;</u>	53
<u>(4) Ensure that the data is publicly accessible.</u>	54
<u>(C) If the division establishes a voluntary reporting mechanism under division (A) of this section, the division shall not use the data as the basis for any enforcement actions against a qualified permit holder.</u>	55