

**As Introduced**

**136th General Assembly**

**Regular Session**

**2025-2026**

**H. B. No. 685**

**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 1  
Revised Code to establish provisions governing 2  
date rape drug testing devices. 3

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

**Section 1.** That sections 4301.73 and 4301.731 of the 4  
Revised Code be enacted to read as follows: 5

**Sec. 4301.73.** (A) As used in this section and section 6  
4301.731 of the Revised Code: 7

(1) "Controlled substance" has the same meaning as in 8  
section 3719.01 of the Revised Code. 9

(2) "D class permit" does not include a D-6 or D-8 permit. 10

(3) "Date rape drug" means any of the following: 11

(a) Gamma hydroxybutyric acid (GHB) or any controlled 12  
substance analogue of GHB, including gamma butyrolactone (GBL) 13  
or 1,4-butanediol; 14

(b) Ketamine; 15

(c) Flunitrazepam; 16

(d) Any other substance that has effects that are similar 17  
to or the same as those drugs listed in divisions (A) (3) (a) to 18  
(c) of this section. 19

(4) "Drink drug testing device" means a device that does 20  
all of the following: 21

(a) Utilizes test strips or similar technologies to detect 22  
the presence of drugs in beer or intoxicating liquor; 23

(b) Is capable of detecting the presence of at least ten 24  
controlled substances; 25

(c) Is capable of providing results in not more than five 26  
minutes after beer or intoxicating liquor is tested by the 27  
device; 28

(d) Is manufactured in the United States or its 29  
territories. 30

(5) "Qualified permit holder" means the holder of an A-1-A 31  
or D class permit issued under Chapter 4303. of the Revised 32  
Code. 33

(B) A qualified permit holder shall do all of the 34  
following: 35

(1) Post a notice in a prominent and conspicuous location 36  
that informs customers of the availability of a drink drug 37  
testing device; 38

(2) Provide a drink drug testing device for free or at a 39  
cost not to exceed a reasonable amount based on the wholesale 40  
cost of those devices; 41

(3) Ensure that all drink drug testing devices offered to 42  
customers have not exceeded their expiration dates or 43

recommended periods of use, according to the product label. 44

(C) A qualified permit holder is not liable for a 45  
defective test or inaccurate test result of a drink drug testing 46  
device, including a false positive or false negative test 47  
result. 48

**Sec. 4301.731.** (A) The division of liquor control may 49  
establish a mechanism for consumers and qualified permit holders 50  
to voluntarily report positive results from drink drug testing 51  
devices. 52

(B) If the division establishes a reporting mechanism 53  
under division (A) of this section, the division shall do all of 54  
the following regarding any data collected pursuant to that 55  
division: 56

(1) Eliminate any personal identifying information 57  
relating to the consumer or qualified permit holder that 58  
reported the information; 59

(2) Aggregate the data; 60

(3) Analyze the data for trend analysis, public safety 61  
assessments, and prevention efforts; 62

(4) Ensure that the data is publicly accessible. 63

(C) If the division establishes a voluntary reporting 64  
mechanism under division (A) of this section, the division shall 65  
not use the data as the basis for any enforcement actions 66  
against a qualified permit holder. 67