

As Introduced

136th General Assembly

Regular Session

2025-2026

S. B. No. 348

Senators DeMora, Blessing

Cosponsors: Senators Craig, Weinstein

To enact section 4301.73 of the Revised Code to
require bars or restaurants to have date rape
drug testing devices available for their
customers' use.

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

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

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Sec. 4301.73. (A) As used in this section:

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

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

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

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

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(b) ketamine;

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(c) flunitrazepam;

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(d) Any other substance that has effects that are similar

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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, 31
A-1-A, A-1c, A-2, A-2f, F-2, or D class permit issued under 32
Chapter 4303. of the Revised 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

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