

HB0494



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB0494

by Rep. Barbara Wheeler

SYNOPSIS AS INTRODUCED:

235 ILCS 5/6-20

from Ch. 43, par. 134a

Amends the Liquor Control Act of 1934. Provides that the provisions of the Act prohibiting the possession and consumption of alcoholic liquor by a person under 21 years of age and dispensing of alcoholic liquor to a person under 21 years of age do not apply if the person under 21 years of age (1) is on premises where a restaurant is operated and the sale of alcoholic liquor is not the principal business carried out on those premises and (2) is under the direct supervision and approval of his or her parents or parent or those persons standing in loco parentis of the person under 21 years of age.

LRB100 06691 RPS 16732 b

A BILL FOR

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 changing Section 6-20 as follows:

6 (235 ILCS 5/6-20) (from Ch. 43, par. 134a)

7 Sec. 6-20. Transfer, possession, and consumption of
8 alcoholic liquor; restrictions.

9 (a) Any person to whom the sale, gift or delivery of any
10 alcoholic liquor is prohibited because of age shall not
11 purchase, or accept a gift of such alcoholic liquor or have
12 such alcoholic liquor in his possession.

13 (b) If a licensee or his or her agents or employees
14 believes or has reason to believe that a sale or delivery of
15 any alcoholic liquor is prohibited because of the non-age of
16 the prospective recipient, he or she shall, before making such
17 sale or delivery demand presentation of some form of positive
18 identification, containing proof of age, issued by a public
19 officer in the performance of his or her official duties.

20 (c) No person shall transfer, alter, or deface such an
21 identification card; use the identification card of another;
22 carry or use a false or forged identification card; or obtain
23 an identification card by means of false information.

1 (d) No person shall purchase, accept delivery or have
2 possession of alcoholic liquor in violation of this Section.

3 (e) The consumption of alcoholic liquor by any person under
4 21 years of age is forbidden.

5 (f) Whoever violates any provisions of this Section shall
6 be guilty of a Class A misdemeanor.

7 (g) The possession and dispensing, or consumption by a
8 person under 21 years of age of alcoholic liquor in the
9 performance of a religious service or ceremony, or the
10 consumption by a person under 21 years of age under the direct
11 supervision and approval of the parents or parent or those
12 persons standing in loco parentis of such person under 21 years
13 of age in the privacy of a home, is not prohibited by this Act.

14 (h) The provisions of this Act prohibiting the possession
15 of alcoholic liquor by a person under 21 years of age and
16 dispensing of alcoholic liquor to a person under 21 years of
17 age do not apply in the case of a student under 21 years of age,
18 but 18 years of age or older, who:

19 (1) tastes, but does not imbibe, alcoholic liquor only
20 during times of a regularly scheduled course while under
21 the direct supervision of an instructor who is at least 21
22 years of age and employed by an educational institution
23 described in subdivision (2);

24 (2) is enrolled as a student in a college, university,
25 or post-secondary educational institution that is
26 accredited or certified by an agency recognized by the

1 United States Department of Education or a nationally
2 recognized accrediting agency or association, or that has a
3 permit of approval issued by the Board of Higher Education
4 pursuant to the Private Business and Vocational Schools Act
5 of 2012;

6 (3) is participating in a culinary arts, fermentation
7 science, food service, or restaurant management degree
8 program of which a portion of the program includes
9 instruction on responsible alcoholic beverage serving
10 methods modeled after the Beverage Alcohol Sellers and
11 Server Education and Training (BASSET) curriculum; and

12 (4) tastes, but does not imbibe, alcoholic liquor for
13 instructional purposes up to, but not exceeding, 6 times
14 per class as a part of a required course in which the
15 student temporarily possesses alcoholic liquor for
16 tasting, not imbibing, purposes only in a class setting on
17 the campus and, thereafter, the alcoholic liquor is
18 possessed and remains under the control of the instructor.

19 (h-5) The provisions of this Act prohibiting the possession
20 and consumption of alcoholic liquor by a person under 21 years
21 of age and dispensing of alcoholic liquor to a person under 21
22 years of age do not apply if the person under 21 years of age
23 (1) is on premises where a restaurant is operated and the sale
24 of alcoholic liquor is not the principal business carried out
25 on those premises and (2) is under the direct supervision and
26 approval of his or her parents or parent or those persons

1 standing in loco parentis of the person under 21 years of age.

2 (i) A law enforcement officer may not charge or otherwise
3 take a person into custody based solely on the commission of an
4 offense that involves alcohol and violates subsection (d) or
5 (e) of this Section if the law enforcement officer, after
6 making a reasonable determination and considering the facts and
7 surrounding circumstances, reasonably believes that all of the
8 following apply:

9 (1) The law enforcement officer has contact with the
10 person because that person either:

11 (A) requested emergency medical assistance for an
12 individual who reasonably appeared to be in need of
13 medical assistance due to alcohol consumption; or

14 (B) acted in concert with another person who
15 requested emergency medical assistance for an
16 individual who reasonably appeared to be in need of
17 medical assistance due to alcohol consumption;
18 however, the provisions of this subparagraph (B) shall
19 not apply to more than 3 persons acting in concert for
20 any one occurrence.

21 (2) The person described in subparagraph (A) or (B) of
22 paragraph (1) of this subsection (i):

23 (A) provided his or her full name and any other
24 relevant information requested by the law enforcement
25 officer;

26 (B) remained at the scene with the individual who

1 reasonably appeared to be in need of medical assistance
2 due to alcohol consumption until emergency medical
3 assistance personnel arrived; and

4 (C) cooperated with emergency medical assistance
5 personnel and law enforcement officers at the scene.

6 (j) A person who meets the criteria of paragraphs (1) and
7 (2) of subsection (i) of this Section shall be immune from
8 criminal liability for an offense under subsection (d) or (e)
9 of this Section.

10 (k) A person may not initiate an action against a law
11 enforcement officer based on the officer's compliance or
12 failure to comply with subsection (i) of this Section, except
13 for willful or wanton misconduct.

14 (Source: P.A. 99-447, eff. 6-1-16; 99-795, eff. 8-12-16.)