



Rep. Barbara Wheeler

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10000HB0494ham001

LRB100 06691 RPS 21994 a

1 AMENDMENT TO HOUSE BILL 494

2 AMENDMENT NO. _____. Amend House Bill 494 by replacing
3 everything after the enacting clause with the following:

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

1 sale or delivery demand presentation of some form of positive
2 identification, containing proof of age, issued by a public
3 officer in the performance of his or her official duties.

4 (c) No person shall transfer, alter, or deface such an
5 identification card; use the identification card of another;
6 carry or use a false or forged identification card; or obtain
7 an identification card by means of false information.

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

10 (e) The consumption of alcoholic liquor by any person under
11 21 years of age is forbidden.

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

14 (g) The possession and dispensing, or consumption by a
15 person under 21 years of age of alcoholic liquor in the
16 performance of a religious service or ceremony, or the
17 consumption by a person under 21 years of age under the direct
18 supervision and approval of the parents or parent or those
19 persons standing in loco parentis of such person under 21 years
20 of age in the privacy of a home, is not prohibited by this Act.

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

26 (1) tastes, but does not imbibe, alcoholic liquor only

1 during times of a regularly scheduled course while under
2 the direct supervision of an instructor who is at least 21
3 years of age and employed by an educational institution
4 described in subdivision (2);

5 (2) is enrolled as a student in a college, university,
6 or post-secondary educational institution that is
7 accredited or certified by an agency recognized by the
8 United States Department of Education or a nationally
9 recognized accrediting agency or association, or that has a
10 permit of approval issued by the Board of Higher Education
11 pursuant to the Private Business and Vocational Schools Act
12 of 2012;

13 (3) is participating in a culinary arts, fermentation
14 science, food service, or restaurant management degree
15 program of which a portion of the program includes
16 instruction on responsible alcoholic beverage serving
17 methods modeled after the Beverage Alcohol Sellers and
18 Server Education and Training (BASSET) curriculum; and

19 (4) tastes, but does not imbibe, alcoholic liquor for
20 instructional purposes up to, but not exceeding, 6 times
21 per class as a part of a required course in which the
22 student temporarily possesses alcoholic liquor for
23 tasting, not imbibing, purposes only in a class setting on
24 the campus and, thereafter, the alcoholic liquor is
25 possessed and remains under the control of the instructor.

26 (h-5) The provisions of this Act prohibiting the possession

1 and consumption of alcoholic liquor by a person under 21 years
2 of age and dispensing of alcoholic liquor to a person under 21
3 years of age do not apply if the person under 21 years of age
4 (1) is 18 years of age or older, (2) is on premises where a
5 restaurant is operated and the sale of alcoholic liquor is not
6 the principal business carried out on those premises, and (3)
7 is under the direct supervision and approval of his or her
8 parents or parent or those persons standing in loco parentis of
9 the person under 21 years of age.

10 This subsection does not prohibit a restaurant from
11 refusing to dispense alcoholic liquor to a person under 21
12 years of age or from prohibiting the possession and consumption
13 of alcoholic liquor by a person under 21 years of age on the
14 premises.

15 (i) A law enforcement officer may not charge or otherwise
16 take a person into custody based solely on the commission of an
17 offense that involves alcohol and violates subsection (d) or
18 (e) of this Section if the law enforcement officer, after
19 making a reasonable determination and considering the facts and
20 surrounding circumstances, reasonably believes that all of the
21 following apply:

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

24 (A) requested emergency medical assistance for an
25 individual who reasonably appeared to be in need of
26 medical assistance due to alcohol consumption; or

1 (B) acted in concert with another person who
2 requested emergency medical assistance for an
3 individual who reasonably appeared to be in need of
4 medical assistance due to alcohol consumption;
5 however, the provisions of this subparagraph (B) shall
6 not apply to more than 3 persons acting in concert for
7 any one occurrence.

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

10 (A) provided his or her full name and any other
11 relevant information requested by the law enforcement
12 officer;

13 (B) remained at the scene with the individual who
14 reasonably appeared to be in need of medical assistance
15 due to alcohol consumption until emergency medical
16 assistance personnel arrived; and

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

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

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

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