

# HB1285



## 98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB1285

by Rep. Naomi D. Jakobsson

### SYNOPSIS AS INTRODUCED:

235 ILCS 5/6-20

from Ch. 43, par. 134a

Amends the Liquor Control Act of 1934. Provides for immunity from prosecution for minors in violation of the law who, in good faith, seek emergency medical assistance for alcohol poisoning. Effective immediately.

LRB098 02800 MGM 32808 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, food service,  
7 or restaurant management degree program of which a portion  
8 of the program includes instruction on responsible  
9 alcoholic beverage serving methods modeled after the  
10 Beverage Alcohol Sellers and Server Education and Training  
11 (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 (i) A person under 21 years of age who, in good faith,  
20 seeks or obtains emergency medical assistance for someone  
21 experiencing alcohol poisoning shall not be charged or  
22 prosecuted for violation of this Act if evidence for the charge  
23 was acquired as a result of the person seeking or obtaining  
24 emergency medical assistance. A person under 21 years of age  
25 who is experiencing alcohol poisoning and is in need of medical  
26 assistance shall not be charged or prosecuted for violation of

1 this Act if evidence for the charge was acquired as a result of  
2 the person seeking or obtaining emergency medical assistance.  
3 The protection in this subsection shall not be grounds for  
4 suppression of evidence in other charges.

5 (Source: P.A. 97-1058, eff. 8-24-12.)

6 Section 99. Effective date. This Act takes effect upon  
7 becoming law.