



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2341

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 that a person who, in good faith, seeks or obtains emergency medical assistance for someone experiencing alcohol poisoning shall not be charged or prosecuted for violation of the Act if (1) the evidence for the charge was acquired as a result of the person seeking or obtaining emergency medical assistance and (2) the individual remains at the scene of the event or medical facility until a law enforcement officer, medical provider, or emergency responder arrives. Provides that this immunity is not available to a parent seeking or obtaining emergency medical assistance for a minor experiencing alcohol poisoning after the parent served the minor alcohol in violation of the Act. Provides that a person under 21 years of age who is experiencing alcohol poisoning and is in need of medical assistance shall not be charged or prosecuted for violation of this Act if evidence for the charge was acquired as a result of the person seeking or obtaining emergency medical assistance. Provides that the limited immunity within the Act shall not be extended if law enforcement officers have reasonable suspicion or probable cause to detain, arrest, or search the person for criminal activity and the reasonable suspicion or probable cause is based on information obtained prior to or independent of the individual taking action to seek or obtain emergency medical assistance, and not obtained as a direct result of the action of seeking or obtaining emergency medical assistance. Effective immediately.

LRB098 07233 MGM 37295 b

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 who, in good faith, seeks or obtains emergency
20 medical assistance for someone experiencing alcohol poisoning
21 shall not be charged or prosecuted for violation of this Act if
22 (1) the evidence for the charge was acquired as a result of the
23 person seeking or obtaining emergency medical assistance and
24 (2) the individual remains at the scene of the event or medical
25 facility until a law enforcement officer, medical provider, or
26 emergency responder arrives. This immunity is not available to

1 a parent seeking or obtaining emergency medical assistance for
2 a minor experiencing alcohol poisoning after the parent served
3 the minor alcohol in violation of this Act. A person under 21
4 years of age who is experiencing alcohol poisoning and is in
5 need of medical assistance shall not be charged or prosecuted
6 for violation of this Act if evidence for the charge was
7 acquired as a result of the person seeking or obtaining
8 emergency medical assistance.

9 The limited immunity described in this subsection (i) shall
10 not be extended if law enforcement officers have reasonable
11 suspicion or probable cause to detain, arrest, or search the
12 person for criminal activity and the reasonable suspicion or
13 probable cause is based on information obtained prior to or
14 independent of the individual taking action to seek or obtain
15 emergency medical assistance, and not obtained as a direct
16 result of the action of seeking or obtaining emergency medical
17 assistance. Nothing in this subsection (i) is intended to
18 interfere with or prevent the investigation, arrest, or
19 prosecution of any person involved in criminal activity, or who
20 fails to meet the requisite requirements for immunity. The
21 protection in this subsection (i) shall not be grounds for
22 suppression of evidence in other charges.

23 A person may not initiate or maintain an action against a
24 law enforcement officer based on the officer's compliance or
25 failure to comply with this Section.

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

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.