

1 AN ACT to create the Drug or Alcohol Impaired Minor
2 Responsibility Act.

3 Be it enacted by the People of the State of Illinois,
4 represented in the General Assembly:

5 Section 1. Short title. This Act may be cited as the
6 Drug or Alcohol Impaired Minor Responsibility Act.

7 Section 5. Responsibility of person who supplies
8 alcoholic liquor or illegal drugs to a person under 18 years
9 of age.

10 (a) Any person at least 18 years of age who willfully
11 supplies alcoholic liquor or illegal drugs to a person under
12 18 years of age and causes the impairment of such person
13 shall be liable for death or injuries to persons or property
14 caused by the impairment of such person.

15 (b) A person, or the surviving spouse and next of kin of
16 any person, who is injured, in person or property, by an
17 impaired person under the age of 18, and a person under age
18 18 who is injured in person or property by an impairment that
19 was caused by alcoholic liquor or illegal drugs that were
20 willfully supplied by a person over 18 years of age, has a
21 right of action in his or her own name, jointly and
22 severally, for damages (including reasonable attorney's fees
23 and expenses) against any person:

24 (i) who, by willfully selling, giving, or
25 delivering alcoholic liquor or illegal drugs, causes or
26 contributes to the impairment of the person under the age
27 of 18; or

28 (ii) who, by willfully permitting consumption of
29 alcoholic liquor or illegal drugs on non-residential
30 premises owned or controlled by the person over the age
31 of 18, causes or contributes to the impairment of the

1 person under the age of 18.

2 (c) An action for damages under this Section is barred
3 unless commenced within 2 years after the right of action
4 arises.

5 Section 10. A person entitled to bring an action under
6 this Act may recover all of the following damages:

7 (1) economic damages, including, but not limited to,
8 the cost of treatment and rehabilitation, medical
9 expenses, loss of economic or educational potential, loss
10 of productivity, absenteeism, support expenses, accidents
11 or injury and any other pecuniary loss proximately caused
12 by the impairment of the person under the age of 18;

13 (2) non-economic damages, including, but not limited
14 to, physical and emotional pain, suffering, physical
15 impairment, emotional distress, mental anguish,
16 disfigurement, loss of enjoyment, loss of companionship,
17 services, and consortium, and other non-pecuniary losses
18 proximately caused by the impairment of the person under
19 the age of 18;

20 (3) reasonable attorneys' fees;

21 (4) costs of suit, including, but not limited to,
22 reasonable expenses for expert testimony; and

23 (5) punitive damages in an amount that is not less
24 than treble the amount of economic and non-economic
25 damages.

26 Section 15. If an action is brought under Section (5)(b)
27 of this Act against a person because of events that occur on
28 residential premises or because of his or her ownership or
29 control of residential premises and that person is found to
30 not be liable, the plaintiff shall be ordered to reimburse
31 the defendant for all attorney's fees and court costs that
32 the defendant incurred in defending the action.

1 Section 20. Contributory negligence and contributory
2 willful and wanton conduct. Neither contributory negligence
3 nor contributory willful and wanton conduct shall apply to
4 any injured party claiming damages under this Act.

5 Section 25. Applicability. A person may not bring an
6 action under this Act against a licensee or an officer,
7 associate, member, representative, agent, or employee of a
8 licensee under the Liquor Control Act of 1934 who supplies
9 alcoholic liquor to a person under 21 years of age for that
10 act if the licensee or officer, associate, member,
11 representative, agent, or employee of the licensee complied
12 with all applicable provisions of the Liquor Control Act of
13 1934.

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.