

1 AN ACT in relation to drug and alcohol impairment.

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

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

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

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

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

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

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

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

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

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

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

19 (3) reasonable attorneys' fees;

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

22 (5) punitive damages.

23 Section 15. Contributory negligence and contributory
24 willful and wanton conduct. Neither contributory negligence
25 nor contributory willful and wanton conduct shall apply to
26 any injured party claiming damages under this Act.

27 Section 20. Applicability.

28 (a) A person may not bring an action under this Act
29 against a licensee or employee of a licensee under the Liquor
30 Control Act of 1934 who supplies alcoholic liquor to a person
31 under 21 years of age for that act if the licensee or

1 employee of the licensee complied with all applicable
2 provisions of the Liquor Control Act of 1934.

3 (b) This Act applies only to causes of action that
4 accrue on or after October 1, 2004.