- 1 AMENDMENT TO SENATE BILL 3
- 2 AMENDMENT NO. \_\_\_\_. Amend Senate Bill 3 by replacing the
- 3 title with the following:
- 4 "AN ACT to create the Drug or Alcohol Impaired Minor
- 5 Responsibility Act."; and
- 6 by replacing everything after the enacting clause with the
- 7 following:
- 8 "Section 1. Short title. This Act may be cited as the
- 9 Drug or Alcohol Impaired Minor Responsibility Act.
- 10 Section 5. Responsibility of person who supplies
- 11 alcoholic liquor or illegal drugs to a person under 18 years
- of age.
- 13 (a) Any person at least 18 years of age who willfully
- 14 supplies alcoholic liquor or illegal drugs to a person under
- 15 18 years of age and causes the impairment of such person
- shall be liable for death or injuries to persons or property
- 17 caused by the impairment of such person.
- 18 (b) A person, or the surviving spouse and next of kin of
- 19 any person, who is injured, in person or property, by an
- 20 impaired person under the age of 18, and a person under age
- 21 18 who is injured in person or property by an impairment that

- 1 was caused by alcoholic liquor or illegal drugs that were
- 2 willfully supplied by a person over 18 years of age, has a
- 3 right of action in his or her own name, jointly and
- 4 severally, for damages (including reasonable attorney's fees
- 5 and expenses) against any person:
- 6 (i) who, by willfully selling, giving, or
- 7 delivering alcoholic liquor or illegal drugs, causes or
- 8 contributes to the impairment of the person under the age
- 9 of 18; or
- 10 (ii) who, by willfully permitting consumption of
- 11 alcoholic liquor or illegal drugs on premises owned or
- 12 controlled by the person over the age of 18, causes or
- contributes to the impairment of the person under the age
- 14 of 18.
- 15 (c) An action for damages under this Section is barred
- 16 unless commenced within 2 years after the right of action
- 17 arises.
- 18 Section 10. A person entitled to bring an action under
- 19 this Act may recover all of the following damages:
- 20 (1) economic damages, including, but not limited to,
- 21 the cost of treatment and rehabilitation, medical
- 22 expenses, loss of economic or educational potential, loss
- of productivity, absenteeism, support expenses, accidents
- or injury and any other pecuniary loss proximately caused
- by the impairment of the person under the age of 18;
- 26 (2) non-economic damages, including, but not limited
- 27 to, physical and emotional pain, suffering, physical
- impairment, emotional distress, mental anguish,
- disfigurement, loss of enjoyment, loss of companionship,
- 30 services, and consortium, and other non-pecuniary losses
- 31 proximately caused by the impairment of the person under
- 32 the age 18;
- 33 (3) reasonable attorneys' fees;

- 1 (4) costs of suit, including, but not limited to,
  2 reasonable expenses for expert testimony; and
- 3 (5) punitive damages in an amount that is not less 4 than treble the amount of economic and non-economic 5 damages.
- Section 15. Applicability. A person may not bring an б 7 action under this Act against a licensee or an officer, 8 associate, member, representative, agent, or employee of licensee under the Liquor Control Act of 1934 who supplies 9 10 alcoholic liquor to a person under 21 years of age for that act if the licensee or officer, associate, member, 11 representative, agent, or employee of the licensee complied 12 13 with all applicable provisions of the Liquor Control Act of 1934. 14
- Section 20. Insurance coverage. There shall be no coverage for liability created under this Act under any applicable homeowner's insurance policy.
- Section 99. Effective date. This Act takes effect upon becoming law.".