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AMENDMENT NO. ____. Amend Senate Bill 3, AS AMENDED, by replacing the title with the following:

AMENDMENT TO SENATE BILL 3

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 the9 Drug or Alcohol Impaired Minor Responsibility Act.

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

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

(b) A person, or the surviving spouse and next of kin of
any person, who is injured, in person or property, by an
impaired person under the age of 18, and a person under age
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 non-residential 12 premises owned or controlled by the person over the age 13 of 18, causes or contributes to the impairment of the 14 person under the age 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.

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

(1) economic damages, including, but not limited to,
the cost of treatment and rehabilitation, medical
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 to, physical and emotional pain, suffering, physical 27 28 impairment, emotional distress, mental anguish, disfigurement, loss of enjoyment, loss of companionship, 29 services, and consortium, and other non-pecuniary losses 30 proximately caused by the impairment of the person under 31 the age 18; 32

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(3) reasonable attorneys' fees;

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(4) costs of suit, including, but not limited to,
 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.

6 Section 15. If an action is brought under Section (5)(b) 7 of this Act against a person because of events that occur on 8 residential premises or because of his or her ownership or 9 control of residential premises and that person is found to 10 not be liable, the plaintiff shall be ordered to reimburse 11 the defendant for all attorney's fees and court costs that 12 the defendant incurred in defending the action.

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

Section 25. Applicability. A person may not bring an 17 18 action under this Act against a licensee or an officer, 19 associate, member, representative, agent, or employee of 20 licensee under the Liquor Control Act of 1934 who supplies alcoholic liquor to a person under 21 years of age for that 21 22 if the licensee or officer, associate, member, act representative, agent, or employee of the licensee complied 23 with all applicable provisions of the Liquor Control Act of 24 1934. 25

26 Section 99. Effective date. This Act takes effect upon 27 becoming law.".