

AN ACT in relation to drug and alcohol impairment.

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

Section 1. Short title. This Act may be cited as the
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
was caused by alcoholic liquor or illegal drugs that were
willfully supplied by a person over 18 years of age, has a
right of action in his or her own name, jointly and
severally, for damages (including reasonable attorney's fees
and expenses) against any person:

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

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

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

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

(3) reasonable attorneys' fees;

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

(5) punitive damages.

Section 15. 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 20. Applicability.

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

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

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