



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3459

Introduced 2/14/2020, by Sen. Patrick J. Joyce

SYNOPSIS AS INTRODUCED:

410 ILCS 625/3.9 new

Amends the Food Handling Regulation Enforcement Act. Provides that, notwithstanding any other provision of law, a unit of local government or local public health authority shall not require a license, permit, or fee for the sale of lemonade or other nonalcoholic beverage by an individual under 18 years of age from a stand on private property with permission of the owner of the private property or in a public park. Provides that an individual selling lemonade or other nonalcoholic beverage under the provisions and the owner of private property upon which the lemonade or other nonalcoholic beverage is sold do not owe a duty of care to persons buying lemonade or nonalcoholic beverages, and are not liable for any injury incurred by such persons except for willful or wanton misconduct or gross negligence. Provides that a unit of local government or local public health authority may require an individual selling lemonade or nonalcoholic beverage under the amendatory provisions to provide notice of his or her lack of a duty of care and liability. Effective immediately.

LRB101 20227 CPF 69767 b

1 AN ACT concerning health.

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

4 Section 5. The Food Handling Regulation Enforcement Act is
5 amended by adding Section 3.9 as follows:

6 (410 ILCS 625/3.9 new)

7 Sec. 3.9. Lemonade stand.

8 (a) Notwithstanding any other provision of law and except
9 as provided under subsection (d), a unit of local government or
10 local public health authority shall not require a license,
11 permit, or fee for the sale of lemonade or other nonalcoholic
12 beverage by an individual under 18 years of age from a stand on
13 private property with permission of the owner of the private
14 property or in a public park.

15 (b) An individual selling lemonade or other nonalcoholic
16 beverage under subsection (a) and the owner of private property
17 upon which the lemonade or other nonalcoholic beverage is sold:

18 (1) do not owe a duty of care to persons buying the
19 lemonade or nonalcoholic beverages; and

20 (2) are not liable for any injury incurred by persons
21 buying the lemonade or nonalcoholic beverages, except for
22 willful or wanton misconduct or gross negligence.

23 (c) A unit of local government or local public health

1 authority may require an individual described under subsection
2 (a) who is selling lemonade or other nonalcoholic beverage to
3 provide notice to customers that the person does not owe a duty
4 of care and is not liable for injuries incurred except for
5 willful or wanton acts or gross negligence.

6 (d) This Section does not apply to the City of Chicago.

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.