

1 AN ACT concerning liquor.

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

4 Section 5. The Liquor Control Act of 1934 is amended by
5 changing Section 6-4 as follows:

6 (235 ILCS 5/6-4) (from Ch. 43, par. 121)

7 Sec. 6-4. (a) No person licensed by any licensing authority
8 as a distiller, or a wine manufacturer, or any subsidiary or
9 affiliate thereof, or any officer, associate, member, partner,
10 representative, employee, agent or shareholder owning more
11 than 5% of the outstanding shares of such person shall be
12 issued an importing distributor's or distributor's license,
13 nor shall any person licensed by any licensing authority as an
14 importing distributor, distributor or retailer, or any
15 subsidiary or affiliate thereof, or any officer or associate,
16 member, partner, representative, employee, agent or
17 shareholder owning more than 5% of the outstanding shares of
18 such person be issued a distiller's license or a wine
19 manufacturer's license; and no person or persons licensed as a
20 distiller by any licensing authority shall have any interest,
21 directly or indirectly, with such distributor or importing
22 distributor.

23 However, an importing distributor or distributor, which on

1 January 1, 1985 is owned by a brewer, or any subsidiary or
2 affiliate thereof or any officer, associate, member, partner,
3 representative, employee, agent or shareholder owning more
4 than 5% of the outstanding shares of the importing distributor
5 or distributor referred to in this paragraph, may own or
6 acquire an ownership interest of more than 5% of the
7 outstanding shares of a wine manufacturer and be issued a wine
8 manufacturer's license by any licensing authority.

9 (b) The foregoing provisions shall not apply to any person
10 licensed by any licensing authority as a distiller or wine
11 manufacturer, or to any subsidiary or affiliate of any
12 distiller or wine manufacturer who shall have been heretofore
13 licensed by the State Commission as either an importing
14 distributor or distributor during the annual licensing period
15 expiring June 30, 1947, and shall actually have made sales
16 regularly to retailers.

17 (c) Provided, however, that in such instances where a
18 distributor's or importing distributor's license has been
19 issued to any distiller or wine manufacturer or to any
20 subsidiary or affiliate of any distiller or wine manufacturer
21 who has, during the licensing period ending June 30, 1947, sold
22 or distributed as such licensed distributor or importing
23 distributor alcoholic liquors and wines to retailers, such
24 distiller or wine manufacturer or any subsidiary or affiliate
25 of any distiller or wine manufacturer holding such
26 distributor's or importing distributor's license may continue

1 to sell or distribute to retailers such alcoholic liquors and
2 wines which are manufactured, distilled, processed or marketed
3 by distillers and wine manufacturers whose products it sold or
4 distributed to retailers during the whole or any part of its
5 licensing periods; and such additional brands and additional
6 products may be added to the line of such distributor or
7 importing distributor, provided, that such brands and such
8 products were not sold or distributed by any distributor or
9 importing distributor licensed by the State Commission during
10 the licensing period ending June 30, 1947, but can not sell or
11 distribute to retailers any other alcoholic liquors or wines.

12 (d) It shall be unlawful for any distiller licensed
13 anywhere to have any stock ownership or interest in any
14 distributor's or importing distributor's license wherein any
15 other person has an interest therein who is not a distiller and
16 does not own more than 5% of any stock in any distillery.
17 Nothing herein contained shall apply to such distillers or
18 their subsidiaries or affiliates, who had a distributor's or
19 importing distributor's license during the licensing period
20 ending June 30, 1947, which license was owned in whole by such
21 distiller, or subsidiaries or affiliates of such distiller.

22 (e) Any person having been licensed as a manufacturer shall
23 be permitted to receive one retailer's license for the premises
24 in which he or she actually conducts such business, permitting
25 only the retail sale of beer manufactured at such premises and
26 only on such premises, but no such person shall be entitled to

1 more than one retailer's license in any event, and, other than
2 a manufacturer of beer as stated above, no manufacturer or
3 distributor or importing distributor, excluding airplane
4 licensees exercising powers provided in paragraph (i) of
5 Section 5-1 of this Act, or any subsidiary or affiliate
6 thereof, or any officer, associate, member, partner,
7 representative, employee or agent, or shareholder shall be
8 issued a retailer's license, nor shall any person having a
9 retailer's license, excluding airplane licensees exercising
10 powers provided in paragraph (i) of Section 5-1 of this Act, or
11 any subsidiary or affiliate thereof, or any officer, associate,
12 member, partner, representative or agent, or shareholder be
13 issued a manufacturer's license or importing distributor's
14 license.

15 A person licensed as a craft distiller not affiliated with
16 any other person manufacturing spirits may be permitted to
17 receive one retailer's license for the premises in which he or
18 she actually conducts business permitting only the retail sale
19 of spirits manufactured at such premises. Such sales shall be
20 limited to on-premises, in-person sales only, for lawful
21 consumption on or off premises. A craft distiller licensed for
22 retail sale shall secure liquor liability insurance coverage in
23 an amount at least equal to the maximum liability amounts set
24 forth in subsection (a) of Section 6-21 of this Act.

25 (f) However, the foregoing prohibitions against any person
26 licensed as a distiller or wine manufacturer being issued a

1 retailer's license shall not apply:

2 (i) to any hotel, motel or restaurant whose principal
3 business is not the sale of alcoholic liquors if said
4 retailer's sales of any alcoholic liquors manufactured,
5 sold, distributed or controlled, directly or indirectly,
6 by any affiliate, subsidiary, officer, associate, member,
7 partner, representative, employee, agent or shareholder
8 owning more than 5% of the outstanding shares of such
9 person does not exceed 10% of the total alcoholic liquor
10 sales of said retail licensee; and

11 (ii) where the Commission determines, having
12 considered the public welfare, the economic impact upon the
13 State and the entirety of the facts and circumstances
14 involved, that the purpose and intent of this Section would
15 not be violated by granting an exemption.

16 (g) Notwithstanding any of the foregoing prohibitions, a
17 limited wine manufacturer may sell at retail at its
18 manufacturing site for on or off premises consumption and may
19 sell to distributors. A limited wine manufacturer licensee
20 shall secure liquor liability insurance coverage in an amount
21 at least equal to the maximum liability amounts set forth in
22 subsection (a) of Section 6-21 of this Act.

23 (Source: P.A. 95-634, eff. 6-1-08; 96-1367, eff. 7-28-10.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.